

**ITEM 1 - ROLL CALL**

Present: Dennis Lentz - Chairman, Larry Bouchard, Greg Whalen, Ed Cieleszko, Christine Bennett, and Melissa Horner – Alternate.

Also Present: Emily Cole-Prescott, Town Planner.

Voting members: Dennis Lentz, Larry Bouchard, Greg Whalen, Ed Cieleszko, Christine Bennett.

NOTE: The newest alternate PB member has not been sworn in yet.

**ITEM 2 – PLEDGE OF ALLEGIANCE**

**ITEM 3 – MOMENT OF SILENCE**

**ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

There was no public input.

**ITEM 5 – REVIEW AND APPROVE MINUTES**

Ms. Bennett moved, second by Mr. Cieleszko, to approve the minutes of May 1, 2018, as amended.

**VOTE**

**4-1 (Bouchard abstained)**

**Chair concurs**

**ITEM 6 – PUBLIC HEARINGS**

**A. 18 Cole Street (Map 1/Lot143) PB18-5 Application to amend Shoreland Zoning Permit PB07-21 to install a 10'X20' Landing Float Extension attached to the existing pier, gangway, and float.**

**Received: March 27, 2018**

**1<sup>st</sup> Heard: April 17, 2018**

**Public Hearing: May 15, 2018**

**2<sup>nd</sup> Hearing: May 15, 2018**

**Site Walk: Not held.**

**Approval: May 15, 2018**

Mr. (Zachary) Taylor, Riverside & Pickering Marine Contractors, was present for this application.

**7:06 PM      Public Hearing opened.**

Mr. Taylor said that this was a very straight-forward project, as it was previously approved through the PB; that the Scarpetti's have seen the existing float for a number of years, now; that they are pretty much across from Atlantic Heights and, whenever big boats, etc. come through, it creates big waves, and wakes, of up to 5 feet; that they would like to turn the float and add another float so that they are pointing out towards the river so they aren't side-to-side when the waves roll through. He clarified that he doesn't believe he has DEP or Army Corps (Army Corps of Engineers) approval but he has spoken with both of them; that it's in the process of review and; confirmed we are outside the federal channel setback

**7:10 PM      Public Hearing closed.**

Mr. Cieleszko said that he would rather wait for the approvals and, then, follow up at the next meeting.

Mr. Whalen asked what the objection was to making it a condition of approval.

Mr. Lentz said that he had no objection.

Mr. Cieleszko said that he would rather wait and get the approval, even though we have a verbal okay that there's been no question; that he doesn't know why we haven't gotten the approval, yet, and doesn't know how long it's going to take for them to get that and whether they are going to get it. He added that there may be some issue we aren't seeing and have certainly not delved in it enough to know what they are looking at.

Mr. Whalen said that those permits are not within our jurisdiction.

Mr. Cieleszko said that we need them for our approval.

Mr. Lentz asked Mr. Cieleszko if he was against approving this with a condition of approval.

Mr. Cieleszko said yes because it's a meaningless approval with that kind of condition. He added that, when we know the conclusion is in the bag, then he can see making it a condition of approval but, where we don't know where we stand and have no letter, that's the way he sees it.

Mr. Bouchard said that he doesn't think we should deviate from the process the way we done in the past; that if this application passes the ordinances and clears this Board, then he believes we could approve it, or disapprove it, with the conditions of approval pending, as we always have; that it will then not have to come back to the PB and we can continue on with business. He added that, if they do not get the permits, then they cannot move forward with the project.

Mr. Whalen said that he was in agreement with that position; that, traditionally, this PB has issued conditional approvals for any number of items and, unless there's a policy

change where we're being advised by counsel that that's not a practice that we ought to continue, then he's for keeping our traditional practice in place. He reiterated that these State permits, to Mr. Bouchard's point, unless and until those permits are received, the applicant is not in a position to move forward, to begin with, but at least it clears this PB, awaiting other State agency for approval; that it doesn't matter if it's a septic system, it's the same situation; that you can categorize all those ancillary-type things that have to be produced for somebody to pull a building permit and, yet, we go ahead and approve a subdivision plan, subject to State Fire Marshall approval, as an example. He said that he thinks it's very appropriate, under the circumstances, to proceed with a condition of approval.

Mr. Lentz asked if someone would like to make a motion.

Mr. Bouchard moved, second by Mr. Whalen, that the Planning Board move forward with this application to continue to discuss and approve or not approve this application tonight and that it would be a condition of approval for State permits.

#### DISCUSSION

Mr. Cieleuszko said that his inexperience on the PB led him to the conclusion he drew. He added that, if this is business as usual...he thought this was too big a thing to be hanging but, if we've done this before for pier projects, then he is more than willing to go along with that, suggesting they just make a motion to accept, as the application is full (complete) other than that and he didn't hear anyone at any time say it was going to fail.

#### DISCUSSION ENDED

#### VOTE

**5-0**

**Motion passes**

There was no more deliberation on this application.

Mr. Cieleuszko moved, second by Mr. Whalen, that the Planning Board accept PB18-5, to amend PB07-21, 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, Army Corps of Engineers, if applicable, and State shall be provided to the CEO 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 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.

#### DISCUSSION

Ms. Bennett suggested adding another condition to require DEP and ACE permit approval copies to be submitted.

There was general consensus.

#### DISCUSSION ENDED

Ms. Bennett moved, second by Mr. Whalen, to amend the motion to add a condition: Copies of DEP and ACE permit approvals will be submitted to the Town Planner before construction on the project can begin.

#### VOTE

5-0

Motion passes

The original motion, with the amendment, is now voted.

#### VOTE

5-0

Motion passes

Mr. Lentz 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– PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED**

**A. Continued review of an Application for a Shoreland Zoning Permit and a Request for Planning Board Action – Resubmission of Site Plan Application – Expansion to Non-Conforming Structure. Property is located at 21 Foxbrush Drive (Map 50/Lot 19) and is located in the Suburban Zoning District and Limited Residential Shoreland Zoning District. Applicant/Owner is 11 Crowley Street, LLC (mailing address: PO Box 1037, Dover, NH 03821-1037). Agent for 11 Crowley Street, LLC is Tidewater Engineering & Surveying, PLLC (mailing address: 89 Route 236, Suite 3, Kittery, Maine 03904). (PB18-2)**



**Received: January 22, 2018**  
**1<sup>st</sup> Heard: February 20, 2018**  
**Public Hearing: April 17, 2018**  
**2<sup>nd</sup> Hearing: March 20, 2018**  
**Site Walk: March 20, 2018**  
**Application Denied: May 15, 2018**

Mr. Lentz said that we do not have anyone here for that tonight. He asked the Town Planner for an update.

