

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Ed Cieleuszko, Christine Bennett, and Melissa Horner – Alternate.

Also Present: Emily Cole-Prescott, Town Planner.

Absent: Larry Bouchard (excused), Greg Whalen (excused).

Voting members: Dennis Lentz, Ed Cieleuszko, Christine Bennett, and Melissa Horner – Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

Ms. (Terrie) Harman, 26 Foxbrush Drive, said that this has to do with 21 Foxbrush Drive; that there is some confusion in the record and she was there to correct the record by showing what the situation is.

Ms. Bennett asked if we were allowed to discuss this as it is a current application before the PB.

Mr. Lentz said that that is an application we have not decided on at this point.

Ms. Bennett said that she believes, legally, we need to have the applicant here and present to hear what Ms. Harman is proposing.

Mr. Lentz agreed, saying that he didn't think we should be discussing this.

The Town Planner said that that is general process and thanked Ms. Harman for coming out.

Ms. Harman asked what she should do with these papers she prepared.

The Town Planner said that May 15th at 7PM is the next PB meeting where the PB usually hears applications and information relevant to applications; that the Public Hearing has closed on that application but Ms. Harman would be more than welcome to come to that meeting where the applicant will be, as well. She added that Ms. Harman could submit something in writing but, as the Public Hearing has closed, it would be a decision to determine whether or not to consider it as part of the record.

Ms. Harman said that the record is confusing and incorrect, as it stands, right now, and this will correct the record. She asked if she should submit this to the Town Planner.

The Town Planner said that Ms. Harman could get in touch with her in the Planning Office and we could discuss process in more detail for information for the PB.

Mr. Cieleuszko said that the Public Hearing has been closed for that case; that it was his understanding that we are not going to take any more information on that. He added that we are at the final stage and, if Ms. Harman puts in her information now it will more than likely, he is assuming, won't be accepted; that we won't look at it.

Ms. Harman asked what if the record is wrong.

Mr. Cieleuszko said that we have a Board of Appeals; that, if she doesn't like the decision we reach with the information that was given to us in a timely manner, she would appeal that decision to the Board of Appeals.

Ms. Harman said that she would just pass along the information to you to correct the records so that you have the correct facts before you deliberate because you want to make sure you have the correct facts.

Mr. Cieleuszko said that there is timeliness to all our applications and the time-limit has passed for new information. He suggested she get the information together, well, in case the decision doesn't go her way, for an appeal.

Mr. Lentz said that Ms. Harman was welcome to turn that information in.

The Town Planner said that, if Ms. Harman wants to talk about the process, moving forward, with her concern, the Town Planner could give her more details on that.

Ms. Harman said that her concern is just that you have the wrong information; that she really doesn't have a position; that it's really just to correct the record. She added that she would get together with the Town Planner.

Mr. (Jay) Meyer, Odiorne Lane, said that he was curious as to when the new PB member is due to start.

Mr. Lentz said that the new member has work commitments he can't free up from. He added that he thinks he was sworn in but will verify that with Ms. Rawski.

ITEM 5 – REVIEW AND APPROVE MINUTES

Mr. Cieleuszko moved, second by Ms. Bennett, to approve the minutes of April 3, 2018, as amended.

VOTE

4-0

Chair concurs

Ms. Bennett moved, second by Mr. Cieleuszko, to approve the minutes of April 17, 2018, as amended.

VOTE

4-0

Chair concurs

ITEM 6 – REVIEW “NOTICE OF DECISION” LETTERS

52 Wisteria Lane (Map 9/Lot 15) PB18-3

The Town Planner said that she had accepted an application fee of \$100 and it should have been \$75; that she has asked our Treasurer to refund the applicant the \$25. She added that we can either add a note regarding the correction or say \$75 in the letter.

Mr. Lentz said to say \$75 for the fee.

Mr. Cieleuszko moved, second by Ms. Bennett, that the Planning Board accept the Planning Board Notice of Decision for PB18-3 of April 17, 2018, as amended.

VOTE

4-0

Chair concurs

ITEM 7–PLANNING BOARD BUSINESS TO BE DISCUSSED

A. By-law Revisions

There was one minor spelling correction.

Mr. Cieleuszko moved, second by Ms. Bennett, that the Planning Board approve the revised by-laws of the Eliot Planning Board, as amended.

VOTE

4-0

Chair concurs

Ms. Horner will send them to the Town Planner and the Town Planner will forward them to the appropriate groups.

