

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Melissa Horner, Carmela Braun, Bill Olsen – Alternate.

NOTE: Bill Olsen was appointed as a voting member for tonight's meeting.

Also Present: David C. M. Galbraith, Interim Planner; Kristina Goodwin, Land Use Administrative Assistant.

Absent: Ed Cieleszko (excused), Christine Bennett (excused).

Voting members: Dennis Lentz, Melissa Horner, Carmela Braun and Bill Olsen – 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

Ms. Horner moved, second by Mr. Olsen, to approve the minutes of October 29, 2019, as amended.

VOTE

4-0

Motion approved

ITEM 6 – PUBLIC HEARING

A. 160 Pleasant Street (Map 1/Lot 70) PB12-12: Home Business and Change of Use – An application for a yoga and Reiki studio at a residential property.

Received: August 19, 2019.

1st Heard: September 17, 2019.

Public Hearing: November 19, 2019.

2nd Hearing: October 15, 2019.

Site Walk: N/A

Approval: November 19, 2019.

The applicant, Ms. (Andrea) Bristol, was present for this application.

7:07 PM Public Hearing Opened

Ms. Bristol said that I am hoping to open a small yoga studio and Reiki space in a portion of my barn.

Mr. (Charles) Kinnett, Main Street, asked what would be an average class size.

Ms. Bristol said there would be 6 to 8 people in the classes.

Mr. (John) Crosier, Aqua Avenue, asked if the applicant could explain how many cars would be coming to her house and where they would park.

Ms. Bristol said that we've measured it out and it would be okay to have six cars in it; that we have a turn-around in the driveway that we just built.

Mr. Crosier asked about her hours of business.

Ms. Bristol said it would be 7AM to 7PM. I teach at different studios so it won't be constant.

Ms. (Stephanie) Kinnett, Main Street, said I like the idea of having a yoga studio and I support that.

Mr. Galbraith said that he did have a visitor from a neighboring property earlier this afternoon who was probably not going to be able to attend and she asked me to say that she was in favor of the yoga studio; that she didn't have any concerns over the actual use of the property. Her concern was really about parking and people turning around in her driveway in the past. It sounds like the applicant's kids were turning around in her driveway; that she said that she mentioned it and that has stopped; that the property owners were very responsive about that. She did have some concerns about when school is in session with her (applicant) grown children with cars, and things like that. In addition to that, there seems to be some expansion possibilities, if additional parking was needed, in looking at the property. But, other than that, there were no concerns.

Mr. Lentz thanked him. He apologized for not introducing him sooner, saying that Mr. Galbraith is with Southern Maine Regional Planning and is here helping as the interim Planner.

7:11 PM Public Hearing Closed.

The PB agreed that they had fully reviewed this application and the Chair said that he would accept a motion.

Ms. Horner moved, second by Mr. Olsen, that the Planning Board accept PB19-12 as approved, with the following standard conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning

Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. Copies of approved permits from Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided to the CEO before construction on this project may begin.

2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

VOTE

4-0

Motion approved

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

B. 787 Main Street (Map 6/Lot44) PB19-15: Shoreland Zoning Permit Application: Application for a 4'X4' landing, a 4'X30' accessway, a 6'X100' fixed pier, a 3'X45' gangway, a 6'X35' landing float, and an 8'X30' main float. Applicant: Jesse Realty, LLC. Owner: Jesse Realty, LLC.

Received: September 3, 2019.

1st Heard: October 29, 2019.

Public Hearing: November 19, 2019.

2nd Hearing: November 19, 2019.

Site Walk:

Approval: _____, 2019.

Mr. Steve Riker (Ambit Engineering) and Ms. Kuerstin Fordham and Mr. Doug Anderson (Riverside & Pickering Marine) were present for this application.

7:13 Public Hearing Opened.

