

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION
PLACE: TOWN HALL/ZOOM

DATE: Tuesday, August 15, 2023
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**
- 6) **NOTICE OF DECISION – if available**
- 7) **PUBLIC HEARING**
 - a) 857 Main Street (Map 10, Lot 2), PID# 010-002-000, PB23-2: Site Plan Amendment/Review and Shoreland Zoning Permit Application – Boatyard Expansion
 - b) 41 Rogers Point Drive (Map 32/Lot 2), PID# 032-002-000, PB 23-14: Shoreland Zoning Permit Application and Site Plan Review (Request for Planning Board Re-Approval) – Replace and expand existing nonconforming residential structures
 - c) November 2023 Ordinance Amendments
 1. Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations
 2. Public Park-and-Ride Lots
 3. Grocery Stores
- 8) **OLD BUSINESS**
 - a) Community outreach – Proposed Ordinance Amendments for November Ballot
- 9) **OTHER BUSINESS / CORRESPONDENCE**
 - a) Review and Approve April 4 – July 25, 2023 Minutes – **if available**
 - b) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Member
- 10) **SET AGENDA AND DATE FOR NEXT MEETING**
 - a) September 5, 2023:
- 11) **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**
- b) When prompted enter meeting number ID: **831 1588 7634**
- c) When prompted to enter Attendee ID
- d) When prompted enter meeting password: **372803**
- e) 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 time to allow for input.
Please remember to state your name and address for the record.
- f) Press *9 to raise your virtual hand to speak



Christine Bennett, Planning Board Chair

PB23-2: 857 Main Street (Map 10, Lot 2): Site Plan Amendment/Review and Shoreland Zoning Permit Application – Boatyard Expansion – **Public Hearing**



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Geoffrey R. Aleva, PE, Civil Consultants, Applicant's Representative
Shelly Bishop, Code Enforcement Officer
Kim Tackett, Land Use Administrative Assistant
Date: August 9, 2023 (report date)
August 15, 2023 (meeting date)
Re: PB23-2: 857 Main Street (Map 10, Lot 2): Site Plan Amendment/Review and Shoreland Zoning Permit Application – Boatyard Expansion – **Public Hearing**

Application Details/Checklist Documentation	
✓ Address:	857 Main St.
✓ Map/Lot:	10/2
✓ Zoning:	Village
✓ Shoreland Zoning:	General Development, Resource Protection
✓ Owner Name:	MGX II LLC, c/o Tom Allen
✓ Applicant Name:	Safe Harbors Marinas; Agent: Civil Consultants
✓ Proposed Project:	Boatyard Expansion
✓ Application Received by Staff:	January 25, 2023
✓ Application Fee Paid and Date:	\$300 (Site Plan Amendment: \$100; Shoreland Zoning Permit Application, 2 ac. rounded up: \$200)
✓ Application Sent to Staff Reviewers:	July 6, 2023
✓ Application Heard by PB	March 7, July 25, and August 15 (scheduled), 2023
✓ Found Complete by PB	July 25
✓ Site Walk	March 28, 2023
✓ Site Walk Publication	March 17, 2023 (Weekly Sentinel)
Public Hearing	August 15, 2023 (scheduled)
✓ Public Hearing Publication	August 4, 2023 (Weekly Sentinel)
✓ Reason for PB Review:	Site Plan Amendment, SPR uses, Shoreland Zoning Permit Application, nonconforming use expansion

Overview

Applicant seeks site plan review and shoreland zoning permit approval to improve the existing boatyard on the property by removing three existing buildings (or parts thereof) and building a larger building and associated site improvements. This would consolidate two existing, separate buildings and outdoor areas where boatyard operations now occur. The frame-supported membrane storage structure closer to the river would remain in place. From the Project Synopsis in the application package (headings added):

Current operation

The site at Safe Harbor Kittery Point Eliot Facility currently consists of approximately 5 structures comprising approximately 32,000 sf. We are a boatyard operation that services, repairs and stores both recreational, commercial and government vessels up to 55' LOA [length overall]. In the winter season approximately 150 boats are stored on the property. On average 15 vessels are stored inside heated and 25 inside a cold storage Rubb fabric structure. A limited number of vessels are stored on premises in the summer season.

Scope of improvements

- Demolition of 6800 s.f of existing wood framed structures, to be replaced with steel framed buildings
- Erection of new metal framed structure for improved work flow.
- Improved storm water management
- New waterline from road with sprinkler fire suppression system to main buildings

Type of review needed

Public hearing – receive public comments, close public hearing before deliberating and considering an overall motion on the application (see recommendation and motion templates)

Site walk

A site walk was held on Tuesday, March 28, and was summarized at the July 25 meeting. The applicant has their own summary in the application.

Conservation Commission (ECC) review

In March, the ECC reviewed the sketch plan, and the Chair's review summary was in my 3/7/23 report. The applicant presented again to the ECC in May, summarizing that "The plans were updated based on comments from the board regarding native plantings and impact areas."

Uses and zoning

Previous approved uses on file:

- PB92-02, Oct. 1992: Expansion with boat storage building and office addition
- PB95-03, Nov. 1995: Conditional Use Permit to expand the workshop and storage shed
- PB98-22, Sept. 1998: 17'x20' addition to existing building, use is "commercial establishment"
- PB12-03, May 2012: Approved CUP amendment to erect the 150' x 80' fabric structure for boat storage and 3,340 sf addition

The proposed use in the shoreland zoning application is "Marina, Limited boatyard". The pier appears to meet the definition of a "commercial pier". For brevity, definitions are omitted here (see Sec. 1-2).

Village zone

The boatyard appears to be a nonconforming use. Industrial establishments and uses and warehouse uses are prohibited in the Village district. The land use table (45-290) has no entry for marinas.

Shoreland zone: general development (GD)

GD allows more intense development than other shoreland districts, including manufacturing,

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fabricating, or other industrial activities and wholesaling, warehousing, retail trade, and service activities, or other commercial activities [44-33(d)]. No major structures are proposed in the GD overlay, but the plans show additional paved area with retaining wall. A note on Sheet L2 and the applicant's memo mention the proposed expansion of the work area here. Full service and limited marinas, permanent commercial piers, and generic industrial uses are SPR uses (44-34) in GD.

Shoreland zoning: resource protection (RP)

In RP, full service and limited marinas and generic industrial uses are prohibited, and permanent commercial piers are SPR uses but only for commercial aquaculture.

Recommendation on land use review

The definition of "limited marina" may not be the best fit for the use as described. A limited marina's principal use is "providing for hire offshore moorings or docking facilities for up to eight boats (excluding dinghies) not registered in landowners name" with indoor storage of boats and boat repair defined as "accessory services". These latter services seem to be principal for the boatyard. However, as noted in the application, "uses similar to" SPR uses are SPR uses in both base and shoreland zoning.

In this case, I believe GD zoning takes precedence over RP. 44-33(a) states that "general development districts need not be included within the resource protection district". The relevant SPR designations in GD would not make sense if they were superseded by the restrictions of the adjacent RP zone along the same shoreline. Finally, even if the RP restrictions would take precedence, 44-32 allows for continuance of nonconforming uses. The sketch plan application noted that "The property has been in operation as a boatyard and marine based business for many years"; at sketch plan review the applicant said it became a boatyard in the late '60s; and aerial imagery shows a presumptive commercial pier at the developed property at least as far back as October 1980.¹

I therefore suggest review of the uses as follows:

- Within the shoreland zone (GD), use is an SPR use that is similar to SPR uses commercial pier, generic industrial, limited marina.
- Within the non-shoreland Village zone, as discussed at sketch plan review, the PB should review as a continuance/potential expansion of a presumptive legally nonconforming use.

Nonconforming use in the Village zone [45-192(a)]

The question of expansion of a nonconforming use – governed by 45-192(a) – was discussed during sketch plan review. The applicant argues that the nonconforming use is not actually expanding. While they propose a significant building expansion, they argue that this will enclose outdoor areas already devoted to the boatyard operations. Per their memo:

The proposed site improvements and building expansion do not increase the non-conforming use of the property. The existing boatyard, marine storage and repair use covers the majority of the existing developed areas. The proposed building expansion has been designed to enclose existing operations over the work areas... The new buildings will allow for the relocation of outside boat maintenance to the interior of the buildings for safety and reduced noise impacts.

¹ https://digitalmaine.com/mgs_aerial_photos/3314/

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The PB should first determine if this outdoor-to-indoor use conversion accords with 45-192(a). I believe that it does, at least with respect to the area and function of the use. A reasonable reading of this rule would not consider the enclosure of an area already devoted to a use to be an expansion of that use or function, other things equal. However, an expansion may also occur by “adding to the volume of business, or increasing the range of goods or services”. The application gives some indication that the business activity will expand, e.g. more year-round employees. At sketch plan review, the applicant said that they have 20 summertime employees, and that will increase by 3. However, 45-192(a) does allow up to a 25% expansion within any 10-year period. The boatyard’s range of services generally seem to be staying the same, but if the PB believes there might be a >25% expansion of range of services or business volume, you should ask the applicant to clarify that.

Second, the PB should determine if the proposed expansion of the outdoor work area in the GD zone accords with 45-192(a). The applicant’s memo states that this is to “provide a larger platform for commercial operations at the base of the hill... The existing work area is approximately 6,743 SF, the proposed additional work area is 3,365 SF.” It appears that this additional work area, by itself, is well below 25% of the existing area devoted to boatyard operations on the whole parcel (at least 32,000 sf within buildings, plus outdoor areas).

Right, title, and interest (33-106)

Warranty deed provided (5/2/22); ALTA/NPSPS land title survey on the last sheet of the plan set

Dimensional requirements (45-405)

Dimension	Standard	Met?
Min lot size	1 acre	Met
Lot line setbacks (ft)	30/20/30 front/side/rear 30/10/10 accessory	Appears to be met. A portion of one structure that currently does not meet the side setback will be removed. See Sheets L1 and L2.
Building height (ft)	35	Appears to be met. Shoreland zoning application states that the proposed building height varies but is “less than 35 [ft.]” and building elevations (Sheets A2.1 to A2.3) appear to confirm that, including a height at or lower than the existing front building. 34 ft. existing building height noted on title survey.
Lot coverage	20%	Appears to be met. See calculation on Sheet L1 showing 18.6% lot coverage (building/structure footprints).
Min street frontage (ft)	100	Not met, but acceptable assuming legally nonconforming lot.
Max sign area (sf)	Max. 12 sf	Unclear if met. Property has existing sign at Main St. Applicant believes the current sign conforms to this standard. Exterior wall-mounted sign location shown on building elevation (A2.1) but may not be allowed [45-528(d)].

Shoreland zoning land use standards (44-35)

Dimension	Standard	Met?
Min lot size	1 acre	Met
Min shore frontage (ft)	100	Met

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Structure setback from normal high-water line (NHWL), GD zone (ft)	25	Appears to be met. Sheet L2 shows no structures within 25 ft. (Maine Geological Survey coastal bluff map shows the southeast portion of the shore as stable and the northwest portion as unstable – structure setback from here may be top of coastal bluff, though setback would likely be met anyway.)
Building height in shoreland zone (ft)	35 (RP), N/A (GD)	N/A
Lowest floor elevation above the 100-year flood or other flood standard (ft)	2	Appears to be met. Sheet L2, Note 8 shows 100-year floodplain base flood elevation at or about 9 ft. and the Special Flood Hazard Area (Zone AE) as a dashed line on the plan. The ground slopes up from the shore. The frame-supported membrane structure ground is at 45.9 ft. and the expanded building's lowest finished floor elevation is 54.3 ft.
Max non-vegetated surface coverage	70% (GD)	Appears to be met. Sheet L2 shows calculation of coverage increasing from existing 25% to proposed 31%.

Retaining wall

Sheet L2 shows a new London block retaining wall along the perimeter of the new 3,365 sf paved area within the GD zone. A conceptual detail of the wall is on Sheet L4. Per 44-35(b)(5), the applicant needed to show that this is necessary for erosion control, or that, alternatively, it meets all non-erosion-control retaining wall requirements in that section. They described its need for erosion control in their 7/14 memo. On August 8, a resident met with me to seek clarity on the height of the retaining wall (shown as “varies” in the plan sheet details) and I have asked the applicant to clarify that at the meeting.

Tree buffer – shoreland and side lot line setbacks

Sheet L2 shows the tree buffer along the shoreline, proposed new disturbed and paved areas, and native vegetation to be installed in restored areas (per ECC comment). The application also includes a narrative on tree preservation and cutting that reflects some shoreland zoning provisions. Sheet L3, the existing conditions plan, shows wooded areas and calculates a total tree canopy area on the lot of 2,042 sf. In response to my review comment regarding the new 3,365 sf paved work area's consistency with 44-35(p) provisions on tree cutting, the 7/14 memo states, in part:

Most of the existing vegetation disturbed by the work area expansion is low vegetation. Disturbed areas will be replanted with native plants along the slope. Any existing trees that are removed will be replaced along the slope. The intent is to keep the new work out of the 25 ft setback from the wetland edge.

Sheet L3 shows that the paved work area (with retaining wall) is on a slope with part overgrown grass and part wooded/brush, and is partly within the 75 ft. river setback but out of the 25 ft. setback. If the PB would like to delve more into this, you could consider asking for a “tree score” plan.

The plans also show a treeline buffer in the northwest side setback area (abutting Clark Rd. properties) but gravel and a chain link fence (no tree buffer) on the southeast side.