B. Budget Information

Mr. Lentz said that we had questions regarding the budget regarding what we spend, why, and on what so that, when the next budget season comes around, we will have a much better grip on how to look at this and how to handle it; that the Town Planner did a very nice job of sitting with Ms. Bergeron and was able to pick up a list of revenues and expenses. He added that this is information for the PB to keep handy in our books.

The Town Planner briefly discussed the different categories for revenues and expenses, as well as legal notice/advertising fees and internal financial tracking improvements.

Mr. Lentz asked about the GIS Mapping.

The Town Planner said that that is a shared expense between three departments to have that software capability.

Ms. Bennett said that we used to have a line item for office supplies, seminars, and travel and asked if that has been rolled into another line.

The Town Planner said that previous reports she has found showed that there were several lines but those lines were not tracking back to a specific line but as PB categories; that some of those fees, if you had seen the Planning Department budget, are coming from an Admin line in the revenue; that they were not broken out the way they were shown on that initial sheet that you might have seen previously. She added that this is a very accurate and updated information sheet based on the actual expenses that are seen in the office that our Treasurer has confirmed for us.

Mr. Lentz asked if these are actual line items in the budget.

The Town Planner said that these are actual categories that we have spent on and not specific line items within the budget; that they are items we spend on and that these are how they are categorized for the PB.

Ms. Bennett said that members do continuing education with MMA, asking where that expense would come from within the budget.

The Town Planner suggested that would come from the PB budget if it is a PB member attending; that we can get clarity on what the process is to actually get the approval, up front, to spend the money to go the seminars and things like that.

Ms. Bennett discussed her concern that funds might not be available for continuing education. She asked if there was a way to see the revenue side of the budget, in addition to expenses.

The Town Planner discussed the revenue-categorization work she is doing with the Treasurer for applications for better tracking.

Mr. Lentz asked to skip to **E. Third-Party Review of Applications** because we have had questions regarding that, how to apply it.

The Town Planner said that she and Ms. Bennett have been working on this together. She added that we just wanted to provide the PB with a quick update on what we're looking at; that our current ordinances have two sections that speak about technical consulting fees as part of the application fee; that one is in §33-128 (Site Plan Review)

and the other in §41-142 (Subdivisions). She said that one section has \$2,500 and the other has \$1,500; that, as we look at this, we are formulating something to clear up these discrepancies in the ordinances, as well as we are taking a look at what other towns are doing in the area, per previous PB discussions. She added that she put it out to the Maine Association of Planners listserve and, today, she has been receiving many email responses to go through; that she hopes there will be much more to come.

Mr. Lentz asked if she could see a reason why we have two different versions, even though they are in different chapters.

The Town Planner said that the only thing she can think of that it was possibly intended for was for the option to have it under Site Plan Review and it was misplaced; that it is supposed to be under Subdivision but it was not clarified when it was added to the Site Plan Review section. She added that she doesn't know what the intent was because she wasn't part of making that revision; that that is just her guess; that reading it and, being in §33, it looks like it should have applied to all applications under §33, not just Subdivision, but it does call out Subdivision.

Mr. Lentz said that he found it unusual that there were two different fees and started to wonder why.

The Town Planner said that we will provide more information as we move forward on this.

C. Discussion of Possible Ordinance Revisions and Timeline

1. Table of Land Uses Updates (Provided at 4/17/18 meeting.)

Mr. Cieleuszko said that the ones that have definitions are ones that are out of the mainstream that needed clarity; that some of them, such as 'church', don't need a definition; that every one of these items, of course, changed through time and the thought process behind the category can change as the years go by for the PB. He added that he does not recommend changing, wholesale, the categories or adding definitions for the ones that don't have definitions without having a glaring error that we want to address; but, one item; that he didn't see the time spent and the need to go through the whole thing to hash out every one of these. He said that he's very happy with the way they work and he thinks the Town is, as he has not heard to many complaints from the Town about our use of it; that he is comfortable with them, as it.

Ms. Horner said that, when we first started talking about this, she was all gung-ho about having definitions and is in agreement with Mr. Cieleuszko; that she has changed her opinion after working through it and dealing with the tow-truck business application we just had. She added that that was a good discussion and thought we would be limiting ourselves to that if we defined every little thing.

Ms. Bennett said that she thinks there could be a middle ground; that she understands that we don't want to pin to the ground something that may have a definition that moves through time in the common parlance but she thinks there are some descriptions in here, or categories, that maybe need a little more clarification. She added that she hasn't anything to bring forward but she does feel that there may be some that don't have a definition that we do need to put some clarity around so that we don't have to, at the time of the application, do the interpretation just to give us or a future PB some thoughtful parameters.

