

**ITEM 1 - ROLL CALL**

Present: Dennis Lentz - Chairman, Christine Bennett, Melissa Horner, Carmela Braun, Bill Olsen – Alternate.

Also Present: David Galbraith, Planner; Kristina Goodwin, Land Use Administrative Assistant, Shelly Bishop, CEO

Absent: Ed Cieleuszko (excused), Bill Olsen – Alternate (excused).

Voting members: Dennis Lentz, Christine Bennett, Melissa Horner and Carmela Braun.

**ITEM 2 – PLEDGE OF ALLEGIANCE**

This was deferred.

**ITEM 3 – MOMENT OF SILENCE**

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

There was no public input.

**ITEM 5 – REVIEW AND APPROVE MINUTES**

Ms. Braun moved, second by Ms. Bennett, to approve the minutes of May 12, 2020, as amended.

**VOTE**

**4-0**

**Motion approved**

**ITEM 6 – PUBLIC HEARING(S)**

**A. 787 Main Street (Map 6/Lot44) PB19-15: Shoreland Zoning Permit Application: Application for a 4’X4’ landing, a 4’X30’ accessway, a 6’X100’ fixed pier, a 3’X45’ gangway, a 6’X35’ landing float, and an 8’X30’ main float. Applicant: Jesse Realty, LLC. Owner: Jesse Realty, LLC.**

**Received: September 3, 2019**

**1<sup>st</sup> Heard: October 29, 2019**

**Public Hearing: November 19, 2019**

**2<sup>nd</sup> Hearing: November 19, 2019 (Tabled)**

**3<sup>rd</sup> Hearing: May 5, 2020**

**Public Hearing: May 19, 2020**

**Site Walk: \_\_\_N/A\_\_\_**

**Approval: May 19, 2020**

Mr. Steve Riker (Ambit Engineering), Kris Glidden (owner), and Ms. Kuerstin Fordham and Mr. Doug Anderson (Riverside & Pickering Marine) were present for this application.

Mr. Lentz explained the public hearing procedures for the benefit of the public.

**7:16 PM      Public Hearing opened.**

Mr. Riker gave a summary of the dock proposal, which is for a 4'X30' accessway, 6'X100' fixed residential pier, a 3'X45' gangway (seasonal), 6'X35' landing float (seasonal), a 4'X4' landing, and an 8'X30' main' float (seasonal). In addition, also being proposed is 2,914 square feet of rip rap shoreline slope stabilization. These are depicted on the Site Plans dated November 1, 2019. Revisions to the plan included providing reflector locations on the dock, as required by the Town of Eliot Zoning Ordinance and included Note #12 on Sheet C2 regarding adding reflectors for safety to the docking structure. This project has already been approved by the MEDEP as well as the ACE. The applicant has paid the Compensation Fee to the MEDEP of \$11,505.60 and provided a receipt of that payment to Ms. Goodwin. Compensation is required when there is tidal wetland impact that exceeds 500 square feet.

Mr. Lentz said that we got one email from Ms. (Janet) Saurman (Park Street) who said she was "very much in favor of the docks and building on the river."

Ms. (Kari) Moore, Eliot Conservation Commission, said that one question was in regard to the time-of-year allowance for the in-water work. There seems to be a conflict between what was on the plan, what the DEP approved, and the Army Corps. The general permit authorizes in-water work but only between November and April but the plan shows the opposite. We would like to know how that was resolved with the Army Corps having different standards. Also, we understand that the two projects ~~that~~ are next to each other (two docks) and we are a little concerned with the cumulative impact, even though somewhat small, given the potential for future development here. We're concerned this is not truly a single and complete project. Regarding the trees and vegetation loss, I know the CEO confirmed the tree removal plan met the requirement but we wanted to know if the tree removal included trees that were cut prior to; if those were included and there was reference to some tree replacement, as I didn't see anything in the plans for tree replacement, and we're a little concerned about that. I will send the PB an email regarding these comments.

Mr. Riker said that the note on our plan is a standard note. If the marine contractor is using an impact hammer to drive piles, the time-of-year restriction has to do with noise. Riverside & Pickering Marine has a vibratory pile driver, which I believe allows them to drive piles outside of time-of-year restrictions. Additionally, I believe, prior to construction, the marine contractor coordinates with the Army Corps of Engineers (ACE). So, while there may be some discrepancy on our plan, and discrepancies between the DEP and ACE, nothing will happen until the contractor coordinates immediately prior to construction to perform any pile driving.

