

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Christine Bennett, Larry Bouchard, Ed Cieleuszko.

Also Present: Emily Cole-Prescott, Town Planner.

Absent: Melissa Horner (excused) and Casey Snyder - Alternate (excused).

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

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

Mr. (Robert) Pomerleau said that he is here tonight because he understands that Ms. Cole-Prescott is leaving us in a couple of weeks and he wanted to pay her a compliment on the outstanding work she has done since she has been with us. He added that he has always prided himself on organizational skills, research, detail and he bows to her talents and skills that he has seen; that she has turned what, at times, has been a chaotic PB process into a well-organized, detailed plan that anybody could follow; that she's turned confusion to clarity in so many instances and been so impressed with her efforts. He said that wherever she goes he is sure she will achieve great things; that, as a member of the public and former member of the Select Board, he thanked her for her efforts, saying that it was a great loss for the Town of Eliot.

Mr. Lentz thanked Mr. Pomerleau for his comments and said that he was sure that the PB members followed the same sentiments.

Ms. (Michele) Meyer, Odiorne Lane, said that Ms. Cole-Prescott would be sorely missed; that she has been a bright light and just what we needed at just the right time; that she has worked with this very professional PB to make it even more professional. She added that, as a member of the public, she is deeply grateful and she wishes Ms. Cole-Prescott the very best; that wherever she is going, they are very fortunate.

ITEM 5 - OLD BUSINESS

a) By-laws: Follow-up on Revisions from Select Board

The Town Planner said that the only revision she suggested was on page 2 under 3) Officer Members and Their Duties d), adding "*iv) The Board reviews and approves minutes before submitted to the Town Clerk's Office.*"

Mr. Lentz asked if anyone had an objection to that change.

Mr. Cieleuszko said that he had an issue with its positioning in the document, suggesting it should be positioned on page 1 under “1) General Provisions f) The Minutes of Meetings and all writings required to be made by the Board may be kept by a professional secretary who is not a Member of the Board.” before “i) Originals of all Minutes of Meetings shall be filed with the Town Clerk.”, moving the original i) into ii) and adding in the new revision as i).

The PB agreed to the change and for Mr. Lentz to sign the document.

b) Ordinance Revisions: Priority List

Mr. Lentz said that these are things that the Town Planner has been dealing with as we go back and forth with applications; that he thinks we’ve added some things since the last time we looked at it. He added that every time we go into the ordinances we seem to find another little hole. He asked if there was anything on the list that anyone objected to or had any questions on; that he thinks, last time, we knocked four off and added a few more.

Mr. Cieleuszko said that he thinks we’ve discussed most of them, asking if we were looking to prioritize them.

Mr. Lentz said that we can do that, asking if anyone remembered discussing fire protection.

The Town Planner said that she thinks she had that one labeled as ‘fire’ before, explaining that that was working with the Fire Chief, suggesting it might fall under Site Plan Review or a separate ordinance working with the Fire Chief on some of those codes.

Mr. Lentz said that he doesn’t have an issue with it being individualized but, if we’re going to prioritize, he’s still looking at Site Plan Review.

The Town Planner said that she would highly recommend code references, as well, just making sure that all of our codes are updated according to what the State mandates. She added that the PB has already done that for Shoreland Zoning but there are code references in the ordinances that need to be clarified and updated; that it’s actually drafted and that she has sent it to the new CEO and shared with the Fire Chief.

Mr. Cieleuszko asked if that draft encompassed the rest of the ordinances.

The Town Planner said that what she drafted would be the code references in 33, 45, and, she thinks, 20; that it captures all three of those in updating the codes, across all three to be consistent.

Mr. Cieleuszko said that he thinks that, if she’s already started on it and we’re getting input from the department heads, then it would be a good idea to see what we get out of that, and see some presentation of that finished product.

There was no objection to making Code References #1 on the priority list.

Mr. Lentz asked about Site Plan Review.

Mr. Cieleuszko said that that was where we started looking at preliminary sketches, and things like that; the pros and cons.

