



September 6, 2016
7:00 PM

ITEM 1 - ROLL CALL

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

Also present: Kate Pelletier, Planning Assistant.

Absent: Melissa Horner – Alternate (excused)

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. Duncan moved, second by Mr. Whalen, to approve the minutes of August 16, 2016, as written.

VOTE

5-0

Chair votes in the affirmative

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

Sturgeon Creek Enterprises amended site plan (PB16-4)

This stands as written.

Gilbert revised subdivision plan (PB16-13)

This stands as amended.

At this time, while not on the agenda, Mr. Beckert asked if there was anyone who wished to speak on any zoning issue that is not currently before the PB or part of an active application or active appeal.

There was no one.

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

A. PUBLIC HEARING – and continued review of an 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 the applicant came before the PB last October for the same exact application but, due to circumstances, was not able to start the project and he is back before us, again. He added that this is less restrictive than the original structure was because it has moved away from the water.

Mr. Beckert explained the rules for the Public Hearing.

7:06 PM Public Hearing opened.

There was no one who wished to speak to this application.

7:07 PM Public Hearing closed.

There was housekeeping discussion and resolution amongst the PB.

Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approve PB16-16, as presented, with the following terms and conditions (referencing conditions of PB14-21):

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.
2. Copies of approved permits from Maine DEP and US Army Corp of Engineers shall be provided to the CEO before construction on this project may begin.
3. 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 approval 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.
4. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

VOTE

5-0

Chair votes in the affirmative

Mr. Beckert 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. PUBLIC HEARING – Proposed warrant article, “Shall the Town allocate a maximum of 30 growth permits for new residential dwelling units for calendar year 2017, as recommended by the Eliot Planning Board, in accordance with §29-5 of the Growth Management chapter of the Municipal Code of Ordinances of Eliot, Maine?”

NOTE: In the event this article does not pass, the number of growth permits allocated in 2017 will be 105% of the mean number of permits issued for new residential dwelling units during the previous ten years, as required by M.R.S.A. 30-A §4360. That number is estimated to be 23.

Mr. Beckert said that there were hand-outs available for the growth permit process and what the PB has discussed.

7:11 PM Public Hearing opened.

Mr. (Charles) Rankie, Brixham Road, said that he would like a definition of ‘affordable housing’.

Ms. Pelletier read, “Affordable housing means decent, safe and sanitary dwelling units that can be afforded by households with annual incomes no greater than 80 percent of the median household income in non-metropolitan York County, as established by the U.S. Department of Housing and Urban Development (median household income shall be published in the Annual Report of the Municipal Officers of the Town of Eliot, Maine). A renter-occupied unit is affordable to such households if the unit's monthly housing costs, including rent and basic utility costs (the costs of heating and of supplying electricity to the unit plus the cost, if any, of supplying public water and public wastewater disposal service to the unit), do not exceed 30 percent of gross monthly income. An owner-occupied unit is affordable to such households if its price results in monthly housing costs that do not exceed 28 percent of gross monthly income for principal, interest, insurance and real estate taxes. Estimates of mortgage payments are to be based on down payments and rates of interest generally available in the area to low and moderate income households.”

Mr. Rankie asked if HUD money was being used for any of these elderly housing projects that are assumed to be counted in the number of growth permits and, if so, would that not be considered ‘affordable housing’.

Ms. Pelletier explained that elderly housing is exempt from the Growth Ordinance; that none of those units require a growth permit.

Mr. Rankie asked if they weren’t used for the count for new growth permits going forward.

Ms. Pelletier said that they are.

Mr. Rankie said that, if there's HUD funding, would that not be considered affordable housing; therefore, those numbers could not be counted.

Ms. Pelletier said that the way they refer to it in the ordinance is just in terms of growth permits. She clarified that elderly housing does not need growth permits, so, for the purposes of that definition, or the Growth Ordinance, they are counted towards the 10-year number.

Mr. Rankie said that it was his understanding that, going forward, the new ceiling for growth permits, if additional growth permits are not proposed by the PB, is a function of the number of units being constructed today.

Ms. Pelletier reiterated over the past 10 years and that it would include elderly housing units.

Mr. Rankie said that, if HUD money is used, HUD money would call that affordable housing; that he questioned whether those numbers can be used.

Ms. Pelletier agreed with him if we were talking about something outside the Growth Ordinance; that for the purpose of the Growth Ordinance, those units aren't considered 'affordable', they are considered 'elderly'. She clarified that they are talking about affordable housing growth permits in 'this' chapter; that we are only talking about them as they relate to growth permits.

Mr. Rankie asked if we could find out if there is HUD money involved.

