

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA – NEW APPLICATION

TYPE OF MEETING: REGULAR

DATE:

Tuesday, November 20, 2018

PLACE: ELIOT TOWN HALL - 1333 STATE RD.

TIME:

7:00 P.M.

PLEASE NOTE: IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.

- 1) ROLL CALL
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) OLD BUSINESS
 - a) Notice of Decision for PB 17-13 – Albert – 9 Stacy Lane (Map 78 Lot 76-1)
 - b) Notice of Decision for PB 18-11 – Herbold- Bittersweet Lane (Map / Lot 22/6 & 22/6-4)
 - c) Discuss Temporary Structure Definition
 - d) Discuss Ordinance Changes previously discussed at Planning Board Meeting on October 2, 2018.
- 6) NEW BUSINESS
 - a) Retail Marijuana Discussion
- 7) REVIEW AND APPROVE MINUTES
 - a) November 13, 2018 Planning Board Minutes
- 8) CORRESPONDENCE
- 9) UPDATES
- 10) SET AGENDA AND DATE FOR NEXT MEETING
- 11) ADJOURN



Kristina Goodwin Signing with approval on
behalf of Dennis Lentz, Chair



POSTED

11/15/18

PLANNING BOARD NOTICE OF DECISION

CASE #: PB18-11 - REQUEST FOR	MAP/LOT: 22/6 & 22/6-4	DATE OF DECISION: 09-18-2018
PLANNING BOARD ACTION/PROPERTY LINE		
REVISION		

October 2, 2018

Herbold Family Revocable Trust of 2013
Mr. Seth Herbold
13 Bittersweet Lane
Eliot, ME 03903

John D. Craig
112 Beech Road
Eliot, Maine 03903

Dear Mr. Herbold and Mr. Craig

This letter is to inform you that the Planning Board has acted on your **Request for Planning Board Action to revise property boundary lines between Map 22/Lot 6 & Map 22/ Lot 6-4** as follows:

INDICATED DATES REFLECT WHEN THE ITEM WAS RECEIVED IN THE PLANNING OFFICE.

APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED:

1. Request for Planning Board Action Application, received August 14, 2018, for 13 Bittersweet Lane and 112 Beech Road to revise property line.
2. Quitclaim Deed, filed with the York County Registry: Book 16647/Page 98-101.
3. Warranty Deed, filed with the York County Registry: Book 9840/Page 302-303.
4. Boundary Survey for S&A Herbold, dated April 2018, prepared by F. Emery, III.
5. Plan Review from E. Cole Prescott, Town Planner, re: PB18-11, dated August 24, 2018.
 - Attached: Subdivision Plan for Robert Raeside & Kenneth Dame, dated 07/19/1993, Y.C.R.D. Book 214, Page 37; re: 112 Beech Road.

FINDINGS OF FACT:

- The owner(s) of the properties are: Herbold Family Revocable Trust (mailing address: 13 Bittersweet Lane, Eliot, ME 03903) and John D. Craig and Patricia A. Craig (mailing address: 112 Beech Road, Eliot, Maine 03903).
- The applicant is: Seth Herbold (mailing address: 13 Bittersweet Lane, Eliot, ME 03903).
- The properties are located at 13 Bittersweet Lane, Eliot, ME (2.5174 acres) and 112 Beech Road, Eliot, ME (2.01 acres).
- Properties can be identified as Assessor's Map 22/Lot 6 and Map 22/Lot 6-4 and are located in the Suburban Zoning District.
- The applicant, Seth Herbold, proposes to revise property lines with John D. Craig to alleviate a construction error that encroaches on his well and restricts use of his driveway.
- The Planning Office accepted the application on August 14, 2018.
- 112 Beech Road (Map 22/Lot 6-4) is part of a previously-approved subdivision.
- The following application fee has been paid by the applicant, in accordance with §1-25:
 - Subdivision Application Fee: \$200
- The Planning Board reviewed the application at the following regular meetings:
 - August 28, 2018 (Approved motion to table this application until September 18, 2018, as the applicant was not present.)
 - September 18, 2018.

- Application sent to staff reviewers. Fire Chief Muzeroll sent an email stating that “the lot line has no affect on fire protection for either property.”
- There was no public hearing or site walk.
- Both Mr. Herbold and Mr. Craig are in agreement to make this lot line adjustment.
- The lot line revision will be written into the deeds of Herbold Family Revocable Trust of 2013 and John D. Craig and registered at the York County Registry of Deeds.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (Revisions to final site plans after planning board approval).
2. Revisions to lots contained in an approved subdivision are allowed with Planning Board approval under Section 41-182 (Plan revisions after approval).
3. The Board determined that the property boundary line revisions to 13 Bittersweet Lane (Map 22/Lot 6) & 112 Beech Road (Map 22/Lot 6-4) were minor and did not result in any substantial changes to the approved development or further impact abutters and therefore did not require full site plan review or additional public hearings.

DECISION:

1. Based on the above facts and conclusions, on **September 18, 2018**, the Planning Board voted to approve your application to revise abutting property boundary lines between Seth Herbold and John D. Craig to alleviate a construction error that encroaches on Mr. Herbold’s well and restricts use of his driveway.

CONDITIONS OF APPROVAL:

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit 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.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **September 18, 2018** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Dennis Lentz, Chair

This letter reviewed and approved by the Planning Board on October 2, 2018.