Mr. Lentz asked if the PB would like that to be #2.

Mr. Cieleuszko said that that sounded good.

The Town Planner, asking to make a recommendation, said that waivers and variances have already come up in the Board of Appeals (BOA) meeting and, even though PB and BOA have separate duties that should remain separate, that could be one thing that could be workshopped together - what could be waived versus what might need a variance.

Mr. Lentz said that that's going to hit §33 and §45, also.

Mr. Cieleuszko said that those are mandated by State, asking if we are having a problem with that.

Ms. Lemire said that the BOA is.

Ms. Bennett said that we have in the past, as well.

Ms. Lemire said that there is no statutory authority for the BOA to waive anything, according to our workshop with the Town attorney.

The Town Planner suggested the PB keep on the list and possibly do a workshop, down the road, with the BOA, or separately; that if it's getting clarified in one section, it should be clarified across.

Mr. Lentz agreed that that was a good idea, asking if everyone was okay with that.

The PB agreed that they were.

Mr. Cieleuszko said that he thinks, with those three, we chose monsters; that we may be able to do a #4 next decade.

Mr. Lentz asked, if we have a joint workshop with the BOA, would that include the CEO, also.

The Town Planner said that it could.

Mr. Cieleuszko said that that one would be a real big one for an attorney; that we might want to see the results of the BOA workshop to see what came out of that and, maybe, that would

answer our questions; that he could see public outrage for changing waivers; that waivers are an awesome thing for this Town; that very few towns have it as we have it and it's stood the test of courts; that we haven't been overruled.

The Town Planner said that these are things that are not really for discussion tonight but that she is just going to put these on the list because she didn't want the PB to lose sight of what these priorities have been or what she has been including on the list in the Planning office, moving forward, as she's seen different things in board meetings and in the ordinances.

Mr. Bouchard asked, with the PB and BOA waivers, if each board came from two totally different directions. He asked why a combined meeting would be beneficial when the waivers are applied in two different ways.

Ms. Lemire said that she thought that it may be that the minutes of our last BOA meeting would clarify some of that because Attorney Saucier talked about statutory law and case law; that the BOA has no statutory authority, that she thinks the PB does but she wasn't sure, as they didn't discuss that, but we (BOA) don't have any authority, except what we have in our ordinance, to waive anything, and neither does the CEO; that it's only applied, regarding the BOA, to non-conforming lots of record.

The Town Planner said that she gets questions in the office on waivers and variances and there is some confusion between what can be waived and what can be varied, where that comes from, so her point of maybe doing a workshop was, maybe, that you don't necessarily revise the ordinance but you have a joint workshop explaining the difference between waivers and variances, where the statutory authority comes from, and maybe that's a presentation that both boards can sit in on together to kind of kick off the process; that instead of doing a nitty-gritty ordinance revision workshop with both boards, maybe do an overview of what's a waiver and what's a variance, where do they come from, and looking at that from a bird's eye-view.

Mr. Cieleuszko said that it would be a good start if we could get those minutes.

Mr. Lentz said that we can do that.

Ms. Bennett asked for clarification regarding backlots.

The Town Planner said that, before she started, there were some questions on doing research on back lots and it was on her list to continue doing some of that research to possibly clarify or update around the way our Backlot Ordinance is written; that that would involve input from the CEO and the future person in her position

c) Review Notice of Decision

1) 495 Harold L. Dow Highway (Map 53/Lot 6): PB18-9

Mr. Lentz asked if there were any issues or changes.

Ms. Bennett said that she had one edit under the Findings of Fact #5; that PB17-09 was approved on November 17, not November 21.

The Town Planner said that she might have taken the Notice of Decision date.

The date will be corrected.

The Town Planner said that she has three notes that Ms. Lemire actually alerted her to; that under Conditions of Approval, #'s 10, 11, and 12 are not specifically from the motion that the PB made; that she pulled them from discussion and the fact that the normal conditions usually include language that says to get local permit approvals. She added that Ms. Lemire was thinking that, because those weren't directly from the motion, to take them out, explaining that #12 comes from the previous approval; that we would put in "The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:" and she thinks that would take care of #11; that #10 would be taken care of with the appropriate State approvals condition boiler-plate language and #12 would be something they would need to operate, anyway. She added that this just makes it clear that those weren't part of the PB motion to condition it.

