

**ITEM 1 - ROLL CALL**

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

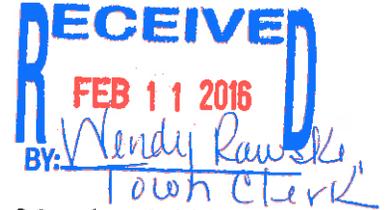
Also present: Kate Pelletier, Planning Assistant.

Voting members: Jeff Duncan, Larry Bouchard, Dennis Lentz, and Greg Whalen.

**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 October 6, 2015, as amended.

**VOTE**  
**3-1 (Mr. Bouchard abstained)**  
**Chair concurs in the affirmative**

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

**Pomeroy Shoreland Zoning Permit (PB15-13)**

This was accepted as written.

**Payne – Revision to previously approved conditional use permit (PB05-14)**

This was accepted as written.

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

**A. 10-minute public input session.**

Ms. (Rosanne) Adams, 57 Goodwin Road, read a prepared statement to the PB regarding the Eliot Historical Society’s report.

Ms. (Helen) Goransson, 255 Goodwin Road, said that she was wondering, for future consideration, when a public comment is made available on something that is on the agenda can the comment be done when the application is complete and not when it’s only partially complete. She added that she thought that that was more appropriate for evaluation of the project because, then, everyone has all the information together and everyone can comment on the application in its entirety rather than having public comment occur during the middle part of the evaluation of the application.

Mr. Beckert asked Ms. Pelletier to give a summary of the PB's authorities under the ordinance and public hearing and public comments for the public's benefit.

Ms. Pelletier said that they wait until the preliminary plan, which is the meat of the application where all the review criteria are; that when that is deemed complete, that is when the PB has to have a public hearing; within 30 days of that and is what they did. She added that, at this point, they are at final plan, which are minor revisions making their way into one final plan and input from State agencies, and other people, are worked into the plans. She said that, in the eyes of the ordinance, there is a point that the application is considered complete and they have to hold a public hearing within 30 days of that; that they have the option of holding a second public hearing if they so choose.

Ms. Goransson asked when the PB has the right to so choose a second public hearing.

Ms. Pelletier said in the final plan phase.

Ms. (Michelle) Myer, 58 Odiorne Lane, said that she wanted to mention how disturbing it is that a uniformed police officer was present at the last two PB meetings; that she wasn't sure why that decision was made. She added that it was her understanding that, when this group was moved from Town Hall to the Regatta Room, 911 was called because there was a large group of middle-aged Townspeople, elderly by your standards, moving over to the Regatta Room where there was a bar and, for some reason, the presence of this group and a bar warranted 911 and a uniformed police officer. She said that there was also one present at the public hearing; that she would like to weigh in that she thinks this is a tactic to intimidate the public and wasteful of our tax dollars and the police time and energy.

Mr. Beckert thanked her for her comments, saying that he requested the police officer at the public hearing, as he has done in the past on several occasions when it has become apparent to him that, as Chair of this Board, members of the public will not abide by the rules. He added that the police officer that showed up at the Regatta Room was not requested by this Board at all; that he doesn't know where Ms. Meyers got her information but it is incorrect.

Ms. (Jennifer) Fox, 34 Drake Lane, said that she was looking for clarification on letters that are sent to the PB; for the procedure of how they are presented to the Board; that she has heard that some letters have been read into the record and she knows that there are other letters that have been sent to the PB, recently, and they have not been read into the record.

Mr. Beckert said that all letters that are sent to the PB become part of the record for the package or project they are associated with, whether they are read publicly into the record or whether they are given to the PB as part of the packet. He added that he's not sure which one, without going into specifics of an application, which he asked not to, she was referring to but everything that has been submitted becomes part of the record.

Ms. Fox asked what determines that some are read publicly at the PB hearing versus others that are just put into the file.

Mr. Beckert said that it depends on whether the applicant is present when they are presented; that we don't discuss anything on a project unless the applicant is there; that that is part of the zoning ordinance and part of the law.

Ms. Fox asked if, when the letter is submitted and the applicant isn't present, the letter is not brought up at the next meeting.

Mr. Beckert said that the only difference is, as Mr. Duncan just pointed out, whether they are specifically pasted into the minutes, or not; that they are acknowledged.

At this time, Mr. Beckert reminded everyone that there are no public hearings tonight so there will be no general discussion from the public.

**B. Continued review of a final plan and application for Subdivision/Site Plan Review to construct 21 elderly housing dwelling units off State Road. Applicant is Joseph Falzone (mailing address: 7B Emery Ln., Stratham, NH 03885) Owner is Barbara Libbey (mailing address: 1372 State Rd., Eliot, ME 03903). Property can be identified as Map 20/Lot 13 and is located in the Village and Suburban zoning districts. (PB15-03)**

Mr. Ken Wood, Mr. Joseph Falzone, Mr. Al Libbey, Mr. Jim Gove, and Mr. Scott Gove were present for this application.