Ms. Horner asked if we are allowed to talk about this with no one here.

The Town Planner said that, with no one here, it's recommended that you don't; that she is giving the PB an update of what the applicant provided to her, relative to tonight's meeting. She said that the applicant stopped in on Friday, mentioning that they were possibly looking to make revisions to the application, relative to what they received from the Town attorney; that she followed up with the applicant and he sent her an email, which she read for the record: "*As discussed on Friday, we ask that the Board table our application until the following meeting. This will allow us time to review Phil's response and make adjustments for the new owners' intent.*", and the Board saw in their packets that there is new owner information. She added that she would ask that the PB follow their normal process for tabling applications, whether by a motion to table or to table by consensus, to the next application meeting in June.

Mr. Lentz said that the Chair would accept a motion to table this application until the following meeting.

**Mr. Whalen moved, second by Ms. Bennett, to table this application (PB18-2) until the following application meeting.**

#### DISCUSSION

Mr. Cieleuszko said that he has a real issue with this. He said that the only time the applicant needs to be present is at the public hearing and at the site plan meeting where we approve the plan, as presented, in our code; that we can discuss it after the public hearing; that there's no requirement that the applicant has to be here to discuss it. He added that, on that point, in 75 days from the initial application it automatically fails, per the ordinance, from the acceptance of the application and site plan; so, he still has some time left. He read from §33-131 (a) *Within 30 days of the public hearing but no more than 75 days of its acceptance of a completed application and site plan, the planning board shall approve, modify and approve, or disapprove the site plan.* He said that within 30 days of the public hearing we have three choices, reiterating that we shall approve, modify and approve, or disapprove; that in his estimation, modify and approve would be some minor discrepancy that needs to be addressed. He added that their plan doubles the area they are using for their 30% expansion; that they are losing a good portion of the wing and will require a new site walk and a new public hearing; that it's

going to be a totally different project. He recommended not tabling it but disapproving the application and make them start again; that there is no reason to carry this on another month.

Ms. Bennett agreed.

The Town Planner said that, relative to the timeline, the applicant and PB can both agree to extend those timelines; that she did not specifically ask for the applicant to extend the timeline; that it has not been a previous Board practice but he did put something on the record asking for an extension.

Ms. Bennett said yes but, to Mr. Cieleuszko's point, we now have a new applicant; that the original applicant has now sold the property to someone else and we have an opinion from the attorney indicating that the application we accepted would not conform with our ordinance.

Mr. Lentz said that that means it would have to be re-done anyway.

Ms. Bennett added that those two points, together, is why she would support Mr. Cieleuszko's intention that we move to deny this application at this time and allow the new applicant to come forward, with the guidance we received and that they are aware of, from our attorney with a new plan.

Mr. Whalen asked, if we do nothing tonight, when will it self-destruct.

The Town Planner said that, if you like, she can ask the applicant to put a formal request for the timeline to be extended, if the PB agrees to the timeline extension. She added that it would be a disapproved application after the timeline discussed but, if the PB and applicant both agree to that extended timeline, then it wouldn't automatically be disapproved at that point. She reiterated that the applicant has provided the email she just read asking for a continuation.

Mr. Whalen asked if that wasn't all we could act upon, at this point in time, irrespective of the fact that we may have information that the property has been sold and there will be a new applicant, etc., that information has not been provided to us.

Ms. Bennett said that it has; that we have a new cover sheet by the applicant and a deed transfer.

Mr. Whalen asked if that was prior to the request to continue the application.

The Town Planner said that it was brought to her attention in August, via phone call, that the property would possibly be transferring and the information provided based on that discussion. She added that Ms. Fisher, the previous property owner, let us know that the property had transferred in early May; that at that point she reached out to the agent, Ryan McCarthy, to ask him to please put information on the record as to the new owner

as well as to have the new owner authorize Mr. McCarthy as their agent if that would be the continuation.

After reviewing that documentation, Mr. Whalen asked what the defining document was, here, in terms of the legality of continuing this application with a new owner.

The Town Planner said that she didn't see anything that would prohibit a new owner because they gave the Board the transfer of paperwork.

Mr. Whalen asked, if they acquired the property, didn't they acquire the right to continue the application.

The Town Planner said that she was not aware of anything that would prohibit it.

Mr. Whalen said that he would agree. He reiterated that, if we have a controlling document that indicates there's been a transfer of title and we're continuing with the lineage in terms of the application process, if we do nothing tonight when would this application, in essence, terminate.

Mr. Lentz said that it would be today.

The Town Planner said that she checked with Attorney Saucier about that, and also with Mr. Feldman when she first started on that, and the basic process she was told was that an application could be continued if both applicant and Board agrees.

Mr. Whalen said that he is going to vote in favor of continuing the application.

There was clarification that there was a motion, and seconded, to table this application until the next application meeting.

Mr. Cieleuszko clarified that he has no problem with the new owners; that that is not one of his reservations; that their rights to that property include the rights of the plan they bought with the property and it's clear that Tidewater is representing them, now. He said that the application is terribly flawed; that the calculations are based on that basement, which doubled the floor area and doubled the volume for the 30% calculations, and it is clear, for him last month and from the attorney, that they cannot use that; that that is not a modification, whether they are here or not. He added that that plan cannot be modified, it needs to be redrawn; that it is our duty to tell them that it's off the table; that we can approve a plan and find out through the public hearing, which is the beauty of a public hearing, that what we approved might be wrong; that it's better now to just get it done. He said that we have to disapprove this because it's not going to fly.

Mr. Whalen asked the Town Planner to read, again, the email from the engineer.



The Town Planner read the email again: *"As discussed on Friday, we ask that the Board table our application until the following meeting. This will allow us time to review Phil's response and make adjustments for the new owners' intent."*

Mr. Whalen said that the question is, based upon that whether or not the Board wants to give the applicant an opportunity to do just that, to make whatever changes are necessary to come back before the Board for reconsideration; that he thinks we ought to grant the applicant that opportunity rather than prejudge the situation and terminate it as of today.

Ms. Bennett said that she had a process question; that she agrees with Mr. Cieleuszko that whatever comes back to us is going to be radically different than what we have seen and what we did for the site walk; that the calculations will be different, the layout is likely to be different, and the setbacks are likely to be different, asking if we can go forward with another site walk and another public hearing on a tabled application that have already had both of those.

Mr. Whalen asked if the application would come back amended.

The Town Planner said that it could come back amended; that the Board could possibly reopen the hearing. She added that, as far as the process question, she could get detailed information from Attorney Saucier on what exactly that process should be so the Board is very aware moving forward.