Mr. Lentz said that, on the other hand, he tends to agree with Mr. Cieleuszko and Ms. Horner that we don't have to drop everything for every one of these and start making definitions for all of these; that there are those that are more apparent and, perhaps, that's where our valuable resources should go.

Ms. Horner said that she doesn't feel like this is broken so she doesn't know why we are trying to fix it; that we really haven't had application after application struggling to categorize things; that we usually worked together pretty well to come to a decision on what 'it' is. She added that what she thinks sparked this conversation was the tow-truck place and that led us to pulling these definitions and trying to figure it out but that was the first time in all the years she has been participating that we thought there was a problem. She said that she thought interpretation is a really important part of being on the PB; that everyone has their own opinion and interpretation on things and that's how we all work together to come to agreement or consensus; that even though there is no definition for things like 'school' or 'bed-and-breakfast', we can all kind of agree on what that is. As an example, she said that she thought if we put a definition into 'bed-and-breakfast', we might be eliminating the future because we might have to say that is not what this is in Eliot.

The Town Planner said that she would highly recommend looking at the Table; that she would be happy to come back to the PB with a clearer recommendation on what uses really should be changed – if there is a State law that applies; that these are more just questions to update the Table to make it a little clearer as to what use someone may fall into; that, of course, the PB would always have reviewing authority; but, just for more clarity and to clean up some of those more concerning definitions, she is happy to come back with corrections or additions if that would be a helpful practice.

Mr. Lentz said that he thought that would be helpful; that he doesn't want to see us waste a lot of time in places where we don't need to; that, on the other hand, he thinks there's always the possibility, and to Ms. Horner's point, it's not broke but, if he sees the tire needs air, he'll put air in it before it goes flat and the tire is ruined.

Ms. Horner said that maintenance is always a good idea.

Mr. Cieleuszko said that a glaring error in the relationship between State law and us or a glaring error where an applicant cannot figure out from what is described what he can get with some reasonableness, those are the ones we should address.

It was the **consensus of the PB** that all members and the Town Planner review for glaring errors, as described in the discussion.

The Town Planner said that, if the PB is okay with it, she would like to make a few recommendations, as there are sections throughout the ordinances where the use in the Table should be clearer with what the ordinance says.

The PB agreed.

D. Growth Permit Ordinance: Update

Mr. Lentz said that there are two pieces – we need to have a report back to the SB by July 30 of the number of permits we are advocating, which means the letters the Town Planner started to address should go out to the appropriate people and we would be looking to get those back some time in June, he would think.

The Town Planner said that her surveys will go out May 9th and requested return date will be May 25th.

Mr. Lentz said that we did get some information in the mail today about some calculations and formulas he think Mr. Pomerleau had done.

The Town Planner said that the memo outlines what the CEO has on her end administering the process and, then, the PB will see her version of the chart and the final version will be include in the report, with some information on the ordinance and the process.

There was discussion regarding '24 new dwelling units' and '40 new dwelling units' in the survey; that the questions were trying to address what the tipping point would be for the need for additional Town services.

Mr. Cieleuszko asked if there was a waiting list for last year where people did not get a growth permit.

The Town Planner said that she did not have that data with her but, currently, there is no waiting list for growth permits; that she confirmed that this morning with our CEO.

Ms. Bennett said that even more than a high-low with the numbers, what we saw with the graph was a real up-tick in growth permits so that, when moving forward in future periods, we'll probably be looking at 40 as the calculated number because, once you move through the 2016 (elderly unit growth), the number gets pushed up. She added that she would like to put the Growth Permit Ordinance on a future agenda because she would like to incentivize affordable housing over elderly housing in our community; that we have been adding a lot of elderly housing in our community and we're doing two affordable units/year; that she thinks both are very important but she is concerned we will start crowding out, demographically, families and other people in our community.

She said that the elderly housing being created is not necessarily affordable to people who live here and are aging.

Mr. Lentz agreed that we could put that on a future agenda.

Ms. Horner asked if that affordable housing number was indicative of our % rate.

Ms. Bennett said yes; that it could allow more and she doesn't believe we have to incentivize the elderly; that we could reverse that.

Ms. Horner said that we don't do that, the State does that; that the Town isn't going out and incentivizing developers for elderly housing; that it's State funding programs that do that.

Members were not sure.

The Town Planner said that that was a great question.

Ms. Horner said that she thought it was the same for affordable housing that it's State funding; that she thinks, even if we offer 10, the developer still has to go through the State process.

Mr. Cielezsko said that he thinks Ms. Bennett meant just the amount of availability and not incentivizing by any financial stretch.