Mr. Wood, Attar Engineering, thanked Mr. Bouchard for setting up the Regatta when we had to move over there. He said that this is, of course, final plan, similar to what the PB has seen before. He added that, for the PB's reference, we did submit, hopefully, the final Final Plan set today that is due two weeks before the next meeting; that that plan we submitted today contain Joe Noel's report on the septic system suitability; that when you read Mr. Noel's letter, you'll see that there's another sheet attached to it. He added that this is for the next meeting but he wanted to go into some explanation. He said that the ordinance requires that 25% of the lot size be reserved for soils that are 15", or greater, to the water table; that for the lot on the left (northerly lot) we have about 3 acres of soils that exhibit that 15" or more, and 2½ are required (25% of about 10 acres). He added that, for the southerly lot, we have about 4½ acres with 2.6 acres applied; that he just wanted to explain that because you are going to be reading that before your next meeting and it's going to be a little confusing. As far as this submittal, he said it was a similar plan as what you've seen before; that you'll notice in your letter that we are requesting two waivers; that one waiver is that units not be connected with covered walkways and the PB has granted this waiver; that in the past you granted it for The Villages and on Great Brook. He added that, to him, the covered walkways requirement is written around the Baran Place, which this isn't; that these are single-family detached homes similar to what we did at The Villages and, on Great Brook, that project was a mix singles and multi-family but we don't feel that the units need to be connected by

covered walkways; that it's not an apartment-type building. He added that the other waiver we've asked for, and we talked about this at the last meeting, is a waiver on driveways. He said that the ordinance requires that driveways "*not serve not more than two single-family detached or one two-family dwelling*"; that the plans that you had seen before this version have that addressed; that we only have a driveway serving two dwellings. He added that, to us, it makes more sense to have more than two dwellings on one driveway, and this only pertains to the rear of the property, so on the rear of the property on the plans that you have in front of you we show three dwellings on one driveway to the north and four dwellings on one driveway to the south. He said that the ordinance allows both for a waiver or a variance in these cases, a variance that the PB can grant, not the Board of Appeals, so he would ask the PB to consider that tonight and, if not, he can certainly drop back to the one driveway servicing not more than two homes. He commented on what the ordinance says; that driveways can't serve more than two single-family detached; that, if he had these in a quad setting, or a tri-plex, here and a quad on the back, he could serve them by one driveway and he would meet the intent of the ordinance; so, to him, it makes sense to consider having one driveway support three units and one driveway support four; that it cuts down on the amount of paving, cuts down on the amount of impervious area, doesn't do anything for vehicular safety, still allows for emergency vehicles; that we have them designed with a 24-foot entrance, 12-foot width, and turn-arounds; so, just something for the PB to consider. He said that, other than that, the plans are pretty much what you've seen in previous submittals; that our submittal today was made around this plan set; that you'll see the additional test pits the PB requested in our submittal today for the meeting, hopefully, on December 15<sup>th</sup>. He said that you'll see the final subdivision plans from Doucette Survey. He also said that the other thing the PB had asked for that's in our submittal today, but he'll bring it to their attention, is the landscape plan; that we have the street landscaping and also a typical landscaping plan for each unit and was done by a landscape designer; that it gives you the plant list, the perennials, the shrubs, so that is something else you want to look for before we come back on, hopefully, the 15<sup>th</sup>. He clarified that all this is in the packet we submitted today but he wanted to give the PB a preview of what to look for. He added that, in the packet submitted today, the PB will see the in-depth soil letter and the updated high intensity soils survey from Mr. Noel; that he's sure, by that time, that the PB will have their review from Mr. Cuomo; that he and Ms. Pelletier have talked about that and he thinks that's due early next week and that should answer the septic systems adequate area on each lot, 15" to the receiving layer; that, again, the two waivers he mentioned, and you have the landscaping plan. Mr. Wood said that today, as he mentioned to Ms. Pelletier in follow-up, DEP came down – Chris Coppi, wetland specialist, Chris Woodruff, project analyst – and we walked the lot; that Mr. Noel was with us, Jim Gove, Al Libbey, Orland McPherson, and, he believes, Joe McPherson was with us. He said that the two questions were: one, the amount of wetlands, and this kind of goes to one of Ms. Bennett's questions and she saw that he answered that in an email, but DEP did determine that both wetlands on the site do not contain 20,000 square feet of emergent vegetation, therefore, they are not Wetlands of Special Significance; that he also provided an answer on the resource protection zone. He added that we also looked at Orland McPherson's pond; that he thought Mr. McPherson was concerned that we would send more stormwater his way; that, of course, Eliot's ordinance goes up to the

50-year storm event and says no increase in peak discharge so, by the rules of the ordinance, we can't send any more stormwater for a 50-year event. He added that, if you look at your stormwater analysis, in the 50-year event in the existing conditions we determined that we're sending about 60 cfs (cubic feet/minute) over the property line and, in the developed condition we are reducing that by about half, so we are sending a little less than 30 cfs; that in actuality, because of the way we control stormwater on the site to reflect the Town's requirements and also the DEP requirements on water quality, we won't be sending any additional stormwater to the pond. He said that he believed, in the end, that DEP was not concerned; that, if Mr. McPherson is here and the PB would like to hear from him, he was sure he could give his view on it because he did request the meeting.

Mr. Beckert asked if Ms. Pelletier talked with the DEP.

Ms. Pelletier said that she did not.

Mr. Wood said that that was his fault; that he didn't ask her until this morning; that he told her he would follow up with her so he did. He added that Ms. Pelletier asked that Chris Woodruff would summarize that in an email, and he will ask Ms. Woodruff to do that; if not, then Ms. Pelletier can certainly call Ms. Woodruff.

Mr. Beckert said that that was basically what he was looking for; to get confirmation from the DEP, in writing.

Mr. Duncan said that, as much as he would like to say so, he thinks we're answering most of the questions.

Ms. Bennett said that, regarding the shared driveways, Mr. Wood said that they would have a 24-foot entrance and 12-foot width; that she believed we received a memo from the Fire Chief saying that "as long as they are not narrower than 18 feet it shouldn't be a problem"; that that was something we received just today.

