

June 21, 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: 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. Lentz moved, second by Mr. Bouchard, to approve the minutes of June 7, 2016, as amended.

**VOTE**

**4-0**

**Chair concurs**

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

Decision letters will be reviewed at the next meeting.

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

**A. PUBLIC HEARING – and continued review of an 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)**

Mr. Beckert said that the PB conducted a site walk at 5:30 PM today.

Mr. (Nathan) Amsden (Attar Engineering) and the Chases were present for this application.

Mr. Amsden briefly described the previous property structures and the proposed replacement. He said that we would replace the building (single-family) within the same footprint as the previous building but further away from the bluff; that there will be some areas to be planted; that there will be no loop driveway.

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

Mr. Beckert noted a letter was included in the PB packet from the Desjardins' (abutters) in support of the project.

No one from the public spoke to this application.

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

Mr. Beckert said that the application has been cleaned up and it looks like everything is there.

Ms. Pelletier agreed, saying that there were only a couple minor things that could be conditions of approval – both calculations that are a little off; that other than that we are all set.

Ms. Bennett asked what the percentage was for the impervious surface for the proposed project.

Mr. Amsden said that the proposed is 22% and the previous was 30%.

Mr. Duncan asked if we were going to see required permits from the DEP and Army Corps.

Ms. Pelletier said yes, explaining that those usually come in after PB approval and would be shown to the building inspector prior to permitting.

Mr. Bouchard asked if there were any large trees taken down.

Mr. Amsden said that he does not have any records that show large trees. He added that there were some fairly large roots exposed on a piece of the property but doesn't know if that was from an existing tree or a long-dead tree.

Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approve PB16-6, as presented, 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. 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.
5. The applicant shall obtain all municipal permits required for this construction prior to the Code Enforcement Officer permitting the construction on the site.
6. The applicant shall review the application and drawings to make sure that the correct footage and volume is being presented on both drawings and paper application.

**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.

**B. PUBLIC HEARING – and continued review of an 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.

Mr. Beckert clarified that this had been before the PB under prior ownership; that everything was approved and is the same but was never built.

**7:15 PM      The Public Hearing was opened.**

No one from the public spoke to this application.

**7:16 PM      The Public Hearing was closed.**

Mr. Lentz asked if the applicant was going to bring electrical down to the pier.

Ms. Howard said no.

Mr. Bouchard asked if there was anyone here representing Riverside Pickering.

Mr. Howard said that he didn’t believe so.

There was discussion regarding updating the date and name on the plans; that the name had been updated but not the date. It was requested that a revision of the state transfer

with the 2016 date be noted on the site plan. It was clarified that the 'front view' drawing was one of the elevation drawings; that there is no guidance in the ordinance for what an elevation drawing has to include and the PA's advice was to keep it simple, and it was the one thing that was missing from the application. The PB has an engineered side elevation drawing in their packets.

Mr. Whalen asked if the DEP Permit has been issued as of today.

Ms. Howard said that she had to do a name transfer; that she believed it was now on file in the Town office; that the name transfer was approved.

Ms. Pelletier said that we haven't received it.

Ms. Howard said that she had a signed copy.

Ms. Pelletier said that she could just copy it and that would complete it.

Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approve PB16-10, as presented and amended, 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.
4. DEP and Army Corps of Engineer permits shall be submitted prior to beginning construction.
5. All piers and floats shall be affixed with a reflector not less than 3 inches in diameter located not more than 12 inches from each corner.

**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. 2017 allocation building permits for new residential dwelling units per §29-5.**

**a. Planning Assistant summary of 2016 residential growth and calculation of minimum number of building permits to be allocated for new dwelling units in 2017 by statute.**

**b. Current status of waitlist for growth permits by Planning Assistant.**

Ms. Pelletier, commenting that the server had been down today, said that she and Ms. Ross did some calculations to figure, roughly, that the allocation would be a minimum of 23 or 24; that we need to start coming up with a number to propose to the Town if the PB wants it to be something different than that minimum required by law. Ms. Pelletier said that there are 38 people on the waiting list, with a mix of subdivision and non-subdivision. She added that, currently, if you are a non-subdivision lot, your chances of getting a building permit are better and you will get one much sooner than if you were a subdivision lot. She said that she believed the CEO said it would be about three years for a subdivision lot to get a growth permit for someone who applied today and got on the waiting list. She clarified that, if we allow 23 or 24, at a State minimum, then that only leaves about 10 to 15 people, depending on the day of the week, who are still waiting. She added that the Board needs to decide if they want a proposed number greater than the minimum, or not. She said that the PB could come up with a couple of numbers, run them by the department heads, and have a public hearing to see how the public feels about the numbers at the beginning of the process; that she would definitely recommend that and, then, we could have as many additional public hearings as you like, along with that.

Mr. Lentz asked, regarding the canvassing the PB did last time, asked if that was something the PB did only if we change the number.

Ms. Pelletier said that it is prefaced by: “The ceiling, or maximum number, will be determined using the following process.”; that that is when you solicit the input of the department heads. She added that, if it is a number greater than the minimum, then the number would be voted on by the Town, which would be on the November 2016 ballot. She said that she believed the number was 18 this year, which does not include the two additional affordable housing growth permits.