Mr. Cieleuszko said that it does get answered in the general conditions.

Mr. Lentz said yes.

The Town Planner agreed, saying that she thinks if the PB takes out #'s 10, 11, and 12 and adding what she just read, it would be fine; that it would make it more true to the motion that was made.

Ms. Lemire said that the standard language that the Town Planner read is almost always in the Notice of Decision; that she is going to make a template that makes all of those inclusions.

The PB agreed to delete #'s 10, 11, and 12.

The Town Planner said that #8 and #11 were not added from the conditions that were specifically made in the motion: 'The applicant will update the Site Plan to the required scale.' and 'The applicant will change the title of the Site Plan to Amendment to Site Plan.'; that those are in the minutes and Ms. Lemire sent them to her but she didn't put them in.

Mr. Cieleuszko asked if that was going to be the new #10 and #11.

The Town Planner said yes.

Mr. Cieleszko was in agreement to add the conditions as #10 and #11.

The PB agreed to add the new #10 and #11.

Mr. Cieleszko moved, second by Ms. Bennett, that the Planning Board approve the amended Notice of Decision, PB18-9, Amended Site Plan.

VOTE

4-0

Motion passes

Ms. Bennett commented that that is the most thorough and complicated Notice of Decision letter she's ever read. She added that it was a very complicated case but it was a very thorough document.

The PB agreed.

ITEM 6 – NEW BUSINESS

a) Calendar & Submission Deadlines for 2019 Calendar year

Mr. Cieleszko asked if this was what we've already discussed and approved.

The Town Planner said that the only thing is that she changed January a little bit; that this calendar is based on the PB's policy of two weeks before. She added that she took out January 1st and did one meeting in January for new applications; that with the December 28 deadline, she gave the us a little extra time and backed us up to the Friday before because Monday is the 31st, then you have January 1st and January 8th; so, she just backed it up to December 28, which gives the Planning Office some time, if someone's not in or with the holiday.

Mr. Cieleszko said that we could still modify it if an emergency arose; so, that sounds fine to continue with this.

The Town Planner clarified that July 9th is proposed instead of July 2nd because of the Fourth of July holiday and, with snow closure, everything (deadline/packet) moves by one day.

Mr. Cieleszko moved, second by Ms. Bennett, that the Planning Board accept the 2019 Calendar.

VOTE

4-0

Motion passes

ITEM 7 – REVIEW AND APPROVE MINUTES

Mr. Cieleuszko moved, second by Ms. Bennett, to approve the minutes of August 28, 2018, as amended.

VOTE
3-1 (Bouchard abstained)
Motion passes

ITEM 8 – CORRESPONDENCE

There was no correspondence.

ITEM 9 – UPDATES

a) Electronic Tracking Updates

The Town Planner said that, regarding PB18-4, they had a meeting in the office with her and the CEO and they are re-doing the whole master plan of the property; that we are not awaiting any kind of submission at this time. She added that this is shared on the network drive so our assistant and CEO both have access to it.

Mr. Cieleuszko verified with the Town Planner that, if he clicked on any of these, it would send him information on each of these.

The Town Planner said that the Notice of Decision is going to be linked; that we could link the minutes because they are online.

b) Process Update: Information

Mr. Lentz said that this is a powerpoint that the Town Planner put together.

The Town Planner said that this was an FYI for the PB; that back at the end of June she did a powerpoint presentation for the SB, giving an overview of the different processes that we had worked on between the Planning office and the Planning Board.

Mr. Lentz said that this was a good tool for the Town Planner's replacement.

The Town Planner said that she has all the process documents in a binder.

c) Subdivision Checklist: Revision

The Town Planner said that she put this on the agenda but it would probably be best, if the PB didn't mind, to table this for a future meeting to discuss with the new person. She added that the PB does have a checklist, right now, but she was just going to put it more inline with the Site Plan Review Checklist.

