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# TOWN OF ELIOT, MAINE

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## PLANNING BOARD AGENDA

TYPE OF MEETING: REGULAR

DATE:

Tuesday, October 16, 2018

PLACE: ELIOT TOWN HALL - 1333 STATE RD.

TIME:

7:00 P.M.

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*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.*

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- 1) ROLL CALL
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) OLD BUSINESS
  - a) 11 Sanborn Lane (Map 23/Lot 14): PB18-12 – Site Plan Review for the following: Proposed 3,597 sq. ft. commercial manufacturing building, three 360 sq. ft. buildings and associated site improvements
  - b) 495 Harold L. Dow Highway (Map 53/Lot 6): PB18-9 – Update on applicant's progress meeting Conditions of Approval
  - c) 17 Stacy Lane (Map 78/lot 76-1) PB17-13 – Correct Survey Measurements on previously approved plan.
- 6) NEW BUSINESS
  - a) Meadow Lane: Discussion and potential action on request for June 2019 ballot question for Town to accept Meadow Lane as a Town road
- 7) REVIEW AND APPROVE MINUTES
  - a) October 2, 2018
- 8) CORRESPONDENCE
- 9) UPDATES
- 10) SET AGENDA AND DATE FOR NEXT MEETING
- 11) ADJOURN



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Dennis Lentz, Chair

RE: 11 Sanborn Lane (PB18-13) Sketch Plan, Sewer Connection Question

Joel Moulton <jmoulton@eliotme.org>

Mon 10/1/2018 6:29 AM

To: Abbie Sherwin <asherwin@smpdc.org>;

Hi Abbie,

I am still in belief that the property is still required to connect to the public sewer system via the private force main on Route 236 though the ordinance is not specific either way (via direct public/private connection) The property has held a sewer allocation (approx.. 5000/gpd) for a number of years which was committed by the former owner. Other properties in the area have recently connected to the sewer system ( The Commons Senior Housing, Modernist Pantry, Villages of Great Brook).

Thank You,

Joel

*Joel C. Moulton*  
Public Works Director  
Town of Eliot  
Phone: 207-439-9451  
Fax: 207-439-7017

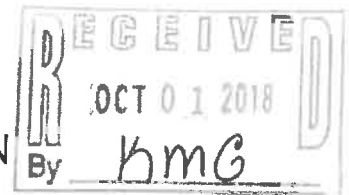


# TOWN OF ELIOT

1333 STATE RD., ELIOT, ME 03903

## REQUEST FOR PLANNING BOARD ACTION

(FOR MISCELLANEOUS USES OR CHANGES)



Applicant Kenneth Albert  
 Mailing Address 19 Stacy Ln City Eliot State Me Zip 03903  
 Telephone # 207 748 3180 Email address alberts86@comcast.net  
(TO RECEIVE MEETING NOTICES)

Property Owner Kenneth Albert  
 Mailing Address 9 Stacy Ln City Eliot State Me Zip 03903

Property address 17 Stacy Lane Tax Map # 078076 Lot # 002  
 Size (acres) 3.00 Zoning District Rural Shoreland Overlay District? no

Conforming Lot?  YES/NO Conforming Use?  YES/NO Conforming Structure?  YES/NO

- Legal interest in property identified by applicant by:  
 Owner (copy of deed &/or tax records)  
 Pending Owner (copy of purchase & sale agreement)  
 Lease (copy of lease agreement with owners & applicants signature)  
 Corporate Officer (letter from corporation)  
 Other (identify: \_\_\_\_\_)

Nature of action requested:  
 (Example: Request to amend a previously approved site plan by adding a 10' x 20' addition)

To correct a measurement on a  
previously approved plan

Attach ten (10) copies of sketch plan of property showing in approximate dimensions, all zoning districts, existing/proposed structures, parking areas, streets, entrances, existing and proposed setbacks, proposed lot divisions, proposed open space to be preserved, common areas, site & public improvements and facilities, any areas of excavation and grading, and any other criteria needed to evaluate request. Sketch plan is not required if so advised by the Planning Assistant.