Mr. Riker explained the two parts of this project, which consists of a 4'X4' landing, a 4'X30' accessway, a 6'X100' fixed pier, a 3'X45' gangway, a 6'X35' landing float, and an 8'X30' main float (tidal docking structure) and the other is shoreline stabilization that includes riprapping the shoreline (1,386 square feet of riprap). He reviewed Sheet C-1 –

Existing Conditions Plan; C-2 – Town of Eliot Permit Plan; C-3 – Tree Score Worksheet, D-1 – Dock Details; D-2 – Revetment Details.

Mr. Galbraith said that the applicant did, on C-2, include the required reflector locations so that requirement has been met.

Ms. (Janet) Saurman, Park Street, said these are always tricky hearings to come to because you don't really want to get into a position of pitting neighbor against neighbor. That's not the position I'm in tonight. I'm simply here tonight to say that, as an abutter, I have absolutely no objection to the development of a pier along this bank and at the end of this property along the river. After all, somebody bought the property because it's riverfront along the Piscataqua River and it's known for its recreational use. So, for somebody to buy a piece of property on the river and, then, follow up with a request to build a pier seems perfectly reasonable to me. This is a beautiful piece of property; this field that leads down to the water. I've walked it for the past 65 years. It's a field that's near-and-dear to my heart and my childhood memories of growing up on Park Street and, for the 65 years that my family has been there, we've always enjoyed good, neighborly relations with previous property owners and I can only expect that will continue. That is certainly my intention from my side of the property line. I received a call last Saturday from one of the abutters mentioning that folks were gathering for this meeting tonight. It was suggested to me that, if I did not oppose this, then it would perhaps be alright with me if a house was built within 25 feet of my house. I can only say to the person who made that comment that they've obviously not been down on Park Street because we are all within 25 feet of each other, anyway. So, that's not a concern of mine. And, also, the suggestion was that the road was illegal that was put in down there. Now, these kinds of concerns, they are either rumor or perhaps some folks would be able to present some facts here tonight regarding that. I do find it interesting that the road's been in for months and, only know, an issue of whether or not it's legal when all of the abutters were quite aware that a road was being put in there. And, finally, I would just say personally that I'm always troubled by folks that have their piece of pie and then object to anyone else deciding that they may want a piece of it, as well, which is what I assume that these folks who bought this property are hoping for. Land on the river and, perhaps, a development to make their investment in that property worth it. I trust, frankly, that this Board, and these people on our Board, will oversee this property, planning, and development and that you will make sure that zoning regulations and ordinances are followed as this development, whatever happens going forward, because that's what you're there for; that's what our zoning regulations are in place for. And finally, to the gentleman who said he might be cutting down a tree or two on the river bank, if you come across a tree that has a little heart, and carved in that heart is "JS loves SP", that was my fifth-grade boyfriend. I carved that into one of the trees that I think, sadly, will probably go but I get what happens when property owners change, development changes, and I believe that you folks will guide us well with this development. Thank you.

Mr. Lentz thanked Ms. Saurman. Let me break my own rules for just a minute. This application, and the one behind it, are for docks. Nothing to do with houses. There's nothing before us about houses so I don't know, I guess, where that's coming from.

Ms. Saurman said I don't either and that's why it was surprising to me when it was addressed to me that way in a call. It was actually said that, if I was okay with a house being built within 25 feet of my house, fine. As I said, there are houses within 25 feet of my house all the way up and down Park Street. So, I think you'll appreciate the essential, either rumors or people knowing things that you folks don't actually know yet; whatever. It didn't seem to be a responsible way to address what I understood to be as just asking for permission, or following whatever protocol, so that they could build docks.

Mr. Lentz said that there was an application that was submitted and it was pulled back and this came in in its place. That's what we are aware of, right now, and that's what we're here to review.

Mr. Lentz asked if Mr. Galbraith had any comments.

Mr. Galbraith said that some issues were brought up to me when I took over this case. I went back and did some research and there are a couple of concerns. I think most can be addressed by the applicant for both 787 and 0 Main Street and the memo covers both because it effects both parcels.

Mr. Lentz clarified that, when Mr. Galbraith finishes, we will go on with public comments but this is new information. We've just seen this today.