CC: Martine Painchaud, Tax Assessor
Mark Mitchell, Code Enforcement Officer

Introduction Temporary Structure

- Any **structure** that is not attached to a permanent foundation. A **structure** which is permitted within a land use district without any foundation or footing and which is removed when the designated time period, activity, or use for which the **temporary structure** was erected has ceased.

https://www.google.com/search?client=firefox-b-1&biw=1132&bih=597&tbm=isch&sa=1&ei=mkjGW_ChKsLSzwlhtoSwAw&q=introduction+temporary+structure+&oq=introduction+temporary+structure+&gs_l=img.3...34588.34588..35541...0.0..0.119.119.0j1.....0....1..gws-wiz-img.lAq98wkAaww#imgrc=TuYwoe9YBxaXCM:

Engineering professor out of India university

7.8.1 Temporary Structures, Uses, and Events/Tupelo, MS

<http://www.tupeloms.gov/chapter-7-accessory-and-temporary-structures-and-uses/>

- (1) Shall be compatible with the principal uses taking place on the site. They shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (2) Shall not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (3) Shall not include permanent alterations to the site;
- (4) Shall not maintain temporary signs associated with the use or structure after the activity ends;
- (5) Shall not violate the applicable conditions of approval that apply to a site or use on the site;
- (6) Shall not violate any building code, building design, zoning, parking, or setback requirements;
- (7) Shall not interfere with the normal operations of any permanent use located on the property; and
- (8) Shall contain sufficient land area as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

Ex: greenhouse

Temporary structures that immediately spring to mind include tents, marquees, gazebos, greenhouses, sheds and prefabricated cabins. Permanent buildings include brick and mortar houses, offices and factories, as well as steel or aluminum warehouses, workshops and showrooms.

Let's pause it here... The more we think about different types of permanent and temporary building, the clearer it becomes that the dividing line is not so sharp. For instance, is a steel framed warehouse extension, insulated and designed for continuous use for two years or more, a permanent or a temporary structure?

Temporary buildings are designed to be fast to erect. This means a lead time of 7 to 28 days, depending on the size and style of the building. Permanent buildings, on the other hand, may take between two and six months to complete. Short construction time does not mean that temporary buildings are necessarily flimsy. It simply reflects their modular and prefabricated nature.

Some temporary structures are designed to be fixed to any hard-standing surface using bolts or spikes, without any foundations or ground preparation. Other, semi-permanent buildings, make use of foundations or a poured concrete base. Either way, temporary buildings require little or no capital outlay prior to installation.

Temporary buildings are designed for a shorter period of use than permanent buildings. How short is temporary? A strictly temporary structure will be used for 28 days or less. More realistically – in a commercial context – a temporary space could be used for 2 to 7 years. A building designed for more than 10 years of use is usually considered a permanent structure.

An important feature of a temporary building is the ease (or lack) with which it can be [relocated](#). Many temporary buildings can be relocated and installed on as many different sites and as many times as you need. This gives you enormous flexibility regarding positioning and use. It also means that temporary buildings can be used on irregular or uneven ground surfaces without the expensive preparation that would be necessary for a permanent building.

<https://smart-space.co.uk/blog/permanent-vs-temporary>

TEMPORARY STRUCTURE

A structure which by type and materials of its construction is erected for not more than 30 days with a permit from the CEO. Such structures include tents, portable bandstands, bleachers, reviewing stands, a mobile home, tractor trailers or structures of a similar character. Temporary structures erected in conjunction with licensed circuses are not construed to be temporary structures under this title. (Kittery)

Planner's List: Potential Ordinance Revisions			
Topic	Revision for Consideration/Rationale	Section(s)	Status
Accessory & Principal Structures	Clarification of accessory and principal structures, uses and definitions	Sections 1-2; 45	
Application Review Timelines	Specify process for continuing review of application past the initial time period specified in ordinances	Sections 33; 44; 45	
Back Lots	Clarification on some of the standards	Section 45	
Code References	Clarify and update code references and state law references throughout ordinances	Throughout ordinances	
Definitions	Review use tables; update defintions where needed to meet state definitions	Sections 1-2; 45	
Dimensional Standards	Correct notes and other sections of dimensional standards table for clarity purposes	Section 45	
Dimensional Standards	Clarification of setback to normal high waterline or coastal bluff requirements - per Chapter 44 requirements	Section 45	approved
Fire Protection	Fire requirements for review with PB design specifications, etc.	May be a new section: Fire Chief	
Growth Permit Process	Change "application fee" to "permit fee"	Section 29	approved
Home-Based Businesses	Streamline home-based business information to two approval paths - 1 for PB review and 1 for CEO review	Sections 1-2; 33; 45	
Job Title: Planner	Change Planning Assistant role to Planner	Throughout ordinances	approved
NOD/Date of Decision	Make more clear within each section the date of decision v. NOD date	Sections 33; 44; 45	
Shoreland Zoning	Update Town ordinances to be consistent with 2015 DEP Chapter 1000 Guidelines	Sections 1-2; 44	approved
Site Plan Review Process	Revise Section 33 for better clarity throughout process	Section 33	
Uses in Use table	Personal care, such as hair dressing and nail salons, as defined in home occupation section of ordinances	Section 45	
Waivers and Variances	Clarification on waiver and variance standards and processes throughout ordinances	Sections 33; 41; 45	