Applicants signature [Signature] Date 9/30/18

Property owners signature [Signature] Date 9/30/18

TO BE COMPLETED BY PLANNING ASSISTANT

Date application received by PA \_\_\_\_\_ PA signature \_\_\_\_\_

Sketch plan required? YES NO

FEE AMOUNT \$ \_\_\_\_\_ DATE PAID: \_\_\_\_\_ FORM OF PAYMENT: \_\_\_\_\_



# TOWN OF ELIOT MAINE

PLANNING OFFICE  
 1333 State Road  
 Eliot ME, 03903

To: Planning Board  
 From: Abbie Sherwin, Interim Town Planner  
 Cc: Kenneth & Susan Albert  
 Date: October 10, 2018  
 Re: 9 Stacy Lane (Map 78/Lot 76-1): PB17-13

Application Details/Checklist Documentation	
✓ Address:	9 Stacy Lane
✓ Map/Lot:	78/76-1
✓ PB Case#:	17-13
✓ Zoning District:	Rural District
✓ Shoreland Zoning:	N/A
✓ Owner Name:	Kenneth Albert
✓ Applicant Name:	Kenneth Albert
✓ Proposed Project:	Request to revise a previously approved subdivision for the following: <ul style="list-style-type: none"> <li>• Revise lot line measurements to reflect correct, on-the-ground lot line lengths and required road frontage</li> </ul>
✓ Application Received by Staff:	10/1/18
✓ Application Fee Paid and Date:	Note: no fee paid yet, to be discussed with Town Manager, fee is \$600 (3 lots x \$200/lot) per §1-25 of Zoning Ordinance Date Paid:
✓ Application Sent to Staff Reviewers:	N/A
Application Received/Found Complete by PB:	
Site Walk Date:	
Public Hearing Date:	
Public Hearing Publication Date:	
Deliberation Date:	
Notice of Decision Date:	
✓ Reason for PB Review:	<i>Section 41-182 Plan revisions after approval</i>

**History of Property:** In 2017, the property owner submitted an application to amend a previously approved Minor Subdivision, originally approved by the Planning Board July 24, 1987, and amended March 24, 1994, to divide a 7.61-acre lot into one 3.06-acre lot and one 4.53-acre lot. On August 15, 2017, the Planning Board agreed by consensus that the proposed revisions to the previously approved plan were minor, did not result in any substantial changes to the approved development, or further impact abutters, and therefore, did not require full subdivision review. The Board agreed by consensus to waive the site walk. On September 19, 2017, the Planning Board held a public hearing and voted to approve the application to amend the previously approved plan to allow a re-division of a previously approved Minor Subdivision. The approved revised plan was filed with the York County Registry of Deeds on November 13, 2017 and recorded in Book 392, page 9.

**Planner's Review:** On September 28, 2018, the applicant met with the interim Town Planner to submit a revised plan for the previously approved subdivision and discuss Town requirements for review and approval of the revised plan. The applicant explained that the revisions were to lot dimensions shown on the 2017-approved plan, as the

surveyor who created the plan made some minor measurement errors, and that there were no changes to the actual, on-the-ground dimensions or movement of the lot boundary monuments. The applicant noted that the dimension revisions were made as a result of a title attorney, who was researching the property for financing purposes, finding that the 3.06-acre lot did not have 200 feet of road frontage as required by Section 45-405, Dimensional Standards, of Eliot's Zoning Ordinance.

The applicant was advised that the revisions to the previously approved plan require review and approval by the Planning Board. On October 1, 2018, the applicant submitted a Request for Planning Board Action to revise a previously approved plan to correct lot line measurements. The corrected measurements demonstrate that all lots, including the 3.06-acre lot, meet all dimensional standards per Section 45-405.

**Planner's Recommendation:** The changes documented on the revised plan are minor and do not result in any substantial change to the approved subdivision or further impact abutters, and therefore, do not require full plan review. As such, I recommend that the Board review the updated lot dimensions and discuss any concerns about the revised plan. The Board can then vote to approve, modify and approve, or disapprove the revised plan as final plan.