Mr. Galbraith said that I just had a conversation with Mr. Riker, as he has been trying to get in touch with him today. 787 Main Street was originally one large lot. Back on November 26th the lot was purchased, according to the Assessor, by the current owners and, on the same day, the lot was split into two portions. That, in itself, is fine. One thing I did notice was that, on the bottom left-hand corner of Sheet C-1 (787 Main Street), there is a small map illustrating the lot lines of both lots. 787 Main Street was originally a legal non-conforming lot because it didn't have the minimum 100-foot street frontage. The lot had 75 feet and when the applicants split the lot, they unfortunately cut the frontage in half, divided between the two lots. I can make a lot more conforming but you are not allowed to make lots more non-conforming. Therefore, what I would suggest is that the applicant do corrective deeds on the project and basically put all of the original non-conforming frontage back with the 787 lot to retain that non-conformity and, then, treat the second lot as...I believe it can meet the Town's Backlot provisions, which does not require street frontage. They could possibly do that and then, what we would want to do is have new recorded deeds and a new recorded survey illustrating the new lot lines and describing the new lot lines to make sure it meets that. The roadway on that little map in the left-hand corner calls the accessway into the property a private road. The Town's ordinance doesn't have a classification for a private road but, if it's a backlot, we can then have the applicant show that it meets the backlot provisions. They would just need to call it a private accessway. With that, we would want to have a cross access, an access agreement and maintenance agreements for the two lots, which would need to be recorded at the Registry of Deeds and would have to be perpetual so it would run with the land, not ownership. We would want a copy for our Town records. In talking to the Town's addressing officer (tried to catch the Fire Chief today), as there are two lots

proposed by the accessway, the access by the accessway, it is possible that we would require that driveway to be renamed so E911 (fire, police) can get in there, know where it's at. The other issue that came up is with the 0 Main Street property that is currently vacant and doesn't have any structures on it, to speak of. The dock is clearly an accessory structure and you can't establish an accessory structure if you don't have a primary structure. What I would suggest is that, if the applicant applied for a building permit for this lot, providing we can get out all the backlot provisions and apply that to the lot, they apply for a permit. The permit is reviewed, issued, and that they would then start construction of whatever new home it may be. Then, once that is substantially under construction (foundation and part of framing), then we could issue a permit for the dock, itself. The 787 Main Street property currently has an existing camp and there are no other non-conforming issues about that lot; so, we would be comfortable issuing the dock permit for that, providing we could work get the entire 75 feet of frontage back onto that lot. Apart from that, I put some recommendations and suggested conditions of approval, if the Board chooses to move ahead with this. He reviewed the suggested conditions of approval. He added that any subdivision application would need to come to the PB. It would need to meet any of the Town's requirements as far as street construction; if proposed street acceptance, all lots would need to meet the minimum street frontage, lot sizes, setbacks, the whole thing. And, then, existing structures that are there would also need to meet those new, created lot lines. I apologize for this coming in late but I was thinking about this over the weekend and some of these things just started popping into my head. So, I came in today to do a ton of research on it.

Mr. Lentz said that that wasn't a problem. Is the CEO in agreement so that the three of us are in sync.

Mr. Galbraith said yes. I talked with Ms. Bishop earlier today. We sort of went over and I let her know I was writing this memorandum. We talked about the backlot somewhat. I have not talked in detail with Ms. Bishop, who is our addressing officer, about naming the street or if we'd need a street sign. I really have to lean on the Fire Chief. They're the ones who get stuff into narrow driveways and, so, I would like him to take a look-see at it to see if it's passable and don't have to call the Public Works Department to drag them out.

Mr. Olsen suggested that, since it appears that 787 Main Street is going to have to be renamed, obviously there is some work that has to be done prior. Would we be better off tabling 787 right now because it's going to have to be renamed something.

Mr. Galbraith said that it may have to be renamed something. It depends on how much spacing I have between the existing houses and where this proposed house would fall. I anticipate that it would fall behind the house that's adjacent to where the access would come in, which might require it to be renamed. Usually, in my experience in the past, is that the Fire Chief, if you get two houses back in there, they don't want to have just one single address. You could have the option of tabling it. You could also have the option of adopting it. If you did approve these plans, I would strongly recommend that you take the suggested conditions of approval, adopt those as part of the findings, and things like that.

