

ITEM 1 - ROLL CALL

Present: Jeff Duncan – Acting Chairman, Larry Bouchard, Greg Whalen, Melissa Horner – Alternate, and Christine Bennett – Alternate.

Also present: Kate Pelletier, Planning Assistant.

Absent: Steve Beckert – Chairman (excused), Dennis Lentz (excused).

Voting members: Jeff Duncan, Larry Bouchard, Greg Whalen, Melissa Horner – Alternate, and Christine Bennett – Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

RECEIVED
APR 20 2017
BY: Wendy Rawski
Town Clerk

Minutes were not reviewed as some attending members for that meeting were not present tonight.

Ms. Horner asked if there was some statute or anything in the rule book about what we are going through, as a Board, regarding absent members and approval of minutes; that she was under the impression that approval of minutes was for grammatical mistakes and that sort of thing.

Ms. Pelletier said that she was under the same impression, although, it's entirely the PB's preference how the PB wants to do it; that there is no statute or rule other than they have to include the motions and votes.

Ms. Horner asked about including this in the by-laws.

Ms. Pelletier said yes; that that is why by-laws exist, so you can tailor the way you do business and you should feel free to make them your own.

Mr. Duncan said that he thought it pertinent that the review of the minutes is the review of their accuracy or representation of that meeting, not just grammatical corrections.

Ms. Pelletier said that the PB manual says that you don't have to abstain like you do in other votes; that you don't have to abstain, even if you miss a meeting and you are reviewing an application if you have familiarized yourself with the materials ahead of time and sign an affidavit that you did; that you can then proceed as a voting member. She added that minutes are not so formalized; that there's no definite rule on it but is one of those gray areas where people might not feel comfortable voting on something when they weren't there. She said that her advice in that situation would be that, if you have reviewed the video prior to the meeting and the (draft) minutes, you could vote

then; that if you don't feel comfortable, then you don't have to; that there is no requirement and you can wait until there is a quorum of members for that set of minutes.

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

a. CPN Realty – non-conforming structure in Shoreland Zone (PB16-6)

This was not reviewed tonight.

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

A. 10-minute public input session

There was no one from the public who wished to speak.

B. Request for Planning Board Action to amend a previously-approved Site Plan (approved 10-2-86) by creating three (3) leasable warehouse/business office units in an existing building and re-locating two (2) existing greenhouses on the property located at 495 Harold L. Dow Highway. Owner/applicant is Flower Company Properties, Inc. (mailing address: 483 Harold L. Dow Highway, Eliot, Maine 03903). Property can be identified as Map 53/Lot 6 and is located in the Commercial/Industrial Zoning District. (PB17-01)

The applicant, Jacquelyn Nooney, was present for this application.

Ms. Nooney said that this parcel used to be East-West Custom Boat; that she purchased the property last year and abuts the property she currently owns that she runs her landscaping company out of. She explained that she wants to take the existing building, where they built the boats, and divide it into three spaces, to be used for office/warehouse to rent and to store some of her own things. She added that there are two existing greenhouse hoop structures she wants to move, pointing to the location on the plan. She said that there is nothing there, now, but a gravel lot. She added that they will be put together, covered with plastic, and used for dry storage – potting soil, and the like. She said that, currently, there is a holding tank that services the building in the front; that she wants to add a septic system and remove the tank, running septic for both buildings. She added that there is an approved septic system done by Mike Cuomo; that she would abandon the well in that area and drill a new well (location shown on plan).

Mr. Duncan asked if the parking spaces she shows are ‘as existing’.

Ms. Nooney said that all the gravel area has existing parking; that she is not adding new parking areas; that she is not changing the ground at the site, at all.

Ms. Pelletier said that we did the parking calculation to make sure she has enough for the proposed uses, which she has noted on her site plan.

Mr. Duncan asked if the current warehouse space is planned just to be warehouse and she is planning to occupy one of those.

Ms. Nooney said warehouse and office space; that she wanted to rent a couple of them.