Ms. Pelletier said that there is; that, however, for the purposes of this chapter, they are not considered affordable housing growth permits; that elderly housing is exempt and read, "In accordance with 30-A M.R.S.A. § 4360, the number of building *permits* allocated each calendar year for new residential dwelling units must be 105 percent or more of the mean number of *permits* issued for new residential dwellings, not including *permits* for affordable housing,"; that if they were growth permits for affordable housing, they are exempt, but these were not growth permits for affordable housing; that they did not require growth permits because they are elderly housing.

Mr. Rankie disputed what she said.

Mr. Beckert said that the affordable housing definition in our ordinance is per the State.

Ms. Pelletier added that so is what you include in the calculation; that that comes from the State statute, also.

Ms. (Connie) Weeks, Odiorne Lane, asked if anyone has spoken to our representative or senator to share with them the fact that we end up, as a Town, being negatively affected

because of what has just been discussed; that we've got things going 'this' way that they don't meet and we, as a Town, are going to be terribly, negatively affected in the future if we don't get this changed. She discussed her deep concern for the potential growth in this small Town and not being able to support that.

Ms. (Rosanne) Adams, Goodwin Road, said that Mr. Pomerleau's figures speak about a natural progression, because of elderly housing being built into the numbers, to a number of 68; that she was wondering why the PB would still recommend an increase because it would naturally go up without that increase. She added that, in the department surveys, the Planning Department said it would take 75 new dwellings before needing to look at the ordinance change and timeline of applications coming in; yet, currently there is a problem keeping up with the work; that the Highway Department says it is fine the way it is now but, going forward, they would need more back-up and money; that, then, the Assessor says that, when you get to fifty, she is looking at needing more help. She said that in ten years we are going to be past fifty and reiterated her question to bring it up artificially, at this point.

Ms. (Michele) Meyer, Odiome Lane, discussing the surveys, said that Mr. Lee indicated his response to any significant impact from the last 10 years that "Yes, Planning Department is overloaded. Need additional staff." She added that his response to the question regarding impacts if increased to 25 new dwelling units he circled 'Yes' and wrote, "We do miracles."; that her interpretation was that he thought it would be a stretch at 25; that he says, at 50, "It's challenging." and, as we get up to 75, he writes, "Not enough Planning Asst. and CEO to do that much in one year." She said that, with Planning (PA), she indicates that in the last 10 years it was difficult when she was wearing two hats (CEO and PA), understandably. She added that the PA could shoulder 25, 50, and 75 new dwelling units but, at 100, there would need to be an ordinance change and additional staff; that that is echoed in comments the PA has made 'here' about the need for public to go to the Town Manager about the lack of overtime needed to do her (PA) job, now, with 18 permits. She said that, at the last two SB meetings, the Town Manager has specifically indicated that the PA is overwhelmed and is a very difficult job, which she agreed it must be, and that is with 18 permits and, she believes, 4 current subdivisions being built. She added her concern that there wasn't a lot of in-depth discussion of what these (surveys) actually say; that, with Mr. Moulton's survey, he is clearly answering 'no' to whether, or not, he could reasonably shoulder 25, 50, and 75 new dwelling units and that's concerning; that she is trying to understand which way it actually is in this specific case, as pertaining to the PA, asking if it's, at 18 permits in the current climate the PA is overwhelmed, or, it's smooth sailing until we get to 100.

Ms. Pelletier said that, even if you took away all of the PB duties that are related to new homes, she would still be overwhelmed; that she has been for years. She added that going through the planning process for that many housing units, whether it's 10 units or 100 units, it doesn't really make that much of a difference to her job; but she could see that for the CEO who has to issue a building permit for each dwelling unit. She added that, with her job, an application was an application; that some were more difficult than others, but, that was all she was trying to say in her questionnaire; that, if they all came

in at one time is how she was thinking of it, would she be overwhelmed with 50 or 100 and, chances are, the answer would be, yes, she would. She said that it was hard to say because she had so many other duties she does that don't have anything to do with this; that depending on the time of year, there are a lot of variables, so the questionnaire is very general. She added that, for her, it was hard to think of questions that could get a better answer from people; that she is always open to suggestions.

Ms. Meyer said that the question she was taking issue with – the question is a good one – and she thought that this survey should be a meaningful tool in reaching some sort of consensus, which, clearly, you already have – it didn't seem like it was given the review and comment that, perhaps, it should have been given. She added that she wasn't sure when and how this was presented to the PB, in relation to the meeting that evening, or whether it has been given further consideration but, in light of some of the projections, she thinks it is certainly a meaningful tool when we are asking our paid staff how growth is going to impact them and, hence, us; that she thinks it needs to be given a little more credence and the answers need to be factual, meaningful, and honest.