DISCUSSION ENDED

**VOTE**

**2-3 (Bouchard, Bennett, Cieleuszko)  
Motion fails**

**Mr. Cieleuszko moved that the Planning Board disapprove PB18-2 because the plan uses inaccurate numbers for area and volume for calculations for the expansion.**

DISCUSSION

Mr. Lentz said that he doesn't like the term 'disapprove'; that if there is a motion to approve, and it falls in the negative, it's automatically disapproved.

Mr. Cieleuszko agreed, saying that the ordinance calls for disapproval but he will make a different motion.

**DISCUSSION ENDED with no second and the motion fails.**

**Mr. Cieleuszko moved that the Planning Board approve PB18-2 even though the plan uses inaccurate numbers for area and volume for calculations for the expansion.**

DISCUSSION

The Town Planner said that you can make a motion to deny and then agree or disagree.

Mr. Cieleuszko said that Robert's Rules always calls for a motion in the affirmative.

DISCUSSION ENDED

The Chair asked if there was a second to the motion in the affirmative.

**There was no second and the motion dies.**

**Ms. Bennett moved, second by Mr. Cieleuszko, that the Planning Board approve PB18-2.**

DISCUSSION

Mr. Whalen asked how this works.

Ms. Bennett said that we have a motion and a second and then we vote for or against.

Ms. Horner said that the motion has to be in the affirmative so, if you don't want that, you vote no, which will negate the affirmative.

Mr. Whalen asked what we are approving; that there has been a motion to approve PB18-2 and asked what PB18-2 is at this point.

Mr. Lentz said that it is the application for 21 Foxbrush Drive, as presented.

Ms. Bennett added as accepted at sketch plan and application, we've done site plan and public hearing, and now moved the application to the question of approval.

Mr. Bouchard said that he thinks the question to us was to table it and we did that, right.

Mr. Cieleuszko said no.

Mr. Whalen said that it didn't pass, it failed.

Mr. Bouchard said that that means that it is still alive, here, and we have never worked on an application without representation before and ask how this was happening; that if there was no representation on any applications, it did not get acted on at all.

Mr. Cieleuszko said that this is a Board issue; that if we don't do anything tonight, it's just going to die.

Mr. Bouchard said that that's what should happen in his eyes; that he doesn't see anything else happening, unless something has changed, as that is the way we've

always done it. He added that we denied the applicant to push it so, then, we would act as if we had their application and nobody showed up, we don't act and that's it, in his opinion.

Ms. Bennett agreed that that was one way but, by doing this, she thinks we actually get closure.

Mr. Bouchard asked if we can do that without the applicant or representative.

Ms. Bennett said that the applicant was aware we were meeting tonight and was aware this was on the agenda.

Mr. Bouchard said that if he has a question, he has nobody to ask.

Ms. Horner said that the applicant also asked us to push the timeline out and we didn't.

Mr. Cieleuszko said that our ordinance only calls for the applicant to be here for the public hearing and the site plan approval meeting; that those are the only two meetings required in our ordinance for them to be here and the rest is Board issue.

Mr. Bouchard said that that may be correct so the PB can still decide, he believes, to not act on the application due to no representation and, then, it will die in the calendar.

Mr. Lentz asked for the Town Planner's input.

The Town Planner said that she also wanted to relay to the PB that, when the applicant came in and asked her to table, she encouraged him to ask for the continuation; that, also, the owner was considering coming out tonight but he didn't have more information to present; that she wanted to make the PB aware of that conversation in the office with the agent, Mr. McCarthy.

Mr. Lentz asked for the pleasure of the PB.

Mr. Whalen asked, just to get clarification, if this motion fails...with this motion, we don't get another chance to introduce another motion.

It was agreed that was correct.

Mr. Whalen said that it appears a line in the sand has been drawn with this motion that, if it, unlike the motion to extend, to continue, then you had another opportunity when it failed to come back and make this motion...however, if this motion fails, there is no other opportunity to come back and propose something else.

Mr. Bouchard said that they can just fill out a new application.

Mr. Whalen commented that it self-destructs of its own accord.



Mr. Bouchard said exactly.

Mr. Whalen said that if the motion fails...the motion is to approve so, if the motion fails, which is to deny, then that's the final vote and there's no further...okay. He added that, if you are in favor of terminating this application, then you vote in the negative.

The PB agreed that that was correct.

DISCUSSION ENDED

**VOTE**

**0-5**

**The motion fails and the  
application is denied.**

The Town Planner said that, as a friendly reminder, if an application is not approved, there should be reasons why for the record.

Mr. Cieleuszko said that one of the conclusions should be that the floor area dimensions included, improperly, the basement, for area and volume, and any calculations based on those were wrong.

Ms. Bennett suggested citing the section, §44-32 C.1.b., which relates to the non-conforming structure and the allowable expansion of 30%; that the application submitted to us does not conform to our ordinance in regard to that 30% calculation.

The PB agreed with Ms. Bennett's wording as the reason for the vote.

Mr. Bouchard clarified that we voted against tabling the application and, then, voted against and denied the application.

Mr. Lentz said yes. He asked the Town Planner to do some research regarding the applicant/agent presence at meetings for their application.

**B. 66 Indian Rivers Drive (Map 100/Lot 3): PB18-4 Shoreland Zoning Permit  
Application to Replace and Expand Existing Structure.**

**Received: February 16, 2018**

**1<sup>st</sup> Heard: April 17, 2018**

**Public Hearing: \_\_\_\_\_, 2018**

**2<sup>nd</sup> Hearing: May 15, 2018**

**3<sup>rd</sup> Hearing: \_\_\_\_\_, 2018**

**Site Walk: \_\_\_\_\_, 2018**

**Approval: \_\_\_\_\_, 2018**

The applicants, Barry and Gail Phillips, were present for this application.

Mr. Cieleuszko recused himself from this application, as he is an abutter to this property.

Mr. Phillips provided a much more detailed picture of the property; that there was a survey in the package and the site is showing the 75-foot shoreland protection and the buildings that were included in that; that 'this' drawing tries to depict some of the buildings that are still there; that the bathhouses are gone, a barn is gone, and the cabin in the woods that has had a tree fallen on it; that there is a new structure (new single family home), there will be a cottage that will be moved from Shoreland Protection, possibly over in 'this' area; that the existing building is on the point at the end of Indian Rivers and has a pool. He added that this property has been in front of the PB at least a dozen times since it's been in this state. He said that he guessed what we are trying to determine is what happened at the last hearing. He added that the size of 'this' building is calculated by an architect/designer that made measurements and we'd like to go ahead with engineered drawings, but we need a definitive idea of what the PB needs, what is that 30%; that this was all commercial space, a campground, and almost saturated in permeable cover. He said that the pool was commercial, there was an office, gamerooms, and several apartments and dwellings. He explained that their plan was to have it a family compound; that it would probably be 5 or 6 units and 4 buildings; that the property is approximately 14 acres, it has 4-5 acres of blueberries, it's a very nice piece of property; that it's nice down there and quieter than a lot of spots in Town and we'd like to keep it that way.