Ms. Pelletier said that, based on discussions with the applicant, it sounded like she would like to have the flexibility to offer either warehouse space or business office space to her prospective tenants; that there would be no planned manufacturing. She added that we did the same sort of thing with the Eliot Business Park; that they have six or seven blanket uses they are allowed and, if they deviate from that, then they have to come back to the PB. She said that they discussed the applicant noting any changes that would be needed and coming back with a revised plan next time.

Mr. Whalen said that the site plan indicates 31 parking spaces; that he counts 29 but he suspects the other two are in this 'area'.

Ms. Nooney said that there were three at the existing warehouse next to the new septic.

It was determined that the plan showed 31 parking spaces.

Mr. Whalen said that, regarding the proposed septic pump station, this is a forced main coming out of the back of the warehouse.

Ms. Nooney said yes.

Mr. Whalen asked if the ordinance required a back-up battery operation.

Ms. Pelletier said that the septic design is approved entirely by the CEO; that the location is shown on the plan but she will have full review of that.

Mr. Whalen asked if the property has ever been surveyed to the applicant's knowledge.

Ms. Nooney said that she didn't know; that it was the former owner that had the property use approved.

Mr. Whalen asked Ms. Pelletier if we had a copy of that plan. He added that his question would be whether what has been submitted would suffice as a site plan.

Ms. Pelletier said to keep in mind that the applicant is not making any changes to any building, except to re-locate the two greenhouses, and the septic system. She will look on the Registry of Deeds site to see if one was recorded and, if so, bring a copy of that back to the PB.

Ms. Nooney said that there was a description on the deed.

Ms. Pelletier agreed; that the lot is pretty much a straight-line, rectangular lot.

Ms. Nooney said that her lot was surveyed.

Ms. Pelletier said that our GIS mapping system is about 50% survey quality, now; that it's within 2 feet of accuracy; that she can provide an aerial showing that to scale, also.

Mr. Whalen asked if she was planning to do anything with the entrance.

Ms. Nooney said no.

Ms. Bennett asked if it was a requirement to show abutting property uses on the plan.

Ms. Pelletier said that, initially, when someone comes for an amendment to a site plan, she usually has them do sketch plan requirements and, then, you certainly have the ability to require any site plan requirement you think is appropriate.

Mr. Bouchard asked for previous uses.

Ms. Nooney said that it was boat-building and repair.

Mr. Bouchard asked if it was a warehouse.

Ms. Nooney said that he warehoused his boats; that she doesn't know what he applied for.

Mr. Bouchard said that his question was whether we were changing the use and, if so, did we need a new set of plans.

Ms. Pelletier said that we were changing the use but she didn't think we needed a new set of plans because nothing has changed but the inside; that the applicant has provided a new floor plan that shows the new layout; that there's nothing changing to the site except those greenhouses. She added that, like any potential landlord, you might want to offer several potential uses to your tenants; that you can always come back and tweak if it doesn't quite work for you; that what the applicant is looking for she thinks is very specific – to rent out to contractors, etc.

Mr. Duncan asked if boat builders fell under construction.

Ms. Pelletier said no; that that would be manufacturing. She added that boat-building and repair would not be a recognized use today so it would likely be a legal, non-conforming situation; that what the applicant is applying for is perfectly conforming and allowed today.

Mr. Bouchard said that Ms. Pelletier said that, in the business park, they had a list of uses and is that something we will do with this applicant.

Ms. Pelletier said that there they have retail, manufacturing, warehouse, business office, professional office.

Mr. Bouchard asked what the applicant was applying for.

Ms. Pelletier said warehouse and business office.

Mr. Bouchard said, regarding septic, he knew it wasn't the PB's business, but on the plans it said that it is removing the existing holding tank and on the application it says "to be abandoned".

Ms. Nooney said that we are going to remove the existing holding tank; that where it is the new septic tank is going.

Ms. Pelletier said that that could be changed to clarify.

Mr. Duncan said that the first step was to approve this as an adequate sketch plan, asking if the PB felt we were at that stage or does anybody need additional information before they get to that point.