Staff could work through this with the applicant, I have no doubt. I think they could be overcome, I'm not sure. If you did table 787, I would probably say you should probably table 0 Main so we could get them both taken care of at the same time. I hate to put the applicant in this situation at the 11th hour but I want to get it done right so the CEO can issue building permits.

Ms. Horner added that, with the new information, I think we should give the applicant time. They may want to change their plan based on the new information.

Mr. Galbraith agreed and said that the main thing to me is that street frontage issue.

Ms. Saurman said that I know that, when we appear here, we have to give our name and address and what our connection with a situation is. Mr. Galbraith has mentioned speaking with private citizens, first about the yoga studio and then about this project. Shouldn't we know who those citizens are, as well. I just don't understand the protocol and I didn't know coming to you, personally, was an option. I switched a lot of schedules around to be here tonight and I think we should know everyone who states a position about this.

Mr. Galbraith clarified that people are usually only required to give their name and address in a public hearing setting. Any citizen is more than free to come in and talk to Town staff at any point.

Ms. Horner said that what I think has historically happened in Eliot, at least, is that citizens words have only been read when they submit a piece of paper with their name on it. So, typically, private comments made in staffing offices isn't brought up at meetings as public.

Mr. Galbraith said that the one person who spoke on 160 Pleasant Street was Susan Caruthers. She lives at 161 Pleasant Street so she's right across the street from the proposed yoga studio. It was just a casual conversation. She came in my office. She happened to walk in the door.

Mr. Lentz said that he thinks we had a note on that, too.

Ms. Goodwin said that I know that at least the Board of Appeals did.

Mr. Lentz said to Ms. Saurman that we try to be obliging to all the public, more so than some boards, and as a result, we get our hands slapped down sometimes. He asked Mr. Galbraith if we should approve the two docks. There would be no permits issued for any construction until these conditions of approval are met.

Mr. Galbraith said that you could do that. You could table it. You have the option to do either. I've done both. It puts a little more onus on staff but we're probably going to be doing the behind-the-scene things with the applicants, ourselves. If you do approve it, especially with conditions, I could give you an updated memo on the items required. The

only one that's a little flaky right now is whether or not we need the street or access drive named and how they will be addressed.

Mr. Lentz asked what the PB would like to do.

Mr. Olsen said that I'm supportive of the physical docks the way they are presented but I do believe we should have the correct address of both lots figured out and they should be conforming prior to just because what I think it does is just add more chances for problems down the road. To me, just by tabling it, they could figure this out and get this part correct, come back with whatever road they call it; that that seems to just be better process than approving something subject to a whole bunch of conditions.

Ms. Horner and Ms. Braun agreed with Mr. Olsen.

The PB agreed by consensus to table PB19-15 (787 Main Street) until the conditions are met, per the discussion tonight.

7:44 Public Hearing Closed.

C. 0 Main Street (Map 6/Lot 154) PB19-17: Shoreland Zoning Permit Application: Application for a 4'X24' accessway, a 6'X100' fixed pier, a 3'X45' gangway, a 6'X35' landing float, and an 8'X30' main float. Applicant: CPN Realty, LLC. Owner: CPN Realty, LLC.

Received: September 26, 2019

1st Heard: October 29, 2019

Public Hearing: _____

2nd Hearing: Tabled on November 19, 2019.

Site Walk: _____

Approval: _____, 2018

Mr. Steve Riker (Ambit Engineering) and Ms. Kuerstin Fordham and Mr. Doug Anderson (Riverside & Pickering Marine) were present for this application.

7:45 PM Public Hearing Opened

The PB agreed by consensus to table PB19-17 (9 Main Street) until the conditions are met, per the discussion tonight.