Mr. Lentz asked what buildings will no longer be there.

Mr. Phillips said that those buildings are sort of no longer there; that the septic systems, some of the piping, some of the electricity and telephone wires are buried; that when he comes across them he digs them up; that there is irrigation to the four wells and five septic systems. He asked how the PB would suggest the site plan because there are driveways, gravel drives, etc.

Mr. Lentz said that the application says it proposes a replacement and expansion of an existing non-conforming structure, He asked what was being replaced.

Mr. Phillips said that it was the larger of the buildings that include the offices and game rooms, pool, etc., pointing to it on the plan. He added that the structure will be smaller with less roof, impervious cover, than the current building today.

Mr. Lentz said that he is looking at page 2 of Mr. Phillip's application and you are questioning what you need as far as...

Mr. Phillips said that he thinks everything's okay, of course, because he went to an architect and designer, paid him money, and he told Mr. Phillips, and he told me everything is great.

Mr. Lentz said that on your application, on page 2, it says residential; that we discussed that and we agreed that that was a multi-unit residential, which allowed the PB to review

it. He added that multi-family dwelling was 'no' and family residential is non-existent, that he could find.

The Town Planner said that the applicants came into the Town office, we went through the site plan review checklist after the last meeting; that he has some handwritten notes, as well, on the site plan; that he also provided information on who was renting the units, previously. She added that, as far as requirements going forward, really what he needs to establish is if it's a legal non-conforming use, a grandfathered use, that can be continued; that it can't be discontinued with that in the previous year because the property had been used for renters and for tenants; that one thing he has asked is that the PB come out and see the property on a site walk, which the PB can do under the sketch plan review process and, then, the applicant can work on getting more materials to the PB for the next meeting, if the PB so chooses. She said that he did provide the campground information; that the renter information was not part of the PB's packets because she had redacted a lot of the names and information on who was there; that they have been redacted, now, for the PB record.

Ms. Horner asked if that sufficed and now there's no lapse.

Mr. Phillips said that there never was a lapse; that there have been people there all the time.

The Town Planner said that the dates are 2015, so, something would need to be provided showing all the spaces being rented as the three-unit; that additionally, if the foundation is going to be changing and more than 50% of the market value of the structure is changing, then the PB would review relocation, as well, with the expansion. She added that, just to get some more basis on that, if the PB wanted to do a site walk to look at the site under §33-64, you can do a site inspection.

Mr. Lentz said that he thinks they should definitely should do that. He added that he's still confused about what we're really trying to do.

Mr. Phillips said that we are trying to replace, actually, the two other buildings; that there will be a 'green cottage' that will be in Shoreland Protection and he would like to move that back and maybe put a garage under it; that that shouldn't really affect much. He added that what they call the 'brown cottage' is gone, the bathhouses are gone, a barn that's gone, there's a couple of sheds that are gone.

The Town Planner said that one of the things we discussed in the office were waivers and the applicants have provided some information asking for waivers on others; that one of the things that we had discussed in the office was the site plan requirement and the fact that it would be required; that one of the concerns was timing on that in getting a surveyor out to look at the property or to get a site plan together to show exactly what's on the property; that that would be something that is needed. She added that, at this level, the application is still at sketch plan, and the PB could discuss with the applicants



what other requirements could be waived; that there are a few she would perceive as N/A, which the PB received, but a site walk could be done, per §33-64.

Mr. Phillips said that the real issue in front of the PB is the '66' building, the main building of the campgrounds, and that we wish to change; that it is a three-family, with game rooms, pool, etc., and we'd like to keep it a multi-unit.

Mr. Lentz asked if it was going to stay where it is today.

Mr. Phillips said yes; that it's actually going to shrink; that it's very close to the edge and that's why a site walk would be beneficial, probably.

Ms. Bennett asked the Town Planner what the condition of our records were on this property, do we have a good sense of the impacts to Shoreland; that we're talking about a lot of buildings in the Shoreland, similar to this last application, do we know what existed in 1989 on this property.

The Town Planner said that it was a campground, previously, according to our records; that we can look at the CEO file with a clearer picture on looking at what's on the ground in 1989; that it is up to the applicant to provide what was there, and determine what was there, based on his research of what was there on January 1, 1989, to start with.

Ms. Bennett added and any expansions that have happened since then, or modifications.

Mr. Phillips said that, if you think anything was improved since 1980, you definitely need a site visit, you definitely have to come out. He added that maintenance was done, and all that, but there was no construction.

Ms. Bennett said that it sounds like the applicants have already begun to move and alter some of the buildings under their ownership.

Mr. Phillips said yes; that we took down the cottage in Shoreland Protection and built a smaller one.

Ms. Bennett said that she thought it would be useful for this exercise to know these things.

Mr. Phillips said yes, and where it is a PB and all; that that's why he mentioned it's a moving target, that there's four buildings, they all have to be changed, etc. He added that, if he had the magic wand, he'd take this green place and move it over 'here', put a three-car garage with his tools and, maybe, a little office up above but we're talking about one piece of this today.

Mr. Lentz asked, regarding the numbers that Mr. Phillips supplied, if they applied to one building or all the buildings.

Mr. Phillips said they apply to one building, the 66.

Mr. Lentz asked if we were in our rights to take a site walk.

The Town Planner said yes, you can schedule a site inspection as part of the sketch plan, site plan review process.

Mr. Lentz asked what the pleasure of the PB was.

Mr. Whalen said that, in terms of the sequence of events, he thinks the issue for the PB in terms of its familiarity with this property can occur in one of two ways; one is that we're provided with documentation that indicates current as-is condition of the property and the to-be-built request so that we can see the difference between as-is today versus what you want to transform this property into, thus, the purpose of the application to transform it into something that doesn't exist there today in its current form; that, then, to arrive on the scene and to observe and to be able to hold in front of us exactly what it is exactly the applicant is proposing. He clarified that the confusion with this application is that there are obviously multiple moving parts that have either occurred in the past, continue to occur today, and are proposed to occur in the future; that this represents a roadmap for the PB and the applicant is coming into the process at a timeframe in which the PB is being asked to make a judgement on an incomplete plan from what he observes, here, and what the applicant provided; that he can't even make out the differentiation between the existing building and the proposed building.

