

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan, Larry Bouchard, Dennis Lentz, Melissa Horner – Alternate.

Also present: Kate Pelletier, Planning Assistant.

Absent: Greg Whalen (excused) and Christine Bennett – Alternate (excused).

Voting members: Steve Beckert, Jeff Duncan, Larry Bouchard, Dennis Lentz, and Melissa Horner.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Lentz moved, second by Mr. Duncan, to approve the minutes of April 18, 2017, as amended.

VOTE

5-0

Chair concurs

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

There were no reviews.

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. Public Hearing and continued review of an application for a Shoreland Zoning permit to construct a 3' X 30' seasonal gangway, a 6' X 40' residential pier, one (1) 6' X 20' and one (1) 10' X 20' float at 28 Starboard Cove Road. Owner/applicant is Cindy Camp (mailing address: 28 Starboard Cove Road, Eliot, Maine 03903). Property can be identified as Map 70, Lot 25 and is located in the Rural Zoning District and Limited Residential Shoreland Zoning District. (PB17-5)

First Hearing: May 16, 2017

Site Walk: None required

Public Hearing: June 20, 2017

Second Hearing: June 20, 2017

Final Approval: June 20, 2017

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BY: Wendy Rauski
Town Clerk

Mr. (Zach) Taylor, Pickering Marine, was present as the applicant's representative.

Mr. Taylor said that he has the front view shot of the pier. He added that this is a traditional docking structure, located in the approximate location of the previously-existing docking structure; that all that's really left is some pilings in the ground but using the same access and same general dock orientation. He said that they would be installing a permanent timber wharf and seasonal gangway and floats. He added that he believes the Federal application is close to final review and, with the State application, he is meeting with Jennifer Harris from DEP tomorrow; that reports back from Inland Fisheries & Wildlife are good – no impact – so his conversations with them indicate that things are moving along on that front, as well.

7:06 PM Public Hearing opened.

Mr. (Robert) Fisher asked if they were going to put lights out there.

Mr. Beckert said that there were reflectors required by the ordinance.

7:08 PM Public Hearing closed.

Mr. Lentz said that the reflectors, a new addition, are on the applicant's checklist.

Mr. Taylor said that he saw that, adding that he appreciates the checklist; that it's a good, thorough format.

Mr. Lentz said to Ms. Pelletier that she did a great job on the checklist; that he appreciates it and suggested this should be part of every public hearing; that it's in our packet.

Mr. Duncan, second by Mr. Lentz, moved that the Planning Board accept PB17-5 as presented and amended, with the following terms and conditions:

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 the Maine Department of Environmental Protection and US Army Corps 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 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.
5. All new piers and floats, temporary or permanent, shall be affixed with a reflector not less than three inches in diameter located not more than 12 inches from each corner. For piers exceeding 40 feet in length reflectors shall also be affixed to each side of the pier at a frequency of one per 20 feet.

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. Application for a request for Planning Board Action for a change of use to establish an auto repair garage at 153 Harold L. Dow Highway. Applicant is David Lawrence (mailing address: 21 Lynch Lane, Kittery Point, Maine 03905). Owner is Greenwood Construction Corp. (mailing address: PO Box 1085, Portsmouth, NH 03801). Property can be identified as Map 29/Lot 23 and is located in the Commercial/Industrial Zoning District. (PB17-6)

Mr. (Mark) Greenwood, Greenwood Construction Corp., and Mr. (David) Lawrence were present for this application.

Mr. Beckert asked Ms. Pelletier if this was the property next to Dunkin' Donuts.

Ms. Pelletier said that that was correct.

Mr. Lawrence said that he was in the process of trying to purchase the property and it's contingent on him being able to do automotive repair.

Mr. Beckert specified a change of use.

Mr. Lawrence said yes.