Mr. Whalen asked if there were any wetlands on the property.

Ms. Nooney said not in this area; further back.

Ms. Pelletier said that there were no regulated wetlands.

Mr. Whalen asked if Mr. Cuomo did any of that work on the part of the site that is being altered in the application or just related to the septic/leach field; was that his sole concentration on the site.

Ms. Nooney said that that was his sole concentration; that we dug test pits.

Mr. Bouchard asked about storage of any materials.

Ms. Nooney said yes; outdoor storage for plants (potted plants on the ground) and bulk materials (loam, etc.).

Mr. Bouchard asked about any gases or chemicals.

Ms. Nooney said no.

Mr. Bouchard asked if there would be any pesticides stored on-site.

Ms. Nooney said no.

Mr. Bouchard asked if the utility poles were existing.

Ms. Nooney said yes.

Mr. Bouchard said that it said 12 employees, asking if that was the total.

Ms. Nooney said yes, that she was figuring 3 per unit.

Mr. Bouchard said that would be 18 if she did 3 per unit.

Ms. Nooney said that there are only 4 units that would be the warehouse/office space – the front building and the three in the back. She explained that the existing warehouse (1,205 sq. ft.) is just a pole barn that we just have palletized soil in; that it's just like an open barn.

Mr. Bouchard said that that should be referenced as an open, or pole, barn so a building cannot be put in place after, if we approve this, as shown.

Ms. Nooney said that it is a building there now.

Mr. Bouchard asked Ms. Pelletier how we handled that one.

Ms. Pelletier asked the applicant if it had four sides and a roof.

Ms. Nooney said yes.

Mr. Bouchard asked if we had the count right on the septic or is that not our problem.

Ms. Pelletier said that that is not the PB's problem; that it's designed by someone who is licensed.

Mr. Duncan added that, at least at the moment, it's not shown as connected to the forced main.

Ms. Nooney said that it was not; that it is not on the septic; that it's just an unheated barn.

Mr. Duncan said that we recognize that, in the event that one of your future tenants puts four people into one of their business offices, potentially bringing the number of employees on-site over 12, we're back here talking once again.

The applicant agreed.

Mr. Whalen asked if there was no bathroom facility in that front bathroom.

Ms. Nooney said that there is an existing bathroom in there, in the front of the building (existing office).

Mr. Whalen asked about the three back buildings, are those (bathrooms) to be installed.

Ms. Nooney said yes.

Ms. Pelletier clarified with the applicant that there would be outdoor, potted plants just in that specific area that the applicant has marked.

Ms. Nooney said yes; that that was the plan.

Ms. Pelletier said that there is a requirement in the zoning chapter that says that *"All outdoor storage facilities for fuel, raw materials, products, and any other materials, as well as waste collection and disposal facilities, shall be located on impervious pavement, and shall be completely enclosed by an approved safety fence at least six feet in height."* She asked the applicant how she felt about that, if she had to pave the area in order to store that.

Ms. Nooney said that we got approved to store plants outdoors next door not on impervious surfaces; that they are plants and need to be on pervious surfaces; that it's just a plant.

Ms. Pelletier said that that was why she was giving it to the PB; that if the PB feels like what the applicant is storing there falls under *"fuel, raw material, products, and any other materials, as well as waste collection and disposal facilities"*, that that is pretty broad. She added that it is in the zoning chapter so the PB can't waive it; that an interpretation would be good.

Ms. Horner said that, then, we are being asked to pave over dirt in order to put more dirt on it.

Ms. Pelletier said that she thinks the thinking here is that, let's say you have potted plants with fertilizer, and what happens when you water those – the fertilizer just flows into the ground as opposed to being able to be filtered a bit if it was on pavement and not go directly into the ground.

Mr. Duncan said that, in the barn, you're talking about palletized manure, or whatever; are you talking about plastic bags as opposed to stockpiles.

Ms. Nooney said yes, plastic bags.

Mr. Duncan asked what went on in the greenhouse areas.