Mr. Phillips said that he could help him with that. He added that, in his engineering experiences, there was a plan, a design, and there was engineering and implementation, and we're in the planning stage. He asked, to do the design work and to do the engineering, the site plan and all, what it's going to be, how does he know. He said that he says that those are the numbers and, if the PB says that those are the numbers, he'll go have it engineered; that if those aren't the numbers, he asked why he would do that.

Mr. Lentz said that he can't say that those are the numbers; that that is for the applicant.

Mr. Phillips said that that's what he's saying; that we have to decide on those numbers.

The PB said that the applicants need to decide.

Mr. Phillips said that he did; that that's what he presented and those are the numbers; that he would like to move from there. He added that he can show the PB that the plan does have a smaller footprint; that it's not highlighted very well on those drawings, they're very small; that there are also the sheets that show the PB a rendition of the home to be built; that you don't need a big imagination.

Mr. Whalen asked, regarding the to-be-built, where.



Ms. Phillips said where the three-family is now; that it would be a three-family in the same spot.

Mr. Phillips showed Mr. Whalen the existing and proposed using the site plan.

Mr. Whalen said that he understands what Mr. Phillips showed him but that that is not represented on the plan. He again suggested that the PB be provided with a correct as-is plan of what is there today and do an overlay as to what the applicants propose to do.

Mr. Lentz added that that's where the numbers will go into effect, once we can see what is proposed.

Mr. Phillips said that he didn't understand; that he gave a picture of what it's supposed to be, what it is, and what it's going to be, a drawing of what the house may be.

There was more clarifying discussion between the applicant and Mr. Whalen using the plan.

The Town Planner said that, if any of the PB members would like to see this, this is the checklist she went over with Mr. Phillips in the office. She added that she still has some concerns on the non-conforming use of the structure being a three-unit structure; that she will provide all the details from the CEO file, as well. She added that the information that is missing, at this point, is the Erosion & Sediment Control Plan, calculations showing the existing versus the proposed; so, going back to the baseline of what was there January 1, 1989, that it just needs to be more clearly spelled out; that it was discussed that building construction plans would be different than what was proposed so she asked the applicants to make revisions on the construction plans and initial them, that one of the things removed was the patio on the site plan the PB saw. Regarding the soils scientist report, there was some information the applicants had from other wastewater disposal applications and they have submitted that; that the PB needs to make a decision on whether that will fulfill that requirement. She added that she has also let the applicants know that they can submit anything relative to the information in the CEO file if there are outstanding questions.

Mr. Lentz said that, speaking for himself, he can't support that he knows what's going on; that he just can't see it. He added that he sees a multitude of septic systems and asked if they are involved in this at all.

Mr. Phillips said that one is existing on that building.

Mr. Lentz said that he's not trying to be critical but asked which one's going to stay and which ones go away, where are the wells located.

Mr. Phillips said that they are on the updated map; that they are hand-drawn.



Mr. Lentz said that he sees a note here that says 'culvert' and he is looking at the waivers that says "no bridges or culverts required".

Mr. Phillips said none are required; that that culvert has been there as long as he knew; that the project is at the end of the driveway so there is no bridge or culvert to get to that.

Mr. Lentz asked the PB what they would like.

Ms. Bennett said that she would like, for her benefit, an updated plan.

Mr. Phillips said that he submitted a larger plan; that, again, it is handwritten, showing the PB the plan he was discussing.

Ms. Bennett said that she thought that was a good step in the right direction to be able to see the entire property, to see the built features that are on the property, so that we can take a look; that it would be good to have dimensions on those built features.

Mr. Phillips said that he would probably move 'these' buildings, first, and then be back with the house plan later.

Mr. Lentz said that, either that, or gives us the dimensions for the setbacks, etc.

Mr. Phillips said that those are on one of the plans. He added that he has plenty of projects but would like to get this one off the table.

Mr. Lentz said that it would help him to go look at the area, asking if the applicant could put in grade stakes so he can see what the applicant is moving, where it's moving to.

Mr. Phillips said that nothing's moving; that it is shrinking.

Ms. Bennett said that, with the Shoreland Ordinance, we have dimensional constraints as to how much you can change; that it may be decreasing but we need to know what that decrease is.

Mr. Phillips said that the impervious area of it is decreasing but the size is actually...

Ms. Bennett said that we need to be more than just 'think'; that we need to actually know what exists and what is going to change.

Mr. Bouchard asked if the applicant was taking a building down.

Mr. Phillips said that 'this' building (66) will eventually come down; that the green building is going away, too; that he'll probably just remove that if this is going to take too long.

Mr. Bouchard said that he believes he missed the meeting at the beginning of this application but he feels like he missed a couple of years, here, because what should be happening is an application, or an applicant, should come to the Planner, with their application and what they want to do; that the Planner should be able to look at it and decide whether it's close to, or meets, or is ready to be presented to the PB, not an application coming, and all due respect, and us being asked what is allowed and not allowed so they can go re-size the drawing; present the application, present the drawings, we'll look at it and make a determination on if it fits into the ordinance or it doesn't. He added that, if it doesn't, then we can discuss that or find out if there's some gray areas or something that can be moved. He said that, right now, he doesn't feel like he's getting, as Mr. Whalen he thinks feels the same way, enough information to act on anything; that he doesn't feel he should do a site walk on something when he doesn't have a plan to look at; that that's his opinion.

Mr. Lentz said that it is our obligation to point out what the applicant needs to do, then, to satisfy us.

Mr. Bouchard agreed and, not to say we can't do it, but the Planner should be able to handle that in her office.

The Town Planner clarified that this came in before she started and we had some delays with getting back and forth; but, we've been meeting in the office, on and off, about this so she thinks it's a matter of getting those outstanding items to the PB; that she also doesn't want the applicant to ever feel like they are dropped or they can't come to the PB.

Mr. Bouchard agreed, saying that he wasn't disrespecting anybody but just feel that it's not in the PB's view....we had another application a while back where we ended up in the same position; that it came in with two different things asking which one they could do.

Mr. Whalen said that, when there are this many people on the PB that are confused and asking for further clarification, there is a disconnect somewhere; that he can't put his finger on where it is but somewhere in the process, regardless of where it started and who was on the PB and who wasn't, we're here, tonight, trying to figure this whole thing out; that, as you can tell, we're not there, yet, and we're probably a good distance away from it. He added that he still, with the applicant here, doing his red pen, the applicant's statement just a few minutes ago about the fact that that existing building is apparently being demolished and the applicant is putting up a brand-new structure in this same perimeter and rebuilding it as another three-unit, asking if that was correct.

