

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Christine Bennett, Larry Bouchard, Ed Cieleszko, Melissa Horner – Alternate, and Casey Snyder - Alternate.

Also Present: Emily Cole-Prescott, Town Planner.

Voting members: Dennis Lentz, Christine Bennett, Larry Bouchard, Ed Cieleszko, and Melissa Horner – Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 5 – REVIEW AND APPROVE MINUTES

Mr. Bouchard moved, second by Ms. Bennett, to approve the minutes of June 19, 2018, as amended.

VOTE

5-0

Chair concurs

ITEM 6 – REVIEW NOTICE OF DECISION LETTERS

A. 403 Harold L. Dow Highway, PB18-7

Mr. Bouchard moved, second by Mr. Cieleszko, to approve PB18-7, as presented.

VOTE

5-0

Chair concurs

ITEM 7–PLANNING BOARD BUSINESS TO BE CONSIDERED

A. Ordinance Revisions

1. Review of Timeline

Mr. Lentz said that we have talked for some time, now, about ordinance revision and review of the timeline of when we will do some of these things. He added that we know that Shoreland Zoning needs to be updated; that Ms. Prescott has done a review of that and created a redline document; Dimensional Standards; Growth Permit process, which is a simple change from application fee to permit fee only;

that, then, we talked about the job title to change to Planner throughout the ordinances. He asked the Town Planner to take us through the Shoreland Zoning, if she was looking for PB okay to change all those red lines.

(1) Shoreland Zoning, Section 44 (purpose: update standards to 2015 ME DEP Chapter 1000 guidelines)

(a) Discussion: Application Process and Stream Smart

The Town Planner said, to start with, she believes at the last meeting we left it that we were going to give it one more review and then she was going to send it for staff input. She added that she has been taking a lot of those sections that are in the working draft and rewritten them to be in a more formalized draft to get it ready for staff review and to move forward. She said that she was thinking, as far as timeline, we are a little short with November, now, because originally, we needed to have that public hearing around June 19th and give enough time for public comment; that she has spoken with Ms. Albert, who is running a lot of the timeline, as well, for November, and they are looking around August 23rd to have everything for the ballot; that that would mean that the Select Board would also have to have time to hold their hearing. She added that she would never want anyone to feel like we've rushed this on people and she would like to give us time to put the presentation that we discussed last meeting up on our website, to put some of the resources we are talking about up on the website, for review and get a nice package together for June 2019. She said that we know what we need to do for applicants coming forward; that she has contacted the Maine DEP Assistant Shoreland Zoning Coordinator so that he is aware that we are working on this.

Mr. Cieleuszko asked if we were just going to talk about timelines or are we going to get into the working draft.

Mr. Lentz said just the timeline, asking if we want to try pushing this thing through; that he doesn't personally.

Mr. Cieleuszko said that he would like to talk about the draft.

It was agreed to go over the timeline, first, then discuss the draft document.

Mr. Cieleuszko said that he thought we should work on that and, if we don't make the timeline, then we go to the next one.

Mr. Lentz agreed that we have a process and let's not force the process. He said that we are behind in this Shoreland Zoning; that there are things we should have changed some time ago.

Ms. Bennett said that she doesn't have our memo from legal counsel, asking if an applicant comes in today, what standard are they being held to – only the Eliot ordinance or be held and bound by State statute.

The Town Planner said that they will be held to the Eliot ordinance, as far as any non-conformance on design; that she would hand them the State design standard, as well, and encourage them to design to the State, as well, and consider both in their design. She added that she would be working with the DEP Assistant Shoreland Zoning Coordinator (DEP ASZC) to make sure that State standards that need to be applied, are applied, because there is a list we were given from the DEP. She said that that is how we will be handling it from the Planning Office and the Code Enforcement Office is also aware of it.

Ms. Bennett asked, if we get an application, we can only encourage the applicant to conform to State standards, we cannot compel them to conform to State standards.

The Town Planner said that she would prefer to have the exact wording of Attorney Saucier's email in front of her; so, she can give that to the PB when we meet in a week.