Ms. (Kimberly) Richards, Pine Avenue, said that her hope was that the surveys aren't looked at as the majority say they don't have a problem with it; that her concern is that, with those that have a specific concern, each of those concerns needs to be addressed if they feel that, if they are under-staffed or would need more staff, at a certain number of permits, those need to be addressed before moving forward just because the rest of the survey seemed to indicate that it was okay.

Mr. (Jay) Meyer, Odiorne Lane, said, regarding the survey, he thought it would have been a good idea to also include the fact that there is elderly housing that has been approved, and being constructed right now, that you are obviously well-aware of when you do ask these folks this question about the survey, that just didn't seem you included that, and that would make a difference on how the Townspeople are able to do their job. He added that we have 38 elderly housing units going in behind Eliot Commons and, off of Bolt Hill Road, there is a potential of 84 units that are being put in. He added that that's quite a few folks and he doesn't know that, as these department heads answer those questions that they were mindful of that; that he thinks that that was important, that they would have known that, as they were answering these questions; that it's not just the 30 growth permits, or 23 more housing units.

Ms. Pelletier said that, speaking for herself, she did know that she, the CEO, Mr. Moulton, Mr. Lee, and the Assessor were all aware of those units. She added that she thought Mr. Meyer's suggestion was good to put into the next questionnaire regarding how many elderly housing units were being built.

Mr. Rankie said that Baran Place was a 41-unit elderly housing community in Eliot and thought, if one were to ask the Fire Chief who his best customer in the Town is you would find that there are an awful lot of calls to the ambulance and police from Baran Place. He added that he thought that Mr. Meyer brought up a very good point.

Ms. (Connie) Weeks said that it seemed to her that, somehow, when she hears reports of how these surveys came in, it sounds as if they were answered kind of cavalierly, and not really taken in a serious manner; that she is not being critical but suggesting that the survey...she wondered if they should consider doing another survey and discuss the implications of what is currently happening in the answering of these surveys.

Ms. (Jennifer) Fox, Drake Lane, said that she does have people in Town asking her why we are increasing the growth permits in Town. She asked what is driving the increase in the number of growth permits.

Mr. Beckert said that, basically, it was the waiting list and the people who are complaining that they are not able to get a growth permit so that they can start their dwelling units.

Ms. Fox said that it was her understanding that the changes in the growth permits need to be justified by the Comprehensive Plan; that the Comprehensive Plan is a well-developed document and Eliot has a focus on pride and interest in maintaining its rural character. She added that, from a taxpayer's perspective, we are listening tonight how much we may potentially need to increase the budget and increase staff to keep up with an increase in growth permits and that we're going to have a natural increase in growth permits, as it is; that we have a request from people that would like to develop, stand to gain economically from development, but how is that being balanced by the concerns of taxpayers that would need to pay for an increased budget, increased staff, increased fire, police, and also balancing it with our Comprehensive Plan that it seeking out a planned, slower growth (not anti-growth) that maintains our rural character that was so greatly demonstrated in the Comprehensive Plan as being of value in Eliot. She said that she felt that the PB may be pushing forward with something that needs to be looked at more extensively and that this increase in permits isn't necessarily justified at this time.

Mr. (John) Reed, Governor Hill Road, asked, regarding the waiting list, if the PB has addressed the issue that became pretty apparent whereby there were certain individuals that basically camped outside the office and took most, or all, of the available permits for that sort of thing. He suggested that a useful thing to do would be to fix that process so that, for the folks that need or would like to have a permit, there should be some equitable way to share the restrictive resources; that there are a limited number of permits, whichever way this thing goes – 30 or 23 or whatever. He said that he thought it was time for you folks to come up with a rule set that allows the resource to be shared by all the people that want to avail themselves of building permits in some sort of equitable fashion. He asked if that has been looked at.

Ms. Pelletier said that we don't do that anymore; that we have a waiting list, now, adding that the waiting list is first-come first-served.

Mr. Reed suggested that that didn't work, apparently, asking if there had been any thought given to something other than just first-come first-served.

Ms. Fox asked how many permits that first person got.

Ms. Pelletier explained that we only limit those who have subdivisions; that we can give them all out to the non-subdivision people, if they are here first, or we can give out up to 50% to subdivisions; that if you are here, first, and you have a non-subdivision situation, you are unlimited; however, no one person, regardless of category, can get more than 8 permits in a year.

There was some concern from the public in how to improve this situation to make it more equitable.

Mr. Beckert said that the Board is open to suggestions. He added that we used to be at 48 and had no issues except for seven years out of 30+ years; that they looked at the averages over those past 30+ years and it came out to 29.something%, so they rounded it to 30. He said that this is the second year we've done the survey and last year's survey answers are pretty much what they are this year. He added that the PB considered that there would be a point at which the Town services need to increase and staff needs to increase; that that's because the cost of doing business is increased, even at a lesser number of permits. He said that the elderly housing issue is one that's being driven because they can't get the growth permits for regular dwelling units; that people are coming in because elderly units are exempt and contractors are building elderly housing units.

