

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION

DATE: Tuesday, June 27, 2023

PLACE: TOWN HALL/ZOOM

TIME: 6:00 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**

a) Quorum, Alternate Members, Conflicts of Interest

2) **PLEDGE OF ALLEGIANCE**

3) **MOMENT OF SILENCE**

4) **10-MINUTE PUBLIC INPUT SESSION**

5) **REVIEW AND APPROVE MINUTES**

a) October 4, 2022 to June 6, 2023 – if available
February 21, 2023 presented

6) **NOTICE OF DECISION – if available**

7) **PUBLIC HEARING**

8) **NEW BUSINESS**

a) 276 Harold L Dow Hwy (Map 37 / Lot 9), PID # 037-009-000, PB 23-08: Site Plan Amendment/Review – Marijuana Cultivation Facility/Commercial-Industrial Building Addition – Sketch Plan Review

b) 246 Main St (Map 2 / Lot 6), PID # 002-006-000, PB 23-09: Shoreland Zoning Permit Application – Residential Building Restoration/Expansion

c) 16 Arc Rd (Map 45 / Lot 17), PID # 045-017-000, PB 23-10: Shoreland Zoning Permit Application – Marijuana Store and Medical Marijuana Caregiver Retail Store

9) **OLD BUSINESS**

10) **OTHER BUSINESS / CORRESPONDENCE**

a) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Member

11) **SET AGENDA AND DATE FOR NEXT MEETING**

a) July 25, 2023

12) **ADJOURN**

NOTE: All Planning Board Agenda Materials are available on the Planning Board/Planning Department webpages for viewing.

To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)

a) Go to www.eliotme.org

b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.

c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 6:00pm (Please note: streaming a remote meeting can be delayed up to a minute)

Instructions to join remote meeting:

To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.

a) Please call **1-646-558-8656**

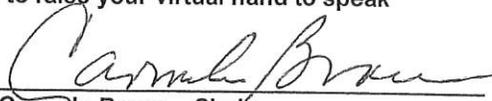
1. When prompted enter meeting number ID: **849 8440 5027 #**

2. When prompted to enter Attendee ID

3. When prompted enter meeting password: **176447 #**

b) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.

c) Press *9 to raise your virtual hand to speak


Carmela Braun – Chair

1 **ITEM 1 - ROLL CALL**

2
3 Present: Carmela Braun – Chair, Jeff Leathe – Vice Chair, Christine Bennett – Secretary,
4 Jim Latter (Zoom), and Suzanne O’Connor.

5
6 Also Present: Jeff Brubaker, Town Planner.

7
8 Voting members: Carmela Braun, Jeff Leathe, Christine Bennett, and Jim Latter.

9
10 NOTE: Ms. Braun said that I will be recusing myself from the Village at Great Brook
11 application as I am a resident of that community, and Mr. Leathe will be running the
12 discussion. Also, before I start the meeting, there have been some slight changes in our
13 agenda this evening. We have a busy agenda. After we do our minutes, we’re going to be
14 doing our ordinance work. We are on a tight schedule for ordinance work and if we don’t
15 get this done, we’re going to be in a pickle. Then I’m going to hear the application from
16 the car wash. Then I’m going to do the demolition public hearing. Then I’m going to do
17 the performance guarantee for Main Street. Then we’ll do the hearing for the Village at
18 Great Brook.

19
20 **ITEM 2 – PLEDGE OF ALLEGIANCE**

21
22 **ITEM 3 – MOMENT OF SILENCE**

23
24 **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

25
26 There was no public input.

27
28 **ITEM 5 – REVIEW AND APPROVE MINUTES**

29
30 **Mr. Latter moved, second by Ms. Bennett, to approve the minutes of September 20,**
31 **2022, as amended.**

32 **VOTE**
33 **3-0-1 (Mr. Leathe abstained)**
34 **Motion approved**

35
36 **ITEM 6 – NOTICE OF DECISION**

37
38 There were no Notices of Decision reviewed tonight.

39
40 **ITEM 10 – OTHER BUSINESS/CORRESPONDENCE**

41
42 **Ordinance Subcommittee**

43
44 Ms. Bennett said that I did include a memo to the PB regarding our ordinance work plan
45 for 2023 and 2024. As I noted, we’re coming up on the deadline to conduct a public
46 hearing for any ordinance changes. We must conduct a public hearing, then the Planner

47 presents to the SB the rationale for our ordinance changes, and allows them to finalize,
48 sign, and put them on the warrant. The deadline for all that is April 13th. I put together a
49 prospective slate for June and, deferring to our Planner, I feel we've done enough work
50 on 'tiny homes' to be able to put that forward. As a reminder, this is in response to State
51 legislation allowing tiny homes and putting definitions around tiny homes. We have also
52 created definitions for 'short-term rentals' and for 'transient rental platform'. I think that
53 that's enough. It's time to go forward. There has been some discussion that, in the future,
54 maybe creating some permitting. With 'day nursery', eliminating day nursery as a
55 definition and then putting in what is more commonly known – four other definitions. I
56 believe, Mr. Brubaker, that we have our updated §45-290 Table of Land Uses. Do you
57 feel like we're ready with that.

58
59 Mr. Brubaker said yes, that that's pretty much ready to go except for what we decided to
60 do was that the idea adaptive re-use wasn't yet fully developed. We'll take that off, for
61 now, but we'll proceed with the other parts of the ordinance amendment.

62
63 The PB agreed.

64
65 Ms. Bennett said that, next up, was making some changes to 'accessory dwelling units'
66 (ADUs). We looked at ADUs in relationship to the State statute. LD2003 hasn't gone into
67 effect yet. We looked at other requirements, or changes, that we considered with ADUs.
68 How do you feel about the non-LD2003 changes to ADUs..

69
70 Mr. Brubaker said that, specifically regarding lot line setbacks, I'm on the fence. Part of
71 me thinks we can move forward with changing those lot line setback requirements with
72 regard to what the statute is telling us from LD2003. But part of me really wishes for
73 having a final rule-making from DECD in front of us to make those changes. So, I'll
74 defer to the PB but I think we can at least try to make some lot line setback changes that I
75 proposed for you in March and see where we'll go from there.

76
77 Ms. Bennett said that I may not have included the new proposed rule-making that is
78 coming out. The DECD has finally come out with some rule-making around this new
79 statute to incentivize affordable housing. It seemed to me that they were going to allow
80 the setback for ADUs to be the setback for an accessory structure, which is essentially
81 what we've proposed.

82
83 Mr. Brubaker said yes. That seems most clear. LD2003 requires municipalities to do that.
84 It would then be what would be the interpretation on the existing accessory structures that
85 have been in existence that were either non-conforming or did LD2003 allow those
86 existing accessory structures to be converted to ADUs even if they only met accessory
87 structure setbacks.

88
89 Ms. Bennett said, so everyone knows, the public hearing on the rule-making with the
90 legislature on this proposed rule-making is March 1st. While we could re-schedule the
91 public hearing, we could have the public hearing and discuss the fact that we can't go

92 forward with the change that we proposed. We could pull it back. We're not going to be
93 able to add something.

94
95 Ms. Braun said that I would really like to have the final ruling before we do anything
96 with the setbacks, at this point.

97
98 Ms. Bennett said that I am signed up to participate in the public hearing that will be held
99 on Zoom. I have quite a list of questions that I wanted to raise to be addressed by rule-
100 making at that time. I defer to you guys but I think what we are proposing with allowing
101 existing accessory structures being converted into an ADU is what I feel is a real creative
102 response from the Town of Eliot to utilize the tool of ADUs to create housing units. So,
103 I'd like to, because it's sort of our own homegrown change to this, see how rule-making
104 plays out. We may be able to get a response at the public hearing or an indication at the
105 public hearing as to whether that is palatable.

106
107 Ms. Braun said that we can always pull it out if it's not workable at the public hearing.
108 Why don't we do that and see how it turns out and, if it's workable, we'll go forward. If
109 not, we'll pull it out.

110
111 Ms. Bennett asked if we want to tackle the LD2003 requirements for ADUs at this time,
112 as well, since we're proposing changes to ADUs. The only real changes that LD2003
113 requires of us is that we revise the minimum size for an ADU down to 190 square feet.
114 We currently have a growth cap. We assign a cap to the number of ADU units per year
115 and LD2003 disallows that. It does remove the ADU parking space requirements. That's
116 a big one for us but I don't see the legislature or the rule-making changing that.

117
118 Ms. Braun said that it seems like low-hanging fruit. It doesn't seem like it would be much
119 to just do that while we're doing the rest of it, rather than put it off and come back to it
120 again in November.

121
122 Ms. Bennett said that, if we can get the requirements for ADUs with LD2003 passed here
123 in June 2023, the bulk of LD2003, which has a lot of what could be controversial
124 changes, when we put that forward, I'd hate to see these sort of de minimus changes to
125 ADU die with the rebellion against LD2003.

126
127 Ms. Braun agreed. Let's just do the low-hanging fruit on the ADUs and see how it works
128 out at the public hearing. We'll go from there. We're on a time schedule right now and
129 this is crunch time.

130
131 Ms. Bennett agreed. The more we can get done, now, the less we have to do in November
132 or next June or whenever we can do this.

133
134 Ms. Braun said that we have to be mindful of Mr. Brubaker's timeframe.

135
136 Ms. Bennett said that what we have just gone through are already pretty much quod up.
137 Mr. Brubaker is great because, as we go through these things and discuss them, he starts

138 to build the document to go forward with the SB. Next up is you, Mr. Brubaker, with
139 marijuana.

140
141 Mr. Brubaker said that the changes we will hope to make are to clarify the transfer of
142 ownership requirement. I believe that's §11-12 that was raised by some of the marijuana
143 establishments earlier. I do have an idea of overhauling the application procedure to
144 streamline it a little bit more. But, in my own opinion, I believe we would need to defer
145 that out to the November ballot. On 'home delivery', again this is another requirement
146 from State legislation to allow home delivery. So, we will go forward with opting in to
147 that in response to the State requirement but we'll also want to set up some basic
148 standards for establishments that do decide to do that or do decide to allow curb-side
149 pick-up. It's just another thing that that legislation requires municipalities to allow.

150
151 Ms. Braun asked how involved is that to accomplish for you.

152
153 Mr. Brubaker said that I would say that that would be relatively simple. It's relatively
154 straightforward. We currently have one provision in §33-190 that prohibits home delivery
155 and pick-up so we'll have to strike that. Then, we'll also have to set up some basic rules.
156 Then, we'll probably have to address our sign content provision. This the one we have on
157 the books, but we were advised we can't enforce it. We have talked about, as a policy
158 change, cultivation facilities to the 500-foot rule. We've also talked about another request
159 from the marijuana establishments to allow some flexibility to change from a medical
160 marijuana retail establishment-type to an adult use marijuana retail establishment-type. I
161 plan to put that in the draft, as well.

162
163 Ms. Bennett said that the Chapter 31 non-stormwater discharges has already been written
164 for us.

165
166 Mr. Brubaker confirmed that it is ready to go.

167
168 Ms. Bennett said that last was the mobile vendors. You said that you had been asked to
169 create a definition and allowed uses for mobile vendors.

170
171 Mr. Brubaker said that that would be coming, too, and we'll just have a row in the Land
172 Use Table about that. It should be pretty straightforward. This is not a new topic for the
173 PB, as it was introduced a couple years ago, and I can confidently move forward with
174 that.

175
176 Ms. Bennett said that I didn't get it into my memo and Mr. Brubaker caught after-the-fact
177 is that we need to address our growth permits annually. We have to do a survey of the
178 Town departments to get a sense of the impact to them of growth.

179
180 Mr. Brubaker said that I will work with our Land Use Admin Assistant to get those
181 surveys out and have the report ready.

182
183 Ms. Braun said that we are in pretty good shape for the public hearing March 21st.

184
185 Ms. Bennett said that we have finalized the slate and now have to publish the public
186 hearing notice twice for ordinance changes; that the first one has to be 13 days before and
187 the second one 7 days before according to State law.
188

189 Mr. Brubaker said that I did want to make one final note, which is on the ‘low impact
190 design stormwater standards’. I think we were planning on tackling those potentially in
191 November. Based on some recent legal challenges between an organization and the
192 Maine DEP, as we need to let those play out, but I think those would need to be a target
193 for June 2024.
194

195 **ITEM 9 – NEW BUSINESS**
196

197 **A. 17 Levesque Drive (Map 29/Lot 26), PB23-1: Site Plan Amendment/Review and**
198 **Change of Use – Eliot Commons Car Wash (Sketch Plan Review).**
199

200 **Received: January 3, 2023**
201 **1st Heard: February 21, 2023 (sketch plan review)**
202 **2nd Heard: _____, 2023**
203 **3rd Heard: _____, 2023**
204 **Public Hearing: _____, 2023**
205 **Site Walk: _____, 2023**
206 **Approval: _____, 2023**
207

208 Mr. (Wyatt) Page, Attar Engineering, Inc. was present for this application.
209

210 Mr. Brubaker said that this is a proposal for a car wash within Eliot Commons, including
211 four bays and 3,300 square feet. There are two vacuum islands in another part of the
212 parking area. The location of this is just south of State Farm building, between that
213 building and the post office, where there is currently a vacant area. I think that, since the
214 lots inside of Eliot Commons are kind of common ownership but condominiumized,
215 that’s why you see their reference to a 3.2-acre parcel but also a 1.1-acre parcel. We don’t
216 have a row in our Land Use Table for ‘car wash’. My opinion is that this would be ‘use
217 similar to another use’, which would be ‘auto repair garage’. But that’s just my
218 recommendation. There is some information on right, title, and interest in the packet,
219 including a quit claim deed to York Hospital in 2006 but then a Purchase & Sales
220 Agreement between York Hospital and the current applicant. I have my dimensional
221 standards review in the memo. No big red flags there. The one thing I did want to say,
222 and this is something I’ve talked about with Mr. Page, is the consideration for wash water
223 when it comes to stormwater management. I’ll let the applicant speak more to that but
224 wash water is essentially not allowed to enter our surface waters, in accordance with our
225 non-stormwater discharge, Chapter 31. I did also have a conversation with Kristi Rabasca
226 (stormwater consultant) and she said that, typically, car washes have the ability to capture
227 that wash water and the bays are actually angles such that any drainage drains into a
228 drain. I recommend that the PB ask the applicant for more information on that or that the
229 applicant speak to that. Parking is shown in the sketch plan and covered in my staff

230 report. It's a single driveway loop like you see in a lot of car washes, looping around into
231 the bays and then out. Eliot Commons currently has its own wastewater system but the
232 Town will be building a gravity sewer line down Levesque Drive as part of our Route
233 236 TIF Water and Sewer Project. There's an easement on Levesque Drive so that would
234 be an option for tying into, and I believe the applicant specified that that was what they
235 planned to do.

236
237 Mr. Page, Attar Engineering, Inc., said that he was representing Shawn Moore.
238 Everything that Mr. Brubaker stated is accurate to the project. We may be coming back to
239 re-visit the exact layout of the driveway and the parking but, as it, the current idea of the
240 building with the four bays to which being self-operated and to be auto is the same, as
241 well as all the amenities currently provided. Regarding wash water, we had an analysis
242 provided by Jeff Aramento of Car Wash Pros, an associate of the client. Based off an
243 average number for car wash use – day-to-day, seasonally; being liberal with how much
244 water would be used by the self-service bays, the estimate average for the entire car wash
245 would be 2,300 gallons per day. It would be going into what is the private wastewater and
246 eventually turned over to go into the gravity sewer.

247
248 Ms. Braun asked if we could get a copy of that report the next time we see you.

249
250 Mr. Page said yes.

251
252 Ms. Bennett asked if this will be constructed such to capture all the water that will be
253 utilized in the washing.

254
255 Mr. Page said yes. That is the intent.

256
257 Ms. Bennett said that you could talk about more details and how you plan to capture and
258 contain all of that at the next meeting.

259
260 Ms. O'Connor said that I was thinking about the water consumption from the public
261 water. What kind of an increase on public water usage would this be. Like drawing water
262 on the front end as opposed to on the drainage end.

263
264 Mr. Page said that I don't have the exact details for you right now. We could very easily
265 include details for that in the report for our next meeting, along with the estimates, and all
266 of that.

267
268 Ms. Braun said that you have Mr. Brubaker's report so you know what we're looking for.
269 You have a dumpster pad already there. The parking stalls were shown on the sketch
270 plan. Is that for the existing building that's there for the residents or something else.

271
272 Mr. Page said that my intent when I was laying this out was that I wanted to keep it as
273 contiguous as possible. I didn't want to remove net parking for the entire lot or anything
274 like that. The intent would be, since it's a car wash and people are going through,
275 customers won't likely be parking for a long period of time unless they were using the

276 vacuum islands. The vacuum islands, of course, have their own spaces adjacent to the
277 actual vacuums, themselves, and the parking that remains contiguous with what already
278 exists would be intended for use for this property.

279
280 Ms. Braun said that you have the report and you know what we're looking for. So, once
281 you gather all that information, check in with Mr. Brubaker and he will get you on the
282 schedule.

283

284 **ITEM 7 – PUBLIC HEARING**

285

286 **A. 771 Main Street (Map 6/Lot43): Demolition permit for barn structure – review**
287 **under §45-136 – Demolition Delay for Historic Structures.**

288

289 **Received: February 8, 2023**

290 **1st Heard: February 21, 2023 (public hearing)**

291 **Approval: February 21, 2023 (Advisory Letter)**

292

293

294 Mr. (Michael) Sudak (Attar Engineering, Inc.) and Mr. (Kris) Glidden (applicant) were
295 present for this application.

296

297 **6:32 PM Public Hearing opened.**

298

299 Mr. Brubaker said that this is a requirement of our Demolition Delay Ordinance, which is
300 in §45-136 of our Town Code. It requires a 90-day delay period for review of any
301 demolition permit for the demolition of a building 100 years of age, or older, or is on the
302 National Register of Historic Structures. Mr. Glidden, the property owner, submitted the
303 demolition permit to our Code Enforcement Officer and, after she discussed with me, the
304 90-day delay period was put in place. This ordinance requires that the PB hold a public
305 hearing and then, if you choose to, issue an advisory opinion. The ordinance also invites
306 input from the Eliot Historical Society (EHS) and Maine Historic Preservation
307 Commission (MHPC). You saw earlier the email I forwarded to you an email from Ms.
308 (Rosanne) Adams with the EHS's written opinion; that I think there are some EHS
309 members in attendance or on Zoom. The way that the ordinance works is that the default
310 90-day delay period is in place and the CEO may decide to waive or lessen that delay
311 period, depending on the input from the PB, EHS, and MHPC. In this case, as it stood at
312 the time of my report, there was only an outright demolition proposed, so my report
313 recommends to the PB an advisory opinion related to keeping the 90-day delay period in
314 place to allow for those alternatives to be proposed. Now, there's been a lot of discussion
315 recently with the previous applicant who wanted to save and re-locate the barn on her
316 property (Ms. Duvall) with EHS and others so I understand there might be some
317 interesting alternatives being discussed, but I'll leave it at that.

318

319 Mr. Sudak thanked Mr. Brubaker for his overview. Can I request that that letter from Ms.
320 Adams be forwarded to me or, if you want to summarize it into the record, because I
321 would be curious to hear what she had to say.

322
323 Ms. Braun said that I haven't seen that, yet, so if Mr. Brubaker could summarize it, that
324 would be great.

325
326 Mr. Brubaker read Ms. Adams' letter:

327
328 *"To: The Town of Eliot*
329 *RE: Advisory opinion - Demolition of the barn at 771 Main St.*

330
331 *As we have commented previously on the age and historical nature of the barn, we refer*
332 *you to our previous letter.*

333
334 *We are sorry to hear that the subject of the demolition of this barn has come up*
335 *again. To be in the situation of losing such an old but still structurally-sound building,*
336 *with Eliot's long history of agriculture is very disheartening.*

337
338 *We humbly urge the owner and the town to look for alternatives and do all they can to*
339 *see that the structure is preserved.*

340
341 *Is there a place on town owned land where it can be relocated and re-purposed? The*
342 *Remick family barn that used to sit on what are the lands now of the Sawgrass Lane*
343 *subdivision, off State Road was moved and is now used by Olde York as a meeting space*
344 *and display. Is this something that Eliot would benefit from? Moving to a park might*
345 *afford inside space for events. Is there another farm in Eliot that might want to have this*
346 *barn? Is there a way to mitigate the cost of moving it to another location?*

347
348 *We recommend that the 90-Day period of delay be initiated so that this important*
349 *discussion can be had and alternatives explored.*

350
351 *Sincerely,*

352
353 *Rosanne M. Adams*
354 *on behalf of the Eliot Historical Society"*

355
356 Mr. Sudak thanked Mr. Brubaker. Just a little additional information. This was before
357 you in June 2022. The applicant then was Ms. Duvall and, per the Demo Delay Ord at the
358 time, you granted an advisory opinion to effectively accelerate that 90-day review period
359 the day after the CEO effectively waived the remainder of the period. Since then, and
360 some of this is context of my client, Mr. Glidden, because he is an abutter and, as you
361 know, the residential subdivision that's been before you since that time period. So, he
362 purchased formally Mr. McNally's piece in January 2023. As I understand it, under the
363 duration of Ms. Duvall's permit, she had a contractor (Phil LaPlante) visit the site about
364 August 2022, who removed a significant portion of the northern siding on the barn as
365 well as, for 2/3rds of the portion, the whole northern-facing roof pitch. That happened
366 over the span of about a week and, since then, it's just been left, exposed to the elements.
367 We didn't have much of a winter but it sat there through the winter. It's kind of an

368 eyesore right now and, since Mr. Glidden acquired the property, he re-began this process.
369 Mr. Brubaker summarized the conversations with the CEO and himself well. There are
370 conversations that we've been having with Ms. Duvall and some of the options that Mr.
371 Brubaker presents that we're open to. But, I guess the clock is ticking is all I want to say.
372 There's an active subdivision, as you know, and the building, itself, right now I would
373 guess being exposed for the past 6 months probably hasn't been great for it. So, we're
374 open to conversations but we want them to be done urgently, imminently, because the
375 time left exposed to the elements is just incurring more damage. It's unfortunate that Ms.
376 Duvall's permit expire and wasn't able to be fulfilled. We want something like that to
377 happen with the structure, if it can, but just that it happen quickly because it's a shame to
378 look at right now. I think that's all I have. I'd be happy to listen to any questions from
379 abutters.

380
381 Ms. Braun asked if there was anyone in the audience who wished to speak to this subject.

382
383 There was no one.

384
385 **6:40 PM Public Hearing closed.**

386
387 Ms. Braun asked if you had explored any alternatives to this, to demolition, at all.

388
389 Mr. Sudak reiterated that my client has been in conversation with Ms. Duvall. There two
390 sections of two different ages. The one closer to Main Street is the older one. Am I
391 correct in saying that both sections are over 100 years old and, therefore, subject to the
392 demo delay. I do know there's a bit of difference in ages between the front and back
393 sections. At any rate, Ms. Duvall's proposal was to the older section closer to Main Street
394 to tag, disassemble, and reconstruct it on her property on Brixham Road. Then, take the
395 newer section further away from Main Street and use that for additional salvage, I believe
396 that was her language. My client has been in conversation with her in the past couple of
397 weeks. There isn't a contract that's in place right now. Again, it's something we would
398 like to see happen. We just want it to happen. There's been an opportunity to do
399 something with it the past 8 months, now. Besides that, if MHPC needs to weigh in or if
400 the Town wants to pursue using it. I think the general discourse we want to have is to
401 please use it but just commit to using it and take it.

402
403 Ms. Bennett asked, just to clarify, if Ms. Duvall is out of the picture, now, or does she
404 still have an interest in it but she doesn't have a contractor.

405
406 Mr. Sudak said that, as I understand it, when she received her demo permit, she had an
407 agreement with Mr. McNally, who was the owner at the time, and a local contractor who
408 is no longer in the picture. By my reading of the ordinance and by the assumption from
409 Mr. Brubaker's review memo, I believe her permit has been superceded by ours or by
410 what we're before you with tonight. Not only because of the purchase by Mr. Glidden but
411 just because it's been 180 days since that permit was granted. So, she's not in the picture
412 with structured finality. There have been conversations that have been had. If we can
413 reach an agreement and have a contract, we'd be happy to re-engage.

414
415 Ms. Braun said that she still has interest in obtaining the property.
416
417 Mr. Sudak said yes, the barn.
418
419 Ms. Braun said that she's having difficulty with the contractor.
420
421 Mr. Sudak said that that's my understanding and I don't know if she's here tonight to be
422 able to speak to it. It was my understanding that she might be providing comment.
423
424 Mr. Brubaker said that my understanding was that she was going to try to make it tonight.
425 I don't see her. But I did also just wanted affirm and represent her correspondence to me
426 regarding her continued interest.
427
428 Mr. Latter said that the gentlemen that were part of this whole project in the beginning,
429 they've sold their interest. Is that the situation.
430
431 Mr. Sudak said that that's correct.
432
433 Mr. Latter asked if the agreement was with those owners to actually move it. What was
434 the substance of their agreement. Was it just to provide the barn. Were they supposed to
435 help move it. I'm just trying to understand why this whole thing has evaporated when I
436 thought it was a done deal.
437
438 Ms. Braun asked if Mr. Glidden had any comments on that.
439
440 Mr. Glidden said that I can give you what information I have. I am the owner of the
441 property behind it with the subdivision approval. I've had the same headache with, the
442 best way to explain it, the eyesore out front that neighbors have had. To answer your
443 question, first, in speaking with the previous owner and Ms. Duvall, she had a permit
444 from the Town but she had nothing in place with the owner, Mark McNally. So they had
445 no agreement. In the last week or so, Ms. Duvall and I have been trading emails and I've
446 said that I would absolutely love to see this saved, but move it. I know you want it. In
447 fact, she's had almost 8 months to do something with it where nothing changed and she
448 didn't do anything with it. And the only thing I told her was that I need some sort of
449 agreement between myself and her and her contractor just to protect myself from liability
450 and also to make sure it gets done. She did start with it before, tore the roof off one side,
451 the siding, then walked away from it after a week or so. Since I acquired it just recently,
452 I've gone through it and hopefully people have had a chance to go by it. I've cleaned up
453 everything outdoors, the inside. Probably have gone through two dumpsters. Everything
454 had black mold on it and mildew. It was a mess. It was almost knee-high with trash
455 throughout the entire place. But I've gotten that cleaned up. So, where we stand now is
456 that Ms. Duvall wants it and I just told her that I need an agreement with her, that I'd like
457 her to move on it as quick as possible. And once she starts with our agreement, I'd like to
458 have some sort of deadline that says that, once she starts with this, it's got to be
459 completed in 30 days, or whatever it is. She did request that, when she started, if she

460 could leave the clapboards and shingles there and I just bury them on the lot, and my
461 answer was absolutely not. If she starts this, it's the barn. It all needs to be disposed of
462 properly. Removed properly. That's when I said that I need an agreement in place to
463 make sure it doesn't start and then I wind up with another mess to take care of.
464

465 Ms. Braun said that it sounds like the 90 days has to stay in place so you can work this
466 out with her. At least that's my opinion. How does everyone else feel about that.
467

468 Mr. Leathe asked if Mr. Glidden had had any other interest from any other parties that
469 seem legit.
470

471 Mr. Glidden said no. I did reach out to a few ads through Craig's List and Facebook of
472 barn people that come and reclaim. I gave them basic information – a 17th or 18th century
473 barn in Eliot, Maine. There's no cost. It's in good shape. – but no response from
474 anybody.
475

476 Ms. Braun asked if he had contacted York Historical Society.
477

478 Mr. Glidden said no. I would love to see it saved. I grew up in Eliot. An old barn at the
479 top of Depot Road up there. So, I can appreciate that but, at the same time, we need to
480 move this project forward. I guess one of the things I'd like to find out from the
481 Historical Society, if they can answer, is that the barn actually has three sections.
482 Certainly the larger piece toward the road is the oldest and the third one back is built on a
483 newer concrete slab. I don't know the age of any of them. So, I guess my question is
484 three of them were certainly built at different times. So, is it possible that I could start on
485 the back and work towards her and leave that barn while somebody works on moving it. I
486 want to continue to clean up the property.
487

488 Ms. Braun said that Ms. Adams might know the answer to that question. It might be
489 worth talking to her about it. I would definitely contact the Old Yorke Historical Society.
490

491 Ms. Braun said that I personally think the 90 days needs to stay while they work this out
492 with Ms. Duvall or a historical society or something.
493

494 Ms. O'Connor asked if it is a new 90-day period that needs to start or we need to retain
495 because we are in the midst of a 90-day.
496

497 Ms. Braun said that I think a new 90-day.
498

499 Mr. Brubaker said just a slight modification. That 90-day period has started. I believe it
500 started on or about February 8th so it is in place. It stays in place if nothing happens **and**
501 **it's** waived or lessened by the CEO after hearing from the PB and EHS.
502

503 Ms. O'Connor said that we are 10 or so days into a 90-day window.
504

505 Mr. Brubaker said that that's my understanding.

506
507 Mr. Sudak confirmed the start date was February 8th.
508
509 Mr. Latter asked if we need a motion to impose the 90-day period or do we just need a
510 motion to waive it.
511
512 Mr. Brubaker said that it exists. It's the default. So, you don't absolutely need a motion. I
513 just felt it would be good as a formality.
514
515 Ms. Braun said okay. So, as a formality, if I could have a motion to that effect, that would
516 be great.

517
518 **Mr. Leathe moved, second by Ms. Bennett, that the Planning Board maintain the**
519 **90-day delay period on the demolition of the barn, which started on February 8,**
520 **2023.**

521 DISCUSSION

522
523
524 Mr. Latter said that there was an agreement to move this. It didn't happen. It seems as if
525 the subdivision property owner, both previous and now, have acted in good faith to make
526 this available to be moved. So, are we imposing an additional burden by asking them to
527 wait another 90 days when they've already tried to save this structure. And, is it a hazard.
528 So that's my question to us.

529
530 Mr. Leathe said that it's less than 90 days. Mr. Glidden can do a little bit of research on
531 three sections. So, perhaps, you could get going on those, if indeed, they are not
532 historically significant.

533
534 Mr. Latter asked, if they could move on this, could we then approve a demolition permit
535 if they seem to get something in place, Is this an all-or-nothing. Could we waive it at
536 some point in the future.

537
538 Mr. Sudak asked if we could come back before you, again, to request an advisory
539 opinion.

540
541 Ms. Braun said that I think we can do that. If you have anything in place, definitely you
542 could come back. Just let Mr. Brubaker know.

543
544 DISCUSSION ENDED

545
546 **VOTE**
547 **4-0**
548 **Motion approved**

549
550 Ms. Braun said that you guys are all set. You're going to do a little more research and, if
551 you can figure something out before the 90 days is up, just get ahold of Mr. Brubaker

552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597

ITEM 8 – OLD BUSINESS

A. 771/787 Main Street – Clover Farm Subdivision (Map 6/Lots 43, 44, 154), PB22-9: Request to amend preliminary plan approval to change performance guarantee option.

Received: January 9, 2023
1st Heard: February 21, 2023
2nd Heard: _____, 2023
3rd Heard: _____, 2023
Public Hearing: _____, 2023
Site Walk: _____, 2023
Approval: _____, 2023

Mr. Sudak, Attar Engineering, Inc. was present for this application.

Mr. Brubaker said that this is actually kind of in the limbo period between Preliminary Plan approval and Final Plan review for this subdivision. The PB approved the Preliminary Plan on December 13th, 2022 and, in early January issued a letter of approval, with conditions of approval. One of the conditions related to the performance guarantee. When the applicant submitted the final plan submittal, in their cover letter they requested a change from Option #2 to Option #1 of their performance guarantee. So, in order to not have the awkward situation where they would be going right to the SB for performance guarantee review for an option the PB didn't approve. I felt it necessary for them to come back and, in essence, have this be the type of review being an amendment of your preliminary plan approval just to clarify what you want to do with the performance guarantee option. The requirement in the Code is that the applicant provide the option of their choosing in terms of their performance guarantee at preliminary plan submittal. They did that previously with Option #2. I think the PB's review is pretty rudimentary, here. It's really the SB that reviews the adequacy of the performance guarantee, including the amount, the issuer, the form, and the issuing institution. So, that's primarily the SB's review. Because of that, I felt that the PB's review, here, is primarily a formality and, therefore, I recommend approval on the applicant's change from Option #2 to Option #1. There's an approval motion provided. I will also say that the applicant did include in their final plan packet, which was included in your packet, a letter from an entity regarding a line of credit. That was put forward as what the performance guarantee will be. That will be reviewed, or what else the applicant submits, by the SB. Then, just a few other updates. I did get from Mr. Sudak the driveway permit from the Maine DOT and, in our opinion, the Maine DEP stormwater PBR permit stands approved.

Mr. Sudak said that was a great over view by Mr. Brubaker. I agree this is just a formality. I agree with his interpretation of why I need to be before you, tonight, and that it's an appropriate time to do so. We have, obviously, a new purchase, so, a slightly different representation for this combination of parcels. Mr. Brubaker summarized it well.

598 When we submitted preliminary subdivision, we had formerly requested Option #2 for
599 the performance guarantee, which mandates that all infrastructure be fully built out prior
600 to the sale or issuance of building permits for the lots. Option #1, instead of the process I
601 just outlined, allows the SB to be engaged to review an estimate of cost for the work to be
602 done and some form of a line of credit, bond, money set aside to prove that we can
603 construct it, which would allow us to procure building permits and sell lots earlier in the
604 process. So, that's what we'd like to move forward with and, really, we just need the
605 amended preliminary plan, as Mr. Brubaker has outlined, to engage the SB with that.

606
607 Ms. Braun asked what prompted you to go to Option #1 after getting preliminary plan
608 approval.

609
610 Mr. Sudak said that I think the desire to get something out of this proposed development
611 sooner. For option #2, you have to build out the entire travelway, utilities, everything
612 prior to anything taking place that gives you money back into your investment. So, if we
613 can prov, through Option #1, that we have enough money that we're not just going to
614 walk away from this in the middle of the development being constructed, then Option #1
615 would allow us to sell some lots earlier on in the process.

616
617 Mr. Glidden said that that is accurate. By going to Option #1, it allows us to sell lots
618 immediately and use some of that capital in order to do the infrastructure. The other piece
619 of that is on the building of things so that we can get everything done and not be under
620 constant construction potentially for a year or two, and doing the infrastructure and
621 having to dig up the pavement, tying the lines (into individual lots), and having to redo it
622 all, we could do it all at once.

623
624 The PB was in agreement regarding this request.

625
626 **Mr. Leathe moved, second by Mr. Latter, that the Planning Board amend the**
627 **Planning Board's preliminary approval – granted December 13, 2022 – of the**
628 **preliminary plan for PB22-9: 771-787 Main Street to replace the language in**
629 **Condition 3a in the approval letter (approved January 10, 2023) with new language**
630 **as follows:**

631 **The subdivider shall provide a performance guarantee by furnishing to the**
632 **Select Board a financial guarantee in the form of cash, a certified check**
633 **payable to the Town, or an irrevocable letter of credit in a form and from an**
634 **issuer acceptable to the Select Board, for the proposed street, utilities, new**
635 **plantings, and stormwater facilities. The performance guarantee shall be**
636 **consistent with §33-132, generally, and subsection(b)(1), specifically,**
637 **reflection Option #1.**

638 **VOTE**
639 **4-0**
640 **Motion approved**

641
642 Ms. Braun said that you are all set. Do you have your appointment with the SB yet.
643

644 Mr. Sudak said no, I want to see how this Thursday goes with one of my other items
645 before determining exactly what they would like me to furnish.

646

647 **ITEM 7 – PUBLIC HEARING**

648

649 **B. 0 Bolt Hill Road (M17/L29), PB22-21: Village at Great Brook – Amendment to an**
650 **existing Subdivision Plan (43 lots).**

651

652 **Received: October 17, 2022**

653 **1st Heard: November 15, 2022 (sketch plan review)**

654 **2nd Heard: December 13, 2022 (postponed by applicant request)**

655 **3rd Heard: January 24, 2023 (postponed due to weather)**

656 **4th Heard: February 7, 2023 (continued review)**

657 **Public Hearing: February 21, 2023**

658 **Site Walk: N/A**

659 **Approval: _____, 2023**

660

661 Mr. (Michael) Sudak, E.I.T. (Attar Engineering, Inc.), Attorney (Sandra) Guay
662 (applicant’s representative) were present for this application.

663

664 Ms. Braun said that I will be recusing myself from this discussion. Mr. Leathe will be
665 acting Chair for this discussion.

666

667 Mr. Leathe said that, before I open the Public Hearing, I would like to read some
668 commentary mentioned in the last meeting written by Ms. Bennett. I think it’s helpful for
669 us to engage what we are talking about tonight. Ms. Bennett said: *“this is the application
670 for PB22-21 0 Bolt Hill Road for an amendment to an existing subdivision plan (Village
671 at Great Brook). Just as a note as we start, there are a couple of requests, here, before us
672 on this amendment to the site plan. We’re doing a hybrid approach to this application.
673 Initially, we had thought about, and many residents at Villages had requested that we do,
674 a full site plan review because it is a pretty substantial change to the 2007 approved plan
675 for the Villages, which I believe was 150 dwelling units, now down to 43. That said, with
676 this hybrid approach, we have multiple goals, further requests that we should be
677 considering of the applicant to complete, finish the subdivision at the Villages, finish the
678 building. We have a request to subdivide the land from the applicant. We also have
679 multiple requests from the residents from the Villages to ensure what is built has been
680 built to standards and that they will be indemnified and assured that what they have
681 bought is actually up to code. As a Town, we also have the goal to make a complete and
682 thorough record that will go forward on this property.”* So, those are direct quotes from
683 Ms. Bennett, Board member, at the last meeting, which I think summarizes the start of
684 this discussion this evening very well. I want to greet and thank everyone for coming. It’s
685 great to have an audience and your public participation. It’s very much welcome. The
686 sequence of events, as I open the public hearing, is that we will have a presentation by the
687 Town Planner. The applicant will have a presentation, either from the owners, the LLC,
688 the agent, or all of the above. There will be time for public participation. We want to
689 encourage everyone to feel free to speak up and to be concise and brief with their

690 commentary, if that is possible, most of the time. That that includes those who are on
691 Zoom. If you want to speak, you can raise your hand on Zoom and Mr. Brubaker will let
692 us know that you're willing to speak. Then I'll close the public hearing and we'll turn it
693 over internally to the PB for discussion.
694

695 **7:05 PM Public Hearing opened.**
696

697 Mr. Brubaker shared his screen. I provided a background on February 7 so I won't
698 reiterate that, here, in the interest of time. Generally, I call the land retained by owner the
699 'LRO' just as a note to people. There are a lot of items here. It is an unusual review. It is
700 even more nuanced and complex because of this idea of a hybrid review. I just wanted to
701 go through some of the outstanding issues as I saw them. I have continued to
702 communicate with the applicant's representatives as well as receiving communications
703 from residents and clarifying questions for various parties. The first I wanted to cover is
704 that the applicant has moved the lot line behind Units 41 and 44 back further away from
705 the units to achieve greater than 30-foot rear lot line setback for those units to achieve an
706 area that would be retained for potential future recreational use for the developed parcel,
707 the residential community. And then also to plant additional plantings. The updated site
708 plan set that you have shows those plantings being shade trees in the form of fireman's
709 maples as well as screening in the form of arborvitae. You can see an excerpt on Sheet 5
710 of the plan set showing what it looks like. You have plantings in the area retained for
711 recreation and then the existing rip-rap swale that Mr. Sudak talked about at the last
712 meeting. Another question was on the ROW standards for Quail Lane, which is the
713 heretofore mostly undeveloped section of road in the 'LRO'. We wanted to ensure that
714 the ROW would be up to standard when the 'LRO' land is developed in the future. So, a
715 note has been added to the plan saying that the applicant shall reserve a ROW of a
716 minimum width of 50 feet for the proposed travel way. I just have an additional review
717 comment in my staff report, which was that a note on the plans or a drawn easement or
718 dedication should reflect a legal right of passage by the Village at Great Brook residents
719 down Village Drive and Quail Lane through the 'LRO' both as a gravel drive and when it
720 is fully brought up to Town standards from the proposed lot line to Route 236. This
721 would only be an ability for residents to use the rest of that portion of Quail Lane. Also
722 on Note #2, Sheet 1 is a note about ensuring that when the 'LRO' is developed, that the
723 street comply with Chapter 37 Street Design Standards, including a 20-foot travel way
724 width and 3-foot shoulder widths. Until such time, a travel way with a minimum of 16
725 feet shall be maintained for emergency access and egress. Similarly, I added a note in my
726 staff report saying that the 'LRO' shall be developed at least to Collector Road standards.
727

728 Mr. Leathe suggested that the Planner define 'LRO' for those that are not sure what that
729 means.
730

731 Mr. Brubaker said it means Land Retained by Owner. The vacant back half that the
732 applicant proposes to split off and, I believe, sell. So, this just pertains to ensuring that a
733 future review has flexibility and may impose a greater standard on that section of road,
734 depending on the use proposed. Mainly a commercial/industrial street, which has some
735 additional, stricter standards. I also wanted to clarify something. A number of waivers

736 were given to the applicant back in 2007 by the PB for the design of what was called the
737 loop road, which is Village Drive from Route 236 to Bolt Hill Road. I just wanted to
738 clarify that I think it's important that the applicant relinquish those waivers for the section
739 of Quail Lane from the lot line up to Route 236 to give a clean slate for future PB review
740 of the street performance standards. I did want to remind, and put into the record, that, as
741 we've talked about already, the 'LRO' land would not be buildable unless and until it can
742 show that it has at least 300 feet of street frontage on a town way or a private way
743 conforming to Town standards unless a variance is given. That's just another factor in
744 saying that Quail Lane would need to be upgraded by the future owner of the 'LRO' land
745 in order to even be buildable. The only other way in our code to get around that is
746 through what's called a back lot and I just want to remind that back lots are not
747 applicable, here, because they're not allowed in the C/I District. We've talked a lot, and
748 this was a contentious question, about the idea of a future ROW reservation. Again, I
749 want to reiterate that the Town code does give the PB the tool to, at its discretion, choose
750 to require ROW reservation connecting the proposed streets in the subdivision to adjacent
751 property if that property is undeveloped. I do believe it's a pretty standard tool in the
752 toolbox of subdivision review. At the last meeting, Attorney Clement felt that it was
753 unusual. I respectfully disagree with that. It is, in fact, in the Model Subdivision
754 Regulations for Maine, which were actually put together by SMPDC. So, that tells me
755 that our requirement is not out of the ordinary. But, there was a lot of discussion on this
756 and, in my own opinion and in trying to balance different viewpoints, I've decided to
757 amend my recommendation to instead of recommending that the PB require ROW
758 reservation, recommending that the PB require that the subdivider or the future owner of
759 the 'LRO' land make a good faith offer and engage in responsive negotiations with the
760 abutting property owner. Mr. Pickett is here in the audience, Map 23/Lot 8. Then, a late-
761 breaking item. I did actually hear from, in talking with a trustee of the Brooks Cemetery,
762 that they would like to have access from the Quail Lane portion on the 'LRO' past the
763 Eversource utility corridor as a back way into the Brook Cemetery, which lies just on the
764 other side of that utility corridor. So, I put that in my staff recommendation. I realize that
765 there may be a lot more discussion on this but I at least wanted to provide that for the
766 sake of discussion. Also, I understand that there may have been some consternation on
767 behalf of somebody and the applicant towards Mr. Pickett during or after last meeting
768 and I wanted to re-direct that consternation to myself because I'm the one who has
769 proposed this tool. If there is anger, it should be addressed at me and not at Mr. Pickett. I
770 think it's an appropriate tool to at least consider as part of this review. A performance
771 guarantee has obviously been a major topic of discussion and a major point for the
772 residents. Again, the guarantee shall cover streets and and/or required improvements. At
773 the last review, the applicant provided a performance guarantee statement choosing
774 Option #1 - Financial Guarantee. On February 14th, the applicant did provide a letter to
775 the SB via the Town Manager requesting review of the performance guarantee. I will let
776 Mr. Sudak or Attorney Guay speak more to that but it did include the indication that they
777 plan to use a performance bond as the instrument of the guarantee. It did include a cost
778 estimate for what they believe would be the cost to cover the subdivision improvements
779 of \$250,800. That's been put on the agenda for the February 23rd SB review but, at that
780 review, we are only planning on asking for the SB to authorize the third-party
781 engineering review of that performance guarantee to begin. So, there are several steps

782 that the SB process needs to take to review the adequacy of that performance guarantee.
783 The SB is empowered to review the adequacy of that and they will have the benefit of a
784 third-party engineer firm to guide them on that. There is a lot included in the performance
785 guarantee cost estimate provided by the applicant, including the roadway adjustment at
786 Unit #19 needed to fix the setback issue with that unit, surface core paving on Pheasant
787 Lane, Village Drive, and the driveways, some shade tree planting work, and the other
788 work that you see on ‘this’ slide. I saw that it did not include any kind of stormwater
789 facility maintenance or repairs so I believe it’s important for this review for the PB to
790 consider how the applicant will ensure that the stormwater facilities are properly
791 functioning now and any kind of major deficiencies won’t occur that might be at the cost
792 of the residents of those stormwater facilities. As previously mentioned, the stormwater
793 facilities, while they were being built in 2019 were determined to be deficient. A
794 violation was issued by the DEP and the U.S. Army Corp for those facilities. I was asked
795 to provide a little bit of a timeline of the DEP approvals for this project. In a nutshell, the
796 DEP approvals go back to the mid-2000’s, when this application was kind of being
797 reviewed by the PB. There were permits issued by both the Army Corp of Engineers
798 (ACE) and the DEP in 2006 and 2007 authorizing alteration of wetlands for the project
799 and street crossings. Then, the DEP granted what is called a Site Location of
800 Development Act permit in 2007, which is a permit the DEP grants for larger projects.
801 Fast forward into 2015, the DEP approved the transfer of the permit from Bolt Hill
802 Associates to Hodge & Company, LLC and, then later that year, approved revisions to
803 Phase #1 Development Area, including a reduction in the number of units and a change in
804 the unit type from duplexes to single family. So, if we’re looking for when these phases
805 started to change without PB approval, I think it was the mid-2000’s. In 2019, that’s
806 when the DEP conducted a compliance inspection and documented unapproved
807 deviations from their permits. The ACE also inspected and found non-compliance with
808 their permit. The DEP issued a Notice of Violation the next month and there were also
809 some modifications to the phasing at that time. All without PB review. Later in the year,
810 the permit was transferred from Hodge & Company to the current owner/applicant
811 Village on Great Brook, LLC. Then in 2020, there were more modifications approved by
812 the DEP to the permit for a slight reduction in impervious areas. Some other notes:
813 construction of the access road commenced by Bill Cullen in 2007. At some point, there
814 was a Board of Appeals (BOA) ruling, actually, that allowed the paving to be changed.
815 Maybe others will remember that but it’s puzzling to me why that was brought to the
816 BOA instead of back to the PB. In 2015, 18 units had been constructed, as well as the
817 associated road and utility improvements. Around that same time, the phases had changed
818 as I mentioned. And then, in 2018, the current owner, Village on Great Brook, LLC, took
819 over management. I also wanted to just note that, during a previous review in 2021,
820 residents had supplied a petition opposing the approval. Then in January 2023, as the PB
821 saw previously, the residents submitted another letter expressing their concerns about the
822 development. This is an excerpt from the approved 2007 subdivision plan just to show
823 more what the original phasing looked like. I thought it would be good for a refresher.
824 Initially, it was proposed that Village Drive would be Phase A but that Pheasant Lane
825 would be the last Phase – Phase D. Phase B was presumed to be the completion of the
826 loop road out to Route 236 as well as the adjacent units there. Phase C was proposed to
827 further develop the back half of the property. Then Phase D would be Pheasant Lane and,

828 as I said, got changed working with the DEP, but without PB approval, as well as the
829 elimination of the dementia care unit, the amenities, and so forth. There were questions
830 about the street standards. In the previous packet, the applicant provided a record of some
831 pavement investigation reports provided by two different engineering firms. I just wanted
832 to stress that, for a collector road, which is what the PB deemed Village Drive should be
833 in 2007, there needs to be a thickness in subbase course of 15 inches (stones the road sits
834 on) followed by at least a 6-inch crushed gravel base course. There is also gradation
835 requirements for the size of the stones. Then, there's requirements for the thickness of the
836 pavement on top of that. So, as was in the last PB packet, there was a John Turner
837 Consulting Report. I won't go through this word-for-word but noting some deficiencies
838 in the pavement thickness when they did coring samples and investigation in 2019.
839 Noting general compliance with gravel thickness except for at one station. I believe the
840 applicant's representative, Attar, talked about that station having been repaired. The
841 report also noted that there was general meeting of specifications for gravel compaction,
842 as well as a general deficiency seen by the report in the pavement compaction, although
843 they said that they were close. They also found a deficiency in the gradation of samples,
844 in terms of the size of stones with regard to certain specifications but they did find that
845 they met the Town of Eliot specifications. They also recommended fully boxing out the
846 area – Station #10 plus #75 – removing the pavement and gravel, essentially doing some
847 reconstruction work. They visually noticed some observations that the driveways have
848 structural defects. Then, they did recommend due to poor asphalt compaction “deficient
849 asphalt depth, in general poor workmanship”. They recommended either removing the
850 entire pavement cross-section or reclaiming the in-place pavement for the length of the
851 project, then the road should be re-paved in accordance with the project specifications.
852 There's also another report from a consulting firm that did say that there was a general
853 conformance of the actual compaction of the subbase. Then, in the Town's file there is
854 various correspondence from past Town staff, including the past Public Works Director
855 and Town Manager and one of the previous Planners expressing concern over the
856 roadway, as well. I know I took a little time but I did want to respond to the review
857 comments and get that all before the PB. Thank you for your time.