Mr. Anderson said that that is correct. We use a vibratory driver and there's no impact hammer used. We've always used the vibratory driver outside of that window. We had the ACE on-site with us a week or so ago doing another project with the equipment we will be using on this project and they were totally satisfied with it.

Mr. Riker said, regarding cumulative impact, I believe that is something that the DEP takes a look at. I would add that we have two separate lots. Ms. Moore's third comment was about tree removal. The last sheet in the plans, C3 Tree Score Worksheet, per the Town of Eliot Zoning Ordinance (tree removal along tidal wetlands), which requires that grids along the shoreline maintain a tree score, provides the tree scores for all of those grids along the shoreline where we are proposing work and, even after the tree removal, we still meet the grid scores. Therefore, any replanting isn't required.

Mr. Lentz added that I believe a condition of approval is that there is no additional tree-cutting permitted on the site unless approval is granted, in writing, by the Town's Code Enforcement Officer and/or the ME DEP. That is from the Planner's note. Additionally, there was a compensation fee paid to the ME DEP, which Mr. Riker mentioned.

Ms. Moore clarified that that was for the tidal wetland loss.

Mr. Riker and Mr. Lentz agreed.

**7:30 PM      Public Hearing closed.**

Mr. Lentz said that we agreed that they met most of the issues that were previously raised, with the exception of a couple, which they followed up on. Is there any Board discussion or a motion.

**Ms. Bennett moved, second by Ms. Braun, that the Planning Board accept PB19-15, address of 787 Main Street, for a Shoreland Zoning Permit Application subject to the following conditions:**

- 1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. 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.
  4. No additional tree-cutting is permitted on the site unless approval is granted, in writing, by the Town's Code Enforcement Officer and/or the Maine Department of Environmental Protection.
  5. A dock permit may be issued for 787 Main Street providing the primary structure remains.
  6. Any required tree replanting must be in accordance with the Maine Department of Environmental Protection.

#### DISCUSSION

Mr. Galbraith clarified that, regarding #5, in the future if the owner of that lot wanted to do an addition or demo/rebuild, they would be allowed to do that under the ordinance. I just wanted to clarify that the existing structure would not have to remain for the rest of time.

#### DISCUSSION ENDED

#### VOTE

4-0

Motion approved

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.

**B. 0 Main Street (Map 6/Lot 154) PB19-17: Shoreland Zoning Permit Application: Application for a 4'X24' accessway, a 6'X100' fixed pier, a 3'X45' gangway, a 6'X35' landing float, and an 8'X30' main float. Applicant: CPN Realty, LLC. Owner: CPN Realty, LLC.**

**Received: September 26, 2019**

**1<sup>st</sup> Heard: October 29, 2019**

**Public Hearing: November 19, 2019 (Opened to table application.)**

**2<sup>nd</sup> Hearing: November 19, 2019**

**3<sup>rd</sup> Hearing: May 5, 2020**

**Public Hearing: May 19, 2020**

**Site Walk:     N/A**

**Approval: May 19, 2020**

Mr. Steve Riker (Ambit Engineering), David and Laurie Chase, and Mr. Doug Anderson and Ms. Kuerstin Fordham (Riverside & Pickering Marine) were present for this application.

**7:36 PM      Public Hearing opened.**

Mr. Riker gave a summary of the project, which is for a 4'X24' accessway, 6'X100' fixed residential pier, a 3'X45' gangway (seasonal), 6'X35' landing float (seasonal), and an 8'X30' main' float (seasonal) located on 190 feet of shoreline. The proposal also includes rip rap shoreline stabilization. This project is depicted on a plan set dated November 1, 2019. Regarding previous comments from the PB and Planner, which included adding reflector locations, for which we added a note on the plan detailing the Town of Eliot Zoning Ordinance regarding reflectors on docks. We revised the abutter list and revised the site address (0 Main Street) on the plan set so that we could separate this project from the last project (787 Main Street). The DEP and ACE have approved the project and our last step is to gain local approval tonight. That's all I have and I will take any questions.