Mr. Reed asked what the PB was going to do to fix the process so that it's more equitable for everybody.

Mr. Beckert, as an example, said that Mr. Reed wanted to come in and get a growth permit, asking what was equitable for Mr. Reed; that the Board is looking for suggestions.

Mr. Reed said that he thought that a person getting one permit then going to the back of the line might be a workable solution.

Mr. Rankie said that it was the same with moorings; that you get one then go to the end of the line if you want a second one.

Mr. (Robert) Fisher, Frost Hill Road, said that we had a person the other day in a meeting and she told the committee that we ought to go back and do what we used to do; that he thought it was a good question and thought it should be operated soonly that we give people who have been residents in Eliot extra points to proceed. Using Mr. Reed as an example, Mr. Fisher said that he has been here, probably, for 10 or 20 years; that with 20 years of service, and let's say he doesn't own his own house, he wants to build a house or find a place to live and have somebody build one for him, Mr. Fisher thinks Mr. Reed ought to have points saying he gets ahead of everybody else because he's been here for 20 years, renting, and now he wants to buy a place; that he should have some points, some points to drive him to that position, and that would be for anybody. He

added that she says we get 6 or 8 people out of a subdivision that want to put a new subdivision, they get 6 permits that have never been living in Town; that they're in here to make a buck. He said that the longer we make them wait the more money they are going to make because they're going to have to build that same piece of property that they will sell for, as an example, \$1,000, five years from now that would be a \$15,000 item. He said that, years ago, they used to tell us that we were going to put them out of business; that those people, now, are benefitting by what we put in 20-30 years ago.

Mr. Bouchard said that what Mr. Fisher doesn't see, though, is that that will knock down the value of people's property because you won't be able to sell your property because anyone coming in new will have no points and the property won't be worth anything to them because they can't get a permit, so, they won't buy it. He added that Mr. Whoever that has owned property for 50 years has a new resident coming in and buying the property and they want to build on it, they can't.

Mr. Fisher disagreed with Mr. Bouchard.

Mr. Beckert discussed point systems. He said that, if you had a member of the judiciary here listening to Mr. Fisher, he would tell Mr. Fisher he was discriminating and the judge would throw you right out.

Mr. Fisher said that that wasn't true.

Mr. (Robert) Pomerleau said that there were a couple of good points made about the availability of permits if you are the first person in line. He added that, when the PB had first looked at this, he thinks he submitted a sample ordinance from Lebanon where they limited permits to no more than one per week, or something like that; that that way you didn't crunch everybody in the back of the line and, if the line didn't exhaust the number of available permits after a week, then that person could come back and get a second one; that something like that is certainly plausible. He added that what drives that problem, a supply-and-demand-thing, is the limited number of permits; that if the permits were higher, and as you saw in the growth charts, if they grew, that problem probably severely diminishes, or ceases to exist, because there are enough permits available for everybody that wants them. He said that it becomes much less of a problem the higher the number of available permits get; that it is something that would probably be of value as long as they were low; that, at one point, this Board had seen projections that they were going to diminish down to 16. He added that the flaw in that projection was that they hadn't included the senior housing units in the calculations. He said that he thought it was a valid point that, if the number of permits to remain low, then some limit like Lebanon did – no more than 1 or 2 per week – would certainly ease that situation with somebody in the front of the line being able to take everything that's available.

Ms. Richards said that she appreciated the information on what has worked in the past. She added that she thought that the reason why higher numbers of permits worked then is because we weren't as built up as we are now; that the concern, she believes, of some folks in Town of a higher number of permits being allowed is that we are at the

threshold, now, where increased growth will alter our rural characteristics, rural quality. She said that she supports the idea of one getting their one permit and going to the back of the line.

Ms. Adams suggested that the PB might want to look at, because she thinks it's in their purview, is the Comprehensive Plan, again, and what it talks about because it does speak to controlled growth in specific areas, with the goal toward preserving our rural character; that she doesn't think that that particular part of the plan has had any implementation. She added that it talks about a differential growth cap where it puts the growth where you want the growth to happen, reiterating that if you took a look at that, then that might really help in determining what the numbers should be and how you want it to go up or down. She said that, with it going up to 68 in ten years naturally, she hasn't heard a good reason why you want to bump it up; that she can't agree with that at the present time.

Mr. Meyer said that he thinks what he heard is just that some people complained about it, and that's the reason why.

Mr. Beckert said that the ordinance tells us to look at it every year, a minimum of three years, but we look at it every year.