858
859 Mr. Leathe said that that was very helpful and thanked Mr. Brubaker. Now, we turn to the
860 agents for the applicants.

861
862 Attorney (Sandra) Guay, Archipelago Law, said that I am here for Village on Great
863 Brook. Thanking Mr. Brubaker for his helpful presentation, I will want to discuss the
864 access a little bit when I get there. I'm just going to bring the PB up-to-date on where we
865 are from the last meeting. Obviously, you looked at the video, talking about it, so I think
866 everybody is at the same page, there. We did talk about an agreement between the
867 property owners, the homeowners, and the LLC. I'm happy to say that all but two of the
868 homeowners have signed to this point, which is excellent. I am going to go over it a bit
869 because there has been some tweaking to it since the last meeting. We had said at the last
870 meeting and the meeting before that that, if the homeowners didn't sign by this meeting,
871 things were just going to come to a stop; that Village on Great Brook would file for
872 bankruptcy. However, the obvious good faith on the part of the homeowners, and I really

873 want to thank them, and the PB and the Town. I understand that this is a really unusual
874 process and I think that everybody's been working really well, now.

875
876 Mr. Leathe asked if I can ask a quick question. Does the PB have a copy of that
877 agreement.

878
879 Attorney Guay said that the agreement isn't fully signed. I will get a copy. Until it's fully
880 signed, I'm hesitant. I will read you the basic part of it. I'm really hoping to get those last
881 two signatures before I release the document. So, the first thing it talks about is the
882 performance guarantee. That is going to be a bond. I just, while I was sitting here tonight,
883 got an email from the bank. Actually, it's an insurance company, with a commitment
884 letter for that bond. I'll get that to Mr. Brubaker tomorrow and also to Mr. Sullivan
885 tomorrow, as well, for the meeting on Thursday. So that is obviously going to the Select
886 Board (SB). As you know, the SB has that list from Attar about the things that are
887 included in that bond. And I guess I just wanted to say quickly, and Mr. Sudak will
888 probably address this more, but with respect to the road, it goes into more than just re-
889 paving the road. It goes into removing of existing asphalt in certain sections, and rolling
890 and re-compacting, so there is more work that's being done than just a pavement of the
891 roads. But again, that's up to the SB, I realize, but I just wanted to share that. Beyond
892 that, the agreement says that, prior to the 2023 paving season, the Village on Great
893 Brook, LLC (Village at Great Brook is the name of the development), the LLC will re-
894 locate the Village Drive adjacent to 49 Village Drive, as discussed, and install the final
895 pavement on all paved surfaces. So, doing the road work that's contemplated under the
896 bond agreement. No later than November 21, 2023, they are going to install stone to
897 cover the ends of eight black culverts on the sides of Pheasant Lane, install boulders
898 around the retention pond off Pheasant Lane, (all shown on the plan, now), inspect the
899 sewer line, repair any leaks, and clear any blockages, remove all construction debris,
900 temporary electrical boxes, plastic fencing at the project and so on. The remaining land
901 will be cleaned up. Substantially flatten, spread, or remove all the large piles of dirt
902 related to project construction and remaining land. Install survey markers on the
903 boundary between the remaining land and the project, and plant shade trees along the
904 boundary of the remaining land. They will also convey to the Village at Great Brook
905 Homeowner's Association (HOA) a vacant buildable lot on Pheasant Lane (Lot #26). So,
906 this agreement does say that they will convey that to the HOA for whatever use they
907 choose to put it to. The LLC will list that reserved land, or retained land, as Mr. Brubaker
908 described it and the proceeds from the sale of that land has a list of priorities – pay off the
909 mortgage on that land, costs, fees, reimburse the LLC for costs of that list of items that I
910 just read, and for the first \$35,000 of any remainder will be paid to the HOA and
911 deposited into their account. If there is anything left out of that, after that, it will go to the
912 LLC. Also, the LLC shall pay \$35,000. They are actually going to put that into an
913 escrow; that there is an attorney that was hired by the homeowners to help with their
914 negotiations that will be held in an escrow in that attorney's account (attorney's office).
915 So that's going to go immediately after the satisfaction of the performance guarantee
916 requirement. There's an agreement that the LLC will not use any funds of the HOA to
917 perform any of its obligations under this agreement. In exchange, the unit owners, many
918 who are here this evening, agree not to oppose the approval of the application or

919 disparage the project after this. They will also release, upon payment of the \$35,000, the
920 performance guarantee, will release to the LLC any claims it would have against the
921 project, other than there is a list of several homes that are within their 2-year warranty
922 period and those will still be honored, that 2-year warranty period on those properties.
923 Also, prior to the conveyance of the reserved land, the LLC will reserve such easements
924 as are necessary and appropriate to provide emergency access over Quail Lane for the
925 benefit of the existing condominium units. In addition, the LLC shall reserve such
926 easements as are necessary and appropriate to provide emergency access over Village
927 Drive to benefit the reserved land. So, there will be cross easements for emergency access
928 for either, with a gate separating the two at the present. A part of the agreement was that
929 we would receive approval no later than March 1st, 2023. The stop-work order, a
930 conversation with the Code Officer early on that once the performance guarantee is in
931 place, that she would lift the stop-work order so that Ms. Goodwin can get into her home
932 and the work can commence along the road, and all the other work that needs to get done
933 to finish this up. There is also an agreement that there will be an agreement in writing
934 between the parties as to the specifications of the roadwork and other work that's non-
935 road related. That's basically it. So, there has been some tweaking, some discussion,
936 since the last time and this time. And again, I'm not the attorney who has been
937 negotiating this. There's another attorney for the homeowners who is not here tonight and
938 the attorney for the LLC, who is also not here tonight, but I was told by the attorney for
939 the homeowners today that there is an agreement that has been signed by all but those
940 two and he is speaking with those two. The LLC feels confident that those two will be
941 signing on. And so, moving forward, again, in good faith going through this approval
942 process believing that that is what will happen. That's basically the outline of the
943 agreement between the parties and I'm sure there are people from the development here
944 that, if they have any other thoughts about that, they will get up and share that with you.

945
946 Mr. Leathe said that I lost you a little bit at Lot #26. It's a buildable lot that's going to be
947 conveyed to what sounds like a new HOA that's being formed.

948
949 Attorney Guay said that there is a HOA there now. They just don't have control over the
950 development, yet, so that is going to be turned over to them as part of this.

951
952 Mr. Leathe asked what was the piece about the money. I didn't quite follow.

953
954 Attorney Guay clarified that when the reserved land (the land retained by owner – LRO)
955 sells.

956
957 Mr. Leathe said that they are separate items.

958
959 Attorney Guay said yes. These are all the things that the Village on Great Brook is going
960 to be providing to the HOA. Also, hopefully they'll have some cash put into the HOA
961 that they can use however they want. They will have this lot conveyed to them that they
962 can use in any way they choose.

963

964 Mr. Leathe asked if there were any initial thoughts floating around about when, if they
965 are allowed to, that land would be sold.
966

967 Attorney Guay said that they don't have anybody knocking at the door right now. I'm
968 sure they will try to sell it as quickly as they can. There's a lot of wetlands back there and
969 that's just one issue. That segues very nicely into my next issue, and that's about the
970 connectors to the abutting land. I appreciate what Mr. Brubaker said, with all due respect
971 to him. When we talk about connectors to other land, I took a look at the Model
972 Subdivision Regulations used by Southern Maine. It was Regional Planning Commission
973 at the time that Mr. Brubaker had referred to. When they talk about connectors, and this
974 is how I understand connectors to be and I'm a long-time PB member myself. They say
975 that 'subdivisions will be designed to coordinate with existing, proposed, and planned
976 streets whenever the proposed development abuts unplatted land or future development
977 phase of the same development". They talk about, when that happens, "street stubs shall
978 be provided as deemed necessary by the municipality to provide access to abutting
979 properties. Street stubs shall be provided in temporary turn-arounds, cul-de-sacs for
980 future development of abutting land. Minor local collector streets shall connect with
981 surrounding streets to permit convenient movement and traffic between residential
982 neighborhoods or facilitate emergency access, evacuation. But connections shall not be
983 permitted if the effect would be to encourage use of such streets by substantial through
984 traffic." My understanding of how this generally works is when at such time, if there is a
985 development proposal on that reserved land and there are roads that are going to be built
986 into it and the PB is going to be reviewing it at that time, and the PB certainly has the
987 option at that time to take a look at that development and request that at some point on
988 those roads that are being developed, that there are some stubs left to connect an abutting
989 parcel to it. To try to do it right now, even conceptually, the problem is that we're talking
990 about...this isn't a cul-de-sac and there's, in between, two lots there's a piece of land that
991 connects on the other side. We're talking about significant roads cutting through this
992 property and there's a couple problems with that. One is that nobody knows, right now,
993 how that property is going to get developed. There's a lot of wetlands there. If you're
994 subtracting out those roads, that takes away from the developable land. How many units
995 or how much developable you could have is going to be lessened because of all of the
996 wetlands. And now we're talking about two 50-foot wide roads cutting across what is
997 there for upland. The other issue, Contracts 101, you read language and you think what
998 could go wrong, here. Part of the problem that I have with what is suggested right now is,
999 when we talk about a good faith offer, what does that mean. What does it mean to who.
1000 Who wants to be that arbitrator to determine whether or not it's a good faith offer. So, if
1001 somebody is developing that land and they can put ten less units than they thought they
1002 could, ~~so~~ there's the value of that. There's the traffic going through. There's a monetary
1003 value associated with what we're talking about. It's impossible to put any kind of
1004 numbers or any conceptual - what that might look like, at this point, because nobody
1005 knows if it's going to be residential and, if it is, it's going to be more 55+ residential. And
1006 then that brings up the question of whether it's going to be commercial traffic, it going to
1007 be going through, how does that look. It's going to take a lot of planning when that time
1008 comes when that lot gets developed. Again, at that time when that lot gets developed, the
1009 PB will be able to then talk about connectors. I just heard about the cemetery property. It

1010 isn't actually an abutter because there's the utility corridor that separates it so I guess
1011 they would have to get an easement across that, too. So, then you're coming down from
1012 the north side of the property with a road connecting in to Quail Lane and, then, you're
1013 coming across from the other property with a road connected into Quail Lane. I also want
1014 to mention Mr. Pickett. We did speak with him, both Mike and I, after the meeting last
1015 time and it was, I thought, a very cordial meeting. He asked for my card. I gave it to him
1016 so he could call and we could talk about if he wants to try to purchase some access, or
1017 something. I think there was a section he was interested in. I haven't heard from him.
1018 But, if he got the impression that there was any kind of animosity there, there wasn't.

1019
1020 Mr. Sudak said I'd be really curious about that, too.

1021
1022 Attorney Guay said that that didn't seem to be the conversation we were having. So,
1023 other than maybe a note on the plan saying that when this comes back for re-
1024 development, the PB at that time consider whether stubs or connection is appropriate.
1025 Again, if the road comes up near the property lines and it's a short connection, that's
1026 probably appropriate. If you're talking about cutting through what's left of the upland
1027 developable property there, that's a little more problematic. I think that's really going to
1028 have to be looked at and negotiated with the then owner. In all respect to Mr. Brubaker, I
1029 would ask the PB not to put something on the plan that talks about an obligation or that
1030 property owner to make a good faith offer. It doesn't say anything about the other
1031 property owner and what's their role in this. There's just too much that could go wrong
1032 there and I can envision something like that ending up with the court making the final
1033 determination of whether an offer was good faith, whether the negotiations were done in
1034 good faith. Other than that, I just really want to thank everybody in trying to make an
1035 effort. It's an unusual situation, for sure. My goal from the beginning was to try to just
1036 get something in place that would bring some finality for the Town, for the homeowners,
1037 and for my clients. Hopefully, we're getting there. I would appreciate if the PB would
1038 consider approval with whatever conditions, I think, tonight. Again, I just want to thank
1039 everyone for assisting us getting through this.

1040
1041 Mr. Leathe discussed the third-party engineering study that the SB will engage to look at
1042 the performance characteristics. What is going to be done, how much it's going to cost, to
1043 sort of verify the things that need to happen and what those costs are and compare it to
1044 the presentation of the applicant. How did the applicant come up with that list.

1045
1046 Attorney Guay said that Mr. Sudak could probably talk about this more but they just
1047 asked contractors to bid out to come. They had a contractor to come look at the road.
1048 They had different contractors that bid out. They compiled a list of those bids and then
1049 Attar put it together in the form for the SB. Hopefully, we'll have a meeting Thursday
1050 night, weather permitting and, if that does happen, then we will have that discussion
1051 about the third-party contractor then. Our client has already agreed to put in a separate
1052 escrow for the cost of that third-party consultant.

1053
1054 Mr. Leathe said that I am curious on that list about how many of those issues have been
1055 outstanding for more than a year.

1056
1057 Attorney Guay confirmed with Mr. Brubaker that the PB has received that list
1058 (performance worksheet) and it is in the packet. Obviously, there are things; that we can't
1059 go back and fix everything.

1060
1061 Ms. Bennett said that you mentioned that part of this agreement that has been signed by
1062 all but two of the homeowners requires that they agree not to speak against approval of
1063 any revision to the plan and not to disparage the project. And I wonder if we actually can
1064 conduct a public hearing at this time if the members of the community can't actually
1065 speak honestly. They've now signed away their right to speak against anything proposed.

1066
1067 Attorney Guay said that, obviously, they can speak if they choose to speak on this. That
1068 is always their right.

1069
1070 Ms. Bennett said right, but they're violating the contract they just signed with another
1071 party.

1072
1073 Attorney Guay said that it's not fully signed yet.

1074
1075 Ms. Bennett said that I understand why that got lawyered into the agreement. I find it
1076 disturbing given the history of this project.

1077
1078 Attorney Guay said that I think the only thing I can offer, and again I wasn't party to the
1079 negotiations to this agreement, but the application and the site plan has been available.
1080 There's been a lot of discussion about what that's going to look like, what that's going to
1081 be. There was discussion that's added to the language and what Village on Great Brook is
1082 going to be doing and offering because of the review of that. So, there has been a lot of
1083 communication with the homeowners on that.

1084
1085 Ms. Bennett said that that's the performance guarantee. Those are the pieces of
1086 commenting about bringing this to the final standards for a complete project.

1087
1088 Attorney Guay said that there are things beyond that. There are cosmetic things and some
1089 other things, as well. Certainly there is a difference in commenting in a helpful way and
1090 totally opposing. I think what the agreement called for is that, once we got to this point,
1091 there would not be total opposition to us going forward with the approval. I'm assuming
1092 that the PB is putting some conditions and there will be things that are sort of open to
1093 discussion.

1094
1095 Mr. Leathe said that I think that's a really valid point that Ms. Bennett makes. I'm not
1096 aware of what exactly this agreement says, obviously, but if there is a gag order
1097 incorporated in it, folks are here tonight and it hasn't been fully executed, I don't know
1098 how comfortable they should be speaking if they've been told they can't. Or how
1099 comfortable we should be as a Board encouraging feedback if they've been told they
1100 can't. My sense is that it could be overreacting as could we get a waiver from the owners
1101 to allow the public to speak.

1102
1103 Attorney Guay said that I think the public should absolutely speak.
1104
1105 Ms. Bennett said that you don't represent the owners. You represent the engineer, correct.
1106
1107 Attorney Guay said that I represent the LLC.
1108
1109 Ms. Bennett said okay. But you didn't draft the agreement between the homeowners and
1110 the LLC.
1111
1112 Attorney Guay said that I did not draft it, no. I'm aware of it. I've been getting copies as
1113 it's been coming through.
1114
1115 Mr. Leathe asked, on behalf of the LLC, who are the authors of that agreement when you
1116 are saying that it's okay for these folks to talk freely.
1117
1118 Attorney Guay said that they can absolutely talk freely. I mean, if they're going to get up
1119 and oppose us moving forward with this application, then obviously, that's their right to
1120 do that but then obviously, my client will have to make a decision whether they can move
1121 forward with the process.
1122
1123 Mr. Leathe ask why, then, would there have been a gag order. Why was there a gag order.
1124
1125 Attorney Guay said that I think, as you've said, there's a lot of history here and that is
1126 what the owners felt that they needed. It's not a gag order. It's not saying they can't
1127 speak; that I'm looking for the exact language...that they 'won't express forms of
1128 opposition to approval of the application'.
1129
1130 Mr. Leathe asked for an example.
1131
1132 Attorney Guay said that we go through this process, the PB is ready to approve, and
1133 somebody gets up and says, "No, no. You shouldn't approve it because we don't think
1134 you should be able to cut off the remaining land.', or something like that.
1135
1136 Mr. Leathe said that it's a free country.
1137
1138 Attorney Guay agreed. All I can say is, and I don't think there's going to be a lot of
1139 disagreement here, there is a lot here for the homeowners and for the homeowners to get
1140 finality here; to end up with their roads taken care of and paved, and all these other things
1141 taken care of. The alternative is, and I was very clear last time and so was the bankruptcy
1142 attorney; that it was never intended as a threat, just a reality of dollars and cents, that the
1143 LLC just couldn't keep on funding this the way they have been. They've lost a good
1144 amount of money. This is not a profit issue. It's how much are we going to end up losing.
1145 So, this agreement came together because they don't want to walk away, they don't want
1146 to leave this to the homeowners and, frankly, the Town, because the Town has some
1147 exposure here. There have been a lot of approvals given by the Town. The Town was

1148 involved in the DEP revisions. There's a lot of exposure here for different people. The
1149 idea of this is just to bring finality; that everybody get those significant items done for the
1150 homeowners so that they're not left with having that to face on their own. So, in
1151 exchange, for all of those things, the LLC asks, We're going to pay our _____, we're
1152 going to go through this approval process, we're going to get an amended subdivision,
1153 we're going to do all these things for you and get it as best as we possibly can. We're just
1154 asking that, when we're going through this process and at the end, you don't get up and
1155 say, "Don't approve it."

1156
1157 Ms. Bennett asked if it expressly said 'at the end of the project' or upon the dated
1158 signature of this agreement.

1159
1160 Attorney Guay said that it just says 'opposition of the approval of this application'.

1161
1162 Ms. Bennett said that the purpose of a public hearing is to have the public express their
1163 opinions as to whether or not the PB should approve.

1164
1165 Mr. Latter said that the purpose of this public hearing is for people to petition their
1166 government. So, I want to hear from people and I want to hear exactly what they think. I
1167 don't like the idea that a condition of this agreement of these people trying to get away
1168 from this difficult situation is that they can't speak freely to those that have been
1169 appointed by their elected officials to understand what the decision points are. So, that
1170 puts me in a disturbing position. I understand that there's a lot of history and a lot of
1171 emotion on this. Don't you trust the PB to take that into their deliberation while they're
1172 trying to decide what's in the best interest here. That's just my comments on the
1173 situation. I'm a little disturbed by it.

1174
1175 Mr. Sudak said that, after hearing all of this, do you as Acting Chair have a motion to
1176 make. There's an open public hearing right now. Do you have a motion to make
1177 regarding the continuance of that.

1178
1179 Mr. Leathe said that the Public Hearing is still ongoing. I haven't closed it.

1180
1181 Mr. Brubaker called a point of order. I'm confused because I think you wanted to know if
1182 the PB wanted to take a brief recess right now and there is still the matter of hearing
1183 anyone who may wish to speak.

1184
1185 Mr. Leathe said no, that I didn't mean it that way. We're still on the TV here.

1186
1187 Mr. Sudak said that I'd be happy to continue with what I have for you and then go to
1188 public comment. (Sheet #5 of plan set was shown on the screen.) I'm going to go through
1189 Mr. Brubaker's review memo in order and I promise I'll be brief. There was a big
1190 discussion point at the last meeting, so what you see 'here' is just north of the intersection
1191 between Village Drive and Pheasant Lane. You see Units 41 and 42 there. Units 43 and
1192 44 are off the page to the bottom left, which I believe are 11 and 13 Pheasant. There was
1193 discussion for the division for the 'LRO', which is to the north top of the page 'here' and

1194 was tucked up pretty close to these two duplexes. After the last meeting, we went out and
1195 survey-located that existing rip-rap swale that's behind 41 and 42. You can see it 'there'
1196 dimensioned off that duplex. We then pushed the 'LRO' division line 65 feet further
1197 beyond that to accommodate for the shade plantings, to accommodate for prospective
1198 berms, some arborvitae to screen from whatever the proposed development that may end
1199 up being as well as that retained area for recreation. So, that's the area we requested to
1200 leave between the berm and that existing swale just for proposed recreation open to the
1201 entire HOA. It's wide enough for a pickleball court. I believe it's about 150 feet long and
1202 about 30 feet wide. There was a discussion in Mr. Brubaker's memo about the access to
1203 that. To my knowledge, these units don't have any LCDs associated with them, going
1204 back through the condo plan. It's just the structures, themselves, so we could provide
1205 some type of path between those two duplexes back to that area. It's pretty flat and
1206 vegetated there, right now.

1207
1208 Mr. Leathe said that I was going to ask you what the elevation is. Is it pretty flat.

1209
1210 Mr. Sudak said that it slowly pitches from left to right, as you're looking at the page.
1211 There are wetlands there that you can see in the top right corner but it really is pretty flat
1212 up there. And the vegetation has taken. It looks pretty nice out there. I'd be happy to do
1213 that. I think that would be a pretty good area just for some bocce courts, something of the
1214 like. Then, I believe Unit 26, that Mr. Brubaker and Attorney Guay talked about, is to the
1215 right of Unit 41, as you're looking at the page. I believe I'm saying that correctly.

1216
1217 Ms. Braun said that it looks like Unit 26 is part of a duplex.

1218
1219 Ms. Bennett said that I think you're right. (Plan was re-numbered)

1220
1221 Mr. Brubaker pointed out the area that was being discussed (between 29 and 31).

1222
1223 Mr. Sudak said that it's further down the street than I remembered.

1224
1225 Ms. O'Connor said that it looks like the piece of property to be conveyed to the HOA is
1226 half the duplex so it's part of 25 and 26, or is it something different

1227
1228 Mr. Sudak said that it's the area that your Planner is highlighting on the screen right now.

1229
1230 Ms. Bennett clarified that the original plan had something there. In fact, probably one of
1231 the DEP plans had something there but, at some point, they decided not to put something
1232 there. That's why the numbers don't jive with anything. Do you have some dimensions
1233 on the land retained there further along Pheasant Lane will be.

1234
1235 Mr. Sudak said that we can provide that.

1236
1237 Ms. Bennett said that that will be for a future plan, here.

1238

1239 Mr. Sudak said yes. I'm now on the middle of Page 2. Mr. Brubaker did a good job of
1240 summarizing this. This on the condition of approval notes package that went onto Sheet
1241 #1 basically regarding Quail Lane and its future construction standards satisfactory to
1242 your §37-70 of the ordinance. I agree with everything that Mr. Brubaker has
1243 recommended so we can revise and amend those notes.

1244
1245 Mr. Leathe said that I would like to make a notice of safety. I drove Quail Lane this
1246 afternoon about 4PM in my car and I got through it but it was close in a couple of spots.
1247 It was deep mud and water so I think an emergency vehicle would struggle right now
1248 getting through there, or a bigger truck. So, if anyone is thinking of going out that way to
1249 Route 236 tonight, you might not want to do it.

1250
1251 Mr. Sudak said fair enough. For the rest of Page 2, I'm in agreement with all of Mr.
1252 Brubaker's requested revisions to those conditions of approval notes. Moving on to Page
1253 3, which is what Attorney Guay covered pretty well regarding reservation of future
1254 ROWs for the one abutting parcel (Mr. Pickett) to the north and the Brooks Cemetery,
1255 which exists on the other side of the CMP corridor to the west of the parcel. I do want to
1256 say, regarding that one, for anyone who has taken a look at that parcel, it is very, very
1257 long and thin. And even if a ROW was to be reserved and then, somehow, get across the
1258 100-foot utility easement, there's about another 2,000 feet to get to anything that's
1259 currently developed back there. It would be quite an undertaking for any prospective.

1260
1261 A lady from the public said that I do have a concern, when you were talking about the
1262 Brooks Cemetery and then go into Quail Lane. There is the Cole Brown Estates there.
1263 Are there plans to connect to any of that or any of those other little roads that go up
1264 through there.

1265
1266 Mr. Sudak said that the outreach on that is specifically between the Town and the
1267 Cemetery.

1268
1269 Mr. Brubaker said that there is no discussion of that.

1270
1271 Mr. Sudak said, pointing out on the screen, that Mr. Pickett, who spoke at the last
1272 meeting, his property is back 'here' (north) and extends out to Route 236. He has a lot of
1273 wetlands on his site and he spoke about a potential future ROW reservation or also a
1274 potential exchange of land to access 'this' pocket of upland. 'This' is our property line
1275 'here' and 'this' is the CMP utility corridor. It splits at 'this' corner 'here'. Some of that
1276 goes over, I believe, where your property is where the station is and some of it hugs our
1277 property line all the way down to the intersection with Bolt Hill Road. On the other side
1278 of this corridor is the northern end of the Brooks Cemetery parcel, which is, again, very
1279 long and very thin and very far away. They have frontage on State Road. It's thousands
1280 of feet from anything developed and I agree with Attorney Guay's opinion on any
1281 prospective ROW reservation for that parcel. On Page 4, I believe we've discussed
1282 everything here. Mr. Brubaker and I spoke either earlier today or yesterday just about if
1283 you would like me to give you more of a history. Mr. Brubaker did a great job in his
1284 opening summarizing the street construction information we have given you, the testing

1285 by UTS and JTC, as well as the history of the project's involvement with the Maine DEP.
1286 I would be happy to go into that once we get on the other side of public comment, when it
1287 is turned back to the PB. If there are any additional questions about that, I can talk at
1288 length about that. That's about all I have.
1289

1290 Mr. Leathe said that you mentioned that the lot line behind Units 41 and 44 has been
1291 moved back. Do you know how many feet it is. How many total feet that line would be
1292 from Units 41 and 44.
1293

1294 Mr. Sudak said, talking about separation distance, it's over 100 feet from Units 41 and
1295 42. It's closest behind Unit 44, where it kind of hugs the gravel.
1296

1297 Mr. Leathe clarified that I meant 44 and said 42.
1298

1299 Mr. Sudak said that it's about 40 feet behind, at its closest, off of 44, looking northwest
1300 towards the gravel drive. Then, expanding at a 45-degree angle from there so I would say
1301 that, behind 43, it's probably 70 feet. Then, behind 41 and 42 it's over 100 feet.
1302

1303 Mr. Leathe said that, if you're the owner of 44, you have essentially a 40-foot separation
1304 between that and some other commercial development. What will be separating that
1305 besides some land. Will there be vegetation planted, some sort of trees or shrubs. Is there
1306 some sort of buffering that you have considered.
1307

1308 Mr. Sudak said that, if there were a prospective commercial development that comes
1309 through there, they would have to satisfy §41-215. On their side of the property, they're
1310 going to have to, in addition to having a 100-foot setback from a residential use, which
1311 this development is, provide visual screening in the form of a vegetative buffering. On
1312 our side, we can certainly extend the plantings further down behind 43 and 44. The
1313 reason for the placement being where it is is just because it's the pocket of best
1314 developable upland for the prospective development. It's going to be 41 and 42 looking
1315 at it through their back yard so I don't want that to happen. That's why the plantings were
1316 where they were.
1317

1318 Mr. Leathe asked if we could talk for a few minutes about Quail Lane and the traffic flow
1319 and the potential gate where it would be, who is going in which direction on that road
1320 over time. What's the plan for that. And what should the homeowners expect in the
1321 future. Are they going to have traffic coming through to access this potential new
1322 development that goes in there or is it going to be capped so that all of that traffic that is
1323 Quail Lane egress. What's going to be the plan for that.
1324

1325 Mr. Sudak said that, as it stands right now, that gravel drive, and I want to stress the
1326 language is an emergency access, the number of units that are currently built out in this
1327 development do not trip a secondary means of access. Otherwise, that road would be built
1328 out to full collector standards and we wouldn't even be having this conversation. The Fire
1329 Chief has given us sign-off to have it stay as a 16-foot gravel road and to utilize it as an

1330 emergency access. He's going to have a Knox box keyed entry to the gate for utilizing
1331 that for emergency response personnel.

1332
1333 Mr. Leathe asked where the gate would be.

1334
1335 Mr. Sudak said, pointing to the screen, that these heavy metes and bounds are for the
1336 'LRO' division line and it hugs the east side of the gravel drive. It jumps right 'here' to
1337 come over and connect with our property corner, so, right there is where the gate is going
1338 to be located. It looks about 100 feet north of the existing pavement. The Fire Chief is
1339 going to have Knox box keyed entrance to that. There was discussion at the last meeting
1340 about the HOA also having access to that and I reached out to the Fire Chief immediately
1341 after the last meeting. I haven't been able to connect with him since. We want the
1342 association to have access to utilize that. It's just that I'm a little bit hesitant to declare the
1343 mechanism for it, myself, without his approval because him allowing the emergency
1344 access to be what it is was with the caveat that it has Knox box keyed entry that's placed
1345 in accordance with NFPA 1 and the Fire Chief's approval. So, I want to have the
1346 language carried forward...the association has their own access, maybe at a common
1347 mailbox, maybe at some prospective community building if that were to be constructed,
1348 but to have that placed in accordance with NFPA 1 and the Fire Chief's approval.

1349
1350 Mr. Leathe said that I think my finer question is that I can't imagine that this
1351 neighborhood is going to enjoy construction vehicles coming through there to go out to a
1352 new facility, or whatever goes in there, the traffic flow coming in and out of there,
1353 coming through the village. I just don't see that that can happen. The roads can't handle
1354 it. The folks don't want it. Is there anything in the agreement that you are drafting with
1355 the homeowners that talks to that point.

1356
1357 Attorney Guay said that it's not in this agreement. It is an agreement that that will remain
1358 gated until such time, if there is a development on the other side. It will be up to the
1359 property owners if they want to open that gate and having traffic going back and forth.
1360 But that is up to the HOA at that point. If there is another 55+ development there, they
1361 may like to have that connection to go back and forth.

1362
1363 Mr. Leathe said that they will be able to make that decision.

1364
1365 Attorney Guay agreed that, whatever they want to do, they can do.

1366
1367 Mr. Sudak added that, when a prospective application for the development comes before
1368 the PB, accompanying that will have to be their own separate traffic analysis. If they're
1369 proposing something that has enough trip generation to breach the threshold requiring a
1370 second means of access, the conversation will happen then. Maybe they will reach out to
1371 the association before then and saying we're thinking about proposing something that
1372 generates over 200 trips, can we use this gate. No, okay thank you. It would be a
1373 discussion that would happen with the prospective development.

1374
1375 At this time, Mr. Leathe invited public comment.

1376
1377 Ms. (Carol) Quigley, resident of Village at Great Brook, said that our house is Unit 27, as
1378 shown on the screen, on Pheasant Lane. That is why I'm really concerned about the
1379 proposals for the buffer zone. A buffer zone should be a buffer for whatever is going to
1380 be on the other side. It should be ecologically intact. It should protect the wetland. It has a
1381 lot of use aside from just privacy. So, there's a large part of that with those plantings of
1382 arborvitae, which I think are totally wrong. There is nothing there. I want to know
1383 what's going to be in that open space because that open space is directly across from our
1384 house. My other concern is this. That land could be a lovely place to have a walking path.
1385 Many of the residents here bought with the understanding that this community would
1386 have a natural place to gather. People walk in our community but we have no place to
1387 gather. It would be a lovely thing to have trees instead of a stand of arborvitae; to have
1388 pockets of shade trees and vegetation and maybe a bench here or there so that neighbors
1389 could stop and talk with one another. So, I look at that and wonder how permanent that is,
1390 how flexible people are going to be, and if we have a buffer zone that truly buffers us
1391 from whatever is developed beyond that.

1392
1393 Mr. (James) Quigley, (Carol's husband), said that there was an access road there at one
1394 time and, then, the conversation that was taken a few minutes ago regarding that about
1395 the land and the land usage. Is it true that the only access between the land that's being
1396 reserved by the owner and the existing property is going to be Quail Road (Lane). In
1397 other words, if they decided they could put another road in there and use that property to
1398 their better advantage, that's going to come right on and the second thing along those
1399 lines, what about the access to the sewers and the existing (utilities?). Is that going to go
1400 on our property.

1401
1402 Mr. Leathe asked if we have a reading on whether these folks are gagged here tonight,
1403 yet.

1404
1405 Attorney Guay said apparently not.

1406
1407 Ms. Quigley said that I am asking how permanent that plan is. I'm not making any kind
1408 of judgement. The other thing to consider is that that parcel, that space there, is right next
1409 to the wetlands. I can't imagine they would allow any kind of a road to be built with that
1410 proximity to the wetlands and there is a retention wall guarding the wetlands. You're not
1411 really talking about much space but I would like some assurance that it's going to remain
1412 a space.

1413
1414 Mr. Leathe said that I think it's a really good point. I think about Attorney Guay and Mr.
1415 Sudak talking about this new recreation area, which I think was a new condition. I don't
1416 think that was originally planned in that area. The fact that that is going to happen, or
1417 would happen, in this agreement maybe you could have that discussion as you're going
1418 through this negotiation and see if you can take that concept further to that buffer; that
1419 it's not that large an area that you're talking about and it would be fairly easy to do a
1420 simple walking trail and some tables. So, I think I would take that up with the owners.

1421
31

1422 Mr. Quigley asked if that is true that that is going to be the only access road for turning
1423 the existing property and the property that's being held. There is no other.

1424
1425 Mr. Sudak said that that's correct.

1426
1427 Ms. (Victoria) Sullivan, Pheasant Lane, said that we had, a week or so ago, septic
1428 problems and, of course, that was one of the things in the agreement that they agreed to
1429 do. But it happened a week earlier than everybody signing. Now, the equipment that
1430 came up Village Drive, one of the pieces of equipment was a huge, huge trailer truck
1431 hauling a huge piece of equipment that was going to dig down into the ground. He came
1432 from Village and came around the corner onto Pheasant, tight but he made it. He worked
1433 down there for a day or two. When he left, he could not get out. He came up Pheasant and
1434 he couldn't make that corner onto Village Drive. He tried and tried and tried. So finally,
1435 the woman who lives on that corner said to him, "If you turn 'this' way, you can go
1436 through. There is a dirt road that will take you out onto Route 236." Now this was a
1437 humongous trailer truck hauling this big piece of equipment. He was not happy. So,
1438 we're going to have problems like that if that Quail Drive is not paved and accept big
1439 equipment just to maintain our Village.

1440
1441 Mr. Quigley asked what the obstacle was for opening Quail Road, the dirt road to Route
1442 236 to alleviate the traffic coming through the Village. Is it the State or the Town. I can't
1443 imagine buying a new house or commercial property, or whatever they're going to do
1444 over there, and travel on a dirt road.

1445
1446 Mr. Sudak asked Mr. Quigley to clarify his question about Quail Lane.

1447
1448 Mr. Quigley said that there's going to be a lot of property over there that's being
1449 developed. You spend half a million dollars for a home or a commercial business, you
1450 wouldn't want to be going out onto a dirt road that's pitted and soaking and so, why
1451 wouldn't they just open it up now. On the retained owned land.

1452
1453 Mr. Sudak said that Mr. Brubaker and I have drafted, and it's in this plan that will be
1454 approved, that whenever a prospective development comes before the PB, again, as part
1455 of that development they have to bring Quail Lane up to, at a minimum, collector
1456 standards. So that is, at a minimum, up to the dimensional standards that Village Drive is
1457 built to right now. If it's a use that maybe requires something more robust than that, then
1458 they'll have to bring it to an even wider, gravel shoulder, asphalt, everything.

1459
1460 Mr. Quigley asked if it's still going to be closed at Route 236, then, and not open up as
1461 another exit to the property to the whole development.

1462
1463 Mr. Sudak said that Route 236 will be their access and then they will prospectively
1464 negotiate with the HOA whether or not the gate that exists right now will come down as
1465 their second means of access.

1466
1467 Mr. Quigley said okay.

1468
1469 Ms. (Tanya) Polkowski, Pheasant Lane, said that I was asked on behalf of the residents,
1470 the amazing residents if I might add, of Village at Great Brook to just speak on their
1471 behalf. We have, as Attorney Guay has mentioned, 50 of the 52 signatures on the contract
1472 presented to us. It is my understanding that the attorneys are working together to get the
1473 final two signatures on the contract. The residents at the Village at Great Brook remain
1474 optimistic for a resolve for our community. Thank you for your time.

1475
1476 There were no other public comments.

1477
1478 **8:26 PM Public Hearing closed.**

1479
1480 Mr. Sudak said that, speaking about Carol and James Quigley regarding the area across
1481 the street looking towards the 'LRO', the buffering can absolutely be extended east.
1482 There's never going to be a road that comes through there and connects effectively,
1483 "T"ing into what you're going to be looking at out your front door. Regarding the
1484 extension of the open space, absolutely. What I spoke to on Sheet 5, there, was just my
1485 solution to a problem that was raised at the last meeting. If that wants to be pushed
1486 further east and then down across your street, absolutely. A building is not going in there.
1487 A road is not going in there. It's already graded. It looks great. There's a good wetland
1488 buffer there. You can use the space as you like. I don't know, necessarily, if an easement
1489 needs to be formed for that land to be dedicated as you'd like. There's really nothing else
1490 it can be used for. I just wanted to share that with you before you left for the evening.
1491 Thank you. I think that's all I have.

1492
1493 Ms. Bennett asked if we can now ask some questions of the applicant.

1494
1495 Mr. Leathe agreed.

1496
1497 Ms. Bennett said that one of the comments that came up from Mr. Quigley asked about
1498 access to sewers, if we can go in. That's part of what needs to be on an approved plan, a
1499 diagram of all the utilities that are within this. You've provided us a number of sheets
1500 that indicate what I think are water over sewer lines, I believe. So, I wanted to go into
1501 discussion of the existing utilities, the utilities that are installed, and how they're
1502 connected to the actual sewer easement that goes to Bolt Hill. And, what's going to
1503 happen if my reading of the plan is correct, to the sewer easement that service the
1504 Villages. It's going to be on the land that's retained by the owners.

1505
1506 Mr. Sudak said that the existing build-out for the Villages has its own gravity system.
1507 There are two separate lines, one that runs from west to east down Village Drive toward
1508 the pump station near the entrance and, then, there's a separate gravity line that runs
1509 down Pheasant Lane from west to east towards the cul-de-sac and then runs cross-country
1510 from the cul-de-sac through the wetlands down to the pump station on Village Drive.
1511 Then out to Bolt Hill from there. There's a force main that you see on the western side of
1512 the property.

1513

1514 Ms. Bennett asked what is 'this'.
1515

1516 Mr. Sudak said that, to my knowledge, that has no association with this development, at
1517 all. We don't connect into that. If I may dare reference an old and gone future phase, that
1518 loop road that Mr. Brubaker showed, I believe it was Phase C, proposed to connect into
1519 'that'. It was going to be used for future phases. Any prospective development of the
1520 'LRO' will have to secure their own independent sewer. There's no connectivity that's
1521 going happen down into the gravity lines with the Villages.
1522

1523 Ms. Bennett asked if there isn't a sewer easement in place. Was this just a hopeful thing.
1524 We're going to secure a utility easement on land adjacent to the subject parcel.
1525

1526 Attorney Guay said that I will get that information for you. I don't have that.
1527

1528 Ms. Bennett clarified that it has not been utilized for the benefit of the Villages of Great
1529 Brook, as currently built out now.
1530

1531 Mr. Sudak said no.
1532

1533 Ms. Bennett said that that's reassuring. I still can't see how in what you've provided; that
1534 I appreciate you blowing it up on the 11X17's, but it's difficult not to be able to see the
1535 entire plan. I started highlighting out the sewer/water line but I don't see it servicing, or
1536 built, in front of all the buildings.
1537

1538 Mr. Sudak said that I will make sure that a future plan set has all that delineated. I know
1539 we have service lines and co-located them all.
1540

1541 Ms. Bennett said that you did surveys; that that's a really important piece of due diligence
1542 that needs to be done for this final plan, that there is a plan set with the Town, with the
1543 owners, where we know where these lines are. You provided some profile schematics,
1544 looking at the side view as if you were in the middle of the dirt. So, is it true that the
1545 sewer lines are laid below and that it's a one-trench sewer line and then water line on top.
1546

1547 Mr. Sudak said that the profile sheets you are referring to, the top half should be an aerial
1548 view effectively. I know there are some old profile sheets where the profile consumes the
1549 entire thing because the vertical scale was too difficult to navigate. There are separate
1550 trenches. I believe the water line is in the southern shoulder of Village Drive; that we had
1551 to take a look to make sure Unit #49 wasn't too close to that.
1552

1553 Ms. Bennett said right, that one-foot two-foot movement of the road.
1554

1555 Mr. Sudak said yes. And I know the sewer is north of that. We aren't talking a condition
1556 but we certainly need to have a plan that indicates the utilities in a variety of different
1557 ways, and that's for someone that isn't as conversive as I am in reading plans, to be able
1558 to understand where the water lines are and where the sewer lines are and how they
1559 connect.

1560
1561 Mr. Latter said that I just want to encapsulate what the ask is here. The ask is to update
1562 the site plan to retain some of the land by owner (LRO), to codify what's left of there in
1563 the site plan, and that will then allow you to develop, or sell, or monetize that land to give
1564 you folks the resources to finish all the things you need to do that are part of the
1565 agreement between you and the homeowners. It's sort of part of all this but it's not. I
1566 think it's wonderful that you are doing that but that's not really in my decision point. I'm
1567 just looking at it as an updated site plan review here. And all that stuff adds context and
1568 color and it helps but what you're really asking is to throw out what's existed since 2006
1569 and codify what's in front of us; that the biggest change in that is the Land Retained by
1570 Owner (LRO) gets separated out and then you're kindly asking us not to put a 50-foot
1571 connector to the property behind us and that's something we could do, but we're not
1572 required to do that. Is that the gist of the ask.

1573
1574 Mr. Sudak said that the quick answer is yes. On first reading, I like Mr. Brubaker's
1575 recommendation because it uncouples it from the Village at Great Brook. And really, that
1576 makes sense to me as a non-land use, non-attorney, engineer. I agree with everything that
1577 Attorney Guay said about the challenges of the salability of that 'LRO' with the good
1578 faith conversations that may need to happen should a condition be imposed upon this
1579 approval.

1580
1581 Mr. Latter added that there is nobody publicly asking for that. It's not like the property
1582 owners behind you are saying that you are just seeing this as something that might
1583 happen, and you want to bring it to our attention and say we'd really appreciate it if you
1584 didn't do this.

1585
1586 Mr. Sudak said that I think Mr. Latter phrased that as a question and I don't know if I
1587 know how to correctly respond.

1588
1589 Mr. Latter clarified that you can consider that a statement. I was just trying to encapsulate
1590 the situation in my mind. The question was whether there is anyone advocating for that
1591 road and I haven't heard anyone. It was sort of a rhetorical question. I haven't heard
1592 anyone advocate that we need to put that ROW into the property behind.

1593
1594 Mr. Sudak said that I think there's an advocacy for a landowner talking to a landowner
1595 that share a common property line as a real estate endeavor and that has entered itself into
1596 this discussion in some way.

1597
1598 Mr. Latter said that I'm good.

1599
1600 Ms. Bennett said that this is a follow-up to a question I asked at a prior meeting that I
1601 think you tried to satisfy with your submission of many, many emails from the DEP.
1602 What I was asking for, related to the DEP Notice of Violation (NOV) that was submitted
1603 in your original application, had in that multiple orders and there was reference to plan
1604 sets that had been submitted by Attar Engineering, Inc. to the DEP that modified the
1605 structures and it modified the phasing. I can give you a copy. I wrote a note.

1606
1607 Mr. Sudak said the NOV, I have it with me here.