1 **ITEM 1 - ROLL CALL**

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3 Present: Dennis Lentz - Chairman, Christine Bennett, Larry Bouchard, Ed Cielezsko,  
4 Melissa Horner, and Casey Snyder - Alternate.

5  
6 Also Present:

7  
8 Absent: None

9  
10 Voting members: Dennis Lentz, Christine Bennett, Larry Bouchard, Ed Cielezsko, and  
11 Melissa Horner.

12  
13 **ITEM 2 – PLEDGE OF ALLEGIANCE**

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15 **ITEM 3 – MOMENT OF SILENCE**

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

18  
19 There was no public input.

20  
21 **ITEM 5 – OLD BUSINESS**

22  
23 **a) Ordinance Revisions**

24  
25 These are revisions to Chapter 21 – Buildings and Building Regulations, Chapter 33-60,  
26 and Chapter 45-4 to clean them up, not to change anything substantive.

27  
28 The PB reviewed the changes and discussed removing the word ‘he’ and replacing it with  
29 “...or sketches he deemed necessary...”.

30  
31 Mr. Cielezsko moved, second by Mr. Bouchard, that the Planning Board approve the  
32 revisions to zoning, planning and development, as well as land use regulations, as  
33 amended.

34 **VOTE**

35 **5-0**

36 **Motion approved**

37  
38 These will be forwarded to the Interim Town Planner and to the Select Board.

39  
40 **b) By-laws: Select Board Revision from 09/13/2018 Select Board Meeting**

41  
42 Mr. Lentz said that the SB made one change at the bottom of page 1, adding “vi)  
43 Resignation from the Planning Board is not final until accepted by the Select Board.”

44  
45 Mr. Cielezsko moved, second by Ms. Bennett, that the Planning Board send this, as  
46 revised, back to the Select Board for their approval.

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**VOTE**  
**5-0**  
**Motion approved**

**ITEM 6 – NEW BUSINESS**

**a) Budget Discussion**

Ms. Bennett said that the Town Manager is putting his budget together for November and she thought we should look at that in advance of that.

Mr. Lentz said that last year we talked about 3<sup>rd</sup> party expenditures and asked if we should be budgeting any money in here to bring in 3<sup>rd</sup> parties at times. He added that, from most of what he's seen, any time a 3<sup>rd</sup> party is brought in, it is usually at the expense of the applicant as opposed to being on our budget.

Mr. Cieleuszko said that that was codified and the only thing he could see would be for an attorney's help for questions we might have.

Mr. Lentz said that attorney help is covered in our budget; that we have \$2,500 in there for legal; that there is money in there for consulting and that was basically for when Mr. Feldman was coming in, and other folks to help us, after we lost our Planning Assistant. He added that he's assuming that, in the new budget, it's going to go up again.

Ms. Bennett said that she highlighted two lines. She said that, with the GIS line, we share some of this with Code Enforcement and Assessing; but, from the conversation we had with the Town Planner, where we were discussing revisions to our Shoreland Ordinance and whether or not, in adopting State standards, it was going to affect any of the Shoreland Zoning Map. She added that the Town Planner did not have the capability to do such special analysis; that we don't actually have, within our Town Hall, a variable Geographic Information System; that we have a lighter version of that so that she couldn't do the additive spacial work. She said that here's the new State setbacks and, then, here's our parcel maps to tell us how many properties might be affected by that, and that's just one example of the limitations of us not having what has become an industry standard tool. She added that she didn't know who we are getting for a Planner but she would assume that anyone coming through the door in 2018 is going to know how to do a Geographic Information System (GIS). She also added that, with that said, we are also gathering more information within our Town; that, as an example, on the Energy Commission there will be a survey of all of the street lights in Town. She said that it doesn't necessarily affect the Planning Department, per se, but it is data that will be generated for the Town that we're paying for but, yet we won't have any way to use it in a GIS. She added that she hesitates to use the word 'TIF' but the TIF will be doing some planning, at some point, and the TIF will probably need to do some geographic information gathering; that she wasn't sure of the cost but knew it was variable. She said that she would like to send our budget back, with a note to the Town Manager, to at least

92 look into this maybe with the assistance of Mr. Feldman, with some recommendations  
93 from Mr. Feldman or SMRPC.