Mr. Meyer said that we looked at it last year, put 30 on the vote, and overwhelmingly it was voted down; that we're putting the same number out, again; that he doesn't understand what the difference is between this year and last year in that you mentioned earlier that it was the same survey, the same set of facts; but, we're going to go back at it, again, to put it to the voters at 30, which has been voted down; that the year before that it went to the voters to say that there shouldn't be any change to the Growth Ordinance.

Mr. Beckert said that the number 30 is based on actual facts and figures of the growth of the Town over the last 34+ years.

Mr. Meyer asked why you couldn't come up with a number that's more palatable for folks; that people that voted down 30 are not going to say let's do it again.

Mr. Lentz said that, if we do nothing, it will be 23, asking if that was more palatable.

Mr. Meyer said that he thinks it was to the people who voted it down last year; that it was 54% of the folks that voted no.

Mr. Lentz said that he thinks when you're looking at 60 versus 23; we ought to be worried about the 60, not the 23.

Mr. Meyer said that that 30 escalates that 60 much quicker.

Mr. Beckert said that it didn't; that he and Mr. Pomerleau have talked about this in his research he presented to the PB, which shows that bumping it up to 30 is negligible in that it does not do anything to increase the number but by about one over the next ten years.

Mr. Pomerleau explained that, if you look at the charts he gave the PB, the total numbers, and he used the 50 per year senior units as the safest assumption rather than 150 all in one year; that the difference between 50 per year without the 30 and 50 per year senior units with the 30 increases the 10-year average by 11 total houses; that it averages about one per year. He said that the biggest impact that that 30 has, the biggest benefit, and he isn't taking a position, the benefit to the 30 is the elimination of the backlog; that it would resolve the backlog and it doesn't seriously impact the number of units, per year, over the next ten years; that senior housing does that.

Ms. Meyer said that that is this year, asking what will you do next year; will we be sitting here next year when the number is...Mr. Bouchard proposed 35...and what will happen next year. She said that we are looking at planning – what is the Town going to look like in ten years. She added that Mr. Pomerleau has come up with some figures and they are alarming; that it's not just units, it's people, it's their cars, their use of the services; that we're paying taxes, here; that presumably you all are paying taxes and you should be concerned about the same thing. She said that, if you bump it to 30 this year and somehow the voters vote it in, what happens next year; that she thinks there is some valid concern that this Board is going to come back, we are going to be sitting here, same song second verse, again next year, and we're going to be talking about 35 and it's going to bump it up because you guys clearly want 50. She added that we are looking to you, the PB, to be concerned about the future.

Mr. Beckert said that that is exactly what this Board is doing by holding this forum and we will hold another one on September 20th; that we will look at this and, if nothing needs to be done, we won't recommend that it needs to be done. He added that, if 30 makes the backlog go away and everything becomes copacetic because 29 something was the average over 30+ years, and it goes back so we're not hearing this, then that may solve the issue.

Ms. Weeks said that she was wondering who are the backup that you keep referring to, asking if they are developers or single-family people.

Ms. Pelletier said that most of them are single families or they are small builders who live in this Town; that these people live here, too, and own property that they would like to develop. She added that most of these people are not associated with a development company or partnership or anything like that; that they are just regular folks.

Mr. Bouchard, referring to the Growth History Chart, asked, in the gray, if those were elderly housing units and permits issued.

Ms. Pelletier said yes.

Mr. Bouchard said there were 8 (elderly housing units) issued in 2014, with 26 single-family; in 2015, 11 (elderly) and 21 single-family; that, in 2016, there were 46, asking if that 46 were uncontrolled by Town permits.

Ms. Pelletier said exactly, not subject to growth permits because it's elderly housing.

Mr. Bouchard asked if that could be 80 or 90 if others are restricted to use their property as they wish, un-controlled by the Town.

Ms. Pelletier said right; that she thought that, if you keep restricting it in such a way, and you already see it happening, you are driving development towards elderly housing.

Mr. Bouchard said that elderly housing uses services – police, ambulance, fire.

Ms. Pelletier said yes.

Ms. Meyer asked where the evidence was that this is driving elderly housing.

Ms. Pelletier said that there is no evidence; that, to her, there is a direct correlation; that that's what she sees because people can't make money any other way in this Town but to do elderly housing.

Ms. Meyer said that Bolt Hill was approved for 84 to 90 in 2006, asking if it was Ms. Pelletier's contention that that was driven by the growth permit lack of.

Ms. Pelletier said no; that she never said that and, in fact, none of those homes are included in these numbers because they've only got two permits, so far.

Ms. Meyer said that we have Eliot Commons, where there is 38, asking if Sea Dog Reality driven by the lack of growth permits.