Section 44-35(c) pier/dock review

No substantial changes are proposed for the existing pier. Sheet L2 shows a water service line and underground electric line running to the pier with electrical box. In response to my review comment regarding the location of the electrical box within the 100-year floodplain (see Ch. 25), the 7/14 memo

clarifies that “Any electrical work that will be placed in the floodplain will be raised to meet the requirements to keep the fixture above the required elevation”. The 7/14 memo notes that the pier does have reflectors [per 44-35(c)(14)] but their “condition is currently undetermined. We will inspect and install new as required.” The pier is close to the adjacent property to the southeast, apparently less than the standard 25 ft. riparian line setback; however, it may be considered a legally nonconforming situation, and it appears that in the 1980 aerial imagery, a long perpendicular float jutted onto the adjacent property’s riparian area, while today a much shorter float stops at or near the riparian line.

Stormwater and drainage

The memo in the application details the proposed stormwater BMPs, which include a gravel drip edge or gutter along the new building, filter berms, catch basin improvements (with deep sumps to capture sediment), a rainwater storage tank, reused rainwater for boat washing (wash water discharged into the sewer system), and improvements to an existing swale. A calculation on Sheet L2 shows 15,777 sf of existing impervious area and the additional 3,765 sf impervious area from the proposed new paved area with retaining wall by the pier. The application notes that the paving of other gravel areas and site access would reduce dust and sediment transport as runoff would be directed to catch basins and protected outlets. The building expansion would take place over existing impervious areas. The application also includes a stormwater maintenance and inspection plan. Pre- and post-construction stormwater flow modeling is not in the application, but the application and 7/14 response memo qualitatively discuss drainage improvements and peak flow reductions. Ch. 35 post-construction stormwater management requirements will apply.

Parking and loading (Ch. 45, Art. X)

19 spaces are proposed (13 next to the main building, 6 by the pier). The applicant’s 7/14 memo warrants that this satisfies the presumptive parking standard of 1 space per employee for the anticipated largest shift [45-495(11)]. One ADA space is provided with some distance between the space and the doors of the main building via a marked accessible route. In response to my review suggestion, the 7/14 memo cites slope and door location as to why this location was chosen. 2 to 3 loading bays/berths are required by 45-494. This is presumptively met by the design of the building (see elevation sheets A2.1 to A2.3), its several large boat/vehicle doors, and the maneuverability of the paved parking lot.

Traffic (45-406)

The applicant proposes to repave the gated site driveway from Main St. after installing new utilities. Trip generation estimates are not apparent in the application. The hours of operation would be M-F 7:30am to 4:00pm with “Saturdays as needed in the swing season”. Presumably, most trips would be from employees or subcontractors, with boat towing trips less often, especially in the winter. If the PB has questions about trip generation, you may wish to clarify with the applicant. I do not believe a traffic study is needed (33-153) given the existing operations and nature of proposed improvements.

Water and sewer

The lot is served by public water and public sewer. A new 6” water main is proposed along the driveway from Main St., along with capping and abandoning an existing water service. At Main St., a 6” tee and valve is proposed (to be coordinated with Kittery Water District). This line would provide fire suppression service to the building. A 2” line would branch off from the main and run to the pier.

A new sewer line would be built from Main St. to serve the buildings. A forcemain is shown on Sheet L1 with details on Sheet L5. These sheets also show the location and detail of a proposed oil-water separator. See Section 18-35 for limitations on discharges into the public sewer system. At sketch plan review, the applicant noted that bringing more boat storage indoors is likely to capture more washed-off paint than with outdoor storage, and that they are registered as a clean marina at the highest level.

Site plan review comments have been sought from the respective utility contacts.

Glare

The site plan set includes a photometric plan showing the various exterior building lights around the building walls and illuminance values at or near zero at property lines. The applicant notes that in response to a concern raised at the site walk about site lighting, “The intent is to only have code required lighting along the side portion of the building abutting the neighbors. The existing lights will be adjusted to reduce glare onto the abutters.”

One change in the current plan set in your packet and noted on July 25 is the addition of translucent panels along the upper exterior wall of the northwest side of the building to let more natural light into the building. There are no overhead doors or other windows on this side of the building. There are two doors for emergency egress as required by fire code; these doors will have motion sensor lighting. The applicant has argued that this mostly opaque design will serve to limit any glare from this side of the building (also note the photometric plan).

Noise

The application notes that moving operations from outdoors to indoors will reduce noise impacts.

Fire suppression

The proposed expanded building would be outfitted with a sprinkler system for fire suppression, served by the proposed new water line. The project has been verbally discussed with the Fire Chief, with no further comments at this time. The site experienced a fire in 2008 which destroyed a storage building and two boats. The applicant also proposes to remove several wood buildings. On July 25, the applicant noted that the building will be reviewed by the State Fire Marshal.

Solar panels

On July 25, the applicant indicated they would be adding roof-mounted photovoltaic solar panels to the plans. The panels can be seen in Sheet A2.2. Roof-mounted solar panels are “solar energy systems, small-scale ground mounted or roof-mounted” (SES-SR) in the land use table (45-290), only need building/electrical/etc. permits from the Code Enforcement Officer, and are subject to Section 45-462(c). Sheets A2.1 and A2.2 show them flat against the roof, where they do not appear to add more than marginal height to the proposed building.

Site plan review information waivers

A high intensity soil survey [33-127(12)] waiver was approved on July 25.

Recommendation

Approval with conditions

Motion templates

Motion to approve the Site Plan Review Application and Shoreland Zoning Permit Application for PB23-2 for a Boatyard Expansion at 857 Main St., with the following findings of fact (in addition to other applicable findings of fact to be included in the Notice of Decision):

1. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have been or will be met.
2. Based on the information presented by the applicant and in accordance with Sec. 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 wastewater;
 - 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 archaeological 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 section 44-35, land use standards.
3. The Planning Board finds that the proposed project is a use similar to SPR uses (commercial pier, generic industrial, limited marina) in the General Development shoreland zone, and – as proposed – is a legally nonconforming industrial, commercial, and warehouse use in the Village zone that is allowable pursuant to Section 45-192.

The approval includes the following conditions:

1. [Standard conditions]
2. No later than 20 days after completion of the development, the applicant shall provide to the Code Enforcement Officer postconstruction photographs of the shoreline vegetation and developed site.
3. Before completing construction of the project, the applicant shall enter into a Post-Construction Stormwater Management maintenance agreement with the Town, pursuant to Chapter 35 of the Town Code.
4. Before commencing construction on any work permitted by MaineDEP or the US Army Corps of Engineers, the applicant shall provide the Code Enforcement Officer with copies such permits.

Denial

Motion to deny the Site Plan Review Application and Shoreland Zoning Permit Application for PB23-2, for the following reasons:

1. _____
2. _____

PB23-2: 857 Main Street (Map 10, Lot 2): Site Plan Amendment/Review and Shoreland Zoning
Permit Application – Boatyard Expansion – **Public Hearing**

3. _____ [etc.]

Continuance

Motion to continue PB23-2 to the September 5, 2023, meeting.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

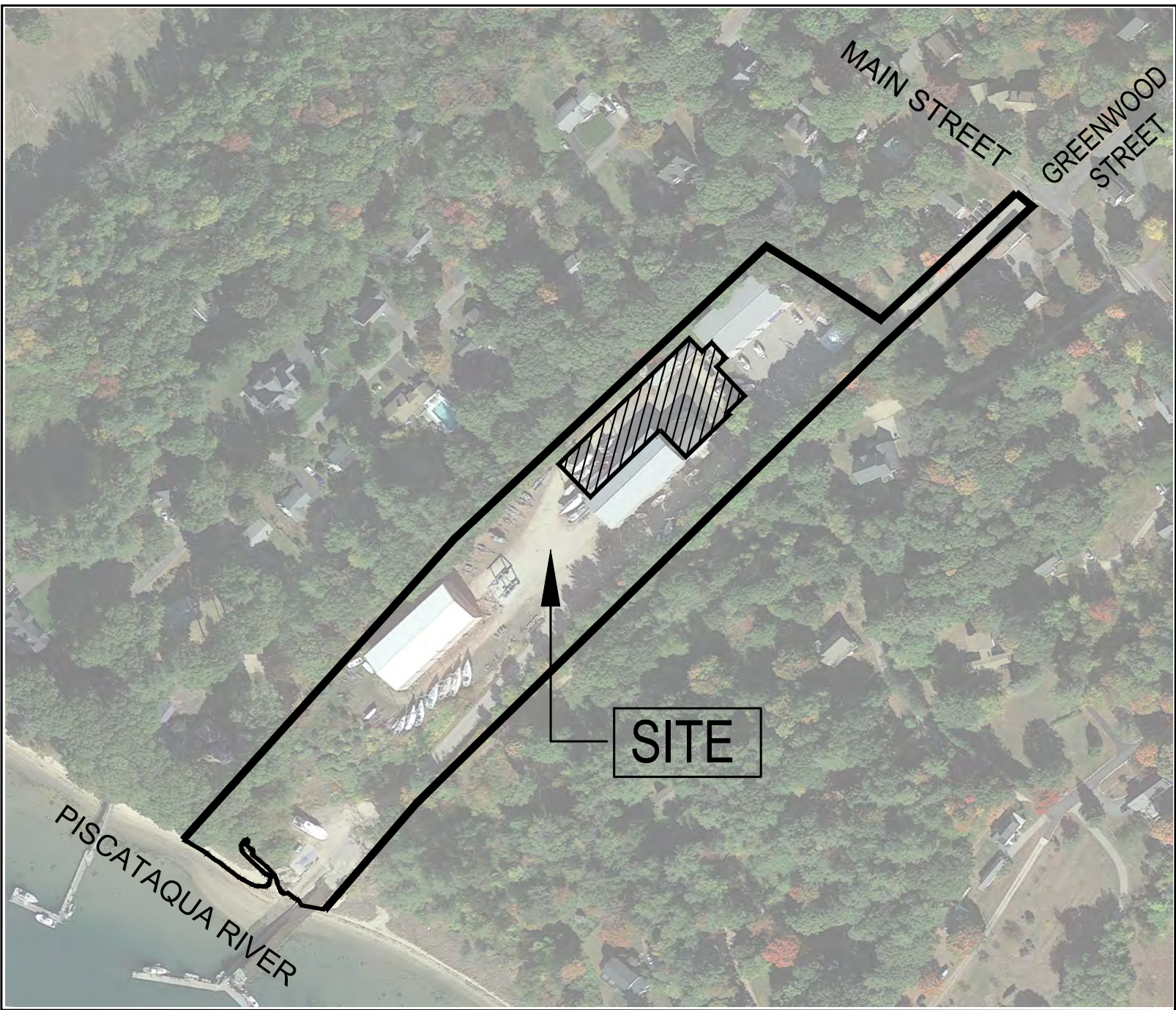
SAFE HARBOR MARINAS
BUILDING ADDITION
857 MAIN STREET
ELIOT, MAINE



OWNER:

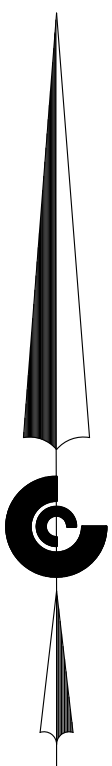


SHM Kittery Point, LLC



LOCATION PLAN

1"=200'
0' 200'



SHEET NUMBER

SHEET TITLE

DE1	DEMOLITION PLAN
L1	SITE PLAN
L2	SITE PLAN
L3	EXISTING CONDITIONS PLAN
L4	CONSTRUCTION DETAILS
L5	CONSTRUCTION DETAILS
L6	CONSTRUCTION DETAILS
A2.1	EXTERIOR ELEVATIONS
A2.2	EXTERIOR ELEVATIONS
A2.3	EXTERIOR ELEVATIONS
	SITE LIGHTING LAYOUT
	2022 ALTA/NSPS LAND TITLE SURVEY

CIVIL ENGINEER:

CIVIL CONSULTANTS
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Planners
Surveyors
P.O. Box 100
South Berwick
Maine
03908
207-384-2550
www.civcon.com

ARCHITECT:

PORT ONE ARCHITECTS
959 Islington Street
Portsmouth, NH 03801
603.436.8891
info@portonearchitects.com

DESIGN - BUILDER:

HL Patten CONSTRUCTION
4 Shapleigh Rd.
Kittery, ME
207.439.2008



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Maine
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1	REVISE NEW BLDG DOOR LOCATIONS	JAA	08/08/23
NO.	REVISIONS	INT.	DATE

RECORD OWNER:
SHM KITTERY POINT, LLC
ADDRESS:
C/O SAFE HARBOR MARINAS
14785 PRESTON ROAD
SUITE 975
DALLAS, TX 75254

**PROPOSED BUILDING ADDITION
LAND OF SHM KITTERY POINT, LLC
857 MAIN STREET - TAX MAP 10, LOT 2
ELIOT, YORK COUNTY, MAINE**
PREPARED FOR: H.L. PATTEN CONSTRUCTION, INC.
CLIENT ADDRESS: P.O. BOX 450, 4 SHAPLEIGH ROAD, KITTERY, ME 03904