7:46 PM Public Hearing Closed

ITEM 7 – OLD BUSINESS

A. 149 Beech Road (Map29/Lot5) PB19-13: Site Plan Amendment – An application for a change of use to truck terminals and storage.

Received: August 20, 2019
1st Heard: September 17, 2019
Public Hearing: N/A
2nd Hearing: November 19, 2019
Site Walk: October 1, 2019
Approval: November 19, 2019

Mr. (Brian) Nielsen, E.I.T. (Attar Engineering), representative, was present for this application.

Mr. Nielsen said that we are here tonight seeking approval from the PB for a change in use to 'truck terminals & storage' as well as the post-site upgrades included in the latest packet. This was made at the PB's request to move the trucks and trailers from the 75-foot setback. The post-site plans call for parking so that the rear of the trailers face Ruth Lane and will facilitate required truck maneuvering. We put a new entrance slightly further down Ruth Lane. The new configuration gets nearly all the trucks and trailers as far away from the wetlands as practicable. Additionally, in order to maintain the pervious percentage and protect the wetlands, the area shown on the site plan will be revegetated.

Mr. Olsen asked what the hours of operation are. It was asked at the site visit but I would like to have it in the record.

Mr. Nielsen said that he believes it is 3AM to 3PM but that is from memory.

Mr. Olsen said that he believes there is a third run that goes out at midnight.

Mr. Nielsen said that he can't confirm that but we will confirm that.

Mr. Olsen said the trucks are going to enter from Beech Road. When I drove by, there's Ruth Lane, which is kind of that little driveway. There seems to be a divider up and, then, the front lot, asking if that is the one being utilized by the trucks.

Mr. Nielsen said that is how they drive in now. When we went into the site visit, the road we drove in on is the one they are using, and will continue to use.

Mr. Olsen said that that property is not all zoned Commercial but zoned Suburban.

Mr. Nielsen said that was partially true. It's zoned both. The front lot, though it is owned by H. O. Bouchard, is zoned Suburban. There's a home there where the mechanic lives.

Mr. Olsen said that the movement of the trailers along the side appears to fix one issue over our concern over the environment, or the watershed, but now it seems to shift the movement to all the abutters that live on Ruth Lane. I was just wondering if that was the only place left on that site for trailers.

Mr. Nielsen asked Mr. Olsen to elaborate on what he meant by issues with Ruth Lane abutters.

Mr. Olsen used the site plan to explain his concern regarding the trailers backed towards Ruth Lane. It seems very challenging to be able to do that.

Mr. Nielsen said that, as it stands right now, we will get trucks parked in that configuration, kind of 90 degrees to that, parked in that same general area currently. They won't be blocking the road and they will be backing into those spaces so the headlights will not be facing any of the residents. That will lower any glare into windows, especially on those early morning shifts. As far as maneuverability, we tested it with our program and we did design this with Jeff Bouchard, and one of his drivers, to doublecheck, not being a professional truckdriver, myself.

Mr. Lentz said that the one issue we had at the site walk was the parking and getting those away from the wetland, and you have done that.

Mr. Galbraith said that the three notes that I found was that trucks and trailers were no longer to be parked within the 75-foot setback to the upland edge of the wetland, that 75-foot area was going to be revegetated, and the new parking was going to be reconfigured so that it sort of went next to the existing driveway. From my review of the plans, they did everything that was requested of them.

Mr. Lentz said that he thought Mr. Galbraith was right. He asked what the PB wanted to do with waivers.

Ms. Horner asked where the auto repair came in.

Mr. Nielsen said that I believe I made all attempts in the latest revision of the application to remove auto repair. At the last meeting we discussed that auto repair is really only for when you have a commercial shop and bringing in other people's stuff. This garage that they have is a State Inspection Site but just for their own fleet of trucks. They are not bringing in any external vehicles so we decided 'auto repair' wasn't appropriate. It is just for fleet maintenance.

Ms. Horner asked if that was what the existing use is now.

Mr. Nielsen said that, to my knowledge, it was both terminals and storage.

Ms. Horner asked if it involved the Suburban and C/I Zone portions.