94

95 Mr. Lentz said that he would be glad to take that on as a task. He added that, if he  
96 remembers correctly, there is additional monies in there for upgrade.

97

98 Ms. Bennett said that her only other thought was that, looking at the recording secretary  
99 payroll and fringe, our actual has always been far under what has been budgeted and she  
100 was wondering if that should be brought more in line.

101

102 Mr. Lentz said that we can certainly take a look at it; that he didn't know what they had  
103 planned with the new wages and things they're talking about.

104

105 Ms. Lemire said that she noticed, and not sure if it was 2017, that it was really low and it  
106 doesn't make sense; that she was going to go back and do some research, because she has  
107 all her invoices on her computer, just to make sure that number is accurate.

108

109 Mr. Lentz said that this is just a copy of what we had at budget time so this may not  
110 accurately reflect the actual numbers. He added that he would look into it.

111

112 Ms. Bennett said, regarding the note at the bottom about expenses for the Interim  
113 Planner, that they are embedded, here, in this year-to-date figure for printing, copy,  
114 consulting but, then, it (note) says they were expended through the Planning budget so  
115 that GIS expenses have been transferred to the Administrative budget.

116

117 Mr. Lentz said that he had to come up with some money to keep in line with the total  
118 budgets; that he put the GIS in Administrative for 2018 actual. He said that he would try  
119 to update this line item.

120

121 Ms. Horner questioned the postage line item regarding last year's zero expenditure versus  
122 this year's proposed expenditure of \$150.

123

124 Mr. Lentz said not to forget that any of those things we are sending out are part of the fee  
125 structure from the applicant.

126

127 Ms. Bennett said that it was a good question in whether there has been a change in how  
128 the monies are being accounted for.

129

130 Mr. Lentz said that he would go back and compare the whole thing to where we were last  
131 year, in total; that some of these may not have even been on there in prior years.

132

133 Ms. Horner discussed the computer line item (adobe); that that is also a zero-dollar line  
134 item and \$600 this year; so, obviously, someone bought some new software. She added  
135 that it is great, as people in Town need up-to-date readers and pdf viewers and all that  
136 stuff but, usually to her knowledge, there's typically an annual fee for that stuff; that it  
137 seems unlikely that we would have put that software only on one computer, although it



138 could be possible, and she would be interested in knowing if that software had an annual  
139 renewal.

140  
141 Mr. Lentz said that we would take a look at it.

142  
143 **ITEM 7 – REVIEW AND APPROVE MINUTES**

144  
145 Ms. Bennett moved, second by Ms. Horner, to approve the minutes of September 18,  
146 2018, as amended.

147 **VOTE**  
148 **4-1 (Bouchard abstained)**  
149 **Motion approved**

150 **ITEM 8 – CORRESPONDENCE**

151  
152 There was no correspondence.

153  
154 **ITEM 9 – UPDATES**

155  
156 **a) Temporary and Permanent Structures (memo distributed from Town Planner at**  
157 **9/4/2018 PB meeting)**

158  
159 Mr. Lentz said that Ms. Lemire handed out her thoughts on temporary structures versus  
160 permanent structures and suggested we could take a few moments and read through  
161 those; that then we could open up to a discussion to see if anyone has any thoughts on  
162 how to go about this.

163  
164 Ms. Horner asked if this was generated from the yurt or the greenhouse.

165  
166 Mr. Lentz said that he believed it started with the yurt; that that was the first time he  
167 heard it.

168  
169 Ms. Bennett said that, then, the greenhouse came up.

170  
171 Ms. Horner asked what the goal was here, did somebody want to add a definition.