Mr. Wood said okay; that if we could get a copy of that we'd appreciate it. He added that, if the PB would like to discuss that in greater detail, we'd be glad to increase the width to 18 feet.

Mr. Whalen had a question regarding the third driveway off the cul-de-sac – the two units on the right. He asked is there any reason why, or did you happen to look at, the possibility of accessing and egressing those two units off that middle driveway; so, having two driveways off the cul-de-sac as opposed to three.

Mr. Wood said that, if the PB would consider a waiver, he thinks that would be great idea; that he thought, with us, he was really trying to minimize the amount of driveways that he was asking for a waiver for. He added that, if the PB felt that they could grant a waiver to have six units off one driveway, he would agree with it; that that would be fine.

Mr. Duncan said that this isn't so much for Mr. Wood, although he appreciates his input here, but just responding to Mr. Whalen. He asked at what point does a driveway become a road; that we're restricting the road length to 1,000 feet and, if we start adding "length" through the driveway...he understands the rationale for it and he's not necessarily against it; that he's just asking the question – at what point does that driveway become an extension of the road as opposed to being a driveway.

Mr. Whalen said that the ordinance already allows for a driveway to have multiple units off it, to begin with, so, really, the question is...

Mr. Duncan said two.

Mr. Whalen said that he understood that; that the deliberation, here, is over whether or not, in exchange for the less impervious, in the infinite wisdom of everybody's judgement call, having more units off of a driveway than two, benefits the plan, benefits the property, benefits the design, benefits the aesthetics, etc.. He added that as long as the life safety issues are dealt with appropriately, he doesn't see the conversion of four units to six units to eight units to ten units or, for that matter, you put on the table why don't you have one driveway that services nine units.

Mr. Duncan said that that was going to be his next question; one going left and one going right.

Mr. Whalen said, sure, he understands; that he would push it to that, as well, and why wouldn't you; that he didn't know - only because you want to have less traffic going over the driveways than more traffic going over the driveways, but, in terms of access and egress, it serves the same purpose whether you have one driveway, in his opinion, or three or four or five driveways.

Ms. Horner said that she had a question about the waiver we are being asked about the construction requirements, which may show another outdated part in our ordinance section; that that whole section, to her, is very strange because it lists that these requirements are unique to elderly housing, assisted living, and life-care facilities. She added that, to her, B. Covered sidewalks or interior corridor access doesn't even apply to an elderly housing situation because the other ones are like...elderly housing is more like 'shall' and they're sort of noted...that she doesn't know why we are considering even granting a waiver to that because, like he said, it is an elderly housing unit subdivision; that units, to her, mean little apartments.

Ms. Pelletier said that, by definition, they're still units, too; that it's cleaner.

Ms. Horner said that, in reference to the rest of it, it says to all units central dining and community center and this doesn't have those.

Ms. Pelletier said that you could, she supposed, argue that but it's a lot cleaner to just waive it instead of saying it doesn't apply because, if it didn't apply, it would say so; that it's hard to make that argument.

Ms. Horner said that she agreed with the driveway idea mostly because of less impervious surface on the land.

Mr. Bouchard, just to clarify on the driveways, asked, if we did require the two rods driveway you'd still have the same number of units, you'd be able to map that in and that was like that on the first; that there'd be no change

Mr. Wood said yes; that the preliminary plan adds no more than two units on a driveway; of course remember, if he was a multi-family development, if his units were not single-family detached, he could have up to two buildings of six, he believes; that he thinks that's what this Board approved, maybe different members, with The Villages Project, which is starting construction now.

Mr. Bouchard said that his comment to that would be to make sure Mr. Wood gets a copy of the Chief's letter; that he is good with the Chief's recommendation.

Mr. Whalen asked about a letter from the Kittery Water District.

Ms. Pelletier said that we have that; that that was early on; that you probably got that during sketch plan.

Mr. Beckert said that the next meeting on this would be the 15<sup>th</sup>. He asked if there is anything else the PB needs to see that we haven't seen, any questions the PB has so that they can get it to us for the 15<sup>th</sup>, or be prepared; that we have the updated plans they submitted today; that there's no substantive changes. He asked how the PB wants to deal with the waiver request; that the applicant asked for three driveways and he's hearing discussion from Board members on two, or one. He added that he would want to see input from the Fire Chief as long as he's saying, with what they've designed with the three driveways, is adequate if it's 18 feet wide; that if we want to reduce the number of driveways he'd still want input from the Chief on the final design.

Mr. Duncan said that he thought both Police and Fire.

Mr. Falzone said that we have a letter from the Chief on this design

Mr. Beckert agreed but the PB brought up reducing them even further, tonight, so that's why he's having a conversation with the PB.

Mr. Whalen said unless the applicant is not interested in consolidating the driveways any further and, if not, then we'll drop it from further discussion; that it went back to the applicant if they had any interest in further reducing the driveways or do they want to leave it at three.

Mr. Falzone said that we are okay with the three but we'll do whatever the PB wants us to do. He added that we have the letter from the Fire Chief with the three and we are okay with that.

Mr. Beckert clarified that they were okay with the 18-foot width.

Mr. Falzone said correct.

Mr. Duncan said that he doesn't know that he can read the scale on here, asking what the distance was of the turning radius of the two closest driveways.

Mr. Wood asked if he meant entrance radius.

Mr. Duncan said yes.

Mr. Wood said probably 15 feet.

Mr. Duncan asked what the applicant was thinking, at the moment, as the average vehicle trips down each one of these driveways.

Mr. Wood said that adt (average daily trips) is 3.7 trips per day for each residence, single-family detached, over 55.