Mr. Nielsen said correct. From what I could gather from what was in the Town folder and the meeting minutes, that seemed to be accurate.

Ms. Horner said that I am very focused on the zoning. So, if you are asking us for a change of use to truck terminal storage and, then, the repair portion of that building is

basically an accessory use of the truck terminal storage. Truck terminal and storage is not an allowable use in the Suburban District so I am having a hard time grappling with that.

Mr. Nielsen said that it's kind of an existing non-conforming use that area has always been used, and was previously approved by this Board, as a repair area for boats. It's a very similar use to what's being used now.

Ms. Horner said that I would argue the opposite. I feel that trucks coming and going daily is a little different than a boat sitting there for the winter and then getting driven out once at the beginning of the season.

Mr. Nielsen said to remember that the trucks being driven in and out are only going to be, with the exception of when they go in for repair, in the Commercial District, which truck terminal I believe is allowed in that district. The primary comings and goings will not be in the Suburban District.

Ms. Horner said that you are asking us to do an approved use for the whole lot, which is in two different zones.

Mr. Lentz said that I think the use in the Commercial for me, I think, and the Suburban area, uses the same as it has been for the past several years. It's been approved; it's an allowed; it's been allowed to let go. It's grandfathered, as far as I'm concerned. I'm not sure it was the right decision at the time it was made but I don't think you can penalize these guys for doing what's always been done in that building. The lines of the zones have always been the same. It hasn't been done right and I certainly agree with that.

Ms. Horner said that my point would be that it's then time to rectify the mistakes that have been made.

Mr. Olsen said that I also think it's an expansion of a non-conforming use. What we were talking about a little bit earlier. I don't disagree that this has been used in a commercial way for 40 years but it wasn't an around-the-clock truck terminal, which is, for the elderly that are across the street in that development, Baran Place. Also, Beech Road is a residential road right off of Route 236 and, now, you've got 18-wheelers running up and down it all day. Now, I understand why, from a public safety standpoint, H.O. Bouchard wants this location because of the traffic light on Route 236 but there is another way into this lot from Route 236, if I remember during our conversations during the site visit.

Mr. Nielsen said that that is not a developed road.

Mr. Olsen said not currently but it can be developed, right.

Mr. Nielsen said right but they do not have access that way. It's primarily green and growing grass.

Mr. Lentz said that I believe portions of that land belong to someone else, too.

Mr. Nielsen added that, according to surveys, there is a Town utility easement going through the road. Just to mention some of the timeline, it sounds like the PB seems to be under the impression that the trucks are a new use, here, and H.O. Bouchard's presence has been known to this PB, at least according to the meeting minutes, for at least 2-3 years at this lot. This is not new.

Mr. Lentz said no, it isn't.

Mr. Nielsen agreed, according to the 2016 minutes.

Ms. Horner clarified when it was asked to be a boat storage.

Mr. Nielsen said correct but it was being leased to H.O. Bouchard, as known by the PB at that time. All I'm saying is that the timeline suggests it's not a new use for the area, as far as it goes to affected residences.

Ms. Horner asked for input from the Interim Planner.

Mr. Galbraith said that I thought this was a slam-dunk and did not do as much research on it. It looked fairly clean to me. It looks like they met the conditions that were sort of outlined during the site walk. If you had a similar-type use, again I would probably say, if it was used as a truck terminal for 20 years, I'd consider that a legally non-conforming use in the residential zone. It's an allowed use in the Industrial Zone. Again, if you have a similar, compatible use going into a non-conforming area, that kind of runs with the land. If it stops for a period of time, with the ordinance usually specifying a year, and if you had no use and the building was vacant in the residential zone, it could only be developed, or re-developed, as an allowed use in that area unless they could go to the BOA, making a case that it could remain and the non-conformity could continue. I've had non-conformities where, as an example, a guy went in, every month, and sold some tires out of the place because he had a non-conforming auto shop in a residential area, and he showed with receipts that proved he kept that non-conformity alive. So, what I know of the background of this, that sounds like where H.O. Bouchard falls. That's really the similar, compatible-type use; boat storage. If the residential use had been used for automotive repair of the fleet, whether boats or trucks from the previous construction, I would say that's okay to do in that residential building. I believe the application said that all the maintenance was going to be done inside the building and the backlot, the industrial portion, allows that. They switched the lot around to meet the PB's desires.