Ms. (Stephanie) Kinnett, Main Street, said that, from a previous meeting, there was something where we talked about adding the accessory structure to a lot with no primary structure. Just for our own edification on the Town rules, was that resolved in some way or is it not an issue.

Mr. Galbraith said that the issue remains that this lot does not currently have a primary structure so I did recommend a condition in the staff report that says "No dock permit (accessory structure) will be issued until a permit has been issued for a primary structure (single-family residence) and has been substantially completed as determined by the Town's Code Enforcement Officer." That was the recommendation at the last meeting and we have talked about other ways we might want to revise this. Ms. Bishop (Eliot CEO) is attending this hearing by phone and has talked with the property owner about it. He asked if Ms. Bishop would like to speak to this.

Ms. Bishop said that the question came up as to what a principal structure is and whether that had to be a single-family home or something else. Anywhere in the Shoreland Zone, a principal structure is defined as a one- or two-family residential structure. It then goes into commercial and other uses and, then, allowed structures accessory to allowed uses and piers, docks, and wharves are accessory, as well. So, certainly in the Shoreland Zone, it does specify that a principal structure would be a single-family structure. Conversation with Mr. Chase was potentially proposing to put a building up, upland, outside of the Shoreland Zone and I'll have him speak more to that, as far as what the proposed use is of that structure. It really depends on what type of structure is proposed and where it would fall in the Land Use Table.

Mr. Lentz said that it is our job, here, or judgement is whether it is okay to put a dock in there. It's not to judge the rest of the lot on this application. I believe, Mr. Galbraith, that

it is permissible to push this forward and, yet, there would be no permits issued to build anything, asking if that was correct.

Mr. Galbraith said that that is correct.

Mr. Lentz said that it seems our position tonight is to judge the dock and pier and the rest of that. If the PB decides to go forward and approve this, there would be no activity there, anyway, until there is a substantial built-up structure and there would be building permits for those. He clarified that what we do has no impact on the building of the dock. It's when the CEO issues the permit.

Ms. Bishop said that that couldn't be issued until there's a principal structure.

Mr. Lentz said exactly; the way I read it anyway.

Mr. Galbraith said that part of the debate, the last time we discussed this was, the way that I had written it was 'substantially complete'. The PB asked me to go back and discuss this matter with Ms. Bishop and she did render an official decision on it. If you wanted to change what is 'substantially complete', Ms. Bishop's email outlines what she believes is 'substantially complete'. If the PB wanted to go a little more on that, my feeling is to have the building framed and sort of buttoned up, with work still going on in the inside. But, again, it gets back to the primary structure and what 'substantially complete' is but Ms. Bishop has rendered that in an official determination, which is what I would go by. That determination could be challenged, I suppose, to the Board of Appeals (BOA). I see a number of options, here. As we last talked, Ms. Horner raised the question of why we are hearing this case, now, if there is not a primary structure on it. We could table this case until a house is under construction and, again, we get back to the 'substantially complete' and Ms. Bishop has rendered that. The PB may want to say at least it's buttoned up – roof is on, windows are up. They could challenge Ms. Bishop's decision to the BOA and, if the BOA overturned that decision, then it would come back to the PB and you could un-table it and vote on it. The zoning ordinance on the determination challenge would really have to argue the case that Ms. Bishop made an error in her determination. I believe the language she pulled out was from a code enforcement source plus they would have to argue against what are considered primary structures and accessory structures in the Shoreland Zone District. It specifically calls out both docks as accessory. We've been trying to move this project along and we sort of need to get to do that. He asked if Ms. Bishop could answer the question of if the PB approved the dock this evening with the proposed conditions, or amended conditions, would this approval be good for the dock for two years and a permit would be good for another year after that.

Ms. Bishop said she is double-checking on the two years. Permits, once issued, have to start within six months. If the dock was approved, we still couldn't issue that permit until there's a principal structure on the lot. That is the local ordinance. I will continue to look for Shoreland approval time for commencing the building permit.

There were no other comments from the public.

**7:50 PM      Public Hearing closed.**

Mr. Lentz said that the easement issue and deed correction issue were taken care of. He asked if Mr. Galbraith could think of anything else.

Mr. Galbraith said just the four conditions of approval we had recommended.

Mr. Lentz said that I think everything else has been brought up to date.