1608
1609 Ms. Bennett said that the DEP works in great refence numbers. If you follow along with
1610 me, there was an order dated 3/19/2020 citing modifications that “shown on a set of
1611 plans. The first of which is entitled “Site Plan – Phase 111 The Village on Great Brook,
1612 prepared by Attar Engineering, Inc.” and dated November 18, 2019 and created after-the-
1613 fact approval. I would like to know how this whole story unfolded in terms within the
1614 DEP because it’s the only regulatory agency any of the applicants actually cared to deal
1615 with on a regular basis. Specifically, I urge us to make a condition of approval that any
1616 modification, whatever we approve here, that you go back to the DEP and get approval
1617 again. Because I don’t even know what you’re presenting to us now or what you’ve built
1618 today actually conforms to what the DEP thinks is the approved site plan right now, and
1619 also for the entire site. So honestly, you’ve got to get a new approval because you’ve got
1620 a new site. You’re not going to have as many wetland impacts as you were originally
1621 going to have. I think you need to go to the DEP. The original order stated, and then it
1622 was followed up again in 2019 and 2020, that the applicant is required to deed-restrict the
1623 forested wetland receiving waters off of Pheasant Lane. The deed-restricted no-
1624 disturbance forested buffer line, which was approved in the original order, was never
1625 executed or recorded and the order, dated 3/19/2020, directed the applicant to file the
1626 required deed-restriction within 60 days. I don’t believe it’s been recorded. It needs to be
1627 marked on the plan what you’re going to be recording. So those are really the follow-ups
1628 from my standpoint. Whatever the plan says. You guys represented these applicants all
1629 along. I know there was a period of less involvement but, in every application to the
1630 DEP, you are the engineers for each of the owners of the Village.

1631
1632 Mr. Sudak said which was granted a building permit. I can expand. I’m happy to give you
1633 the plan set subject to that March 2020 order. You asked how that came to be. We
1634 requested an application transfer, I believe, when ownership changed in April of 2019. In
1635 response to that, the ACE and the DEP made a site visit on the 19th of that month. That’s
1636 when all of the non-compliance was observed. That’s when the NOV was drafted and
1637 then later filed, I believe, the following month. I believe, to go along with that, a stop-
1638 work order was issued from the Town because I believe that all building permits, all
1639 construction, was frozen during that time. For the next ten months, we worked with the
1640 DEP and that’s what a bulk of those emails are for, to resolve all of those compliance
1641 issues, and that ended with that amendment being granted by Alison Sirios in March of
1642 2020. The plan set that went along with that I will give to the Town.

1643
1644 Ms. Bennett said that there were multiple occasions when this was modified down; that
1645 Phase 1 got modified in 2015, Phase 2 & 3 got modified, that these are legal orders that
1646 we aren’t party to but reflect changes to this plan after our approval, and that now we’re
1647 doing an after-the-fact approval of. So, I would like to have the State’s rulings on those.

1648
1649 Attorney Guay said that the only thing I would say is that the Town’s wetland person
1650 (Kristie Rabasca) was involved. She was there when all this was happening, as was the
1651 Code Officer.

1652
1653 Ms. Bennett said that Ms. Rabasca is a contractor for us that works on our stormwater.
1654
1655 Attorney Guay said that they were at least participating in what was going on at the time.
1656
1657 Ms. Bennett said right, I understand that. But, I feel very strongly that the findings of fact
1658 of this final approval for amended subdivision should include these orders and our files
1659 should have the plan set to support these decisions from the DEP.

1660
1661 **Mr. Leathe moved, second by Ms. Bennett, that the Planning Board continue**
1662 **discussion of PB22-21 0 Bolt Hill Road Village at Great Brook at a future meeting.**

1663
1664 DISCUSSION

1665
1666 Mr. Latter said that I am not present at the next meeting. I am away on vacation. So, if
1667 we're looking for a quorum, we might be light. We are not in a situation where we need
1668 four members.

1669
1670 Ms. Bennett said that we have a question from the floor.

1671
1672 Mr. Sudak said that you are continuing it for reasons of just the blanket statement of all
1673 items we've discussed tonight.

1674
1675 Mr. Leathe said that we could take another hour, if you like, to go through all the
1676 questions, all the answers, look at Mr. Brubaker's presentation, your presentation. I've
1677 got pages of notes. There's a lot of information. The public isn't allowed to speak to us.
1678 We don't have a deed, DEP closure. We don't have anything on the financial
1679 arrangements. We don't have a copy of the agreement. I could send you a very long list
1680 and we can do that, if you like, but we're not going to stay here any longer tonight.

1681
1682 Mr. Sudak said that I would just like the clearest directions so I can get back in front of
1683 you in a timely manner.

1684
1685 Attorney Guay said that a list would actually be appreciated so that we really have a
1686 definitive list of all we need.

1687
1688 DISCUSSION ENDED

1689 **VOTE**
1690 **3-0**
1691 **Motion approved**

1692
1693 Ms. Bennett asked if we want to discuss before we adjourn, as we've only decided that
1694 we're going to put this on the agenda for a future discussion. Does our Planner have,
1695 maybe, a punch list for the applicants to provide for us for the future meeting. I've
1696 discussed the two things I want to see.

1697

- 1698 Mr. Brubaker said that I can do my best.
- 1699
- 1700
- 1701
- 1702
- 1703
- 1704
- 1705
- 1706
- 1707
- 1708
- 1709
- 1710
- 1711
- 1712
- 1713
- 1714
- 1715
- 1716
- 1717
- 1718
- 1719
- 1720
- 1721
- 1722
- 1723
- 1724
- 1725
- 1726
- 1727
- 1728
- 1729
- 1730
- 1731
- 1732
- 1733
- 1734
- Updates to the Plan Sheet. Specifically Note #1 & #2 regarding the Quail Lane ROW and street standards
 - Better honing the location of water and sewer lines as compared to what is currently shown on the plan set
 - Modification of the buffer area to Ms. Quigley's point
 - Provision of the copy of the agreement between the LLC and the homeowners
 - There is likely going to need to be some type of pulling back of my recommendation regarding future ROW reservation. There doesn't seem to be a big interest in that.
 - There is going to be needed the plans & submittals updated to reflect the DEP order, as Ms. Bennett talked about.
 - Additional delineation of the recreational area or land that's going to be conveyed to the Villages (agreement conveying the unbuilt lot between Units #29 and #31)
 - Stormwater facilities, specifically the applicant's commitment to ensure the stormwater facilities don't have any more remaining deficiencies and/or that any remaining deficiencies would be covered by the applicant or in the performance guarantee.
 - See what the applicants are going to do, what they ultimately agree to fix, and what the timeline is for those fixes. (Mr. Sudak – majority of that covered in the agreement we present to you.)
 - Traffic flow on Quail Lane
 - There will be further discussion re: the gate and type of lock. How that will be accessed. Who will access it. When can you access it. What's the connection with that road going to be. When that's going to happen.
 - More information on the setback but the buffer was touched on so maybe that's taken care of.
 - Traffic in between the two facilities, Great Brook and the potential new development, so that it will help the residents know what to expect in terms of what that agreement is going to look like, if there is the possibility to have an agreement at this stage of it. Legal right of passage.
 - Copy of the agreement that is being negotiated
 - How residents will access the buffer land
 - Mr. Sudak – I will take a look at it. I just want to make sure that, if I jump it to the left side of the road, that doesn't have a negative impact of the prospective upland north of it in any way.

1735 Mr. Sudak said thank you for quickly enumerating for us. We appreciate it.

1736

1737 At this time, Ms. Braun rejoined the PB.

1738

1739 **ITEM 10 – OTHER BUSINESS/CORRESPONDENCE**

1740

1741 Mr. Brubaker said that we wanted to convey from the Conservation Commission about

1742 the meeting on the 1st.

1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767

Ms. Braun said that we are all aware of that. I will be there.

ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for March 1, 2023 at 7PM.

ITEM 13 – ADJOURN

The Planning Board adjourned by unanimous consent.

The meeting adjourned at 8:56 PM.

Christine Bennett, Secretary
Date approved: _____

Respectfully submitted,
Ellen Lemire, Recording Secretary



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Kenneth A. Wood, P.E., Attar Engineering, Applicant’s Representative
 Shelly Bishop, Code Enforcement Officer
 Kim Tackett, Land Use Administrative Assistant
 Date: June 21, 2023 (report date)
 June 27, 2023 (meeting date)
 Re: PB23-8: 276 Harold L. Dow Hwy. (Map 37, Lot 9): Site Plan Amendment/Review – Marijuana Cultivation Facility/Commercial-Industrial Building Addition – **Sketch Plan Review**

Application Details/Checklist Documentation	
✓ Address:	276 Harold L. Dow Hwy.
✓ Map/Lot:	37/9
✓ Zoning:	Commercial/Industrial (C/I) district
✓ Shoreland Zoning:	Stream Protection (not in location of proposed development)
✓ Owner Name:	Black Hawk Holdings, LLC
✓ Applicant Name:	Black Hawk Holdings, LLC; Agent: Attar Engineering
✓ Proposed Project:	Marijuana Cultivation Facility, Commercial-Industrial Building Addition
✓ Application Received by Staff:	December 7, 2022
Application Fee Paid and Date:	
Application Sent to Staff Reviewers:	
Application Heard by PB	June 27, 2023 (scheduled)
Found Complete by PB	TBD
Site Walk	TBD
Site Walk Publication	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
✓ Reason for PB Review:	Site Plan Amendment, Marijuana Establishment

Overview

Applicant seeks review and approval of a Site Plan Amendment at 276 Harold L. Dow Hwy. As noted in the applicant’s 12/6/22 cover letter:

Blackhawk Holdings, LLC proposes to construct a 9,000 S.F. single story addition to the existing 28,837 S.F. cultivation facility with a proposed footprint measuring 50’x180’. The intended use for the addition is to expand the existing adult use commercial marijuana

PB23-8: 276 Harold L. Dow Hwy. (Map 37, Lot 9): Site Plan Amendment/Review – Marijuana Cultivation Facility/Commercial-Industrial Building Addition – **Sketch Plan Review**

cultivation facility, or, in the absence of [a] town granted license, to utilize the space for typical commercial/industrial use.

Type of review needed

Sketch plan review – ask questions of the applicant, make comments on site plan review/zoning compliance

Use

Marijuana establishments (e.g. cultivation facilities) are SPR uses in the C/I district. The applicant is also requesting another possible use of the addition: commercial/industrial. “Commercial establishment, 2 or more where allowed” and “Industrial establishments and uses” are SPR uses in the C/I district.

Affidavit of ownership (33-106)

Deed provided for Black Hawk Holdings, LLC. OCP Conditional License was not included with initial submittal but provided on 1/20/23 for OG Enterprises, LLC. A affidavit of ownership connection was sought between the property owner and OG Enterprises, LLC. A lease option agreement was provided on 2/14/23 between Black Hawk Holdings, LLC and OG Enterprises, LLC. Both documents are in your packet.

OCP Conditional License

See above – ACB 1368 issued to OG Enterprises LLC for a Tier 2 Cultivation Facility, exp. 1/18/24

Waivers (33-127)

TBD at full site plan review

Screening (33-175)

The existing building is set back from Route 236 with most of the frontage already buffered by trees. A partial foundation planting is required by 33-175(c).

Dimensional requirements (45-405)

No detailed review comments at this time. All applicable standards appear to be met.

Marijuana performance standards (33-190)

Paragraph	Standard summary	Met?
(1)	Screening per 33-175	Recommendation to add partial foundation planting in front and side yard
(2)	Comply with applicable parking requirements (45-495)	Appears to be met. See Note 6. 51 spaces required and provided, with new parking spaces proposed to the north of the addition.
(3)	Signage and advertising	TBD – full site plan review
(4a)	Activities conducted indoors, no outdoor sales except as allowed by (9b) and (9c)	Appears to be met. Cultivation proposed in enclosed building addition.
(4b1)	Waste disposal	TBD – full site plan review

PB23-8: 276 Harold L. Dow Hwy. (Map 37, Lot 9): Site Plan Amendment/Review – Marijuana Cultivation Facility/Commercial-Industrial Building Addition – **Sketch Plan Review**

(4b2)	Wastewater disposal	TBD – full site plan review
Security		
(4c1)	Surveillance cameras	TBD – full site plan review
(4c2)	Door/window alarm system with Police Dept. notification	TBD – full site plan review
(4c3)	Locking safe or secure storage container	TBD – full site plan review
(4c4)	Exterior lighting	TBD – full site plan review
(4c5)	Door/window locks	TBD – full site plan review
(4c6)	Identification checks	TBD – full site plan review
(5)	“500 foot rule” separation/buffering	More info or a buffer map is needed to demonstrate that the proposed cultivation activity will meet this standard.
(6)	Hours of operation	TBD
(7)	Cultivation area limitation	Unclear if met. 9,000 sf addition, 2,000 sf allowed under Tier 2 cultivation license. Floor plan should be provided and reviewed in full site plan review.
(8)	Sale and production of edible products – food licensing	N/A for this application
(9)	Drive-through prohibition, limited curbside pickup/home delivery allowability	N/A for this application – applies to marijuana stores
(10)	Traffic impact assessment	N/A – applies to marijuana stores
(11)	Pesticides, packaging, and labeling	TBD for full site plan review
(12)	Inspections	Relates to building permit/Fire Chief review
(13)	Change/addition of use	N/A
(14)	Other laws remain applicable	Will need to meet State Adult Use Program Rule co-location requirements, e.g. lockable door and tracking system for payment of excise taxes.

Traffic (45-406)

Applicant will use the same driveway as currently.

Odor (45-409)

To be reviewed at full site plan review.

Glare (45-410; 33-180)

TBD

Stormwater runoff (45-411)

Drainage plan and erosion/sedimentation control information to be reviewed at full site plan review.

Erosion control (45-412)

See above

Preservation of landscape (45-413)

The addition as currently proposed appears to be fully or mostly where there is existing pavement. The large parcel includes wetlands and a portion of Little Brook in the undeveloped rear portion of the property.

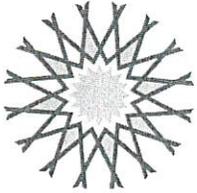
Water and sewer

The site is served by a well and septic system. The under-construction Route 236 Water & Sewer Project may allow the site to be served by water and sewer service in the future.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



ATTAR

ENGINEERING, INC

CIVIL • STRUCTURAL • MARINE



Mr. Jeffery Brubaker, AICP, Town Planner
Town of Eliot, Maine
1333 State Road
Eliot, Maine 03903

December 6th, 2022
Project No. C363-22

**RE: Sketch Plan Application for Site Plan Amendment
Blackhawk Holdings, LLC (Tax Map 27, Lot 9)
276 Harold L. Dow Highway, Eliot, Maine**

Dear Mr. Brubaker:

On behalf of the lot owner/applicant, Blackhawk Holdings, LLC, I have enclosed a Sketch Plan Application and supporting documents for your review and consideration.

The site, which contains 49.13 acres, is located at 276 Harold L. Dow Highway, and currently supports an adult use marijuana cultivation facility as well as a 600 S.F. commercial manufacturing kitchen. The site is in the Commercial/Industrial zoning district. It is not located in a flood hazard zone.

Blackhawk Holdings, LLC. proposes to construct a 9,000 S.F. single story addition to the existing 28,837 S.F. cultivation facility with a proposed footprint measuring 50'x180'. The intended use for the addition is to expand the existing adult use commercial marijuana cultivation facility, or, in the absence of town granted license, to utilize the space for typical commercial/industrial use.

We look forward to discussing this project with the Planning Board at their next available meeting. Please contact me for any additional information or clarifications required.

Sincerely;

Kenneth A. Wood, P.E.
President

Case No. _____ Site review? Yes No

**APPLICATION FOR SITE PLAN REVIEW
TOWN OF ELIOT PLANNING BOARD**

Step 1. (Fill in all blocks below - See the Planning Assistant if you don't understand.)

Tax Map 37 Lot# 9 Lot Size 49.13 Acres Zoning District: C/I

Your Name Kenneth A Wood/Attar Engineering, Inc. Your mailing address 1284 State Road

City/Town Eliot State: Maine Zip: 03909 Telephone: 207-439-6023

Who owns the property now? Black Hawk Holdings, LLC

Address (Location) of the property 276 Harold Dow Highway

Property located in a flood zone? Yes No
(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

Step 2 (establish your legal interest in the property)

Attach a copy of the Purchase and Sales Agreement, Deed, Tax records, Signed Lease, or other documents to the satisfaction of the Planning Assistant. If you are representing a corporation, provide documentation that you have authority to speak for the corporation.

Step 3 (Go to the Zoning Ordinance Section 45-290, Table of Land uses)

What SPECIFIC land use are you applying for? Marijuana Establishment
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

Having entered the SPECIFIC land use above now provide a more detailed description of what you want to do:

The proposed change of use as described in the site plan amendment seeks to add an adult use marijuana manufacturing facility in site the existing building 2.

Case No. _____
Site review? Yes No

(STEP 1) Meet with the Planning Assistant to assure that Site Review is required. Obtain application forms and assemble data for submission.

(STEP 2) Sketch Plan Stage Application submission. Include 10 copies of the sketch plan, survey map, location map, and affidavit of ownership or legal interest. (Section 33-63)

(STEP 3) Applicant attends first meeting with Planning Board, describes project, and answers questions (*Board may review checklist for the Site Plan at this time or act on waivers requested for submission of data*)

(STEP 4) Board sets up site visit with applicant (Section 33-64).

(STEP 5) Board visits site with applicant.

(STEP 6) Applicant attends succeeding meetings. Board does preliminary review of the Ordinance requirements for applicability to the Site Plan. Board and notifies applicant of changes required to Sketch Plan after site inspection (Section 33-103).

(STEP 7) Applicant revises the "Sketch Plan" as needed, submits the Site Plan, and pays non-refundable fees prior to the second Planning Board meeting. (Sections 33-126 & 33-128).

(STEP 8) Site Plan Stage Applicant attends succeeding meetings with Planning Board and discusses Site Plan (Section 33-129) until Board votes to accept the Site Plan (Section 33-126) *Board schedules public hearing for future meeting when all requirements have been or will be met.*

(STEP 9) Board conducts Public Hearing (Section 33-130).

(STEP 10) Approval stage Board approves / approves with conditions / disapproves applicants application within 30 days of the close of the final Public Hearing or 75 days from date Board accepted completed application and Site Plan (Section 33-131). If more than one public hearing is held, the 30-day period begins after the last public hearing.

(STEP 11) Board issues a Notice of Decision, which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131). The Notice of decision and signing of the final plan is for documentation purposes and does not determine the beginning of the appeal period.

(STEP 12) Appeal Period A 30-day appeal period begins from the date the Board makes a decision on the application. (Section 45-50) The applicant may begin work on the project during this period, but does so at his or her own risk.

PART 2

Case No. _____
Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

1. Submit application. (Section 33-63) Include 10 copies of all submissions that show:

- Sketch Plan- (See Section 33-105) showing:
 - All zoning districts
 - Existing and proposed structures
 - Existing and proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
 - Existing and proposed Streets and entrances
 - Existing and proposed setbacks
 - Other site dimensions and area
 - Site and public improvements and facilities
 - Areas of excavation and grading
 - Any other site changes
- Location Map-This is to be submitted along with or as part of the Sketch Plan (See Section 33-104) and includes:
 - Scale of 500 ft to the inch
 - Show all area within 2000 ft of property lines
 - All surrounding existing streets within 500 ft
 - Abutters lots and names within 500 ft of property boundary
 - Zoning districts within 500 ft
 - Outline of proposed development showing internal streets and entrances

2. Site inspection (Section 33-64) The Board and Applicant conduct site inspection. Applicant shall stake the lot corners, the location of all proposed structures, parking and the centerlines of all proposed streets and entrances in development. Verify that parking meets applicable setbacks

3. Board notifies applicant of changes required to Sketch Plan after site inspection such as contour interval, street classification, etc. (Section 33-103) and determines:

- If other Local, State or Federal agencies or officers (Section 33-102) should review Sketch Plan.
- If applicable, MaineDOT driveway permit is **required** prior to local approval for anyone installing, physically changing or changing the use of a driveway on state highway.
- If review by Eliot Fire Chief ____, Police Chief ____, or Road Commissioner ____ is required.

Case No. _____

Site review? Yes No

4. Applicant converts Sketch Plan into a "Site Plan" (Sections 33-126). The following requirements are considered by the Planning Board

Chapter 33 required information

4.1. Applicant shall provide one original and 10 copies of Site Plan drawn at a scale not smaller than 1-inch equals 20 feet showing the following information:

- 4.1.1. Development name, owner, developer, designer name and address and names and addresses of all abutters and abutters land use.
- 4.1.2. Certified perimeter survey showing a north arrow, graphic scale, corners of parcel, total acreage, etc. This means a survey of the property using the standards of practice established by the State of Maine Board of Licensure for Professional Land surveyors, MRSA Chapter 121.
- 4.1.3. Temporary markers.
- 4.1.4. Contour lines at 5-ft intervals or as Board decides.
- 4.1.5. A list of the provisions of Chapter 45 (Zoning) which are applicable to this area and identification of any zoning district boundaries affecting the development.
- 4.1.6. Storm water Drainage Plan. (50 year storm)
- 4.1.7. Required bridges or culverts.
- 4.1.8. Location of natural features or site elements to be preserved.
- 4.1.9. Soil Erosion and Sediment Control Plan.
- 4.1.10. High Intensity Soils Report.
- 4.1.11. Locations of sewers, water mains, culverts and drains.
- 4.1.12. Water supply information.
- 4.1.13. Sewerage System Plan.
- 4.1.14. Septic System Survey.
- 4.1.15. Estimated progress schedule.
- 4.1.16. Construction drawings for CEO which show floor areas, ground coverage, location of all structures, setbacks, lighting, signs, incineration devices, noise generating machinery likely to generate appreciable noise beyond the lot lines, waste materials, curbs, sidewalks, driveways, fences, retaining walls, etc.
- 4.1.17. Telecommunication tower details as required.

4.2. Additional requirements made by Board (Section 33-126).

Other Chapter 33 Site Review Ordinance Requirements.

- 4.4. Traffic data if applicable (Section 33-153)
- 4.5. Campground requirements if applicable (33-172)
- 4.6. Commercial Industrial requirements if applicable
 - 4.6.1. Landscaping (Section 33-175)

	Case No. _____		
	Site review?	Yes	No

- 4.6.2. Vibration (33-176)
- 4.6.3. Site Improvements (33-177)
- 4.6.4. Electromagnetic Interference (33-178)
- 4.6.5. Parking and Loading Areas (33-179, 45-487, 45-495)
- 4.6.6. Glare (33-180)

- 4.7. Motel requirements if applicable (Section 33-182)
- 4.8. Multi-family dwelling requirements if applicable (Section 33-183)

Chapter 35 Post-Construction Stormwater Management

Disturbance of more than one acre of land or less than one acre if the development is part of a larger common plan for development must comply with Chapter 35 Post – Construction Stormwater Management.

Chapter 45 Zoning Ordinance Requirements. compliance includes the following Article VIII Performance Standards:

- 4.9. Dimensional Standards (Section 45-405)
- 4.10. Traffic (Section 45-406)
- 4.11. Noise (Section 45-407)
- 4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
- 4.13. Odor (Section 45-409)
- 4.14. Glare (Section 45-410)
- 4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
- 4.16. Erosion Control (Section 45-412)
- 4.18. Preservation of Landscape (Section 45-413)
- 4.19. Relation of Buildings to Environment (Section 45-414)
- 4.20. Soil Suitability for Construction (Section 45-415)
- 4.21. Sanitary Standards for Sewage (Section 45-416)
- 4.22. Buffers and Screening (Section 45-417)
- 4.23. Explosive Materials (Section 45-418)
- 4.24. Water Quality (Section 45-419)
- 4.25. Refuse Disposal (Section 45-421)

- 4.26. Specific Activities (Article IX) which include:
 - 4.26.1. Accessory Use or Structure (Section 45-452)
 - 4.26.2. Home Occupation (Section 45-455)
 - 4.26.3. Mobile Homes (Section 45-457)
 - 4.26.4. Off-street Parking and Loading (Article X)
 - 4.26.5. Signs (Article XI)

4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

	Case No. _____
	Site review? Yes No

5. Board discussion of Site Plan (Section 33-126).

5.1. Board discusses Site Plan with applicant.

6. Public Hearing (Section 33-129 & 130).

- 6.1. Conducted within 30 days of Boards acceptance of Site Plan.
- 6.2. Three notices posted 10 days prior to the Public Hearing.
- 6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.
- 6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.
- 6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. \$150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)
- 6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

7. Board approves / approves with conditions / disapproves applicants Application within 30 days of Public Hearing or 75 days from date Board accepted completed Application and Site Plan (Section 33-131).

Note: Computation of time shall be in accordance with Section 1-2 as follows:
 "In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation."

8. Notice of Decision issued which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131).

MAINE SHORT FORM WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **ELIOT WOOD SERVICES, LLC**, a Maine limited liability company, with a mailing address of 276 Harold L. Dow Highway, Eliot, Maine 03909,

for consideration paid,

grants to **BLACK HAWK HOLDINGS, LLC**, a Maine limited liability company with a mailing address of 23 Arrowhead Drive, Bedford, New Hampshire 03110,

with **WARRANTY COVENANTS** the following described real property:

A certain lot or parcel of land, together with the buildings and improvements thereon, situated on the northeasterly side of Harold L. Dow Highway in the Town of Eliot, County of York and State of Maine and being bounded and described as follows:

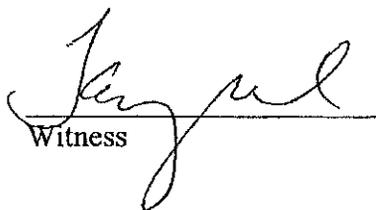
Beginning at an iron rod set at the northeasterly corner of land now or formerly of Eliot Home, Farm & Garden, LLC as described in deed recorded in the York County Registry of Deeds at Book 16026, Page 195; Thence running N 60° 13' 40" E along land now or formerly of Allan D. Maclellan a distance of 134.23 feet to the remains of a stone wall; Thence running N 55° 58' 59" E along said Maclellan land a distance of 368.54 feet to the remains of a wire fence; Thence running N 69° 21' 37" E along said Maclellan land a distance of 136.41 feet to a granite bound and land now or formerly of Siegrid M. Baumann; Thence running along said Baumann land the following three (3) courses and distances: (1) S 25° 59' 32" E, 292.73 feet to the remains of a wire fence; (2) S 26° 55' 26" E, 215.12 feet to a 1 inch iron pipe; (3) S 83° 33' 38" E, 869.79 feet to a 1/2 inch iron pipe and land now or formerly of Larry J. Kilbourn; Thence running along said Kilbourn land the following three (3) courses and distances: (1) S 07° 23' 49" W, 151.40 feet to a 3/4 inch iron pipe; (2) S 26° 09' 02" E, 308.43 feet to a 3/4 inch iron pipe; (3) S 46° 35' 56" W, 192.35 feet to an 18 inch beech tree with a PK nail and land now or formerly of Jonathan A. Hixon; Thence running along said Hixon land the following five (5) courses and distances: (1) S 79° 46' 38" W, 494.51 feet to a stone bound; (2) S 29° 10' 44" E,

Maine R.E. Transfer Tax Paid

274.85 feet to a 1/2 inch iron pipe in the corner of a stone wall; (3) S 25° 53' 02" E, 77.52 feet to a drill hole at the end of said stone wall; (4) S 47° 11' 15" E, 49.42 feet to an iron rod; (5) S 22° 20' 03" E, 210.88 feet to an iron rod and land now or formerly of Thomas J. Corcoran; Thence running along said Corcoran land the following three (3) courses and distances: (1) S 71° 01' 41" W, 169.75 feet to an iron rod; (2) N 36° 17' 32" W, 231.23 feet to an iron rod; (3) S 61° 19' 58" W, 96.71 feet to a drill hole in the corner of a stone wall and land now or formerly of Roland and Jeanne Roy Joint Living Trust; Thence running S 62° 01' 26" W along said Trust land and said stone wall a distance of 211.45 feet to a drill hole; Thence running S 60° 59' 51" W along said Trust land and said stone wall a distance of 382.78 feet to a drill hole in a stone wall intersection and land now or formerly of the United Methodist Church; Thence running S 64° 48' 26" W along said Church land and a stone wall a distance of 72.30 feet to a 3/4 inch iron pipe at a corner of said stone wall and land now or formerly of Wayne Davis; Thence running along said Davis land the following six (6) courses and distances: (1) N 27° 00' 43" W, 180.53 feet to a 3/8 inch iron pin at the end of a stone wall; (2) N 26° 08' 09" W, 141.08 feet to a 3/4 inch iron pipe; (3) S 63° 12' 55" W, 93.52 feet to a drill hole at the end of a stone wall; (4) S 65° 31' 56" W, 45.17 feet to an iron rod; (5) S 60° 40' 55" W, 217.45 feet to a drill hole in a stone wall; (6) S 61° 44' 05" W, 236.41 feet to the northeasterly sideline of Harold L. Dow Highway; Thence running N 25° 34' 20" W along the northeasterly sideline of Harold L. Dow Highway a distance of 563.39 feet to an iron rod and the southwesterly corner of land now or formerly of AMP Realty Holdings as described in deed recorded in said Registry at Book 15795, Page 88; Thence running N 64° 25' 40" E along said AMP Realty Holdings land a distance of 350.00 feet to an iron rod and the above-referenced land now or formerly of Eliot Home, Farm & Garden, LLC; Thence running N 47° 14' 15" E along said Eliot Home, Farm & Garden, LLC land a distance of 774.28 feet to an iron rod set; Thence running N 42° 02' 21" W along said Eliot Home, Farm & Garden, LLC land a distance of 624.31 feet to the point of beginning.

Being the same premises described and conveyed to the within grantor by Maine Short Form Warranty Deed from Eliot Recycling Services, LLC dated October 22, 2013 and recorded in said Registry of Deeds at Book 16725, Page 832.

IN WITNESS WHEREOF, Eliot Wood Services, LLC has caused this instrument to be executed on its behalf by its duly authorized representative this 17th day of June, 2019.


Witness

Eliot Wood Services, LLC

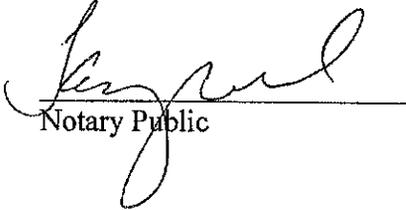
By: 
Linda M. Corbin, its Member
Duly Authorized

**STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM**

June 17, 2019

Personally appeared the above-named Linda M. Corbin, in her capacity as Member of Eliot Wood Services, LLC, and acknowledged the foregoing instrument to be her free act and deed in her above-stated capacity.

Before me,



Notary Public



BLACK HAWK HOLDINGS, LLC

36 Wilson Road
Wilton, NH 03086
603-232-3586

Jeffrey Brubaker
Town of Eliot Maine
1333 State Rd, Eliot, ME 03903

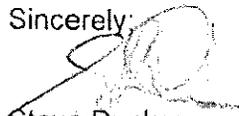
November 7th, 2022

Dear Mr. Brubaker,

Please be informed that Kenneth A. Wood, P.E. and any other assigned Attar Engineering, Inc. staff will be acting as my agents for the applications and permitting of my project at 276 Harold Dow Highway.

Please contact me if I can provide any additional information.

Sincerely,



Steve Dunker
Black Hawk Holdings, LLC

cc: Kenneth A. Wood, P.E. Attar Engineering, Inc.



500 feet Abutters List Report

Eliot, ME
October 31, 2022

Subject Property:

Parcel Number: 037-009-000
CAMA Number: 037-009-000
Property Address: 276 HAROLD L DOW HWY

Mailing Address: BLACK HAWK HOLDINGS LLC
36 WILSON ST
WILTON, NH 03086

Abutters:

Parcel Number: 029-005-001
CAMA Number: 029-005-001
Property Address: 257 HAROLD L DOW HWY

Mailing Address: DG STRATEGIC II LLC ATTN: TAX DEPT
STORE #15940
100 MISSION RIDGE
GOODLETTSVILLE, TN 37072

Parcel Number: 029-014-000
CAMA Number: 029-014-000
Property Address: 238 HAROLD L DOW HWY

Mailing Address: UNITED METHODIST CHURCH
238 HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 029-030-000
CAMA Number: 029-030-000
Property Address: 249 HAROLD L DOW HWY

Mailing Address: PRIME ELIOT LLC
83-85 RAILROAD PLACE
SARATOGA SPRINGS, NY 12866

Parcel Number: 037-001-000
CAMA Number: 037-001-000
Property Address: 265 HAROLD L DOW HWY

Mailing Address: CHURCHILL, EVAN A/ROSALIE B
REVOCABLE TR EVAN A AND ROSALIE
B CHURCHILL TRUSTEES
1288 STATE RD
ELIOT, ME 03903

Parcel Number: 037-002-001
CAMA Number: 037-002-001
Property Address: 291 HAROLD L DOW HWY

Mailing Address: PAOLUCCI REALTY TRUST PETER J &
CARMEN S PAUL TRUSTEES
291 HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 037-002-002
CAMA Number: 037-002-002
Property Address: 4 BROOK DR

Mailing Address: MORIARTY, MARIE
23 LANDING DR
METHUEN, MA 01844-5825

Parcel Number: 037-002-004
CAMA Number: 037-002-004
Property Address: BROOK DR

Mailing Address: GORANSSON, PAUL GORANSSON,
HLEN
255 DEPOT RD
ELIOT, ME 03903

Parcel Number: 037-003-001
CAMA Number: 037-003-001
Property Address: 299 HAROLD L DOW HWY

Mailing Address: NATURAL ROCKS SPRING WATER ICE
CO INC
299 HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 037-005-000
CAMA Number: 037-005-000
Property Address: 26 MACLELLAN LN

Mailing Address: BROWN DOG PROPERTIES MAINE LLC
396 BEECH RD
ELIOT, ME 03903

Parcel Number: 037-010-000
CAMA Number: 037-010-000
Property Address: 262 HAROLD L DOW HWY

Mailing Address: DAVIS, RITA REVOCABLE TRUST RITA L
DAVIS TRUSTEE
17 ELIZABETH LN
KITTEERY POINT, ME 03905



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



500 feet Abutters List Report

Eliot, ME
October 31, 2022

Parcel Number: 037-012-000 CAMA Number: 037-012-000 Property Address: 255 BEECH RD	Mailing Address: DESMARAIS, HILARY B 255 BEECH RD ELIOT, ME 03903
Parcel Number: 037-013-000 CAMA Number: 037-013-000 Property Address: 26 VITTUM HILL RD	Mailing Address: TEBBETTS, ROBERT F TEBBETTS, CONSTANCE A 26 VITTUM HILL RD ELIOT, ME 03903
Parcel Number: 037-013-001 CAMA Number: 037-013-001 Property Address: VITTUM HILL RD	Mailing Address: TOWN OF ELIOT 1333 STATE RD ELIOT, ME 03903
Parcel Number: 037-015-000 CAMA Number: 037-015-000 Property Address: 22 VITTUM HILL RD	Mailing Address: MA, GEORGE 22 VITTUM HILL RD ELIOT, ME 03903
Parcel Number: 037-015-001 CAMA Number: 037-015-001 Property Address: 27 EVERGREEN LN	Mailing Address: METZ, LORI DECATO 27 EVERGREEN LN ELIOT, ME 03903
Parcel Number: 037-016-000 CAMA Number: 037-016-000 Property Address: 24 SURREY LN	Mailing Address: ROY, JAMES G MUZEROLL-ROY, HEATHER A 24 SURREY LN ELIOT, ME 03903
Parcel Number: 037-017-000 CAMA Number: 037-017-000 Property Address: 29 SURREY LN	Mailing Address: ESTES, CRAIG W ESTES, LEAH N 29 SURREY LN ELIOT, ME 03903
Parcel Number: 037-018-000 CAMA Number: 037-018-000 Property Address: 24 EVERGREEN LN	Mailing Address: DEGRAPPO, DOUGLAS A DEGRAPPO, MARIA 24 EVERGREEN LN ELIOT, ME 03903
Parcel Number: 037-020-000 CAMA Number: 037-020-000 Property Address: 290 HAROLD L DOW HWY	Mailing Address: DJR REAL ESTATE LLC 61 BRADSTREET LN ELIOT, ME 03903
Parcel Number: 037-021-000 CAMA Number: 037-021-000 Property Address: 300 HAROLD L DOW HWY	Mailing Address: SLATE HILL RECYCLING LLC 171 YORK WOODS RD SOUTH BERWICK, ME 03908
Parcel Number: 037-023-000 CAMA Number: 037-023-000 Property Address: 35 SURREY LN	Mailing Address: HESS, WILLIAM DONOVAN, JANE M C/O CRIMSON BENICIA REVOCABLE TRUST 157 TIDY LN ELIOT, ME 03903
Parcel Number: 037-024-000 CAMA Number: 037-024-000 Property Address: 32 SURREY LN	Mailing Address: BALLIRO, ANTHONY BALLIRO, SAMANTHA A 6 YORK POND RD YORK, ME 03909



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

10/31/2022

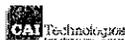
Page 2 of 5



500 feet Abutters List Report

Eliot, ME
October 31, 2022

Parcel Number: 037-025-000 CAMA Number: 037-025-000 Property Address: 18 SURREY LN	Mailing Address: SHEA, MARIA D SHEA, STEPHEN J SR 43 BUTTONWOOD RD SOUTH BERWICK, ME 03909
Parcel Number: 038-013-000 CAMA Number: 038-013-000 Property Address: 263 BEECH RD	Mailing Address: BOMMARITO, MICHAEL 263 BEECH RD ELIOT, ME 03903
Parcel Number: 038-016-000 CAMA Number: 038-016-000 Property Address: 14 VITTUM HILL RD	Mailing Address: CWIKLIK, PETER A CWIKLIK, JILL 14 VITTUM HILL RD ELIOT, ME 03903
Parcel Number: 038-016-001 CAMA Number: 038-016-001 Property Address: 20 EVERGREEN LN	Mailing Address: HASHEM, LEON M JR HASHEM, BETH F 20 EVERGREEN LN ELIOT, ME 03903
Parcel Number: 038-021-000 CAMA Number: 038-021-000 Property Address: BEECH RD	Mailing Address: KILBOURN, LARRY J/MARYL W REV TRUST LARRY J/MARYL W KILBOURN TRUSTEES 37 LITTLE BROOK LN ELIOT, ME 03903
Parcel Number: 038-025-000 CAMA Number: 038-025-000 Property Address: 37 LITTLEBROOK LN	Mailing Address: KILBOURN, LARRY J & MARYL W REV TRUST LARRY J & MARYL W KILBOURN TRUSTEES 37 LITTLE BROOK LN ELIOT, ME 03903
Parcel Number: 038-026-000 CAMA Number: 038-026-000 Property Address: 43 LITTLEBROOK LN	Mailing Address: HARRIS, MICHAEL D PETERSEN, JENNY 43 LITTLEBROOK LN ELIOT, ME 03903
Parcel Number: 038-027-000 CAMA Number: 038-027-000 Property Address: 67 LITTLEBROOK LN	Mailing Address: STACY, HAROLD A STACY, MARCIA C 67 LITTLE BROOK LN ELIOT, ME 03903
Parcel Number: 038-028-000 CAMA Number: 038-028-000 Property Address: 46 LITTLEBROOK LN	Mailing Address: PERKINS FAMILY REVOCABLE TRUST DANIEL W & JANICE L PERKINS TRUSTEES 46 LITTLEBROOK LN ELIOT, ME 03903
Parcel Number: 046-001-000 CAMA Number: 046-001-000 Property Address: 71 LITTLEBROOK LN	Mailing Address: SCHULTZE, ABEL A SCHULTZE, ANGELA 71 LITTLEBROOK LN ELIOT, ME 03903
Parcel Number: 046-002-000 CAMA Number: 046-002-000 Property Address: 97 LITTLEBROOK LN	Mailing Address: REMICK, STEPHEN H REMICK, CYNTHIA 97 LITTLE BROOK LN ELIOT, ME 03903



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

10/31/2022

Page 3 of 5



500 feet Abutters List Report

Eliot, ME
October 31, 2022

Parcel Number: 046-003-000 CAMA Number: 046-003-000-000 Property Address: 107 LITTLEBROOK LN	Mailing Address: SWEET PEAS LLC PO BOX 243 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-001 Property Address: 107 LITTLEBROOK LN #1	Mailing Address: BROX, ERIC A C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-002 Property Address: 107 LITTLEBROOK LN #2	Mailing Address: MAY LIVING TRUST GEORGE F/MARTHA D MAY TRUSTEES C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-003 Property Address: 107 LITTLEBROOK LN #3	Mailing Address: BAUMANN, SIGRID C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-004 Property Address: 107 LITTLEBROOK LN #4	Mailing Address: MILLER, JOHN C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-005 Property Address: 107 LITTLEBROOK LN #5	Mailing Address: GALLO, ANTHONY C/O JEAN HARDY ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-006 Property Address: 107 LITTLEBROOK LN #6	Mailing Address: ROBBINS, GLEN C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-007 Property Address: LITTLEBROOK LN	Mailing Address: GALLO, ANTHONY C/O JEAN HARADY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-008 Property Address: 107 LITTLEBROOK LN #8	Mailing Address: BULGER, EDWARD P C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-009 Property Address: LITTLEBROOK LN	Mailing Address: PROSTKOFF, MELVIN E C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-010 Property Address: LITTLEBROOK LN	Mailing Address: MACKLE REVOCABLE TRUST ROBERT B & BARBARA MACKLE TRUSTEES C/O JEAN HARDY ELIOT, ME 03903
Parcel Number: 046-007-000 CAMA Number: 046-007-000 Property Address: 50 MACLELLAN LN	Mailing Address: HISSONG READY-MIX AGGREGATES LLC 48 YORK ST SUITE 2 KENNEBUNK, ME 04043



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

10/31/2022

Page 4 of 5



500 feet Abutters List Report

Eliot, ME
October 31, 2022

Parcel Number: 046-008-000 CAMA Number: 046-008-000 Property Address: 22 EVERETT LN	Mailing Address: FORD, STEPHEN M ZAMALLOA, ALEJANDRO ENRIQUEZ 22 EVERETT LN ELIOT, ME 03903
Parcel Number: 046-010-000 CAMA Number: 046-010-000 Property Address: MACLELLAN LN	Mailing Address: BROWN DOG PROPERTIES MAINE LLC 396 BEECH RD ELIOT, ME 03903
Parcel Number: 046-100-000 CAMA Number: 046-100-000 Property Address: 55 LITTLEBROOK AIRPARK	Mailing Address: KAICHEN, MICHAEL & JILL M REVOCABLE LIVING TRUST MICHAEL & JILL KAICHEN TRUSTEES 55 LITTLEBROOK AIRPARK ELIOT, ME 03903
Parcel Number: 047-003-000 CAMA Number: 047-003-000 Property Address: 84 LITTLEBROOK LN	Mailing Address: SCREMIN, CLAUDIO F SCREMIN, JENNIFER L 84 LITTLE BROOK LN ELIOT, ME 03903
Parcel Number: 047-004-000 CAMA Number: 047-004-000 Property Address: 7 BARNARD LN	Mailing Address: MCKENNEY, DONALD D MCKENNEY, SALLIE J 7 BARNARD LN ELIOT, ME 03903
Parcel Number: 047-005-000 CAMA Number: 047-005-000 Property Address: 15 BARNARD LN	Mailing Address: BARBOUR, ANN C BARBOUR, FREDERICK J 15 BARNARD LN ELIOT, ME 03903



www.cai-tech.com

10/31/2022

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 5 of 5

OPTION TO LEASE AGREEMENT

THIS OPTION TO LEASE AGREEMENT (hereinafter, the "Agreement"), made this 7 day of February 2023 between Black Hawk Holdings, LLC, a New Hampshire Limited Liability Company (the "LESSOR") and OG Enterprises LLC, a Maine Limited Liability Company (the "TENANT"). Each of the parties may be referred to herein as a "Party" and jointly as the "Parties."

PROPERTY

LESSOR is the owner of certain real property located 276 Harold L. Dow Highway, Eliot, Maine and TENANT desires to obtain an option to lease a portion of such real property, containing approximately 6,000 square feet, together with a right of way thereto as hereinafter described (such portion of real property and such right of way being hereinafter called the "Property"). The Property is more specifically described in, and substantially shown on, Exhibit "A" attached hereto and made a part hereof.

OPTION

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) (the "Option Money"), to be paid by TENANT to LESSOR upon TENANT's execution of this Agreement, LESSOR hereby grants to TENANT the exclusive right and option (the "Option") to lease the Property in accordance with the terms and conditions set forth herein.

1. **OPTION PERIOD.** The Option may be exercised at any time on or prior to December 31, 2023 (the "Option Period"). At TENANT's election, and upon TENANT's written notice to LESSOR prior to expiration of the Option Period, the Option Period may be further extended for one additional period of six (6) months, through and including June 30, 2024, with an additional payment of One Dollar (\$1.00), by TENANT to LESSOR for the extension of the Option Period. The Option Period may be further extended by mutual agreement in writing. If TENANT fails to exercise the Option within the Option Period, as it may be extended as provided herein, the Option shall terminate, all rights and privileges granted hereunder shall be deemed completely surrendered and LESSOR shall retain all money paid for the Option, and no additional money shall be payable by either party to the other. The Parties agree that the consideration is reasonable in light of the ongoing changes with state law, rules and local ordinances related to cannabis.
2. **TRANSFER OF OPTION.** The Option may be sold, assigned, or transferred at any time by TENANT to TENANT's parent company or any affiliate or subsidiary of TENANT or its parent company. Otherwise, the Option may not be sold, assigned or transferred without the written consent of LESSOR, such consent not to be unreasonably withheld.
3. **CHANGES IN PROPERTY DURING OPTION PERIOD.** If during the Option Period or any extension thereof, or during the term of this Agreement if the Option is exercised, LESSOR decides to subdivide, sell, or change the status of the zoning of the Property or the other real property of LESSOR contiguous to, surrounding, or in the vicinity of the Property ("LESSOR's Surrounding Property"), LESSOR shall immediately notify TENANT in writing. Any sale of the Property shall be subject to TENANT's rights under this Agreement.

LESSOR agrees that during the Option Period or any extension thereof, or during the term of this Agreement if the Option is exercised, LESSOR shall not initiate or consent to any change in the zoning of the Property or LESSOR's Surrounding Property or impose or

consent to any other restriction that would prevent or limit TENANT from using the Property for the uses intended by TENANT as hereinafter set forth in this Agreement.

