

ITEM 1 - ROLL CALL

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

Also Present:

Absent: None

Voting members: Dennis Lentz, Christine Bennett, Larry Bouchard, Ed Cieleuszko, and Melissa Horner.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 5 – OLD BUSINESS

a) Ordinance Revisions

These are revisions to Chapter 21 – Buildings and Building Regulations, Chapter 33-60, and Chapter 45-4 to clean them up, not to change anything substantive.

The PB reviewed the changes and discussed removing the word ‘he’ and replacing it with “...or sketches ~~he~~ deemed necessary...”.

Mr. Cieleuszko moved, second by Mr. Bouchard, that the Planning Board approve the revisions to zoning, planning and development, as well as land use regulations, as amended.

VOTE

5-0

Motion approved

These will be forwarded to the Interim Town Planner and to the Select Board.

b) By-laws: Select Board Revision from 09/13/2018 Select Board Meeting

Mr. Lentz said that the SB made one change at the bottom of page 1, adding “vi) Resignation from the Planning Board is not final until accepted by the Select Board.”

Mr. Cieleuszko moved, second by Ms. Bennett, that the Planning Board send this, as revised, back to the Select Board for their approval.

VOTE
5-0
Motion approved

ITEM 6 – NEW BUSINESS

a) Budget Discussion

Ms. Bennett said that the Town Manager is putting his budget together for November and she thought we should look at that in advance of that.

Mr. Lentz said that last year we talked about 3rd party expenditures and asked if we should be budgeting any money in here to bring in 3rd parties at times. He added that, from most of what he's seen, any time a 3rd party is brought in, it is usually at the expense of the applicant as opposed to being on our budget.

Mr. Cieleuszko said that that was codified and the only thing he could see would be for an attorney's help for questions we might have.

Mr. Lentz said that attorney help is covered in our budget; that we have \$2,500 in there for legal; that there is money in there for consulting and that was basically for when Mr. Feldman was coming in, and other folks to help us, after we lost our Planning Assistant. He added that he's assuming that, in the new budget, it's going to go up again.

Ms. Bennett said that she highlighted two lines. She said that, with the GIS line, we share some of this with Code Enforcement and Assessing; but, from the conversation we had with the Town Planner, where we were discussing revisions to our Shoreland Ordinance and whether or not, in adopting State standards, it was going to affect any of the Shoreland Zoning Map. She added that the Town Planner did not have the capability to do such special analysis; that we don't actually have, within our Town Hall, a variable Geographic Information System; that we have a lighter version of that so that she couldn't do the additive spacial work. She said that here's the new State setbacks and, then, here's our parcel maps to tell us how many properties might be affected by that, and that's just one example of the limitations of us not having what has become an industry standard tool. She added that she didn't know who we are getting for a Planner but she would assume that anyone coming through the door in 2018 is going to know how to do a Geographic Information System (GIS). She also added that, with that said, we are also gathering more information within our Town; that, as an example, on the Energy Commission there will be a survey of all of the street lights in Town. She said that it doesn't necessarily affect the Planning Department, per se, but it is data that will be generated for the Town that we're paying for but, yet we won't have any way to use it in a GIS. She added that she hesitates to use the word 'TIF' but the TIF will be doing some planning, at some point, and the TIF will probably need to do some geographic information gathering; that she wasn't sure of the cost but knew it was variable. She said that she would like to send our budget back, with a note to the Town Manager, to at least

look into this maybe with the assistance of Mr. Feldman, with some recommendations from Mr. Feldman or SMRPC.

Mr. Lentz said that he would be glad to take that on as a task. He added that, if he remembers correctly, there is additional monies in there for upgrade.

Ms. Bennett said that her only other thought was that, looking at the recording secretary payroll and fringe, our actual has always been far under what has been budgeted and she was wondering if that should be brought more in line.

Mr. Lentz said that we can certainly take a look at it; that he didn't know what they had planned with the new wages and things they're talking about.

Ms. Lemire said that she noticed, and not sure if it was 2017, that it was really low and it doesn't make sense; that she was going to go back and do some research, because she has all her invoices on her computer, just to make sure that number is accurate.