Mr. Phillips said that the basement, the foundation, will stay pretty much the same, so he isn't doing excavation, and the like.

Mr. Whalen that, with this same configuration that he outlined in red, the applicant said that is...

Mr. Phillips said that that would no longer be.

Mr. Whalen asked if that is the same perimeter that will exist when the applicant reconstructs and rebuilds the buildings.

Mr. Phillips said no, explaining that the dark line is the new construction, that black outline is the new construction.

Mr. Whalen asked the PB members if they understood that from the plan, the solid black line inside the checkerboard is the new building.

PB members agreed that they did.

Mr. Lentz said that he thinks, for him, the dimensions of what is there today versus what the dimensions are for the new building when the applicant is done; that that is all a part of the calculation that we need to have.

Mr. Philips said that he thought they were provided on the application; that the tax assessment card shows you what's there, today, for the dimensions, and there's also the new drawing for what is going to be there. He added that he will provide a site plan but those engineers are eight months, or longer, out; that it's a busy time and there aren't many of them left.

Mr. Lentz asked PB members if there was anything else.

Ms. Horner said just the things the Town Planner discussed, which the applicant is probably already aware of.

Mr. Phillips said yes; that there will be no construction done without proper regulations; that he was on the conservation board for years.

Ms. Horner said that she thinks the disconnect is that it doesn't say that a wall is 30'X40'X50' – dimensions; that the applicants have given us the dimensions because we have your map; so, for the applicants, she thinks they have given us what we're asking for but, what we are asking for she thinks is to have on this drawing...we need to know how long 'this' wall is.

Mr. Philips said that that was on the construction drawing, the house design drawing.

Mr. Whalen said that he really thinks the place to start is an as-built site plan; that the site plan provided here, from Mr. Davis, is 1981; that he doesn't know if it's been updated since but is what we have, so, far, in terms of a working document to try to piece this whole thing together. He added that the requirement will be that, post whatever the applicant does on here, as a condition of approval would be to produce an as-built plan.



Mr. Phillips agreed, saying that that was on the checklist, along with the engineering plans and all that stuff, it's not a problem, it's just getting there.

Mr. Whalen said that, again, what he thinks would help this Board immeasurably is if they had a natural as-built plan.

Mr. Phillips said that Mr. Whalen had mentioned that at the last meeting and it's eight months out; that he can't come here tonight and give it to them, he can't do it today.

Mr. Lentz said to the applicants to work with the Town Planner to get that checklist down and see where we are at; that we aren't trying to give the applicants a hard time.

Ms. Bennett said that she appreciates that it is difficult to find engineering services, the time delay, and we have looked at the applicant's modification of a previous survey; that if they could translate dimensions onto one of these documents – a site plan – that showed us the existing property, it's footprint, in measurements and, then, this is the proposal and these are the measurements of that. She added that we are flipping through a lot of information and that's what the as-built and site plan are supposed to provide to us, a visual key, for us to look and be able to make determinations from. She suggested he could do a hand-drawn plan to show that if it has a table clarifying dimensions for structures and area.

## **ITEM 8 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS**

### **A. Discussion: Recent State Legislation regarding Retail Marijuana Use.**

Mr. Lentz asked Chief Muzeroll to go over his memo regarding retail marijuana use.

Chief Muzeroll said that a number of communities have addressed fire safety precautions for grow operations and dispensary operations; that the State of Maine law is changing and our ordinance is pretty restrictive as to what is allowed to do and not allowed. He explained that a new chapter has been added to NFPA 1 that is an overall additional fire safety code and can be recommended, or implemented, for adoption; that he included that in the PB packet. He clarified that this code does not address retail operations; that his, and the CEO's, take on that is that a dispensary retail operation would be treated like any other retail operation as far as fire safety measures are concerned; that grow operations in the wisdom of the State Fire Marshall's Office though they won't commit it to writing, they are basically saying that it's an industrial occupancy and they won't review fire safety measures; so, they are throwing it back to local control; that he is okay with that because there are local measures we can recommend to the PB. He added that one of his questions was whether the ordinance we passed in 2010 still valid based on the State's adoption of the Maine Medical Use Marijuana Program Rule, which was adopted February 1, 2018. He said that one of the things he's asking the PB to do, from talks with the Town Planner and CEO, is that we need to come to an understanding as to how the ordinance adopted in 2010 will pertain to any new rule that has been put into effect by the State for caregivers, grow operations,

and dispensaries. He added that he thinks there are some pretty good State rules in that whole packet but somebody needs to determine whether we want to do with that, do a special rule, do away with that, and follow the State's rules. Additionally, he said, and one of the reasons he wanted to be here, he wanted to let the PB know that, now that he can become part of the public record and we have something in the future, this gets his foot in the door, so-to-speak, to start the ball rolling for local ruling for fire protection measures for any facility that may come within that umbrella of a grow facility. He clarified that he's not here to prevent anyone from operating a legal business; that he's here for the protection of the occupants, responders, and the environment in which that facility is located. He added that we have approval for one facility in Town, already, and things went along with out better knowledge as to how it was going to be handled; that the Fire Marshall's Office kind of threw him for a loop when they said they didn't review that kind of occupancy; that his initial comment for this occupancy, when this was first brought to the PB, was that one of the conditions of approval would be that it be sent to the State Fire Marshall's Office for life safety measures within the structure and, then, he would look at a site plan for access and egress as to the facility, none of which happened; that he would like to be a little more proactive with the future of what he anticipates can happen in the area and as our attitudes change. He said that, when we are talking about medical marijuana dispensaries, we need to look at these facilities, he thinks, as an ambulatory healthcare facility; that it's a licensed, caregiver facility for medical needs – you walk in, you buy a product for medical needs, you are ambulatory. He asked if that is how we classify it; that at least some may deem it an ambulatory healthcare facility and suggested the PB might want to consider that. He said that he has done some research on this because he expected this to come up, in one way or another, both in conversation with the previous Assistant Planner and other fire chiefs; that the City of Denver has done some groundbreaking as to how they establish zones, how they control process control, retail sales, licensing and permitting, etc.; that if he is presented with another like facility, he would require a heck of a lot more information than what was provided, understanding our obligation with security in following privacy rules, but we have to have control over that; that that does not mean we have to put our head in the sand and say we can't look at that because of privacy; that we need to establish baseline fire safety control measures for grow facilities in the future, as well as dispensaries.