4. TITLE. LESSOR warrants that LESSOR is seized of good and marketable title to the Property and has the full power and authority to enter into and execute this Agreement. LESSOR further warrants that there are no deeds to secure debt, mortgages, liens, judgments, restrictive covenants, or other encumbrances on the title to the Property that would prevent TENANT from using the Property for the uses intended by TENANT as hereinafter set forth in this Agreement.
5. INSPECTIONS. LESSOR shall permit TENANT or TENANT's employees, agents and contractors during the Option Period, and any extension thereof, free ingress and egress to the Property by TENANT or its employees, agents, and contractors to conduct such tests, investigations, and similar activities as TENANT may deem necessary for its Intended Use, at the sole cost of TENANT. The scope, sequence, and timing of the inspections shall be at the sole discretion of TENANT; upon notification to LESSOR, the inspections may be commenced at any time during the aforementioned Option Period and if the Option is exercised, at any time during the lease. TENANT and its employees, agents and contractors shall have the right to bring the necessary vehicles and equipment onto the Property and the LESSOR's Surrounding Property to conduct such tests, investigations, and similar activities. TENANT shall indemnify and hold LESSOR harmless against any loss or damage for personal injury or physical damage to the Property, LESSOR's Surrounding Property or the property of third parties resulting from any such tests, investigations and similar activities. Upon written request, TENANT shall furnish to LESSOR copies of the environmental findings. However, LESSOR shall not rely on said tests for anything outside this Agreement and shall indemnify and hold TENANT harmless from such findings.
6. SURVEYS. LESSOR also hereby grants to TENANT the right to survey the Property and LESSOR's Surrounding Property, and the legal description of the Property on the survey obtained by TENANT shall then become Exhibit "B", which shall be attached hereto and made a part hereof, and shall control in the event of discrepancies between it and Exhibit "A". If as a result of any tests or investigations conducted by TENANT, or if required in connection with obtaining any necessary zoning approvals or other certificates, permits, licenses, or approvals, TENANT desires to alter or modify the description of the Property in Exhibit "A" (and Exhibit "B" if then applicable) so as to relocate all or any portion of the Property to other portions of LESSOR's Surrounding Property (a "Relocation Site"), TENANT shall notify LESSOR of such desire and deliver to LESSOR a copy of the survey and legal description of the portions of the Property and LESSOR's Surrounding Property that TENANT proposes as a Relocation Site.

LESSOR shall have the right to approve any Relocation Site, and LESSOR agrees not to unreasonably withhold its approval, such approval to be based on commercially reasonable standards. LESSOR agrees to review and consider TENANT's relocation request and any proposed Relocation Site in good faith and to cooperate with TENANT to attempt, if reasonably possible, to approve the TENANT's proposed Relocation Site or such other Relocation Site as may be agreed upon by LESSOR and TENANT as will allow TENANT to use the same for the use intended by TENANT for the Property as hereinafter set forth in this Agreement. If LESSOR approves a Relocation Site, then TENANT shall have the right to substitute the Relocation Site for the Property and to substitute the description of the approved Relocation Site for the description of the Property in Exhibit "A" (and Exhibit "B" if then applicable), and the Property shall thereafter consist of the Relocation Site so

approved and substituted. If requested by TENANT, LESSOR shall execute an amendment to this Agreement to evidence the substitution of the Relocation Site as the Property.

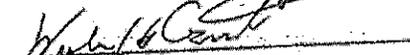
7. GOVERNMENTAL APPROVALS. TENANT's ability to use the Property is contingent upon it obtaining all certificates, permits licenses and other approvals that may be required by any state and local governmental authorities, including but not limited to the Town of Eliot and Maine's Office of Cannabis Policy. LESSOR shall cooperate with TENANT in its effort to obtain such certificates, permits, licenses, and other approvals. During the Option Period, and during the term of this Agreement if the Option is exercised, LESSOR agrees to sign such papers as are required to file applications with the appropriate zoning authority and other governmental authorities for the proper zoning of the Property and for other certificates, permits, licenses, and approvals as are required for the use of the Property intended by the TENANT. If requested by TENANT, any such applications may be filed with respect to, not only the Property, but also LESSOR's Surrounding Property. TENANT will perform all other acts and bear all expenses associated with any zoning or other procedure necessary to obtain any certificate, permit, license, or approval for the Property deemed necessary by TENANT. LESSOR agrees not to register any written or verbal opposition to any such procedures.
8. TENANT'S INTENDED USE. TENANT intends to use the Property for Adult Use Cultivation and/or Manufacturing Facility (hereinafter, "Intended Use"). LESSOR has no objection to the Intended Use so long as the TENANT obtains all the necessary certificates, permits licenses and other approvals that may be required by any state and local governmental authorities.
9. ALTERATIONS AND FIXTURES. During the Option Period, TENANT, with the written permission of the LESSOR (which cannot be unreasonably withheld) shall be permitted to make any alterations to the Property for the Intended Use at TENANT's sole expense. Title to all improvements constructed or installed by TENANT on the Property shall remain in TENANT, and all improvements constructed or installed by TENANT shall always be and remain the property of TENANT, regardless of whether such improvements are attached or affixed to the Property. Furthermore, all improvements constructed or installed by TENANT shall be removable at the expiration the Option. TENANT, upon expiration of the Option Period, shall, within ninety (90) days, remove all improvements, fixtures and personal property constructed or installed on the Property by TENANT and restore the property to its original above grade condition, reasonable wear and tear excepted. Any improvements or alterations that cannot be removed, shall remain at the Property. It is the express intent of the Parties to this Agreement or execution of a lease that LESSOR have no security interest whatsoever in any personal property of the TENANT whatsoever, and, to the extent that any applicable statute, code, or law interest, LESSOR does hereby expressly waive any rights thereto.
10. UTILITY SERVICES. During the Option Period, and during the term of this Agreement if the Option is exercised, LESSOR shall cooperate with TENANT in TENANT's effort to obtain utility services along the access right-of-way contained in the Property by signing such documents or easements as may be required by the utility companies. In the event any utility company is unable to use the aforementioned right of way, LESSOR hereby agrees to grant an additional right of way either to TENANT or to the utility company at no cost to TENANT. IF LESSOR fails to fulfill LESSOR's obligations to cooperate with TENANT as required herein in obtaining the governmental approvals or utility services contemplated by this Agreement, then in addition to any rights or remedies that TENANT may have at

law or in equity, TENANT shall also be entitled to reimbursement from LESSOR upon demand of all costs and expenses incurred by TENANT in connection with its activities under this Agreement, including but not limited to costs of environmental assessments, title examinations, zoning application fees, and attorneys' fees, and other legal expenses of TENANT. In the event LESSOR desires to relocate the utilities and utility easement(s), LESSOR will obtain all certificates, permits and other approvals required by the utility company and bear all costs associated with such relocation. LESSOR shall ensure that all activities related to the relocation of such utilities shall not interfere with the construction, maintenance or operation of TENANT's facility.

11. EXERCISE OF OPTION. TENANT shall exercise the Option by written notice to LESSOR by certified mail, return receipt requested. The TENANT may also exercise the Option by email to the LESSOR. The notice shall be deemed effective on the date it is posted. The Parties shall negotiate the terms of the lease during the Option Period.
12. GOVERNING LAW; JURISDICTION. This Agreement shall be construed for all purposes in accordance with the laws of the State of Maine, United States of America without regard to any conflict of laws provisions. Any legal dispute between the Parties related in any manner to this Agreement shall be resolved in the state or federal courts of the State of Maine.
13. BINDING EFFECT. This Agreement shall extend to and bind the heirs, personal representatives, successors, and assigns of LESSOR and TENANT and shall constitute covenants running with the land.
14. COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which shall constitute the same agreement.
15. ACKNOWLEDGEMENT. The Parties declare that each of them has read this Agreement with their independent legal counsel, knows, and understands its contents, and comprehends and agrees to all of its terms, conditions and meanings and their significance. Therefore, the Parties agree that the rule of construction to the effect that any ambiguities in an Agreement are to be resolved against the drafter shall not be employed in the interpretation of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written. THIS AGREEMENT MAY BE EXECUTED AND DELIVERED BY ELECTRONIC SIGNATURE AND ALL PARTIES TO THE AGREEMENT MAY RELY ON THE ELECTRONIC SIGNATURES AS IF THEY WERE ORIGINAL SIGNATURES.

LESSOR: Black Hawk Holdings, LLC


By: John Smith
Its: Manager

TENANT: OG Enterprises LLC

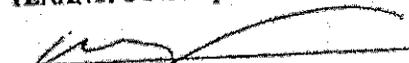
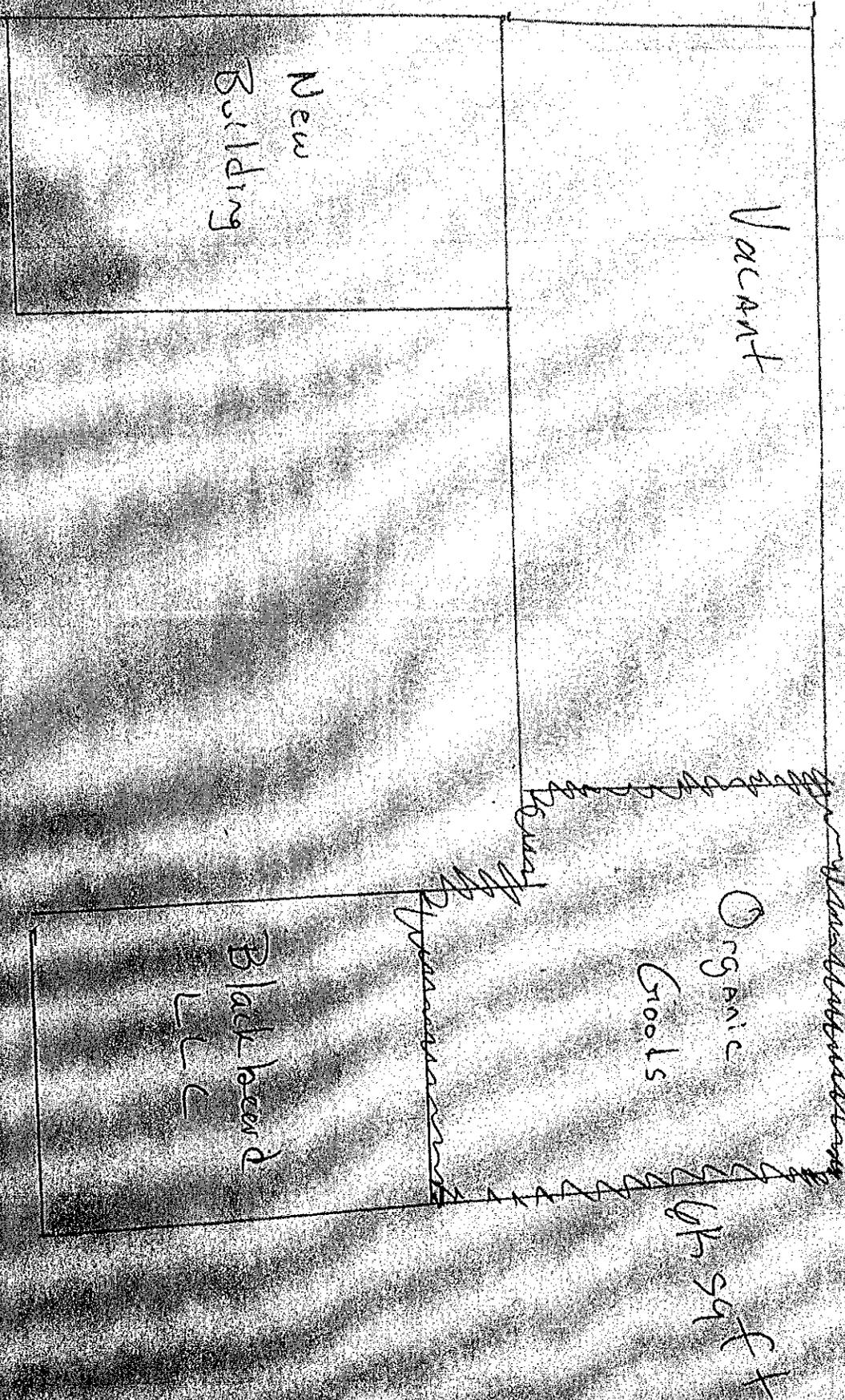
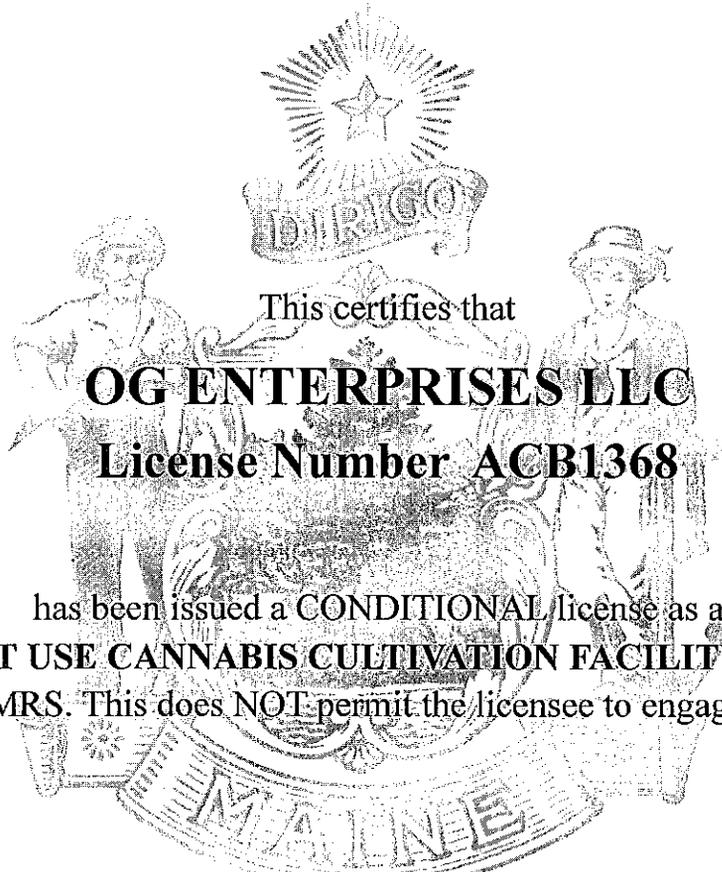

By: William Dunphy
Its: Member, Duly Authorized

Exhibit A



DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS PROGRAM



This certifies that

OG ENTERPRISES LLC

License Number ACB1368

has been issued a **CONDITIONAL** license as an
ADULT USE CANNABIS CULTIVATION FACILITY, TIER 2
under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
January 19, 2023

Expires on:
January 18, 2024

A handwritten signature in black ink, appearing to read "John Hudak", is written over a horizontal line.

John Hudak, Director
OFFICE OF CANNABIS POLICY
MAINE ADULT USE CANNABIS
PROGRAM

To make a complaint about this licensed Adult Use Cannabis Establishment:
Email: Licensing.OCP@maine.gov

The Conditional License for ACB1368 has been issued based on the following organizational structure:

Principals:

WILLIAM RICHARD DUNPHEY, SOLEPROP

Owners:

100.00% - WILLIAM RICHARD DUNPHEY

NOTICE: This conditional license was issued based upon the information indicated above and submitted on application forms provided by the conditional licensee. The conditional licensee acknowledged and affirmed that the foregoing information was truthful and complete in the presence of a notary. Any changes to the information indicated above must be timely reported to the Office of Cannabis Policy and may affect the conditional licensee's licensure status. A conditional licensee will be required, at a minimum, to obtain a new local authorization based upon any changes to the entity ownership structure listed above.



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Adam Gilsdorf, Applicant
 Shelly Bishop, Code Enforcement Officer
 Kim Tackett, Land Use Administrative Assistant
 Date: June 21, 2023 (report date)
 June 27, 2023 (meeting date)
 Re: PB23-9: 246 Main St. (Map 2, Lot 6): Shoreland Zoning Permit Application – One-Family Residential Building Expansion

Application Details/Checklist	
✓ Address:	246 Main St.
✓ Map/Lot:	2/6
✓ PB Case#:	23-9
✓ Zoning:	Village
✓ Shoreland Zoning:	Limited Residential, Resource Protection
✓ Owner Name:	Adam Gilsdorf and Joan Glutting
✓ Applicant/Agent Name:	Adam Gilsdorf
✓ Application Received by Staff:	April 10, 2023
~Application Fee Paid and Date:	At the time of this report, \$100 fee (Shoreland Zoning Permit Application) has been requested of applicant
Application Sent to Staff Reviewers:	Not yet sent
Application Heard by PB	June 27, 2023 (scheduled)
Found Complete by PB	TBD
Site Walk	TBD
Site Walk Notice Publication	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
Reason for PB Review:	Code Enforcement Officer referral

Overview

Applicant proposes to make changes to the existing single-family dwelling at 246 Main St. The approximately 0.1-acre (4600 sq. ft.) property is situated between Main St. and Spinney Creek and is fully within the shoreland zoning overlay. The shoreland zoning permit application project description is to “raise [the] roof 3.5 feet with shed dormer on rear” (emphasis in original). The house is described in the application, and listed on Town property records, as being built in 1750, with the application noting that the house is “believed to be one of [the] original homes built on Spinney property at Great Cove.” The house has a full first floor with lived-in attic and is served by water and sewer. The application proposes no changes to the outdoor portion of the lot except “restoration of lawn [and] plants”. There is no proposed change to the footprint of the house. The applicant has sought a building permit; the Code Enforcement Officer has referred it to PB shoreland zoning review.

Non-vegetated surface coverage

Total from application: 975.5 sq. ft. (663.5 home, 112 deck, 200 driveway)

Total lot area from application (also the total within shoreland zoning): 4600 sq. ft.

Percentage: 21.2%

Threshold under 44-35(b)(4): 20%, however if the property had 21.2% or greater non-vegetated surface coverage at the time this standard was enacted, it would presumptively be a legally nonconforming situation and the applicant would need to show that there has not been any increase in non-vegetated surface coverage since then.

Building setback and footprint

The attached plans show a 38 ft. distance from the house to the creek. Expansion of the house is limited by the nonconformance provisions in 44-32(c)(1)c1, which generally limits expansion of the footprint of structures within 75 ft. of the normal high-water line to 30% of what existed on 1/1/1989, or 1,000 square feet, whichever is greater. The current standard is footprint-based; the old standard was based on the volume of living space. If the old standard were still in place, the PB would need to review the 30% volume expansion calculation in the application. However, as mentioned, there is no proposed change to the building/deck footprint; therefore, if the house and deck footprint are the same as 1/1/89, the application appears in compliance with 44-32(c)(1).

Building height

The application includes a post-construction building height of 21.5 ft. after the raising of the roof and addition of the shed dormer. This appears to conflict with the height limitation in 44-32(c)(1)c1 of “20 feet or the height of the existing structure, whichever is greater”. More discussion is needed.

Type of review needed

I am seeking to clarify with the with the Code Enforcement Officer the need for PB review in this case. The house itself is in Limited Residential shoreland zoning and there is no footprint expansion. The project does not appear to be a “reconstruction or replacement” in 44-32(c)(4) unless it amounts to a “reconstruction” based on the degree of damage to the current structure and the degree of improvements. Some clear deterioration is evident in the photos provided in the application. The applicable standard in that subsection is that if the structure is damaged “by more than 50 percent of the market value of the structure before such damage,” it “may be reconstructed” with a permit if the PB determines that “such reconstruction...is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent”. In summary, then, if the project can be considered a reconstruction based on the amount of damage repaired being greater than 50%, then the PB’s review kicks in, and the PB’s review objective is to determine if the structure can practically be set back further from the creek.

Recommendation

Will be provided at the meeting subject to resolving the question about building height and the need for PB review.

* * *

Respectfully submitted, Jeff Brubaker, AICP, Town Planner

FOR OFFICE USE ONLY:

PERMIT NO.: _____

ISSUE DATE: _____

FEE AMOUNT: _____

TOWN OF ELIOT
SHORELAND ZONING PERMIT APPLICATION

GENERAL INFORMATION

1. APPLICANT ADAM GILSDORF	2. APPLICANT'S ADDRESS 8 PALMER DR DURHAM, NH 03824	3. APPLICANT'S TEL. # 603-275-4127 cell
4. PROPERTY OWNER ADAM GILSDORF JOAN GLUTTING	5. OWNER'S ADDRESS 8 PALMER DR DURHAM, NH 03824	6. OWNER'S TEL. # 603-275-4127
7. CONTRACTOR SELF	8. CONTRACTOR'S ADDRESS SAME	9. CONTRACTOR'S TEL. #
10. LOCATION/ADDRESS OF PROPERTY 246 MAIN ST	11. TAX MAP/PAGE & LOT # AND DATE LOT WAS CREATED LOT 2-6	12. ZONING DISTRICT SH, VD
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, (E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS - PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3). EXISTING BUILDING IS A 1750 CAPE. POST AND BEAM FRAMED, WITH ORIGINAL PLASTER AND LATH BELIEVED TO BE ONE OF ORIGINAL HOMES BUILT ON SPINDEL PROPERTY AT GREAT COVE. FULL 1ST FLOOR AND LIVED IN ATTICK. - NO BUILDING FOOT PRINT CHANGE - NO LAND CLEARING. ONLY RESTORATION OF LAWN + PLANTS		

- CITY WATER AND SEWER
- PROJECT IS TO RAISE ROOF 3.5 FEET WITH SHED DORMER ON REAR

14. PROPOSED USE OF PROJECT SINGLE-FAMILY HOME	15. ESTIMATED COST OF CONSTRUCTION \$ 35,000
--	--

SHORELAND AND PROPERTY INFORMATION

16. LOT AREA (SQ. FT.) 4600	17. FRONTAGE ON ROAD (FT.) 43
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES 663.5 - HOME 112 - DECK 200 - DRIVEWAY 975.5 TOTAL	19. ELEVATION ABOVE 100 YR. FLOOD 7
20. FRONTAGE ON WATERBODY (FT.) 50	21. HEIGHT OF PROPOSED STRUCTURE 21.5
22. EXISTING USE OF PROPERTY RESIDENTIAL	23. PROPOSED USE OF PROPERTY RESIDENTIAL

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback.

24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: 793.5 SQ. FT.	25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: 7354.35 CUBIC FT.
B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT: 0 SQ. FT.	B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT: 0 CUBIC FT.
C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: 0 SQ. FT.	C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: 2209.58 CUBIC FT.
D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:	D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:

$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$ <u>0</u> %	$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$ <u>30.05</u> %
--	--

NOTE: IT IS IMPERATIVE THAT EACH MUNICIPALITY DEFINE WHAT CONSTITUTES A STRUCTURE, FLOOR AREA, AND VOLUME AND APPLY THOSE DEFINITIONS UNIFORMLY WHEN CALCULATING EXISTING AND PROPOSED SO. FT. AND CU. FT.

SITE PLAN

PLEASE INCLUDE: LOT LINES; AREA TO BE CLEARED OF TREES AND OTHER VEGETATION; THE EXACT POSITION OF PROPOSED STRUCTURES, INCLUDING DECKS, PORCHES, AND OUT BUILDINGS WITH ACCURATE SETBACK DISTANCES FROM THE SHORELINE, SIDE AND REAR PROPERTY LINES; THE LOCATION OF PROPOSED WELLS, SEPTIC SYSTEMS, AND DRIVEWAYS; AND AREAS AND AMOUNTS TO BE FILLED OR GRADED. IF THE PROPOSAL IS FOR THE EXPANSION OF AN EXISTING STRUCTURE, PLEASE DISTINGUISH BETWEEN THE EXISTING STRUCTURE AND THE PROPOSED EXPANSION.

NOTE: FOR ALL PROJECTS INVOLVING FILLING, GRADING, OR OTHER SOIL DISTURBANCE YOU MUST PROVIDE A SOIL EROSION CONTROL PLAN DESCRIBING THE MEASURES TO BE TAKEN TO STABILIZE DISTURBED AREAS BEFORE, DURING AND AFTER CONSTRUCTION (See attached guidelines)

No well > city
No septic > city

No change in building footprint or set back

No land clearing

No Grading or filling

SEE ATTACHED

SCALE: _____ = _____ FT.

FRONT OR REAR ELEVATION

See Attached

SIDE ELEVATION

see attached

DRAW A SIMPLE SKETCH SHOWING BOTH THE EXISTING
AND PROPOSED STRUCTURES WITH DIMENSIONS

ADDITIONAL PERMITS, APPROVALS, AND/OR REVIEWS REQUIRED

CHECK IF REQUIRED:

- PLANNING BOARD REVIEW APPROVAL
(e.g. Subdivision, Site Plan Review)
- BOARD OF APPEALS REVIEW APPROVAL
- FLOOD HAZARD DEVELOPMENT PERMIT
- EXTERIOR PLUMBING PERMIT
(Approved HHE 200 Application Form)
- INTERIOR PLUMBING PERMIT
- DEP PERMIT (Site Location,
Natural Resources Protection Act)
- ARMY CORPS OF ENGINEERS PERMIT
(e.g. Sec. 404 of Clean Waters Act)

OTHERS:

--- _____
--- _____
--- _____
--- _____

NOTE: APPLICANT IS ADVISED TO CONSULT WITH THE CODE ENFORCEMENT OFFICER AND APPROPRIATE STATE AND FEDERAL AGENCIES TO DETERMINE WHETHER ADDITIONAL PERMITS, APPROVALS, AND REVIEWS ARE REQUIRED

I CERTIFY THAT ALL INFORMATION GIVEN IN THIS APPLICATION IS ACCURATE. ALL PROPOSED USES SHALL BE IN CONFORMANCE WITH THIS APPLICATION AND THE TOWN OF ELIOT SHORELAND ZONING ORDINANCE. I AGREE TO FUTURE INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AT REASONABLE HOURS.

_____ APPLICANT'S SIGNATURE	_____ DATE
_____ AGENT'S SIGNATURE (if applicable)	_____ DATE

APPROVAL OR DENIAL OF APPLICATION

MAP _____ LOT # _____

(For Office Use Only)

THIS APPLICATION IS: _____ APPROVED _____ DENIED

IF DENIED, REASON FOR DENIAL:

IF APPROVED, THE FOLLOWING CONDITIONS ARE PRESCRIBED:

NOTE: IN APPROVING A SHORELAND ZONING PERMIT, THE PROPOSED USE SHALL COMPLY WITH THE PURPOSES AND REQUIREMENTS OF THE SHORELAND ZONING ORDINANCE FOR THE TOWN OF ELIOT _____

CODE ENFORCEMENT OFFICER. _____ DATE

NOTE: THIS CHECKLIST IS INTENDED TO ASSIST THE CEO IN TRACKING A SHORELAND ZONING PERMIT THROUGH THE REVIEW PROCESS

SHORELAND ZONING PERMIT CHECKLIST

CHECKOFF FOR ALL STRUCTURES:

- COMPLETE SHORELAND ZONING PERMIT APPLICATION
- PAY APPROPRIATE FEE
- LOT AREA
- % OF LOT COVERED BY NON-VEGETATED SURFACES
- HEIGHT OF STRUCTURE
- SETBACK FROM HIGH WATER LINE
- ELEVATION SETBACK FROM SIDE AND REAR LOT LINES
- % INCREASE OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK
- COPY OF INTERIOR AND EXTERIOR PLUMBING PERMITS
- COPY OF DEED
- ELEVATION OF LOWEST FLOOR TO 100 YEAR FLOOD ELEVATION
- COPY OF ADDITIONAL PERMIT(S) AS REQUIRED
(See Page 5 of Application Form)
- SOIL EROSION CONTROL PLAN PROVIDED

CHECKOFF FOR FURTHER REVIEW:

- COPY OF FILE TO BOARD OF APPEALS IF VARIANCE OR SPECIAL EXCEPTION IS REQUIRED
- COPY OF FILE TO PLANNING BOARD IF PLANNING BOARD REVIEW IS REQUIRED

CHECK OFF FOR SITE VISITS BY CEO:

- PRIOR TO CLEARING AND EXCAVATION
- PRIOR TO FOUNDATION POUR
- PRIOR TO FINAL LANDSCAPING
- PRIOR TO OCCUPANCY

NOTE: WHERE THE SHORELAND ZONING ORDINANCE REQUIRES A VARIANCE, A CONDITIONAL USE, OR SPECIAL EXCEPTION BY THE BOARD OF APPEALS OR THE PLANNING BOARD, THEN THIS SPECIAL PERMIT SHALL BE COMPLETED BY THE APPROPRIATE BOARD AND ATTACHED TO THE SHORELAND PERMIT APPLICATION.

Appendix 2

SPECIAL PERMIT

PROPERTY OWNER	SHORELAND DISTRICT
ADDRESS OF PROPERTY	

**FINDINGS OF FACT AND
CONDITIONS OF APPROVAL**

BD. OF APPEALS _____
PLANNING BOARD _____

CONDITIONS:

1. See standard conditions (attached)
- 2.
- 3.

NOTE:
The Findings of Fact and the Conditions of Approval should include the reasons why the special permit was granted and specific conditions which clearly define the scope of the use. In reviewing a request for a variance, Boards of Appeal shall apply the "Undue Hardship" criteria printed on the back of this page. In reviewing a request for a conditional use or a special exception, Planning boards shall apply the standards of review provided in the local ordinance.

APPROVED BY: _____ DATE _____

NOTICE TO APPLICANT:

I HAVE READ AND ACCEPT THE CONDITIONS OF THIS SPECIAL PERMIT.

APPLICANT _____ DATE _____

"Undue Hardship" Criteria for Granting Variances

Under Title 30-A, M.R.S.A. Section 4353(4), a Board of Appeals may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause "undue hardship." The term "undue hardship" is defined as:

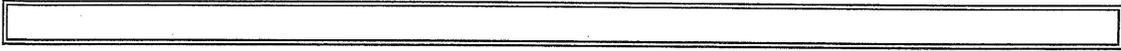
- A. The land in question cannot yield a reasonable return unless a variance is granted;
- B. The need for a variance is due to the unique circumstances of the property and not the general condition in the neighborhood;
- C. The granting of a variance will not alter the essential character of the locality; and
- D. The hardship is not the result of action taken by the applicant or a prior owner.

NOTE: THIS INSPECTION SCHEDULE IS NOT DESIGNED TO		PERMIT NO. _____
ENSURE COMPLIANCE WITH BOCA/OTHER BUILDING CODES,		DATE OF ISSUE _____
BUT RATHER TO ENSURE COMPLIANCE WITH THE LAND USE		RECIPIENT _____
STANDARDS CONTAINED IN THE _____		MAP & LOT # _____
SHORELAND ZONING ORDINANCE.		

SHORELAND ZONING PERMIT

SITE INSPECTION SCHEDULE

PRIOR TO CLEARING AND EXCAVATION	DATE _____	CEO _____
PRIOR TO FOUNDATION POUR	DATE _____	CEO _____
PRIOR TO FINAL LANDSCAPING	DATE _____	CEO _____
PRIOR TO OCCUPANCY	DATE _____	CEO _____



Appendix 4

STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

1. A copy of this permit must be posted in a visible location on your property during development of the site, including construction of the structures approved by this permit.
2. This permit is limited to the proposal as set forth in the application and supporting documents, except as modified by specific conditions adopted by the Planning Board or Code Enforcement Officer in granting this permit. Any variations from the application or conditions of approval are subject to prior review and approval by the Planning Board or Code Enforcement Officer. Failure to obtain prior approval for variations shall constitute a violation of the ordinance.
3. A substantial start (30% of project based on estimated cost) of construction activities approved by this permit must be completed within one (1) year of the date of issue. If not, this permit shall lapse, and no activities shall occur unless and until a new permit is issued.
4. The water body and wetland setbacks for all principal and accessory structures, driveways, and parking areas must be as specified in the application, or as modified by the conditions of approval.
5. In the event the permittee should sell or lease this property, the buyer or leasee shall be provided with a copy of the approved permit and advised of the conditions of approval.
6. Once construction is complete, the permittee shall notify the Code Enforcement Officer that all requirements and conditions of approval have been met. Following notification, the Code Enforcement Officer may arrange and conduct a compliance inspection.

STANDARD CLEARING CONDITIONS

The following shall apply to vegetation clearing for all activities within the shoreland zone.

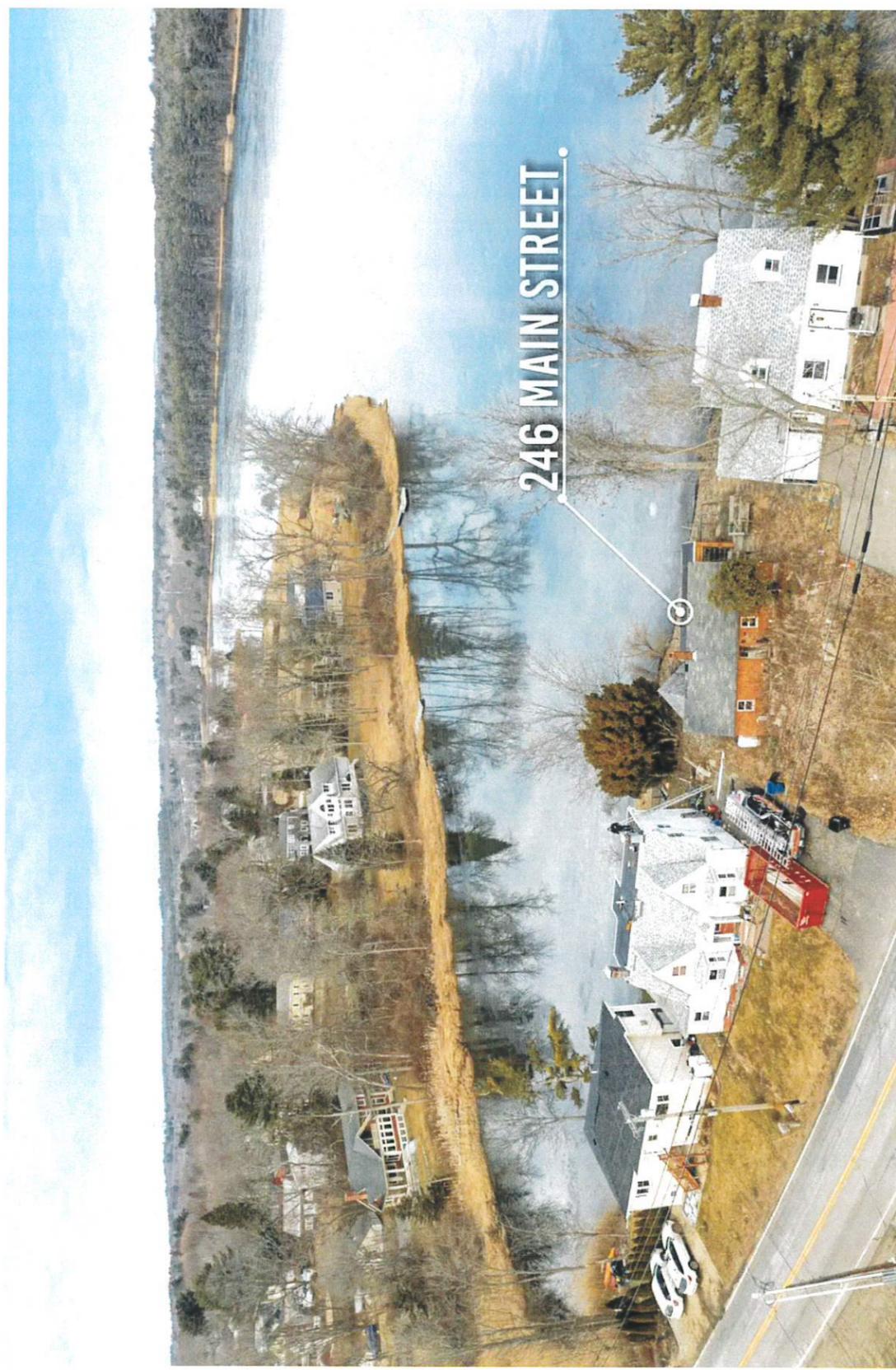
1. A vegetative buffer strip shall be retained within 100 feet of a great pond or river flowing to a great pond, and within 75 feet of other water bodies, wetlands, and tributary streams.
2. Within the buffer strip(s) there shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. A winding footpath is permitted, provided it does not exceed ten (10) feet in width as measured between tree trunks, and does not provide a cleared line of sight to the water. Adjacent to great ponds and rivers flowing to great ponds, the width of the footpath is limited to six (6) feet.
3. Selective cutting of trees within the buffer strip(s) is permitted provided that a well-distributed stand of trees and other vegetation is maintained. Not more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.
4. Within the buffer strip(s) adjacent to great ponds, and rivers and streams flowing to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
5. Within the buffer strip(s) pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
6. Within the buffer strip(s), in order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be replanted with native tree species. When removal of such trees appears necessary, the permittee is advised to consult with the Code Enforcement Officer prior to tree removal.
7. Within the shoreland zone, but outside the 75 feet or 100 foot buffer strip(s) described in Standard #1 above, not more than 40% of the total volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet or 25% of the lot area, whichever is greater, including land previously cleared.
8. Legally existing cleared openings which exceed the above standards may be maintained, but shall not be enlarged except as permitted by the ordinance.
9. Where natural vegetation is removed it shall be replaced by other vegetation (except for areas to be built upon) that is effective in preventing erosion and retaining natural beauty.

GUIDELINES FOR SOIL STABILIZATION

Areas of disturbed soil, including but not limited to areas that are filled, graded, or otherwise disturbed during construction, must be stabilized according to the approved erosion control plan provided as part of the permit application, or as modified by specific conditions of approval. The following guidelines provide guidance for the landowner to consider in preparing and executing the soil stabilization portion of the erosion control plan. The goals to be achieved by proper stabilization are the avoidance of accelerated soil erosion and sedimentation of water bodies.

In General:

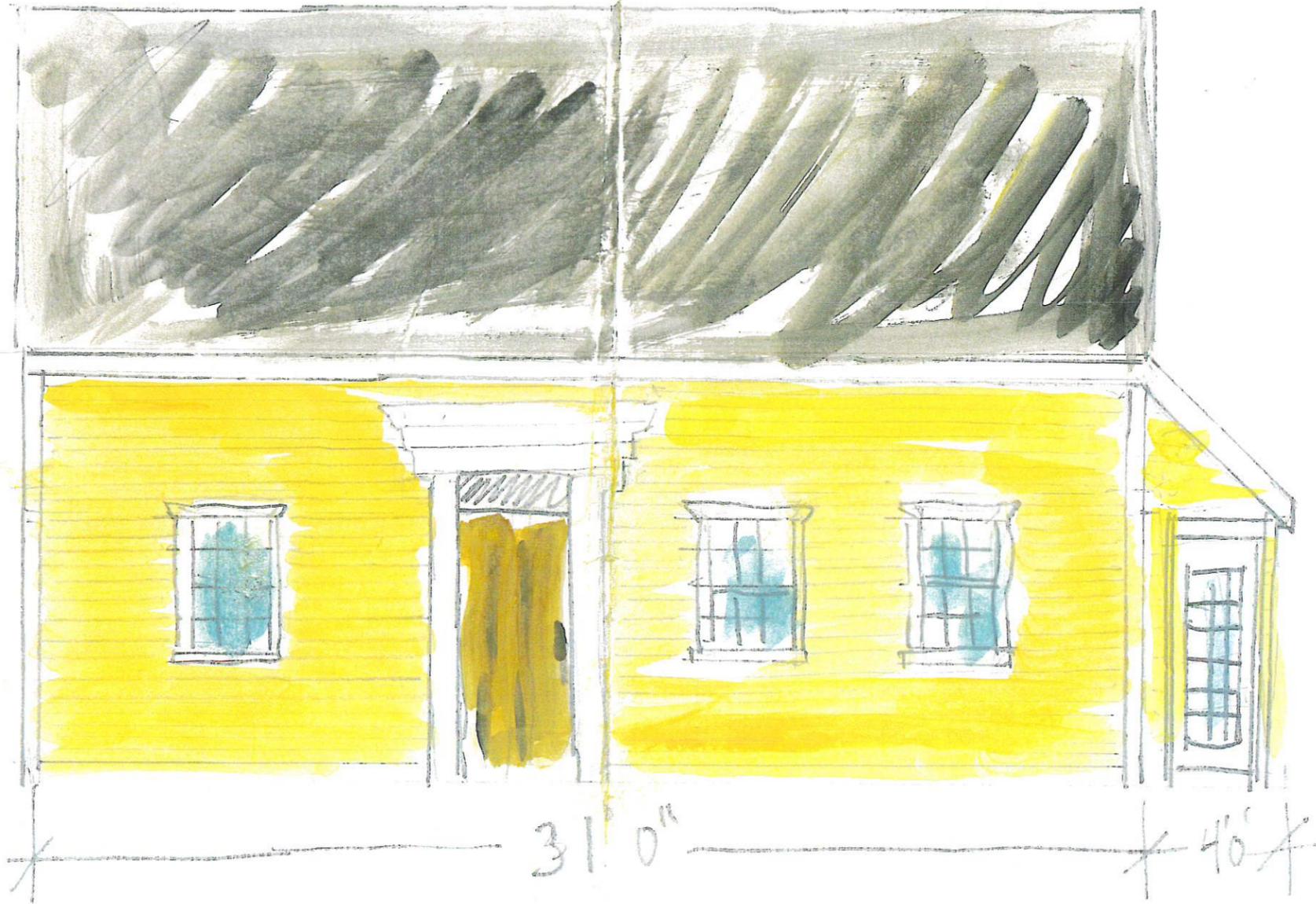
1. Sterile soils such as sands and gravels should be covered with a minimum of 4 inches of compacted topsoil to provide a growth medium for vegetation.
2. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period. The best seeding dates are from May 1 to June 15. Mid-summer seeding will usually require significant watering.
3. Disturbed areas which can not be seeded between May 1 and September 15 should be heavily mulched with hay, straw, or some other suitable material to keep them as stable as possible over the winter, and particularly during the spring runoff the following year. Generally, one bale of hay for each 500 square feet of disturbed area provides a stabilizing mulch. For over-wintering, mulch must be tied down, as it is easily blown around on frozen ground, leaving areas of exposed soils. Mulched over-winter areas should be prepared and seeded the following spring as soon as conditions allow.
4. Seeding preparation, in addition to providing topsoil or loam if the site is sterile, includes the application of lime and fertilizer, which should be lightly raked into the soil prior to seeding. After the area is seeded, it should be lightly watered and then mulched to protect the seed, keep the site stable and moist, and allow the seed to germinate and grow.
5. Lime should be applied at a rate of approximately 138 pounds per 1000 square feet of area. This rate may vary depending on soil conditions, and it is recommended that soil be analyzed to determine specifically what additional nutrients are needed.
6. Fertilizers should be a "quick release" low phosphorus mixture. They should be applied at a rate of approximately 18.4 pounds per 1000 square feet. However, no more fertilizer than necessary should be added since any excess may be washed into the adjacent water body and contribute to lower water quality. Fertilizers should never be applied before thunderstorms or before spring runoff.
7. Minimize the areas of exposed soil during construction, and temporarily or permanently stabilize disturbed areas within one week of the time the area is actively worked. Runoff control features such as hay bales, silt fencing, and diversion ditching must be in place and functioning prior to the start of construction.