Ms. Pelletier said, just to get it out on the table, one of the things the PB requires is some sort of a vested interest in the property to make application – a purchase & sales agreement, a lease, a deed; that in this case they have not gotten to that point, yet, so Mr. Greenwood wrote a letter as an intent to purchase and she told him that it was up to the PB to decide if that was sufficient. She added that the PB has taken an 'intent to lease' in the past; that he obviously can't operate there until that happens; that you can condition it on that if it gets that far but it is a call the PB will have to make.

Mr. Duncan said that his personal thought was that it was good enough to move forward and that we could, if getting to the point of approving a change of use, we can add a condition that notes that the sales agreement would be provided prior to any further activity at the site.

All members agreed by consensus to accept the letter of intent and that a condition of approval would be that a copy of the sales agreement be in our hand before issuing any permits for the property.

Mr. Bouchard said that this is not going to be administrative.

Ms. Pelletier said that it can be.

Mr. Bouchard asked what the existing use was now.

Ms. Pelletier said that it was construction site yard; that Mr. Greenwood is retiring so that will no longer be there and Mr. Lawrence will be the only occupant.

Mr. Beckert said that Mr. Greenwood used to repair equipment there.

Mr. Greenwood said absolutely.

Mr. Beckert clarified that it is going from a construction equipment site to an automotive repair garage, basically.

Ms. Pelletier said that, if there are elements of §33-127 the PB wants to ask for, now would be the time.

Mr. Bouchard asked if we needed engineered drawings; that there's no setbacks in parking and car sales and all that; that we are going to have to get into that a little bit.

Mr. Lentz agreed.

Ms. Pelletier said that there is nothing changing about the site or the building, just so you know. She added that she would agree that they have to show where car sales would be.

Mr. Bouchard asked if this had been sent to the Fire Department, yet.

Ms. Pelletier said no, not until after the first meeting.

Mr. Lentz asked what would be his hours of operation.

Mr. Lawrence said Monday through Friday, 8AM to 5PM.

Mr. Duncan said that he is assuming that this rear building is not 32 inches deep.

Mr. Lawrence said no; that that is probably his error; that he isn't much of an artist.

Mr. Bouchard asked if there was septic.

Mr. Lawrence said that there was no septic currently on the property; that he has been talking to the CEO about putting septic in; that the line that runs in front of the property is privately owned so the CEO believes he'll be able to put a private septic system on-site. He added that, right now, there are no facilities.

Mr. Lentz asked if there was water.

Mr. Lawrence said yes, that there was a dug well.

Mr. Bouchard asked the applicant what his plan was for trash, hazardous waste, gas disposal, old oil.

Mr. Lawrence said that he has a company that picks up all his hazardous waste and, then, he'll have a dumpster out back.

Mr. Bouchard asked about a parts washer.

Mr. Lawrence said that he doesn't have a parts washer but he will have one.

Mr. Bouchard asked if he would have a change-out in place.

Mr. Lawrence said yes.

Mr. Duncan said that the applicant currently does this someplace else.

Mr. Lawrence said yes; that he has a shop in Kittery on Old Post Road and has been there since 2008. He added that he doesn't get the road traffic down there and it's a family-owned property; that his son works for him, full-time, so this is a family thing he is building with his son. He said that the opportunity came up to purchase this property and more traffic on Route 236; that where he is now he can only lease.

Mr. Lentz asked about lifts.

Mr. Lawrence said that he would be installing lifts.

Mr. Duncan asked Ms. Pelletier if she had talked with the applicant about the requirements of site plan.

Ms. Pelletier said yes. She added that, just judging by the fact that we don't typically require engineered plans for a change of use or nothing is changing about the building or

the site, she doesn't feel comfortable telling applicants that they need to do that. She said that, if the PB wants to, that is certainly something they have the ability to do, if the PB feels it is appropriate; that she always waits until the PB says that they require it.

Ms. Horner said that this feels like an administrative thing...

Ms. Pelletier said that it really could be; that it's not much different than what was there, in her opinion. She added that you could do an administrative change or you could do a hybrid; that you could take any of those requirements from 33-127 and ask the applicant to fulfill those; that you don't have to do them all but whatever the PB feels is appropriate, certainly.

