

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.

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BY: *Wendy Rawski*
Town Clerk

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Duncan moved, second by Mr. Lentz, to approve the minutes of December 6, 2016, as amended.

VOTE

5-0

Chair concurs

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

A. Amberger Yoga School (PB16-2)

B. Valentine – non-conforming structure in Shoreland Zoning (PB16-5)

These were not reviewed tonight.

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

A. 10-minute public input session

There was no public input.

B. PUBLIC HEARING and continued review of a Request for Planning Board Action to amend a previously-approved Site Plan to add additional parking, storage, and nursery area at 4 MacLellan Drive. Applicant is Piscataqua Landscaping Company (mailing address: 4 MacLellan Drive, Eliot, Maine 03903). Property owner is Booth Hemingway (mailing address: 4 MacLellan Drive, Eliot, Maine 03903). Property can be identified as Map 46/Lot 10 and is located in the Commercial/Industrial Zoning District with portions of the property also in the

Limited Commercial, Resource Protection, and Stream Protection Shoreland Zoning Districts. (PB16-22)

Mr. Booth Hemingway (owner) and Mr. Ken Wood (Attar Engineering) were present for this application.

Mr. Wood gave a summary of this request. He said that Mr. Hemingway needed a little more storage, parking area, and nursery plant material area. He added that this would be an amendment to his existing site plan approval with the Town and an amendment to his Site Location Development Permit. He said that at the last meeting the Board had a small concern with a small area of the plant material area being in the 100-year flood zone and we moved that out.

7:15 PM Public Hearing opened.

There was no one who spoke.

7:16 PM Public Hearing closed.

Mr. Duncan Moved, second by Mr. Lentz, that PB16-22 be approved, as submitted and amended, with the same terms and conditions as the previously-approved site plan PB08-16

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.

C. PUBLIC HEARING and continued review of a Site Plan Application to expand an existing boat storage facility located on Ruth Lane by constructing a 40' X 32' addition, two (2) 16' X 72' open-sided sheds to an existing building, and an additional 85' X 100' fabric-skinned building. Applicant is Independent Boat Haulers (mailing address: PO Box 61, Eliot, Maine 03903). Property owner is John E. Pollard (mailing address: 726 New Dam Road, Sanford, Maine 04073). Property can be identified as Map 29/Lot 5 and is located in the Suburban and Commercial/Industrial Zoning Districts. (PB16-21)

Lee Allen (civil engineer), John Pollard (property owner/Independent Boat Haulers), and Carl Archer (Independent Boat Haulers) were present for this application.

Mr. Beckert asked if we had received construction drawings.

Ms. Pelletier said that he did submit some new things; that there is a new plan. She added that the letter submitted from the engineer says "Building construction drawings

to be supplied to the planning office by the owner.”, and that didn’t happen; that she got a call on Friday that they had decided to forego the fabric building at this time. She said that she was told she would receive updated plans but has not, yet, so, in her opinion, that was not going to be the official public hearing.

Mr. Beckert confirmed that this would not be the official public hearing and that is why it was not posted in the paper, as the application is not considered complete. He asked Mr. Allen to review the modified application.

Mr. Allen said that the plan, now, is to only construct the brown surround to the existing storage building; that the fabric structure has been removed from this request. He added that all the land disturbance that has happened is within allowable code; that there is no violation, per the Town Code, nor the DEP.

Ms. Pelletier said that she wanted to clarify that the CEO has not done a full review of this, yet, at the local level; that the CEO is following up on the information the applicant sent (tree clearing).

Mr. Allen said that he went through all the aerial photographs compared to what is out there currently; that you are allowed, without a permit, to clear 40% of the land and it turns out that we are at 39%.

Mr. Beckert said that the CEO has given us a memo that she is looking at the situation that comes under her purview, not the PB’s purview.

Mr. Allen said that, with that, the question points would be the waivers we submitted and we’d be happy to answer any questions regarding that; that he believes that, other than the construction drawings, he believes we’ve met all the other items.

7:29 PM The informational public hearing opened.

Ms. (Michele) Meyer, Odiorne Lane, said that she was confused by informal versus formal.

Mr. Beckert said that this is not the official public hearing which, by the ordinance, is held after the application is determined to be complete. He added that the PB can hold many public hearings but there is one official public hearing required by the ordinance.

Ms. Meyer asked if that was made clear at the last meeting.

Mr. Beckert clarified that it was not determined until we determined we had not received the necessary information to have a complete application.

Ms. Meyer asked if we knew that at the last meeting, that we had an incomplete application.