Mr. Chase said that he appreciated Ms. Bishop's return email correspondence. We had reached out for clarification and received an email yesterday that the Town is...we were actually putting a dollar amount on at the last meeting...saying a structure needs to be completed to a point of temporary occupancy permit. We did some research on our end and we do not want to put a dwelling in place right now. We want to put up a structure and get a use permit as a support building. The structure is going to be 24'X24' in a location that is out of any Shoreland Zone, far back up on the lot. We respectfully ask that we get the approval and we would look to get a building permit to start that 24'X24' garage, which is not going to be a dwelling structure.

Mr. Lentz asked if that would qualify as a primary structure, according to code.

Ms. Bishop said no, that it would be an accessory.

Mr. Chase asked if the dock isn't the accessory. The email I received yesterday says "a structure" and it needs to have an occupancy permit in order for it to be approved. It doesn't say anything about a dwelling. We have no anticipation, at this time, to put a house on that property, at this time.

Mr. Lentz said that that's another whole ballgame. I'm not sure where that puts us.

Ms. Horner said that I don't think you can have an accessory structure to an accessory structure. That's the problem.

Mr. Chase said that it's not an accessory, it's a primary, because there's only one structure.

Ms. Horner said that it's a garage, which is an accessory structure.

Mr. Chase asked what the PB was calling on the property at 787. Is that a house or a structure or is that a primary residence.

Ms. Horner said that I believe it's a primary residence, which is why we approved the dock because it's an accessory structure to a primary residence.

Mr. Lentz said that he was going to back up a few minutes and ask the question, again, or pose it as a question. This application is for a dock system. Along the way we discovered it was supposed to be a primary dwelling, or residence, or structure, whatever you want to call it. That has nothing to do, in my opinion, with being able to move forward on the dock. You can't build a dock until that structure is in place, whatever we're calling it. I don't want to see us tie two or three things together when the request was for only one thing. He asked if there were any opinions.

Ms. Horner said that I am happy to discuss this further and I am certainly always for working with the people in our Town but it was also just disclosed to us that they are not intending to put a principal structure on that lot. And so, now with that information, I sort of disagree with the Chair on moving forward on this because, if that's the intention, there's no permit that can be asked for.

Ms. Bennett followed up by saying that we have identified what the condition would be for that dock to go in. That a permit could be issued for them but the condition is that, as we understand our code, you need to have a primary structure, and we put in brackets "single-family home" being a primary structure; so, in a way, I think it can go back to the applicant, If they want to go forward, at this point, and get this dock permit we would make it a condition exactly upon that. Then they have the choice to either go forward with the single-family residence or get a primary structure, as it is defined by our code, or not. And then, this dock permit, I think Ms. Bishop said that applicant would have to start within six months to remain live and valid. I'm inclined to put this back to the applicants on this because, yes, what was asked before us was simply a dock but we have identified that there needs to be more done to the property before that can happen.

Ms. Braun agreed that a dock is an accessory to a primary dwelling, a single-family home, and if they have no intention of doing that, at this time, I'm uncomfortable issuing a dock permit with those conditions in place.

Mr. Galbraith said that we consider docks, sheds, detached garages, all accessory structures under the code so I have a hard time making that stretch. Ms. Bishop is obviously the final voice on that, legally. That being said, if this was approved with the conditions, there are a couple of things we've talked about. We've talked about the expiration of the PB case for the dock. That actually has a two-year life window on it; so, the approval is for two years. The building permit has to be started within six months; so, legally speaking in my opinion, they could a year from now apply for a house permit and, then, apply for the dock permit within that two years as long as we follow under that PB decision-making.

Ms. Bishop said that my recollection was in Shoreland development with new applications I thought was one year and I thought that was per the State standard. Our local ordinance is saying two years for site plan review. I apologize for my confusion on that and I will further clarify that to make sure it's not just a one-year approval, which would limit it even further. In any event, yes, whatever that approval expiration is, once a



permit is issued you have to start within six months and, again, we can't issue a permit until we have that principle structure at least figured out.

Mr. Lentz said that Mr. Chase has committed to putting up a structure. Call it a garage, a shed, I don't know what the name of it would be. Is that, in your opinion, a primary structure.

Ms. Bishop said no. The square footage of the pier/ramp/float system comes out to about to 1,200- to 1,300 square feet. So, as an accessory at that square footage and you look at a principal structure, the square footage would be greater than the accessory. Another consideration when you are looking at what that principal structure size is, is that it has to be greater than the accessory structure.