He added that, regarding the City of Denver, they have pages and millions of dollars invested in court actions to determine that everything they do is legal; so much so that the State of Washington has pretty much mirrored about every one of their process control items and a lot of it is actually a detailed version of what he gave the PB tonight for the fire safety code; that it's a real engineered portion, rather than an NFPA code portion, that's open for discussion. He said that he's not really here to give the PB answers but is here to answer any questions; that the basis really for him to be here that, if presented in the future, though we don't have anything in local ordinance control yet, his recommendations will be based on somebody else doing the legwork and he will take, depending on the information the applicant provides, measures from that and recommend certain safety measures.

Mr. Lentz said that that was good; that he's glad Chief Muzeroll is involved and clarified this email. He added that there are, on the books, numerous ordinances that



need to be changed; that we will certainly keep the Chief in the loop and count on his input as we develop this.

Chief Muzeroll said that he thinks the PB has had a history, no matter who is sitting up there, as long as we provide fair and equitable recommendations to the PB, generally they are accepted; that they don't always have to be in an ordinance, they are recommendations, and it's not shot-from-the-hip recommendations but back up by consensus standards somewhere.

Mr. Lentz said that, as he understands the Chief's memo and what he just explained, the Chief's main concern right now is the growing facilities, not the retail or smoke shops because those are regular fire code buildings.

Chief Muzeroll said that, with retail sales, it's a building that sells a product, regardless of what that product is, and we are within our code rights to establish safety procedures for that facility.

Mr. Ciesleszko asked, regarding the NFPA the Chief provided, if the Chief currently has the authority to demand compliance with Chapters 38 through 40.

Chief Muzeroll said no and that's why he uses the word 'recommend'; that this is something that he and the Town Planner are working on – to change the language that gives the person(s) in the local jurisdiction legal right to demand and enforce; that right now the Fire Marshall's Office has that authority; that the local person only has that authority by local ordinance that says we are going to use 'this' or the State Fire Marshall's list of consensus standards, whatever the current one is; that, then, when the AHJ (authority having jurisdiction) steps in and says 'this' is what you are going to do, then it's kind of hard to take it to a court somewhere and appeal that recommendation.

Mr. Ciesleszko said that when the Chief is making recommendations for any application that comes before the PB, he is making recommendations we can either add to an application, or not.

Chief Muzeroll said that he was correct; that he cannot demand it; that right now the only thing he can demand is if it is referenced in NFPA 101, which is the Life Safety Code adopted by the Town; that if it's referenced in the first pages of that book then he can require it; that the chapters he gave to the PB are not in that.

Mr. Ciesleszko asked if the only way to make this effective for the Chief would be to change the ordinance to add that.

Chief Muzeroll said that he and the Town Planner discussed that, if we're going to change things, it needs to be a broad scope change rather than chapter by chapter; that it should be book by book, current edition or certain edition; that you're only looking at 3 or 4 pages out of 850 and there are many references to other codes, or other sections of a code, that require you to go back and forth to make a determination based on conditions



presented; that it would probably be smarter to say whatever the current edition is. He added that the NFPA 1 pages he gave the PB are not from the current edition enforced by the State Fire Marshall's Office as, traditionally, that office is 2 to 3 editions behind; which creates a problem for people in the field because we are looking at new things; the he might make a recommendation, that the Fire Marshall's Office has not yet adopted, for a local authority having jurisdiction to be to follow these procedures that he's laid out; that that's hard to argue with because it's not something he's making up.

Mr. Bouchard said that the Chief is going to continue doing what he's doing but do it at a higher level with his recommendations.

Chief Muzeroll said yes; that the PB will see, as he and the Town Planner move forward, with a number of things that will probably drive a new section – a fire department ordinance – and, as part of that ordinance, there will be things he wants to have in there that will be the minimum requirements from an applicant to the PB that will be needed in order to make an informed decision; that it would also be for making minor changes to Fire Marshall recommendations, we have the authority to do that.

Ms. Bennett asked if the Chief was proposing, in this new Fire Department ordinance section, that the marijuana grow operations constraints would be there.

Chief Muzeroll said no; that he thought it would have to be part of that global definition of what codes we will adopt and have the authority over, in addition to the Fire Marshall's Office; that, currently, they don't review grow operations.

Ms. Horner asked if Eliot was behind the eight-ball on having an ordinance like this.

Chief Muzeroll said no; that he didn't believe we were any further behind than anyone else; that as far as reviews for the State Fire Marshall's Office and you see a recommendation from him (Chief Muzeroll) – that it goes to the State Fire Marshall's Office and, in addition to their requirements, 'these' are his recommendations, he thinks we're probably ahead of the game. He explained that he chooses to get involved but he isn't going to be here forever; that he's trying to make this a little cleaner for whoever takes over; that it's only as strong as your codes. He informed the PB that he was recently licensed as a certified plans examiner for fire safety measures; that some of the comments the PB sees from him now may be a little more detailed as far as how the plans are presented; that he thinks that would be a benefit to the PB.

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Mr. Lentz asked the Town Planner to discuss her memo that included a request from the Town Manager regarding recreational, retail marijuana.

The Town Planner said that Mr. Lee just asked that the PB come back with a recommendation as to how they want to proceed forward; if they're going to look at

possibly doing standards or proceed as is now and decide automatically to not do anything with, which would automatically opt us out.

Mr. Lentz suggested doing an overview on that tonight and, then, put it on for June 5<sup>th</sup> to start to develop something if we plan to develop it.

The Town Planner gave an overview of her memo, including an update on where the State is on recreational, retail marijuana; the opt-in, opt-out feature of the law, and proposed questions from the Town Manager.

Mr. Cieleszko asked for confirmation that the Select Board is not pursuing opting in.

The Town Planner said that, in the email, their words were “right now the Select Board is not considering allowing the sale of retail marijuana in Eliot.”

Mr. Pomerleau said that we’ve had no discussion on that other than we chose not to move forward with extending the moratorium because the statute made it moot; that until you opt in there’s nothing to worry about.

Mr. Cieleszko asked if there was any public response or did anyone want to go forward with this.

Mr. Pomerleau said that we had an advisory vote, after the Town voted rather strongly to make it legal and subsequent to the Town vote, where the Town voted very strongly not to allow legal marijuana sales in Eliot; that that’s as far as we have gotten.

There was discussion of looking at developing some language just in case the Town votes to opt in and to gather public input.

Ms. Horner suggested that our recommendation back could be that we are going to run it as an exercise in case the Town opted in.

This will be on the June 5<sup>th</sup> agenda.

## **ITEM 9 – CORRESPONDENCE**

There was no correspondence.