Mr. Duncan said that, so, we are looking at 10 per day coming out of the three.

Mr. Wood said a little less than that, maybe 11 or 12 from the whole.

Mr. Duncan said that that is egress and ingress, combined.

Mr. Wood said yes; that they are supposedly off-peak hours, according to DOT.

Mr. Duncan said that he is just trying to picture two vehicles coming down the driveways at the same time, what's going to happen.

Ms. Bennett clarified coming to the same point in the cul-de-sac.

Mr. Duncan said yes; the frequency; that probably would be pretty small based on those trip frequencies.

Mr. Wood added that they are not moving that quick.

Mr. Duncan agreed.

Mr. Wood said that, with the cul-de-sac design, they're probably both wanting to turn right.

Mr. Beckert asked what the PB's pleasure was on the driveway configuration.

Mr. Whalen said that he was inclined to leave it as it is.

Mr. Duncan agreed that he didn't have a problem with it like it is.

Ms. Pelletier asked to speak.

Mr. Beckert agreed.

Ms. Pelletier said, not to be the only dissenter, she talked with Mr. Randall about this and we just disagreed on the approach of going about a waiver like this; that when she looks at that, to her, it looks like you could be trying to get around the 1,000-foot dead-end road limit, there by granting a waiver of a definition. She added that, if you are going to do that, grant waivers to these requirements, then she would suggest the PB do them, and her advice to Mr. Randall, by listing out each road standard that you can't meet because there isn't even a requirement in the ordinance that says you have to have a driveway; that there is one that says three lots on an access way is a road; that one thing that is absolutely not waivable is the 1,000-foot dead-end limit and, in her opinion, it's cleaner to just go about it from the road construction point; that if you can't meet a certain one of those requirements of radius or curve or something like that, go down and waive each one of those; that in that Chapter, those waiver requests require engineer's input that the road will still be sound even if this waiver is granted; that she thinks that's the safer way to do it. She added that Mr. Randall disagreed; that this was his approach and that's his prerogative, as it is their application. She said that that would just be her advice.

Mr. Lentz said that, if he understands it right, your proposal would give us the review of the different road standards so that, at least, we have a basis for a decision.

Ms. Pelletier agreed; that she thought there were certainly things that were waivable, there, but you just need to go about it differently via the Streets and Sidewalk Chapter; that it's easier to do it this way, yes, and it makes sense environmentally, she completely agrees; that it's just that the 1,000-foot dead-end road limit with the troubles make it a less, so...

Mr. Lentz thanked Ms. Pelletier for her input.

Mr. Beckert asked for the plan; that they have heard Ms. Pelletier's take on the waiver request and asked for the PB's desire.

Mr. Whalen said to Ms. Pelletier that, logistically, if we were to follow the recommendation that she just put forth, what would that look like in terms of a schedule, a process.

Ms. Pelletier said that it was up to the applicant; that the burden of proof is on them. She added that each waiver request needs to be listed, with the corresponding section of the ordinance, and why it's being waived, why it's sound engineering practice to waive it; that that's what the ordinance requires under the Street standards. She said that, if this were one extra house, or something, on a driveway, it wouldn't be that big of a deal but she's just concerned that that's just getting around that 1,000-foot thing, in a way.

Mr. Beckert said that the other option is to have the applicant go back and adjust it so that it meets the original intent that was given to us in the preliminary plan that you've got two units off a driveway.

Ms. Pelletier agreed.

Mr. Beckert asked what they wanted to do.

Mr. Lentz said that he thought that more meets the ordinance, the two units off the driveway.

Ms. Horner said that that was too bad because this is such a lovely idea..

Ms. Pelletier agreed that it was, environmentally.

Several members agreed.

Mr. Wood said that it either sounds like that the PB would ask us to go back to the two units on a driveway or come back with a justification for the waiver, in reference to the street standards.

Mr. Beckert said yes, based on the street standards.

Mr. Wood said that he thinks we'll drop that and that's fine; that he thought we would probably go with what the ordinance requires and not request the waiver.

Mr. Beckert said that the other waiver request the PB has is, because the units are not connected, not to have the covered walkways and/or the community dining hall; that these are individual units with their own kitchens and not connected, as has been mentioned that same thing has been done on several other projects; that it was waived on the single units; that the PB has to deal with that waiver request. He added that, regarding the other waiver, the applicant is going to go back to the original design where they have two units off a driveway and that waiver request goes away. He clarified that the only one the PB had to deal with is the one for the covered walkway/community room and, again, these are being proposed as individual units, not connected. He asked for the PB's pleasure on that one waiver request.

Mr. Whalen moved, second by Mr. Lentz, that Section 41-310 Construction Requirement B., relative to Covered Sidewalk, shall be waived.

## DISCUSSION

Mr. Beckert asked if that also included the community center.

Mr. Duncan said that he didn't think that was a requirement, is it; that it's required to have covered walks to the center but, if there isn't a center, there's no requirement.

Mr. Beckert said that he just wanted to make sure that it's clear and there are no glitches.

Mr. Duncan said that we're not requiring a community center, here.

Mr. Whalen added that there is no central dining so, therefore, the covered sidewalk, in essence, would go nowhere, like the bridge to nowhere.

Mr. Beckert agreed, adding that his point was that we've done our due diligence and discussed it.

Mr. Bouchard asked if this waiver even applied, was valid; that what he meant was "covered sidewalk or interior corridor access to all units"; that it doesn't even apply to the design, period, so do we even have to do this.

Ms. Pelletier said that she got what he's saying that, if there's no central community or dining, is it even applicable.