Ms. Pelletier said that she didn't know; that what she sees is many people coming to her and asking her advice about their plans to develop a certain parcel in a certain way, and all those plans are including elderly housing.

Ms. Meyer said that, to-date, the only one that comes to mind is Mr. Falzone's attempt to build elderly housing on the Libbey parcel and they seemed particularly coached through that effort.

Ms. Pelletier said that that's her job.

Ms. Meyer said that there's a finite amount of land available for elderly housing, unless you guys start giving out waivers willy-nilly; that it needs to be on the sewer and there's only so much land available for development as elderly housing; so, how is it that this situation is going to result in this bonanza.

Ms. Pelletier said to Ms. Meyer that she did not say that; that she just said that what she sees is more people contacting her about potentially building elderly housing developments because they cannot build any other sort of development without being subject to growth permits; that it's the only way to make any money and that was all she was saying; that she didn't say that there was a 'bonanza'.

Ms. Meyer said that she would contend that making money for the local developers, whether they live here or not, is not the concern of the taxpayers in Eliot.

Ms. Pelletier said that she never said that it was, asking Ms. Meyer to stop putting words in her mouth.

Mr. Beckert said that he was going to wrap this up with three more, calling on Ms. Fox, and that's it.

Mr. Rankie said that, at a public hearing, as a point of order, if there are valid things that haven't been talked, we close.

Mr. Beckert said that, if he starts hearing the same questions and concerns, again, Mr. Rankie, he will close the public hearing.

Mr. Rankie said that that was not what the Chair said.

Mr. Beckert said that Ms. Fox has the floor.

Ms. Fox said that she couldn't give the PB the information on this and there is another meeting on this on the 20th; that she is hearing things like, if the number is 30, it makes the problem go away; that, in her opinion, that is not the way a decision should be made; that some of the guidance the PB has is that the number of growth permits need to be justified by the Comprehensive Plan. She added that she is not up to speed on the language of the Comprehensive Plan but she does want to go back to what Ms. Adams said – the Comprehensive Plan does justify a certain number so long as the Town got to the point where it could steer the growth in a certain direction – in the Village Zone, in the Suburban Zone – and away from the Rural Zone. She said that she didn't think the way we are approaching the growth permit is addressing that question, adding that between now and the 20th she hoped to have a better background on that. She added that she is asking if the PB took that into consideration when they consider this number. She asked if they were all familiar with what the Comprehensive Plan recommends and how they would...

Mr. Lentz said that, if she reads the second page of the memo, these are the considerations that we did go through; that there was no cavalier effort, here.

Ms. Fox asked how they were directing new permits.

Mr. Lentz said that, in his opinion, you don't control growth the way we control growth, you do it by zoning, and nobody is going to like that.

Ms. Fox said that the PB has not reached the step that the Comprehensive Plan has suggested to deal with an increase in permits, asking why we are, then, increasing the permits before we address that.

Mr. Lentz said that, for him, the majority of the Comprehensive Plan was never implemented; that he didn't think there was an implementation committee working on that.

Ms. Fox said that she thought that parts of it have been implemented.

Ms. Weeks said that she can guarantee that the Conservation Commission was visited by the Implementation Committee and we went through all our requirements. She added that she didn't worry about other committees because she expects they will be treated as we were.

Ms. Pelletier said that there are a couple of mentions in the Comprehensive Plan about this subject; that one calls for 38 units per year, another calls for maintaining the existing building caps until water and sewer are provided to areas of proposed or increased density.

Ms. Fox suggested having the context, as well as numbers, and that was what she was saying in that she is not up to speed on that; that she thought some of the context was that Eliot could handle 'that' number of permits so long as it was directed in certain zones; that she doesn't think we are at that point of having that ability but, yet, we are looking at increasing the number of permits.

Ms. Pelletier said that it doesn't make that correlation; that it does suggest it and that was her suggestion at the beginning of all this but it wasn't a popular thing, at the time. She added that she would be happy to pull out every mention in the Comprehensive Plan so that people have the context for the next meeting.

Mr. Pomerleau said that, just to help people out with what happens if we don't pass 30, or if we do, people have to realize at this point that what's driving these numbers is senior housing. He added that the PB doesn't have control over that; that it's going up. He added that, in the chart he showed them, if the 150 senior units get built in 2017, which was his initial understanding, in 2018, using the minimum 105% formula, the housing permits go up to 39 and it's going to blow 30 right out of the water; that if that were to be 50 per year, by 2019, 105% will exceed the 30 number by four. He said that that 30 is only going to impact the Town based on the senior units; that these numbers are only as good as the projected senior units actually being done; that if that happened, within two years, no matter what happens with the 30, those numbers are going to exceed 30 and there is not a thing the PB can do about it, as far as the formula.