AS NOTED
0'
AS NOTED

DATE: 05/09/2023
DRAWN BY: JAA
CHECKED BY: GRA
APPROVED BY: GRA

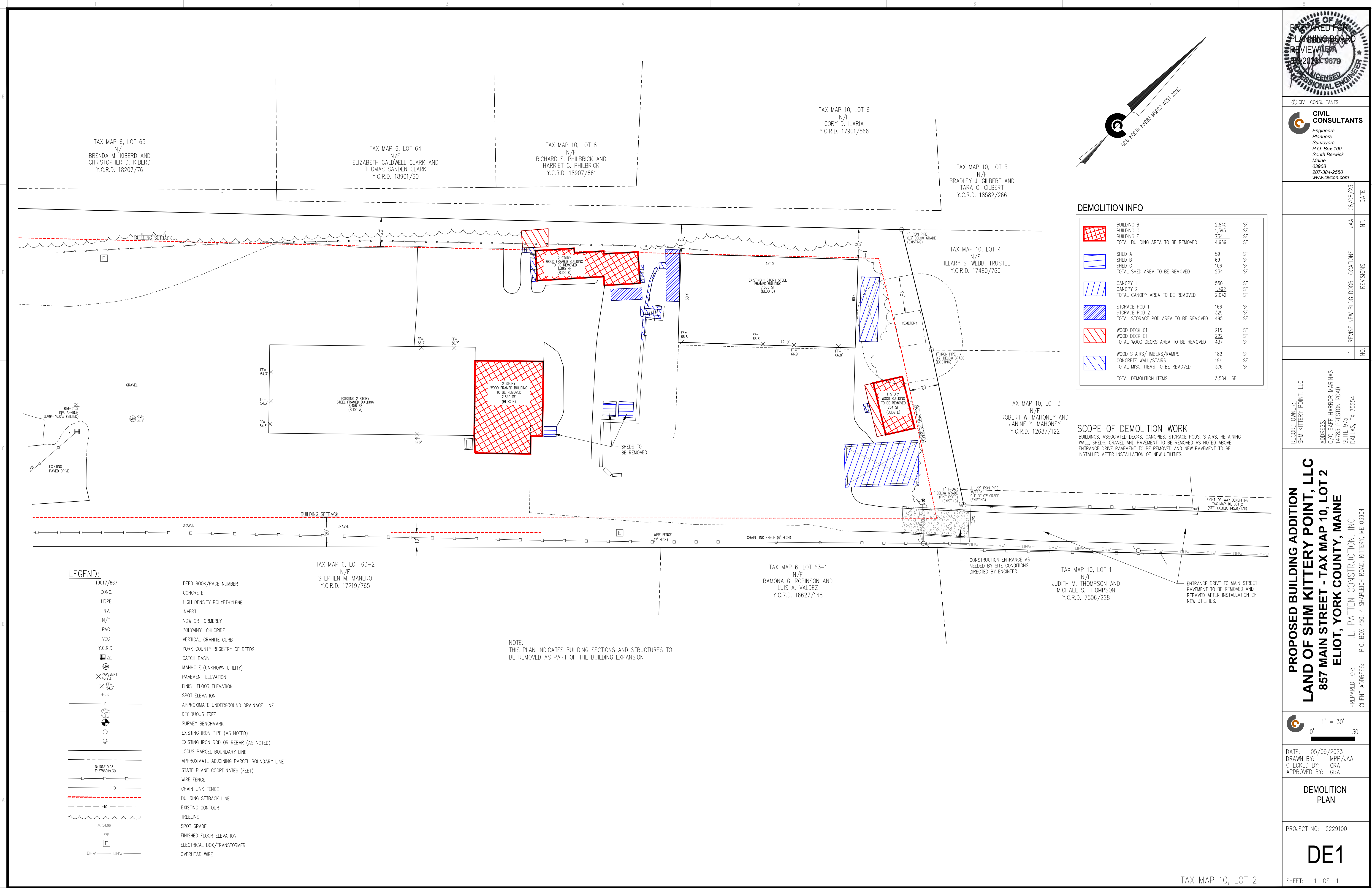
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PROJECT NO: 2229100

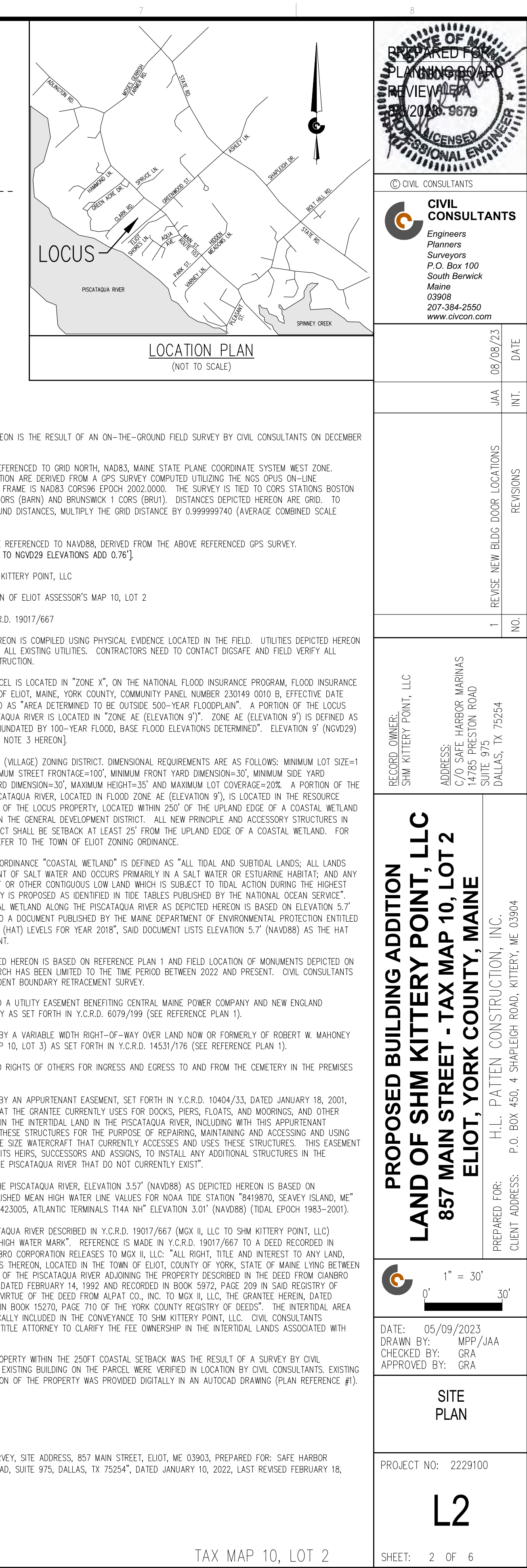
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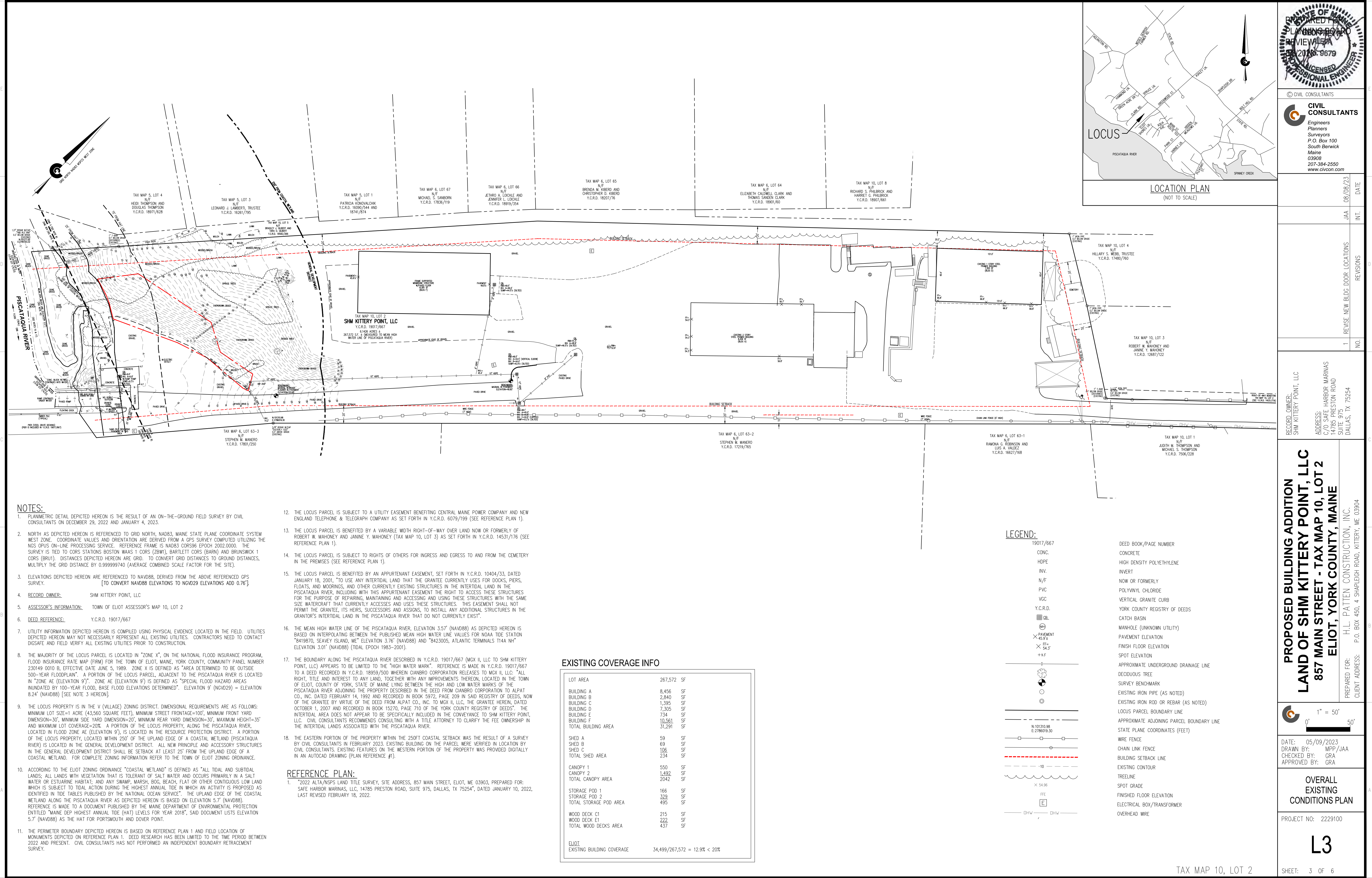
SHEET: 1 OF 1

TAX MAP 10, LOT 2









CIVIL CONSULTANTS
Engineers
Planners
Surveyors
P.O. Box 100
South Berwick
Maine
03908
207-384-2550
www.civcon.com

JAA 08/08/23 DATE

1 REVISE NEW BLDG DOOR LOCATIONS NO.

RECORD OWNER:
SHM KITTERY POINT, LLC
ADDRESS:
C/O SAFE HARBOR MARINAS
14785 PRESTON ROAD
SUITE 975
DALLAS, TX 75254

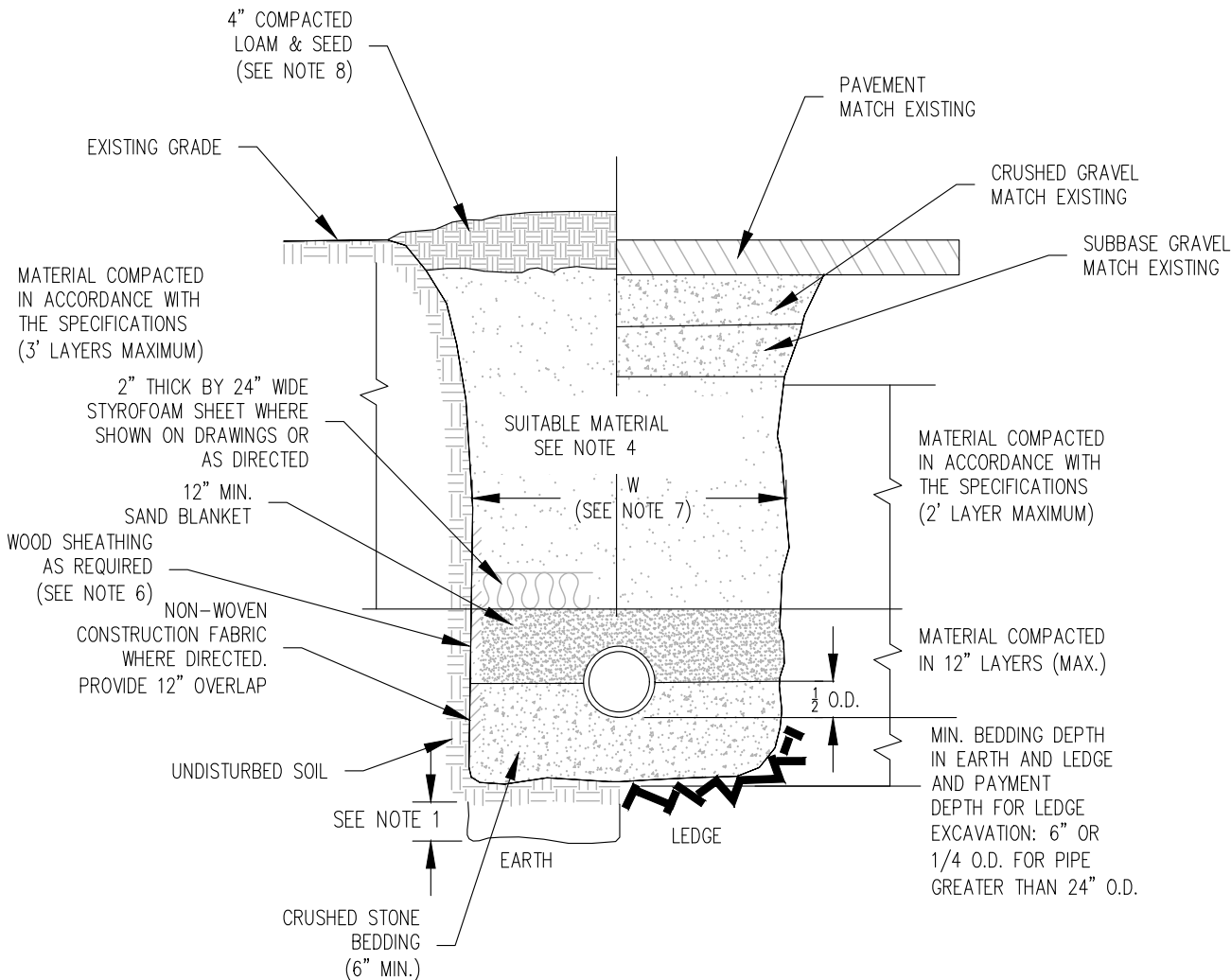
PROPOSED BUILDING ADDITION
LAND OF SHM KITTERY POINT, LLC
857 MAIN STREET - TAX MAP 10, LOT 2
ELIOT, YORK COUNTY, MAINE
PREPARED FOR: H.L. PATTEN CONSTRUCTION, INC.
CLIENT ADDRESS: P.O. BOX 450, 4 SHAPLEIGH ROAD, KITTERY, ME 03904