Mr. Lentz asked which way will the PB go.

Mr. Galbraith said that I am going to be in the Town Office on Thursday, as is Ms. Bishop. One thing we could do is reach out to the Town's attorney, explain the situation, and have them give us a written opinion if the PB would feel more comfortable with that, unless you want to make the decision now. He reiterated that we have the option to table until we have a primary structure committed to, or what-have-you. You could approve with conditions. You could deny the application. I don't like denying applications if there is a way to keep it alive, which directly applies to tabling it, if you went that route. We could get a Town attorney's opinion on it or Ms. Bishop's opinion could be challenge at the Board of Appeals but I don't think I'd recommend that to our applicants.

Ms. Braun asked if we could table it until we get a legal opinion. That would make me feel a bit more comfortable because, at this point, I'm not for going forward with this.

Ms. Horner said that I don't feel we need to spend money on a legal opinion. I think we're all on the same page, as far as the CEO, the Planner and, from what I'm gathering, the majority of the PB that is in attendance this evening.

Mr. Glidden said that my concern, here, is that we are walking a very fine line legally. What I'm hearing is a lot of opinions of everything from a primary structure to a primary building to a dwelling to a residence, to all these different things, and what I think really needs to be looked at is what does the code say and what is required. If it requires a structure, what is the definition of the structure written as in that code. If Mr. Chase meets that code and does what he's required to do by the Town code and by the law, then that meets the needs to get the other permit he is looking for.

Ms. Horner asked if Mr. Glidden would like her to read the definition for a primary structure in the Town of Eliot's book.

Ms. Bennett agreed she should do that, clarifying that it is actually 'principal structure'.

Mr. Glidden said that that's the problem. We're hearing principal, primary, we're hearing structure, dwelling, residence and the question is what is it.

Ms. Bennett said that that is because they are all contained within the actual code addressing this subject.

Ms. Horner read the definition: "*Principal structure* (building) means the *structure* in which the primary use of the lot is conducted. In shoreland zoning, [chapter 44](#): *Principal structure* means a *structure* other than one which is used for purposes wholly incidental or accessory to the use of another *structure* or use on the same lot."

Mr. Glidden said that Mr. Chase said that it was not in the Shoreland District.

Ms. Horner said that a garage or barn is an accessory structure, and so is a pier. You can't have an accessory structure to an accessory structure.

Mr. Glidden said that your definition said for the primary use of the property.

Ms. Horner said yes but a garage is an accessory structure, as defined within the code of Eliot.

Mr. Chase asked if it was possible for Mr. Riker or Mr. Anderson to address anything. Is there anything you can shed a light to because obviously I'm hearing what I'm hearing...the Town is basically telling me that the way that the zoning is, is that I have to put a dwelling on 4 ½ acres that we currently own, there, for that use or we cannot put a dock there. That is what I'm hearing. So, I need to build a house in order to put a dock in.

Ms. Horner said that I think that's what we were told when this application first came before the PB.

Mr. Lentz agreed that that was the decision then.

Ms. Bishop said that what the PB has in front of them right now is just a pier application. Part of it being an accessory, part of the requirement of having an accessory approval is having a principal residence so it's kind of difficult. It's almost like a 'what-if' scenario. Is there going to be a dwelling in the Shoreland Zone, outside the Shoreland Zone. If it's in the Shoreland Zone, the code is very ~~pretty~~ clear as it says principal structure is one- and two-family in the Shoreland Zone. It's a principal structure and the accessories are the piers and docks. If you have your accessory structure pier and dock in the Shoreland Zone and you put a principal structure upland, which is I think part of the question, does it have to be within the Shoreland Zone or is it okay to be outside of it and, if it is outside of it, does it have to be a dwelling. So, with the PB only having that dock application in front of them and not a clear proposal of what that principal structure is going to be, it's hard to make a determination when you have to have that principal structure before you can have the accessory structure.

Mr. Lentz said that's why I said in the beginning this is for a dock permit. If they have met the requirements for the dock permit, the fact that it's ancillary, or secondary, to a structure, is a whole other issue.