Mr. Reed said that he was concerned about the elderly housing number; that Mr. Pomerleau said that the PB had nothing to do with determining what that number is, asking who does determine what that number is here in Eliot.

Ms. Pelletier said that you would have to change the ordinance; that the ordinance, itself, is what is exempting those, and it always has.

Ms. Bennett said that it was her understanding that the elderly exemption was something that came from State.

Ms. Pelletier said that she didn't believe so; that she thought the State only exempted affordable housing; that that ordinance was approved in 1978.

Mr. Reed said that maybe it's time for you folks to address the issue of potentially run-away elderly housing that impacts our resources. He added that one thing that was very disturbing about the Libbey thing was that it seemed as if the so-called elderly housing category was used as a lever to be able to have some developer do what otherwise would become impractical; that that didn't bode well for the Town of Eliot, he didn't think, and he'd hate to see that repeated over and over, again, to a greater or lesser extent. He suggested that maybe the PB could work on an ordinance that came up with an equitable sort of way to deal with that because, apparently, that's the elephant in the room, as far as the changing of the character of Eliot or the burden on the resources of Eliot; that maybe it should be sooner, rather than later, that we should look at that.

8:08 PM Public Hearing is closed.

Mr. Beckert asked Ms. Pelletier to pull information out of the Comprehensive Plan that addresses growth; that he thought the Comprehensive Plan discussed reducing the lot sizes in the Village District, which would mean more potential growth, but sewer would have to be available.

C. Request for Planning Board Action to amend a previously-approved site plan by replacing and expanding a construction debris building at 434 Harold L. Dow Highway that was damaged by fire. Owner/applicant is Aggregate Recycling Corporation (mailing address: PO Box 363, Eliot, Maine 03903). Property can be identified as Map 46/Lot 5 and is located in the Industrial/Commercial Zoning District. (PB16-17)

Dennis Waters, Patco Construction, was present for this application as representative for Aggregate Recycling Corporation (ARC).

Mr. Waters said that ARC had a fire in May and the building is damaged to the point that it had to be torn down; that the superstructure was damaged but the foundation remained. He added that this is a building where they processed demolition debris; that they move it around with heavy equipment. He discussed the interior columns, the

reason they were there originally was for the addition of the original building, and that they would be removing them. He discussed what they were intending to do:

- Increase the square footage of the building by approximately 2,300 feet
- A new foundation design outside the existing foundation
- Footprint increases by about 6 feet on each side of the building
- The process inside the building remains what it was
- They meet the setbacks
- The area they are working is exactly the same, as the foundation walls are still there, and will remain
- They are asking for an approximate 7% increase in the footprint.

Mr. Lentz asked if the only change was on the shed.

Mr. Waters agreed.

Mr. Duncan said that Mr. Waters was saying that the foundation that was there remains and it will be re-used, asking if that implies that the walls are the same.

Mr. Waters said that part of the foundation that is there now is an 8-foot tall push-wall, if you will, so they could run their loader up against it, and that was incorporated; that the building was sitting on top of that; that, now, we've eliminated the interior columns and, now, we have a much bigger building, much bigger loads, and that foundation that was there wouldn't support that, but, we are leaving that in place because that push-wall is there and it's valuable as a functional push-wall.

Mr. Duncan asked what the foundation was for the new building.

Mr. Waters said that it would sit on new concrete piers that are set outside the existing building; that we are drilling back into that from the outside of that foundation to take advantage of the weight of that; that it kind of helped on the design of the new foundation to take some of the weight of the old foundation.

Ms. Bennett asked if there was any way to put fire suppression in it.

Mr. Waters said, well, there's always a way; that it's not required by the code. He added that the building is open; that he didn't know if she had been in there, or not, but the sides are open and the front is wide open. He added that it was unfortunate; that he's not really sure how the fire was started but he thought that somebody dropped something off that was hot, reiterating that you could put fire suppression in there; that it's not required.

Ms. Bennett suggested digging another pond, maybe; that, if the wind had been going at any speed during that fire, we could have had a problem on adjacent properties; that we could have really started something.

Mr. Waters said that he thinks the changed procedures, you know...it wasn't a good event for them, either; that that part of the property has been shut down so that they are not able to do that operation and they have lost money on it. He added that that's how people make decisions; that they need to keep that operation moving so he thinks they changed some things down there.

Mr. Beckert asked how tall the building would be.

Mr. Waters said that it was the same height as it was before.

Mr. Bouchard asked if this was sketch plan.

Mr. Beckert said yes.

Mr. Bouchard said that we don't have any dimensions, or anything, yet.

Mr. Waters said that we are asking for an amended site plan.