Mr. Lentz said that, on the Vision document, it lists 960 feet of living space and asked if someone was going to be living there.

Mr. Lawrence said no.

Ms. Pelletier said that she thought it was just that there was no other term in that software.

Mr. Beckert said that that was in the appraisal software and should just say floor space. He asked how the PB wanted to review this application – as an administrative change or a hybrid site review or something else.

Mr. Bouchard said that he thought the applicant needed to know; that it looks like he has used cars and is just abutting those cars to Route 236; that he believes there is going to be a setback on that.

Ms. Pelletier said that there would be the same setback as a structure for a parking area.

Mr. Bouchard said that he thought we at least have to have someone show that on a drawing so that the applicant is aware.

Mr. Lawrence said that he knew there would be a setback, explaining that he drew it up in just a few minutes trying to get it done.

Mr. Bouchard said that that was fine but, if we approve this and we approve this document, it's approved as it sits, that's all. He added that the applicant will deal with the sewer and the sewer plan.

Ms. Pelletier said yes; that the law requires that he has bathrooms, now, to occupy that so he doesn't have a choice, there; that he is working with the CEO on that part and we should have more information as time goes on.

Mr. Lentz said that he knew there was plenty of room, there, but it would be nice to see it on the drawing – parking spaces delineated somehow.

Mr. Lawrence said okay.

Mr. Bouchard said that he is looking for setbacks on Route 236, property setbacks because he doesn't know if that is close to Dunkin' Donuts, asking if he had a driveway on that side.

Mr. Lawrence said no, that there was no driveway on that side.

Mr. Beckert clarified that there is...

Mr. Bouchard said that that is tight so he is going to want to see setbacks

Ms. Pelletier said that she could certainly work with the applicant on that.

Mr. Bouchard asked that the location of the dumpster be shown.

Mr. Duncan asked, regarding hazardous materials, if any of that would take place outside of the main buildings.

Mr. Lawrence said no.

Mr. Duncan said that all that storage transfer will occur in or through the building.

Mr. Lawrence said yes; that at his building right now he has barrels inside his shop that are set aside for that – waste oil, etc. – then he has a company that comes right into his shop and takes it all away.

Mr. Duncan asked if there would be any underground storage.

Mr. Lawrence said no.

Mr. Beckert said that that list of materials would be something the Fire Chief would want to see, anyway.

Ms. Pelletier agreed.

Mr. Bouchard asked if these entrances were existing; that they are curb-cuts already.

Mr. Lawrence said yes.

Mr. Beckert said that what he is hearing is to work with the Planning Assistant on what the PB wants to see on the drawings; that the Fire Chief will want to know the hazardous materials that will be there. He asked Ms. Pelletier if the PB needed a public hearing.

Ms. Pelletier said that the PB could, if you liked, but you don't have to.

Mr. Duncan said that he thought that, with the change of use, it would probably be worthwhile to at least offer the opportunity.

The PB agreed.

The Public Hearing will be scheduled for July 18, 2017.

Ms. Horner asked the applicant to put in the names of the abutting property owners and their property lines on the drawing.

Mr. Lawrence agreed.

D. Request for Planning Board Action for a minor amendment to a previously-approved site plan for a school (PB15-21) located at 403 Harold L. Dow Highway. Applicant/owner is: Seacoast Waldorf Association (mailing address: 403 Harold L. Dow Highway, Eliot, Maine 03903). Property can be identified as Map 45/Lot 4 and is located in the Commercial/Industrial Zoning District. (PB17-7)

Mr. Joseph) Mulledy, Ambit Engineering, and Ms. (Deirdre) McEachern, applicant, were present for this application.