DATE: 05/09/2023
DRAWN BY: MPP/JAA
CHECKED BY: GRA
APPROVED BY: GRA

OVERALL
EXISTING
CONDITIONS PLAN

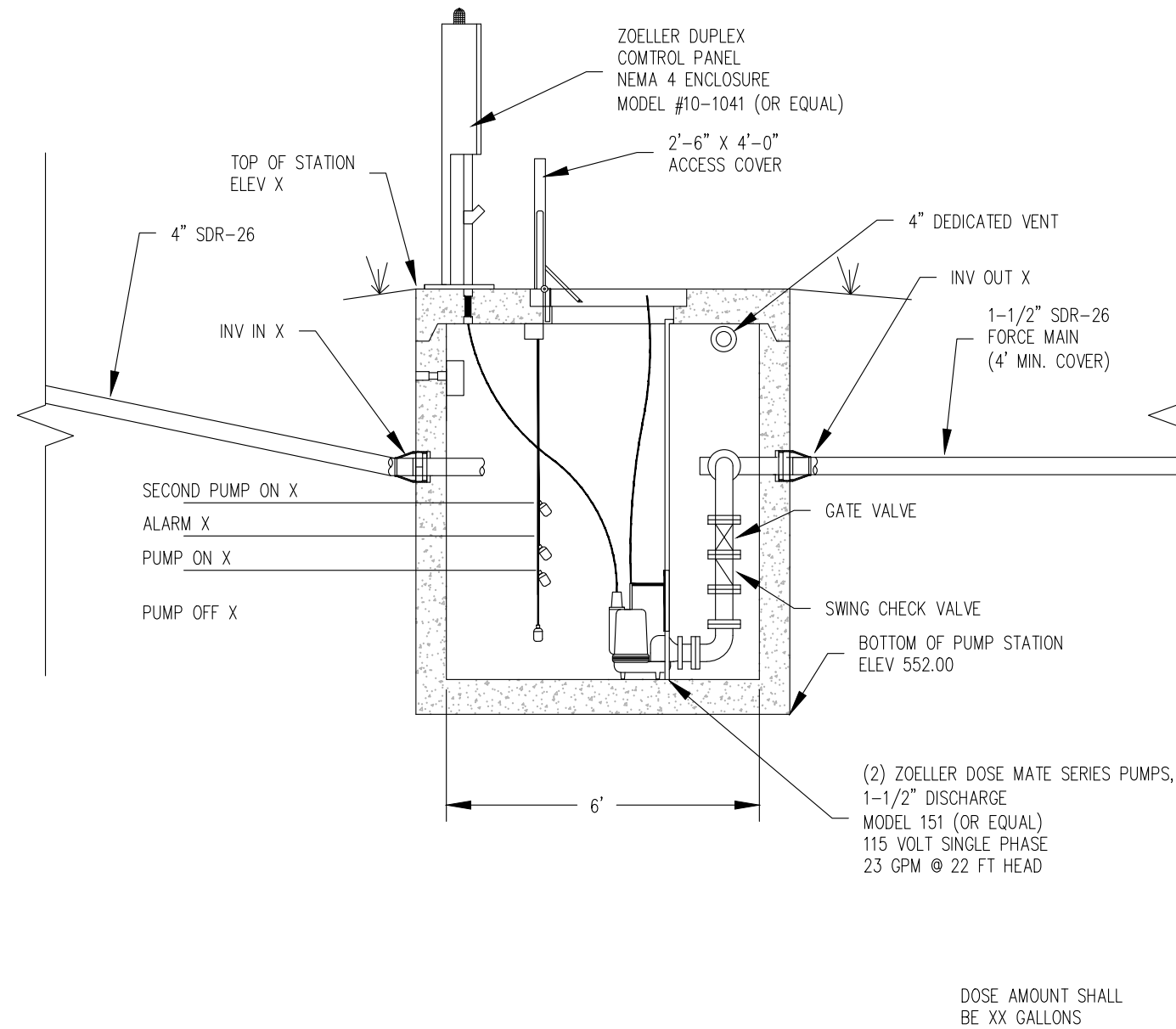
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L3
SHEET: 3 OF 6

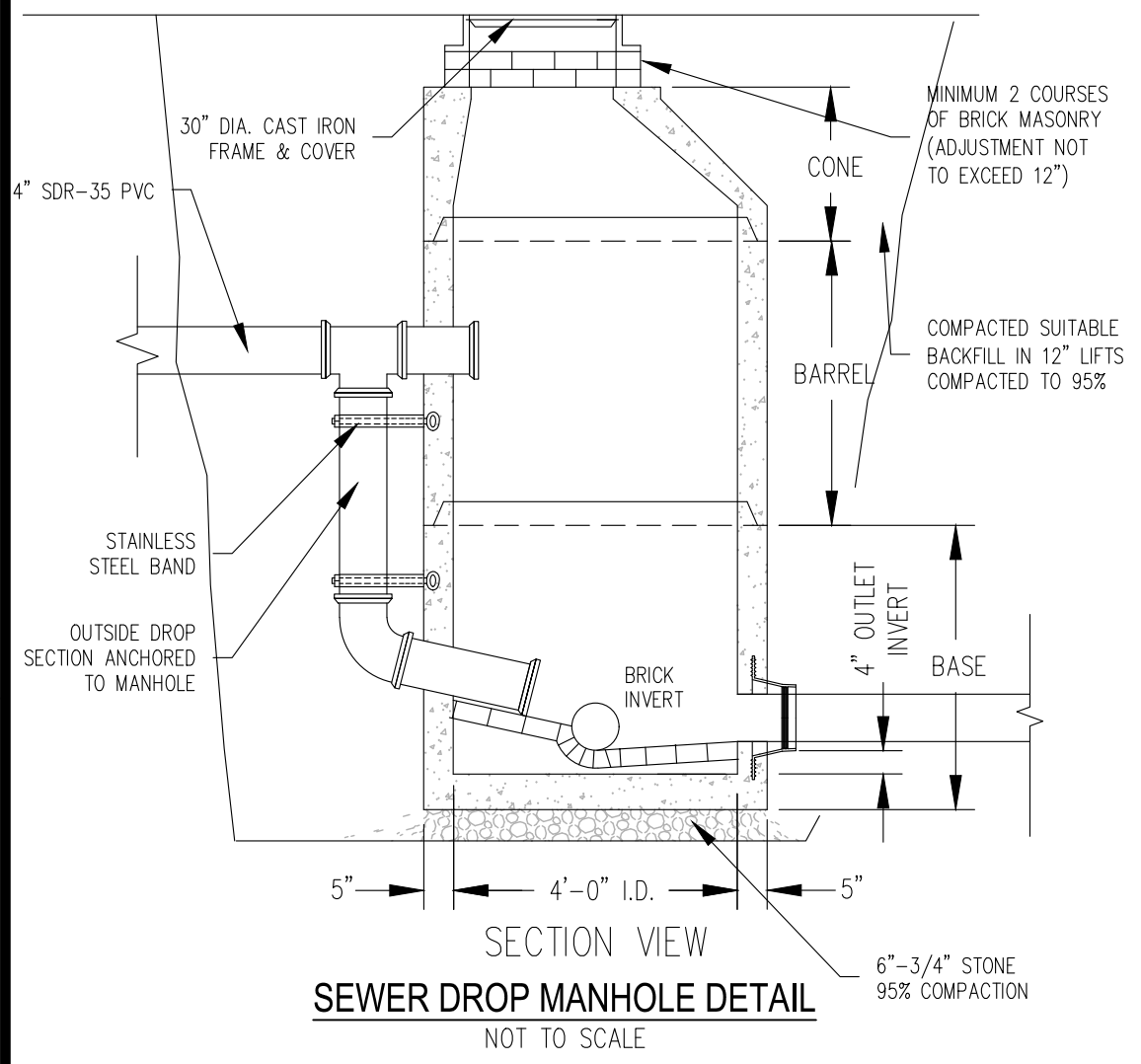


- NOTES:
- ORDERED EXCAVATION OF UNSUITABLE MATERIAL BELOW GRADE. BACKFILL AS STATED IN THE TECHNICAL SPECIFICATIONS OR AS SHOWN ON THE DRAWINGS.
 - BEDDING:** SEE NOTE 7 OF STANDARD MANHOLE NOTES. WHERE ORDERED BY THE ENGINEER TO STABILIZE THE TRENCH BASE, GRADED SCREENED GRAVEL OR CRUSHED STONE 1/2 INCH TO 1-1/2 INCH SHALL BE USED.
 - SAND BLANKET:** CLEAN SAND FREE FROM ORGANIC MATTER, SO GRADED THAT 90-100% PASSES A 1/2 INCH SIEVE AND NOT MORE THAN 15% WILL PASS A #200 SIEVE. BLANKET MAY BE OMITTED FOR CAST-IRON, DUCTILE IRON AND REINFORCED CONCRETE PIPE PROVIDED HOWEVER THAT NO STONE LARGER THAN 2" IS IN CONTACT WITH THE PIPE.
 - SUITABLE MATERIAL:** IN ROADS, ROAD SHOULDERS, WALKWAYS AND TRAVELED WAYS. SUITABLE MATERIAL FOR TRENCH BACKFILL SHALL BE THE NATURAL MATERIAL EXCAVATED DURING THE COURSE OF CONSTRUCTION, BUT SHALL EXCLUDE DEBRIS, PIECES OF PAVEMENT, ORGANIC MATTER, TOP SOIL, ALL WET OR SOFT MUCK, PEAT OR CLAY; ALL EXCAVATED LEDGE MATERIAL; ALL ROCK OVER 6" IN LARGEST DIMENSION; AND ANY MATERIAL WHICH IS DETERMINED BY THE ENGINEER, WILL NOT PROVIDE SUFFICIENT SUPPORT OR MAINTAIN THE COMPLETED CONSTRUCTION IN A STABLE CONDITION. 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 AND PROVIDED THAT EASY ACCESS TO THE SEWER, FOR MAINTENANCE AND POSSIBLY RECONSTRUCTION, WILL BE PRESERVED.
 - BASE COURSE AND PAVEMENT:** SHALL MEET THE REQUIREMENT OF THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION'S LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES - DIVISIONS 300 AND 400 RESPECTIVELY.
 - WOOD 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 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.
 - W = MAXIMUM ALLOWABLE TRENCH PAYMENT WIDTH:** FOR ROCK EXCAVATION, FOR ORDERED EXCAVATION BELOW GRADE AND HANDLING OF EXCAVATED CONTAMINATED SOILS. FOR PIPES 15 INCHES NOMINAL DIAMETER OR LESS W SHALL BE NO MORE THAN 36 INCHES. FOR PIPES GREATER THAN 15 INCHES IN NOMINAL DIAMETER W SHALL BE 24 INCHES PLUS PIPE OUTSIDE DIAMETER (O.D.).
 - FOR CROSS COUNTRY CONSTRUCTION:** BACKFILL OR FILL SHALL BE MOUND TO A HEIGHT OF 6 INCHES ABOVE THE ORIGINAL GROUND SURFACE.
 - COORDINATE INSTALLATION WITH SEWER DISTRICT.

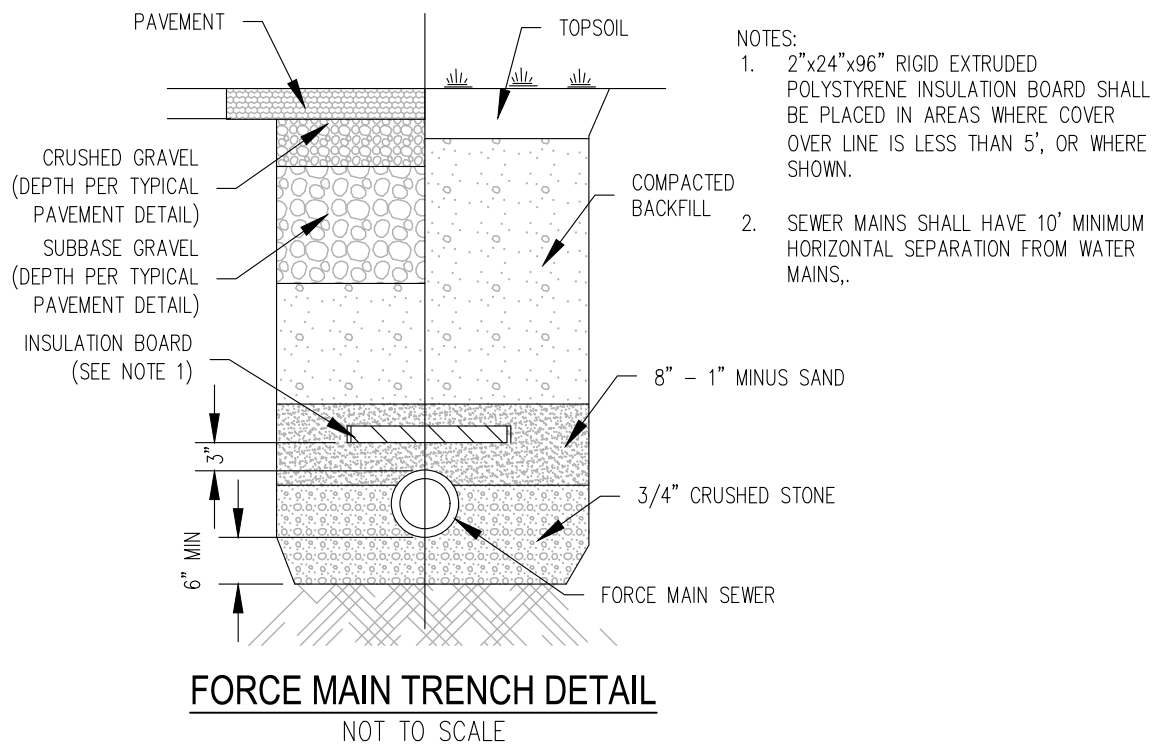
SEWER LINE TRENCH DETAIL
NOT TO SCALE



PUMP CHAMBER DETAIL (TO BE DETERMINED)
NOT TO SCALE



SECTION VIEW
SEWER DROP MANHOLE DETAIL
NOT TO SCALE



FORCE MAIN TRENCH DETAIL
NOT TO SCALE

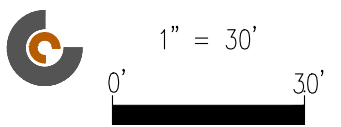


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CIVIL CONSULTANTS
Engineers
Planners
Surveyors
P.O. Box 100
South Berwick
Maine
03908
207-384-2550
www.civcon.com