RECEIVED
APR 10 2023
By _____



FRONT



HOME PLANS

JEAN GILBERT

JOAN GUTMAN

ZHIO MAYST

ELIOT. ME

DRAWN BY ME

REAR



HOME PLANS

ADAM GILSDORE

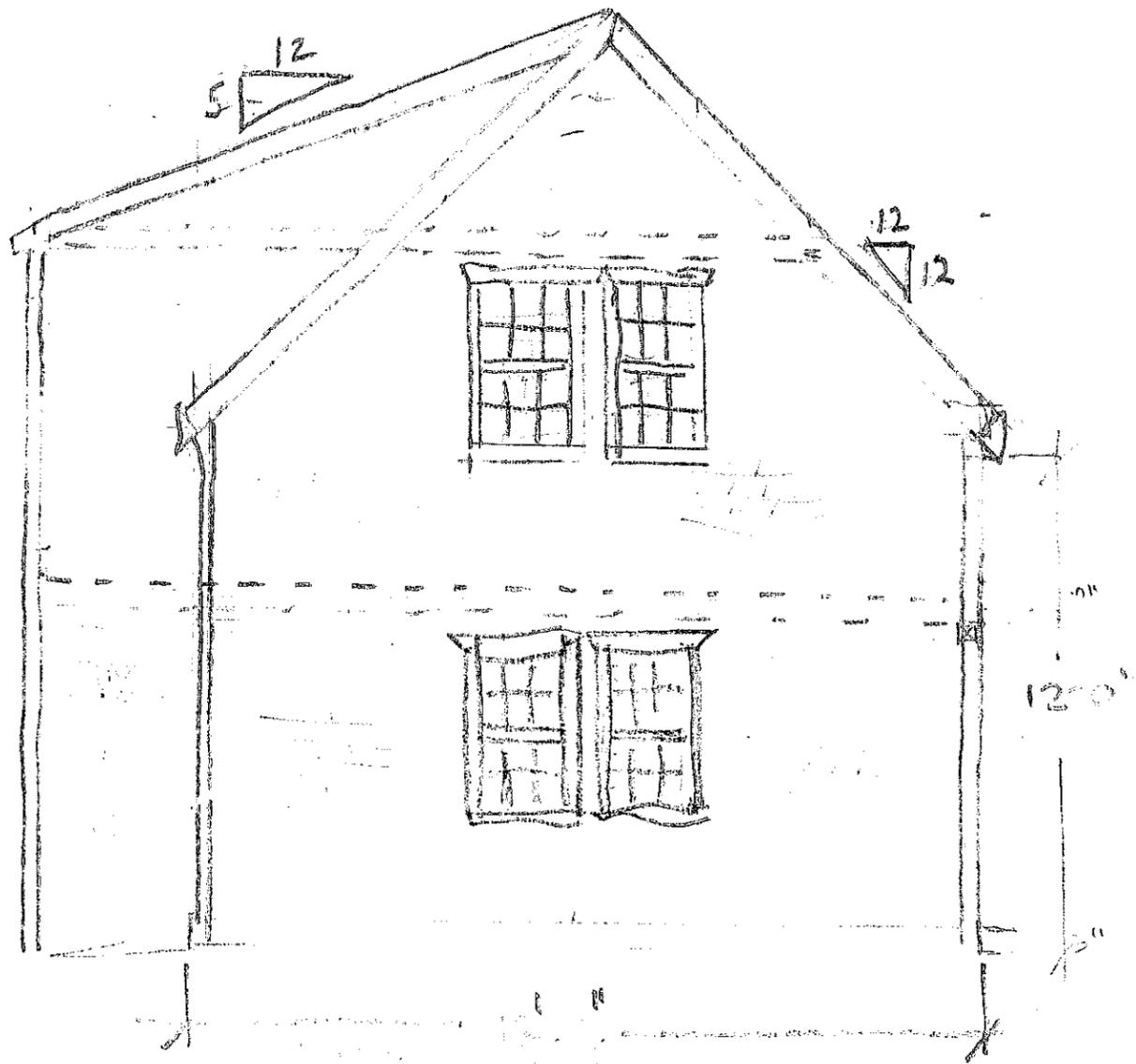
JOAN GUTTING

246 MAIN ST

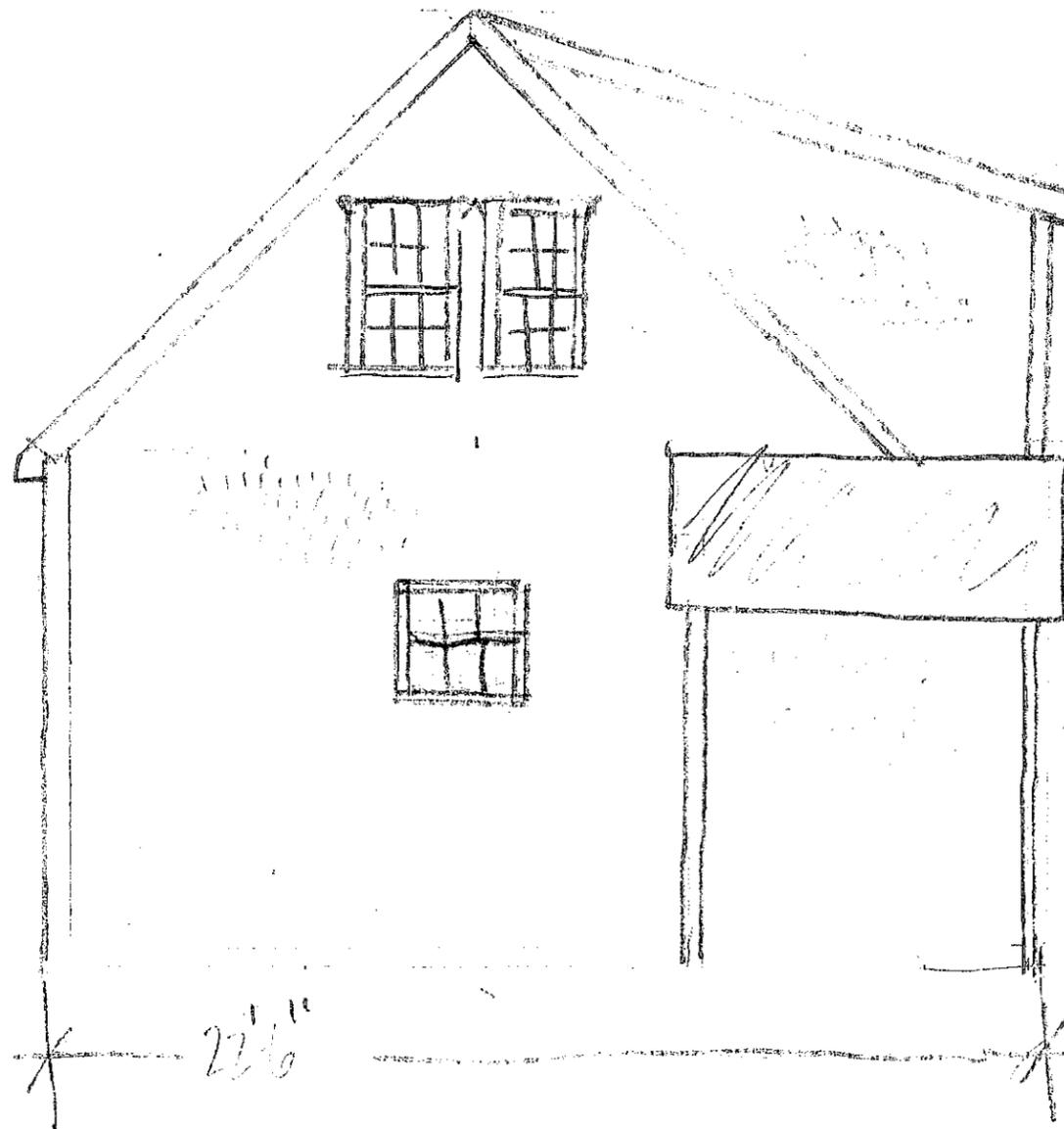
ELIOT, ME

DRAWN BY ADG

WEST

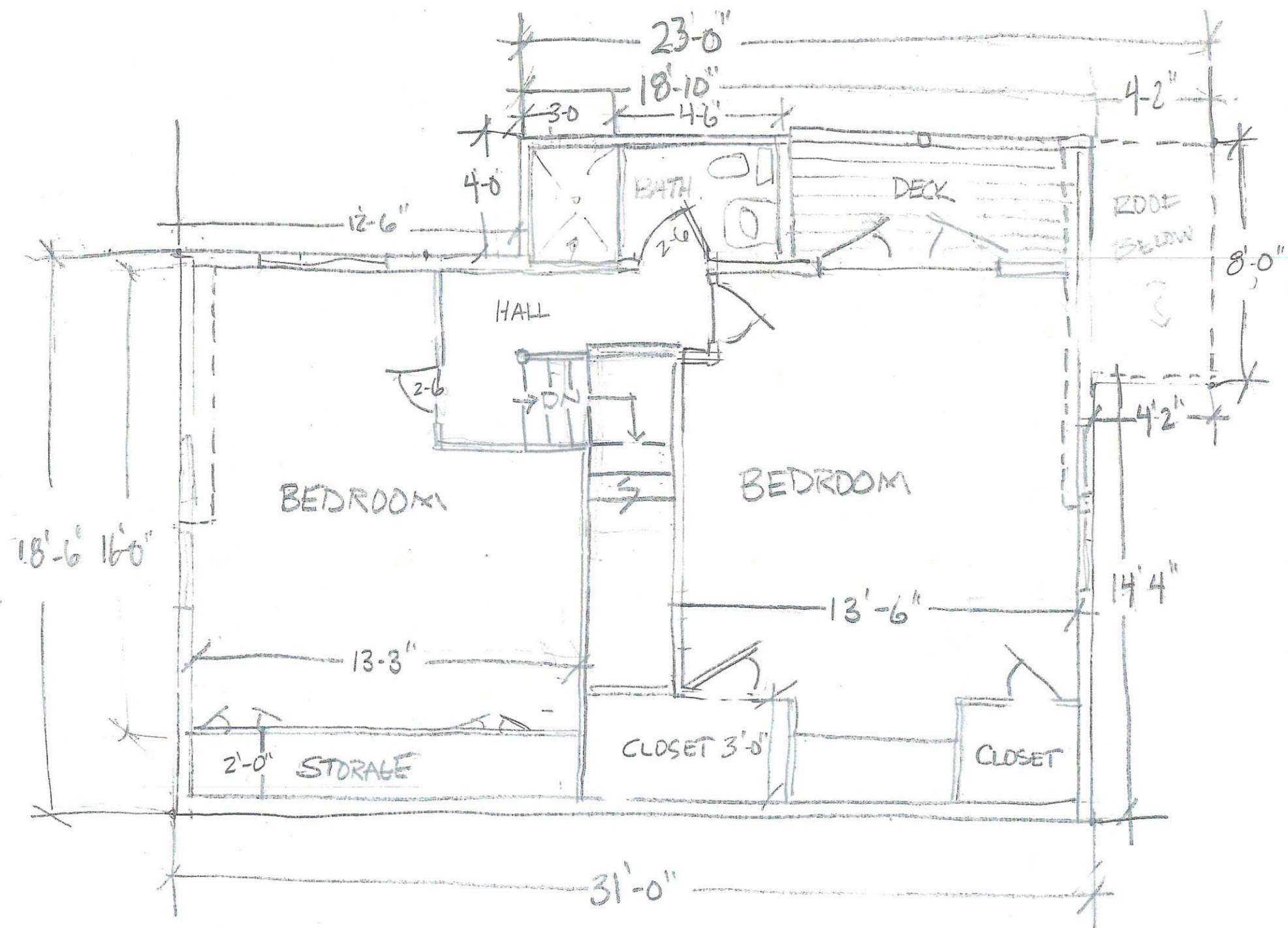


EAST



HOME PLANS
BANK BUILDING
JOAN GOTTING
210 MAIN ST
ELDT, ME
1000-1000

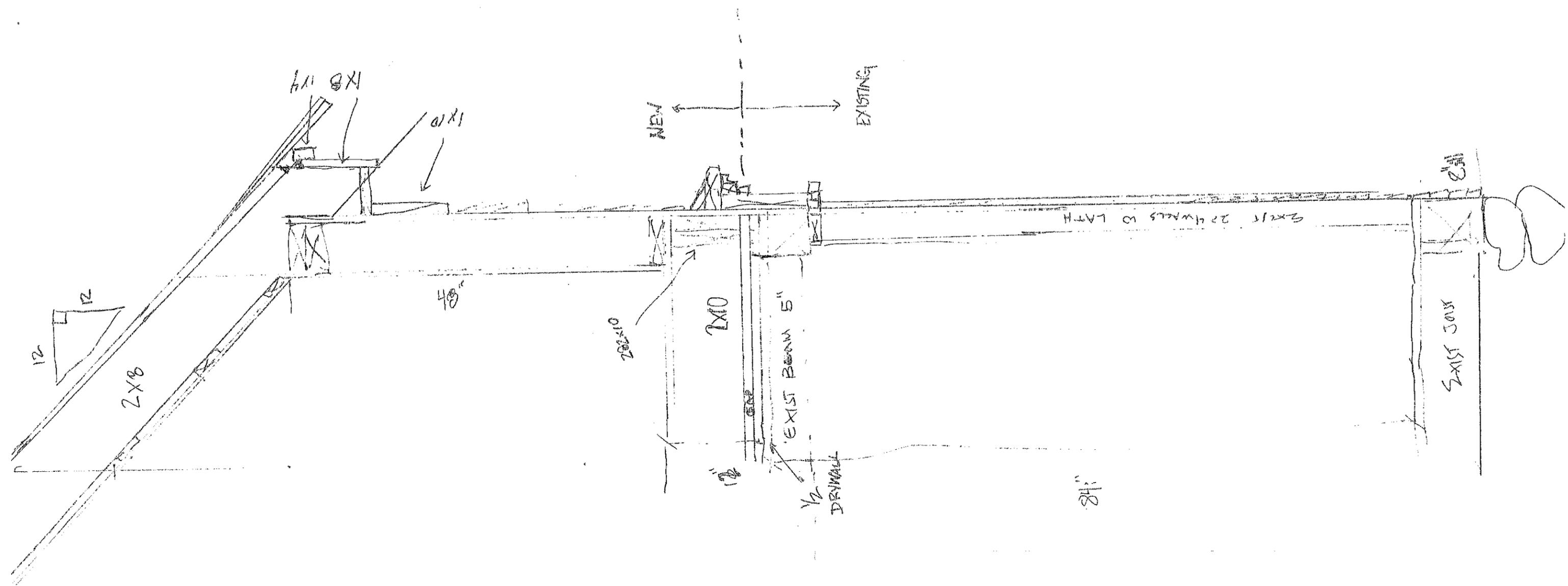
SECOND FLOOR



1/4" = 1'

STREET ↓

HOME PLANS
 ADAM GUSDORE
 JOAN GLUTTING
 246 MAIN ST
 ELIOT, MAE
 DRAWN BY ABS
 4/4/23



FRONT WALL SECTION.

246 MAIN ST
 FLOTTME

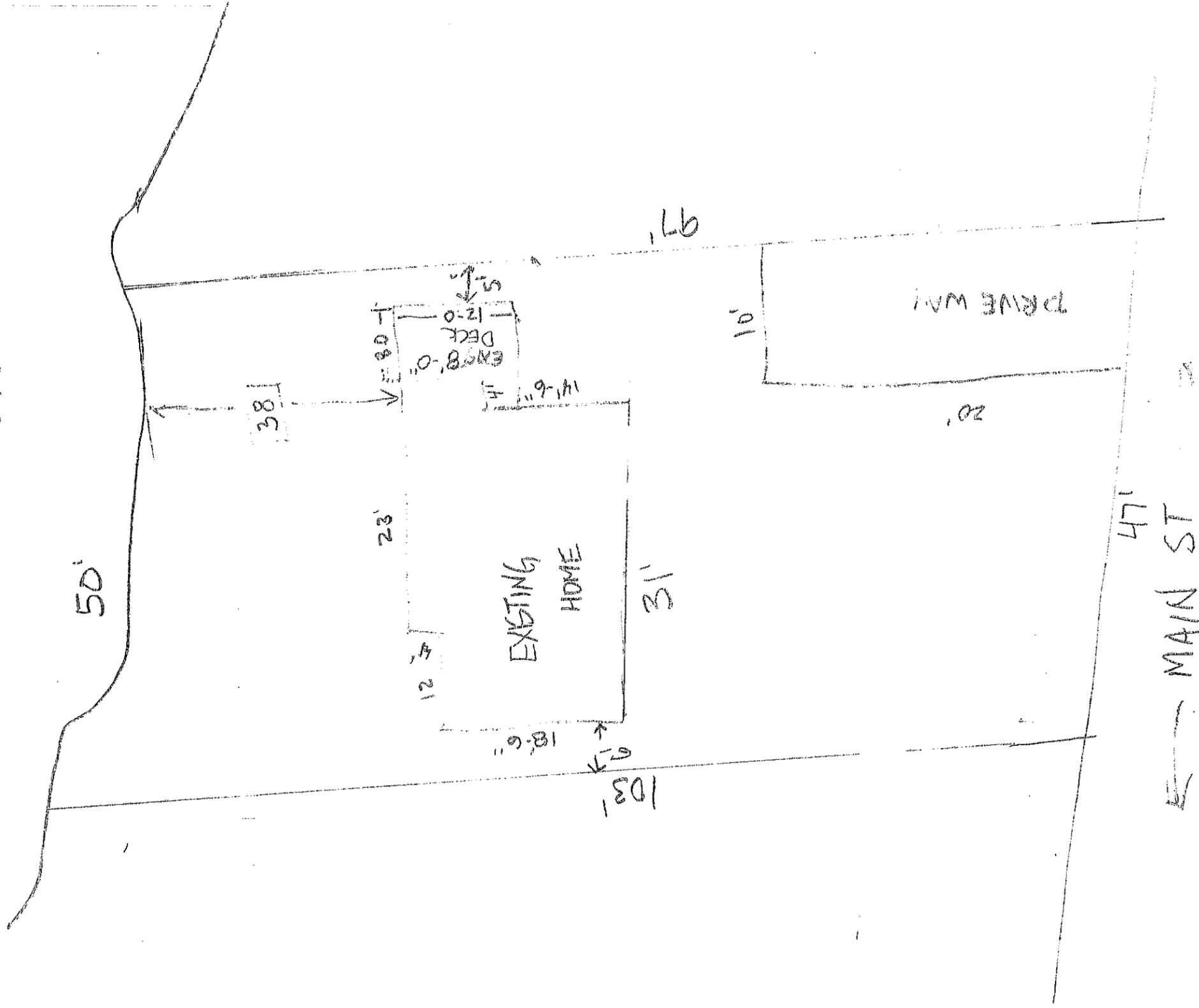
1" = 1'

PLOT PLAN

246 MAIN STREET

FLIOT, ME

SPINNEY
CREEK





TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From:
 Cc: Josh Seymour, Green Truck Farm
 Shelly Bishop, Code Enforcement Officer
 Kim Tackett, Land Use Administrative Assistant
 Date: April 13, 2023 (report date)
 June 27, 2023 (meeting date)
 Re: PB23-10 16 Arc Road (Map 45/Lot 17): Shoreland Zoning Permit Review – Marijuana Retail

Application Details/Checklist Documentation	
✓ Address:	16 Arc Road
✓ Map/Lot:	45/17
✓ Zoning:	Commercial/Industrial (C/I) district
✓ Shoreland Zoning:	Areas of Resource Protection, Freshwater Wetlands, and Limited Commercial
✓ Owner Name:	Josh Seymour
✓ Applicant Name:	Josh Seymour
✓ Proposed Project:	Marijuana Retail
✓ Application Received by Staff:	March 29, 2023
Application Fee Paid and Date:	\$150.00 paid 4/4/2023
Application Sent to Staff Reviewers:	Not yet sent / Not Applicable
Application Heard by PB Found Complete by PB	April 12, 2022 (previous site plan and shoreland zoning permit approval; shoreland zoning permit has expired)
Site Walk	Not Applicable
Site Walk Publication	Not Applicable
Public Hearing	TBD
Public Hearing Publication	TBD
✓ Reason for PB Review:	Shoreland Zoning Permit Review

Overview

The applicant seeks a shoreland zoning permit for development of a marijuana retail store along with parking, grading, and other site alterations. The proposed project received site plan approval in April 2022. That approval, documented in a notice of decision, also included a shoreland zoning permit. However, shoreland zoning permits expire after one year, while site plan approvals expire after two.

In order to continue with the proposed development, the applicant requires a new shoreland zoning permit.

Type of review needed

Consider previous approvals and project review history, ask questions of the applicant, and potentially approve a shoreland zoning permit.

Use (45-290)

Both “medical marijuana establishment” and “marijuana establishment” are allowable uses in the Commercial / Industrial zone with site plan review. The proposed project was approved by the Planning Board in April 2022.

Right, title, and interest (33-106)

A warranty deed is provided with the application materials.

Dimensional requirements for Commercial / Industrial Zone (45-405)

Dimension	Standard	Met?
Min lot size	3 acres	Met
Lot line setbacks (ft): Front: Side: Rear:	30' (on interior, non-town roads) 20' 20'	Met
Building height (ft)	55'	Met
Lot coverage	50%	Met
Min. street frontage (ft)	300'	Met along Arc Road
Max sign area (sf)	100 sf	Met
Building separation (C/I district)	Min. 20' for multiple principal structures on a single lot	Met

Relevant requirements for Shoreland Zone (44-35)

Per the Town’s shoreland zoning ordinance (44-35 (b) (4): *“the total footprint area of all structures, driveways, parking areas and other nonvegetated surfaces, within the shoreland zone shall not exceed 20 percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.”*

According to the findings of fact in the Planning Board’s relevant notice of decision, proposed building coverage is 2.7%, post-construction non-vegetated area will be 7.1%, and total shoreland post-construction de-vegetated areas will be 11%.

Stormwater

The shoreland zoning ordinance specifies (44-35 (j) (1 - 2)) that:

PB23-10: 16 Arc Road (Map 45/Lot 17): Shoreland Zoning Permit Review – Marijuana Retail

“(1) All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.”

“(2) Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.”

A stormwater/drainage plan was provided and considered as part of the proposed project’s previous shoreland zoning and site plan review. The applicant will need to enter into a Chapter 35 post-construction stormwater agreement.

Parking

The proposed project’s parking (41 spaces) was considered as part of its site plan review. Per the Town’s parking requirements (45-495), *“1 space is required for each 100 square feet of retail floor area, with a minimum of 10 spaces.”* For commercial and industrial uses not specifically enumerated (which presumably covers the second, non-retail building approved under site plan review), *“1 space is required for each person employed or anticipated to be employed on the largest shift.”*

In the spirit of the shoreland zoning ordinance specified above that development should minimize stormwater runoff, the Board may wish to discuss with the applicant whether the proposed parking can be reduced. This would depend specifically on floor plans of the proposed retail building (regarding how much square footage will actually be dedicated to *retail floor area*, as opposed to storage or other uses) and whether 16 employees is still considered the largest anticipated shift size. If the parking could be reduced and still meet the requirements of the Town of Eliot’s zoning code, the applicant could potentially save on construction costs and shoreland zoning impacts minimized.

Traffic (45-406)

Per the applicant’s site plan approval, the project will be building out an 18’-wide access drive to Arc Road. The applicant is in the process of seeking a traffic movement permit from the Maine Department of Transportation. A copy of such a permit, or documentation from MaineDOT that it is not required, is one of the proposed project’s conditions of approval.

Wetlands

The site includes wetland areas of shoreland zoning, and the applicant’s site plan acknowledges wetland areas on the site. The proposed project was reviewed and approved in April 2022; the site plan approval is still current.

Water and sewer

The proposed development includes well water and a septic system, which were considered during the site plan review in April 2022.

* * *

Respectfully submitted,

LETTER OF TRANSMITTAL

TO: Town of Eliot 1333 State Road Eliot, ME 03903

FROM: Green Truck Farms III, LLC; 19 Buffum Road Unit 6 North Berwick, ME 03906

DATE: 04/03/2023	
ATTENTION: Planning Department	
RE: Shoreland Zoning Permit Application	
16 Arc Road Eliot, ME	

WE ARE SENDING YOU:

COPIES	DATE	REVISION	DESCRIPTION
8	04/03/23		Cover Letter & Application
8	04/03/23		Warranty Deed
8	04/03/23		Site Plans
8	04/03/23		Drainage Analysis
8	04/03/23		Prior Notice of Decision PB21-29 - Map 45 Lot 17
8	04/03/23		Prior Shoreland Zoning Permit Application
1	04/03/23		Digital Copy on Flash Drive
1	04/03/23		Fee Check - \$

**THESE DOCUMENTS ARE TRANSMITTED FOR:
Planning Board Review and Approval.**

REMARKS:

Please schedule us for the next available Planning Board Meeting.



19 Buffum Road Unit 6
North Berwick, ME 03906

3 April 2023

Planning Board - Town of Eliot
1333 State Road
Eliot, ME 03903

RE: Request for Shoreland Zoning Permit Approval at 16 Arc Road, Tax Map 45 / Lot 17

Dear Chair Braun and Members of the Planning Board;

On behalf of JD Investments, LLC (Owner) and Green Truck Farms III, LLC (Applicant) we hereby submit the attached and enclosed Shoreland Zoning Permit Application for review at your next available Planning Board meeting. The site is previously developed with a 3,762 square foot building on the premises. Most recently the site was approved as Marijuana Establishment - Adult Use Marijuana Retail Store & Medical Marijuana Caregiver Retail Store. The start of construction for this project has been delayed while in the process of obtaining a Traffic Movement Permit from Maine DOT. We are seeking a Shoreland Zoning Permit for the same Marijuana Establishment use as approved in Notice of Decision PB21-29 - Amended Site Plan/ Site Plan Review/ Shoreland Zoning Application/ Change of Use.

The following Application forms and exhibits are included with the submission:

- Application for Approval; Shoreland Zoning Permit Application
- Warranty Deed
- Site Plans
- Drainage Analysis
- Notice of Decision PB 21-29 Map 45 Lot 17
- Prior Shoreland Zoning Permit Application

We look forward to the Planning Board's review of this submission. If there are any questions or comments please feel free to reach out to me.

Sincerely,

Joshua Seymour
Green Truck Farms III, LLC

FOR OFFICE USE ONLY:

PERMIT NO.: _____

ISSUE DATE: _____

FEE AMOUNT: _____

**TOWN OF _____ ELIOT _____
SHORELAND ZONING PERMIT APPLICATION**

GENERAL INFORMATION

1. APPLICANT Green Truck Farms, III, LLC	2. APPLICANT'S ADDRESS 19 Buffam Rd, Unit 6 North Berwick, ME 03906	3. APPLICANT'S TEL. # 207-432-6000
4. PROPERTY OWNER JD Investments, LLC	5. OWNER'S ADDRESS 19 Buffam Rd, Unit 6 North Berwick, ME 03906	6. OWNER'S TEL. # 207-432-6000
7. CONTRACTOR Patco Construction, LLC	8. CONTRACTOR'S ADDRESS 1293 Main St Sanford, Maine 04073	9. CONTRACTOR'S TEL. # 207-324-5574
10. LOCATION/ADDRESS OF PROPERTY 16 Arc Road Eliot, Maine	11. TAX MAP/PAGE & LOT # AND DATE LOT WAS CREATED Map 45 Lot 17	12. ZONING DISTRICT Limited Commercial
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, (E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS - PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3). The site is previously developed with a 3,762 square foot building on the premises. Most recently the site was approved as Marijuana Cultivation under Case 20-22. This project consists of the addition of a 6,000 SF free standing building at the site with the associated site improvements. The existing building will remain. Construction includes: -Full build out of the Access Road -Parking Area -Building and Associated Utilities -Detention Pond and Site Grading -Lighting		

14. PROPOSED USE OF PROJECT Medicinal & Adult use Marijuana Retail	15. ESTIMATED COST OF CONSTRUCTION 4M
---	--

SHORELAND AND PROPERTY INFORMATION

16. LOT AREA (SQ. FT.) 367,135 S.F.	17. FRONTAGE ON ROAD (FT.) 493'
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES 45,666 S.F.	19. ELEVATION ABOVE 100 YR. FLOOD 9.5' +/-
20. FRONTAGE ON WATERBODY (FT.) 1,188	21. HEIGHT OF PROPOSED STRUCTURE < 35'
22. EXISTING USE OF PROPERTY Commercial marijuana cultivation (Previous Approval)	23. PROPOSED USE OF PROPERTY Medicinal & Adult Use Marijuana Retail

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback.

24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: N/A _____ SQ. FT.	25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: N/A _____ CUBIC FT.
B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT: _____ SQ. FT.	B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT: _____ CUBIC FT.
C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: _____ SQ. FT.	C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: _____ CUBIC FT.
D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:	D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:

$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$ <hr style="width: 80%; margin: 0 auto;"/> %	$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$ <hr style="width: 80%; margin: 0 auto;"/> %
---	---

NOTE: IT IS IMPERATIVE THAT EACH MUNICIPALITY DEFINE WHAT CONSTITUTES A STRUCTURE, FLOOR AREA, AND VOLUME AND APPLY THOSE DEFINITIONS UNIFORMLY WHEN CALCULATING EXISTING AND PROPOSED SO. FT. AND CU. FT.

SITE PLAN

PLEASE INCLUDE: LOT LINES; AREA TO BE CLEARED OF TREES AND OTHER VEGETATION; THE EXACT POSITION OF PROPOSED STRUCTURES, INCLUDING DECKS, PORCHES, AND OUT BUILDINGS WITH ACCURATE SETBACK DISTANCES FROM THE SHORELINE, SIDE AND REAR PROPERTY LINES; THE LOCATION OF PROPOSED WELLS, SEPTIC SYSTEMS, AND DRIVEWAYS; AND AREAS AND AMOUNTS TO BE FILLED OR GRADED. IF THE PROPOSAL IS FOR THE EXPANSION OF AN EXISTING STRUCTURE, PLEASE DISTINGUISH BETWEEN THE EXISTING STRUCTURE AND THE PROPOSED EXPANSION.

NOTE: FOR ALL PROJECTS INVOLVING FILLING, GRADING, OR OTHER SOIL DISTURBANCE YOU MUST PROVIDE A SOIL EROSION CONTROL PLAN DESCRIBING THE MEASURES TO BE TAKEN TO STABILIZE DISTURBED AREAS BEFORE, DURING AND AFTER CONSTRUCTION (See attached guidelines)

See Plan on File

SCALE: _____ = _____ FT.

FRONT OR REAR ELEVATION

SIDE ELEVATION

DRAW A SIMPLE SKETCH SHOWING BOTH THE EXISTING
AND PROPOSED STRUCTURES WITH DIMENSIONS

ADDITIONAL PERMITS, APPROVALS, AND/OR REVIEWS REQUIRED

CHECK IF REQUIRED:

- PLANNING BOARD REVIEW APPROVAL
(e.g. Subdivision, Site Plan Review)
- BOARD OF APPEALS REVIEW APPROVAL
- FLOOD HAZARD DEVELOPMENT PERMIT
- EXTERIOR PLUMBING PERMIT
(Approved HHE 200 Application Form)
- INTERIOR PLUMBING PERMIT
- DEP PERMIT (Site Location,
Natural Resources Protection Act)
- ARMY CORPS OF ENGINEERS PERMIT
(e.g. Sec. 404 of Clean Waters Act)

OTHERS:

NOTE: APPLICANT IS ADVISED TO CONSULT WITH THE CODE ENFORCEMENT OFFICER AND APPROPRIATE STATE AND FEDERAL AGENCIES TO DETERMINE WHETHER ADDITIONAL PERMITS, APPROVALS, AND REVIEWS ARE REQUIRED

I CERTIFY THAT ALL INFORMATION GIVEN IN THIS APPLICATION IS ACCURATE. ALL PROPOSED USES SHALL BE IN CONFORMANCE WITH THIS APPLICATION AND THE TOWN OF ELIOT SHORELAND ZONING ORDINANCE. I AGREE TO FUTURE INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AT REASONABLE HOURS.

APPLICANT'S SIGNATURE <i>John Chagnon</i>	DATE 15 November 2021
AGENT'S SIGNATURE (if applicable)	DATE

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: PB20-22- AMENDED SITE	MAP/LOT: 45/17	DATE OF DECISION: MAY 18,
PLAN/SITE PLAN REVIEW/SHORELAND ZONE		2021
APPLICATION/CHANGE OF USE		

06/03/21, 2021

JD Investments, LLC
ATTN: Joshua Seymour
19 Buffam Road, Unit 6
North Berwick, Maine 04073

Ambit Engineering, Inc.
c/o John Chagnon
200 Griffin Road, Unit 3
Portsmouth, NH 03801

Green Truck Farms III, LLC
Attn: Joshua Seymour
19 Buffam Road, Unit 6
North Berwick, Maine 04073

To: Mr. Seymour
Mr. Chagnon

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan/Shoreland Applications/Change of Use to construct a 14,887 square-foot, 2-story building, reconstruction of existing structure (3,762 square feet), and Change of Use to Marijuana Establishment – Cultivation, with associated site improvements.**

I. APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED FOR THE RECORD:

Submitted for October 20, 2020:

1. Site Plan Review Application, received October 5, 2020.
 - Cover Letter from John Chagnon, PE (Ambit Engineering, Inc.).
 - Warranty Deed: Book 18185, Page 576, registered at the York County Registry of Deeds, dated March 3, 2020.
 - Resolution from Green Truck Farms, LLC authorizing Joshua Seymour as representative for this application.
 - Resolution from JD Investments, LLC authorizing Joshua Seymour as representative for this application.
 - GIS Zoning Map.
 - GIS Site Location Map.
 - Eliot GIS 500-foot setback Map.
 - Affidavit from Joshua Seymour regarding lease agreement between JD Investments, LLC and Green Truck Farms, LLC.
 - Existing Conditions Plan
 - Sheet C2 - Proposed Site Plan.
 - Sheet A-101 – Proposed Ground Floor Plan
 - Sheet A-102 – Proposed Second Floor Plan

PROPOSED SITE EXPANSION

16 ARC ROAD ELIOT, MAINE PERMIT DRAWINGS

OWNER & APPLICANT:

JD INVESTMENTS, LLC
19 BUFFUM ROAD UNIT 6
NORTH BERWICK, ME 03906
TEL: (207) 432-6000

PROPOSED TENANTS:

GREEN TRUCK FARM II, LLC AND
GREEN TRUCK FARM III, LLC

LAND SURVEYOR & CIVIL ENGINEER:

AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801-7114
TEL: (603) 430-9282
FAX: (603) 436-2315

SEPTIC DESIGN:

MICHAEL CUOMO
6 YORK POND ROAD
YORK, MAINE 03909
TEL: (207) 363-4532

BUILDING DESIGN/GENERAL CONTRACTOR:

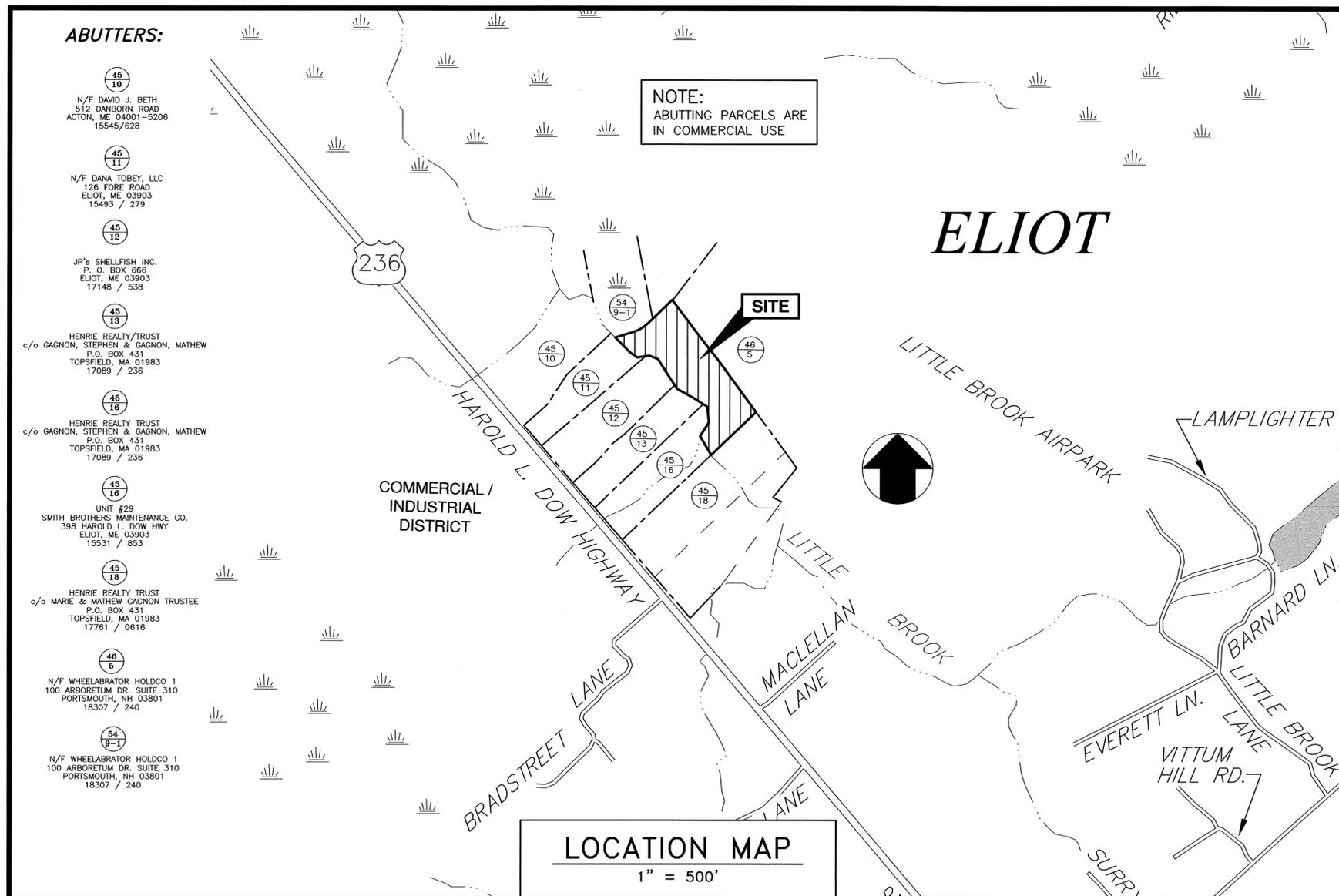
PATCO CONSTRUCTION, INC.
1293 MAIN STREET
SANFORD, MAINE 04073
TEL: (207) 324-5574

INDEX OF SHEETS

- C1 - EXISTING CONDITIONS
- C2 - SITE PLAN
- C3 - UTILITY & OPERATIONS PLAN
- C4 - GRADING, DRAINAGE, AND EROSION CONTROL PLAN
- C5 - SEPTIC LOCATION PLAN
- L1 - LIGHTING PLAN
- D1 - D5 - DETAILS

APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____



LEGEND:

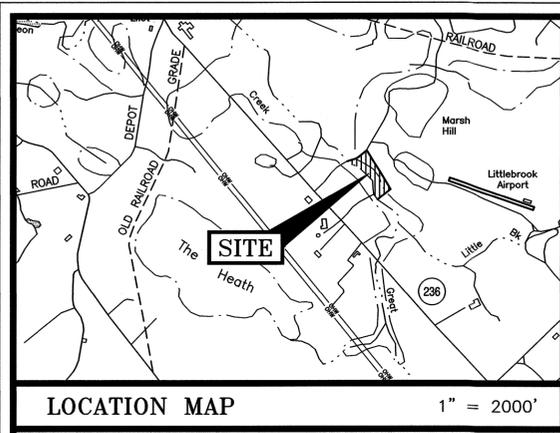
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
YCRD	YORK COUNTY REGISTRY OF DEEDS
(11/21)	MAP 11/LOT 21
RR SPK FND	RAILROAD SPIKE FOUND / SET
IR FND	IRON ROD FOUND / SET
IP FND	IRON PIPE FOUND / SET
DH FND	DRILL HOLE FOUND
BND w/DH	BOUND WITH DRILL HOLE
ST BND w/DH	STONE BOUND WITH DRILL HOLE
RR SPK SET	
IR SET	
IP SET	
DH SET	
BND w/DH	
ST BND w/DH	
FM	FORCE MAIN
S	SEWER LINE
G	GAS LINE
D	STORM DRAIN
W	WATER LINE
UGC	UNDERGROUND ELECTRIC OVERHEAD ELECTRIC/WIRES
	UNDERGROUND COMMUNICATION
	EDGE OF WATER BODY
	EDGE OF WETLAND
	EDGE OF RESOURCE PROTECTION AREA
	AREA OF WETLAND DISTURBANCE
	EDGE OF DITCH/SWALE
100	CONTOUR
97x3	SPOT ELEVATION
	EDGE OF PAVEMENT (EP)
	WOODS / TREE LINE
	UTILITY POLE
	WATER SHUT OFF/CURB STOP
	GAS SHUT OFF
	GATE VALVE
	HYDRANT
	CATCH BASIN
	TELEPHONE MANHOLE
	SEWER MANHOLE
	DRAIN MANHOLE
	WELL
AC	ASBESTOS CEMENT PIPE
CI	CAST IRON PIPE
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
COP	COPPER PIPE
DI	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
VC	VITRIFIED CLAY PIPE
EL	ELEVATION
EP	EDGE OF PAVEMENT
FF	FINISHED FLOOR
INV	INVERT
TBM	TEMPORARY BENCH MARK
TYP	TYPICAL
℄	CENTERLINE
TBD	TO BE DETERMINED

AMENDED SITE PLAN
TAX MAP 45 - LOT 17
16 ARC ROAD
ELIOT, MAINE

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

PLAN SET SUBMITTAL DATE: 1 FEBRUARY 2022

BK 397 PG 23 1576.03 MAP 45 LOT 17

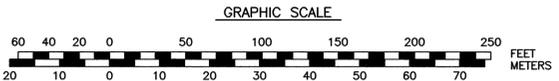
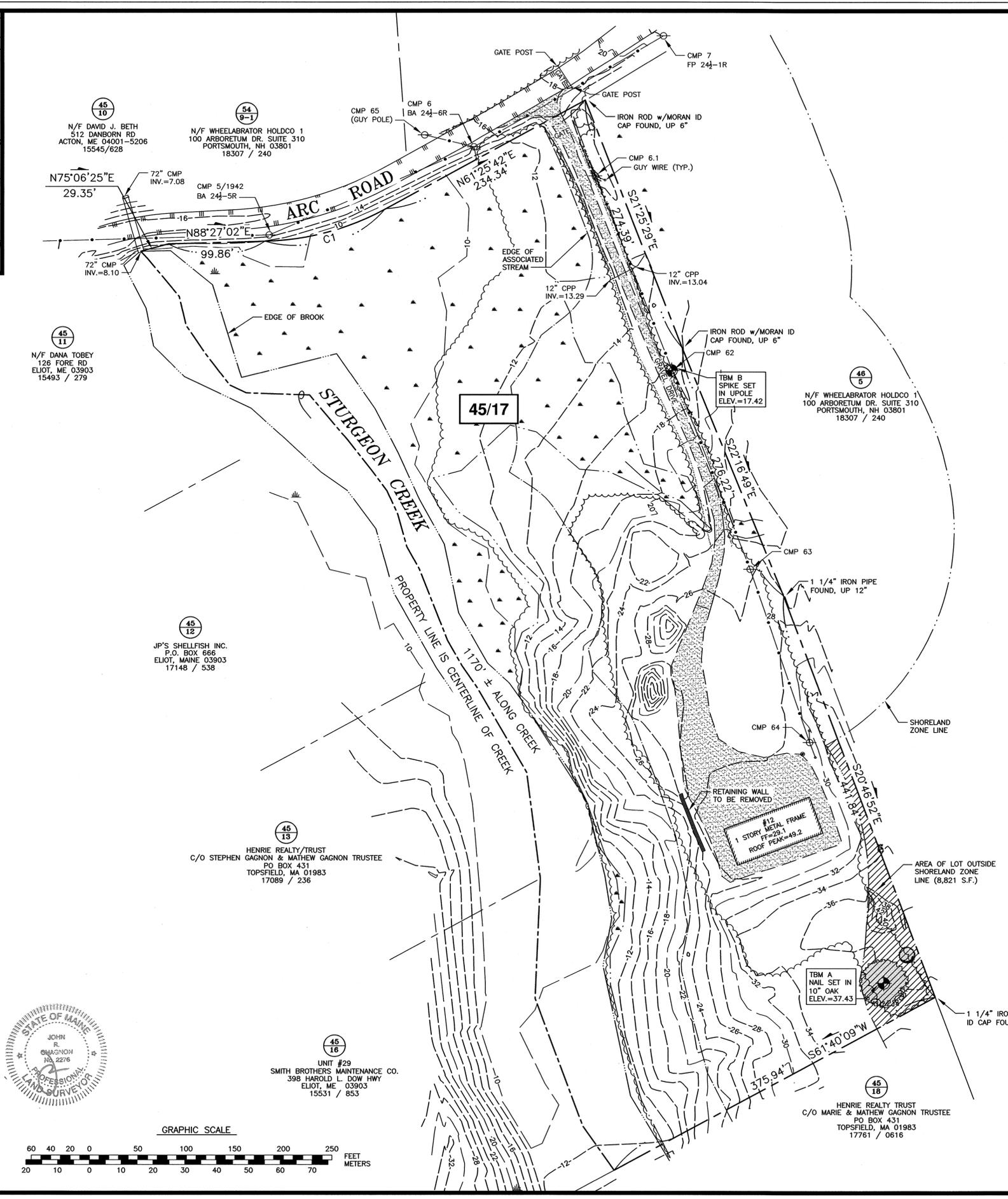


- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - YCRD YORK COUNTY
 - RR SPK RAILROAD SPIKE
 - IR FND IRON ROD FOUND
 - IP FND IRON PIPE FOUND
 - IR SET IRON ROD SET
 - DH FND DRILL HOLE FOUND
 - DH SET DRILL HOLE SET
 - OHU OVERHEAD UTILITY WIRES
 - 100 CONTOUR
 - EDGE OF PAVEMENT (EP)
 - WOODS / TREE LINE
 - UTILITY POLE
 - WATER SHUT OFF/CURB STOP
 - GAS SHUT OFF
 - GATE VALVE
 - HYDRANT
 - CATCH BASIN
 - TELEPHONE MANHOLE
 - SEWER MANHOLE
 - DRAIN MANHOLE
 - WELL
 - EDGE OF WETLAND FLAGGING
 - SWAMP / MARSH
 - AC ASBESTOS CEMENT PIPE
 - CI CAST IRON PIPE
 - CMP CORRUGATED METAL PIPE
 - COP COPPER PIPE
 - DI DUCTILE IRON PIPE
 - PVC POLYVINYL CHLORIDE PIPE
 - RCP REINFORCED CONCRETE PIPE
 - VC VITRIFIED CLAY PIPE
 - EL ELEVATION
 - EP EDGE OF PAVEMENT
 - FF FINISHED FLOOR
 - INV INVERT
 - TBM TEMPORARY BENCH MARK
 - TYP TYPICAL
 - CL CENTERLINE

- PLAN REFERENCES:**
- DIVISION OF LAND FOR PROPERTY OFF DOW HIGHWAY (a.k.a. ROUTE 236) YORK COUNTY, ELIOT, MAINE, OWNED BY JOHN R. LANG, BY EASTERLY SURVEYING, INC. DATED 3/6/00. YCRD PLAN BOOK 256 PAGE 5.
 - STANDARD BOUNDARY SURVEY PREPARED FOR LORA M. DOW, ELIOT, MAINE. BY THOMAS F. MORAN, INC. DATED MAY 17, 1990. YCRD PLAN BOOK 194 PAGE 28.

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

JOHN R. CHAGNON, PLS #2276
DATE 1.4.22



YCRD PAGE 28
MAGNETIC PLAN BOOK 194

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

- NOTES:**
- PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 45 AS LOT 17.
 - OWNERS OF RECORD:
JD INVESTMENTS, LLC
19 BUFFUM ROAD, UNIT 6
NORTH BERWICK, ME 03906
18185/576
 - PARCEL IS IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 2301490010B. JUNE 5 1989.
 - EXISTING LOT AREA:
367,135± S.F.
8.43± ACRES
 - PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL DISTRICT, RESOURCE PROTECTION AND SHORELAND LIMITED COMMERCIAL DISTRICTS.
 - DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 3 ACRES
FRONTAGE: 300 FT
SETBACKS: FRONT 30 FEET
SIDE 20 FEET
REAR 20 FEET

MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM STRUCTURE COVERAGE: 50%
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE PARCEL.
 - BOUNDARY INFORMATION IS AS SHOWN ON A PLAN ENTITLED, "DIVISION OF LAND FOR PROPERTY OFF DOW HIGHWAY (a.k.a. ROUTE 236) YORK COUNTY, ELIOT, MAINE, OWNED BY JOHN R. LANG," BY EASTERLY SURVEYING, INC. DATED 3/6/00 AND RECORDED AT YCRD PLAN BOOK 256 PAGE 5. THE BROOK WAS LOCATED DURING THE WINTER OF 2006/2007 BY AMBIT ENGINEERING. THE BOUNDARY WAS ADJUSTED TO REFLECT THE UPDATED INFORMATION.
 - VERTICAL DATUM NAVD 88. BASIS OF VERTICAL DATUM IS NGS BENCHMARK PID OC1230-D 602 MEDT.

**SITE DEVELOPMENT
PROPOSED BUILDING
16 ARC ROAD
ELIOT, MAINE**

NO.	DESCRIPTION	DATE
2	ADD SHORELAND ZONE LINE	1/4/22
1	ISSUED FOR PRELIMINARY APPROVAL	3/10/21
0	ISSUED FOR SKETCH APPROVAL	9/30/20

OWNER & APPLICANT:
JD INVESTMENTS, LLC
19 BUFFUM RD UNIT 6
NORTH BERWICK, ME 03906

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

SCALE: 1"=60' SEPTEMBER 2020

EXISTING CONDITIONS PLAN

C1



AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

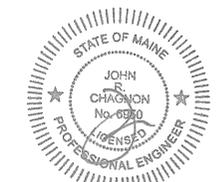
- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 45 AS LOT 17.
- 2) OWNER OF RECORD:
JD INVESTMENTS, LLC
19 BUFFUM ROAD, UNIT 6
NORTH BERWICK, ME 03906
18185/576

PROPOSED TENANTS:
GREEN TRUCK FARMS II, LLC
GREEN TRUCK FARMS III, LLC
- 3) PARCEL IS IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 2301490010B. EFFECTIVE DATE JUNE 5, 1989. PROPOSED IMPROVEMENTS ARE NOT IN FLOOD HAZARD AREA. ESTIMATED FLOOD ELEVATION 18.0. BUILDING LOWEST ELEVATION IS 27.50.
- 4) EXISTING LOT AREA:
367,135 S.F.±
8.43 ACRES±
- 5) PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL DISTRICT, RESOURCE PROTECTION (CREEK) AND LIMITED COMMERCIAL SHORELAND ZONES.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED DEVELOPMENT ON TAX MAP 45 LOT 17 IN THE TOWN OF ELIOT.
- 7) PROPOSED BUILDING COVERAGE:
STRUCTURES: 9,762 SF
9,762 SF / 367,135 SF = 2.7%
- 8) ARCHITECTURAL PLANS BY PATCO CONSTRUCTION INC. DATED 10/13/21.
- 9) PROPOSED USE: MEDICINAL & ADULT USE MARIJUANA RETAIL-2 SHOPS. NO CULTIVATION PROPOSED
PARKINGS:
RETAIL SALES:
1 SPACE PER 300 S.F. REQUIRED.
6,000 S.F./300 = 20 SPACES REQUIRED.
1 SPACE REQUIRED PER EMPLOYEE.
16 EMPLOYEES X 1 PER EMPLOYEE = 16 REQUIRED.
36 TOTAL SPACES REQUIRED.
41 SPACES (2 ADA) PROVIDED.
- 10) PROPOSED CLEARED AREA:
90,865 S.F.; 24.7% OF LOT
- 11) HOURS OF OPERATION:
EMPLOYEE HOURS: MONDAY THROUGH SATURDAY 7:00AM-8:00PM
SUNDAY 7:00AM-5:00PM
STORE HOURS: MONDAY THROUGH SATURDAY 8:00AM-7:00PM
SUNDAY 8:00AM-4:00PM
- 12) IF A BUSINESS SIGN ALONG ROUTE 236 IS DESIRED A GENERAL SIGN PERMIT WOULD BE REQUIRED.