Mr. Bouchard said that she was saying that, in law, it needs be waived.

Ms. Pelletier said that it's just probably the safest way to do it, cleaner. She added that she supposed you could make the argument that it isn't applicable, also; that it's all how you read it.

Mr. Bouchard said that he just wanted to make sure it didn't expose the PB to waiving something that didn't exist.

Ms. Pelletier said yeah, if there is no central dining or community center, how would that apply; that you could go either way.

Mr. Whalen asked Mr. Bouchard if he was thinking it wasn't needed at all.

Mr. Bouchard asked, if we're going to go with a covered sidewalk, are we going to let that stand by itself. He added that, an interior corridor access to all units, there isn't one.

Mr. Whalen agreed.

Mr. Duncan said that there are units; so, it's either covered sidewalk or interior corridor.

Mr. Bouchard said that that's right; so, we're going to go with covered sidewalk; okay.

DISCUSSION ENDED

**VOTE**

**4-0**

**Chair concurs**

Mr. Beckert asked what else the PB wanted to see, anything; if not, then we'll be done until our meeting on the 15<sup>th</sup>.

Mr. Bouchard said that it may be here on the next set, snow area and all that will be incorporated into the design of the driveways, and all that.

Mr. Wood said that we can address that – snow storage.

Ms. Pelletier said that it's already on there.

Mr. Bouchard asked the applicant to make sure it coordinates with the landscaping.

Mr. Wood said yes; that he understands.

Ms. Bennett said that she was wondering about this report from Mr. Noel. She asked if this was all we are going to see about suitability of the septic; is there anything else that's going to indicate that this conforms with the State plumbing code, or anything else.

Mr. Wood said that, as we talked about before, she's really looking for Mr. Cuomo's review of that; that you have Mr. Noel's updated high intensity soils survey and, in his letter, he's explained the soils types that he feels are created in 15" and less than 15"; that he believes we gave you the calculation. He added that, of course, each individual HHE 200 for systems less than 2,000 gallons per day is not reviewed by the State; that it's reviewed by your local LPI (local plumbing inspector)/CEO; so, he believes that's all you're going to see unless you want to ask it be reviewed by the site evaluator, Mr. Cuomo.

Ms. Bennett said that she would love for our independent reviewer to indicate to us that the site is suitable for the septic you have proposed.

Mr. Duncan asked if that wasn't what we asked for last meeting.

Mr. Beckert said yes.

Ms. Bennett said that she wanted to make sure that that's going to be clear.

Mr. Wood said that, between Mr. Noel's letter and our calculations, we've substantiated that it meets your ordinance; that it's more than 25% of each lot that has greater than 15" to the restrictive layer, and that's built around septic systems in addition to the test pits.

Ms. Bennett said that she had a question for the PB. She said that, with the series of waivers that we've had, now, with waiving any of the covered sidewalks and anything that's obviously not sort of conducive for this application, it's beginning to appear as if this is more a cluster subdivision, a cluster of over 55 elderly housing, but, a cluster, nonetheless; that she believes our ordinance for open space subdivision does require that there be proof that the site has enough space for a replacement septic system.

Ms. Pelletier said no; that that's only mandatory in the Critical Rural Overlay, which is more the north easterly portion of the Town, the Rural Zone.

Ms. Bennett clarified only in the Rural Zone do open spaces...

Ms. Pelletier said that, for five lots or more, yes.

Ms. Bennett said that, when these systems fail, they will be replaced in exactly the same site they are being proposed now.

Mr. Falzone said it was just like Ms. Bennett's system with her house, no different.

Mr. Wood said if the systems fail; most systems...

Ms. Bennett said that all systems do at some point.

Mr. Wood said that he didn't know if he'd agree with that; that, no, he wouldn't agree with that. He added that, if they do, they are usually replaced in their own location. He said, however, to remember your ordinance; that your ordinance requires 25% of each lot, 15" or greater, to the restrictive layer; that septic systems, as long as they are outside the Shoreland Zone, which this is, only require 9" to the restrictive layer of native soils; so, you're going 6" over and above that with 25% of the area; that he thought that you would have adequate room to replace those, if and when, they fail in a different location because your ordinance protects you from that. He said that we need 9" and we've hopefully proven, after you review the letter, that greater than 25% of each lot area – 2½- and 4.3 acres – has adequate soils of 15" or greater.

Ms. Bennett said that we are talking about three septic systems or four septic systems on one lot and four septic systems on another lot; that we're talking about multiple septic systems on each of these two lots; so, the 25% is really a consideration for a single dwelling unit on a single lot, not multiple units on a single lot; that that's where her concerns are.

Mr. Wood said that you are taking 25% of 10 acres on one side and 13 acres on the other side.

Ms. Bennett added about 2 acres of wetland and 3 acres of wetland; that she's hearing from the residents that there may just not be enough space on this site to put a septic system in.

Mr. Wood said that he disagreed with Ms. Bennett there.

Ms. Bennett said that she was just asking him to prove her wrong; that you actually provide the evidence.

Mr. Wood said that we have; that his point is that we have provided that, unless the PB feels differently.

Ms. Bennett said that we just received it today so there's not enough time when we're listening to the conversation, to digest a one-page memo from your soil scientist; so, just wondering if there is going to be something that indicates that this is going to satisfy Maine plumbing code.

Mr. Beckert said no.

Ms. Horner asked, if in our right as a PB, we go that deep into that.

Ms. Pelletier said that it's late in the game; that this stuff should have been requested meetings ago.

Ms. Horner said that we have to trust our CEO and the State.