NO.	REV	DATE	DESCRIPTION
1		08/08/23	REVISE NEW BLDG. DOOR LOCATIONS

RECORD OWNER:
SHM KITTERY POINT, LLC
ADDRESS:
C/O SHAE HARBOR MARINAS
14755 PRESTON ROAD
SUITE 375
DALLAS, TX 75254

**PROPOSED BUILDING ADDITION
LAND OF SHM KITTERY POINT, LLC
857 MAIN STREET - TAX MAP 10, LOT 2
ELIOT, YORK COUNTY, MAINE**
PREPARED FOR: H.L. PATTEN CONSTRUCTION, INC.
CLIENT ADDRESS: P.O. BOX 450, 4 SHAPLEIGH ROAD, KITTERY, ME 03904



DATE: 05/09/2023
DRAWN BY: JAA
CHECKED BY: GRA
APPROVED BY: GRA

CONSTRUCTION
DETAILS

PROJECT NO: 2229100

L6

SHEET: 6 OF 6

TAX MAP 10, LOT 2

OWNER:



SHM Kittery Point, LLC

DESIGN-BUILDER:



4 Shapleigh Rd.
Kittery, ME
207.439.2008

ARCHITECT:



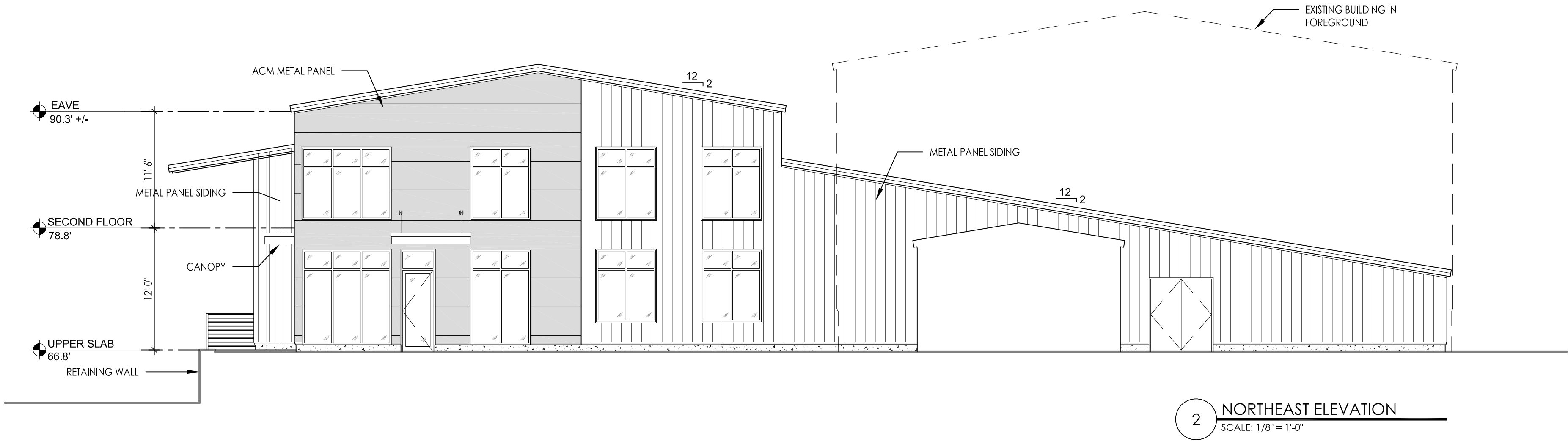
959 Islington Street
Portsmouth, NH 03801
603.436.8891
info@portonearchitects.com

CIVIL / STRUCTURAL ENGINEER:

CIVIL CONSULTANTS

293 Main Street
South Berwick, ME 03908
207.384.2550

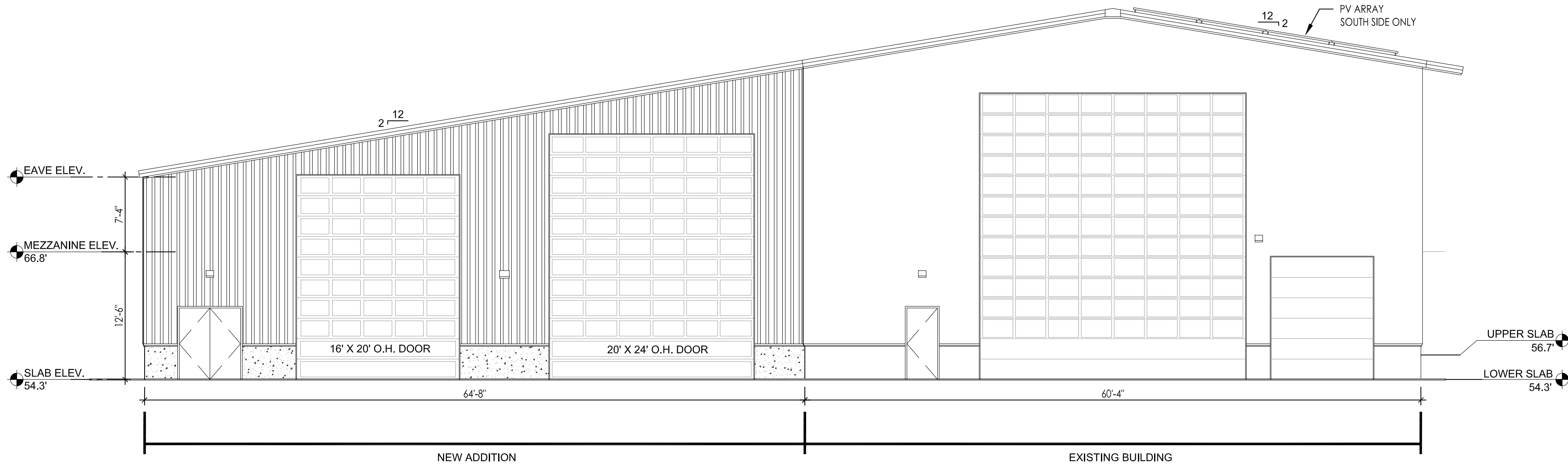
MEPFP ENGINEER:



2 NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

Revision History		
#	Date	Issuance

SEAL



1 SOUTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

SCHEMATIC DESIGN

USE DISCLAIMER:
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NO RE-USE WITHOUT PERMISSION.

LOCUS MAP

PROJECT NAME:

SAFE HARBOR
MARINAS - ELIOT
ELIOT, ME

DRAWING TITLE:

EXTERIOR
ELEVATIONS

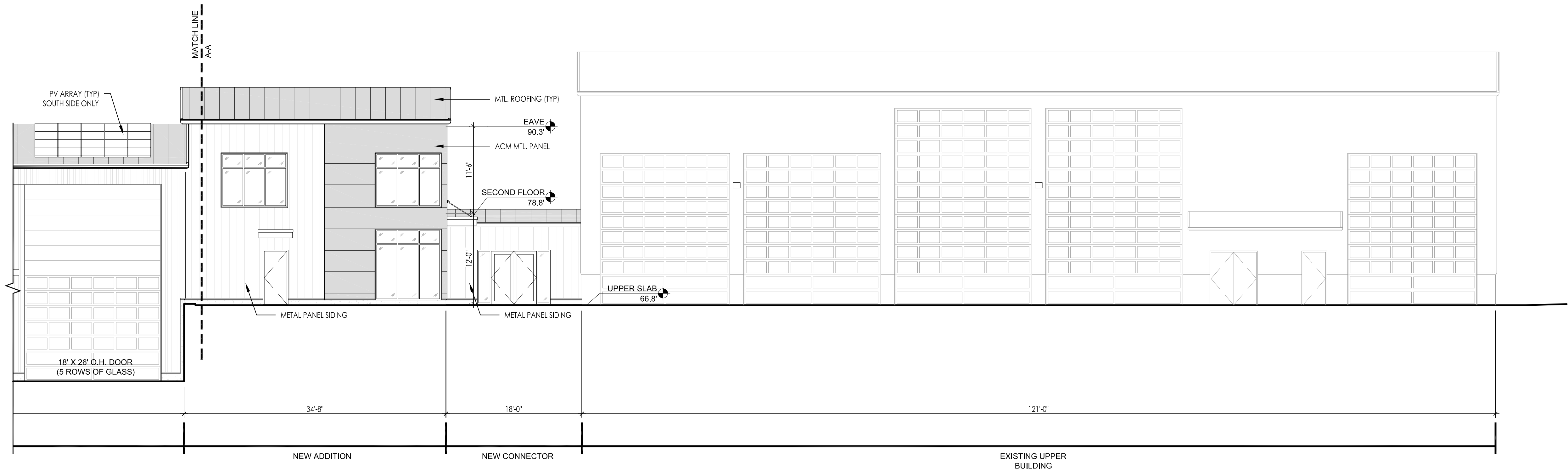
PROJECT No: 22-035

DATE: AUG 7, 2023

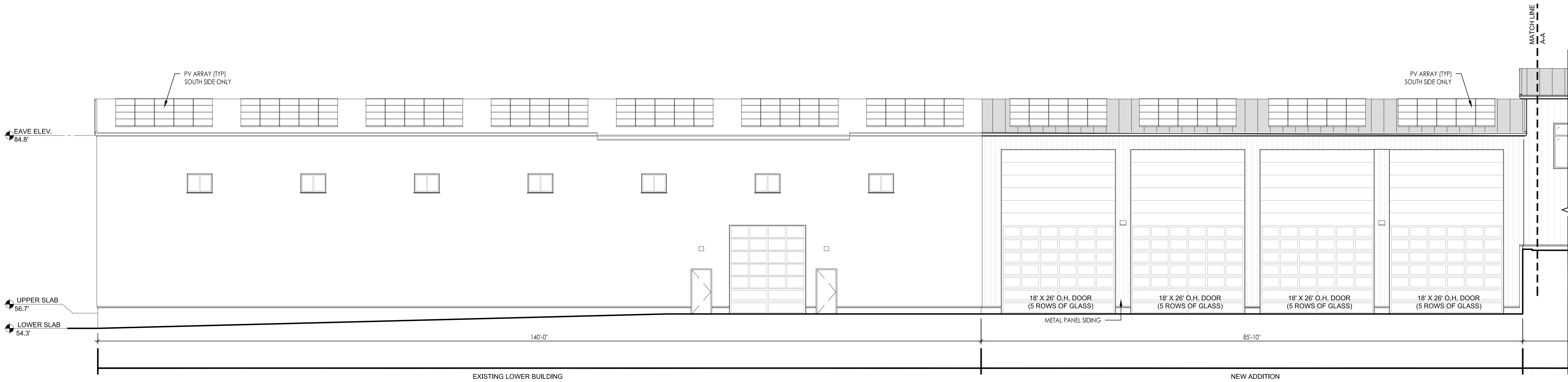
DRAWING SCALE: As indicated

DRAWING No:

A2.1



2 SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



1 SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

OWNER:



SHM Kittery Point, LLC

DESIGN-BUILDER:

HL Patten
CONSTRUCTION

4 Shapleigh Rd.
Kittery, ME
207.439.2008

ARCHITECT:

PORT ONE
ARCHITECTS

959 Islington Street
Portsmouth, NH 03801
603.436.8891
info@portonearchitects.com

CIVIL / STRUCTURAL ENGINEER:

CIVIL CONSULTANTS

293 Main Street
South Berwick, ME 03908
207.384.2550

MEPFP ENGINEER:

Revision History		
#	Date	Issuance

SEAL

SCHEMATIC DESIGN

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LOCUS MAP

PROJECT NAME:

**SAFE HARBOR
MARINAS - ELIOT**
ELIOT, ME

DRAWING TITLE:

**EXTERIOR
ELEVATIONS**

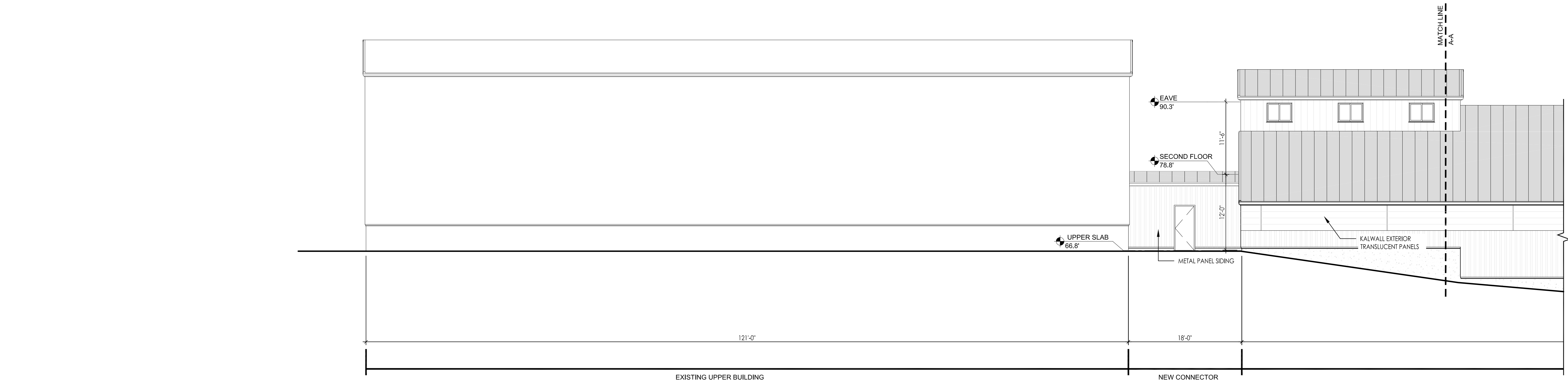
PROJECT No: 22-035

DATE: AUG 7, 2023

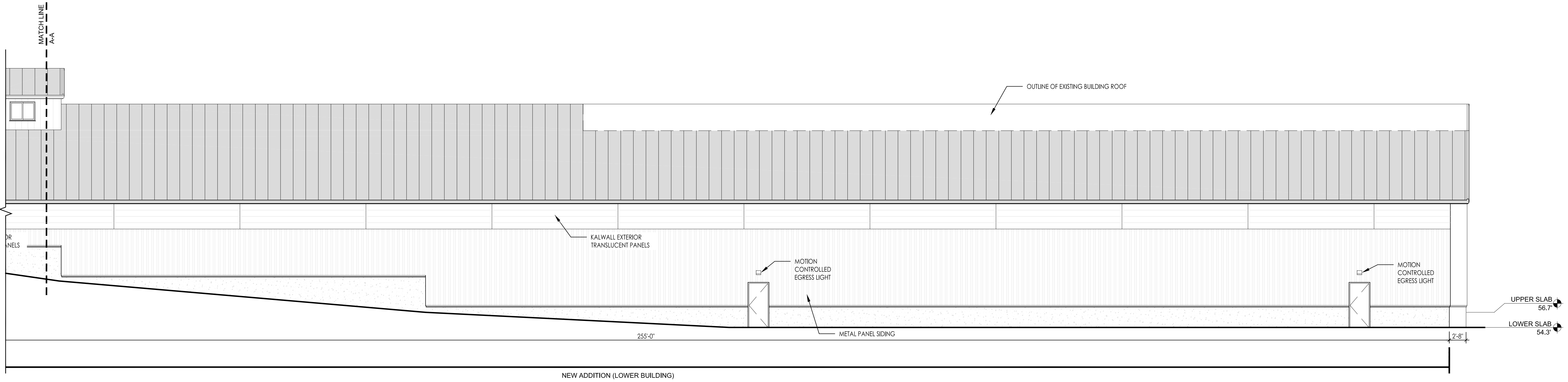
DRAWING SCALE: As indicated

DRAWING No:

A2.2



2 NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"



1 NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

OWNER:



SHM Kittery Point, LLC

DESIGN-BUILDER:



4 Shapleigh Rd.
Kittery, ME
207.439.2008

ARCHITECT:



959 Islington Street
Portsmouth, NH 03801
603.436.8891
info@portonearchitects.com

CIVIL / STRUCTURAL ENGINEER:

CIVIL CONSULTANTS

293 Main Street
South Berwick, ME 03908
207.384.2550

MEPFP ENGINEER:

Revision History

#	Date	Issuance

SEAL

SCHEMATIC DESIGN

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LOCUS MAP

PROJECT NAME:

SAFE HARBOR
MARINAS - ELIOT
ELIOT, ME

DRAWING TITLE:

EXTERIOR
ELEVATIONS

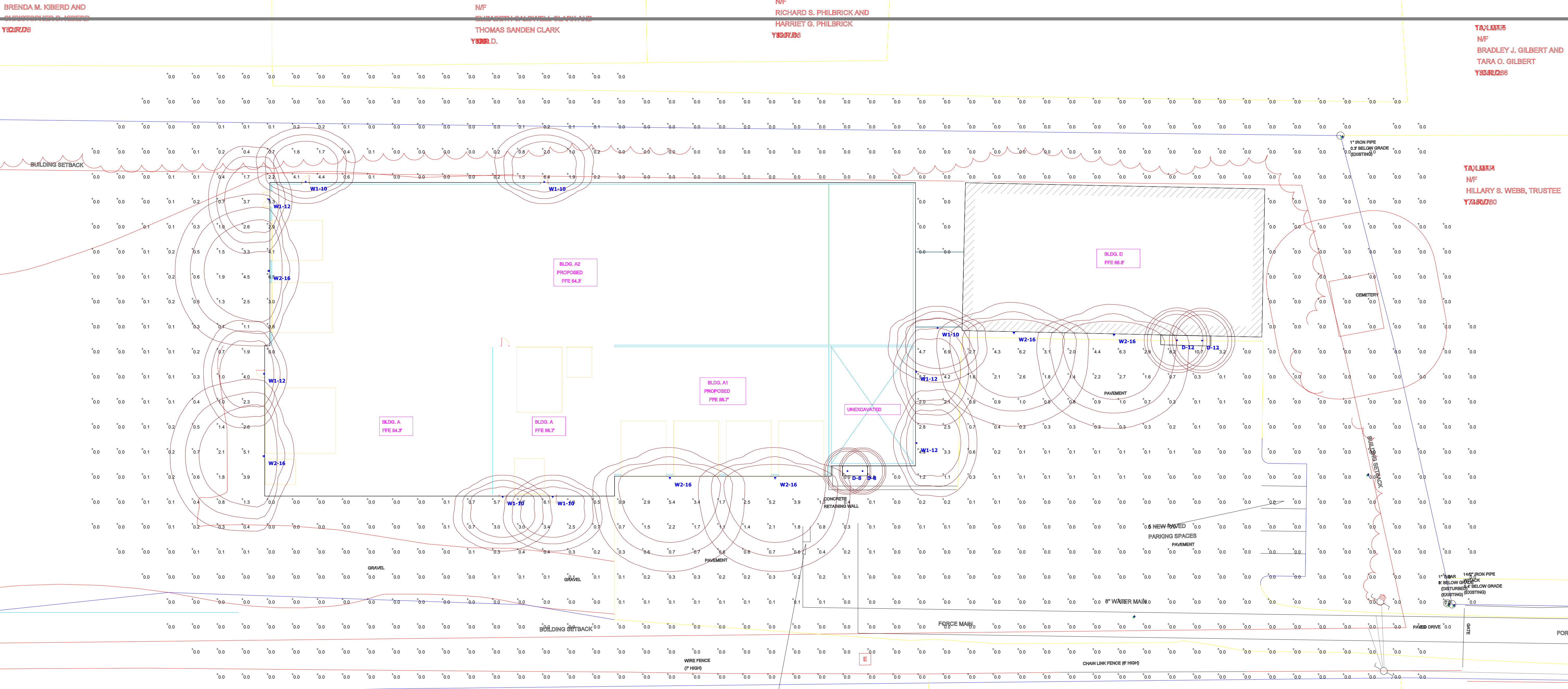
PROJECT No: 22-035

DATE: AUG 7, 2023

DRAWING SCALE: As Indicated

DRAWING No:

A2.3



Schedule												
Symbol	Label	Image	QTY	Manufacturer	Catalog Number	Description	Lamp	Filename	Lumens per Lamp	LLF	Wattage	Distribution Polar Plot
	W1-10		5	Lithonia Lighting	WDGE1 LED P2 30K 80CRI VF MVOLT SRM DDBXD	WDGE1 LED Wallpack; mounted at 10ft	LED	WDGE1_LED_P2_30K_80CRI_VF.ies	1872	0.9	15.0178	TYPE II, VERY SHORT, BUG RATING: B1 - U0 - G0 Max: 1303cd
	W1-12		4	Lithonia Lighting	WDGE1 LED P2 30K 80CRI VF MVOLT SRM DDBXD	WDGE1 LED Wallpack; mounted at 12ft	LED	WDGE1_LED_P2_30K_80CRI_VF.ies	1872	0.9	15.0178	TYPE II, VERY SHORT, BUG RATING: B1 - U0 - G0 Max: 1303cd
	W2-16		6	Lithonia Lighting	WDGE2 LED P4 30K 80CRI VF MVOLT SRM DDBXD	WDGE2 LED Wallpack; mounted at 16ft	LED	WDGE2_LED_P4_30K_80CRI_VF.ies	4247	0.9	34.96	TYPE III, VERY SHORT, BUG RATING: B1 - U0 - G1 Max: 2240cd
	D-8		2	Lithonia Lighting	LDN6 30/20 L06AR LD MVOLT EZ10	6IN LDN Downlight; mounted at 8ft (in canopy)	LED	LDN6_30_20_LD06AR_LD.ies	1771	0.9	22.52	DIRECT, SC-0=1.02, SC-90=1.03 Max: 1838cd
	D-12		2	Lithonia Lighting	LDN6 30/20 L06AR LD MVOLT EZ10	6IN LDN Downlight; mounted at 12ft (in canopy)	LED	LDN6_30_20_LD06AR_LD.ies	1771	0.9	22.52	DIRECT, SC-0=1.02, SC-90=1.03 Max: 1838cd

SAFE HARBOR MARINAS

Site Lighting Layout

TAX MAP 6, LOT 83-
N/F
BRADLEY J. GILBERT AND
TARA Q. GILBERT
Y3352286

TAX MAP 6, LOT 83-
N/F
HILLARY S. WEBB, TRUSTEE
Y7450080

TAX MAP 6, LOT 83-
N/F
JUDITH
MICHAEL
Y.C.R.D.

Designer
Heidi G. Connors
Visible Light, Inc.
24 Stickney Terrace
Suite 6
Hampton, NH 03842

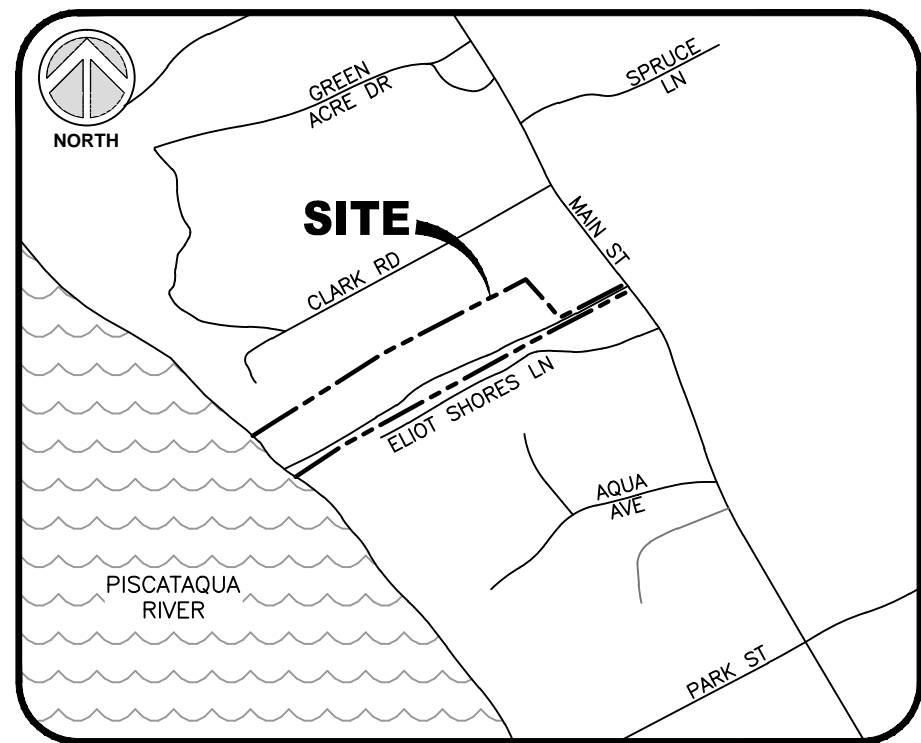
Date
05/04/2023

Scale
1"=20'

Drawing No.

