



June 7, 2016  
7:00 PM

**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).

Voting members: Jeff Duncan, Larry Bouchard, Dennis Lentz, and Christine Bennett – Alternate.

NOTE: Ms. Horner was a voting member for the approval of minutes, as Mr. Duncan, Mr. Bouchard, and Ms. Bennett were absent for the May 17 meeting.

**ITEM 2 – PLEDGE OF ALLEGIANCE**

**ITEM 3 – MOMENT OF SILENCE**

**ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED**

Mr. Lentz moved, second by Ms. Horner, to approve the minutes of May 17, 2016, as written.

**VOTE**  
**2-3 (Abstained)**  
**Chair concurs in the positive**

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

Reviews will be done at the next meeting.

**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 an application to establish a Home Business providing piano instruction for up to 20 students per week at 31 Alden Lane. Applicant/owner is Alison Alden Spruce Hannan (mailing address: 31 Alden Lane, Eliot, Maine 03903) Property can be identified as Map 1/Lot 37 and is located in the Village Zoning District. (PB16-8)**

The applicant was present for this application.

**7:07 PM The Public Hearing was opened.**

No one from the public spoke to this application.

**7:08 PM The Public Hearing was closed.**

There were no more questions on this application by the Planning Board.

Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approve, as presented, PB16-8 with the following conditions of approval:

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. 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 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.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

**VOTE**

**4-0**

**Chair concurs**

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 an application to install a natural gas regulator station at 1 Harold L. Dow Highway. Applicant is Northern Utilities (mailing address: 6 Liberty Lane West, Hampton, NH 03842). Owner is William C. & Raymah M. Morgridge (mailing address: PO Box 23, South Berwick, Maine 03908). Property can be identified as Map 17/Lot 20 and is located in the Suburban and Commercial/Industrial Zoning Districts. (PB16-9)**

Mr. (Ryan) McCarthy (Tidewater Engineering & Surveying) and Mr. (Richard) Allen and Mr. (Michael) Dunn (Unitil) were present for this application.

Mr. McCarthy summarized the application project. He said that this station (located on the Morgridge property) would include a 20'X40' fenced-in enclosure with a driveway access to the side. He added that we have addressed Ms. Pelletier's comments, he believed, to the satisfaction of the Town. He added that he would be happy to answer any questions.

**7:12 PM The Public Hearing was opened.**

Ms. (Michelle) Myer, 58 Odiorne Lane, asked if there were safety issues involved and thoroughly fleshed out.

Mr. McCarthy explained that the purpose of a natural gas regulator station is a high pressure line; that much like a transmission line, this line is used to downsize the pressure for use in homes and businesses. He added that, regarding safety issues, this isn't anything new; that they have cleared out any safety issues and there are no safety concerns to the public with something like this.

**7:14 PM The Public Hearing was closed.**

Mr. Lentz asked Ms. Pelletier if we had comments from the police.

Ms. Pelletier said no. She added that Chief Muzeroll, Ms. Ross, and Mr. Moulton had no concerns.

Mr. Lentz asked if Ms. Pelletier's recommendation to require all permits (condition of approval) before issuing a building permit was still valid.

Ms. Pelletier agreed that it was. She said that they were highlighted in yellow on the checklist.

Mr. Duncan, as an example, said that he had a propane tank in his back yard that's under a certain amount of pressure and, as it comes into the house, it goes through a regulator to reduce the pressure; that that is what this is, just on a larger scale.

Mr. McCarthy said that that was correct; the same application, the same theory.

Mr. Duncan said that he is taking pressure off of the distribution line and downpressuring it through the regulator, asking where it was going from there.

Mr. McCarthy said that the high pressure line will go to the station and, then, follow the same trench back out to Route 236; that it will also be taking a 90 degree bend to service the two buildings on-site; that it's a parallel line, with one going in and the other going back out for others to use, as needed, in the future.

Mr. Duncan asked if there was currently a low pressure line in Route 236.

Mr. McCarthy said that, as far as he knew, there was not.

Mr. Duncan said that, for now, it's for future unknown use.

Mr. McCarthy said that was correct.

Mr. Dunn said that we do have a few customers – the Bolt Hill development and the development off of Fernald Road; that this station is sized to serve both those developments at the correct pressure, and any future potential growth in that area.

Ms. Bennett said that the applicant presented this as an essential service at the last meeting and asked when that decision was made.

Mr. McCarthy said through coordination with Ms. Pelletier; that, basically, an essential service is electric power lines, sewer mains, water mains, anything that services the public utility.

Ms. Pelletier said that that was a land use and we do have our own definition (Chapter 1, §2) of it, which in her opinion, it meets completely.