Ms. Bennett discussed her concern that we are out of conformance with State standards; that we don't have the authority without changing our ordinance to the minimum and she would encourage us, if we could, to move forward with public hearing prior to staff review and take public comment on just the minimum; that there are some things we can talk about with the Stream Smart crossings, overlay districts; but just to get us to the minimum, she would like that.

Mr. Lentz said that you can see the need, if you'd paid attention, to the York Wild River scenario; that you can see where we are out of control in their documentation; that Stormwater is another issue that's right there in front of us and they are all connected. He added that he agrees with Ms. Bennett that we keep going and with Mr. Cieleuszko that we need to keep working on it but not rush it.

The Town Planner said that, regarding August 23rd, she will revise some timelines for us and see what that notice period would need to look like.

Ms. Horner asked if we couldn't just schedule the public hearing right now for the first August meeting and, maybe depending on the agenda, spend a half hour next week going over it, have the public hearing, go over it at that next meeting to solidify it for the Select Board a week before they need it.

Mr. Cieleuszko said that that would work.

Mr. Lentz was in favor of that if the Town Planner was able to get the staff reviews back, first, and have the public hearing.

The Town Planner said that we could get those while you advertise a public hearing so that you get them before a public hearing; that she will check all the dates and you meet on July 17th; so, as long as you agree to hold the hearing and the dates work out, she'll report back and let you know.

The PB agreed.

The Public Hearing was scheduled for August 7th and the Town Planner will confirm all the timelines with the newspaper and make sure that they will work before confirming with the PB. Included in the public hearing will be 'assistant planner' to 'planner', 'application fee' to 'permit fee', and Shoreland Zoning.

DRAFT DISCUSSION

Mr. Cieleuszko said that he has gone through this and the Town Planner has done a great job. He added that the thing he didn't like is that, throughout the ordinance, she has changed the word 'chapter' for 'ordinance'; that every chapter in this code book is under the premise of a 'chapter', the ordinance within the chapter; that he thinks it's wrong, in Chapter 44, to have every identifier as 'chapter' changed to 'ordinance'. He added that it doesn't work and really should be maintained originally as 'chapter' in the original code, in the 100, and it even starts with the working draft – "The purposes of this chapter...". He said that he would like consensus to keep 'chapter' throughout this draft.

Mr. Lentz agreed and asked for discussion.

The PB agreed.

The Town Planner agreed, as well; that she actually started rejecting her own changes, so we are on the same page.

Mr. Cieleuszko said that the only other thing was the change from General Development 1 and General Development 2; that they have separate headings in Chapter 1000 and in the draft; that we have seven different categories, with the CFMA (Commercial Fisheries/Maritime Activities) getting lost in the Table of Land Uses and he just wants to make sure we're not missing out on something. He asked if that was going to be a problem with the State acknowledging that this is okay if we don't have a CFMA as a land use category. He said that the other aspect, regarding General Development 1 & 2, when we get into describing them, we don't describe them separately in the draft; that we go back to our old wording, which is General Development, Part 1 & Part 2; that we could have taken verbatim from Chapter 1000 and just had General Development 1, which is 'this', and General Development 2, which is an offshoot, and described separately.

The Town Planner said that, at this point, she would prefer to stick to the zones we have unless the PB feels a need or they were working on something previously, especially if we are looking to do the State minimum. She added that we could get clarification from the DEP ASZC on whether or not there would be any requirement; that she doesn't believe there is a requirement to adopt those two zones, as well.

Mr. Lentz asked for page numbers.

(2) Dimensional Standards, Section 45-405 (purpose: clarification of table and notes, per proposal)

Mr. Lentz said that, if the PB agrees, we can hold this Public Hearing for these dimensional changes at the same time; that, if that's the case, the Town Planner could send that back for staff updates we may have. He added that he had highlighted 'back lots'.