**SITE DEVELOPMENT
PROPOSED BUILDING
16 ARC ROAD
ELIOT, MAINE**

NO.	DESCRIPTION	DATE
2	ADA SPACE, WALKWAY	2/1/22
1	LANDSCAPING, DETAILS	1/4/22
0	ISSUED FOR COMMENT	11/1/21

REVISIONS



SCALE: 1"=30'

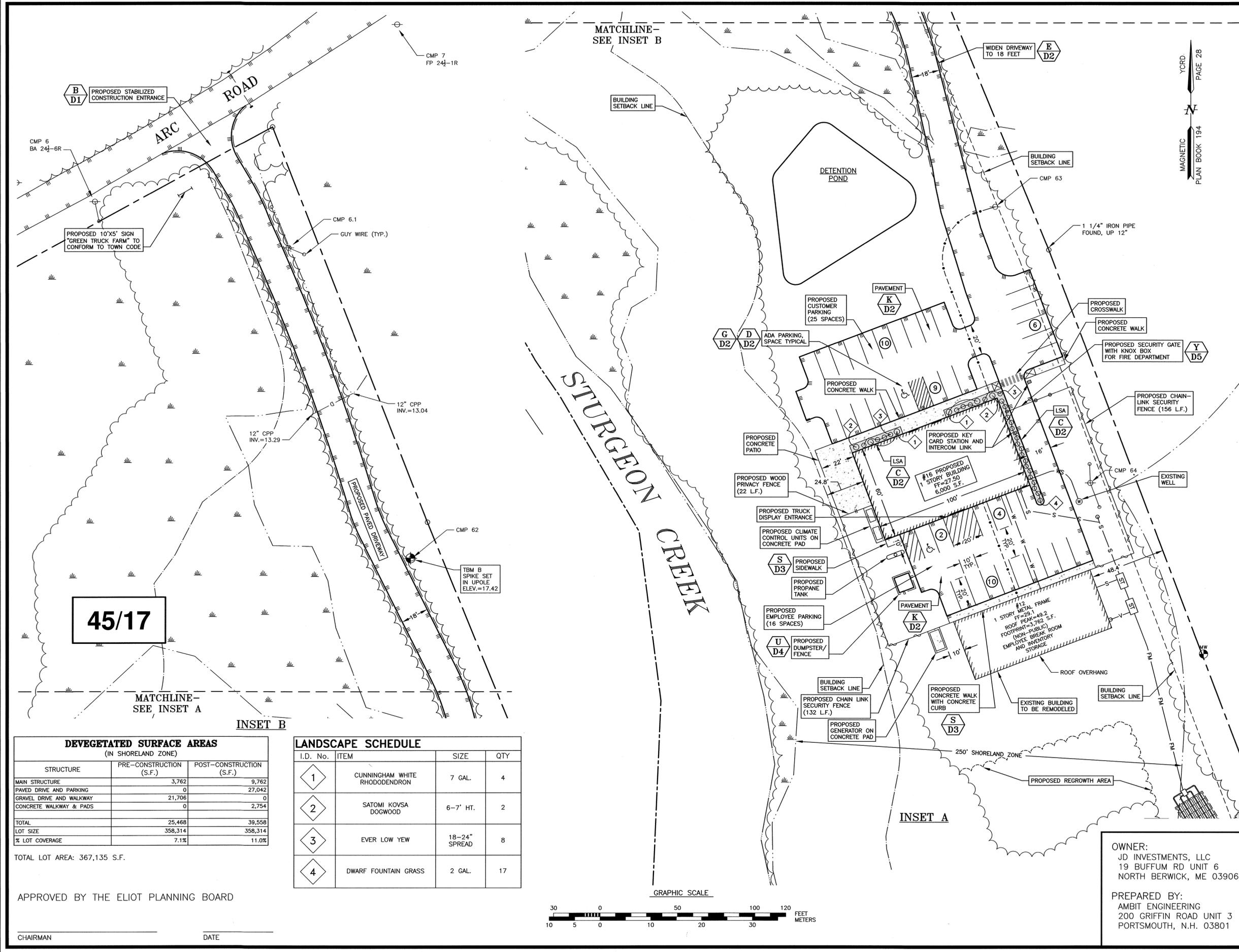
OCTOBER 2021

SITE PLAN

C2

OWNER:
JD INVESTMENTS, LLC
19 BUFFUM RD UNIT 6
NORTH BERWICK, ME 03906

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801



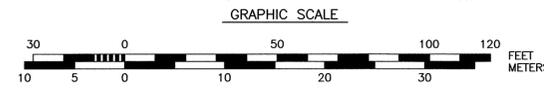
**DEVEGETATED SURFACE AREAS
(IN SHORELAND ZONE)**

STRUCTURE	PRE-CONSTRUCTION (S.F.)	POST-CONSTRUCTION (S.F.)
MAIN STRUCTURE	3,762	9,762
PAVED DRIVE AND PARKING	0	27,042
GRAVEL DRIVE AND WALKWAY	21,706	0
CONCRETE WALKWAY & PADS	0	2,754
TOTAL	25,468	39,558
LOT SIZE	358,314	358,314
% LOT COVERAGE	7.1%	11.0%

TOTAL LOT AREA: 367,135 S.F.

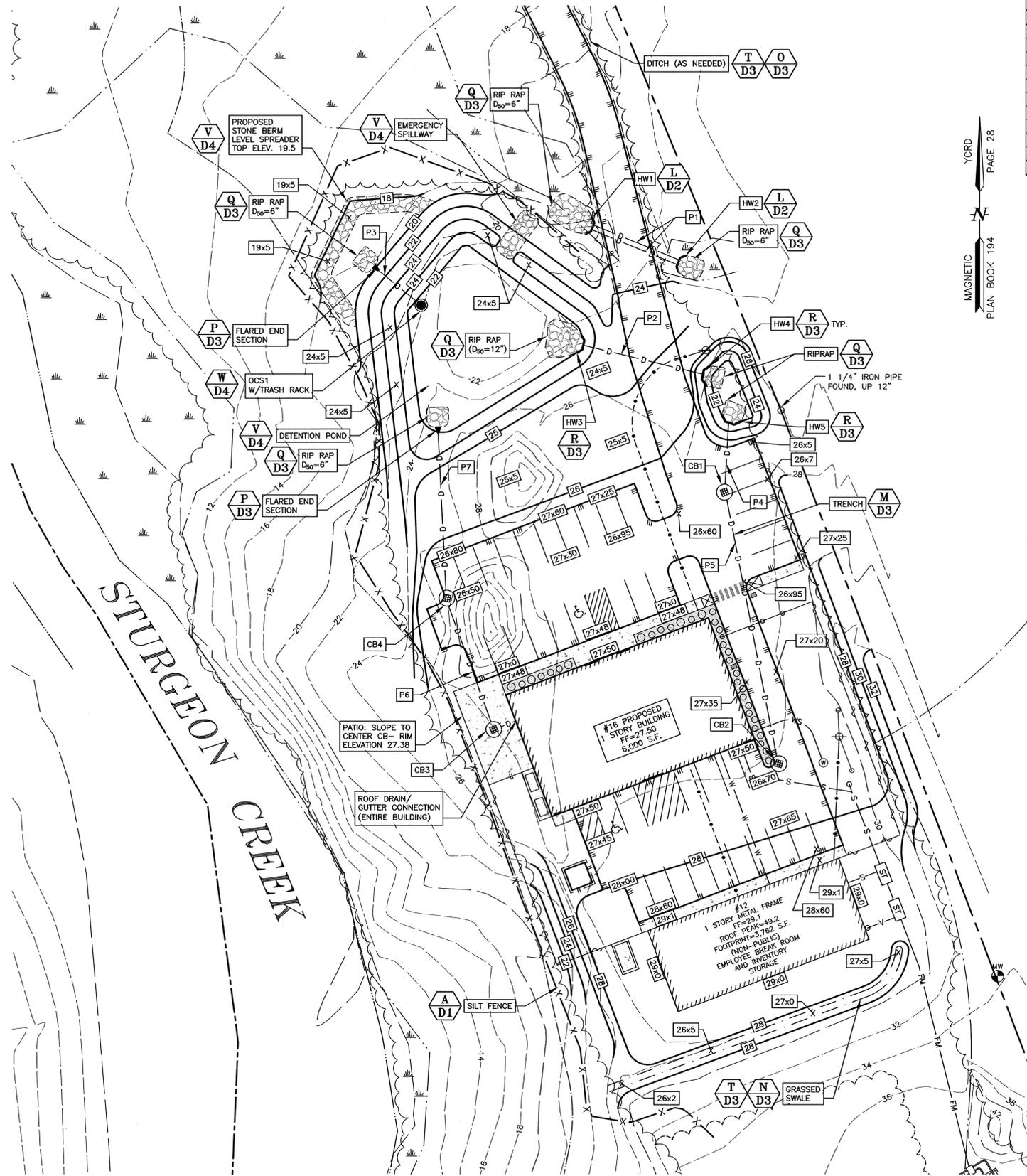
LANDSCAPE SCHEDULE

I.D. No.	ITEM	SIZE	QTY
1	CUNNINGHAM WHITE RHODODENDRON	7 GAL.	4
2	SATOMI KOVSA DOGWOOD	6-7' HT.	2
3	EVER LOW YEW	18-24" SPREAD	8
4	DWARF FOUNTAIN GRASS	2 GAL.	17



APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____



DRAINAGE STRUCTURE SCHEDULE

STRUCTURE	TYPE	PROP/EX	RIM	PIPE SIZE	INVERT	DIRECTION
HW 1	TWIN	PROP	23.0	12"	20.00	OUT
HW 2	TWIN	PROP	23.2	12"	20.22	IN
HW 3	SINGLE	PROP	23.9	12"	22.10	OUT
HW 4	SINGLE	PROP	24.3	12"	22.48	IN
HW 5	SINGLE	PROP	24.3	12"	22.50	OUT
CB 1	PROP	PROP	26.40	12"	22.75/22.65	IN/OUT
CB 2	PROP	PROP	26.40	12"	23.37	OUT
CB 3	PROP	PROP	27.38	12"	23.38	OUT
CB 4	PROP	PROP	26.4	12"	23.02/22.92	IN/OUT
OCS 1	PROP	PROP	24 +/-	12"	20.0	OUT

PIPE SCHEDULE

PIPE #	PIPE SIZE	LENGTH	SLOPE %
P1	TWIN 12"	44'	0.5
P2	12"	54'	0.7
P3	12"	24'	1.0
P4	12"	30'	0.5
P5	12"	124'	0.5
P6	12"	60'	0.6
P7	12"	70'	0.6

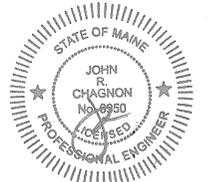
*ALL PIPE TO BE HDPE

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2316

- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE MAINE D.E.P. IN 2014.

**SITE DEVELOPMENT
PROPOSED BUILDING
16 ARC ROAD
ELIOT, MAINE**

NO.	DESCRIPTION	DATE
3	SIDEWALK, H/C PARKING	2/1/22
1	SEPTIC, GRADING, DETAILS	1/4/22
0	ISSUED FOR COMMENT	11/1/21



2.1.22

SCALE: 1" = 30' OCTOBER 2021

OWNER:
JD INVESTMENTS, LLC
19 BUFFUM RD UNIT 6
NORTH BERWICK, ME 03906

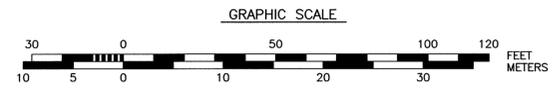
PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

**GRADING, DRAINAGE &
EROSION CONTROL PLAN**

C4

APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____



MAGNETIC PLAN BOOK 194
N
YCRD PAGE 28

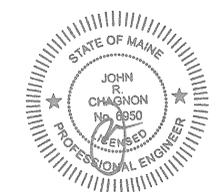


NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE MAINE D.E.P. IN 2014.
- 4) SEPTIC SYSTEM DESIGN BY MICHAEL CUOMO
-(SE211)- SEE HHE 200 IN APPLICATION PACKAGE

SITE DEVELOPMENT
PROPOSED BUILDING
16 ARC ROAD
ELIOT, MAINE

NO.	DESCRIPTION	DATE
2	NOTES, ALARMS	2/1/22
1	REVISED SEPTIC TANK LOCATIONS	1/4/22
0	ISSUED FOR COMMENT	11/1/21



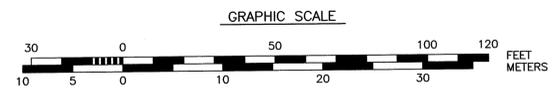
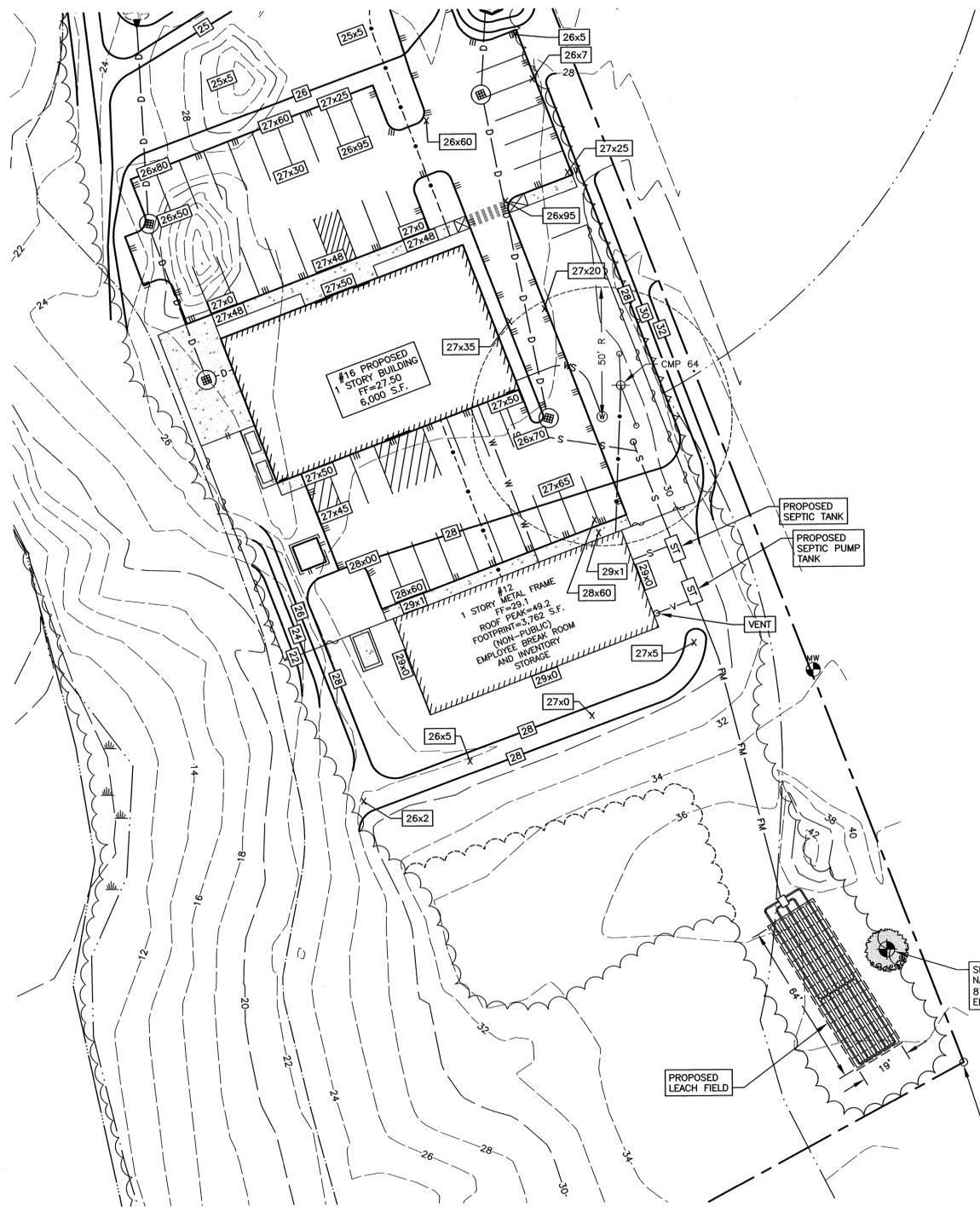
2.1.22

SCALE: 1"=30' OCTOBER 2021

SEPTIC LOCATION
PLAN

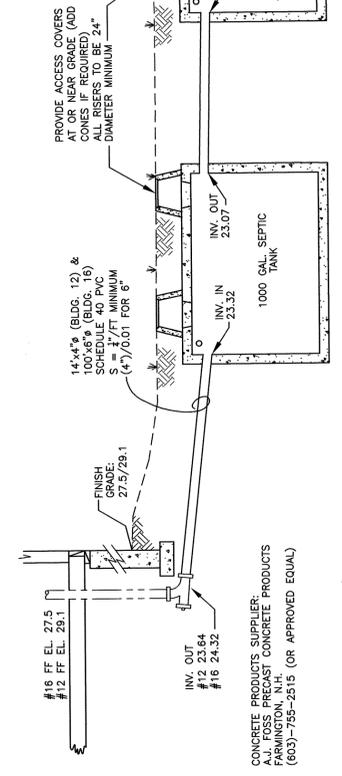
C5

YCRD
PAGE 28
MAGNETIC
PLAN BOOK 194



COLLECTION SYSTEM PROFILE

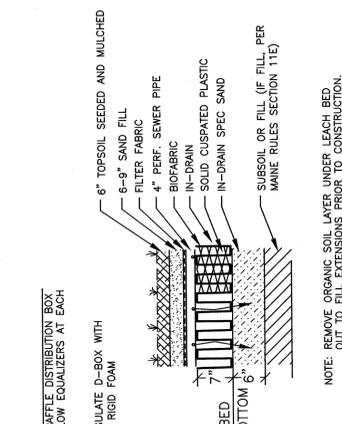
NTS



- DESIGN NOTES:**
- 1) THIS SYSTEM IS NOT DESIGNED FOR THE USE OF A GARBAGE DISPOSAL.
 - 2) THIS SYSTEM IS NOT DESIGNED FOR BACKWASH FROM A WATER SOFTENER.
 - 3) THE ORGANIC LOAM LAYER MUST BE REMOVED FROM THE TRENCH OR BED AND SLOPE EXTENSION AREAS PRIOR TO THE FILL PLACEMENT. A BUCKET WITH TEETH IS BEST USED FOR THIS CONSTRUCTION STEP AS BUCKETS WITHOUT TEETH CAN COMPACT AND SMEAR THE UNDERLYING SOIL.
 - 4) SCARIFY SUBSOIL PRIOR TO FILL PLACEMENT.
 - 5) BACKFILL MATERIAL SHALL MEET SECTION 11(E) TABLE 11A OF THE MAINE RULES. ALL BACKFILL MATERIAL SHALL BE CLEAN BANK RUN SAND, FREE OF TOPSOIL OR HUMUS AND DREDGING DIRECTLY BENEATH THE EDA.
 - 6) THE 6" UNDERNEATH AND 9" SURROUNDING THE GSF MODULES SHALL BE INSTALLED USING A MEDIUM TO COARSE WASHED SAND WITH AN EFFECTIVE SIZE OF 0.25 TO 2.0 MM, NO GREATER THAN 10% PASSING A #100 SIEVE AND NO GREATER THAN 5% PASSING A #200 SIEVE, AND NO PARTICLES LARGER THAN .375", OR MATERIALS MEETING THE ASTM C33 SPECIFICATION WITH LESS THAN 10% PASSING A #100 SIEVE AND LESS THAN 5% PASSING A #200 SIEVE. WASHED CONCRETE SAND BANK RUN SAND MUST BE VERIFIED.
 - 7) FILL (COVER MATERIAL) AND BACKFILL MATERIAL (FILL ADDED BELOW AND AROUND THE GSF SPECIFIED SAND ENVELOPE) SHALL BE BANK RUN SAND WITH LESS THAN 4 TO 8% PASSING A #200 SIEVE AND CLAY LESS THAN 2% AND NO STONES LARGER THAN 3" IN ANY DIMENSION TO A MINIMUM DEPTH OF 12" OVER THE GSF MODULES WITH THE LAST 4" TO 6" OF COVER BEING CLEAN LOAM.
 - 8) THIS DESIGN COMPLIES WITH AND MUST BE INSTALLED IN ACCORDANCE WITH THE ULJIAN DESIGN AND INSTALLATION MANUAL.

LEACH FIELD PROFILE

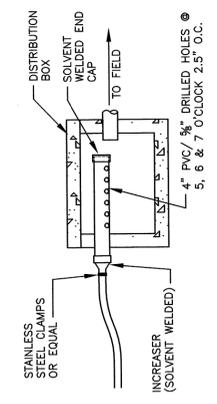
NTS



- NOTES:**
- 1) PUMP TO BE SIZED BY DESIGNER, STATIC HEAD: 19'.
 - 2) PUMP TANK WILL BE WIRED TO PRESENT A HORN & LIGHT ALARM TO BE LOCKED INSIDE THE #12 BUILDING IN A PROMINENT SPACE.
 - 3) PUMP STATION ELECTRICAL DISCONNECT SHALL BE LOCATED ON THE EXTERIOR WALL OF #12 WITHIN 50' OF THE PUMP TANK AND BE PROPERLY LABELLED.

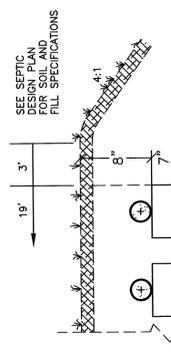
DISTRIBUTION BOX DETAIL

NTS



LEACH FIELD SECTION

NTS



APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____

OWNER
JD INVESTMENTS, LLC
19 BUFFUM RD UNIT 6
NORTH BERWICK, ME 03906

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE MAINE D.E.P. IN 2014.
- 4) POLE MOUNTED LIGHTS SHALL HAVE A MAXIMUM FIXTURE OF HEIGHT OF 20 FEET.
- 5) ALL LIGHTING SHALL BE SHIELDED TO MINIMIZE LIGHT TRESPASS AND DIRECT GLARE BEYOND THE PROPERTY.
- 6) ALL LIGHTS SHALL BE DARK SKY COMPLIANT AND DIRECTED DOWNWARD.
- 7) LIGHTING PLAN DESIGN BY CHARRON, INC. 603-945-3500.
- 8) LIGHTS SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.

**SITE DEVELOPMENT
PROPOSED BUILDING
16 ARC ROAD
ELIOT, MAINE**

NO.	DESCRIPTION	DATE
3	REVISED LIGHTING LAYOUT	2/1/22
2	REVISE LIGHTING FOR NEW SITE LAYOUT	1/4/22
1	REVISE LIGHTING LAYOUT	5/3/21
0	ISSUED FOR COMMENT	3/10/21

REVISIONS	

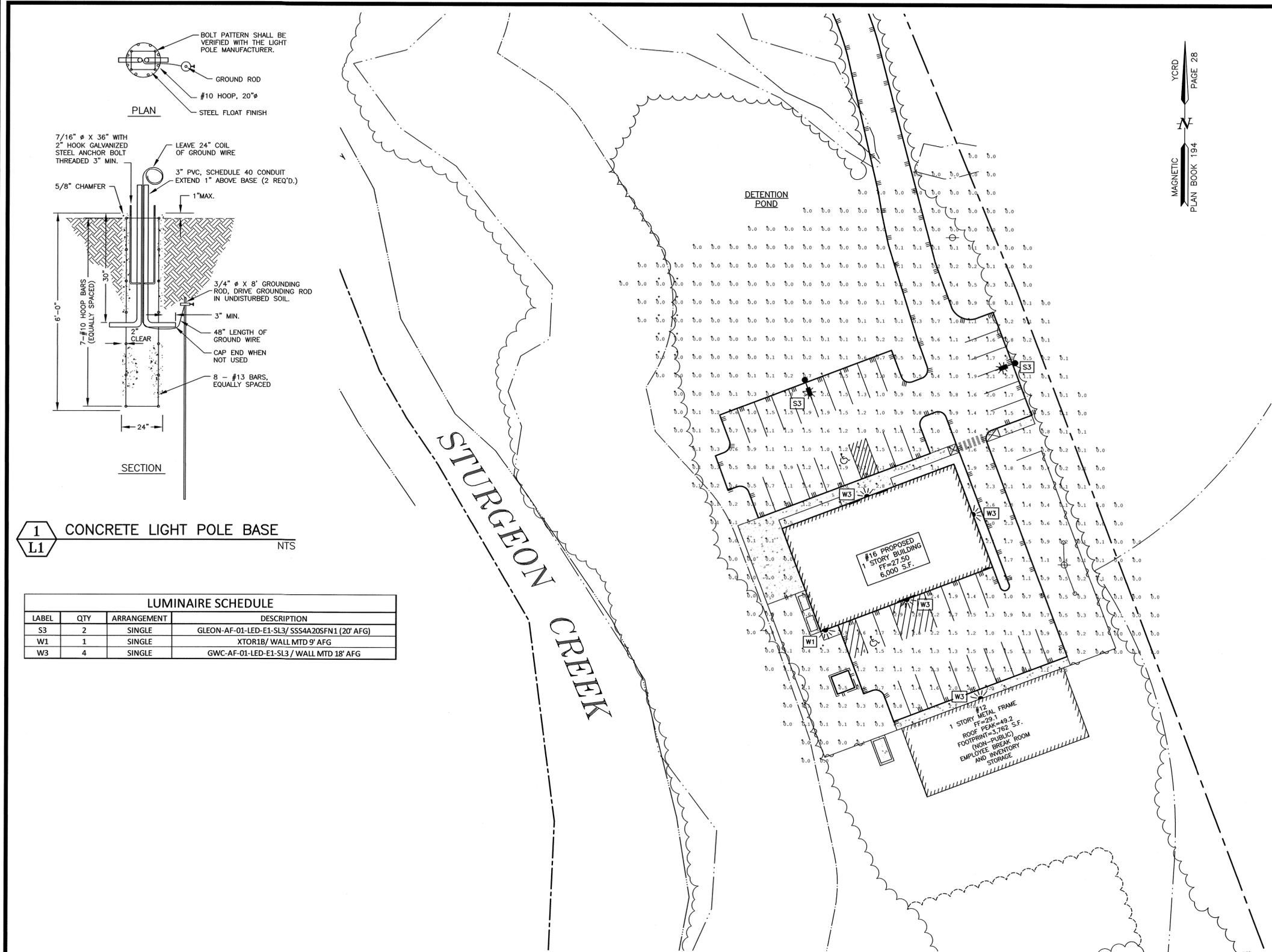
SCALE: 1"=30' FEBRUARY 2021

LIGHTING PLAN

L1

OWNER:
JD INVESTMENTS, LLC
19 BUFFUM RD UNIT 6
NORTH BERWICK, ME 03906

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

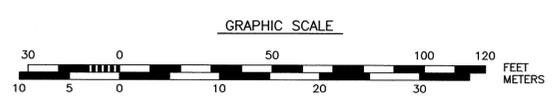


1 CONCRETE LIGHT POLE BASE
L1 NTS

LUMINAIRE SCHEDULE			
LABEL	QTY	ARRANGEMENT	DESCRIPTION
S3	2	SINGLE	GLEON-AF-01-LED-E1-SL3/SSSA20SFN1 (20' AFG)
W1	1	SINGLE	XTOR1B/ WALL MTD 9' AFG
W3	4	SINGLE	GWC-AF-01-LED-E1-SL3 / WALL MTD 18' AFG

APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____



YCRD PAGE 28
MAGNETIC PLAN BOOK 194

EROSION CONTROL NOTES

CONSTRUCTION SEQUENCE

Do not begin construction until all local, state and federal permits have been applied for and received.

The contractor shall be responsible for carrying out the Maine Construction General Permit (M.C.G.P.) Erosion and Sedimentation Control plan, and inspecting and maintaining all BMP's called for by the plan. The contractor shall submit a notice of termination (N.O.T.) form to the Portland DEP office within 30 days of final stabilization of the entire site or turning over control of the site to another operator.

Install silt soxx, construction entrance, and temporary swale stabilization necessary to control erosion and prevent sediment contamination of wetlands prior to any earth moving activities.

Install orange limit of construction fencing at limits of construction. No disturbance shall occur beyond orange fencing or silt soxx.

Construct stabilized construction entrance.

Cut and grub all trees, shrubs, saplings, brush, vines and other debris and rubbish as required.

Strip and stockpile loam from site. Stockpiles shall be surrounded with silt fence to control sediment run off.

Construct detention basin and level spreader

All permanent ditches, swales, detention and sedimentation basins shall be stabilized prior to directing runoff to them.

Construct building foundations.

Construct underground utilities. Install and maintain erosion control devices as shown on the plans.

Construct access road base and rough grade site. Install and maintain erosion control devices as shown on the plan. Stabilize swales.

Loam and seed disturbed areas not requiring additional grading in accordance with vegetative practice and General Construction Notes. Cut and fill slopes shall be seeded immediately after their construction.

Complete major site grading as shown on plans.

Construct binder course asphalt, buildings, walks and curbing.

Loam and seed remaining disturbed areas in accordance with vegetative practice and general construction notes. No disturbed area shall be left unstabilized for more than 72 hours.

Plant landscaping.

Construct asphalt wearing course.

Remove trapped sediments from collection devices as appropriate, and then remove temporary erosion control measures.

GENERAL CONSTRUCTION NOTES

The erosion control procedures shall conform to Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

During construction and thereafter, erosion control measures are to be implemented as noted. The smallest practical area of land should be exposed at any one time during development.

Any disturbed areas which are to be left temporarily, and which will be regraded later during construction shall be machine hay mulched and seeded with rye grass to prevent erosion.

Dust control: If temporary stabilization practices, such as temporary vegetation and mulching, do not adequately reduce dust generation, application of water or calcium chloride shall be applied in accordance with Best Management Practices.

Silt fences shall be periodically inspected during the life of the project and after each storm. All damaged silt fences shall be repaired. Sediment deposits shall periodically be removed and disposed in a secured location.

Avoid the use of future open spaces (loam and seed areas) wherever possible during construction. Construction traffic shall use the roadbeds future access drives and parking areas.

Topsoil required for the establishment of vegetation shall be stockpiled in amounts necessary to complete finished grading of all exposed areas. Construct silt fence around topsoil stockpile.

Areas to be filled shall be cleared, grubbed and stripped of topsoil to remove trees, vegetation, roots or other objectionable material. Stumps shall be disposed by grinding or fill in an approved facility.

This project is designed to prevent sediment resulting from soil erosion from entering adjacent properties. No erosion or siltation shall be allowed on to abutting properties. Contractor is responsible for constructing the project as designed, including additional erosion and siltation controls, if required, to insure compliance. Project engineer reserves the right to make inspections and require compliance with design drawings and BMP practices.

GENERAL CONSTRUCTION NOTES

All fills shall be placed and compacted to reduce erosion, slippage, settlement, subsidence or other related problems.

All fill shall be placed and compacted in layers not exceeding 8 inches in thickness unless otherwise noted.

Frozen material or soft, mucky or highly compressible material shall not be incorporated into fills.

Fill material shall not be placed on frozen foundation subgrade.

Disturbed areas shall be seeded within 72 hours following finished grading.

At no time shall any disturbed area remain unstabilized for longer than 72 hours. All areas where construction is not complete within thirty days of the initial disturbance shall be machine hay mulched and seeded with rye grass to prevent erosion.

VEGETATIVE PRACTICE

For permanent measures and plantings:

Limestone shall be thoroughly incorporated into the loam layer at a rate of 3 tons per acre.

Fertilizer shall be spread on the top layer of loam and worked into the surface. Fertilizer application rate shall be 600 pounds per acre of 10-10-10 fertilizer.

Seed shall be sown at the rates shown in the table below. Immediately before seeding, the soil shall be lightly raked. One half the seed shall be sown in one direction and the other half at right angles to the original direction. It shall be lightly raked into the soil to a depth of 1/4 to 1/2 inch and rolled with a hand roller weighing not over 100 pounds per linear foot of width. Hay mulch shall be applied immediately after seeding at a rate of 1.5 to 2 tons per acre, and shall be held in place using appropriate techniques from the Erosion and Sediment Control Handbook.

The surface shall be watered and kept moist with a fine spray as required, without washing away the soil, until the grass is well established, any areas which are not satisfactorily covered shall be reseeded, and all noxious weeds removed.

A grass seed mixture containing the following seed requirements shall be:

General cover	Proportion	Seeding rate
Creeping Red Fescue	50%	50 lbs/Acre
Kentucky Bluegrass	50%	50 lbs/Acre
Total:		100 lbs/Acre

Slope seed (used on all slopes greater than or equal to 3:1)

Creeping Red Fescue	48%	20 lbs/Acre
Tall Fescue	48%	20 lbs/Acre
Red Top	4%	2 lbs/Acre
Total:		42 lbs/Acre

In no case shall the weed content exceed one percent by weight. All seed shall comply with applicable State and Federal seed laws.

For temporary protection of disturbed areas:
 Mulching and seeding shall be applied at the following rates:
 Perennial Rye: 0.7 lbs/1,000 s.f.
 Mulch: 1.5 Tons/Acre

MAINTENANCE AND PROTECTION

The Contractor shall maintain all loam & seed areas until final acceptance at the completion of the contract. Maintenance shall include watering, weeding, removal of stones and other foreign objects over 1/2 inches in diameter which may appear and the first two (2) cuttings of grass no closer than ten (10) days apart. The first cutting shall be accomplished when the grass is from 2 1/2 to 3 inches high. All bare and dead spots which become apparent shall be properly prepared, limed and fertilized, and reseeded by the Contractor at his expense as many times as necessary to secure good growth. The entire area shall be maintained, watered and cut until acceptance of the lawn by the Owner's Representative.

The Contractor shall take whatever measures are necessary to protect the grass while it is developing.

To be acceptable, seeded areas shall consist of a uniform stand of at least 90 percent established permanent grass species, with uniform count of at least 100 plants per square foot.

Seeded areas will be fertilized and reseeded as necessary to insure vegetative establishment.

The swales will be checked weekly and repaired when necessary until adequate vegetation is established.

The silt fence barrier shall be checked after each rainfall and at least daily during prolonged rainfall.

Silt fencing shall be removed once vegetation is established, and disturbed areas resulting from silt fence removal shall be permanently seeded.

CULVERT OUTLET MAINTENANCE SPECIFICATIONS

MAINTENANCE

The outlet should be checked at least annually and after every major storm. If the soil has been displaced, undermined or damaged, it should be repaired immediately. The channel immediately below the outlet should be checked to see that erosion is not occurring. The downstream channel should be kept clear of obstructions such as fallen trees, debris, and sediment that could change flow patterns and/or tail-water depths on the pipes. Repairs must be carried out immediately to avoid additional damage to the outlet protection apron.

WINTER STABILIZATION

Use overwinter stabilization and winter construction measures from November 1 to April 15.

If an area is not stabilized with temporary or permanent measures by November 15, then the site must be protected with additional stabilization measures.

- Permanent stabilization consists of at least 90% vegetation, permanent/gravel base or riprap.
- Do not expose slopes or leave slopes exposed over the winter or for any other extended time of work suspension unless fully protected with mulch.
- Apply hay mulch at twice the standard rate (150 lbs. per 1,000 sf). The mulch must be thick enough such that the ground surface will not be visible and must be anchored.
- Use mulch and mulch netting or an erosion control mulch blanket or mix for all slopes greater than 8% or other areas exposed to direct wind.
- Install an erosion control blanket in all drainage ways (bottom and sides) with a slope greater than 3%.
- See Vegetation Measures for more information on seeding dates and types.

WINTER CONSTRUCTION

In addition to the items above, the following must be implemented:

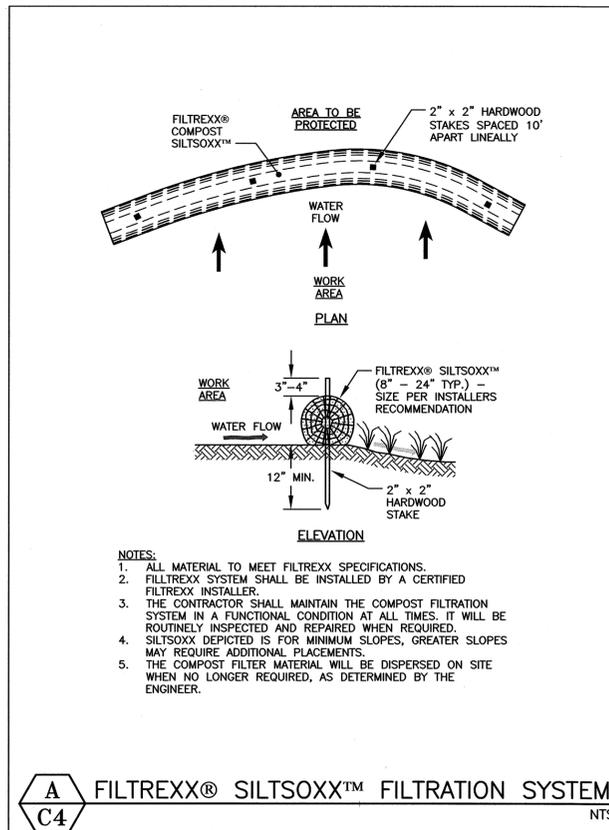
- Winter excavation and earthwork shall be completed as such that no more than 1 acre of the site is without stabilization at any one time.
- Any area within 100 feet of a protected natural resource must be protected with a double row of sediment barrier.
- Temporary mulch must be applied within 7 days of soil exposure or prior to any storm event, but after every workday in areas within 100 feet from a protected natural resource.
- Areas that have been brought to final grade must be permanently mulched that same day.
- In the event of a snowfall greater than 1 inch (fresh or cumulative), the snow shall be removed from the areas due to be seeded and mulched.
- Loam shall be free of frozen clumps before it is applied.

MAINTENANCE

Inspect periodically and after each storm to check for erosion. Repair immediately.

In the springtime, remove the excess mulch, seed and monitor for erosion and plant growth.

Immediately repair any sign of erosion by adding more mulch until grasses are established.



APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____

STABILIZED CONSTRUCTION ENTRANCE

MAINTENANCE

1) Mud and soil particles will eventually clog the voids in the gravel and the effectiveness of the gravel pad will not be satisfactory. When this occurs, the pad should be top dressed with new stone. Complete replacement of the pad may be necessary when the pad becomes completely clogged.

2) If washing facilities are used, the sediment traps should be cleaned out as often as necessary to assure that adequate trapping efficiency and storage volume is available. Vegetative filter strips should be maintained to insure a vigorous stand of vegetation at all times.

CONSTRUCTION SPECIFICATIONS

1) Stone for a stabilized construction entrance shall be 2 inch stone, reclaimed stone, or recycled concrete equivalent.

2) The length of the stabilized entrance shall not be less than 50 feet.

3) The thickness of the stone for the stabilized entrance shall not be less than 6 inches.

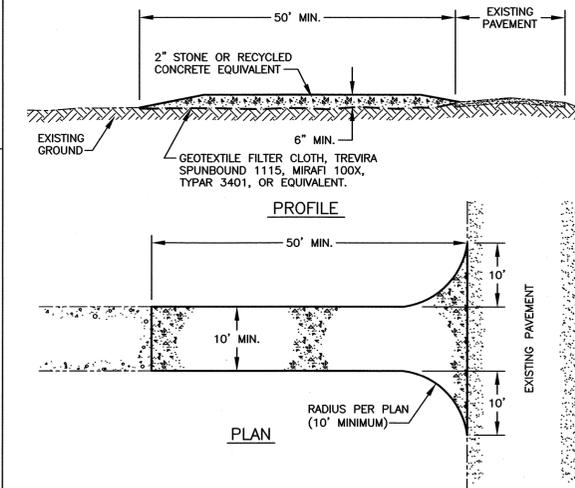
4) The width of the entrance shall not be less than the full width of the entrance where ingress or egress occurs or 10 feet, whichever is greater.

5) Geotextile filter cloth shall be placed over the entire area prior to placing the stone. Filter cloth is not required for a single family residence lot.

6) All surface water that is flowing to or diverted toward the construction entrance shall be piped beneath the entrance. If piping is impractical, a berm with 5:1 slopes that can be crossed by vehicles may be substituted for the pipe.

7) The entrance shall be maintained in a condition that will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, washed, or tracked onto public right-of-way must be removed promptly.

8) Wheels shall be cleaned to remove mud prior to entrance onto public right-of-way. When washing is required, it shall be done on an area stabilized with stone which drains into an approved sediment trapping device.



B STABILIZED CONSTRUCTION ENTRANCE
C2 OR FODS (APPROVED EQUAL) NTS

CONSTRUCTION DEWATERING

INSTALLATION NOTES

- Discharge to areas with well-established vegetation. Where possible, choose natural wooded buffer areas. Never discharge to areas that are bare or newly vegetated.
- Maximize the distance to the nearest water resource (e.g. ditch, wetland, stream, lake, or other), while minimizing the slope of the discharge area. Discharge in sheet flow.
- Discharge pumped water to a sediment removal structure at an appropriate rate.
- A sediment removal structure is a temporary enclosure constructed with hay bales, silt fence, or both. Erosion control mix also may be incorporated with silt fence or hay bales. (Alternate: Dirt Bag, or equivalent installed on a crushed stone bed with a down-gradient sediment barrier.)
- Flow to the sediment removal structure may not exceed the structure's capacity to settle and filter flow or the structure's volume capacity.
- Install diversion ditches or berms to minimize the amount of clean stormwater runoff allowed into the excavated area.

MAINTENANCE
 ■ Do not discharge water contaminated by oil, grease, other petroleum products, or toxic and hazardous materials with out approved treatment.

■ Dewatering in periods of intense, heavy rain, when the infiltrative capacity of the soil is exceeded, should be avoided.
 ■ Provide maintenance during the dewatering process, paying careful attention to the receiving buffer area for erosion and to be sure that no additional treatment is needed. See Maine Erosion and Sediment Control BMP's (3/2003) Section G-3 for more information



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

NOTES:

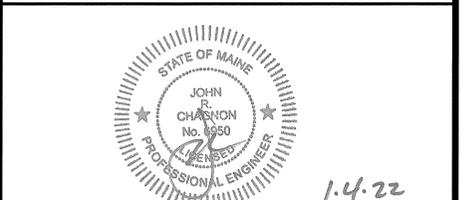
1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.

2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.

3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP's" PUBLISHED BY THE MAINE D.E.P. IN 2014.

**SITE DEVELOPMENT
 PROPOSED BUILDING
 EXPANSION
 16 ARC ROAD
 ELIOT, MAINE**

NO.	DESCRIPTION	DATE
1	RE-ISSUED	1/4/22
0	ISSUED FOR APPROVAL	3/10/21

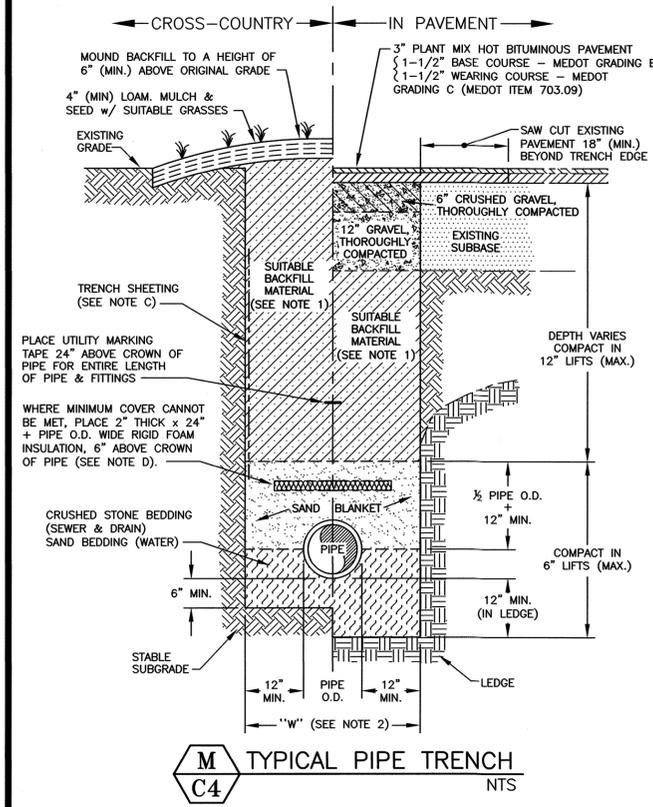


SCALE: AS NOTED FEBRUARY 2021

DETAILS D1

NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP's" PUBLISHED BY THE MAINE D.E.P. IN 2014.



TRENCH NOTES:

A) TRENCH BACKFILL: - IN PAVED AREAS, SUITABLE MATERIAL FOR TRENCH BACKFILL SHALL BE THE NATURAL MATERIAL EXCAVATED DURING CONSTRUCTION, BUT SHALL EXCLUDE DEBRIS, PIECES OF PAVEMENT, ORGANIC MATTER, TOP SOIL, ALL WET OR SOFT MUCK, PEAT OR CLAY, ALL EXCAVATED LEDGE MATERIAL, AND ALL ROCKS OVER SIX INCHES IN LARGEST DIMENSION, OR ANY MATERIALS DEEMED TO BE UNACCEPTABLE BY THE ENGINEER.