Mr. Lentz moved, second by Mr. Duncan, that the Planning Board approve PB16-9, Northern Utilities, with the following conditions of approval:

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. Copies of approved permits from Maine DEP and US Army Engineers, if applicable, should be provided to the Code Enforcement Officer before construction on this project may begin.
2. 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.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Require submission of all applicable permits to the Code Enforcement Officer prior to the issuance of a building permit.

**VOTE**

**4-0**

**Chair concurs**

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.

**D. Application to replace and expand a non-conforming single family dwelling located at 31 Clark Road. Applicant/owner is CPN Realty (mailing address: 2028 State Road, Eliot, Maine 03903). Property can be identified as Map 5/Lot 6 and is located in the Village District and Shoreland Limited Residential District. (PB16-6)**

Ken Wood and Nathan Amsden (Attar Engineering) were present for this application.

Mr. Amsden said that we spoke with Ms. Pelletier and got some good guidance and suggestions and made some changes to the plan and the application. He added that we are seeking preliminary approval tonight, if that's possible. He said that Ms. Pelletier suggested we make two plans to clarify – one pre-development and one post-development – and we agreed. He said that a significant change is that a large section of the pre-existing driveway will be removed and seeded, which affects the raw coverage of the lot. In addressing the vegetation issue, we tried to reconstruct where vegetation had existed before and, then, where Mr. Chase planned to replant, are indicated on the plans. He added that he also added a note about the larger existing trees on the site, which we don't plan on doing anything with. He said that they also added finished grade lines.

Mr. Lentz said that he was surprised, as he reviewed this, at all the yellow (missing items), asking if there was some issue.

Ms. Pelletier said that she didn't think so; that they are just minor things that need addressing but she thinks they've come a long way since the last time.

Mr. Beckert asked Ms. Pelletier if she was comfortable that we are at preliminary stage.

Ms. Pelletier said that these applications don't really have those phases; that those are for subdivisions, and the like, that are not Shoreland-related.

Mr. Beckert asked if she felt that the application had moved forward enough that we could do the site walk, etc.

Ms. Pelletier said that she did; that she thought that, if the applicant could get the rest in by Monday, we could schedule a site walk and public hearing for the next meeting.

Mr. Duncan said that, regarding volume and square footage of existing structure, these are yellow on the checklist but there are numbers available through the footnote, and asked for clarification.

Ms. Pelletier said that it's in the column titled 'submitted/addressed by'; that that's where she has the footnote numbers. She added that, in her opinion, that should still be yellow because on question 25A, for example, they are using post-development calculations and that is wrong; that that needs to be changed and she was just trying to alert them to that. She clarified that the volume and square footage numbers in Note 1 are for pre-development and he had unintentionally, she thought, used the post-

development calculations. She said that, at the end of the day, this map is showing us that this is not an expansion of a non-conforming structure but a relocation of one; that you still need to show the map of how you get there. She added that it will end up being -22% of an impact and much improved over what was there.

Mr. Lentz asked if we were inside all the setbacks at this point.

Mr. Amsden said that, except for the furthest point of the building 'here', everything is further from the bluff.

Ms. Bennett asked if there was any reason why you can't adhere to the setback.

Mr. Amsden said that, first, the tangent was allowed based on the line site, so we looked at that first, and then we moved it further away from the bluff. He added that we started to run into the septic area 'here' and we were trying to stay away from that. He also said that, regarding the small turn-around in backing out of the garage, the Baha'i have a reserve right to use this, and we thought it was wise to just leave that alone. He added that he thought the garage location worked well to do both. He pointed to where the unstable bluff was located on the map, where all the contours stop, explaining the resources they used to define it.

The front yard setback will be added.

The site walk was scheduled for June 21 at 5:30 PM and the Public Hearing at the meeting on June 21.

**E. Continued review of an application to establish a day nursery at 33C Levesque Drive. Applicant is Lisette Gould Nash (mailing address: 220 Hanscom Road, Eliot, Maine 03903). Owner is MH Parsons & Sons Lumber (mailing address: Woodbridge Road, York, Maine 03909). Property can be identified as Map 29/Lot 27-1 and is located in the Suburban and Commercial/Industrial Zoning Districts. (PB16-7)**

Ms. Lisette Gould Nash was present for this application.

Mr. Beckert said that this was re-establishing a business that already existed there and asked if there was anything else the PB needed.

Ms. Pelletier said that the Fire Chief wants the condition of approval used from the prior application (PB11-18), which includes State Fire Marshall, Maine DHS, and Eliot Fire Department inspections that may need to be accomplished. She added that we also need the owner's signature on the application and could make that a condition of approval, as well.

Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approve PB16-7, as presented, with the same conditions of approval applied to PB11-18. In addition, that all current requirements of local and State fire codes be met and that the applicant submits a readable copy of the owner's signature on the application for site plan review.

**VOTE**

**4-0**

**Chair concurs**

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.