Mr. Whalen asked what the current wait was for a non-subdivision growth permit.

Ms. Pelletier said that, once one becomes available you go to the next person on the waiting list, and they have five days to come in and claim it; that, a lot of times, they are not ready or their plans have changed, so, you ended up offering it to one, two, three or four people before anyone is interested in it; that those people who passed it over can re-

apply but they have to get in the back of the line. She added that it is a constantly changing thing but she would say not more than a year, at this point. Although we haven't logged them, we get complaints all the time. She said that, once you get the growth permit, you have 90 days to convert it into a building permit; that once you get a building permit you have six months to start construction, which we've always said is a footing in the ground to vest you; that, then, that permit is good in perpetuity.

Mr. Whalen asked when the number got re-calculated.

Ms. Pelletier said that it gets re-calculated at the end of the calendar year. She added that once the years that were dragging us down so much (2007-2008), that won't factor in, so it will boost the number a bit. She said that, if the Town didn't approve 29 and the State minimum is going to be 24, she didn't know if the PB wanted to go through this whole thing; that we aren't too far off.

Mr. Lentz asked if anyone was beating the door down.

Ms. Pelletier said that it depended on the day of the week; that, sometimes, people are in an uproar, but thought that the number (24) would alleviate most peoples' concerns.

Mr. Lentz agreed that it was a tough call; that he thought that growth should be planned and managed and it's not going to be an easy call, if you are really going to go through the steps; that he didn't have a problem with 23 or 24.

Mr. Bouchard said that he looked at it both ways; that, in the other way, in that it is his property and he can't do with it what he wants to do; that of course people are going to say we should manage growth if they are sitting on their lot and they don't have anything they want to do; that he didn't think people should be restricted to what they can do with their land, either. He clarified that the data he was looking for is how many are waiting, who's waiting, how long they've been waiting; if it is really a problem or an issue of where it's going to start hurting property value, etc.

Ms. Pelletier said that she has been hearing from realtors that it's actually doing the opposite to property values; that a lot that has a growth permit on it is, we've heard, is 30% to 40% higher in sale price.

Mr. Beckert agreed; that they are advertising that they've got the growth permit; that the realtors and property owners are taking advantage of it.

There was discussion regarding what was asked for last year – 29, 40, and 50 (with 48 being the number for many years without an issue) – and that department heads did not have issues with any of those numbers, in terms of handling the growth, but clearly the voters had an issue with it.

Mr. Beckert said that he didn't have an issue with the number, as it is trending, and depending on how it goes, it could surpass the original ordinance number.

Ms. Pelletier agreed it could eventually. She said that one thing to consider is that, from what she sees is that, while there may not be a lot of deterring residential subdivisions, it is driving people into elderly housing because those are exempt from growth permits. She added that that was not a bad thing and there was certainly a need for it, but was something to consider.

Ms. Bennett said that she thought the number was a very healthy increase from this year and she feels we are still kind of scrambling to deal with what we have on our plate right now to look at things in an orderly, planned way.

Mr. Duncan said that the increase is pretty good from last year and, as we start dropping '07 and '08 out of the mix, those numbers are going to continue to go up, probably by a pretty good chunk, at least for the foreseeable future.

Ms. Pelletier agreed, adding that we certainly have a lot of other business to be taken care of on the PB's plate right now; that, however, the PB would address it if they agreed it should be done.

There was discussion around having a public hearing regarding the public's interest in doing an alternate number before having a number in mind; that that was an option. There was agreement to get department head input and to change the first PB meeting date to July 12 and hold a public hearing on that date to get public input on an alternative number of growth permits to be designated for the following year. The PB agreed to keep the second regular meeting on July 19.

**D. Effects of the new Town of Eliot Charter (effective July 1, 2016) on Planning Board policies and procedures.**

Ms. Pelletier said that there were a lot of conflicting provisions in the Charter that affect our world, things that she has questions on and that she has started to pull those questions out to show where the conflicts are in the ordinance; that an example would be that some ordinances don't go into effect until seven days after the Town Meeting but the ordinance says that they go into effect immediately; that there are conflicts created by the Charter, and she isn't sure these people knew these provisions already existed in the ordinance, but she doesn't believe the Charter outweighs the ordinance; that she doesn't know the answers to these questions. She added that she was formulating a list of these examples of conflicts and hoping that, if the PB had any to add, we could give them to Mr. Lee to give to an attorney to get some answers. She clarified that that is all this is; that she doesn't know how the PB feels, asking if they wanted her to continue doing that.

Mr. Beckert suggested Ms. Pelletier put her concerns down and send them to the PB; that he didn't believe we should leave those questions unasked.

Ms. Pelletier said that she would get that to the PB for the next meeting.

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

There were no outstanding action items discussed.

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

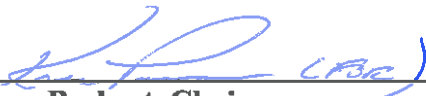
There was no correspondence.

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

The next regular Planning Board Meeting is scheduled for July 12, 2016 at 7PM.

**ITEM 10 – ADJOURN**

There was a motion and a second to adjourn the meeting at 7:51 PM.

  
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Steve Beckert, Chairman  
Date approved: 7/12/16

Respectfully submitted,

Ellen Lemire, Recording Secretary