Mr. Lentz asked what the PB would like to do. He did add that, if we moved the maintenance building, perhaps 50 feet, it would all be in the same zone and there shouldn't be any issue, then.

Mr. Olsen said that I realize the actual trucks are in the right zone and I really don't have a problem with the maintenance building because it's always been a maintenance building. My concern is, and maybe it's unfounded, is that you are expanding upon that with a truck terminal, which is a completely expanded use. Now, it's obvious to me that

this is just about large tractor-trailers coming onto a relatively residential road at all times of the day and night and that, to me, is a rub. I also get that they've been doing that for a long time, although in a much lower frequency.

Mr. Nielsen said, to be clear, the frequency is not changing or proposing to expand. They're only looking to purchase this property and make sure they are doing it legally. The same 8-12 trucks, as stated previously, are going to be going in and out of the shop as they have been for years. No expansion.

Mr. Lentz said that, this time, they are asking permission to do what they've been doing and they shouldn't be penalized.

Ms. Braun said that I share Mr. Olsen's concern. To me, it seems like they are expanding on a non-conforming use. I think, to have those trucks parked right there by the residents, even though you will have them parked so the lights are 'this' way, you still have all that noise. Hearing that backup noise at 3AM, to me, is not good.

Mr. Nielsen said that I guess I'm confused with where the idea of it being expanded is coming from. There's no proposed change except to meet the PB's requests.

Ms. Braun said that it sounded to me, when we went on the site walk, that there were going to be more trucks coming and going but there were only going to be so many trucks parked there.

Mr. Nielsen said that, in that case, we miscommunicated. There's no expansion, no change to the current use, no change to the current frequency, no more trucks and no less trucks.

Waivers:

Perimeter Survey:

Ms. Horner moved, second by Mr. Olsen, that the Planning Board waive §33-127(4).

VOTE

4-0

Motion approved

Temporary Markers:

Ms. Horner moved, second by Mr. Olsen, that the Planning Board waive §33-127(5).

VOTE

4-0

Motion approved

Storm Drainage Plan:

Ms. Horner moved, second by Mr. Olsen, that the Planning Board waive §33-127(8), Storm Drainage Plan, as there are no changes and there is an existing plan.

VOTE

4-0

Motion approved

Soil Erosion & Sediment Control Plan:

Mr. Nielsen clarified that, with the new application, I did include Soil Erosion & Sediment Control details due to the fact that some of the impervious areas will be changing.

The PB agreed they did not need a waiver for this

High Intensity Soils Report:

Ms. Horner moved, second by Mr. Olsen, that the Planning Board waive §33-127(12).

VOTE

4-0

Motion approved

Water Supply Connection:

Ms. Horner moved, second by Mr. Olsen, that the Planning Board waive §33-127(14), Connection to Water Supply.

VOTE

4-0

Motion approved

Sewer System Connection:

Ms. Horner moved, second by Mr. Olsen, that the Planning Board waive §33-127(15).

VOTE

4-0

Motion approved

Estimated Progress Schedule:

Ms. Horner moved, second by Mr. Olsen, that the Planning Board waive §33-127(17).

VOTE

4-0

Motion approved

Construction Drawings:

Ms. Horner moved, second by Mr. Olsen, that the Planning Board waive §33-127(18), as there is no construction proposed.

VOTE

4-0

Motion approved

Mr. Olsen moved, second by Mr. Lentz, that the Planning Board approve PB19-13, with the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. Copies of approved permits from Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided to the CEO before construction on this project may begin.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Use is changing to Truck Terminal and Storage.

VOTE

4-0

Motion approved

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

NOTE: This is an administrative change so no Public Hearing was necessary.