172  
173 Mr. Lentz said that that there's a note from Ms. Cole Prescott that came out back on  
174 September 25<sup>th</sup> and she basically explained that there are no real definitions or the  
175 definitions aren't used in the ordinance in places where you'd think they would be.

176  
177 Mr. Ciesleszko said that we do not have a definition in §1.2 for temporary structures.

178  
179 Ms. Bennett said that it is only in Shoreland for temporary piers, docks, etc.

180  
181 Ms. Lemire said that what she gave the PB was just to get them thinking about potentials.

182  
183 Mr. Lentz said that it had a lot of good thoughts with it.

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Ms. Lemire said that you find a lot more planning information on cities than you do on small towns so some of this wouldn't work very well, she didn't think; that we do have the example of the greenhouse for the Pope's in that it was temporary but 6 months long.

Ms. Horner said that, on the next page, it says, "...in a commercial context – a temporary space could be used for 2 to 7 years."

Ms. Lemire said yes, and that's more in line with really huge construction projects in cities and industrial parks; that that is where this was pulled from, to some degree, as well.

Mr. Cieleuszko said that he has a feeling that this definition work has more to do with people being able to erect without code enforcement interference and he believes that would be the main outcome of this. He added that what people would want is to not have someone looking over their shoulder to put up a party tent or a myriad of other things.

Mr. Lentz asked if Mr. Cieleuszko was saying that we should not be concerned with temporary structures, other than to have a definition.

Mr. Cieleuszko said that he thinks the definition should be carefully worded to not let too much get away from an action that the CEO should and could take.

Mr. Lentz agreed that we would not want to get the CEO out there just because someone wanted to put up a tent in their back yard.

Mr. Cieleuszko said that, regarding the yurt, there were some people in the audience that were concerned on whether we should have anything to do with the yurt, should there be any oversight of a yurt because it's a temporary structure; that that is one of the things that could happen if you improperly word a definition for temporary structures.

Mr. Lentz said, staying on that thought, asked what makes a yurt temporary.

Mr. Cieleuszko said that, in his mind, he has very little regard for temporary structures; that he thinks there is almost no temporary structure unless it really is temporary in the realm of days and weeks and, maybe, a month; but, the minute you have an application with 2 to 7 years, that's no longer a temporary structure. He added that the yurt could be a 2- to 7-year structure because it's life expectancy might be only 2 to 7 years, you take it down when it falls down. He said that he didn't know what a yurt was until he saw the plan and it looks pretty good but somebody's going to build a teepee in their yard, or something, for spare housing, and we just have to be careful.

Mr. Lentz asked how a foundation enters into Mr. Cieleuszko's thoughts.

Mr. Cieleuszko said that he thinks permanence is his biggest concern; that we should have a time limit if we're going to attempt a definition; that it should definitely have a very

230 tight life expectancy; that it's only going to be up and, then, the land has to go back to its  
231 original condition within a certain amount of time to qualify.  
232 Playing the devil's advocate, Mr. Lentz asked what if we took this temporary structure –  
233 the yurt as the example – and he put a footer and foundation in and sit the yurt on top – is  
234 it still temporary.

235  
236 Mr. Cieleuszko said that, in his thoughts about life expectancy, as long as you tore that  
237 footing out in six months, when the yurt's gone and the foundation is gone, it's got to go  
238 back to the same.

239  
240 Mr. Bouchard asked if a footing and a foundation that's ground level considered a  
241 building, does that need...

242  
243 Ms. Bennett said that she would think so, a permit.

244  
245 Mr. Bouchard asked if that needed Code Enforcement and permits if you put nothing on  
246 it; that he digs a 6-inch hole in his yard and fills it with concrete and battenboard and  
247 covers it over, asking what is that.

248  
249 PB members said that they didn't know.

250  
251 Mr. Bouchard said that his point is that permanent structure has something to do with, as  
252 Mr. Cieleuszko was getting at, timing; and, then, do you get into the whole dimension,  
253 size, length, egress; what is temporary.