Mr. Lentz said that this is just a copy of what we had at budget time so this may not accurately reflect the actual numbers. He added that he would look into it.

Ms. Bennett said, regarding the note at the bottom about expenses for the Interim Planner, that they are embedded, here, in this year-to-date figure for printing, copy, consulting but, then, it (note) says they were expended through the Planning budget so that GIS expenses have been transferred to the Administrative budget.

Mr. Lentz said that he had to come up with some money to keep in line with the total budgets; that he put the GIS in Administrative for 2018 actual. He said that he would try to update this line item.

Ms. Horner questioned the postage line item regarding last year's zero expenditure versus this year's proposed expenditure of \$150.

Mr. Lentz said not to forget that any of those things we are sending out are part of the fee structure from the applicant.

Ms. Bennett said that it was a good question in whether there has been a change in how the monies are being accounted for.

Mr. Lentz said that he would go back and compare the whole thing to where we were last year, in total; that some of these may not have even been on there in prior years.

Ms. Horner discussed the computer line item (adobe); that that is also a zero-dollar line item and \$600 this year; so, obviously, someone bought some new software. She added that it is great, as people in Town need up-to-date readers and pdf viewers and all that stuff but, usually to her knowledge, there's typically an annual fee for that stuff; that it seems unlikely that we would have put that software only on one computer, although it

could be possible, and she would be interested in knowing if that software had an annual renewal.

Mr. Lentz said that we would take a look at it.

ITEM 7 – REVIEW AND APPROVE MINUTES

Ms. Bennett moved, second by Ms. Horner, to approve the minutes of September 18, 2018, as amended.

VOTE
4-1 (Bouchard abstained)
Motion approved

ITEM 8 – CORRESPONDENCE

There was no correspondence.

ITEM 9 – UPDATES

a) Temporary and Permanent Structures (memo distributed from Town Planner at 9/4/2018 PB meeting)

Mr. Lentz said that Ms. Lemire handed out her thoughts on temporary structures versus permanent structures and suggested we could take a few moments and read through those; that then we could open up to a discussion to see if anyone has any thoughts on how to go about this.

Ms. Horner asked if this was generated from the yurt or the greenhouse.

Mr. Lentz said that he believed it started with the yurt; that that was the first time he heard it.

Ms. Bennett said that, then, the greenhouse came up.

Ms. Horner asked what the goal was here, did somebody want to add a definition.

Mr. Lentz said that that there's a note from Ms. Cole Prescott that came out back on September 25th and she basically explained that there are no real definitions or the definitions aren't used in the ordinance in places where you'd think they would be.

Mr. Cieleuszko said that we do not have a definition in §1.2 for temporary structures.

Ms. Bennett said that it is only in Shoreland for temporary piers, docks, etc.

Ms. Lemire said that what she gave the PB was just to get them thinking about potentials.

Mr. Lentz said that it had a lot of good thoughts with it.

Ms. Lemire said that you find a lot more planning information on cities than you do on small towns so some of this wouldn't work very well, she didn't think; that we do have the example of the greenhouse for the Pope's in that it was temporary but 6 months long.

Ms. Horner said that, on the next page, it says, "...in a commercial context – a temporary space could be used for 2 to 7 years."

Ms. Lemire said yes, and that's more in line with really huge construction projects in cities and industrial parks; that that is where this was pulled from, to some degree, as well.

Mr. Cieleuszko said that he has a feeling that this definition work has more to do with people being able to erect without code enforcement interference and he believes that would be the main outcome of this. He added that what people would want is to not have someone looking over their shoulder to put up a party tent or a myriad of other things.

Mr. Lentz asked if Mr. Cieleuszko was saying that we should not be concerned with temporary structures, other than to have a definition.

Mr. Cieleuszko said that he thinks the definition should be carefully worded to not let too much get away from an action that the CEO should and could take.

Mr. Lentz agreed that we would not want to get the CEO out there just because someone wanted to put up a tent in their back yard.