Mr. Mulledy said that, in the form of an update, the project is underway, the building is up, the grounds around the building are taking shape, interior finishes are being completed, and we have a number of requests for site plan amendment. He said that first on the list is paving of the parking lot in the front; that we had originally been approved for a gravel surface; that the limits have not changed, the grading has not changed; that the only thing that's going to change is that we are going to pave it. He added that we have not submitted an updated stormwater management report and drainage analysis because our assumptions were for an impervious surface; that the gravel has the same run-off number as pavement would. He said that there are no changes to the drainage, run-off patterns or flows, or anything like that. He said that, as a side note, there was a geo-technical report done that recommended underdrain to address the poor conditions of the sub-grade soils; that it's a maintenance issue for the school every year and we grade the site. He said that we are proposing a 40'X60' basketball court 'here'. He added that we wanted to confirm the lightbulb heights; that the previously-approved plan showed a height of 10 feet and that, in fact, should have been 20 feet; that the photo-metric analysis – the lighting plan that was approved and the one the PB has in front of them – are based on a 20-foot height; that it was just a typo. He said that we are revising the septic design; that previously the plan was for a separate septic to serve the new building and, after installing a water meter and monitoring it for a number of months, it was determined by the septic designer that the existing system, with some augmentation, could handle flows from both the existing and proposed, projected flows. He added that the existing system remains in place, as it was approved, if it was needed in the future for an expansion. He said that there was a variance from the State that was obtained today; all approvals of the State have been obtained; locally, Ms. Ross has signed off on

it. He said that the previously-approved delineation for the fire lane was to have it lined with trees and we propose installing bird houses on poles, instead; something the school would find a little more attractive, a little easier to maintain, and less disruptive to the fire road. He said the last is just an expansion of the stone dust path around the proposed building; that it wasn't fully encompassing the whole building and we just connected it all to make on complete path around; that it's 3 feet wide in places, five feet wide in others, and others bumping out to address handicap accessibility. He explained that one thing not shown on the plan is a connection in 'this' area from the building top the fire lane; that it didn't make it on the plan but we do have to make some connection but are working out the details because there's a swale in 'here' we have to avoid.

Mr. Duncan asked, regarding the septic design, and he knows we don't get involved with that detail, if you are keeping the intent of having a back-up design for possible future need, do we want to say "Eliminate second system." in the application revision.

Mr. Mulledy said that we are not building it; that we'd like to keep the design for future needs.

Ms. Beckert asked Ms. Pelletier how that would be worded.

Ms. Pelletier suggested clarifying that, as it is a little bit deceiving; just keep it on file, as State law allows.

Mr. Beckert said that, for the record, the existing system that's been approved...he has an approved septic design now, with modifications, to both buildings; that the proposed second system will stay as part of the original site plan approval.

Ms. Pelletier said that the CEO mentioned that that was all she was waiting for on that and she should be satisfied.

Mr. Duncan asked Ms. Pelletier if she could confirm that the 10' light pole was 20' in the light analysis report that we had previously.

Ms. Pelletier left to check on that.

Mr. Lentz said that, as of the beginning of May, a letter back from the State said they are looking for a signed variance request.

Ms. McEachern said that that (septic design) was signed this morning, with the CEO, and she has the letter.

Mr. Lentz said that this letter was still asking for an expanded system.

Ms. McEachern said right; that it is an expansion of our existing system.

Mr. Mulledy agreed; that they are going to add a leach field chamber system.

Mr. Duncan asked if the basketball court didn't warrant additional analysis for run-off issues.

Mr. Mulledy said that he has looked at it and run the analysis; that it didn't change it, at all.

Mr. Duncan asked what the addition was on the stone pathway; what portion was now being added compared to the original.

Mr. Mulledy brought out the old plans to discuss.

Ms. McEachern said that that change was for two reasons: snow removal and handicap disability.

Mr. Mulledy clarified the stone dust path expansion on the plan.

Ms. Pelletier came back with the light analysis and Mr. Mulledy clarified that they hadn't changed the basis for the report but just updated to make it right.

Mr. Bouchard asked if we were all set with the re-located jungle gym.

Mr. Mulledy said that that was part of the original approval; that we move things around.

Ms. McEachern said that it's a wooden play structure.

Mr. Bouchard said that it's being moved, though; that it was where the basketball court is going.