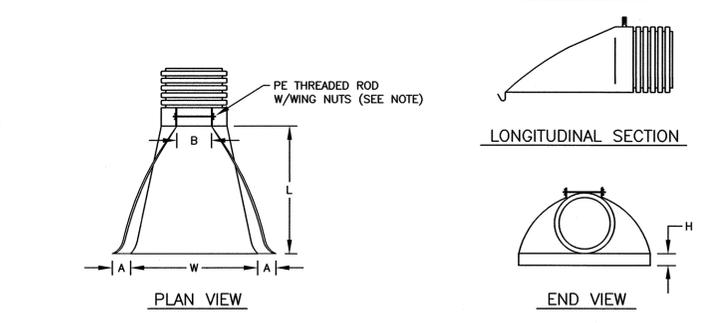
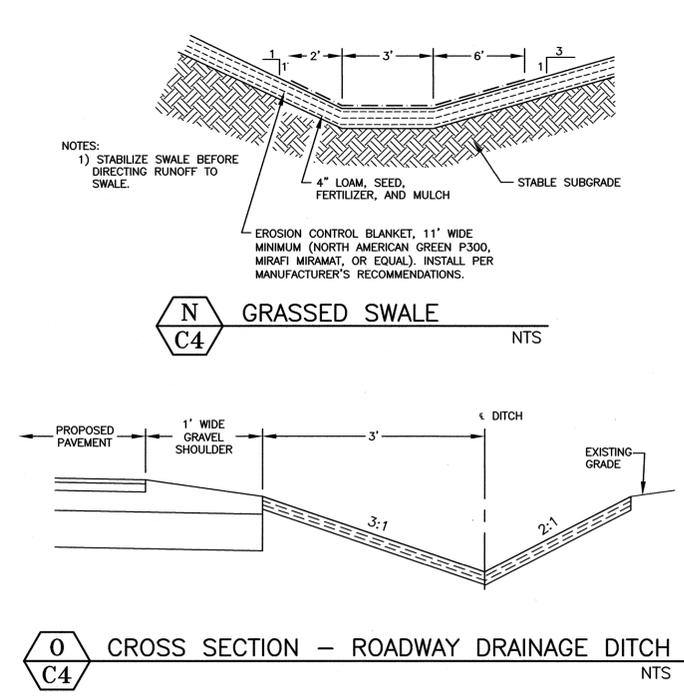
- IN CROSS-COUNTRY CONSTRUCTION, SUITABLE MATERIAL SHALL BE AS DESCRIBED ABOVE, EXCEPT THAT THE ENGINEER MAY PERMIT THE USE OF TOP SOIL, LOAM, MUCK OR PEAT, IF HE IS SATISFIED THAT THE COMPLETED CONSTRUCTION WILL BE ENTIRELY STABLE.

B) "W" = MAXIMUM ALLOWABLE TRENCH WIDTH TO A PLANE 12 INCHES ABOVE THE PIPE. FOR PIPES 15 INCHES NOMINAL DIAMETER OR LESS, W SHALL BE NO MORE THAN 36 INCHES. FOR PIPES GREATER THAN 15 INCHES NOMINAL DIAMETER, W SHALL BE 24 INCHES PLUS PIPE O.D.

C) TRENCH SHEETING: IF REQUIRED, WHERE SHEETING IS PLACED ALONGSIDE THE PIPE AND EXTENDS BELOW MID-DIAMETER, IT SHALL BE CUT OFF AND LEFT IN PLACE TO AN ELEVATION NOT LESS THAN 1 FOOT ABOVE THE TOP OF THE PIPE. WHERE SHEETING IS ORDERED BY THE ENGINEER TO BE LEFT IN PLACE, IT SHALL BE CUT OFF AT LEAST 3 FEET BELOW FINISHED GRADE, BUT NOT LESS THAN 1 FOOT ABOVE THE TOP OF THE PIPE.

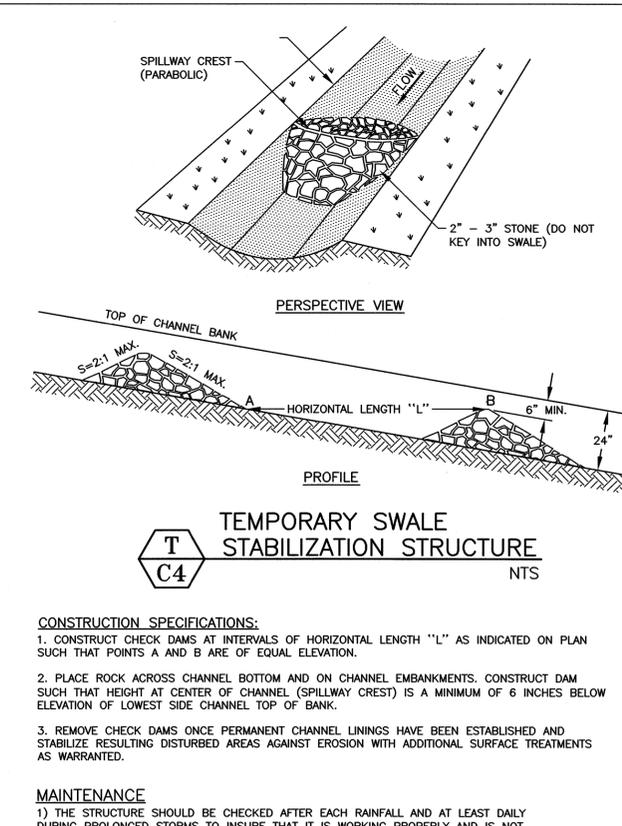
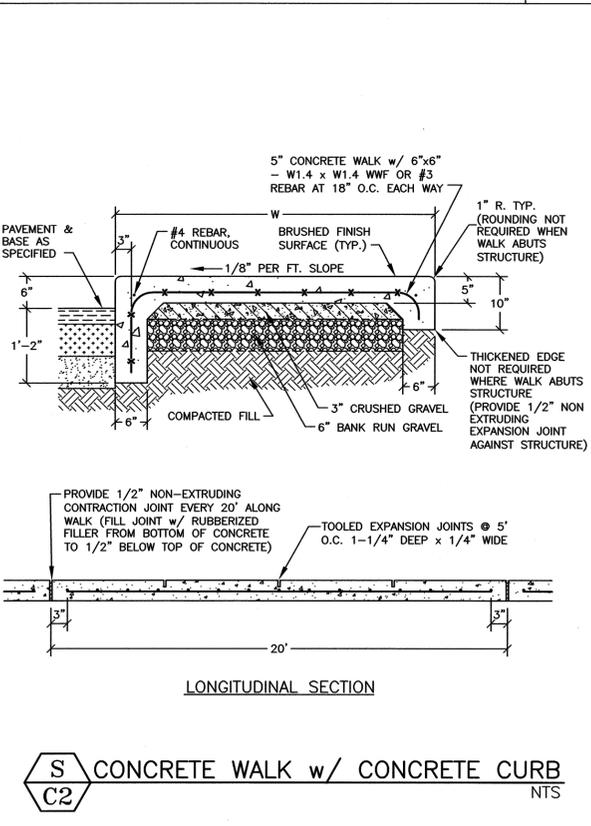
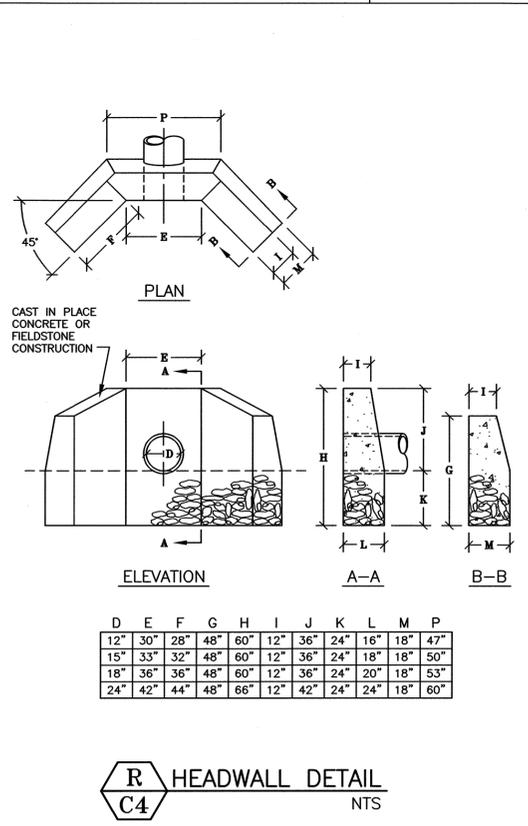
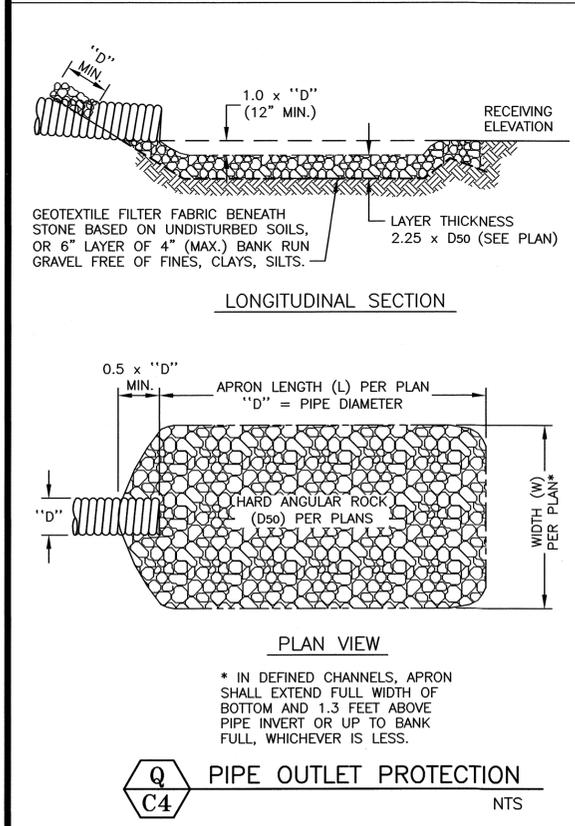
D) MINIMUM PIPE COVER FOR UTILITY MAINS (UNLESS GOVERNED BY OTHER CODES):
 6" MINIMUM FOR SEWER (IN PAVEMENT)
 4" MINIMUM FOR SEWER (CROSS COUNTRY)
 3" MINIMUM FOR STORMWATER DRAINS
 5" MINIMUM FOR WATER MAINS

E) ALL PAVEMENT CUTS SHALL BE REPAIRED BY THE INFRARED HEAT METHOD.



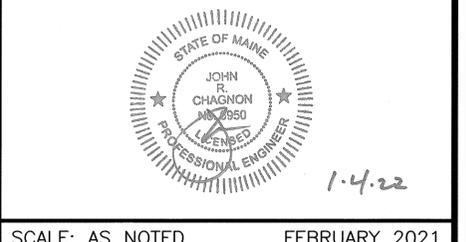
PART NO.	PIPE SIZE	A	B (MAX)	H	L	W
1210-NP	12" / 300 mm	6.5" / 165mm	10" / 254mm	6.5" / 165mm	25" / 635mm	29" / 735mm
1210-NP	15" / 375 mm	6.5" / 165mm	10" / 254mm	6.5" / 165mm	25" / 635mm	29" / 735mm
1810-NP	18" / 450 mm	7.5" / 190mm	15" / 380mm	6.5" / 165mm	32" / 812mm	35" / 890mm
2410-NP	24" / 600 mm	7.5" / 190mm	18" / 450mm	6.5" / 165mm	36" / 900mm	45" / 1140mm
3012-NP	30" / 750 mm	10.5" / 266mm	N/A	7.0" / 178mm	53" / 1345mm	68" / 1725mm
3612-NP	36" / 900 mm	10.5" / 266mm	N/A	7.0" / 178mm	53" / 1345mm	68" / 1725mm

NOTE: PE THREADED ROD W/WING NUTS PROVIDED FOR END SECTIONS 12"-24", 30" & 36" END SECTIONS TO BE WELDED TO PIPE PER MANUFACTURERS RECOMMENDATIONS.



**SITE DEVELOPMENT
 PROPOSED BUILDING
 EXPANSION
 16 ARC ROAD
 ELIOT, MAINE**

NO.	DESCRIPTION	DATE
1	RE-ISSUED	1/4/22
0	ISSUED FOR APPROVAL	3/10/21



SCALE: AS NOTED FEBRUARY 2021

DETAILS **D3**

APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____



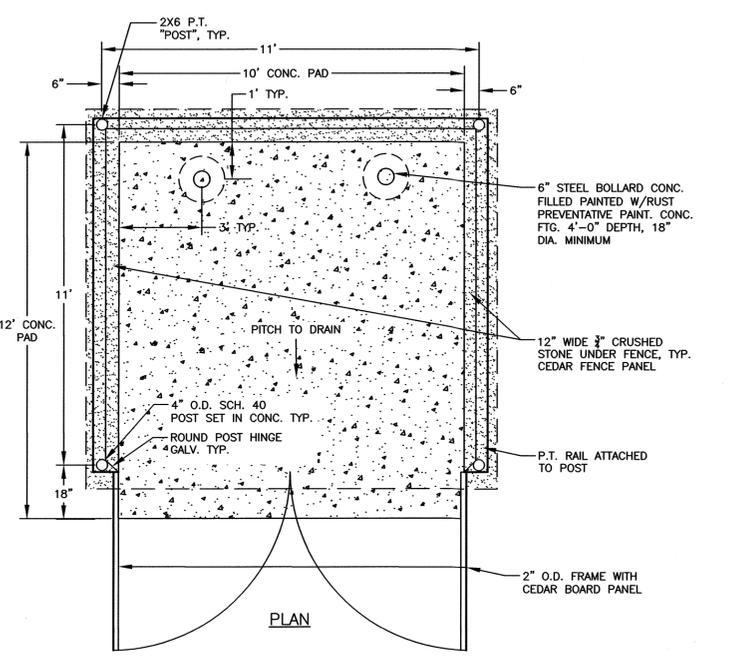
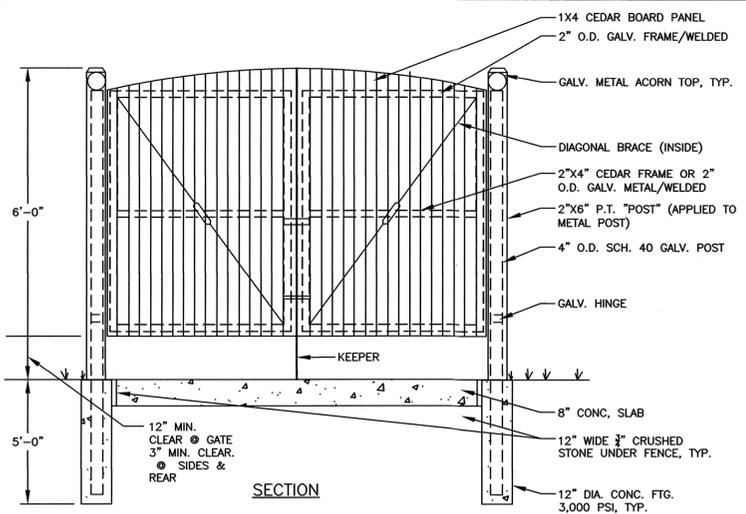
AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE MAINE D.E.P. IN 2014.

RIPRAP GRADATION TABLE

RIPRAP - 4"	
% OF WEIGHT SMALLER THAN THE GIVEN SIZE	SIZE OF STONE RANGE IN INCHES
100	6 TO 8
85	5.2 TO 7.2
50	4 TO 6
15	1.2 TO 2
RIPRAP - 6"	
% OF WEIGHT SMALLER THAN THE GIVEN SIZE	SIZE OF STONE RANGE IN INCHES
100	9 TO 12
85	7.8 TO 10.8
50	6 TO 9
15	1.8 TO 3
RIPRAP - 9"	
% OF WEIGHT SMALLER THAN THE GIVEN SIZE	SIZE OF STONE RANGE IN INCHES
100	13.5 TO 18
85	11.7 TO 16.2
50	9 TO 13.5
215	2.7 TO 4.5
RIPRAP - 12"	
% OF WEIGHT SMALLER THAN THE GIVEN SIZE	SIZE OF STONE RANGE IN INCHES
100	18 TO 24
85	14.7 TO 19.2
50	11.5 TO 14.0
15	7.3 TO 10.5

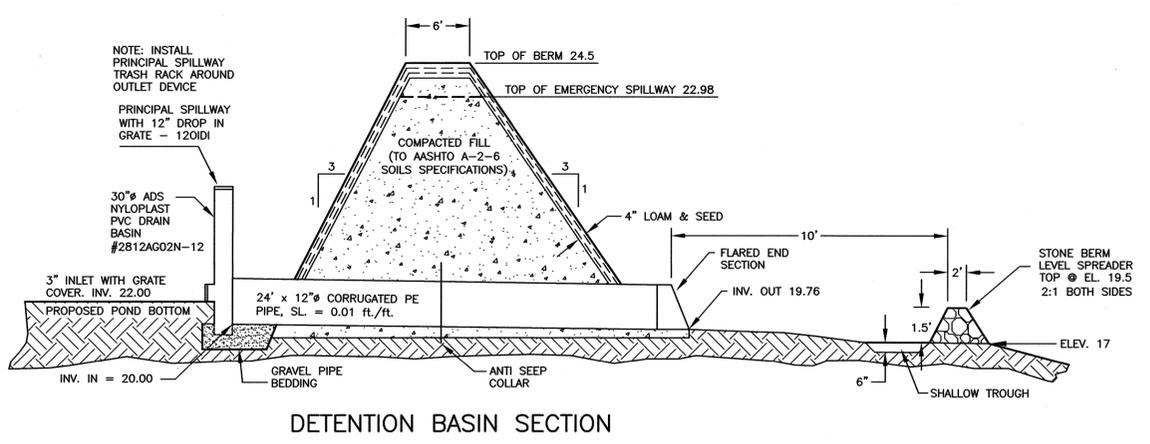


- NOTES:**
- 1) ALL CORNER & INTERMEDIATE POST ASSEMBLIES SHALL HAVE TWO BRACES.
 - 2) CHAIN LINK FABRIC: KNUCKLED TOP AND TWISTED BOTTOM.
 - 3) WHERE GROUND CONDITIONS PERMIT, FORMS FOR FOOTINGS WILL NOT BE REQUIRED.
 - 4) ALL METAL FITTINGS AND FASTENERS SHALL BE HOT DIPPED GALVANIZED.
 - 5) DESIGN PLANS ARE FOR STEEL FENCING.
 - 6) ALTERNATE DESIGNS & MATERIALS MAY BE USED IF CONSTRUCTION DRAWINGS ARE PROVIDED TO, AND APPROVED BY THE BUILDING INSPECTOR.

U C2 DUMPSTER ENCLOSURE DETAILS NTS

APPROVED BY THE ELIOT PLANNING BOARD
CHAIRMAN _____ DATE _____

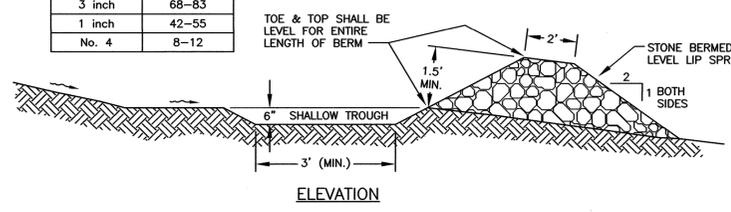
X RESERVED NTS



BERM STONE SIZE

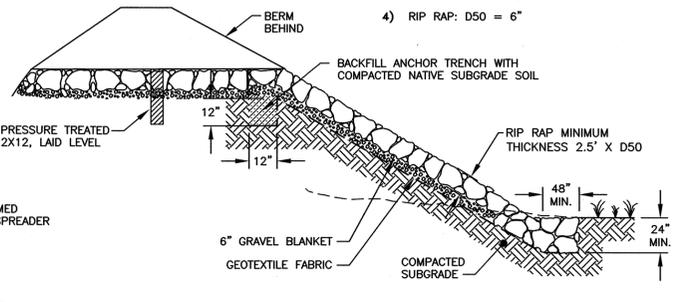
SIEVE DESIGNATION	% BY WEIGHT PASSING
12 inch	100
6 inch	84-100
3 inch	68-83
1 inch	42-55
No. 4	8-12

NOTE: STONE SHALL BE SOUND DURABLE ROCK THAT WILL NOT DISINTEGRATE BY EXPOSURE TO WATER OR WEATHERING



STONE BERM LEVEL LIP SPREADER

V C4 DETENTION BASIN SECTION WITH STONE BERM & EMERGENCY SPILLWAY NTS



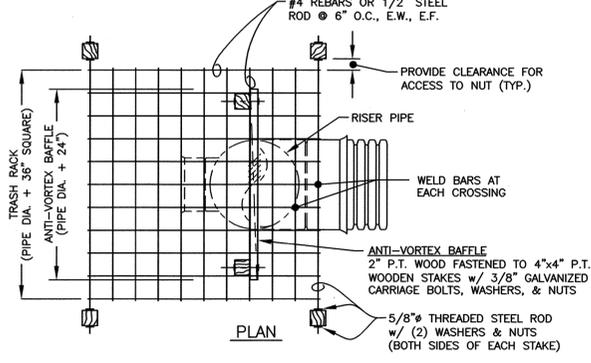
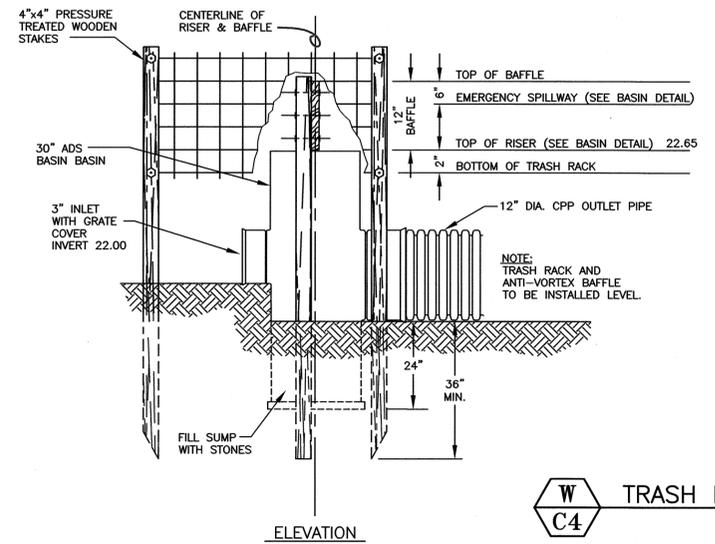
EMERGENCY SPILLWAY

CONSTRUCTION SPECIFICATIONS:

- 1) THE SUBGRADE FOR THE FILTER MATERIAL, GEOTEXTILE FABRIC AND RIP RAP SHALL BE CLEARED AND GRUBBED TO REMOVE ALL ROOTS, VEGETATION, AND DEBRIS AND PREPARED TO THE LINES AND GRADES SHOWN ON THE PLANS. THE EXISTING RETAINING WALL SHALL BE REMOVED.
- 2) EXCAVATE ANCHOR TRENCH, PLACE STABILIZATION FABRIC AND SECURE TO SUBGRADE WITH ANCHOR PINS. BACKFILL ANCHOR TRENCH WITH COMPACTED NATIVE SUBGRADE SOIL. GEOTEXTILE FABRICS SHALL BE PROTECTED FROM PUNCTURE OR TEARING DURING PLACEMENT OF THE ROCK RIP RAP BY PLACING A CUSHION OF GRAVEL OVER THE FABRIC. DAMAGED AREAS IN THE FABRIC SHALL BE REPAIRED BY PLACING A PIECE OF FABRIC OVER THE DAMAGED AREA OR BY COMPLETE REPLACEMENT OF THE FABRIC. ALL OVERLAPS REQUIRED FOR REPAIR OR JOINING TWO PIECES OF FABRIC SHALL BE A MINIMUM OF 12 INCHES.
- 3) SPREAD GRAVEL BLANKET UNIFORMLY TO DEPTH INDICATED.
- 4) RIP RAP: PLACE RIP RAP IMMEDIATELY FOLLOWING GRAVEL BLANKET INSTALLATION. LAY RIP RAP STONES INDIVIDUALLY UPWARD FROM THE TOE OF THE SLOPE, WITH LARGER STONES AT THE TOE OF THE SLOPE. FILL VOIDS WITH SPALLS. FINISHED SURFACE TO BE REASONABLY UNIFORM IN APPEARANCE, AND APPROXIMATELY PARALLEL TO AND WITHIN 6" OF THE LINES AND GRADES SHOWN OR ORDERED.

THE ROCK USED FOR RIP RAP SHALL CONFORM TO THE SPECIFIED GRADATION.

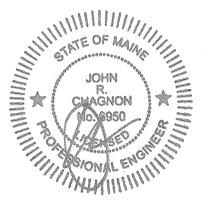
STONE FOR THE RIP RAP MAY BE PLACED BY EQUIPMENT AND SHALL BE NHDOT CLASS D, CONSTRUCTED TO THE FULL LAYER THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO PREVENT DISPLACEMENT OF THE UNDERLYING MATERIALS. HAND PLACEMENT MAY BE REQUIRED TO PREVENT DAMAGE TO ANY ADJACENT AREAS. STONES FOR RIP RAP SHALL BE ANGULAR OR SUBANGULAR. THE STONES SHOULD BE SHAPED SO THAT THE LEAST DIMENSION OF THE STONE FRAGMENT IS NOT LESS THAN ONE THIRD OF THE GREATEST DIMENSION OF THE FRAGMENT. FLAT ROCKS SHALL NOT BE USED FOR RIP RAP. VOIDS IN THE ROCK RIP RAP SHOULD BE FILLED WITH SPALLS AND SMALLER ROCKS.



W C4 TRASH RACK w/ ANTI-VORTEX BAFFLE NTS

SITE DEVELOPMENT PROPOSED BUILDING EXPANSION 16 ARC ROAD ELIOT, MAINE

NO.	DESCRIPTION	DATE
1	RE-ISSUED	1/4/22
0	ISSUED FOR APPROVAL	3/10/21



SCALE: AS NOTED FEBRUARY 2021

DETAILS D4



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114

Tel (603) 430-9282

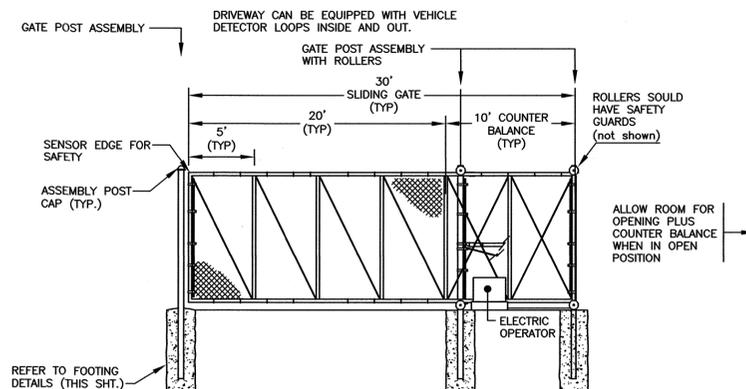
Fax (603) 436-2315

NOTES:

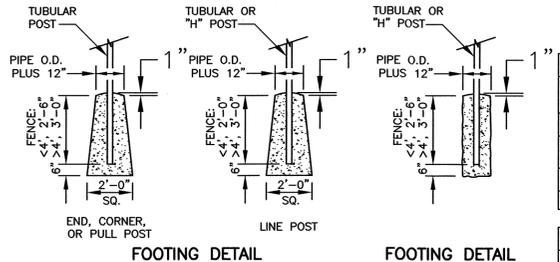
1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.

2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.

3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE MAINE D.E.P. IN 2014.



ELEVATION



END, CORNER, & PULL POST				
FENCE HEIGHT	TUBULAR		STEEL	
	ROUND	LB/FT	SQUARE	LB/FT
UP TO 6'	2-3/8\" O.D.	3.65	2\" SQ	3.6
OVER 6'	2-7/8\" O.D.	5.79	2-1/2\" SQ	5.70
ALUMINUM				
UP TO 12'	2-7/8\" O.D.	2.00	3\" SQ	1.76

LINE POSTS				
FENCE HEIGHT	TUBULAR		H\" TYPE	
	ROUND	LB/FT	H\"	LB/FT
UP TO 6'	1.90\" O.D.	2.72	2\" SQ	3.6
OVER 6'	2-3/8\" O.D.	3.65	2-1/2\" SQ	5.70
ALUMINUM				
UP TO 12'	2-7/8\" O.D.	2.00	3\" SQ	1.76

ALUMINUM SLIDING GATE AND POST TABLE

NOTE:
THIS INFORMATION IS PROVIDED AS A GENERAL GUIDELINE IN CONSTRUCTION OF A CANTILEVER GATE. CALCULATION OF MATERIALS TO BE USED AND GATE SIZES SHALL BE BY A PROFESSIONAL ENGINEER, ARCHITECT OR EQUIPMENT MANUFACTURER.

THE COUNTER BALANCE SHOULD BE 1/2 THE LENGTH OF THE GATE OPENING. MINIMUM COUNTER BALANCE SHOULD BE 4' LONG. IF AN AUTOMATIC OPERATOR IS TO BE INSTALLED, THE COUNTER BALANCE MAY NEED TO BE LONGER SO THE OPERATOR CAN PULL THE GATE SHUT BY THE REAR OF THE COUNTER BALANCE. ALWAYS CHOOSE THE OPERATOR AND GATE BEFORE CONSTRUCTION BEGINS.

THE VERTICAL BRACING SHOULD BE SPACED 4 TO 6' APART. IF 2 1/2\" SCH 40 PIPE OR COMPARABLE IS USED, 5' SPACING IS ADEQUATE. THE ROLLERS RIDE ON THE HORIZONTAL OUTSIDE FRAME. SUPPORT FOR THE TOP AND BOTTOM OF THE FRAME IS ESSENTIAL.

POST SIZES FOR CHAIN LINK CANTILEVERS REQUIRE 3\" O.D. ROLLER POST FOR WIDTHS UP TO 10' OPENING SIZE. 4\" O.D. POSTS UP TO 20' AND 6 3/8\" O.D. POSTS UP TO 32'

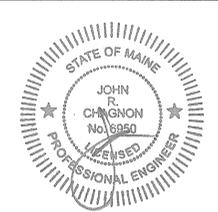
CONCRETE FOOTINGS 18\" DIA. BY 42\" DEEP ARE RECOMMENDED FOR 3-4\" O.D. POSTS, 24\" DIA. BY 42\" DEEP FOR 6 3/8\" O.D. POSTS AND 30\" DIA. BY 48\" DEEP FOR 8 3/8\" O.D. POSTS. INCREASE BOTTOM DIAMETERS BY 6\" CREATING A BELL SHAPED HOLE. THE UP AND DOWN STRESS WITH THESE TYPE GATES WILL WORK EVEN THE LARGEST POSTS OUT OF THE GROUND. POOR SOIL CONDITIONS, SUCH AS SAND, WILL REQUIRE LARGER FOOTINGS.

- NOTES:**
- 1) ALL END POST ASSEMBLIES SHALL HAVE ONE BRACE; ALL CORNER & INTERMEDIATE BRACE OR PULL POST ASSEMBLIES SHALL HAVE TWO BRACES WITH MAXIMUM SPACING BETWEEN ASSEMBLIES OF 500 FEET.
 - 2) CHAIN LINK FABRIC UP TO 5' HIGH, KNUCKLED SALVAGE TOP AND BOTTOM; FABRIC 5' HIGH AND ABOVE, KNUCKLED TOP AND TWISTED BOTTOM.
 - 3) WHERE GROUND CONDITIONS PERMIT, FORMS FOR FOOTINGS WILL NOT BE REQUIRED.
 - 4) ALUMINUM POSTS SET IN CONCRETE SHALL HAVE A PROTECTIVE COATING. SEE AMENDMENT TO SECTION 607 OF THE NHDOT STANDARD SPECIFICATIONS.
 - 5) DESIGN PLANS ARE FOR STEEL OR ALUMINUM FENCING. FOR ADDITIONAL INFORMATION SEE NHDOT STANDARD SPECS. FOR ROAD AND BRIDGE CONSTRUCTION (SECTION 607).

CHAINLINK FENCE WITH ROLLING GATE DETAILS NTS

**SITE DEVELOPMENT
PROPOSED BUILDING
EXPANSION
16 ARC ROAD
ELIOT, MAINE**

NO.	DESCRIPTION	DATE
1	RE-ISSUED	1/4/22
0	ISSUED FOR APPROVAL	3/10/21



SCALE: AS NOTED FEBRUARY 2021

DETAILS **D5**

APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____

DLN: 1002040088760

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that THE KIND LAND, LLC, a Maine limited liability company with an address of 415 Congress Street, Suite 202A, Portland, Maine 04101, for consideration paid, grants to JD Investments, LLC, a Maine limited liability company with an address of 19 Buffum Road, Unit 6, North Berwick, Maine 03906

with Warranty Covenants the following described premises:

A certain lot or parcel of land located on the south side of a 50 foot right-of-way, easterly of but not adjacent to Route 236, Town of Eliot, County of York and State of Maine, depicted as "Parcel A" on a plan entitled "Division of Land off Dow Highway, York County, Eliot, Maine owned by John R. Lang" prepared by Easterly Surveying, date 03/06/00, and recorded in the York County Registry of Deeds at Plan Book 256, Page 5, and being more particularly described as follows:

Beginning at an iron rod on the south sideline of a 50 foot right-of-way at land of John E. Hardy, said iron rod is the northeast corner of the herein described parcel;

Thence running South 21° 26' 00" East along land of said Hardy a distance of 274.38 feet to a point;

Thence running South 22° 15' 52" East along land of said Hardy a distance of 276.22 feet to point;

Thence running South 20° 44' 22" East, along land of said Hardy a distance of 442.20 feet to a point;

Thence running South 61° 41' 34" West along land of said Hardy a distance of 366 feet plus or minus to the centerline of Great Brook;

Thence meandering northerly along the centerline of said Great Brook by other land of said Grantee a distance of 325 feet plus or minus to land of Eliot Business Park, Inc.;

Thence continuing meandering northerly along the centerline of said Great Brook by land of Eliot Business Park, Inc., land of John Price and land of Dana Toby a distance of 850 feet plus or minus to the south sideline of said 50 foot right-of-way;

Thence running North 75° 06' 25" East along the south sideline of said right-of-way a distance of a distance of 34 feet to a point;

Thence running North 88° 27' 02" East along the south sideline of said right-of-way a distance of 99.86 feet to a point;

Thence running northeasterly along the south sideline of said right-of-way by a curve to the left having a radius of 275 feet a distance of 129.59 feet to a point;

Thence running North 61° 27' 02" East along the south sideline of said right -of-way a distance of 234.50 feet to the point of beginning, containing 8.1 acres of land more or less.

The premises are conveyed together with a right of way and other easements described in a deed from John E. Hardy, Jr., to Lora M. Dow, dated June 21, 1989 and recorded in the York County Registry of Deeds in Book 5125, Page 211, and further conveyed together with a right of way and other easements described in a deed from Lora M. Dow to Jan L. Hardy, dated June 21, 1989 and recorded in the York County Registry of Deeds in Book 5125, Page 209.

Meaning and intending to convey the same premises as conveyed to the within Grantor by Warranty Deed of Iroquoia Properties, LLC, dated June 13, 2018 and recorded on June 21, 2018 at the York County Registry of Deeds Book 17738, Page 267.

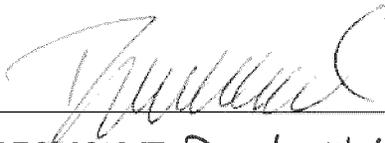
This is not homestead property of the Grantor herein.

Signatures on the Following Page

The Kind Land, LLC has caused this instrument to be signed in its corporate name, under seal, by Carl Seefried and Bradley Boisvert, its Members, duly authorized, this 28th day of February 2020.

WITNESS

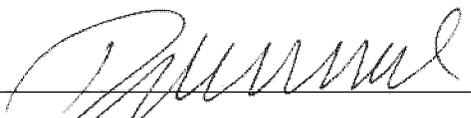
THE KIND LAND, LLC



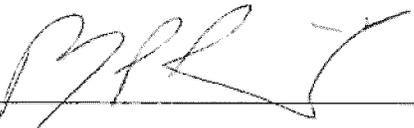
PRINT NAME: Douglas W. Macdonald

BY: 

Carl Seefried, Member duly authorized



PRINT NAME: Douglas W. Macdonald

BY: 

Bradley Boisvert, Member duly authorized

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss

February 28, 2020

Then personally appeared the above named Carl Seefried, Member of The Kind Land, LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said company.



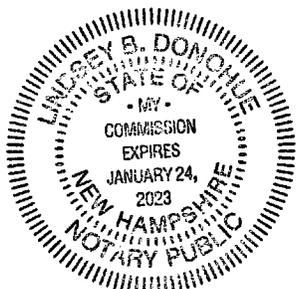
Before me,

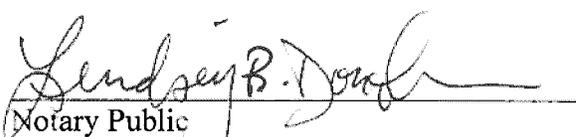

Notary Public

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss

March
February 2, 2020

Then personally appeared the above named Bradley Boisvert, Member of The Kind Land, LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said company.



Before me,


Notary Public

DLN: 1002040088760

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that THE KIND LAND, LLC, a Maine limited liability company with an address of 415 Congress Street, Suite 202A, Portland, Maine 04101, for consideration paid, grants to JD Investments, LLC, a Maine limited liability company with an address of 19 Buffum Road, Unit 6, North Berwick, Maine 03906

with Warranty Covenants the following described premises:

A certain lot or parcel of land located on the south side of a 50 foot right-of-way, easterly of but not adjacent to Route 236, Town of Eliot, County of York and State of Maine, depicted as "Parcel A" on a plan entitled "Division of Land off Dow Highway, York County, Eliot, Maine owned by John R. Lang" prepared by Easterly Surveying, date 03/06/00, and recorded in the York County Registry of Deeds at Plan Book 256, Page 5, and being more particularly described as follows:

Beginning at an iron rod on the south sideline of a 50 foot right-of-way at land of John E. Hardy, said iron rod is the northeast corner of the herein described parcel;

Thence running South 21° 26' 00" East along land of said Hardy a distance of 274.38 feet to a point;

Thence running South 22° 15' 52" East along land of said Hardy a distance of 276.22 feet to point;

Thence running South 20° 44' 22" East, along land of said Hardy a distance of 442.20 feet to a point;

Thence running South 61° 41' 34" West along land of said Hardy a distance of 366 feet plus or minus to the centerline of Great Brook;

Thence meandering northerly along the centerline of said Great Brook by other land of said Grantee a distance of 325 feet plus or minus to land of Eliot Business Park, Inc.;

Thence continuing meandering northerly along the centerline of said Great Brook by land of Eliot Business Park, Inc., land of John Price and land of Dana Toby a distance of 850 feet plus or minus to the south sideline of said 50 foot right-of-way;

Thence running North 75° 06' 25" East along the south sideline of said right-of-way a distance of a distance of 34 feet to a point;

Thence running North 88° 27' 02" East along the south sideline of said right-of-way a distance of 99.86 feet to a point;

Thence running northeasterly along the south sideline of said right-of-way by a curve to the left having a radius of 275 feet a distance of 129.59 feet to a point;

Thence running North 61° 27' 02" East along the south sideline of said right -of-way a distance of 234.50 feet to the point of beginning, containing 8.1 acres of land more or less.

The premises are conveyed together with a right of way and other easements described in a deed from John E. Hardy, Jr., to Lora M. Dow, dated June 21, 1989 and recorded in the York County Registry of Deeds in Book 5125, Page 211, and further conveyed together with a right of way and other easements described in a deed from Lora M. Dow to Jan L. Hardy, dated June 21, 1989 and recorded in the York County Registry of Deeds in Book 5125, Page 209.

Meaning and intending to convey the same premises as conveyed to the within Grantor by Warranty Deed of Iroquoia Properties, LLC, dated June 13, 2018 and recorded on June 21, 2018 at the York County Registry of Deeds Book 17738, Page 267.

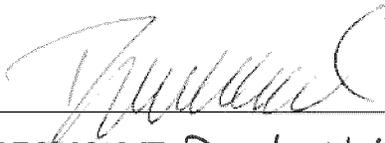
This is not homestead property of the Grantor herein.

Signatures on the Following Page

The Kind Land, LLC has caused this instrument to be signed in its corporate name, under seal, by Carl Seefried and Bradley Boisvert, its Members, duly authorized, this 28th day of February 2020.

WITNESS

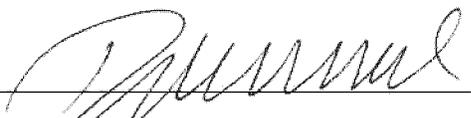
THE KIND LAND, LLC



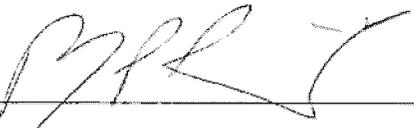
PRINT NAME: Douglas W. Macdonald

BY: 

Carl Seefried, Member duly authorized



PRINT NAME: Douglas W. Macdonald

BY: 

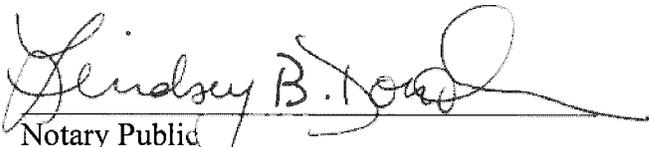
Bradley Boisvert, Member duly authorized

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss

February 28, 2020

Then personally appeared the above named Carl Seefried, Member of The Kind Land, LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said company.



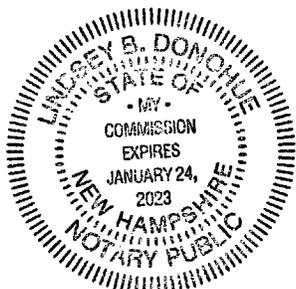
Before me,


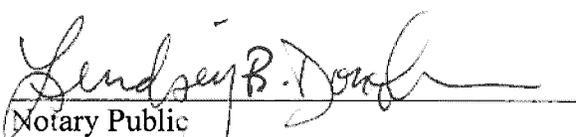
Notary Public

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss

March
February 2, 2020

Then personally appeared the above named Bradley Boisvert, Member of The Kind Land, LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said company.



Before me,


Notary Public

FOR OFFICE USE ONLY:

PERMIT NO.: _____

ISSUE DATE: _____

FEE AMOUNT: _____

TOWN OF ELIOT
SHORELAND ZONING PERMIT APPLICATION

GENERAL INFORMATION

1. APPLICANT Green Truck Farms III, LLC	2. APPLICANT'S ADDRESS 19 Buffum Road Unit 6 North Berwick, ME 03906	3. APPLICANT'S TEL. # 207-432-6000
4. PROPERTY OWNER JD Investments, LLC	5. OWNER'S ADDRESS 19 Buffum Road Unit 6 North Berwick, ME 03906	6. OWNER'S TEL. # 207-432-6000
7. CONTRACTOR Patco Construction, LLC	8. CONTRACTOR'S ADDRESS 1293 Main Street Sanford, ME 04073	9. CONTRACTOR'S TEL. # 207-324-5574
10. LOCATION/ADDRESS OF PROPERTY 16 Arc Road Eliot, ME 03903	11. TAX MAP/PAGE & LOT # AND DATE LOT WAS CREATED Map 45 Lot 17	12. ZONING DISTRICT Limited Commercial
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, (E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS - PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3). The site is previously developed with a 3,762 square foot building on the premises. Most recently the site was approved as Marijuana Establishment - Adult Use Marijuana Retail Store & Medical Marijuana Caregiver Retail Store under Case PB21-29 - Amended site. The project consists of the construction of a 6,000 square foot free-standing building at the site with the associated site improvements. The existing building will remain. Construction Includes: - Full Build out of the Access Road - Parking Area - Building and Associated Utilities - Detention Pond and Site Grading - Lighting		

14. PROPOSED USE OF PROJECT Medical and Adult-Use Marijuana Retail	15. ESTIMATED COST OF CONSTRUCTION 4M
---	--

SHORELAND AND PROPERTY INFORMATION

16. LOT AREA (SQ. FT.) 367,135 S.F.	17. FRONTAGE ON ROAD (FT.) 493'
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES 39,558 S.F.	19. ELEVATION ABOVE 100 YR. FLOOD 9.5' +/-
20. FRONTAGE ON WATERBODY (FT.) 1,188	21. HEIGHT OF PROPOSED STRUCTURE < 35'
22. EXISTING USE OF PROPERTY Commercial marijuana cultivation (Previous Approval)	23. PROPOSED USE OF PROPERTY Medical & Adult-Use Marijuana Retail

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback.

<p>24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89:</p> <p align="center">_____ <u>N/A</u> _____ SQ. FT.</p> <p>B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT:</p> <p align="center">_____ SQ. FT.</p> <p>C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK:</p> <p align="center">_____ SQ. FT.</p> <p>D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:</p>	<p>25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89:</p> <p align="center">_____ <u>N/A</u> _____ CUBIC FT.</p> <p>B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT:</p> <p align="center">_____ CUBIC FT.</p> <p>C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK:</p> <p align="center">_____ CUBIC FT.</p> <p>D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:</p>
---	---

$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$ _____ %	$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$ _____ %
---	---

NOTE: IT IS IMPERATIVE THAT EACH MUNICIPALITY DEFINE WHAT CONSTITUTES A STRUCTURE, FLOOR AREA, AND VOLUME AND APPLY THOSE DEFINITIONS UNIFORMLY WHEN CALCULATING EXISTING AND PROPOSED SO. FT. AND CU. FT.

SITE PLAN

PLEASE INCLUDE: LOT LINES; AREA TO BE CLEARED OF TREES AND OTHER VEGETATION; THE EXACT POSITION OF PROPOSED STRUCTURES, INCLUDING DECKS, PORCHES, AND OUT BUILDINGS WITH ACCURATE SETBACK DISTANCES FROM THE SHORELINE, SIDE AND REAR PROPERTY LINES; THE LOCATION OF PROPOSED WELLS, SEPTIC SYSTEMS, AND DRIVEWAYS; AND AREAS AND AMOUNTS TO BE FILLED OR GRADED. IF THE PROPOSAL IS FOR THE EXPANSION OF AN EXISTING STRUCTURE, PLEASE DISTINGUISH BETWEEN THE EXISTING STRUCTURE AND THE PROPOSED EXPANSION.

NOTE: FOR ALL PROJECTS INVOLVING FILLING, GRADING, OR OTHER SOIL DISTURBANCE YOU MUST PROVIDE A SOIL EROSION CONTROL PLAN DESCRIBING THE MEASURES TO BE TAKEN TO STABILIZE DISTURBED AREAS BEFORE, DURING AND AFTER CONSTRUCTION (See attached guidelines)

Please See Plan on File

SCALE: _____ = _____ FT.