Mr. Cieleuszko said that, regarding the yurt, there were some people in the audience that were concerned on whether we should have anything to do with the yurt, should there be any oversight of a yurt because it's a temporary structure; that that is one of the things that could happen if you improperly word a definition for temporary structures.

Mr. Lentz said, staying on that thought, asked what makes a yurt temporary.

Mr. Cieleuszko said that, in his mind, he has very little regard for temporary structures; that he thinks there is almost no temporary structure unless it really is temporary in the realm of days and weeks and, maybe, a month; but, the minute you have an application with 2 to 7 years, that's no longer a temporary structure. He added that the yurt could be a 2- to 7-year structure because its life expectancy might be only 2 to 7 years, you take it down when it falls down. He said that he didn't know what a yurt was until he saw the plan and it looks pretty good but somebody's going to build a teepee in their yard, or something, for spare housing, and we just have to be careful.

Mr. Lentz asked how a foundation enters into Mr. Cieleuszko's thoughts.

Mr. Cieleuszko said that he thinks permanence is his biggest concern; that we should have a time limit if we're going to attempt a definition; that it should definitely have a very

tight life expectancy; that it's only going to be up and, then, the land has to go back to its original condition within a certain amount of time to qualify.
Playing the devil's advocate, Mr. Lentz asked what if we took this temporary structure – the yurt as the example – and he put a footer and foundation in and sit the yurt on top – is it still temporary.

Mr. Cieleuszko said that, in his thoughts about life expectancy, as long as you tore that footing out in six months, when the yurt's gone and the foundation is gone, it's got to go back to the same.

Mr. Bouchard asked if a footing and a foundation that's ground level considered a building, does that need...

Ms. Bennett said that she would think so, a permit.

Mr. Bouchard asked if that needed Code Enforcement and permits if you put nothing on it; that he digs a 6-inch hole in his yard and fills it with concrete and battenboard and covers it over, asking what is that.

PB members said that they didn't know.

Mr. Bouchard said that his point is that permanent structure has something to do with, as Mr. Cieleuszko was getting at, timing; and, then, do you get into the whole dimension, size, length, egress; what is temporary.

Mr. Cieleuszko suggested temporary use and life expectancy if you are just burying concrete and you're not doing anything.

Mr. Lentz asked about a structure on top of it.

Mr. Cieleuszko said that, if it had to have a use and he wanted to have a pirouetting thing in his yard, that might be something the neighbors would complain about.

Mr. Lentz asked what happens if you take a manufactured building.

Mr. Cieleuszko said that he would think that that doesn't fall into the realm unless it's coming down in 6 months. He used rebuilding a boat as an example, saying you want to put up a temporary structure, a tent structure – to rebuild your boat; down in 6 months, gone.

Ms. Horner asked if you would need a permit for that.

Mr. Cieleuszko said either no permit or some kind of easily-obtained permit.

Mr. Lentz said that, if he's hearing everybody right, temporary structure is definitely based on time, which is tied to the CEO, too.

Ms. Bennett said that she thinks it also reflects the alteration of the property, too. She added that, as an example, to contain a boat while you work on it is not going to have a poured foundation; that it's going to be poles pounded into the ground and a tarp, or some other covering and that is, typically in her land trust world and also in farming world, there is a difference about greenhouses; that whether they are a temporary Quonset that just has steel poles pounded into the ground and the plastic is only there for a period of time, plastic taken off at some point – that's a temporary structure by USDA NRCS rules; that if you put in a foundation or keep a permanent layer of plastic on that, that is now a permanent greenhouse and falls under structure for them.

Mr. Lentz asked if that was regardless of timing.

Ms. Bennett said yes.

Mr. Lentz asked her what she thought if you pour a foundation.

Ms. Bennett said that she thinks it's a structure.

Mr. Lentz agreed.