Ms. Pelletier said right; that there is no requirement that says they have to provide what she is looking for.

Ms. Bennett said that it actually does say in §41-218 that the PB "shall not approve any final plan until the state and the planning board approve such proposed systems."

Ms. Pelletier said that that's a shared centralized system that that is talking about and this is not what that is; that they're individual systems.

Ms. Bennett said that it has to meet minimum disposal standards.

Ms. Pelletier said that it does.

Ms. Bennet asked if Mr. Cuomo will attest to that.

Ms. Pelletier said that what Ms. Bennet asked him to attest to is if it was a favorable HISS report for septic suitability; that that was the question.

Ms. Horner asked the applicant if we were on track for securing all State and federal approvals for final review; that she just wanted to make sure.

Mr. Wood said that there is only one approval, the stormwater permit from DEP.

**C. Continued review of a 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)**

The applicant, Mr. Justin Zdunczyk, was present for this application.

Mr. Beckert said that the PB did do a site walk today, on-site, at 3:30 PM with a Pike representative. He asked if the PB had any questions or concerns from the site walk. He said that they want to construct a 40'X60' maintenance building; that they showed us the site and had the corners of the building delineated, and the location of the proposed septic, which would be based on getting the septic design done; that our interest is the actual location.

Mr. Duncan said that he thought we've talked about the propane tank location and asked if that was something that had been flushed out.

Mr. Zdunczyk said that that will be decided, once the garage is built; that a recommendation would be made as to where it's going to be.

Mr. Duncan clarified that the applicant is basically going to rely on the fuel company to place it.

Mr. Zdunczyk said that that was correct.

Mr. Duncan asked if that was part of our site plan review process.

Mr. Beckert said no because the fuel company will go by the standards that they have to go by; that there are distances that they have to set, windows, doorways, etc.

Mr. Duncan said that that's not just related to the current building but to all activities on the site.

Mr. Beckert said yes; that it would be the same with a residence having propane put in; that they would have to go by certain standards to locate the tank.

Mr. Whalen said that this site plan that's been submitted; that he knows it's labelled a site plan but it's more of a drawing; that he knows this site and project have been around for a long time with a lot of moving parts. He asked if, at some point, we are in a position to request an 'as-built', once this building gets constructed, of exactly what's there on what he would consider to be a normal template of a site plan.

Ms. Pelletier said that she thought that would be a fine idea as a condition of approval.

Mr. Whalen said something current that brings the site current for the PB file so, moving forward, we have a consolidated site plan showing everything on it that's readable.

Mr. Zdunczyk said that that was just more to show the building, itself, but that would be no problem.

Mr. Lentz agreed that would be a definite requirement.

Mr. Zdunczyk asked if they wanted the whole site or zoom in on that particular area.

Mr. Whalen said the whole site.

The PB was satisfied that it is just an administrative change on this application.

Mr. Duncan moved, second by Mr. Lentz, that PB15-12 be approved, as submitted, with the same Conditions of Approval as previously applied to the November 27, 1992 approval and any subsequent amendments.

Mr. Duncan moved, second by Mr. Lentz, to require the submission to the Code Enforcement Officer a record drawing for the entire site that is up-to-date.

**VOTE**

**4-0**

**Chair concurs**

Mr. Beckert said that the application stands approved; 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.

**D. Request for Planning Board Action to amend a previously-approved conditional use permit (PB01-28) by constructing a 12' X 15' concrete pad to an existing metal building on the Sanctuary Arts Studio located at 117 Bolt Hill Road. Applicant/owner is Christopher Gowell of CLL, LLC (mailing address: 117 Bolt Hill Road, Eliot, ME 03903). Property can be identified as Map7/Lot 44 and is located in the Village Zoning District. (PB15-18)**

Josh Dow, representing the applicant, was present for this application.

Mr. Dow said that we just need to make a small, stable addition to our studio space for a gas kiln, that was donated to us, for pottery.

Mr. Whalen asked what the purpose of the pad was.

Mr. Dow said to make sure the gas kiln is stable and very useful; that it will have to have somewhat of a wall and a roof, something like a garden shed, but not insulated; that it just wants to be protected.

Mr. Whalen asked over it and around it.

Mr. Dow said yes; that that would be a metal structure, as well. He added that the gas kiln measures five feet by five feet; that it's very small, but we wanted to have enough useable space so we could stack up pottery and take the pottery out and put it in.

Mr. Bouchard asked if this was a building or a pad.

Mr. Dow said that she applied for just a pad and, then, the pad would also, eventually, hopefully support a roof of some sort.

Mr. Beckert said that that would be a building permit issued by the CEO.

Ms. Pelletier said that this is one of those situations of any minor change you need to come before the PB for action; that it doesn't get much more minor than this.

Mr. Duncan clarified that a future placement of a structure on this pad isn't our concern; that right now he's hearing it's just for the pad.

Ms. Pelletier agreed that that's all that's been applied for; that, if they want anything more than a pad, they will have to come back.

Mr. Duncan said that it's not just a building permit issue, it's a site review issue in the future.

Ms. Pelletier agreed; that the PB has that condition of approval that says any change to the approval.

Mr. Duncan said that he understands that.

Ms. Pelletier verified that the applicant was okay for this just being the pad.

Mr. Dow said yes; that right now we just need to get it stable.

Ms. Pelletier said that the applicant could always come back whenever they like.

Mr. Dow said that that would probably be in the spring.

Mr. Bouchard said that the applicant is describing more than the application is asking for; that he's describing more than that, so, there's something not right.

Mr. Beckert said that as long as the applicant understands that he has to come back before any construction of any walls, roof, or anything is done on that pad.