Ms. Nooney said that we just want dry space for storing our snowplows during the summer out of the weather; that it would be dry storage of snow plows and, probably, potted soil.

Mr. Whalen asked, regarding the outdoor storage of dry materials up in that northwest area, is that loam and mulch.

Ms. Nooney said yes; that it was green compost.

Mr. Whalen asked if the applicant stored that type of material on your other property next door.

Ms. Nooney said yes.

Mr. Whalen asked if it was contained at all.

Ms. Nooney said that it was contained in a concrete bin, just like York Woods.

Mr. Whalen asked if that was the applicant's intention on this property.

Ms. Nooney said probably not; that what we do is screen the compost and re-pile it there.

Mr. Bouchard said that the existing warehouse on L1 needs to be re-labeled, he believes.

Ms. Nooney asked if she should just call it the pole barn.

Mr. Bouchard said whatever the correct name is for that structure.

It was confirmed that the applicant is not changing the structure, that the structure has four sides, and they will leave it as labeled.

Mr. Bouchard asked, recognizing that the buildings were for boats, if the applicant had found any waste.

Ms. Nooney said that that place is as clean as a whistle; that with what he had to go through with the State to shut down that place, it was inspected to within an inch of its life – to the point where she didn't have to do any environmental work.

Ms. Pelletier said that there are two sections that come up in her search – Ch. 41 and Ch. 45; that Chapter 45, §45-419 says, "All *outdoor* storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials shall be located on impervious pavement" and is a little bit broader. She asked the applicant if she had any raw materials, such as stone, stored there.

Ms. Nooney said no.

Ms. Pelletier asked if the PB was okay with that.

Mr. Duncan said that he certainly wouldn't consider potted plants to fit any of those categories.

Mr. Bouchard asked if the applicant did any mixing on-site.

Ms. Nooney said that we don't have raw materials, at all; that we start with compost and yard waste (leaves, grass clippings).

Mr. Whalen asked how the facilities were heated.

Ms. Nooney said that the plan is to have individual propane heaters; that there is an existing propane heater in the front building; that the propane tanks would be in that back of the building.

Mr. Whalen asked if those had to be shown on the plan.

Ms. Pelletier said yes, and stored on impervious pavement.

Ms. Nooney agreed, saying that they always put the tanks on a concrete slab; that the heating contractor would do that.

Ms. Pelletier told the applicant that she would need permits to install tanks or lighting or anything like that.

Ms. Nooney agreed.

Ms. Bennett said that she was still puzzling over the prior permitted use and asked if Ms. Pelletier had that in her information.

Ms. Pelletier said that it was boat-building and repair facility, which is not a use in our table. She added that she has found, sometimes, that she wasn't sure there was a connection that you had to select an allowed use out of the table to apply for anything in the commercial zone; that she thought they kind of just looked at them all as the same; that that is probably why none of them are defined.

Mr. Bouchard asked what was the definition of warehouse.

Ms. Pelletier said that that's the question; that there are 400 land uses in that table and three have definitions. She added that her advice was if it passed the straight-face test; that in her opinion a business office is for contractors and a professional office is for lawyers, building boats is manufacturing, selling something is retail. She said that, if it fits and is reasonable, then you can't really say that it's not that because you don't have a definition and that would not hold up in court, most likely.

Mr. Bouchard said that, for example in contractor warehousing, you have a concrete company in there and they store powdered concrete in there and all their tools, etc. and then, next door, you have somebody who wants to test fire equipment and they are going to want to store a lot of their stuff there but they are also going to want to test.

Ms. Pelletier that it is her understanding that that is the difference between a professional office and a business office; that a professional office doesn't have that storage of materials and it has people coming to it; that a business office has contractors who store their stuff there, with a little office space, desk and computer but, otherwise, are off-site doing their work.

Mr. Duncan said that a plumber would have storage of pipes and tools.

Ms. Pelletier agreed, saying that a warehouse would solely be storage of materials, such as self-storage.