The PB agreed.

d) Response to Planning Board for Research Request: Temporary/Permanent Structures

Mr. Cieleuszko said that what he gets out of this is that the bottom line is that there are no temporary structures, asking if he's missing something.

The Town Planner said that she reads the ordinances as a structure is a structure; that the definition of 'structure' includes temporary and permanent, and that's clearly indicated; that according to her reading, any structure would require §33 review, whether that be an amendment or a full site plan review.

Mr. Cieleuszko agreed; that he thinks we use that concept on the Board of Appeals.

The Town Planner suggested this might be something they might want to workshop in the future, getting comments from the CEO and other staff members, possibly the Fire Chief.

Mr. Lentz asked where the PB would like to go with this in the future; is this something that they would like to have a workshop on.

Ms. Bennett said that she thought they should have a workshop with the CEO; that temporary shelters are put up pretty frequently and she didn't know that they needed a permit for that.

The Town Planner said that there could be exemption in building code or in State law; to keep in mind that the PB can be more restrictive with their ordinances.

Ms. Bennett said that she knows, in other communities and, in particular, when it comes to greenhouses, those are typically treated as temporary, or agricultural, structures that are exempt, usually, from Site Plan Review.

Mr. Cieleuszko said that he wasn't too keen to do a workshop on this but, if the PB wants to delve into it a bit, he would be willing to put it on next month's agenda.

Mr. Lentz said that, before we do that, what does the PB want the objective to be.

Mr. Cieleuszko said whether we need a definition for 'temporary structure' and qualifications/criteria.

Mr. Lentz was in agreement.

Ms. Bennett agreed, adding that maybe it's just asking for input from the CEO, asking if they are reading ordinances the same way and how this might change the workload for the CEO.

Mr. Lentz said that he understands this gentleman has a lot of experience and may be able to share something from another town.

The Town Planner said that there are exemptions; that the other thing to look at would be the tracking of those, the number of months, and things like that, that the PB might want to ask the CEO for input around; that other staff members, the Fire Chief, will maybe give input, too, to see if the PB wants to work on workshopping the definitions further. She clarified that, regarding exemptions, building code does have them on certain uses and structures but we would need to look specifically at what the use is relative to the structure; additionally, there's usually a time limit and is typically 6 months.

Mr. Bouchard said that he guessed that was going to go down the road of 'show the logics'; that that is what we're looking at if allowing a temporary structure.

Mr. Cieleuszko said that, anecdotally, he has understood that temporary structures usually have, for example, cement blocks under it and a permanent structure has some kind of foundation; that that needs to be the cut-off point. He added his concern regarding the amount of time the CEO has to go around checking on that type of thing.

Mr. Bouchard agreed, asking if we're going to start going around to inspect everybody's little shelters and putting time stamps on them.

The Town Planner said to keep in mind that she's talking about something that would require PB level review; that she isn't talking about a residential structure that didn't require any PB review; that she's talking about larger structures that might require a change to the Site Plan under PB Site Plan Review.

Mr. Lentz said that we will put that on the agenda and try to set up something.

ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING


The Town Planner said that PB18-11 – Property Line Revision will be on the agenda for September 18th.

The next regular Planning Board Meeting is scheduled for September 18, 2018 at 7PM.

Mr. Lentz said that we all know what a wonderful job the Town Planner has done and how much she's helped us, not only the PB, but she's tied together a lot of pieces, along with the timing and process improvements; that she has done it all with integrity and a tremendous work ethic and we sincerely appreciate that. He said that she won't be our colleague much longer but he hopes she'll always be our friend; that if you ever get lost, you can set your way point back here and follow the course right back here; that we'll be glad to help you.

ITEM 12 – ADJOURN

There was a motion and a second to adjourn the meeting at 7:56 PM.


Dennis Lentz, Chair
Date approved: 09/24/2018

Respectfully submitted,

Ellen Lemire, Recording Secretary