**F. Application for a Shoreland Zoning Permit to construct a 6'X10' fixed residential pier, 3'X35' gangway, and a 10'X20' float system at 23 Alden Lane. Applicant/owner is Sarah Howard (mailing address: 23 Alden Lane, Eliot, Maine 03903). Property can be identified as Map 1/Lot 35 and is located in the Village and Shoreland Limited Residential Zoning Districts. (PB16-10)**

The applicant was present for this application.

This is a new pier that was approved (2015), but never built.

Mr. Duncan asked for the status of DEP and Army Corps permits.

Ms. Howard said that she has gotten a permit from the Army Corps of Engineers, with a name change, and she's waiting for the DEP.

The landings for the stairs will be pinned into the solid ledge; that there is no soil removal.

Mr. Beckert asked for the copy of the prior approval plan (PB14-16).

Ms. Pelletier had it with her. She said that it is exactly the same, only with somebody else's name on it.

It was requested that the name, date, and signature be updated on the plan.

Ms. Pelletier said that the Harbor Master has a copy of this application.

The PB agreed that they didn't need a site walk. A Public Hearing was scheduled for June 21.

**G. Request for Planning Board Action to amend a previously-approved Site Plan (PB12-10 and PB15-07) for an elderly housing facility at the Eliot Commons by making several minor changes to the building footprint and site features. Applicant/owner is Sea Dog Realty, LLC (mailing address: 86 Newbury Street, Portland, Maine 04101). Property can be identified as Map 29/Lot27 and is located in the Commercial/Industrial Zoning District. (PB16-11)**

Mr. (Ken) Wood and Mr. (Nathan) Amsden were present for this application.

Mr. Bouchard asked if he needed to recuse himself due to the fact that his wife works for Sea Dog Realty.

Mr. Duncan said that, as we have another member here, he would think just to avoid any perceived conflict, we have Ms. Horner as a voting member for this application.

After further discussion, Mr. Bouchard recused himself and Ms. Horner was appointed a voting member for this application.

Mr. Amsden said that it was requested that little concrete pads be added in front of each unit and a small patio 'here'; that when we did that, it hit the wildlife setback, so we moved the building; that the concrete pads would hit the proposed sidewalk so they would remove the sidewalk. He added that it was a net increase of 300 square feet of coverage, with a negligible impact on stormwater, and a permeable paver material will be used for the patio block. He said that we were looking to have it viewed as a minor revision. He added that the berm is staying and the parking lot is the same; that they are off the wildlife buffer about 1½ feet and the buffer, itself is 100 feet.

Ms. Pelletier said that the square footage of the building in the general notes (1) is 12,493 and the number on the building is 13,750 square feet (correct number).

Mr. Wood said that we would revise that.

After some discussion, the Planning Board agreed, **by consensus**, that this application would be handled as an **administrative change**.

Mr. Duncan said that he thought they needed to clean up the discrepancies in the notes, numbers, and the plans.

Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approve PB16-11, as submitted, with the terms and conditions be the same as PB12-10 and PB15-7, as well as that the file be looked at to make sure that there is consistency between notes, and other information, on drawings and the drawings and the communications associated with the May 20<sup>th</sup> letter.

**VOTE**

**4-0**

**Chair concurs**



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.

#### **ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS**

There were no outstanding items discussed.

#### **ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED**

##### **Letter from the Business Development Committee dated May 27, 2016.**

Ms. Horner said that the EBDC was hoping to get this on the PB agenda sometime this summer so that the PB would discuss some of these outstanding items, whether the PB decides to move forward, or not, on these items.

There was some discussion on how to move forward with this and how to set priorities.

##### **Letter from Rosanne Adams dated May 25, 2016.**

This issue is under active appeal and is informational, only, at this point.

Ms. Bennett asked if we could consider a protocol about timings of material; that she knows Ms. Pelletier has been swamped but she finds it difficult to give the material proper time and deliberation.

Ms. Pelletier suggested Ms. Bennett talk with Mr. Lee because we are no longer allowed to work overtime; that she literally has three days to review everything after it comes in and even that is pushing it before she gets it to the PB; that she cannot do it any faster without help.

Ms. Bennett said that she has spoken with Mr. Lee. She asked if we couldn't slow down the process a bit.

Ms. Pelletier said that, to do that, we would have to change the ordinance.

#### **ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board Meeting is scheduled for June 21, 2016 at 7PM.

#### **ITEM 10 – ADJOURN**

There was a motion and a second to adjourn the meeting at 8:15 PM.

Town of Eliot  
REGULAR PLANNING BOARD MEETING MINUTE

June 7, 2016  
7:00 PM

  
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Steve Beckert, Chairman  
Date approved: 6-21-2016

Respectfully submitted,

Ellen Lemire, Recording Secretary