254  
255 Mr. Cieleuszko suggested temporary use and life expectancy if you are just burying  
256 concrete and you're not doing anything.

257  
258 Mr. Lentz asked about a structure on top of it.

259  
260 Mr. Cieleuszko said that, if it had to have a use and he wanted to have a pirouetting thing  
261 in his yard, that might be something the neighbors would complain about.

262  
263 Mr. Lentz asked what happens if you take a manufactured building.

264  
265 Mr. Cieleuszko said that he would think that that doesn't fall into the realm unless it's  
266 coming down in 6 months. He used rebuilding a boat as an example, saying you want to  
267 put up a temporary structure, a tent structure – to rebuild your boat; down in 6 months,  
268 gone.

269  
270 Ms. Horner asked if you would need a permit for that.

271  
272 Mr. Cieleuszko said either no permit or some kind of easily-obtained permit.

273  
274 Mr. Lentz said that, if he's hearing everybody right, temporary structure is definitely  
275 based on time, which is tied to the CEO, too.

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Ms. Bennett said that she thinks it also reflects the alteration of the property, too. She added that, as an example, to contain a boat while you work on it is not going to have a poured foundation; that it's going to be poles pounded into the ground and a tarp, or some other covering and that is, typically in her land trust world and also in farming world, there is a difference about greenhouses; that whether they are a temporary Quonset that just has steel poles pounded into the ground and the plastic is only there for a period of time, plastic taken off at some point – that's a temporary structure by USDA NRCS rules; that if you put in a foundation or keep a permanent layer of plastic on that, that is now a permanent greenhouse and falls under structure for them.

Mr. Lentz asked if that was regardless of timing.

Ms. Bennett said yes.

Mr. Lentz asked her what she thought if you pour a foundation.

Ms. Bennett said that she thinks it's a structure.

Mr. Lentz agreed.

Ms. Horner said that she thinks this is exactly why we don't need definitions; that these are the conversations that every board should be having when presented with an application; that the second we assign a carefully-crafted definition, we're going to be limited or an applicant will be limited. She added that when we talked about the yurt, she thought that was a very healthy conversation that we all had together and worked it out, as a Board, together; that that is why she doesn't feel we need definitions, at all, because these are the conversations we should be having when someone comes in and wants to put a tent up for their boat or a party; that the CEO can decide what's...that the ordinances are all about interpretation and that's why you need people working together to share everybody's ideas to come to some conclusion together in a compromise; that she thinks we're overkilling this.

Mr. Bouchard said that he could go many different ways – does it have a foundation or doesn't it, is it permanent, or not, and what is permanent; that if he's got the money and he can throw a building up and money doesn't matter; that you put a time limit on it and say it's got to come down in 6 months, he'll say okay, it will come down in 6 months. He added that it's temporary due to time, not due to construction.

Ms. Horner said that's exactly why she thinks each application should be based on its own merit and we should be having these conversations about what the current board, and future boards, think about what's being presented to them based on common sense.

Mr. Lentz said that he likes where Mr. Bouchard, Mr. Cielezsko, and Ms. Bennett are going; that on the other hand, even though we view something as it is only in place for 6

321 or 7 months, doesn't that structure still have to pass other phases of safety, fire, odors,  
322 light, noise.

323

324 Ms. Bennett said that, if we don't have a definition for temporary and just keep with our  
325 definition of structures, this means that anyone who wants to put up a greenhouse or an  
326 enclosure for their boat has to get a building permit from the CEO because the CEO is  
327 not authorized to have that discretion over requiring a building permit, or not for  
328 something up for 6 months; that without delineating that in the ordinance or in the  
329 definitions we may be encouraging more building permits, and maybe that's okay.

330

331 Mr. Bouchard asked if that was a good use of resources to go through all that and get a  
332 building permit for a shelter in their back yard for a boat.