Mr. Anderson said I can't speak to the accessory structure, main structure, or any of that stuff. I do know that we have put many applications, several applications, before boards with new lots without any structures on them. They have approved the applications like we were talking earlier – subject to a permit for a primary or accessory or whatever it would be that you guys approve before he could get his dock building permit. But they do have a certain amount of time, whatever it is, to decide to build their primary structure or not. If they don't do it within that timeframe, then they lose the approval. But, moving forward and getting the approval for this is something that is common practice on these accessory dock structures.

Mr. Lentz said let's put the issue back where it belongs...back in the Code Enforcement Office. This is not really our issue. Our issue was to look at the application and decide if this dock passes the smell test. We were dragged into this because Mr. Galbraith dug up some stuff, and everything else. I understand all of that. I don't think it's fair to the applicant, I don't think it's fair to the Town, to reject this but it's your call.

Ms. Bennet said that I can make a motion, if the Chair thinks we are at that point.

Mr. Lentz said that the Chair would accept a motion.

**Ms. Bennett moved, second by Ms. Braun, that the Planning Board accept the application for PB19-17 at 0 Main Street for a Shoreland Zoning Permit Application to build a dock 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.**
4. **No additional tree-cutting is permitted on the site unless approval is granted, in writing, by the Town's Code Enforcement Officer and/or the Maine Department of Environmental Protection.**
5. **No dock permit, which is considered an accessory structure, will be issued until a permit has been issued for a primary structure and has been substantially completed, as determined by the Town's Code Enforcement Officer.**
6. **Building permits are required for the proposed dock and structure, calling it a residential structure.**
7. **Any required tree replanting must be in accordance with the State of Maine Department of Environmental Protection.**

#### DISCUSSION

Ms. Lemire said to Ms. Bennett that when you read #2, you did not include in the parentheses (single family residence).

Ms. Bennett said that I did not. As clarification, I did that because we don't know where this structure is going to go. It may go in the upland or the Shoreland and that can be determined with the CEO.

#### DISCUSSION ENDED

#### VOTE

**4-0**

**Motion approved**

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.

Mr. Lentz said that I don't appreciate the fact that I believe we were threatened with legal. I don't think we were at that point and I think it's pretty darn uncomfortable to hear those words. Anyway, that's all for 0 Main Street.

Mr. Chase said that the Board was not threatened. This is us trying to move forward after two years. We reached out to the Town and I appreciate you moving forward. I understand. I would like to talk to the CEO as far as the dwelling that needs to be put up there. If we can work that out then we will move forward to get a building permit. That is not what our first choice is.

Mr. Lentz said that I appreciate your patience. It hasn't been an easy road for us the past few months, either.

**ITEM 7 – OLD BUSINESS**

There was no old business.

**ITEM 8 – NEW BUSINESS**

There was no new business.

**ITEM 9 – CORRESPONDENCE**

There was no correspondence.

**ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING**

Mr. Lentz asked if Ms. Goodwin had come up with a date for the Administrative meeting that Mr. Olsen had requested to talk about retail marijuana and refresh ourselves.

Ms. Goodwin verified that there was nothing scheduled for June 23<sup>rd</sup>, which is when we were thinking to tentatively schedule that meeting.

Mr. Lentz suggested the PB pencil that in as we have a couple weeks to think about in case anything changes. We could have review of minutes and Decision Notices at that meeting but let's keep the majority of our time for the review of retail marijuana.

Ms. Goodwin said that I will send out an invite Zoom for June 23<sup>rd</sup> to hold that spot.

May 26<sup>th</sup>:

Public Hearing for 100 Harold Dow Highway – propane storage tanks

Site Plan Review for 0 Harold Dow Highway – 9 commercial condos & propane storage

June 2<sup>nd</sup>:

Public Hearing for 352 River Road – pier


Mr. Lentz said that Mr. Galbraith owed a few things to Ms. Lemire re: May 12 minutes. I didn't see a Planner Review, yet, for the May 26 applications.

Mr. Galbraith said that there are some amendments I still need to make to those and I will try to get those to Ms. Goodwin tomorrow and the minutes updated.

The next regular Planning Board Meeting is scheduled for May 26, 2020 at 7PM.

**ITEM 11 – ADJOURN**

There was a motion and a second to adjourn the meeting at 8:19 PM.

  
Dennis Lentz, Chair  
Date approved: 5/26/20

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**