Summary

1 of 1



VICINITY MAP

NOT TO SCALE

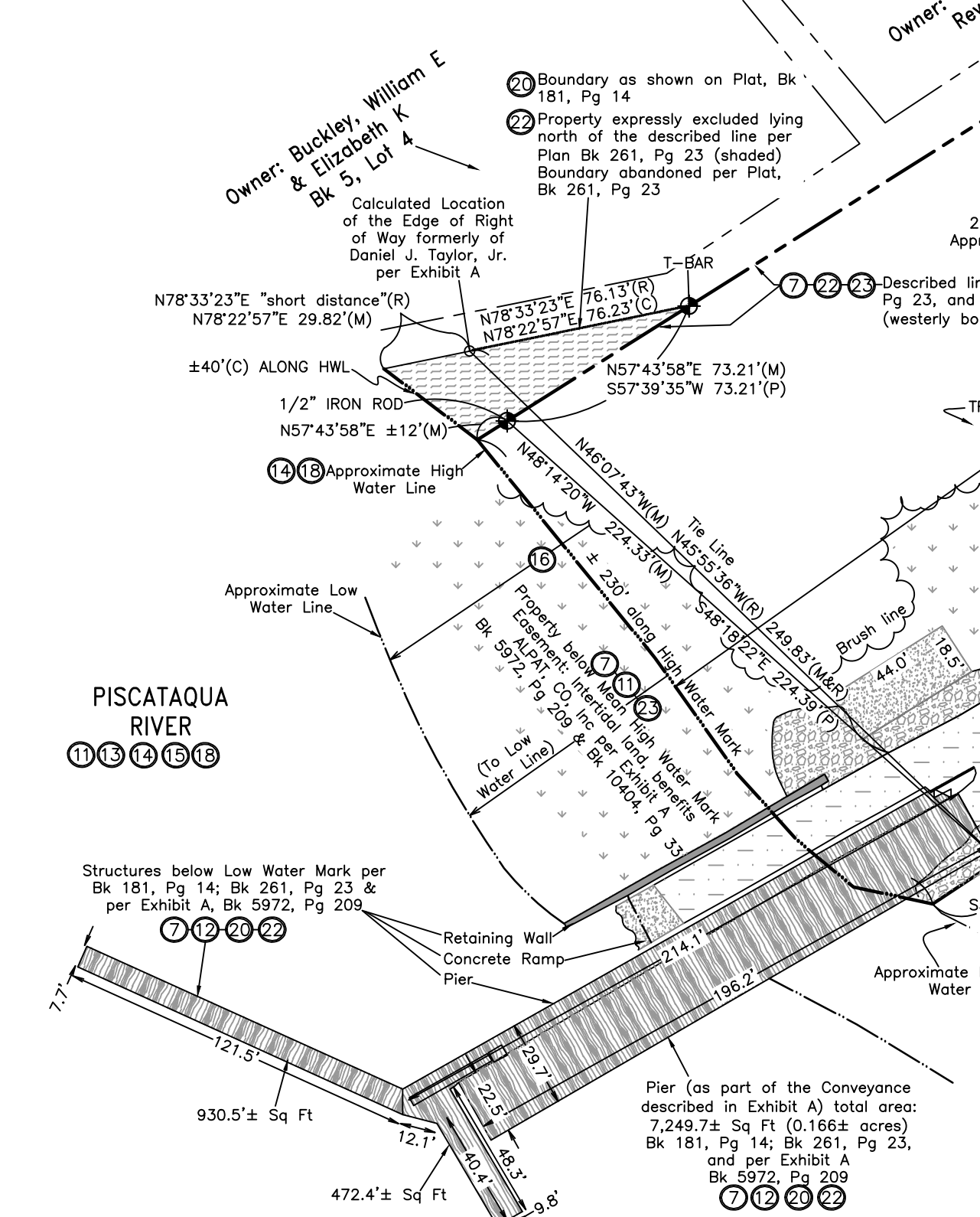
TITLE COMMITMENT LEGAL DESCRIPTION

The land described in this map of survey is the same property as that described in Exhibit A of Chicago Title Insurance Company Commitment No. CHICAGO201480.007(2 with a commitment date of October 25, 2021, as follows:

A certain lot or parcel of land, together with the buildings thereon and appurtenances thereto, located on the Southwest side of Main Street, also known as State Route #103, in Eliot, County of York and State of Maine, and being further bounded and described as follows, to-wit: BEGINNING at an iron pin found in the Southwest side of Main Street, also known as State Route #103, sold iron pin marking the Northeast corner of land now or formerly of Cummins; thence proceeding on a bearing of South 62°44'54" West along land now or formerly of Cummins, a distance of 286.56 feet, more or less, to a 24" cherry tree; thence continuing on a bearing of South 61°27'53" West, along land now or former of Allain, a distance of 931.49 feet, more or less, to an iron pin found; thence continuing on a bearing of South 58°42'07" West, along land now or formerly of Allain, a distance of 174.70 feet, more or less, to an iron pin found near the high water mark of the Piscataqua River; thence continuing on the same bearing of South 56° 42'07" West a short distance to the high water mark of the Piscataqua River; thence proceeding in generally Northwesterly direction on a meandering line along the high water mark of the Piscataqua River (with a tie line bearing of North 45°55'36" West, a distance of 249.83 feet, more or less, to the edge of a right of way now or formerly of Daniel J. Taylor, Jr.); thence proceeding on a bearing of North 78°33'23" East, along said right of way, a short distance to a steel stake set at the end of said tie line call; thence continuing on the same bearing of North 78°33'23" East along said right of way, a distance of 761.13 feet, more or less, to a steel stake; thence proceeding on a bearing of North 57°54'36" East along said right of way, a distance of 478.53 feet, more or less, to a steel stake; thence continuing on a bearing of North 62°44'18" East, along said right of way and land now formerly of said Taylor, a distance of 606.46 feet, more or less, to an iron pin found at the Northwest corner of land now or formerly of McLean; thence proceeding on a bearing of South 42°25'42" East, along land now or formerly of McLean, a distance of 84.67 feet, more or less, to an iron pin found; thence continuing on a bearing of South 39°28'14" East along land now or formerly of said McLean, a distance of 107.15 feet, more or less, to a steel stake set in the Southwest corner of land now or formerly of McLean; thence proceeding on a bearing of North 62°44'54" East, along land now or formerly of McLean and land now or formerly of Owens, a distance of 264.00 feet, more or less, to a steel stake set in the Southwesterly sideline of said Main Street, also known as State Route #103; thence proceeding on a bearing of South 38°37'12" East along the Southwesterly line of said Main Street, a distance of 31.31 feet, more or less, to the point of beginning. The subject premises comprise 6.15 acres, more or less.

Also including as part of this conveyance all of the grantor's right, title and interest in and to a pier commencing at the southwesterly corner of the subject premises and extending in a southwesterly direction into the Piscataqua River.

The above description is based upon a standard boundary survey of land of Cianbro Corporation, prepared by Kenneth D. Markley, Registered Land Surveyor No. 1322, on May 15, 1989. This survey plan is recorded in the York County Registry of Deeds at Plan Book 181, Page 14 and reference is made to said plan for a complete description of the premises herein conveyed.



TITLE COMMITMENT LEGAL DESCRIPTION, Continued

Also conveying any property which is generally to the south of the property line located off Main Street, Eliot, County of York and State of Maine, said property line described as follows:

BEGINNING at the most northerly corner of land belonging to ALPAT CO., INC., said corner is shown as a 1" diameter iron pipe buring 3" (found) on a plan entitled "Standard Boundary Survey and Subdivision Plan for The Taylor Family Estate", prepared by J.A. Davis and Associates, dated 01/12/2001, Scale: 1"=60', recorded at Plan Book 261, Page 23 of the York County Registry of Deeds. Said 1" diameter iron pipe is also southwesterly on a course bearing of South 60 degrees, 57 minutes, 36 seconds West a distance of 268.32 feet from a 3" x 4-1/2" x 9" high, granite bound with drill hole at Main Street; also shown on said plan; thence property line in common continues on a course of South 62 degrees, 29 minutes, 17 seconds West for a distance of 606.46' to a T-Bar with Easterly Surveying, stainless steel cap; thence South 57 degrees, 39 minutes, 35 seconds West for a distance of 478.53 feet to another T-Bar with Easterly Surveying, stainless steel cap; thence on the same course of South 57 degrees, 39 minutes, 35 seconds West for a distance of 73.21' to a rebar and cap set on 12/29/00, and to the low water mark of the Piscataqua River.

Expressly excluding any property which is generally to the north of the property line described in the immediately preceding paragraph and as more particularly described in a Quitclaim Deed from ALPAT Co. Inc. to Danelle Taylor Hughes, Personal Representative of the Estate of Daniel J. Taylor dated January 18, 2001 and recorded in Book 10404, page 35.

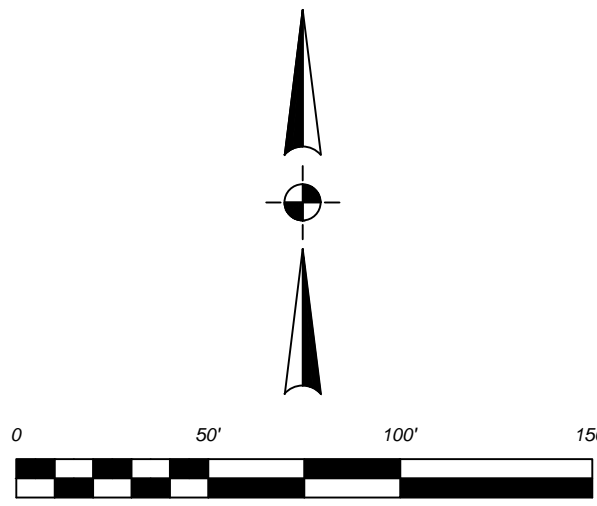
Also hereby conveying an appurtenant easement to benefit the property of ALPAT, Co., Inc., conveyed by this deed and by a prior deed described at Book 5972, Page 209 of the York County

Registry of Deeds, to remaining intertidal land in the Piscataqua River to use any intertidal land currently used for docks, piers, floats, and moorings, and other currently existing structures in the intertidal land in the Piscataqua River, including with this appurtenant easement the right to access these existing structures for the purpose of repairing, maintaining and accessing and using these structures. This easement shall not permit the installation of any additional structures in intertidal land owned by the Estate of Daniel J. Taylor, Jr., its successors and/or assigns, that do not currently exist.

Said premises are also conveyed together with the benefit of an easement from PJ&A, LLC to ALPAT, CO, Inc., dated March 26, 2003 over the following described premises:

A certain tract or parcel of land located on the southwest side of Main Street, also known as route 103, in the Town of Eliot, County of York and State of Maine, depicted as "PROPOSED RIGHT OF WAY FOR TAX MAP 10 LOT 2" on a certain plan entitled "STANDARD BOUNDARY SURVEY OF Tax Map 10 Lot 2 & RIGHT OF WAY EXCHANGE PLAN FOR PROPERTIES AT 167 1/2 & 169 Main Street (aka Route 103) Eliot, York County, Maine", dated 1/15/03, by NorthEasterly Surveying Inc. and to be recorded in the York County Registry of Deeds, and being more particularly described as follows:

Beginning at a point on the southwest sideline of said Main Street at the east corner of land now or formerly of PJ&A, LLC and thence running South 62°43'41" West a distance of 264.18 feet along land now or formerly of PJ&A, LLC to an iron pipe; thence turning and running North 40°39'19" West a distance of 10.68 feet to a point; thence turning and running North 62°43'19" East a distance of 264.34 feet to the southeast sideline of said Main Street; thence turning and running South 39°47'49" East along the southwest sideline of said Main Street a distance of 10.67 feet to the point of beginning.



ZONING DATA

ZONE V - Village District (Sec. 45-28B)			
SETBACKS		REQUIRED	EXISTING
FRONT	50'	>30'	>30'
STREET SIDE	20'	N/A	N/A
INTERIOR SIDE	20'	>20'	>20'
REAR	30'	>30'	>30'
BULK		REQUIRED	EXISTING
MIN LOT SIZE	1 Acre	267,300 Sq Ft	267,300 Sq Ft
BUILDING FOOTPRINT	NONE	N/A	N/A
REQUIRED WIDTH	100'	29.85'	29.85'
MAX BUILDING COVERAGE	20%	12%	12%
BUILDING HEIGHT	35'	34'	34'
PARKING		REQUIRED	EXISTING
1 SPACE FOR EACH 150 SQ FT OF RETAIL FLOOR AREA (32,054 Sq Ft/150=214 spaces)	NO DESIGNATED SPACES AT TIME OF SURVEY		

The zoning jurisdiction applicable to the property is the Town of Eliot, Maine.

Zoning information is from a Zoning Report prepared by:

Bureau Veritas
10461 Mill Run Circle, Suite 1100
Owings Mills, Maryland 21117
(800) 733-0860

prepared for:

Safe Harbor Marinas
14785 Preston Road
Dallas, Texas 75254

BY Project # 152768.21R000 001.259 Dated 10/25/2021

No representation is made as to the accuracy or completeness of the above third party information shown on this survey. Compliance is beyond the scope of this survey. Any user of said information is urged to contact the local zoning agency directly.

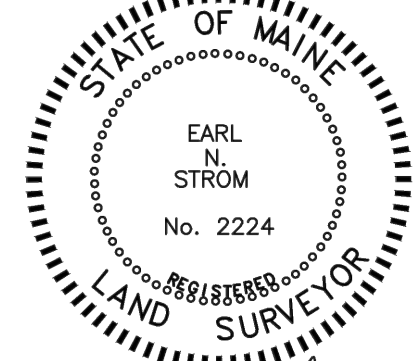
SURVEYOR CERTIFICATE

To: SH Marinas, LLC, SHM Kittery Point, LLC, and Chicago Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10, 13, 14, 16, 17, 18 and 19 of Table A thereof. The field work was completed on 09/27/2021.

Date of Plat or Map: 04/05/2022

EARL N. STROM, PLS 2224



SURVEY LEGEND

---	SUBJECT PROPERTY BOUNDARY	○	UTILITY POLE WITH DROP
---	ADJACENT PROPERTY BOUNDARY	○	UTILITY POLE - UNUSED
---	CENTERLINE	○	UTILITY POLE WITH SECURITY CAM
---	EASEMENT AS NOTED	○	GUY ANCHOR
---	SETBACK LINE	□	ELECTRICAL BOX/CABINET
---	CHAIN LINK FENCE	□	GATE MOTOR & ARM
---	WOOD RAIL FENCE	□	GATE KEYPAD
---	CONCRETE SURFACE	□	SECURITY CAMERA
---	GRASS/NATURAL GROUND	□	PROPANE
---	WOOD SURFACE	□	PROPANE FILL VALVE
---	ASPHALT SURFACE	□	MANHOLE - STORM
---	RETAINING WALL	□	STORM DRAIN GRATE
---	LOW WATER LINE (APPROXIMATE)	□	WATER VALVE
---	HIGH WATER LINE (APPROXIMATE)	□	WATER SPOOT
---	SPOILAGE PILE	□	WATER METER
---	FOUND MONUMENT AS NOTED	□	SIGN
●	CALCULATED CORNER LOCATION	(M)	MEASURED BEARING/DISTANCE
●	BOLLARD	(C)	CALCULATED BEARING/DISTANCE
●	WOODEN POST	(R)	RECORD BEARING/DISTANCE EXHIBIT A PER TITLE
○	UTILITY POLE	(P)	RECORD BEARING/DISTANCE PER PLAN BOOK 261, PAGE 23

ENCROACHMENT STATEMENT

Buildings lie within setback(s) as shown.