333

334 Ms. Horner added having the CEO follow up in 6 months on whether it's been taken  
335 down.

336

337 Mr. Cielezsko said that he thinks there's some other issues, there, too; that someone puts  
338 up a truly temporary structure with our current set of rules that say there's no temporary  
339 structures; that he puts it up, no problem, to work on his boat and a neighbor complains;  
340 that the neighbor calls the CEO and the CEO says you don't have a permit for that  
341 because there are no temporary structures in Eliot. He added that the court would tear that  
342 apart because if we're not enforcing something over and over – no enforcement unless a  
343 neighbor complains (Selective Enforcement), then it becomes no longer enforceable. He  
344 added that we've sort of run into that with chicken coops, dog houses, and things like that  
345 are all structures; that any complaint brought up against one where it hasn't been held  
346 against anyone else is very troublesome. He said that our planner was concerned about it;  
347 that there is a concern.

348

349 Mr. Lentz said that he thinks it's going to come before the CEO; that that's where it  
350 started. He added that, based on what we've said, so far, and, again, he'll go back to  
351 'structure', which means "anything built for support, shelter, or enclosure of persons,  
352 animals, goods, or property of any kind, together with anything constructed or erected  
353 with a fixed location on or in the ground, exclusive of fences..."; that that is the  
354 definition of structure that is in our ordinance. He asked how you tie what we've  
355 discussed to that paragraph.

356

357 Mr. Cielezsko said very carefully. He added that we have temporary structures in the  
358 Shoreland, with docks and piers, so there is already the word in our ordinance.

359

360 Mr. Lentz said that that is all based on time.

361

362 The PB agreed – 6 months.

363

364 Mr. (Robert) Pomerleau said that it would seem to him that the definition of temporary,  
365 as far as anything coming before the PB should include, is some stated, intended purpose  
366 for it to be temporary. He gave an anecdotal example – his wife, when she bought the

367 property back in the 1970's, put up 'temporary' greenhouses, as Ms. Bennett described,  
368 while a permanent greenhouse was being built on a slab with a wooden frame structure  
369 and the hard plastic stuff; that when that was completed, it was her intent to build a home  
370 on that same property away from the greenhouse and she put up a temporary mobile  
371 home while the home was being built. He added that, in both instances, she may have  
372 come to the Town and explained that this is a temporary greenhouse until she gets a  
373 permanent structure up and a temporary residence until the home is built; that it would  
374 seem that, if you're going to struggle with temporary versus permanent, the person  
375 standing before you ought to be able to clarify that its intended use is to be temporary.  
376

377 Mr. Lentz said that what you said, again, is kind of tied to where Mr. Cielezsko was  
378 going – it's tied to a portion of time.  
379

380 Mr. Bouchard agreed that Mr. Pomerleau was right in what he says, asking how you  
381 would enforce that. He added that he could come in and say it's temporary and 'Joe'  
382 down the street has the same thing he's had up for 10 years; does 'Joe' have to take his  
383 down, now, too, when he's agreed to take his down in 6 months; that he doesn't want to  
384 because he found out 'Joe' has had his up and never taken it down. He asked how do you  
385 start, where do you start, enforcement.  
386

387 Mr. Pomerleau commented once you make the rule.  
388

389 Mr. Lentz asked how we walk away from this, or do we.  
390

391 Mr. Bouchard said that there are examples, and examples in other towns, as he actually  
392 dealt with this in Newburyport, Mass years ago; that we could put up a temporary  
393 structure and he thinks one of the parts of that was the timing; that it had to come down  
394 once every 12 months for a month at a time.  
395

396 Mr. Lentz read, "Any structure that is not attached to a permanent foundation. A structure  
397 which is permitted within a land use district without any foundation or footing and which  
398 is removed when the designated time period, activity, or use for which the temporary  
399 structure was erected has ceased." He said that that's the very paragraph that's on the  
400 paper that Ms. Lemire handed out to us, asking if that isn't what we're talking about.  
401

402 Mr. Cielezsko asked if there was a state reference to this.  
403

404 Ms. Lemire said no; that she didn't write the reference down but she can go back in her  
405 history and get it; that she thinks it may be Massachusetts but she will get the reference.  
406

407 Mr. Lentz suggested that we take this paragraph, which he thinks at least hits the hotspots  
408 that we talked about, and give it to Mr. Feldman and let him do a little investigation and  
409 come back with what he thinks. He asked if the PB members would agree to that.  
410

411 The PB agreed.  
412

413 **PB18-11; Revision to property lines for Map 22/Lot 6 & Map 22/Lot 6-4.**

414  
415 The PB made several edits to this document.