The Town Planner read, in §2-5, that "*the minimum number of building permits allocated annually for new dwelling units meeting the definition of affordable housing shall be no less than ten percent of the number set forth above.*"; that that is where the two (2) is pulling from.

Mr. Lentz asked to discuss the requested \$100 fee; that based on what he knows and has heard, he understands why this \$100 was requested at the time it was but he's not sure it's necessary anymore; that, before changing the ordinance, he thinks we need to decide if that \$100 fee is really necessary. He added that, based on what the CEO told him, there is no issue anymore.

The Town Planner agreed that it is not recommended that that \$100 application fee is assessed for each person; that the current program is administered according to ordinance without issue; that people seem to be aware about what the process is now.

The PB agreed by consensus to opt out of this for the time being.

Mr. Lentz said that he thinks it is sometime this week that the State legislature votes to override the Governor's veto on marijuana.

The Town Planner said that she thought that, perhaps, the PB might like to start looking at that on May 15th, when there is a little more information available from the State.

Mr. Lentz said that it is his understanding that, if the law passes, it has basically three changes – no longer able to grow six plants, only three, there is no such thing as a social club but only places where you can go to buy it, and the Town has to vote to opt-in; that unless a town votes to have retail sales, it's not coming here.

Ms. Bennett said that her question would be, then, why we would need a moratorium.

Mr. Pomerleau said that we can't predict what the legislature is going to do so we are going to extend it to cover ourselves. He added that he thinks the law also expanded for medical providers to go into retail, which will have some implications for us with the medical marijuana provision. He said that there's quite a bit that the PB is going to have to be addressing; that the opt-in is the big one.

It was agreed that this would be on the May 15th agenda.

E. Third-Party Review of Applications

This was already discussed.

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

A. Policy/Process Update

1. Plan Review Process

The Town Planner said that she has received several questions about what the Planner does in the office as well as relative to what she provides to the PB; that she wanted to make it clear and give everyone the same process when the application comes through. She added that this memo doesn't call out specific ordinances but gets specific about what we do in the office to process the application and get it ready for PB review.

Mr. Lentz thanked her for the memo. He said that there are three things he keeps looking for – the PB #, the original header sheet (applicant name, address, map number etc.), and a checklist behind it; that he searches for that every time we go through an application

and it seems that it's disappeared; that he can always find it in the package but he has to go through the package and write it on the front sheet so he doesn't forget it.

The Town Planner said that we can start writing that on the front sheet of the application; that she puts it in her memos because she tracks it by PB #. She added that if there's anything like that that would make the review process smoother, she wants to know.

Ms. Horner suggested putting the PB # next to, say 10-a, the agenda item #.

The Town Planner agreed they could put that on the top sheet of any agenda item.

The PB agreed.

Mr. Lentz asked if members remembered how we always got the sheet (Shoreland) that always had the PB # at the top; that it was so easy to follow that general description, then go to a checklist or review sheet, an overview and then a checklist.

Mr. Cieleuszko said that that's the first sheet the applicant has to fill out that has the book number, map number, everything about it, a rough estimate of acreage; that it was a full page of information about the lot and about the owner. He added that he hasn't seen that here either and he didn't know if we had it for this Board; that if that is the case, he would love a copy of it; that it's great for your conclusions, a great reference sheet.

Ms. Horner agreed that was the Shoreland Zoning but it's just the application page with the number on top.

The Town Planner said that if we can narrow down what the previous item was and make the memo of what you want to see, then that's what she would like to do; that right now she thinks she is incorporating that information in the memos she is writing but, if it's quicker to have it on the top, in a table, or something, then let's just do what was easiest and quickest for your review.

Mr. Lentz said that, if that application header sheet that you stamp 'received' has the PB # on there, that would be good.

2. Electronic Tracking of Applications: Update

The Town Planner reviewed the excel spreadsheet the Planning Office is using to electronically track PB applications; that the last column – NOD Letter – will have a link to the full Notice of Decision letter for that approved application.

ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for May 15, 2018 at 7PM.

PB18-2, Foxbrush Drive; PB18-4, Indian River; Public Hearing for PB18-5, Cole Street will be on the agenda.

Mr. Cielezsko asked if we will get the attorney letter regarding Foxbrush Drive before the meeting.

The Town Planner said that it would be part of the packet for your May 15th meeting, which would come out the Tuesday before.

ITEM 12 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:17 PM.



Dennis Lentz, Chair

Date approved: 05/01/2018

Respectfully submitted,

Ellen Lemire, Recording Secretary