Mr. Dow said that he was just trying to express the scope of what we are trying to do.

Mr. Duncan asked if the kiln was electric.

Mr. Dow said that it is a propane gas-fired pottery kiln.

Mr. Whalen asked why the applicant wasn't applying for the entire project, if you will, to include the structure.

Mr. Dow said that, frankly, we don't have enough money to complete it all at this moment; so, we wanted to do it step-by-step.

Mr. Duncan said that the nice thing is that, if you get the approval for everything, you don't have to build everything; that it would certainly save you another trip.

Mr. Dow said that he realized that and he feels that Christopher, maybe, could have been a little bit more patient in her application process, but, there we are.

Mr. Whalen asked what the applicant loses here in terms of revising this application, two weeks.

Ms. Pelletier said another \$100; that the applicant isn't ready, yet. She added that, if you approve it tonight, they may not come back for three years; that all you're doing is the concrete pad, that is all.

Mr. Beckert asked if the PB considered this an administrative change.

Mr. Whalen asked if a concrete pad was any different than a permanent structure; do we classify it any different than if it were a building.

Ms. Pelletier said that it is even less impact than a whole structure.

Ms. Bennett said that it's been approved for commercial use; that there's not a coverage issue; that this is pretty minimalist.

It was the **consensus of the PB** that this was an administrative change.

Mr. Duncan asked if this application allow the installation of a kiln.

Ms. Pelletier said yes, with a building permit, obviously; that if the purpose of it is to have a kiln on it then she would say yes.

Mr. Whalen said without a roof over it.

Ms. Pelletier said yes, with no other structural element that would be...she's not sure the PB really has any approval authority over whether somebody puts a kiln or a gas grill or whatever on that pad; that it's part of the business; that he's stated it in the record and made it very clear he'll come back for the enclosure.

Mr. Whalen asked, just out of curiosity, when you install a kiln are there any regulatory hoops and ladders you have to go through to install one.

Mr. Dow said that that was a food question; that he thought the only thing he had to pay attention to is whether or not the installed gas equipment meets whatever P. Gagnon says is correct.

Ms. Pelletier said that she thinks they need a mechanical permit – an HVAC gas permit just like anybody else in this situation; that there's another level of review, there, in terms of how far it is from the building, etc. and that is code enforcement.

Mr. Dow said that that whole issue is confusing because he's seen them built inside buildings, sometimes built outside buildings; that he's seen it done a lot of different ways and, as long as P. Gagnon...it's sort of an odd duck thing; that there's not a lot of regulation over art stuff.

Ms. Pelletier said that she thinks it's all done by State plumbing code.

Mr. Duncan added that it's got fire code requirements.

Mr. Dow agreed; that the burners have to have safety shut offs and all that sort of stuff.

Mr. Beckert said that, tonight, the PB is dealing with the request for the cement pad and asked for the PB's pleasure.

Mr. Duncan moved, second by Mr. Bouchard, that PB15-18 be approved, as submitted, with the same terms and conditions as applicable to PB01-28.

**VOTE**

**4-0**

**Chair concurs**

Mr. Beckert said that the application stands approved; 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.

**E. Request for Planning Board Action to amend previously approved Site Plan (PB13-10 & PB14-04) by constructing a 30'X48' greenhouse on the property located at 300 Harold L. Dow Highway. Applicant is York Woods Tree & Products (mailing address: 300 Harold L. Dow Highway, Eliot, Maine 03903). Owner is Slate Hill Recycling (mailing address: 300 Harold L. Dow Highway, Eliot, Maine 03903). Property can be identified as Map 37/Lot 21 and is located in the Commercial/Industrial Zoning District. (PB15-19)**

The applicant, Mike Lewis, was present for this application.

Mr. Lewis said that this was for a 30'X48" greenhouse, accessible from either end; that one will be a small, regular door entry and, with the back, you will be able to drive small equipment in. He added that they are putting it up to just grow some small vegetable plants, flowers that we re-sale out there at the facility, and a little more area for working indoors out of the weather. He said that it is basically a temporary construction, a designed hoop building with two layers of plastic on it; that one layer would be blown up in between where snow comes off of it.

Mr. Lentz said that the application says 30'X48' and the assembly drawing says 30' wide; that the detail plan says 38'X48'.

Mr. Lewis said that he might have copied the wrong one out of the manual they gave him; that it has a couple different sizes. He added that it is a 30'X48'.

Mr. Duncan clarified that this 40'X50' building currently exists.

Mr. Lewis said yes,

Mr. Whalen added the 16'X50' office, as well.

Mr. Lewis said yes, the whole thing.

Mr. Duncan said that, right now, it's on here as proposed.

Mr. Lewis said yes.

Mr. Whalen said that this was another one of these plans that keeps getting submitted every time with multiple things on it; that he understands the reason why because it's more efficient from the applicant's standpoint; that at some point, again, we ought to have a consolidated plan.

Ms. Pelletier said that she thought he's good in that department; that this just had site review two years ago. She added that she thought we are fine on locations, as long as this is corrected; that we just need one copy of the corrected plan.

Mr. Lentz asked if that was set on a concrete pad.

Mr. Lewis said no; that it is fastened with 2-foot pipes that go in the ground and, then, the hoops are put in and bolted through those pipes; that everything else, with the brace, is tied together. He added that there are multiple ways to do it but the posts are the easiest and how they are typically put up.

Ms. Pelletier asked if it came down in the winter.

Mr. Lewis said that it would stay up year-round; that that's why he went with a blow-up one; that the sun keeps that area heated, with it blown up, and keeps the snow load to a minimum.