416  
417 Mr. Cielezsko moved, second by Mr. Bouchard, that the Planning Board accept the  
418 Planning Board Notice of Decision, as amended, PB18-11, dated 09/18/2018.

419  
420 **VOTE**  
421 **5-0**  
422 **Motion approved**

423  
424 Ms. Lemire will send the amended Decision Letter to the Interim Planner for final  
425 review.

426  
427 **ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING**

428  
429 The next regular Planning Board Meeting is scheduled for October 16, 2018 at 7PM.

430  
431 Mr. Bouchard and Ms. Bennett will not be at this next meeting.

432  
433 There will be a site walk at 4 PM on October 16<sup>th</sup>.

434  
435 Mr. Lentz said that, between now and our next meeting, there is something interesting,  
436 and he doesn't think we will start next meeting but there are a group of folks from down  
437 in South Eliot that have been, for a few months now, trying to get Meadow Lane  
438 approved as a Town road, which is a private road today. He added that these folks are a  
439 little frustrated right now; that they have tried, several times, to go to the SB and they got  
440 a lot of stares and not much action; that they are excited about this thing. He said that  
441 what he volunteered to do, because he saw their frustration, was to ask the SB to run it  
442 through the PB process; that we're not going to approve it but we will come up, by  
443 working with the stakeholders, mentioning the Fire Chief, Police Chief, CEO, and getting  
444 those people together and have all of them, including the Road Supervisor, look at what  
445 this 20-year-old road looks like from their perspective. He suggested that the PB read  
446 Chapter 37; that it's unfortunate but there is nothing in there that will tell you how we  
447 progress with a road that's 20 years old; that it's strictly talking about a new road. He said  
448 that, however, what it does say is that any road that's to be approved after 1978 has to  
449 come up to the current standards, He added that we have the current standards and, if we  
450 get the right people together to take a look at this, his goal is to at least tell those folks  
451 'this' is what you need to do before it becomes a Town road but, also, to tell the SB the  
452 same thing – 'these' are the requirements; that it is specifically up to the SB to approve  
453 the road, put it on a warrant, then the Town approves it; that that's the process. He added  
454 that, technically, we are only a little part of that process; that the majority of it, with a  
455 new road, belongs to the Road Superintendent and a third-party engineer, State of Maine,  
456 that's paid for by the applicant and those are the people who have to sign off on it.

457 He said that this is kind of strange in that we wouldn't be having any kind of formal  
458 approval but rather come up with a list of things that they need to do before it becomes a  
459 Town road.

460  
461 Ms. Bennett said something like a road sketch plan.

462  
463 Mr. Lentz agreed, saying that, in reading Chapter 37, PB members can see their way  
464 through it by reading that and picking out those things; that he thinks it would help those  
465 folks.

466  
467 Ms. Bennett asked, if we accept this road, do we accept the sewer and stormwater system  
468 that goes along with it.

469  
470 Mr. Lentz said that that is part of this.

471  
472 Ms. Lemire said that it has to be technically written in.

473  
474 Mr. Lentz agreed that it has to be written n.

475  
476 Ms. Bennett said that that would be where the third-party engineer and our Highway  
477 Department assessment comes in.

478  
479 **ITEM 11 – ADJOURN**

480  
481 There was a motion and a second to adjourn the meeting at 8:16 PM.

482

483

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489

490 **Respectfully submitted,**

491

492 **Ellen Lemire, Recording Secretary**

493

494

\_\_\_\_\_  
**Dennis Lentz, Chair**

**Date approved:** \_\_\_\_\_