Mr. Bouchard said, just for general knowledge, asked if the business park is warehousing.

Ms. Pelletier said that that has many uses – retail, manufacturing, etc.

Mr. Bouchard asked what would stop the applicant from having manufacturing in her warehouses.

Ms. Pelletier said nothing; that she would just have to come back and amend her site plan; that manufacturing is an allowed use in the commercial zone. She added that that is not what the applicant is applying for now; that she is well-aware that any changes have to come back.

Mr. Duncan said that we can also put in a requirement into the approval that says no hazardous material on-site because that's what she's represented at this point.

Mr. Bouchard asked if it would behoove the applicant to do site locations on dumpsters, now, or not; would she have to come back for that if somebody came in and rented a warehouse and wanted to put a dumpster in.

Ms. Pelletier said that, at a minimum, the pad has to be shown because it's a disturbance to the ground. She added that a dumpster is permitted by the CEO, separately. She said to the applicant that her advice was to ask for what you want to grow into; that you don't want to come back here every year.

Mr. Whalen said that, for consistency regarding what ought to be on the plan, you have your buildings, if you will, and your hoop structures labeled with different nomenclatures; that starting with the building in the back, you have warehouse, warehouse/office, then warehouse with an existing office, then existing warehouse, existing warehouse, and warehouse; so, again, if these are to serve a multiplicity of uses, either don't label them, at all, or label them consistent with the uses the applicant thinks may be contained in that particular unit.

Ms. Pelletier said that we anticipated these comments; that she wasn't going to make the applicant go back; that she did such a great job doing this on her own. She added that we

did speak about just cleaning that up a bit; that if it is going to be warehouse and business office, then the applicant needs to say that and she will help her with that. She asked if the PB wanted a public hearing for this.

Mr. Duncan said that, in his opinion, we are going from a more intrusive approved use to, so far at least in what he is hearing, a less intrusive allowed use, but it still is a change of use. He added that he thought we should at least offer the opportunity for the public to comment on it.

The PB agreed.

Mr. Whalen said that he would recommend a site walk, as well.

The public hearing was scheduled for April 4th and the site walk on the same day at 5:30 PM.

Mr. Duncan said that we are going to clean up these drawings before we approve it as a sketch plan and could probably approve it as sketch and site the same night, if everybody agrees at that point.

Mr. Whalen asked that stakes be placed in the ground to show the approximate location of the hoop structures.

Ms. Nooney asked if, when she comes back with the amended site plan, they would decide on it them.

Mr. Duncan said most likely; that we are going to have the site walk, public hearing, and, unless there is something specific that comes up during the review of the new drawings, without committing to it, we should be able to entertain completion of it that evening

C. Review draft 2017 Annual Report of the Planning Board.

Ms. Pelletier said that it says what it has for the last decade, with a few numbers changed and talks about what we did during the year; that it's really just the basic because that's all the room we get. She added that, if the PB has any changes, please let her know; that we have until March 20th.

Ms. Bennett asked if the 10-minute public input session was new due to the new Charter.

Ms. Pelletier said only in that we are, now, having it at every meeting; that we used to have it at only the first meeting of the month.

Regarding upcoming ordinance change PB suggestions, Ms. Pelletier ran the idea of \$100 for the growth application fee by the CEO and she was in agreement.

Mr. Duncan asked if the CEO could be here for the public hearing on that ordinance.

Ms. Pelletier said yes, with notice, she should be able to be there.

Mr. Whalen asked what would be the timing.

Ms. Pelletier said that we have until April 20th to get our materials in front of the Select Board in time to get to the Town Clerk for ballots.

Mr. Duncan said that, in reading through this ordinance change, the only question he had was whether there should be some clarification of re-application when you have to go back to the bottom of the list; that he wanted to make it clear that, if you re-submit, it's a new application.

Ms. Pelletier said that she would do that; that that was good.

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 March 21, 2017 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:10 PM.



Steve Beckert, Chairman
Date approved: 1-18-2017

Respectfully submitted,

Ellen Lemire, Recording Secretary