Ms. Bennett said that she had highlighted Note g., a footnote for the minimum dwelling unit size for elderly housing; that she felt this was confusing when she compared it to our definition, which says, "*Elderly housing* means *housing* units constructed or operated as part of a life care facility or *housing* units constructed, operated or financed wholly or partially with state or federal funds." She added that, with this dimensional code, here, we seem to be doing sort of a reverse gainer in saying those elderly housing units, those dwelling units that are elderly housing, don't have a minimum size if they are a State- or federally-funded; that by our definition we don't have a housing unit and is very confusing. She added that that could be a housing unit that is operated as a part of a life care facility that would held to the minimum square footage but if it is financed by federal or State funding, you can't put our minimum unit size – square feet per unit. She said that she believes there is a State minimum for dwelling unit size for square feet but our dimensional standard is saying that we do not apply that 650-square-foot minimum.

Mr. Lentz said that we do have the minimum size of 650 square feet; that he thinks this note is talking about the acreage of the development.

Ms. Bennett said that it says dwelling unit minimum size in the last sentence.

Mr. Lentz clarified that the first line is minimum acreage in the district for the housing, in general, and then we get into the minimum square feet.

Ms. Bennett suggested that that portion of the footnote may be in the wrong place or needs its own footnote.

Mr. Cieleuszko suggested that this is talking about acreage and, then, the very last sentence has that a federal or State building project has no minimum building size; that there's no place to put that well except in the elderly area.

Ms. Horner asked if it was a State law that State-funded elderly housing doesn't have to supply the minimum square footage of units and is that why that's in there.

The Town Planner said that we could look into that.

Ms. Bennett said that she doesn't think so; that accessory dwelling units, by State law, can be no less than 650 square feet so why would we allow for elderly housing to be less than that with State funding.

Mr. Lentz asked the Town Planner to take a look at that.

Mr. Cieleuszko said that we are looking at changes that have been developed over the past couple of months; that that is currently in our code and we are not rewriting that section, asking why we are adding something more, another piece that hasn't been researched.

Ms. Horner asked if it's possible that this square footage per unit is in reference to the ¼ acre for each additional unit; that, sometimes, acreage is measured by the square foot; that that whole paragraph is about acreage; so, the first sentence says that you have to have at least an acre for the first unit and ¼ acre for each additional. She added that, reading that way, would mean that a State-run elderly housing unit doesn't have to have a ¼ acre for each additional unit.

After further discussion, the PB agreed to have the Town Planner research this issue.

The Town Planner said that one of the ordinances that is pending modification, and is on the website, covered one of the changes in the dimensional standards; so, there will be one change that the PB will see.

(3) Growth Permit Process, Section 29-42 & Section 1-25 (purpose: change "application fee" to "permit fee" only; no change proposed to fees or procedure)

The PB agreed that this was ready, as it stands.

(4) Job Title (purpose: change "Planning Assistant" to "Planner" throughout ordinance, where applicable)

The PB agreed that this was ready, as it stands.

B. Adult Retail Cannabis Use(s): Discussion and Update

The Town Planner gave an update; that she and the Town Manager met and we are working on a preliminary framework to go along with draft by-laws that he will be presenting to the Select Board for a group to look at this with a holistic view for the Town; that it sounds like a recommendation for another non-binding advisory question, potentially, for November. She added that there will be more updates on this after the SB meeting and we also recently received some updates on the State level, which she could present to the PB for the July 17 meeting. She suggested that we move this, if the PB likes, to the Town Planner/Planning Office section and she would provide updates to State law as they become available.

Mr. Lentz said that that sounds agreeable; that he and the Town Planner had proposed some sort of a framework after having looked at some of what Kittery had done on this. He asked if the Town Planner thought that straw questions would go out on the November ballot.

The Town Planner said that that's the thought, so far, but it will be up to the SB and this is preliminary so, after Thursday, we should know more.

Mr. Cielezsko asked if we were going to lay low on the rest of the conversation about this.

Mr. Lentz said that he thought that when that framework comes out, if it's what he envisions, there will be pretty clear boundaries to work within for not only the SB but the Treasurer for fees and taxes, etc.; that he's sure it's going to give a broad brush of boundaries.