Mr. Duncan asked Mr. Lewis to summarize what's being done on the lot before we start thinking about the greenhouse; that we have wood sales, correct.

Mr. Lewis said yes; landscaping, mulches, gravel, sand, the wood-processing area down back with the composting area and, up front, it's an open area for retail sales.

Mr. Duncan said that the proposed addition doesn't change any of the land use; that we're still talking retail sales.

Mr. Lewis said yes.

Ms. Pelletier said that she thought he was adding to his business in a minor way but it's such a small impact.

Mr. Duncan clarified that the business nature doesn't change.

Ms. Pelletier said that that was right.

Mr. Duncan said that this was an administrative question, asking if we can require, as a condition like previously, a record drawing be submitted.

Ms. Pelletier said that absolutely you can.

Mr. Duncan asked where in the process does that get submitted.

Ms. Pelletier said that, before he'll be able to pull a building permit, the CEO has all the conditions of approval associated with everyone.

Mr. Duncan said that it will be before the building permit for this additional structure.

Ms. Pelletier said yes; that that's required before any building permits are issued.

Mr. Duncan said that the record drawing won't show the new structure other than as a proposed location.

Ms. Pelletier said yes; that if you want you can ask for it after construction; that the CEO could ask for it as an occupancy, instead.

Mr. Duncan said that he was just trying to clarify their policing mechanism after the building is built; that we would really like to see it show the building as built.

Ms. Pelletier said that was fine; that we could do it as a condition of occupancy.

Mr. Duncan said that the occupancy permit would be withheld pending the submission of the as-built plan.

Ms. Pelletier agreed.

Mr. Duncan moved, second by Mr. Bouchard, that PB15-19 be approved, as presented, with the same Conditions of Approval as PB13-10 and PB14-04, with the additional condition that a record drawing, post-construction, of the proposed structure be submitted to the Code Enforcement Office for the property files.

**VOTE**

**4-0**

**Chair concurs**

Mr. Beckert said that the application stands approved; 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.

#### **ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS**

There was nothing under this agenda item.

#### **ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED**

**Review and approve proposed FY 16/17 Planning Board budget.**

Mr. Beckert asked if this had been submitted.

Ms. Pelletier said that yesterday was her deadline; that it's just an initial submission and can always be changed. She added that it is exactly the same as it was last year.

**One (1) additional administrative appeal of Planning Board decision.**

Mr. Beckert said that we have one additional administrative appeal of our PB decision, thus far, on the Libbey property. He added that those would be taken up by the BOA on the 17<sup>th</sup>.

Mr. Lentz asked if we were welcomed to that meeting.

Ms. Pelletier said that you are encouraged to come.

Mr. Whalen asked as part of the public.

Ms. Pelletier said no, as Planning Board members. She added that she would write the rebuttal and, then, you guys would get a chance to see it before the meeting.

**ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board Meeting is scheduled for December 15, 2015 at 7PM.

**ITEM 10 – ADJOURN**

There was a motion and a second to adjourn the meeting at 8:36 PM.

  
\_\_\_\_\_  
Steve Beckert, Chairman  
Date approved: 2/0/16

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

December 1, 2015

TO: The Eliot Planning Board

**I wish to thank the Planning Board for the work that it does. You have a very important role in the Town as you work to uphold the Town ordinances while taking into consideration Eliot's Comprehensive Plan and addressing the concerns of the citizens. You have a grave responsibility to make sure that your actions and the actions of your individual members are seen to be fair and unbiased. Therefore I was very displeased and disappointed with the way in which a recently submitted report, that had been requested by the Planning Board, was handled.**

On November 3rd the Planning Board decided to ask the Eliot Historical Society to submit a report concerning PB-15-93 -The Libbey Development. Present at that meeting, I spoke with the Planning Assistant and said I would see that a report was submitted by the Historical Society.

This report was transmitted electronically to the Planning Assistant on Sunday, November 15th and 5 hard copies were delivered, by me, to the Town Hall for Planning Board members on Monday, November 16 at 10:10am.

These hard copies were seen to be handed out by the Planning Assistant to some Planning Board members on November 17<sup>th</sup> just before the meeting was called to order.

The Chair has made it clear, at a previous Planning Board meeting, that letters coming to the Planning Board after the agenda has been set need to be placed on the subsequent meeting agenda before they are acknowledged.

**The Historical Society's report was not on the Planning Board agenda for the November 17th meeting. It was not a topic of discussion by the Planning Board members that evening. And yet the Planning Board Chair proceeded to make a disparaging statement concerning this report following a mention of it by Mr. Libbey.**

The Chair said "As far as, and I am going to make a statement about what we have received that is purported to be from the Historical Society, which is from an individual member. It has not been officially approved by the Historical Society in an Historical Society meeting". [40:30 time approximate]

**This statement, by the Chair, made before the public and Planning Board members, was inappropriate, and unprofessional. More importantly it was prejudicial to any subsequent consultation on this report by the Planning Board members.**

**Any question as to the authorship or validity of the Historical Society's report to the Planning Board should have been made during open discussion by the entire Planning Board (not as a sound-bite); allowing all members to participate, and where the opportunity could be given for a response from the representative of the Eliot Historical Society.**

**Going forward I believe I should, on behalf of the Eliot Historical Society, be given the opportunity, just as any other person or entity who has been asked to submit information to the Planning Board has been allowed, to answer any questions or concerns that you might have about that report.**

**I request that this letter be read into the record in its entirety.**

Respectfully,



Rosanne M. Adams