Ms. Horner said that she thinks this is exactly why we don't need definitions; that these are the conversations that every board should be having when presented with an application; that the second we assign a carefully-crafted definition, we're going to be limited or an applicant will be limited. She added that when we talked about the yurt, she thought that was a very healthy conversation that we all had together and worked it out, as a Board, together; that that is why she doesn't feel we need definitions, at all, because these are the conversations we should be having when someone comes in and wants to put a tent up for their boat or a party; that the CEO can decide what's...that the ordinances are all about interpretation and that's why you need people working together to share everybody's ideas to come to some conclusion together in a compromise; that she thinks we're overkilling this.

Mr. Bouchard said that he could go many different ways – does it have a foundation or doesn't it, is it permanent, or not, and what is permanent; that if he's got the money and he can throw a building up and money doesn't matter; that you put a time limit on it and say it's got to come down in 6 months, he'll say okay, it will come down in 6 months. He added that it's temporary due to time, not due to construction.

Ms. Horner said that's exactly why she thinks each application should be based on its own merit and we should be having these conversations about what the current board, and future boards, think about what's being presented to them based on common sense.

Mr. Lentz said that he likes where Mr. Bouchard, Mr. Cielezsko, and Ms. Bennett are going; that on the other hand, even though we view something as it is only in place for 6 or 7 months, doesn't that structure still have to pass other phases of safety, fire, odors, light, noise.

Ms. Bennett said that, if we don't have a definition for temporary and just keep with our definition of structures, this means that anyone who wants to put up a greenhouse or an enclosure for their boat has to get a building permit from the CEO because the CEO is not authorized to have that discretion over requiring a building permit, or not for something up for 6 months; that without delineating that in the ordinance or in the definitions we may be encouraging more building permits, and maybe that's okay.

Mr. Bouchard asked if that was a good use of resources to go through all that and get a building permit for a shelter in their back yard for a boat.

Ms. Horner added having the CEO follow up in 6 months on whether it's been taken down.

Mr. Cieleuszko said that he thinks there's some other issues, there, too; that someone puts up a truly temporary structure with our current set of rules that say there's no temporary structures; that he puts it up, no problem, to work on his boat and a neighbor complains; that the neighbor calls the CEO and the CEO says you don't have a permit for that because there are no temporary structures in Eliot. He added that the court would tear that apart because if we're not enforcing something over and over – no enforcement unless a neighbor complains (Selective Enforcement), then it becomes no longer enforceable. He added that we've sort of run into that with chicken coops, dog houses, and things like that are all structures; that any complaint brought up against one where it hasn't been held against anyone else is very troublesome. He said that our planner was concerned about it; that there is a concern.

Mr. Lentz said that he thinks it's going to come before the CEO; that that's where it started. He added that, based on what we've said, so far, and, again, he'll go back to 'structure', which means "anything built for support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences..."; that that is the definition of structure that is in our ordinance. He asked how you tie what we've discussed to that paragraph.

Mr. Cieleuszko said very carefully. He added that we have temporary structures in the Shoreland, with docks and piers, so there is already the word in our ordinance.

Mr. Lentz said that that is all based on time.

The PB agreed – 6 months.

Mr. (Robert) Pomerleau said that it would seem to him that the definition of temporary, as far as anything coming before the PB should include, is some stated, intended purpose for it to be temporary. He gave an anecdotal example – his wife, when she bought the property back in the 1970's, put up 'temporary' greenhouses, as Ms. Bennett described, while a permanent greenhouse was being built on a slab with a wooden frame structure and the hard plastic stuff; that when that was completed, it was her intent to build a home

on that same property away from the greenhouse and she put up a temporary mobile home while the home was being built. He added that, in both instances, she may have come to the Town and explained that this is a temporary greenhouse until she gets a permanent structure up and a temporary residence until the home is built; that it would seem that, if you're going to struggle with temporary versus permanent, the person standing before you ought to be able to clarify that its intended use is to be temporary.

Mr. Lentz said that what you said, again, is kind of tied to where Mr. Cieleuszko was going – it's tied to a portion of time.

Mr. Bouchard agreed that Mr. Pomerleau was right in what he says, asking how you would enforce that. He added that he could come in and say it's temporary and 'Joe' down the street has the same thing he's had up for 10 years; does 'Joe' have to take his down, now, too, when he's agreed to take his down in 6 months; that he doesn't want to because he found out 'Joe' has had his up and never taken it down. He asked how do you start, where do you start, enforcement.