Ms. Bennett asked if there is an ad hoc committee being established.

The Town Planner said that it sounds like that might be a direction.

Ms. Bennett said that she was wondering if one of us wants to participate in that ad hoc committee.

Mr. Lentz said that that is what Kittery has done; that they have a doctor from York Hospital, they have a couple department heads on that, there is someone from the PB on it, code enforcement he thinks is part of the team; that it's mainly those kinds of people that are on that committee, along with a couple of citizens. He added that they did a survey and have gotten answers back; that they are in the process of changing their definitions.

The Town Planner said that there was a training by the MMA and she has asked for the powerpoints and resources from that. She added that she has a folder with documentation in her office that is always available.

Mr. Cieleuszko said, regarding medical marijuana, that he doesn't want us to fall back and let someone else do this; that he hopes we all, individually, fight for an understanding of this; that he wants to be able to help with whatever comes out.

Mr. Lentz agreed. He said that the Town Planner, in her June 11th memo, compiled everywhere in the ordinances that talked about medical marijuana and that gives us a start.

ITEM 8 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There was no discussion.

ITEM 9 – CORRESPONDENCE

There was no correspondence.

ITEM 10 – UPDATES FROM TOWN PLANNER & PLANNING OFFICE

A. Growth Permit Survey Results: Final Update from Planner on results of 2018 Staff Survey

The Town Planner said that we have been working on this since May and have received staff responses; that in 2017 they voted to go to 30 permits and, in 2018, they went back to the State formula for setting the number of growth permits for that year; that she recommends that we again follow the State formula this year; that we do not have a wait list. She added that, in speaking with the CEO today, we have 12 remaining for the year. She also recommended that we look at the ordinance in a holistic manner to see if there are other changes that need to be made as well as the rate of growth in 2019 for the 2020 year; that other types of concerns, such as affordable housing, that might be something to review along with this ordinance.

Mr. Cieleuszko said that, based on the Town Planner's package, he agrees we should use the standard formula for this next year.

Mr. Lentz said that he thinks we're all in agreement with that.

Ms. Bennett asked when the Town Planner saw us reviewing the growth management ordinance, possibly next spring.

The Town Planner said that when she looks at the way that the ordinance is written, the timelines would always put you very close to the November ballot; that her recommendation was, if they wanted to review that, you would start soon, maybe right after you are done with Shoreland for 2020; that then you would have enough time to review everything and get public input.

Mr. Lentz said that, in looking at the surveys, the least amount of increase you could have without damage to any of the people who responded, would be about 30.

An error in the graph on the second page of the memo was pointed out and will be corrected.

The Town Planner will make a report for the PB's review, then forward that to the SB.

B. Public Information posted to Town's website about ongoing projects in Eliot

The Town Planner said that she has been trying to put as much information online, on our website; that it's a great resource and she wanted to highlight this. She added that we received some information on the compressor station, as well as Great Hill; that this information is all on the Planning page and linked to the Code Enforcement page; that there will be more as time progresses.

Mr. Lentz said that he did attend the compressor station presentation and they did a very nice job. He added that there will be nothing coming to this PB; that that is all controlled through the Federal Energy Regulatory Commission; that it should be up and running sometime in 2020. He clarified that, when they built the original compressor station, they plumbed and piped everything for the second unit; so, it's already there, they are not changing their footprint, they aren't changing anything. He said that he was invited to go visit it when it is completed.

The Town Planner said that there is a possibility that they may do an informational presentation in the future, possibly in the winter of 2019.

C. Topic Suggestions for next Administrative Workshop Meeting:

The PB will hold public hearings for the proposed revised ordinances, as well as reviewing two applications, with agreement that that would be a full agenda for next week.

It was agreed to keep review of the sketch plan process on the list for a future workshop meeting.


1. Agenda Format
2. Site Plan Review Process – overview of other towns

ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for July 17, 2018 at 7PM.

ITEM 12 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:01 PM.


Dennis Lentz, Chair
Date approved: 8/17/2018

Respectfully submitted,

Ellen Lemire, Recording Secretary