



August 16, 2016

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan, Larry Bouchard, Greg Whalen, Dennis Lentz, Melissa Horner – Alternate, and Christine Bennett – Alternate.

Also present: Kate Pelletier, Planning Assistant.

Voting members: Steve Beckert, Jeff Duncan, Larry Bouchard, Dennis Lentz, and Greg Whalen.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Lentz moved, second by Mr. Bouchard, to approve the minutes of August 2, 2016, as amended.

VOTE

4-0

Chair votes in the affirmative

ITEM 5 – REVIEW “NOTICE OF DECISION” LETTERS, AS NEEDED

- Sturgeon Creek Enterprises amended site plan (PB16-4)
- Amberger site plan approval (PB16-2)

These will be reviewed at a later meeting.

ITEM 6 – PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED

A. Application for a Shoreland Zoning Permit to increase the size of a non-conforming accessory building located at 134 Tidy Road. Applicant is Andrew Pierson (mailing address: 134 Tidy Road, Eliot, Maine 03903). Property owner is the David & Edith Pierson Trust (mailing address: 134 Tidy Road, Eliot, Maine 03903). Property can be identified as Map 61/Lot 13 and is located in the Rural and Limited Residential Shoreland Zoning Districts. (PB16-16)

The applicant was present for this application.

Mr. Beckert said that this application has been before us previously, asking if the application has changed at all.

Ms. Pelletier said that it has not changed at all. She added that Shoreland Zoning permits expire after one year, instead of two years, as in most other cases.

Mr. Pierson said that

The site walk was waived in the original application.

The permit expired on October 21, 2015.

Mr. Beckert said that the PB could handle this as an administrative issue because the only change is that the permit has expired; that there have been no dimensional changes and this application made the site less non-conforming.

Ms. Pelletier explained that the old permit is not valid; that it is as if it never happened, so, the PB has to go through the process, again, unfortunately.

Mr. Beckert said that it would take, at a minimum, two meetings.

Ms. Pelletier agreed, adding that a public hearing was required.

Ms. Bennett asked if there had been any changes in the ordinances since the expiration date of the permit that are pertinent.

Ms. Pelletier said no, that no ordinances have changed since 2014 that would affect this.

Mr. Whalen moved, second by Mr. Lentz, that the Planning Board schedule a public hearing.

VOTE

4-0

Chair votes in the affirmative

A public hearing was scheduled for September 6, 2016.

It was the **consensus of the Planning Board** to not have a site walk.

B. Effects of the new Town of Eliot Charter (effective July 1, 2016) on Planning Board policies and procedures.

Ms. Pelletier said that there was nothing really earth-shattering, just a few comments and suggestions by her; that a lot of this is just her suggestions of the revision of this document (charter), whenever that might happen. She added that her thought would be to extract those suggestions into a memo to the Town Manager to note our concerns and needs for clarification. She discussed her concern regarding authority, giving the example of, if she interpreted a provision one way and the PB interpreted it another way, who wins (who is the authority); that she thought it was intended that the Town Manager would be that person but it doesn't specifically say that. She suggested that the PB update the by-laws, which has not been done for over 25 years; that it is type-written and not in electronic format, yet. She added that, in order to keep that updated, she would suggest bringing back the secretary position on the PB to put them in electronic format

and be responsible for keeping them updated. She explained that the by-laws needed to be updated to conform with the Charter; that a lot of the Charter is not in the by-laws or is in opposition to it. She also said that we need to keep an attendance log, now, and has attached a suggested format for that; that that same person could also keep a written record of the attendance.

Ms. Bennett said that she would be willing to help with the drafting of the by-laws, as she just did that for the Energy Commission.

Mr. Lentz asked if Ms. Pelletier had run any of this by the Town Manager.

Ms. Pelletier said that she had; that she had run the authority issue by him.

Mr. Lentz said that the Town Manager had been working on some that sound familiar.

Ms. Pelletier said that her intent was to discuss it with the PB, first, then extract what is meant for him into a separate memo.

The PB agreed she should send him a copy of the whole memo.

Ms. Bennett asked if, on the first page, that first provision is related to the PB or SB.

Ms. Pelletier said that it is under the SB but it does say "all ordinances" in one area – *"The authority for the enactment of all ordinances to be enacted by the municipality shall be held in the legislative body, Town Meeting forum, except for emergency ordinances."* She explained that, legally speaking, the headers and names of sections have no legal reliance in determining the intention of the section. She added that they're just words but, as MMA points out, there are a lot of ordinances that don't necessarily fall under that statement, in her opinion. She said that she thought that those things should be exempted from a future version of this document.

Ms. Horner said that she didn't mind typing the by-laws and emailing them to Ms. Bennett to proof for the Charter; that we could then email it to Ms. Pelletier who could then look at it to send back to the whole PB.

The PB agreed.

C. Review language of proposed warrant article containing the Planning Board's recommended allocation of growth permits for 2017. (NOTE: The public hearing for this article is scheduled for Tuesday, September 6th at 7:00 PM.)

Mr. Duncan said that we are taking this with the idea that it will be on the November ballot and, therefore, we won't know what the 105% number would generate until after December and, so, the number has to be estimated at this point.

Ms. Pelletier said yes. She suggested that she could say “estimated as of DATE” or “number subject to change if more new dwelling units” in the meantime; that she’s never sure what is too much to put in the actual question and what is supporting. She said that the ordinance requires the PB to turn their recommendations and findings into a warrant article and that is what the PB is technically having the public hearing on. She added that the PB had scheduled that for tonight, previously, but she did not remember at the time that the Growth Ordinance has a different public notice requirement; that it requires at least 13 days public notice so we wouldn’t have made that scheduling it at the last meeting so we bumped it to the next one (September 6). She clarified that the wording of this article is not set in stone, at this point; that the PB can still change it, even after the public hearing is over, as long as it doesn’t change the complete intention of it.

Ms. Bennett said that she was just trying to reconcile this draft, which seems to be consistent with all of our conversations, and the memo we received from Mr. Pomerleau. She added that, with his calculations, there is an estimate of 63 units in 2016.

Ms. Pelletier said that the PB could include that; that he’s assuming that there are 150 elderly housing units being built in one year on that; that she isn’t sure that that is realistic; that she is sure it isn’t because it is a very worst-case scenario, although, certainly possible, but not probable, at all. She added that it is a supporting document and she can include it with the rest of the supporting materials that we have as a packet; that she thought it was good data to have.

Ms. Bennett asked Mr. Pomerleau, regarding the first chart, if where it says, “*No Changes, No Senior*”, it was estimating 63 permits.

Mr. Pomerleau said that the graph is correct, adding that he didn’t make up those estimates, he got them from Ms. Pelletier; that he had no idea what the number of senior units was going to be.

Ms. Pelletier said that that is the outside, maximum of what is possible.

Mr. Bouchard asked how many units were being built with the Sea Dog Realty project.

Ms. Pelletier said 38 units.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There was no discussion.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

There was no correspondence.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for September 6, 2016 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 7:29 PM.



Steve Beckert, Chairman
Date approved: 9/6/16

Respectfully submitted,

Ellen Lemire, Recording Secretary