FRONT OR REAR ELEVATION

SIDE ELEVATION

DRAW A SIMPLE SKETCH SHOWING BOTH THE EXISTING
AND PROPOSED STRUCTURES WITH DIMENSIONS

ADDITIONAL PERMITS, APPROVALS, AND/OR REVIEWS REQUIRED

CHECK IF REQUIRED:

- PLANNING BOARD REVIEW/APPROVAL
(e.g. Subdivision, Site Plan Review)
- BOARD OF APPEALS REVIEW/APPROVAL
- FLOOD HAZARD DEVELOPMENT PERMIT
- EXTERIOR PLUMBING PERMIT
(Approved HHE 200 Application Form)
- INTERIOR PLUMBING PERMIT
- DEP PERMIT (Site Location,
Natural Resources Protection Act)
- ARMY CORPS OF ENGINEERS PERMIT
(e.g. Sec. 404 of Clean Waters Act)

OTHERS:

NOTE: APPLICANT IS ADVISED TO CONSULT WITH THE CODE ENFORCEMENT OFFICER AND APPROPRIATE STATE AND FEDERAL AGENCIES TO DETERMINE WHETHER ADDITIONAL PERMITS, APPROVALS, AND REVIEWS ARE REQUIRED

I CERTIFY THAT ALL INFORMATION GIVEN IN THIS APPLICATION IS ACCURATE. ALL PROPOSED USES SHALL BE IN CONFORMANCE WITH THIS APPLICATION AND THE <u>TOWN OF ELIOT</u> <u>SHORELAND ZONING ORDINANCE</u> . I AGREE TO FUTURE INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AT REASONABLE HOURS.	
<u>Joshua Seymour</u> APPLICANT'S SIGNATURE	<u>March 28th, 2023</u> DATE
_____ AGENT'S SIGNATURE (if applicable)	_____ DATE

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB21-29- AMENDED SITE
PLAN/SITE PLAN REVIEW/SHORELAND
ZONE APPLICATION/CHANGE OF USE**

MAP/LOT: **45/17**
16 ARC ROAD

DATE OF DECISION: **APRIL
12, 2022**

5/18/2022

Ambit Engineering, Inc.
c/o John Chagnon
200 Griffin Road, Unit 3
Portsmouth, NH 03801

JD Investments, LLC
Green Truck Farms III, LLC
Attn: Joshua Seymour
19 Buffum Road, Unit 6
North Berwick, Maine 03906

To: Mr. Seymour
Mr. Chagnon

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan/Shoreland Application to construct a 6,000 square-foot, 1-story building, retention of existing structure (3,762 square feet), and Change of Use to Marijuana Establishment – Adult Use Marijuana Retail Store & Medical Marijuana Caregiver Retail Store, with associated site improvements.**

I. APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED FOR THE RECORD:

Submitted for January 25, 2022:

1. Site Plan Review Application/Shoreland Zoning Permit Application, received November 15, 2021 (original); January 13, 2022 (updated).
2. Original Application/Plan Set submitted for sketch plan review:
 - Cover Letter from John Chagnon, PE (Ambit Engineering, Inc.), dated November 15, 2021.
 - Previously-approved Notice of Decision for PB20-22, dated May 18, 2021.
 - Memo from Fire Chief Muzeroll, dated April 5, 2021.
 - Warranty Deed: Book 18185, Page 578, registered at the York County Registry of Deeds, dated March 3, 2020.
 - Resolution from Green Truck Farms II, LLC authorizing Joshua Seymour as representative for this application.
 - Resolution from JD Investments, LLC authorizing Joshua Seymour as representative for this application.
 - Affidavit from Joshua Seymour regarding lease agreement between JD Investments, LLC and Green Truck Farms, LLC, dated September 15, 2020.

- Caregiver Registration Card
 - OMP Conditional License for Green Truck Farms II, LLC, Registration #AMS622 - Adult Use Marijuana Store, expires February 4, 2022.
 - GIS Official Zoning Map showing Shoreland Zoning Critical Resource Overlay.
 - Site Location District Map.
 - GIS Map showing 500-foot setback boundary.
 - Floor Plan, drawn by PATCO Construction, Inc., dated October 15, 2021.
 - Front Elevation, drawn by PATCO Construction, Inc., dated October 13, 2021.
 - Cover Sheet – Proposed Site Expansion
 - i. Sheet C1 – Existing Conditions Plan, dated March 10, 2021.
 - ii. Sheet C2 – Site Plan, dated November 1, 2021.
 - iii. Sheet C3 – Utility and Operations Plan, dated November 1, 2021.
 - iv. Sheet C4 – Grading, Drainage, & Erosion Control Plan, Dated November 1, 2021.
 - v. Sheet C5 – Septic Location Plan, dated November 1, 2021.
3. Revised Application/Plan Set
- Cover Letter from John Chagnon, PE (Ambit Engineering, Inc.), dated January 15, 2022
 - Warranty Deed: Book 18185, Page 576, registered at the York County Registry of Deeds, dated March 3, 2020.
 - Resolution from Green Truck Farms II, LLC authorizing Joshua Seymour as representative for this application, dated January 13, 2022.
 - Resolution from Green Truck Farms III, LLC authorizing Joshua Seymour as representative for this application, dated January 13, 2022.
 - Resolution from JD Investments, LLC authorizing Joshua Seymour as representative for this application, dated January 12, 2022.
 - Ownership Disclosure.
 - Supplemental Information and Documentation regarding co-location of a medical marijuana caregiver retail store and adult use marijuana store from the State Office of Marijuana Policy (OMP).
 - Caregiver registration card (redacted for confidentiality).
 - OMP Conditional License for Green Truck Farms II, LLC, Registration #AMS622 - Adult Use Marijuana Store, expires February 4, 2022.
 - a. Joshua J. Seymour, Principal and 100% Owner.
 - Security Plan.
 - Disposal of Plant Material.
 - Odor Remediation Plan.
 - Drainage Analysis.
 - Subsurface Wastewater Disposal System Application, HHE-200; total design flow:980 gpd, dated November 23, 2021.
 - Custom Soil Resource Survey/Report, Natural Resources Conservation Service, for York County.
 - Trip Generation Calculation from Ambit Engineering, Inc., dated January 10, 2022.
 - Cover Sheet – Proposed Site Expansion (Revised January 4, 2022).
 - Sheet C1 – Existing Conditions Plan.

- Sheet C2 - Proposed Site Plan.
 - Sheet C3 – Utility and Operations Plan.
 - Sheet C4 – Grading, Drainage, & Erosion Control Plan.
 - Sheet C5 – Septic Location Plan.
 - Sheet L1 – Lighting Plan.
 - Sheets D1 through D5 – Detail Plans.
4. Memo from Jeff Brubaker, Town Planner, dated January 21, 2022.

Submitted for February 15, 2022:

1. Cover Letter from John Chagnon, PE (Ambit Engineering), dated February 7, 2022.
2. Updated Sheets: C2, C3, C4, C5, and L1.
3. Ownership Disclosure.
4. Caregiver Registration Card.
5. Revised Disposal of Waste Marijuana Products Document.
6. Luminaire Specifications Document.
7. Traffic Impact Assessment Technical Memorandum from Rebecca Brown, PE for GPI (Greenman-Pederson, Inc).
8. Letter from Attorney Michelle DelMar (applicant's attorney) re: pending Maine Conditional Adult Use License (#AMS1217) from OMP.
9. Review Letter from Fire Chief Muzeroll, dated February 11, 2022.
10. Memo from Jeff Brubaker, Town Planner, dated February 10, 2022.

Submitted for March 15, 2022:

1. Memo from Jeff Brubaker, Town Planner, dated March 8, 2022.
2. Public Hearing Notice to the Town of Eliot, dated March 4, 2022
3. Legal Notice of Public Hearing published in the Weekly Sentinel, dated March 4, 2022.
4. Abutter's List.
5. Revised Site Plan (Sheet C2), March 4, 2022.
6. Copy of Memo from Fire Chief Muzeroll, dated February 11, 2022 (attached).

Submitted for April 12, 2022:

1. Memo from Jeff Brubaker, Town Planner, dated April 7, 2022.
2. Conditional Use License for Adult Use Marijuana Store, # AMS1217, issued by Maine OMP, expires March 10, 2023.
3. Revised Sheet C2 – Site Plan, dated March 4, 2022.
4. Revised Sheet C6 – Driveway Improvement Plan, dated March 11, 2022.
5. Letter of concern re: approval process from Attorney Michelle DelMar (applicant's attorney), dated April 5, 2022.
6. Response Letter to Attorney DelMar from Jeff Brubaker AICP, Town Planner, dated April 7, 2022.
7. Email correspondence related to traffic and road improvements
8. Maine DOT Traffic Movement Permit (TMP) Application, submitted April 4, 2022.
9. Supplemental Staff Report from Jeff Brubaker, Town Planner, dated April 8, 2022.
10. New Sheet C6 – 'Driveway Improvement Plan', submitted April 12, 2022.

FINDINGS OF FACT:

1. The owner of the property is: JD Investments, LLC (mailing address: 19 Buffam Road, North Berwick, Maine 03906).
2. The applicant is: Green Truck Farms, LLC., re: Joshua Seymour (mailing address: 19 Buffam Road, North Berwick, Maine 03906).
3. The property is located at 16 Arc Road, Eliot, ME and is 8.43 acres.
4. Property can be identified as Assessor's Map 45/ Lot 17 and is located in the Commercial/Industrial Zoning District and Shoreland Zoning Limited Commercial and Resource Protection Overlays.
5. The applicant proposes to amend a previously-approved Site Plan (PB20-22) for a change of use from existing 'Cultivation' to construct a 6,000 square-foot 1-story building, retention/remodeling of existing structure (3,762 square feet), and Change of Use to Marijuana Establishment – Adult Use Marijuana Retail Store & Medical Marijuana Caregiver Retail Store, with associated site improvements
 - a. In the Shoreland, marijuana establishments and medical marijuana establishments are SPR use in the Commercial/Industrial District. Marijuana stores and medical marijuana caregiver stores are SPR uses in the Limited Commercial Shoreland Zoning District overlay.
 - b. Existing 3,762 square-foot building will be remodeled and used for employees, owner, and management only.
 - c. The co-located Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store will be divided by a separator wall, per State OMP requirements. There will be different principal proprietors for each of the two businesses.
6. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Public Works, Conservation Commission, and Code Enforcement. The Police Chief, Public Works, and Code Enforcement Officer had no comments. The submitted Fire Chief Memo is attached. The applicant agreed to the Fire Chief requests.
7. Applicant met with the Conservation Commission March 1, 2022. Discussed was the location of the driveway with regard to wetlands, native plantings, and current condition of site.
8. The Planning Board reviewed the application at the following regular meetings:
 - January 25, 2022 (site sketch plan review for initial/revised application).
 - February 15, 2022 (preliminary site plan review of revised application/found complete).
 - March 15, 2022 (public hearing/site review for revised application).
 - April 12, 2022 (continued site plan review/ approval).
9. The following application fees have been paid by the applicant, in accordance with §1-25:
 - Site Plan Review/Shoreland Zoning Application Fee (Amendment): \$100 (paid November 16, 2021).
 - Public Hearing Fee: \$175.00 (paid November 16, 2021).
 - Change of Use Fee: \$25.00 (paid November 16, 2021).
10. In accordance with §33-129 & 130, a public hearing was advertised in The Weekly Sentinel on March 4, 2022 and held on March 15, 2021 In accordance with §33-129 & 130, abutting land owners were notified via certified mail. Public comments: Mr. Hughes (WIN Waste) was concerned with the timeliness of receiving the application to review this application's impact. He did say that he will actively engage with Mr. Chagnon to better familiarize himself with the project. Mr. Brubaker received written comments concerned with impact to wildlife and watershed, traffic and construction traffic, suggesting a possible environmental review.

- a. Mr. (Eliot) Lee, East Coast Cannabis, emailed that he had concerns, came in to the office to verbally express concerns, but there is nothing in writing and he did not attend the meeting to make public comment.
11. A site walk was not held by the Planning Board. The Town Planner and applicant team held a site walk on March 8, 2022 to discuss traffic and the width and condition of Arc Road. Planner observation was that some pavement and shoulder restoration, along with a stop sign installation at the Arc Road approach to Route 236 would be beneficial.
12. There were no waivers requested.
13. Arc Road is a paved, private roadway with rights-of-way for access and egress and utility installation/maintenance rights to other property owners off Arc Road but will not participate in the work, itself.
14. Because Arc Road needs improvements, the applicant has agreed to repair of pavement and shoulders from the Arc Road 'S' curve up to the project entrance. Additionally, applicant will repair the culvert and widen and stabilize the portion of the road that includes the 'S' turn – 'Driveway Improvement Plan' – Sheet C6. WIN Waste stated that they are very-well positioned for the work to go ahead. Applicant will coordinate with Arc Road businesses during proposed repairs to Arc Road with a repair schedule and leave one lane open for traffic operations for those businesses during operating hours.
15. The Planning Board accepted the revised shoreland/site plan review applications (Adult Use Marijuana Retail Store and Medical Marijuana Retail Store/building construction) as complete on February 15, 2022.
16. A detailed Affidavit of Ownership was submitted to the Planning Board. (Attached).
17. The applicant submitted an OMP Maine Adult Use Marijuana Program Conditional License #AMS1217 (Retail Store) dated April 12, 2022, with an expiration date of March 10, 2023.
18. A copy of the Caregiver Registration Card was submitted to the Planning Board.
19. OMP legal counsel confirmation of applicant's legal counsel that states: "A Medical Marijuana Store and Adult Use Store may exist in the same building in separate units, provided that there is a registered caregiver for the Medical Marijuana Store and the registered Caregiver is neither that Adult Licensee nor an owner of that Adult Use Store Licensee."
20. The proposed use location meets the required 500-foot buffer from sensitive uses.
21. There were no requested waivers.
22. Applicable ordinances are: §33-190 Performance Standards, §45-405 Dimensional Standards, Chapter 44, Chapter 35, and Chapter 11.
23. The parcel includes a special flood hazard zone. Proposed improvements are not located in the flood hazard area. (See Note #3 on the Site Plan).
24. The property is served by a private well.
25. The applicant submitted a new septic system design per their HHE200 Subsurface Wastewater Disposal System Application. Septic system will have an alarm connected with the pump tank. It is connected back to the building in a box that has both light and sound.
26. Proposed building coverage is 2.7%. Post-construction non-vegetated area will be at 7.1%. Total shoreland post-construction de-vegetated area is at 11.0%.
27. Total Post-construction disturbed area is greater than one acre (total cleared area is 90,865 square feet) and requires Post-construction Stormwater Management, per Chapter 35, including a stormwater

- maintenance agreement. Stormwater agreement (Chapter 35, Appendix 1). The site plan includes a proposed stormwater detention pond, storm berm level spreader, and emergency spillway.
28. Traffic Movement Permit application has been filed by the applicant to the Maine Department of Transportation. Permit or letter of no need is required prior to a Certificate of Occupancy.
 - a. From the Traffic Engineer (Robert Bollinger), Traffic Movement Permit analysis showed:
 - i. All sight distance requirements are satisfied.
 - ii. The applicant will work with the MaineDOT in fulfilling any requisite items the MaineDOT will require from the applicant.
 - iii. With trip generation numbers, there is a high level of confidence that basing trip generation on a per register basis is the most reflective of the anticipated operation.
 - iv. No obstruction vertically or horizontally was seen with the characteristics of the roadway.
 29. The issue of no stop sign at the intersection of Arc Road and Route 236 will be addressed through the TMP process.
 30. Per §33-153, the applicant provided a Traffic Impact Assessment (TIA). The conclusion was that, based on the findings, the proposed marijuana dispensary can be safely and efficiently accommodated along the existing roadway network. No project-specific mitigation is warranted based on the incremental impacts of the Project.
 31. Traffic Study: Based on the safety review that showed there were no significant safety concerns and the traffic operations analysis that showed that the traffic could be handled on the adjacent roadways, the traffic engineer concluded that the intersection at Route 236 and Arc Road, as well as the Arc Road in and of itself could safely handle the traffic that is expected to be generated on this project.
 32. The building area in the 75-foot wetland buffer will not be impacted. The driveway, located in the 75-foot buffer, has been previously approved by the Department of Environmental Protection (DEP).
 - a. Applicant will update the Stormwater Permit with the DEP and submit as part of the record.
 33. Lighting is minimized to the greatest extent practicable, to include dark sky compliance and directed downward. Plan has been updated to cover all required locations.
 34. Plantings are shown on the plan. Applicant will have foundational plantings immediately adjacent to the building. Per the Conservation Commission recommendations, only native plantings will be used. Forested buffers appear on all sides of the lot.
 35. Weed-free hay will be used for site restoration.
 36. Previous condition of approval - The driveway will be widened to 18 feet, per previous approval. Widening will be done on the northeast side, per the Conservation Commission request. Current application - Driveway to proposed project is paved. Entrance to be widened and stabilized and driveway widened to 18 feet per Fire Chief request, with two-foot graveled shoulders along its entire length, per Sheet C2. Shoulders will be stabilized using Geotextile fabric and riprap.
 37. Required loading berth, per §45-494, will be 20 feet wide to allow for two trucks side-by-side and has a loading bay overhead door. Inventory will come in hand-carried boxes. It will also serve as a truck display for the Green Truck old pickup, viewable by retail customers.
 38. Current emergency contact protocols will be submitted to the Planning Department, Fire Department, and Police Department.

39. There will be gated employee access only to the rear building of the facility. This building will be used for an employee break room, cafeteria, locker room, bathroom, and inventory storage.
40. The area behind the back building is designated as a proposed re-growth area and will be left to grow back and not maintained as open.
41. As this project only includes Retail Stores, there will be no production, cultivation, or manufacturing and there will be no raw waste material from the retail operations. All marijuana products entering the facility will be properly packaged in child-resistant packaging, based on OMP requirements. In the event there is a return or failed product that needs disposing of, there is a policy in place to properly dispose of such products. All waste containers will be located in the rear parking lot, within the secured fence area, and screened from public view. Dumpster will be locked at all times with security cameras active at all times.
42. Parking spaces provided are forty-one (41), including two (2) ADA parking spaces, with access aisles. One ADA parking space location has been changed to reduce its mixing with the vehicle loading zone. This gives the ADA parking space an access aisle to an accessible entrance. Customer parking will be in front of the retail stores, with employee parking to the side and additional parking between the existing structure and to the rear of the proposed new structure.
43. Number of employees will be sixteen (16).
44. Hours of operation: Employee hours – Monday through Saturday 7AM to 8PM; Sunday – 7AM to 5PM; Store hours – Monday through Saturday 8AM to 7PM, Sunday – 8AM to 4PM. (See site plan, note 11).
45. Signs: There will be a 10'X5' sign at the entrance to the facility off Arc Road, per §45-130. Note 12 was added to Sheet C2 referencing the Board of Appeals approval requirement in §45-529 for off-premises signs, if needed.
46. §33-190 requires Code Enforcement Officer and Fire Chief (or designee) inspections prior to issuance of Certificate of Occupancy.
47. Planning Board members discussed their concern around the impact of the scheduled Route 236 overhaul. The Planner clarified that the work would only be from Depot Road, north, this year.

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. 'Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store' are permitted uses in the Commercial/Industrial Zoning District/Shoreland Zoning District Limited Commercial Overlay under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (20) by the Eliot Planning Board under §45-290 and §44-34(28)(c).
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Planning & Development, Article III, Division 6, Chapter 11, Chapter 35, Chapter 44, and Chapter 45.
5. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have been or will be met.
6. Based on information presented by the applicant and in accordance with §44-44, the Planning Board finds that the proposed use:
 - a. Will maintain safe and healthful conditions;

- b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewaters;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archeological and historic resources as designated in the Comprehensive Plan;
 - g. Will avoid problems associated with floodplain development and use;
 - h. Is in conformance with the provisions of §44-35, land use standards.
7. The project includes greater than one acre of disturbed area and is subject to Chapter 35 of the Town Code – Post-Construction Stormwater Management. The applicant has proposed stormwater management best practices (BMP's) that will remain privately owned and an erosion and sedimentation control plan consistent with §45-412. The Drainage Analysis meets the applicable Chapter 35 requirements. Per §45-411, peak 50-year runoff is modeled to decrease, in the post-construction scenario relative to the pre-construction scenario, in the 50-year storm for all design points.
8. The Planning Board notes the following from the traffic impact assessment (TIA): "Arc Road is not striped, but is approximately 24 feet wide with 1-2-foot gravel shoulders. Therefore, the roadway provides adequate width to accommodate two-way traffic flow for both passenger vehicles and truck traffic." However, during the application review process, apparent deterioration of pavement and shoulders along parts of Arc Road have been discussed between the applicant, WIN Waste Innovations, Planning Board, and Town Planner, which are reasonably likely to affect compliance with §45-406 given the traffic volume projected to be generated by the use in addition to existing traffic for other uses along the road. Additionally, a Traffic Movement Permit (TMP) for the Route 236 – Arc Road intersection may be required by MaineDOT and has been applied for. The Planning Board finds that §45-406 is likely to be satisfied with conditions of approval related to the TMP and repair of said pavement and shoulders.

DECISION:

Based on the above facts and conclusions, on April 12, 2022, the Planning Board voted to approve your application to amend a previously-approved Site Plan (PB20-22) to construct a 6,000 square-foot, 1-story building, retention of existing structure (3,762 square feet), and Change of Use to Marijuana Establishment – Adult Use Marijuana Retail Store & Medical Marijuana Caregiver Retail Store, with associated site improvements.

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.
4. Prior to, or along with, submittal of a building permit application:
 - a. The applicant shall provide the Town with a copy of any permits required by the Maine Department of Environmental Protection (DEP).
 - b. The applicant shall provide the Town with an updated floor plan showing compliance with all applicable Planning Board conditions of approval.
5. During construction, weed-free hay shall be used for site restoration to minimize spread of invasive species.
6. Prior to a Certificate of Occupancy being issued:
 - a. The applicant shall provide a copy of a Traffic Movement Permit (TMP) issued by MaineDOT, or documentation from MaineDOT indicating that a TMP is not required, to the Town's Code Enforcement Officer, Town Planner, and Public Works Director. If a TMP is required, the applicant shall make any improvements required by the TMP (including, but not necessarily limited to, culvert repair at the Route 236 – Arc Road intersection) within the time period or sequencing prescribed by the TMP or otherwise acceptable to MaineDOT, except that all TMP-required improvements shall be completed and accepted by DOT prior to Certificate of Occupancy. The applicant shall keep the aforementioned Town staff updated on the status of such improvements and their inspection/acceptance at MaineDOT
 - b. The applicant shall enter into a Maintenance Agreement for Stormwater Management Facilities with the Town ("Agreement"), based on Appendix 1 of Chapter 35 of the Town Code. Nothing in this condition shall be construed to relieve the applicant of any other stormwater commitments (e.g. those related to the Maine Department of Environmental Protection permit, if required), and if there is a conflict between various permit/agreement requirements, the stricter requirement shall control.
 - c. Arc Road shall be in a condition adequate to satisfy §45-406. Specifically:
 - i. Repair of pavement in deteriorated areas shall take place in accordance with §37-71 and the "Driveway Improvement Plan" (Sheet C6) submitted by the applicant April 12.
 - ii. Repair of shoulders shall take place as needed to achieve stabilized shoulders, with a minimum width of two (2) feet, in accordance with §§37-70 and 37-73.
 - iii. The above improvements shall be reviewed by a third-party engineer hired by the Town, at the expense of the applicant.
 - iv. Nothing in this condition is intended to prevent the applicant from entering into an agreement with other parties (e.g. Arc Road abutters) to share in the costs or work to satisfy these conditions.
7. Without limiting the applicability of (and commitment by the applicant to) other such performance standards, the applicant shall:
 - a. Limit the number of points of sales/registers to five (5) total for the entire building (between the marijuana retail store and medical marijuana caregiver retail store), consistent with the Traffic Impact Assessment (TIA);

- b. Comply with all State Office of Marijuana Policy (OMP) rules regarding the co-location of a marijuana retail store and medical marijuana retail store within the same building;
 - c. Ensure the operation of each store includes identification checks as required by §33-190(4)(f)(6);
 - d. Comply with Chapter 45, Article XI – Signs, for all proposed signage, including but not limited to, §45-528 for wall-mounted identification signs.
8. No later than 20 days after completion of the development, the applicant shall provide post-construction photographs of the shoreline vegetation along Sturgeon Creek and the developed site to the Code Enforcement Officer.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals for Shoreland Zoning permits granted by the Eliot Planning Board have expiration provisions specified in Section 44-45 of the Town of Eliot Code of Ordinances, which states:

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

The holder of an approved permit should take care to ensure that the approval granted on **April 12, 2022** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **April 12, 2022** 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,



Carmela Braun, Chair

This letter reviewed and approved by the Planning Board on May 17, 2022.

CC: Shelly Bishop, Code Enforcement Officer
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Brent Martin, Tax Assessor
Steve Robinson, Public Works Director

Ownership Disclosure

The Applicant, JD Investments, LLC is an asset holding company and the owner of property at 16 Arc Road Eliot, Maine.



JD Investments, LLC plans to lease a portion of the property to Green Truck Farms II, LLC for purpose of ADULT USE MARIJUANA RETAIL ESTABLISHMENT (See attached, Conditional Adult-Use Store License):



Green Truck Farms II, LLC is Maine cannabis entity owned by:

Joshua Seymour, Sole Manager, Member
8 Deer Ridge Lane Kittery, ME 03904

Davis Drolet — Member
184 Pine Hill Road Berwick, ME 03901

Andrew Beasley — Member
50 Long Swamp Road Berwick, ME 03901



JD Investments, LLC plans to lease a portion of the property to Green Truck Farms III, LLC for purpose of MEDICAL MARIJUANA RETAIL ESTABLISHMENT (See attached, Emily Rochette's Maine Caregiver card):



Green Truck Farms III, LLC is Maine cannabis entity owned by:

Joshua Seymour, Sole Manager, Member
8 Deer Ridge Lane Kittery, ME 03904

Davis Drolet — Member
184 Pine Hill Road Berwick, ME 03901

David Drolet — Member
34 Stowecroft Drive Hampton, NH 03842

Andrew Beasley — Member
50 Long Swamp Road Berwick, ME 03901

Comments submitted by Fire Chief:

From: Chief Jay Muzeroll <eliotfirechief@hotmail.com>
Sent: Friday, February 11, 2022 2:40 PM
To: Jeff Brubaker <jbrubaker@eliotme.org>
Subject: Re: Seeking review comments - 16 Arc Rd - Marijuana Retail Store

Good Afternoon,

I have reviewed the latest site plan again and still have the following requirements

Both building to be reviewed by the Maine Fire Marshal for access/egress compliance, construction permits and ADA compliance. Results to the Eliot Fire Chief prior to occupancy

Both buildings to have Knox Box's installed, location approved by the Eliot Fire Chief. Keys available in box's not key fobs or magnetic cards for building and alarm access. Prior to occupancy

Fire Alarm system to be installed by licensed provider. System to be tested by Fire Department prior to occupancy.

18' clear road width minimum maintained year-round and all-weather conditions.

Please pass this along to those that need it.

Jay P. Muzeroll
Eliot Fire Chief
NFPA Certified Plans Examiner

MEMO

TO: The Eliot Planning Board & Town Planner

FROM: Christine Bennett

Re: June 27 Planning Board Mtg & LD 2003 Ordinance Change Discussion:

Our agenda for June 27th does not offer much time to discuss LD 2003 Ordinance Changes.

The Ordinance Review subcommittee will be meeting in July to develop a draft set of ordinance amendments to discuss when we reconvene on July 25th.

If time allows, **a high-level discussion of the following items** would greatly help further along the subcommittee's work in July and help us meet our goal of getting mandated LD 2003 changes onto the November ballot. At a minimum, I feel we need to squeeze in a conversation on item #1.

As a reminder the November warrant deadline is completion of a public hearing on 8/15/23 (our 2nd meeting in August and only three meetings away).

ITEMS FOR DISCUSSION:

1. Designated Growth Area –

- Our Comprehensive Plan created one (because it is a required part of a comprehensive plan), but we did not modify our Zoning Map and there is no reference to one in our Land Use Ordinance. Paul Schumacher from SMPDC believes that, nonetheless, we have a Designated Growth Area
- **Section 5. 30-A MRSA §4364-A Residential areas, generally; up to 4 dwelling units allowed** hinges upon a lot either being in a designated growth zone or served by water & sewer. For an empty lot, if either of those conditions is met, four dwelling units may be sited by-right, meaning no Site Plan Review, just an application to the Code Enforcement Officer.
- **How should we handle this?** Should we make the map from the Comprehensive Plan a stand-alone map, accessible to the public and able to be referenced in our Ordinance?

2. Definitions:

- Affordable Housing – can we keep our current definition and just add a definition of Affordable Housing Developments?
- Density – appears in a number of sections of our ordinance and in the DECD Final Rules. We don't have a definition for this term. Should we create one?
- Structure – we have a definition for Structure (building) that is used in our coverage calculation. DECD has a definition for Structure that is strictly residential in nature. Should we add a new definition?

I have attached a table comparing our definitions to the definitions in DECD's final rule. I have also attached that final rule.

Respectfully yours,

Christine

Eliot Definition	DECD definitions in Final Rule
<p>Accessory dwelling unit means a separated living area which is part of an existing or new single family owner occupied residence, and which is clearly secondary to the existing single family use of the home and that meets the requirements of section 45-459. Accessory structure or use means a use or detached structure that is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.</p> <p>Note(s)—Definition of "accessory use" and "accessory structure" have been added through a previous ordinance revision, pending codification.</p>	<p>Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and municipalities may impose a maximum size.</p>
<p>NONE – ??? adopt DECD’s ????</p> <p>Related defn ?to be revised?</p> <p>Affordable housing means decent, safe and sanitary dwelling units that can be afforded by households with annual incomes no greater than 80 percent of the median household income in non-metropolitan York County, as established by the U.S. Department of Housing and Urban Development (median household income shall be published in the Annual Report of the Municipal Officers of the Town of Eliot, Maine). A renter-occupied unit is affordable to such households if the unit's monthly housing costs, including rent and basic utility costs (the costs of heating and of supplying electricity to the unit plus the cost, if any, of supplying public water and public wastewater disposal service to the unit), do not exceed 30 percent of gross monthly income. An owner-occupied unit is affordable to such households if its price results in monthly housing costs that do not exceed 28 percent of gross monthly income for principal, interest, insurance and real estate taxes. Estimates of mortgage payments are to be based on down payments and rates of interest generally available in the area to low and moderate income households.</p>	<p>Affordable Housing Developments are multi-family dwellings, defined per Maine State Statute 30-A MRSA §4364 (1) to mean:</p> <p>For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and for owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable</p>

	<p>without spending more than 30% of the household's monthly income on housing costs.</p> <p>For purposes of this definition, “majority” means more than half of proposed and existing units on the same lot.</p> <p>For purposes of this definition, “housing costs” include, but are not limited to:</p> <ul style="list-style-type: none"> a.) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and b.) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowners’ association fees.
<p>NONE – adopt DECD’s</p>	<p>Area median income. “Area median income” means the midpoint of a region’s income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.</p>
<p>NONE – should we define density?</p>	<p>Base density. “Base density” means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.</p>
<p>Sec 41-217 Water Supply</p> <p><i>Private central supply.</i> Where a public water supply is not foreseeable, the planning board may approve a private central water system or individual wells. If the subdivider provides a central system, an engineer shall design its location and protection of the source, and design, construction and operation of the</p>	<p>Centrally managed water system. “Centrally managed water system” means a water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, <i>Rules Relating to Drinking Water</i>. This water system may be privately owned</p>

<p>treatment facilities and distribution system conforming to federal and state requirements, or other appropriate standards as the planning board may require.</p> <p>Sec 33-183 Multifamily Dwellings:</p> <p>(h) All multifamily residential buildings on a single lot shall be connected to a <u>common water supply</u> and distribution <u>system</u>, either <u>private</u> or public, at no expense to the town. Prior to the issuance of any building permit, the applicant shall demonstrate by actual test or by a signed affidavit from an authorized representative of the servicing water company that water can be supplied at the rate of at least 250 gallons per day per dwelling unit and at an adequate pressure for firefighting purposes before starting construction of any building.</p>	
<p><i>Certificate of compliance</i> means a document signed by the code enforcement officer stating that a structure is in compliance with all of the provisions of this chapter.</p> <p>Sec. 45-459.14 - Accessory dwelling unit. "occupancy permit" [other sections use this same language]</p> <p>ARTICLE V. - CERTIFICATE OF COMPLIANCE</p> <p>Sec. 25-61. - Required; issuance.</p> <p>No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a certificate of compliance.....</p>	<p>Certificate of occupancy. "Certificate of occupancy" means the municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the <i>Maine Uniform Building and Energy Code</i> adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.</p>
<p>NONE – (note)</p>	<p>Comparable sewer system. "Comparable sewer system" means any subsurface wastewater disposal system that discharges over 2,000 gallons</p>

<p>Currently, such a system is described as an Engineered system, which DHHS will review and then give our Local Plumbing Inspector permission to permit.</p> <p>“The Department is not responsible for the accuracy of the field data, assumptions or conclusions of the designer, the suitability of the design, or its performance.” – I suggest we require a 3rd party review the plans and possibly the design.</p> <p>DHHS Rules have a number of requirements that we might want to incorporate into our SPR ordinance. (eg, items on the plan, location of test pits, an inspection and maintenance manual, retention of the designer through final inspection).</p>	<p>of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, <i>Subsurface Wastewater Disposal Rules</i>.</p>
<p>NONE – should we define density?</p> <p>The term density appears frequently within our ordinance [Chapter 41 – Subdivision, Chapter 45 – Zoning, Chapter 33 – Site Plans, Chapter 44 – Shoreland (in reference to vegetation)].</p>	<p>Density requirements. “Density requirements” mean the maximum number of dwelling units allowed on a lot, subject to dimensional requirements.</p>
<p>NONE – for discussion.</p> <p>? Did we modify our zoning map after the 2009 Comp Plan ?</p>	<p>Designated growth area. “Designated growth area” means an area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, “designated growth area” means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial</p>
<p><i>Dimensional requirements</i> means numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.</p>	<p>Dimensional requirements. “Dimensional requirements” mean requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.</p>

<p><i>Dwelling unit</i> means a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes and apartments, but shall not include trailers, recreational vehicles, or accessory dwelling units. An accessory dwelling unit is not considered an apartment for purposes of this Code. The provisions of this definition relating to accessory dwelling units are retroactive to January 1, 2003.</p>	<p>Dwelling unit. “Dwelling unit” means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.</p>
<p>NONE – do we need?</p>	<p>Existing dwelling unit. “Existing dwelling unit” means a residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.</p>
<p>NONE</p>	<p>Housing. “Housing” means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.</p>
<p>NONE – not needed</p>	<p>Land use ordinance. "Land use ordinance" means an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.</p>
<p><i>Lot</i> means a parcel of land which is defined by metes and bounds, or by boundary lines in a recorded deed, or which is shown on a recorded plot or plan.</p>	<p>Lot. “Lot” means a single parcel of developed or undeveloped land.</p>
<p><i>Multifamily dwelling</i> means a building or portion principally designed, adapted, or used for occupancy by three or more families, each living in its own separate quarters. Each individual unit which</p>	<p>Multifamily dwelling. “Multifamily dwelling” means a structure containing three (3) or more dwelling units.</p>

<p>functions as a separate living quarters shall be deemed to be a dwelling unit.</p>	
<p>NONE</p>	<p>Potable. “Potable” means safe for drinking as defined by the U.S. Environmental Protection Agency’s (EPA) Drinking Water Standards and Health Advisories Table and Maine’s interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, <i>Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.</i></p>
<p><i>Principal structure (building)</i> 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.</p>	<p>Principal structure. "Principal structure" means a structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.</p>
<p><i>Restrictive easement</i>, as used in the provisions of this Code governing small wind energy systems, means an easement on a property abutting a small wind energy system that imposes restrictions on the uses and structures within the easement area that are sufficient to allow the small wind energy system to be located closer to the property line than the otherwise applicable setback requirement.</p>	<p>Restrictive covenant. “Restrictive covenant” means a provision in a deed, or other covenant conveying real property, restricting the use of the land.</p>
<p><i>Setback</i> means the minimum horizontal distance from a lot line to the nearest part of a structure.</p>	<p>Setback requirements. “Setback requirements” mean the minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.</p>
<p><i>Single-family dwelling.</i> See "dwelling unit and family."</p>	<p>Single-family dwelling unit. “Single-family dwelling unit” means a structure containing one (1) dwelling unit.</p>
<p><i>Structure (building)</i> means anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or</p>	<p>Structure. “Structure” means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).</p>

permanently located, such as decks and satellite dishes	
NONE – not needed	Zoning ordinance. "Zoning ordinance" means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

Chapter 5: HOUSING OPPORTUNITY PROGRAM: MUNICIPAL LAND USE AND ZONING ORDINANCE RULE

Summary: This chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

Note: This chapter incorporates by reference certain material. The Appendix lists the material that is incorporated by reference, the date for each reference, and the organization where copies of the material are available.

SECTION 1. PURPOSE AND DEFINITIONS**A. PURPOSE**

1. This chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.
2. Municipalities need not adopt this rule language or the statutory language in P.L. 2021 Ch. 672 word for word. The Department encourages municipalities to consider local planning documents and other special local considerations, and to modify language into one that meets the needs of a particular community and the minimum requirements of this legislation. Municipalities may wish to adopt ordinances that are more permissive, provided that such ordinances are equally or more effective in achieving the goal of increasing housing opportunities. If a municipality does not adopt ordinances to comply with P.L. 2021 Ch. 672, this legislation will preempt municipal home rule authority.
3. These rules do not:
 - a) Abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this rule, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine;
 - b) Exempt a subdivider from the requirements in Title 30-A Chapter 187 subchapter 4;

- c) Exempt an affordable housing development, a dwelling unit, or accessory dwelling unit from the shoreland zoning requirements established by the Department of Environmental Protection pursuant to Title 38 Chapter 3 and municipal shoreland zoning ordinances; or
- d) Abrogate or annul minimum lot size requirements under Title 12 Chapter 423-A.

B. DEFINITIONS

All terms used but not defined in this chapter shall have the meanings ascribed to those terms in Chapter 187 of Title 30-A of the *Maine Revised Statutes*, as amended. Municipalities need not adopt the terms and definitions outlined below word for word. The Department encourages municipalities to consider local planning documents and other special local considerations, and to modify language into one that meets the needs of a particular community. Municipalities may wish to adopt terms and definitions that are more permissive, provided that such terms and definitions are equally or more effective in achieving the goal of increasing housing opportunities.

Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and municipalities may impose a maximum size.

Affordable housing development. "Affordable housing development" means

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
3. For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.
4. For purposes of this definition, "housing costs" include, but are not limited to:
 - a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

- b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

Area median income. "Area median income" means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Attached. "Attached" means connected by a shared wall to the principal structure or having physically connected finished spaces.

Base density. "Base density" means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Centrally managed water system. "Centrally managed water system" means a water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

Certificate of occupancy. "Certificate of occupancy" means the municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the *Maine Uniform Building and Energy Code* adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.

Comparable sewer system. "Comparable sewer system" means any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

Comprehensive plan. "Comprehensive plan" means a document or interrelated documents consistent with 30-A M.R.S. §4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

Density requirements. "Density requirements" mean the maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated growth area. "Designated growth area" means an area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial

Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

Dimensional requirements. “Dimensional requirements” mean requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

Dwelling unit. “Dwelling unit” means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Existing dwelling unit. “Existing dwelling unit” means a residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

Housing. “Housing” means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.

Land use ordinance. "Land use ordinance" means an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

Lot. “Lot” means a single parcel of developed or undeveloped land.

Multifamily dwelling. “Multifamily dwelling” means a structure containing three (3) or more dwelling units.

Potable. “Potable” means safe for drinking as defined by the U.S. Environmental Protection Agency’s (EPA) Drinking Water Standards and Health Advisories Table and Maine’s interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants*.

Principal structure. "Principal structure" means a structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.

Restrictive covenant. “Restrictive covenant” means a provision in a deed, or other covenant conveying real property, restricting the use of the land.

Setback requirements. “Setback requirements” mean the minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

Single-family dwelling unit. “Single-family dwelling unit” means a structure containing one (1) dwelling unit.

Structure. “Structure” means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).

Zoning ordinance. "Zoning ordinance" means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

SECTION 2. AFFORDABLE HOUSING DENSITY

A. GENERAL

This Section requires municipalities to allow an automatic density bonus for certain affordable housing developments approved on or after July 1, 2023, as outlined below. This section only applies to lots in zoning districts that have adopted density requirements.

B. ELIGIBILITY FOR DENSITY BONUS

1. For purposes of this section, a municipality shall verify that the development:
 - a) Is an affordable housing development as defined in this chapter, which includes the requirement that a majority of the total units on the lot are affordable;
 - b) Is in a designated growth area pursuant to 30-A M.R.S. §4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;
 - c) Is located in an area in which multifamily dwellings are allowed per municipal ordinance;
 - d) Complies with minimum lot size requirements in accordance with Title 12 Chapter 423-A; and
 - e) Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
 - i. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

- ii. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
- iii. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- iv. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

2. Long-Term Affordability

Prior to granting a certificate of occupancy or other final approval of an affordable housing development, a municipality must require that the owner of the affordable housing development (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction:

- a) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
- b) For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

C. DENSITY BONUS

If the requirements in Section 2(B)(1) and (2) are met, a municipality must:

- 1. Allow an affordable housing development to have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location; and
- 2. Require no more than two (2) off-street parking motor vehicle spaces for every three (3) dwelling units of an affordable housing development.

If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number. Local regulation that chooses to round up shall be considered consistent with and not more restrictive than this

law. The number of motor vehicle parking spaces may be rounded up or down to the nearest whole number.

SECTION 3. DWELLING UNIT ALLOWANCE

A. GENERAL

This section requires municipalities to allow multiple dwelling units on lots where housing is allowed beginning on July 1, 2023, subject to the requirements below. The requirements listed in Section 3 apply to municipalities with and without zoning. Private, state or local standards such as homeowners' association regulation, deed restrictions, lot size, set back, density, septic requirements, minimum lot size, additional parking requirements, growth ordinance permits, shoreland zoning and subdivision law, may also apply to lots.

B. REQUIREMENTS

1. Dwelling Unit Allowance

- a) If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. Ch. 423-A, and is:
 - i. Located within a designated growth area consistent with 30-A M.R.S. §4349 A(1)(A)-(B); or
 - ii. Served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.
- b) If a lot does not contain an existing dwelling unit and does not meet i. or ii. above, a municipality must allow up to two (2) dwelling units per lot located in an area in which housing is allowed, provided that the requirements in 12 M.R.S. Ch. 423-A are met. The two (2) dwelling units may be (1) within one structure; or (2) separate structures.
- c) If a lot contains one existing dwelling unit, a municipality must allow the addition of up to two (2) additional dwelling units:
 - i. One within the existing structure or attached to the existing structure;
 - ii. One detached from the existing structure; or
 - iii. One of each.
- d) If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot unless allowed under local municipal ordinance.

- e) A municipality may allow more units than the minimum number of units required to be allowed on all lots that allow housing.

2. Zoning

With respect to dwelling units allowed under this Section, municipalities with and without zoning ordinances must comply with the following:

- a) If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision.
- b) Municipalities may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023, is torn down and an empty lot results.

3. Dimensional and Setback Requirements

- a) A municipal ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed pursuant to this Section that are more restrictive than the dimensional requirements or setback requirements for single-family housing units.

- 4. A municipality may establish requirements for a lot area per dwelling unit as long as the additional dwelling units required for each additional dwelling unit is proportional to the lot area per dwelling unit of the first unit.

Water and Wastewater

- a) The municipality must require an owner of a proposed housing structure to provide written verification that each proposed structure is to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
 - i. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
 - ii. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

- iii. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- iv. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance, a municipality may:

- 1. Establish an application and permitting process for dwelling units;
- 2. Impose fines for violations of building, site plan, zoning, and utility requirements for dwelling units; and
- 3. Establish alternative criteria that are less restrictive than the requirements of Section 3(B)(4) for the approval of a dwelling units only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. §4353(4)(A), (B), or (C).

SECTION 4. ACCESSORY DWELLING UNITS

A. GENERAL

- 1. A municipality must allow, effective July 1, 2023, one accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which housing is allowed, subject to the requirements outlined below. The requirements listed in Section 4 apply to municipalities with and without zoning. Private, state or local standards such as homeowners' association regulation, deed restrictions, set back, density, septic requirements, shoreland zoning and subdivision law may also apply to lots.
- 2. A municipal ordinance that allows more than one accessory dwelling unit or that allows accessory dwelling units to be established in relation to duplex, triplex and other multi-unit buildings shall be considered consistent with the goals of P.L. 2021 Ch. 672.

B. REQUIREMENTS

- 1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

- a) Within an existing dwelling unit on the lot;

- b) Attached to a single-family dwelling unit; or
- c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

A municipality may allow an accessory dwelling unit to be constructed or established within an existing accessory structure, except the setback requirements of Section 4(B)(3)(b)(i) shall apply.

2. Zoning

With respect to accessory dwelling units, municipalities with zoning ordinances and municipalities without zoning must comply with the following conditions:

- (a) At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and
- (b) If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density, except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision.

3. Other

With respect to accessory dwelling units, municipalities must comply with the following conditions:

- a) A municipality must exempt an accessory dwelling unit from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;
- b) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit;
 - i. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, the required setback requirements in local ordinance of the existing accessory or secondary building apply.
- c) A municipality may establish more permissive dimensional requirements and setback requirements for an accessory dwelling unit.
- d) An accessory dwelling unit may not be subject to any additional motor vehicle parking requirements beyond the parking requirements of the

single-family dwelling unit on the lot where the accessory dwelling unit is located.

4. Size

- a) An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.
- b) Municipalities may set a maximum size for accessory dwelling units in local ordinances, as long as accessory dwelling units are not less than 190 square feet.

5. Water and Wastewater

A municipality must require an owner of an accessory dwelling unit to provide written verification that the proposed accessory dwelling unit is to be connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:

- a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
- b) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;
- c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- d) If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance under this Section, a municipality may:

- 1. Establish an application and permitting process for accessory dwelling units;

2. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and
3. Establish alternative criteria that are less restrictive than the above criteria in Section 4 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. §4353(4)(A), (B), or (C).

D. RATE OF GROWTH ORDINANCE

A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance pursuant to 30-A M.R.S. §4360.

STATUTORY AUTHORITY:

PL 2021 Ch. 672 codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B.

EFFECTIVE DATE:

April 18, 2023 – filing 2023-056

APPENDIX

List of Reference Material

Reference Material	Location to Obtain Document
U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table, March 2018.	U.S. Environmental Protection Agency Office of Water Drinking Water Hotline 1-800-426-4791
10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water, May 9, 2016	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016
Resolve 2021, Ch. 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants	Maine State Legislature Legislative Information Office- Document Room 100 State House Station Augusta, ME 04333 207-287-1408 webmaster_house@legislature.maine.gov
01-672 C.M.R. Ch. 10, Land Use Districts and Standards, December 30, 2022	Maine Department of Agriculture, Conservation & Forestry Bureau of Resource Information and Land Use Planning Land Use Planning Commission 22 State House Station Augusta, Maine 04333 207-287-2631
10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules, August 3, 2015	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016