ITEM 8 – NEW BUSINESS

A. 511 River Road (Map 32/Lot 20) PB19-20: Shoreland Zoning Permit Application for a 4'X8' landing, 4'X16' stairway access, 4'X35' fixed pier, 3'X40' gangway, and 10'X20' float.

Received: October 10, 2019

1st Heard: November 19, 2019

Public Hearing: _____

2nd Hearing: _____

Site Walk: _____
Approval: _____, 2019

Mr. (Steve) Riker, Ambit Engineering, and the applicant were present for this application.

Mr. Riker said that this is a Shoreland Zoning application for a tidal docking structure consisting of a 4'X8' landing, a 4'X16' stairway access, a 4'X35' fixed pier, a 3'X40' gangway, and a 10'X20' float. He explained the project:

Sheet C-1: Existing Conditions Plan

- Shows the lot
- Shows the existing residential structure
- Shows the Piscataqua River and shoreline
- Shows trees that we have survey located
- Shows salt marsh associated with the Piscataqua River

Sheet C-1: MEDEP Permit Plan

- Proposed tidal docking structure/location on shoreline
- Dock placed to avoid impact with salt marsh area
 - Required by MEDEP and ACE
 - Pier in between salt marsh areas
- Float secured with moorings and chains
- Includes reflector locations
 - Added Note 13, which describes the ordinance that requires reflectors

Sheet D-1: Proposed Dock Details and Notes:

- Dock/Plan profile view
- Mean low water datum
- Shows fluctuation of docking structure with tide
- Float equipped with float skids
 - Minimum of 18" above the mud at low tide
- Dock does not reach water depth that would allow for tide access for entire duration of tide

Mr. Lentz asked if we have the DEP Permit back yet.

Mr. Riker said that we do not, yet. I believe we have ACE approval. I did receive some correspondence from the DEP about three weeks ago asking for some additional information. I did provide that to them. I don't have it with me but I know there is a statutory deadline that they have to issue a decision by and it is coming pretty soon.

Mr. Olsen asked if the float is pulled at the end of the season.

Mr. Riker said yes. The float and gangway are seasonal structures and will be removed in the non-boating season.

Ms. Horner said that my plan copy (October 10th) doesn't have the reflectors.

Mr. Galbraith said that we got a plan dated October 24 that shows the reflectors.

Mr. Lentz said that the PB's job tonight is to determine if this plan is complete.

NOTE: Pre-development photos are included. Post-development photos are required after docking structure built.

Ms. Horner moved, second by Mr. Olsen, that the Planning Board find PB19-20 complete.

VOTE

4-0

Motion approved

The Public Hearing is scheduled for December 17, 2019.

ITEM 8 – CORRESPONDENCE

There was no correspondence.

ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

Mr. Olsen said that I won't be here December 3rd and so we will have to defer the Open Space. I can put something together if you want to talk about it.

Mr. Lentz said that there were several things. Open Space, working on definitions, the animal control ordinance that you've been working on, also.

Mr. Olsen asked if we could defer until January.

Ms. Goodwin said that January would be fine with the Conservation Commission because they will be in discussion with Great Works Land Trust and she wants to have that meeting prior to coming here because she thinks that will be valuable information to bring to the Open Space discussion.

The Open Space discussion and Animal Control Ordinance discussion will be January 7.

There was discussion regarding timing issues with submission deadlines, with a need to review and tweak.

Definitions and submission deadlines (after-the-fact, as well) will be December 3rd.

There was discussion regarding Accessory Dwelling Units and bringing the Aging-in-Place committee in for their input. The PB will discuss, in anticipation of meeting with them, on December 3rd.


Ms. Horner said that, at some point, I would like to re-visit our Comprehensive Plan.

The PB agreed. Ms. Goodwin will find the list of responsibilities charged to the PB.

The next regular Planning Board Meeting is scheduled for December 3, 2019 at 7PM.

ITEM 11 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:38 PM.



Dennis Lentz, Chair
Date approved: 12/17/2019

Respectfully submitted,

Ellen Lemire, Recording Secretary