Mr. Beckert said yes; that he took the liberty to schedule a public hearing, regardless, with hopes that the information, as required to complete the application, would be in and it wasn't; that it wasn't and, therefore, this becomes just an ancillary public hearing, not the official public hearing.

There was a heated exchange between the Chair and the Meyers.

Ms. (Nancy) Shapleigh asked when the PB could have the Public Hearing.

Mr. Beckert said that their next meeting would be January 3rd.

Ms. Shapleigh asked if it was likely that the CEO would have done the review she has to do so that these people don't have to continue to come in.

Mr. Beckert said that the only thing that the PB is concerned with, at this point, is that the checklist is complete. He added that the CEO is doing her review of the cutting and filling of the land, which is up to her and nothing to do with the PB.

Ms. Pelletier said that it was believed a code violation had been uncovered so the CEO is investigating that on a separate track.

Mr. Beckert said that, with the modified plan that has been submitted, the PB needs to act upon the additions to the existing structure and a request for waivers.

Mr. Meyer asked why the Public Hearing notice was not posted in the newspaper.

Ms. Pelletier said that there was really no point in spending that money twice, if we were going to have another public hearing, anyway. She added that she didn't see charging the applicant the money to do that twice.

Mr. Meyer asked when that decision was made.

Ms. Pelletier said that it was made Friday the 9th.

Mr. Meyer asked why it would be posted on the Town website on the 12th.

Ms. Pelletier said that we were still going to hold an informal public hearing and there was no reason not to.

Ms. Meyer commented, for the record, that Mr. Beckert's comments were uncalled for.

7:34 PM The informational public hearing was closed.

Mr. Lentz asked if anything had come off the checklist.

Ms. Pelletier said that a few things had; that the PB still needed to act on the waivers; that we still need the construction drawings, and we still need to have the Fire Department and CEO review of the construction drawings; that she still has not received anything from the Police Department; that Fire and Police won't start their review until they see the drawings.

Regarding the waivers, there are eight requested, with rationales, covering three issues – buffering, parking, and the high intensity soils survey. There was discussion around these three issues.

- The applicant stated that:
- No tractors are parked on-site, only empty trailer storage;
- No plans for septic;
- No bathrooms currently;
- Only boats and equipment in storage building;
- Office is located at 126 Dow Highway, not on-site.

Mr. Whalen moved, second by Mr. Bouchard, that the Planning Board waive §33-127 (12) High Intensity Soils Survey.

VOTE
4-1 (Mr. Duncan opposed)
Chair votes in the affirmative

The PB discussed the lack of buffers for the neighbors, especially the Olson's on the south side line.

Mr. Bouchard moved, second by Mr. Duncan, that the Planning Board deny the waiver request for § 33-175 (1) Landscaping.

VOTE
5-0
Chair votes in the affirmative

After discussion, the applicant agreed to add 5 parking spaces, which eliminated the need for the requested parking waivers.

- The number of employees on-site were minimal, bringing boats in for storage and bringing them out, seasonally.
- There were 10-15 boats stored on-site.
- Consensus by the PB that 5 spaces would be adequate.
- 5 parking spaces will be delineated on the plan.
- Show ingress and egress.

The Planning Board requested the construction drawings be submitted for Fire and Police review; that the applicant needs to show the buffer on the plan; that the PB would schedule a Public Hearing on January 3, 2017 for this application.

Mr. Duncan moved, second by Mr. Whalen, that the Planning Board would consider this application complete upon receipt of the construction drawings.

VOTE

5-0

Chair votes in the affirmative

D. Review draft revisions to Planning Board by-laws

This was postponed.

NOTE: Mr. Bouchard will be unable to attend the January 3, 2017 meeting.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There was no discussion.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

A. December 2016 Maine Townsman Article “Legal Marijuana & Municipalities”

There was discussion regarding local meetings around this subject.

The moratorium the PB requested has to go to the voters for enactment.

There was discussion regarding holding an informational session to allow public input into what they might allow or disallow in writing ordinance criteria.

Mr. Pomerleau said that he was going to ask that the SB go out with an advisory referendum vote in June to ask citizens whether they want to allow retail establishments.

Mr. Duncan suggested having wording on the ballot that indicates ‘this’ is the way we are leaning and a no vote for ‘this’ means ‘this’, with the wording broad enough or specific enough that a yes vote is going to push us in ‘this’ direction and a no vote is going to push us in ‘that’ direction.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for January 3, 2017 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:12 PM.



Steve Beckert, Chairman

Date approved: 2/28/17

Respectfully submitted,
Ellen Lemire, Recording Secretary