Mr. Pomerleau commented once you make the rule.

Mr. Lentz asked how we walk away from this, or do we.

Mr. Bouchard said that there are examples, and examples in other towns, as he actually dealt with this in Newburyport, Mass years ago; that we could put up a temporary structure and he thinks one of the parts of that was the timing; that it had to come down once every 12 months for a month at a time.

Mr. Lentz read, "Any structure that is not attached to a permanent foundation. A structure which is permitted within a land use district without any foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased." He said that that's the very paragraph that's on the paper that Ms. Lemire handed out to us, asking if that isn't what we're talking about.

Mr. Cieleuszko asked if there was a state reference to this.

Ms. Lemire said no; that she didn't write the reference down but she can go back in her history and get it; that she thinks it may be Massachusetts but she will get the reference.

Mr. Lentz suggested that we take this paragraph, which he thinks at least hits the hotspots that we talked about, and give it to Mr. Feldman and let him do a little investigation and come back with what he thinks. He asked if the PB members would agree to that.

The PB agreed.

PB18-11; Revision to property lines for Map 22/Lot 6 & Map 22/Lot 6-4.

The PB made several edits to this document.

Mr. Cieleszko moved, second by Mr. Bouchard, that the Planning Board accept the Planning Board Notice of Decision, as amended, PB18-11, dated 09/18/2018.

VOTE

5-0

Motion approved

Ms. Lemire will send the amended Decision Letter to the Interim Planner for final review.

ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for October 16, 2018 at 7PM.

Mr. Bouchard and Ms. Bennett will not be at this next meeting.

There will be a site walk at 4 PM on October 16th.

Mr. Lentz said that, between now and our next meeting, there is something interesting, and he doesn't think we will start next meeting but there are a group of folks from down in South Eliot that have been, for a few months now, trying to get Meadow Lane approved as a Town road, which is a private road today. He added that these folks are a little frustrated right now; that they have tried, several times, to go to the SB and they got a lot of stares and not much action; that they are excited about this thing. He said that what he volunteered to do, because he saw their frustration, was to ask the SB to run it through the PB process; that we're not going to approve it but we will come up, by working with the stakeholders, mentioning the Fire Chief, Police Chief, CEO, and getting those people together and have all of them, including the Road Supervisor, look at what this 20-year-old road looks like from their perspective. He suggested that the PB read Chapter 37; that it's unfortunate but there is nothing in there that will tell you how we progress with a road that's 20 years old; that it's strictly talking about a new road. He said that, however, what it does say is that any road that's to be approved after 1978 has to come up to the current standards, He added that we have the current standards and, if we get the right people together to take a look at this, his goal is to at least tell those folks 'this' is what you need to do before it becomes a Town road but, also, to tell the SB the same thing – 'these' are the requirements; that it is specifically up to the SB to approve the road, put it on a warrant, then the Town approves it; that that's the process. He added that, technically, we are only a little part of that process; that the majority of it, with a new road, belongs to the Road Superintendent and a third-party engineer, State of Maine, that's paid for by the applicant and those are the people who have to sign off on it. He said that this is kind of strange in that we wouldn't be having any kind of formal approval but rather come up with a list of things that they need to do before it becomes a Town road.

Ms. Bennett said something like a road sketch plan.

Mr. Lentz agreed, saying that, in reading Chapter 37, PB members can see their way through it by reading that and picking out those things; that he thinks it would help those folks.

Ms. Bennett asked, if we accept this road, do we accept the sewer and stormwater system that goes along with it.

Mr. Lentz said that that is part of this.

Ms. Lemire said that it has to be technically written in.

Mr. Lentz agreed that it has to be written in.

Ms. Bennett said that that would be where the third-party engineer and our Highway Department assessment comes in.

ITEM 11 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:16 PM.



Dennis Lentz, Chair

Date approved: 10/16/2018

Respectfully submitted,

Ellen Lemire, Recording Secretary