## **ITEM 10 – UPDATES FROM TOWN PLANNER**

### **A. Ordinance Revisions: Plan to move forward for Planning Board’s consideration of possible ordinance revisions.**

The Town Planner said that we would love to start a public comment option on the website and in the office for residents to tell us what ordinances they would like to see changed; that she would have a disclaimer that the PB does not mean to take every

consideration under advisement but she thinks it would be helpful for us to know what other concerns our residents are seeing and maybe people who come through the PB process might have an ordinance they see would be better written in a different way. She added that we would have a comment box in the office for traditional ways to responds.

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Ms. Bennett said that, in her research on the 30% expansion question, she found our ordinance was not in conformance with State statute, that we are more lenient; that the State statute was revised in 2013 and she thinks we didn't update ours. She added that the State statute (439-A §4.C.1) was clearer and more understandable, suggesting we revise our ordinance for the November ballot.

The Town Planner said that she went to a Shoreland training and does have that information if anyone on the PB wants to look at it, as to the 2015 State requirements; that Mr. Morse is planning to send her Word versions of what they have so that she can properly recommend revisions based on §44. She added that §45 of our ordinance doesn't call out portions of §44 that may be applicable to someone planning an application using dimensional standards. She said that she would bring that to the June 5<sup>th</sup> meeting.

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Mr. Lentz wanted to take a moment to tell the Planner that he thinks she's doing a great job; that that was a very difficult situation and he thinks her discussions and points of view are so important.

Mr. Whalen said that, as a follow-up to that and Mr. Bouchard's comment on the Philips application, the importance of making certain that, by the time an application comes before this PB, the Town Planner has signed off on that application; that by that he means to encourage our Town Planner to be able to say to an applicant, as an example, that the application is simply not ready to go to the PB. He added that he knows it's going to take the Town Planner a while to understand exactly what this PB's expectations are but, at some point in time, that message will become very clear just through more experience, refinement, etc. He said that, in the previous administration, if you will, there were multiple applications that arrived before this PB that were ill-conceived and ill-prepared, both from the applicant's side as well as the application side and, again, we would be put in that position of having to, in essence, unravel everything in order to get back to a point where you could push the refresh button and get an understanding of what the applicant was really asking for and the documentation that this PB needs to make an informed decision. He added that a classic example is this Indian Rivers; that in fairness to everybody, it is a bit of a complicated deal and, to Ms. Horner's point, the gentleman is an engineer; that it's clear that he thinks a little differently than those of us who aren't engineers and that's not a negative or criticism, it's simply the reality of the situation. He said that he doesn't think she should excuse, ever quite frankly, telling an applicant that the applicant is simply not ready to appear



before the PB because this application is still too confusing or still too little documentation to aid the PB in terms of the decision-making process. He reiterated that he would encourage her to act as a fire wall for this PB and clear the path so that by the time the applicant shows up here, the PB has, in essence, what it's going to end up asking the applicant for, anyway. He said that we are certainly better than we were, more efficient than we were last month and the month before that; that every month there's progress and improvement thanks to all her efforts, our Chair, and Board members; don't be hesitant just because you are back there and the PB is up here twice a month that you can't act as gatekeeper.

Mr. Lentz commented that he really misses the checklist as it allowed him to see at a glance what was missing.

The Town Planner said that she really appreciates the feedback; that she wants to know if there's anything she can be improving on. She said that her question has to do with the sketch plan process; that she is not a personal fan of the sketch plan process; that where she came from previously and just her background history, it doesn't have to be right or wrong but there was no process for an applicant to appear before the PB with an unfinished, unvetted application; that because we have a sketch plan process, she feels that, sometimes, she can't really deny an applicant coming before the PB to ask questions, that we have that in our ordinances. She added that she isn't saying we need to get rid of it but, if we want to have completely vetted applications, she'll just make that the message and make it loud and clear; that she does have some applicants that do want to come before the PB, do the sketch plan, do the site walk inspection, and those are things the ordinances allow. She said that she agrees with the PB as it was totally new to her to allow someone to bring a sketch plan to the PB to discuss; that where she came from we vetted it in the office, worked with the applicant and, if it wasn't ready, it wasn't ready; that if they had everything but maybe one thing and that was a discussion for the PB, then we would send it.

Mr. Whalen said that it's one thing to allow the applicant to appear here through the sketch plan process but, once the PB comments its list of deliverables for the next go-around, and the applicant wants to keep coming before the PB to continue to discuss the sketch plan when, in fact, he or she has already been given instructions to produce for that next round and doesn't, then that's when, as far as he's concerned, there is the need to inform that individual that they have not yet met the criteria, the deliverables, that the PB has requested and, therefore, until such time as the applicant does, we're just not going to schedule that applicant on the agenda.

Mr. Lentz said that that applies to the sketch plan, too; that he's not against the sketch plan but we need to be able to tell the applicant when it is ready and when it is not; that there needs to be an endpoint on the sketch plan, too, before it comes in here for us to review.

Mr. Whalen agreed that, at some point, you have to declare it complete or incomplete; that, again, the checklist helps make working towards getting to the point where you can

say it is now complete but to continue to come back, like the gentleman did tonight, with less than what was asked before, to get to the point where you can check it off was just a waste of everybody's time.

Mr. Lentz said that he thinks the PB's voice is very clear, from everyone, that we're not going to support this because it's not complete and we don't know where we are at.

Mr. Bouchard said that he doesn't mind the sketch plan process, at all, but there needs to be a direction in the sketch plan process; that it can't be just crayons on a napkin and, then, kind of decide what we're going to say; that it has to be moving forward to, now, okay the applicant says he/she needs dimensions from this corner to this corner, need elevations here, and this, and then we'll call it a site plan. He added that that's where he feels we've stretched away from a little bit. He said that what the Town Planner is doing is great and don't take some of his criticisms...that sometimes he comes across the wrong way; that she is doing a great job and encouraged her to keep doing what she's doing; with Mr. Whalen's comments, take everything you can and just let them know exactly what you need; take a look at the ordinance and know they aren't going to pass this or they are or let's see what they say; that that type of input to the applicant would really help us a lot.

Mr. Lentz said that he has a burning desire to be consistent, as is the Town Planner, particularly in our public hearings, the way it's open and what's said; so, we decided we were going to build a script for him that he could read; that when he opened it up, he realized it was three pages and how could he read all that, apologizing that it wasn't smoother.


Everyone agreed that he did well.

#### **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board Meeting is scheduled for June 5, 2018 at 7PM.

#### **ITEM 11 – ADJOURN**

There was a motion and a second to adjourn the meeting at 9:20 PM.

  
Dennis Lentz, Chair  
Date approved: 06/05/2018

Respectfully submitted,

Ellen Lemire, Recording Secretary