Ms. McEachern clarified that it isn't fixed; that it's not in any pilings but just sits on the grass.

Mr. Bouchard asked what would trigger the installation of the second of the larger septic systems, with the plan in reserve.

Mr. Mulledy said that it was sized to accommodate this building 'here', which is a 6,000-square-foot structure (auditorium and classrooms), so it would be something equivalent – if we had to add another building or another floor, essentially.

Mr. Bouchard asked if it was flow.

Mr. Mulledy agreed it is but it would be that magnitude of additional people.

Mr. Bouchard said that the applicant was saying that there is no way, even with both buildings maxed out, that we can reach the flow.

Ms. McEachern said not currently.

Mr. Bouchard said that they are monitoring gallonage.

Ms. McEachern said that they are required to continue to do that; that they do it weekly and now we are changing it to monthly, continuing to submit those to the State.

Mr. Lentz asked if the CEO should be monitoring that.

Ms. Pelletier said that the CEO doesn't have any interface with that; that the Public Works Director is the Sewer Superintendent and he may want that information.

Ms. McEachern agreed.

Ms. Pelletier said that this is not Town-owned; that it's all subsurface and there is no real benefit to the Town being involved.

Mr. Duncan asked, regarding the bird houses for the trees and to refresh his mind, what the frequency was for tree-planting along that fire lane. He also asked if that extended from the parking lot all the way to the ...

Ms. McEachern said no, that it was only behind the buildings and the field area, in the back where it curves; that it was to delineate the road in inclement weather. She added that the Fire Chief asked for a few (3-5) trees.

Mr. Mulledy pulled out the previously-approved landscape plan to show the exact location to the PB.

Mr. Duncan asked if they were essentially the same location for the bird house poles.

Ms. McEachern said yes; that the Fire Chief told them specifically where he needs them. She added that the poles are as tall as you see on the 6-foot stockade fence but we can make them taller, whatever the Fire Chief would need to clearly see them.

Mr. Mulledy suggested they meet with the Fire Chief to just be certain it satisfies his needs.

The applicant and PB agreed.

Mr. Duncan asked how the applicant would be delineating the parking spaces.

Mr. Mulledy said that we would be striping it just like any paved parking lot.

Ms. McEachern said that we may use the rope fence at the ends because there is a swale at one end, just to keep cars from going over.

Mr. Bouchard moved, second by Mr. Lentz, that PB17-7 site amendments be approved, as presented, with the additional condition that the applicant work with the Fire Chief for the placement and height of the bird house poles, and the terms and conditions that were previously applied.

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.

E. Initiation of annual rate of growth review in accordance with §29-5 of the Growth Management Chapter.

Ms. Pelletier said that, every year, the PB has to look at the past year's growth; that we send around the survey to department heads asking how they have handled the growth and if they can handle any more. She added that she and the CEO doesn't believe that the PB needs to propose a number bigger, larger than the calculation of the State minimums would come out to. She said that we still have permits available for non-subdivision lots. She added that, by July 30, the PB has to issue a report just coming out with their recommendations; that she will get that prepared for the next meeting for PB review.

F. Continued discussion of legal and public notice requirements.

Mr. Beckert said that Ms. Pelletier has given us a spreadsheet; that we are still waiting for Attorney Saucier's comments.

Ms. Pelletier said that he apologized because he has been delayed a bit for various reasons.

Mr. Beckert said that we will forego any work on this until we get Attorney Saucier's comments back; that he is consulting with Attorney Vaniotis, which he was very pleased to hear, as he is the leading authority in the State on planning board actions.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There was no discussion.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

Ms. Pelletier said that she printed the election results for the PB, highlighting the warrant articles the PB presented as well as the marijuana straw poll; that based on the


poll results, she is assuming the PB will be writing an ordinance that prohibits marijuana social clubs.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for July 18, 2017 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 7:58 PM.



Steve Beckert, Chairman
Date approved: 8/1/17

Respectfully submitted,

Ellen Lemire, Recording Secretary