Ms. Pelletier said that she was going to ask Mr. Waters...this has received site plan review before so it is an amendment to a previously-approved site plan; however, that being said, the Fire Chief has requested construction drawings and the Public Works Director has not had a chance to look at it, yet, and asked for his comments to come in for the next meeting.

Mr. Bouchard said that he would request dimensions.

Ms. Pelletier agreed, saying that we have a checklist with a couple of small things missing that she would give to Mr. Waters, such as the location map, construction drawings.

Mr. Waters said that the construction drawings are in with the CEO now.

Ms. Pelletier said that we need 10 copies for the PB for the next submission.

Mr. Waters asked if it was possible to approve this with the understanding that he can provide those things to the PB and Fire Chief.

Ms. Pelletier said that that was entirely up to the PB but she wouldn't recommend it.

Mr. Beckert said that we will have a public hearing because this is considered a new application.

Mr. Waters said that he didn't understand why it's a new application.

Ms. Pelletier explained that it's an amended site plan but, if you are increasing the size at all, then the PB has the ability to do another site walk, to do a public hearing if they

feel it has any additional impact on abutting properties, that that is certainly within their purview.

Mr. Waters asked Mr. Bouchard what his concerns were with the dimensions.

Mr. Bouchard said we use them when reviewing new buildings or anything like that.

Mr. Waters said that this is not a new building; it's a re-build of an existing building.

Mr. Bouchard agreed but said it is a bigger building; that all this plan shows him is a C&D shed plopped down next to a setback, no dimensions at all. He added that, if he is going to put his name to approve something, then it's going to be thoroughly looked at. He confirmed that we are at sketch plan and need detailed drawings.

Mr. Beckert said that we need 10 copies of the detailed drawings 10 days in advance of the next meeting.

Mr. Waters asked what kind of details the PB was looking for.

Ms. Pelletier said that, in her checklist, she has the requirements from the ordinance. She added that there are ten of them and read the requirements list. She said that these were required for any building over 3,000 square feet.

Mr. Waters asked if there was anything else the PB was concerned with in addition to what has been discussed.

Mr. Beckert said that the checklist should cover everything the PB needs.

Ms. Bennett said that we need to see elevation drawings.

Ms. Pelletier said that that would be included. She added that drainage should be shown.

Mr. Waters said that drainage hasn't changed.

Ms. Pelletier said that the PB doesn't know that.

Mr. Waters said that this is the same plan you folks approved two years ago.

Ms. Pelletier disagreed; that it is a larger building.

Mr. Whalen said that, typically, the PB requires a post-construction submission of 'as-built'. He asked Mr. Waters, in his preparations for materials for the public hearing, to keep that in mind as he moves forward with his drawings. He clarified that this was to show any actual changes in the field, what was actually constructed on the site so that the file is complete and that the files coincide with exactly what the approval was.

Submissions need to be in by Monday, September 12th by 5PM.
No site walk was required.
Public Hearing is scheduled for September 20, 2016.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There were no outstanding action items.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

Mr. Beckert said that we are in receipt of a letter, dated August 12th, from Connie Weeks. He added that it is informational at this point; that we cannot discuss it because it is part of an active appeal.

Ms. Bennett said that she would like to bring up the issue of the letter that Mrs. Weeks submitted on the 12th.

Mr. Beckert said that we can't discuss it.

Ms. Bennett said that she understood that it is now a matter before the Board of Appeals but, regardless of that, she thinks this brings up new information that gives us more clarity about intent and that we should really reconsider our decision.

Ms. Pelletier said that you have to reconsider within seven days of the original decision.

Mr. Bouchard said that we are talking about information that he doesn't think the whole Board knows about; that he has not seen the letter, yet.

Mr. Beckert added that, in order to discuss the letter, if we were to discuss it, it would have to have been on the agenda.

Ms. Bennett said that this is kind of a catch-22 because the letter was actually submitted to Town Hall within seven days of the decision.

Mr. Beckert said that, in order for this Board to discuss that letter, legally, the applicant that the appeal is against would have to be afforded the opportunity to be here, as well.

Ms. Bennett said that she would like to put that on the next agenda.

Mr. Beckert said that he was going to say no because it is part of an active appeal.

Ms. Bennett said it is an appeal of a decision she thinks we need to reconsider because this gives clarity as to exactly who the agent was that put that note on that plan that we decided to waive at the beginning of August.

Mr. Beckert said that the Chair vehemently disagreed with Ms. Bennett because it gets into a legal area in discussing an item that the people that are on the other side of the appeal haven't been afforded the opportunity to be here and hear the conversation.

Ms. Bennett asked that we offer them that opportunity.


Mr. Beckert said that we needed to move on.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for September 20, 2016 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:28 PM.



Steve Beckert, Chairman
Date approved: 9/20/16

Respectfully submitted,

Ellen Lemire, Recording Secretary