Building (A): 4.5'
Building (B): 7.3'
Building (C): 4.4'
Building (D): 2.8'

SURVEYOR'S NOTES

- The address of the surveyed property is 857 Main Street, Town of Eliot, York County, Maine, 03903.
- Record Owner: MSX II, LLC
- 3 Bond Rd Kittery, Maine 03905
- The site lies in Flood Zone "X" per FEMA Flood Insurance Rate Map, no. 230140010I, dated 06/05/1989.
- There are no identifiable parking spaces observed on the subject property.
- No evidence of potential wetlands was observed on the subject property at the time the survey was conducted, nor has this survey received any documentation of any wetlands being located on the subject property.
- There is visible evidence of the following servitudes: electric utility, water service, gas, and sewer. Visible and above-ground utilities have been depicted on the survey. Utilities should be located as necessary.
- There was no evidence of recent earth moving work, building construction or additions at the time of survey.
- There were no proposed changes to street right-of-way lines per available information, nor evidence of recent street or sidewalk construction or repairs.
- The gross land area of the subject property is 267,894± Sq Ft (6.15± Acres) to Approximate High Water.
- Bearings are based on ME State Plane, West Zone, per GPS observation.
- No bulkhead or seawall observed along the subject property at time of survey.
- At the time of the survey, there was no evidence of any division or party walls.
- The right-of-way width of Main Street is not confirmed, and not depicted on previous surveys.
- At the time of survey, no encroachments were observed onto or beyond the subject parcel.
- The property is contiguous to all public rights-of-way shown hereon, without gaps, gores, or overlapping portions.
- The subject property has direct access to Main Street, aka Route 103.
- The distance from the easternmost property corner to the intersection of Main Street (Route 103) and Greenwood Street is 27.7 feet.
- At the time of the survey, there were seven (7) buildings located on the property. Four (4) of these present as two (2) structures which have add-ons or are built adjacently, but are counted here separately. See buildings (C) & (D), and (E) & (F).
- At the time of the survey, there was no evidence that the subject property is being used as a solid waste dump, sump, or sanitary landfill.
- At the time of the survey, a cemetery or family burial ground was observed within the subject property as shown hereon (near the northeastern property boundary).
- The number of existing slips/moorings within the subject property is not known.

NOTES CORRESPONDING TO SCHEDULE B

The commitment for title insurance issued by Chicago Title Insurance Company, Commitment No.

CHICAGO201480.007(2 with a commitment date of October 25, 2021 contains the following exceptions which are survey matters:

- Any exception, reservation, restriction, easement or condition set out in the attached Exhibit A. (Items are plotted and shown hereon.)
- Title to that portion of the property lying below the mean high water mark of the Piscataqua River. (Features observed/surveyed are shown hereon.)
- Title in and to the land and any structures lying below the low mark of the Piscataqua River. (Features observed/surveyed are shown hereon.)
- Rights of the upper and lower riparian owners in and to the free and unobstructed flow of water of the Piscataqua River extending through the subject premises, without diminution or pollution. (Piscataqua River shown hereon.)
- Navigation servitudes and all other statutory and regulatory rights and powers of the United States, the State of Maine, the Town of Eliot and the public over the Piscataqua River and its shorelands extending to the ordinary high water mark thereof and which may be exercised without obligation for compensation to the riparian rights thereof. (Piscataqua River shown hereon.)
- The consequences of any change in location of the Piscataqua River which forms the southwesterly boundary of the subject premises. (Piscataqua River shown hereon.)
- Rights, any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary line separating the publicly used area from the upland private area. (General location shown hereon.)
- Title to artificially filled land, submerged land and lands lying below the ordinary high water mark of the Piscataqua River is specifically excepted from the coverage of this policy. (Piscataqua River shown hereon.)
- Rights of others for ingress and egress to an existing cemetery located within the insured premises. (Cemetery shown hereon.)
- Such state of facts as set forth on a plan entitled "Standard Boundary Survey of Land of Cianbro Corporation, Main Street (Route 103) Eliot, Maine" dated May 15, 1989, prepared by Easterly Surveying and recorded in Plan Book 181, Page 14. (Items are plotted and shown hereon.)
- Easements and rights as set forth in an Easement Deed from Alpat Co Corporation to Central Maine Power Company and New England Tel. & Tel. Co. dated March 31, 1992 and recorded in Book 6079, Page 199. (Easement and associated appurtenances are plotted and shown hereon.)
- Such state of facts as set forth on a plan entitled "Standard Boundary Survey and Subdivision for Tax Map No. 10, Lot No. 5, 173 Main Street, Eliot, Maine 03903, York county, Prepared For: Taylor Family Estate, 173 Main Street, Eliot, Maine 03903" dated January 18, 2001, prepared by J.A. Davis & Associates and recorded in Plan Book 261, Page 23. (Previous boundary near the most westerly corner of the subject property is abandoned per this survey, as shown.)
- Conditions and restrictions for an appurtenant easement as set forth in a Deed of Sale by Personal Representative (Testate) from Danelle Taylor Hughes to ALPAT Co, Inc. dated January 18, 2001 and recorded in Book 10404, Page 33. (Applies to property generally south of the property line indicated hereon; general location of intertidal land shown hereon.)
- Conditions regarding an appurtenant easement as set forth in an Easement Deed from PJ & A, LLC to ALPAT, Co., Inc., dated March 26, 2003 and recorded in Book 14531, Page 176. (Described easement is plotted and shown; also described in Exhibit A.)

Drawn By: HH

Checked By: ENS

DATE: 01/10/2022

REVISIONS

NO.	DATE	DESCRIPTION
1	01/15/2022	Address comments
2	02/18/2022	Zoning Information
3		
4		
5		
6		

SURVEYOR:

CSSI
Commercial Surveying Specialists, Inc.
357 6th Avenue West
Bradenton, FL 34205
(405) 202-3001

SURVEYOR DRAWING NUMBER

21-09-027

2022 ALTA/NSPS LAND TITLE SURVEY

PREPARED FOR:

SAFE HARBOR MARINAS, LLC
14785 Preston Road Suite 975
Dallas, TX 75254

PROJECT NUMBER

ME-4

SITE ADDRESS

857 MAIN STREET
ELIOT, ME 03903

WORK COORDINATED BY:

COX LEVIN
National Land Survey Consultants
surveys@coxlevin.com
781-640-3309 • www.coxlevin.com

SITE NAME

ELIOT ME

SHEET NUMBER

1 of 1

Town of Eliot PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: August 15, 2023
TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, August 15, 2023 at 6:00 PM for the following application:

PB23-2: 857 Main Street (Map 10, Lot 2): Site Plan Amendment/ Review and Shoreland Zoning Permit Application – Boatyard Expansion. Applicant: Safe Harbors Marinas. Property Owner: SMH Kittery Point LLC, c/o Tom Allen.

Interested persons may be heard and written communication received regarding the application at this public hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.



500 feet Abutters List Report

Eliot, ME
July 31, 2023

Subject Property:

Parcel Number: 010-002-000
CAMA Number: 010-002-000
Property Address: 857 MAIN ST

Mailing Address: MGX II LLC
3 BOND RD
KITTERY POINT, ME 03905

Abutters:

Parcel Number: 005-001-000
CAMA Number: 005-001-000
Property Address: 19 CLARK RD

Mailing Address: KONOVALCHIK, PATRICIA
123 STACY LANE
ELIOT, ME 03903

Parcel Number: 005-002-000
CAMA Number: 005-002-000
Property Address: 5 GERRYS LN

Mailing Address: LEVESQUE, PATRICIA A REVOCABLE
TRUST PATRICIA A LEVESQUE
5 GERRYS LN
ELIOT, ME 03903

Parcel Number: 005-003-000
CAMA Number: 005-003-000
Property Address: 7 GERRYS LN

Mailing Address: LAMBERTI, LEONARD J REVOCABLE
TRUST LEONARD J LAMBERTI
TRUSTEE
7 GERRYS LN
ELIOT, ME 03903

Parcel Number: 005-004-000
CAMA Number: 005-004-000
Property Address: 8 GERRYS LN

Mailing Address: THOMPSON, HEIDI THOMPSON,
DOUGLAS
201 WILSHIRE DR
SHARON, MA 02067

Parcel Number: 005-005-000
CAMA Number: 005-005-000
Property Address: 4 GERRYS LN

Mailing Address: DESJARDINS, JANICE/RONALD REV
TRUST JANICE/RONALD DESJARDINS
TRUSTEES
1138 KITTIWAKE DR
VENICE, FL 34285

Parcel Number: 005-006-000
CAMA Number: 005-006-000
Property Address: 31 CLARK RD

Mailing Address: CPN REALTY LLC DAVID L CHASE
31 CLARK RD
ELIOT, ME 03903

Parcel Number: 005-007-000
CAMA Number: 005-007-000
Property Address: 32 CLARK RD

Mailing Address: RMW FAMILY, LLC
GREGORY EGLI PO BOX 8561
WOODCLIFF LAKE, NJ 07677

Parcel Number: 005-009-000
CAMA Number: 005-009-000
Property Address: 26 CLARK RD

Mailing Address: TUCKER, MARK HARPER, JANE E
26 CLARK RD
ELIOT, ME 03903

Parcel Number: 005-010-000
CAMA Number: 005-010-000
Property Address: 22 CLARK RD

Mailing Address: RUTSTEIN, DAVID C RUTSTEIN, GAYLE
H
22 CLARK RD
ELIOT, ME 03903



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7/31/2023

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500 feet Abutters List Report

Eliot, ME
July 31, 2023

Parcel Number: 006-053-000 CAMA Number: 006-053-000 Property Address: 31 ANTHONYS LNDG	Mailing Address: MANERO, ANTHONY T MANERO, CANDACE S 31 ANTHONYS LNDG ELIOT, ME 03903
Parcel Number: 006-054-000 CAMA Number: 006-054-000 Property Address: 32 ANTHONYS LNDG	Mailing Address: MANERO, ANTHONY K MANERO, ELIZABETH T 32 ANTHONYS LNDG ELIOT, ME 03903
Parcel Number: 006-055-000 CAMA Number: 006-055-000 Property Address: 18 ANTHONYS LNDG	Mailing Address: MANERO-EARLEY, MARY ELLEN 18 ANTHONYS LNDG ELIOT, ME 03903
Parcel Number: 006-056-000 CAMA Number: 006-056-000 Property Address: 12 ANTHONYS LNDG	Mailing Address: MANERO, STEPHEN M MANERO, BRITT F 12 ANTHONYS LNDG ELIOT, ME 03903-1705
Parcel Number: 006-057-000 CAMA Number: 006-057-000 Property Address: 20 AQUA AVE	Mailing Address: HANNIGAN, ELINOR C 20 AQUA AVE ELIOT, ME 03903
Parcel Number: 006-059-000 CAMA Number: 006-059-000 Property Address: 803 MAIN ST	Mailing Address: WINTER, LOUIS G WINTER, ELIZABETH A 803 MAIN ST ELIOT, ME 03903
Parcel Number: 006-061-000 CAMA Number: 006-061-000 Property Address: 811 MAIN ST	Mailing Address: MANERO, STEPHEN M MANERO, BRITT F 12 ANTHONY'S LANDING ELIOT, ME 03903
Parcel Number: 006-062-000 CAMA Number: 006-062-000 Property Address: 827 MAIN ST	Mailing Address: CHRISTIAN, JOSEPH J. CHRISTIAN, DARCY 827 MAIN STREET ELIOT, ME 03903
Parcel Number: 006-063-001 CAMA Number: 006-063-001 Property Address: 9 ELIOT SHORES LN	Mailing Address: ROBINSON, RAMONA G VALDEZ, LUIS A PO BOX 518 ELIOT, ME 03903
Parcel Number: 006-063-002 CAMA Number: 006-063-002 Property Address: ELIOT SHORES	Mailing Address: MANERO, STEPHEN M 12 ANTHONYS LANDING ELIOT, ME 03903
Parcel Number: 006-063-003 CAMA Number: 006-063-003 Property Address: MAIN ST	Mailing Address: MANERO, STEPHEN M 12 ANTHONYS LN ELIOT, ME 03903
Parcel Number: 006-064-000 CAMA Number: 006-064-000 Property Address: 11 CLARK RD	Mailing Address: CLARK, ELIZABETH C CLARK, THOMAS S 11 CLARK RD ELIOT, ME 03903



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7/31/2023

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500 feet Abutters List Report

Eliot, ME
July 31, 2023

Parcel Number: 006-065-000 CAMA Number: 006-065-000 Property Address: 13 CLARK RD	Mailing Address: KIBERD, BRENDA M KIBERD, CHRISTOPHER D 13 CLARK RD ELIOT, ME 03903
Parcel Number: 006-066-000 CAMA Number: 006-066-000 Property Address: 15 CLARK RD	Mailing Address: LOICHLE, JETHRO A LOICHLE, JENNIFER L 15 CLARK RD ELIOT, ME 03903
Parcel Number: 006-067-000 CAMA Number: 006-067-000 Property Address: 17 CLARK RD	Mailing Address: SANBORN, MICHAEL S 17 CLARK RD ELIOT, ME 03903
Parcel Number: 006-068-000 CAMA Number: 006-068-000 Property Address: 816 MAIN ST	Mailing Address: DOHERTY, JAY MICHAEL 816 MAIN ST ELIOT, ME 03903
Parcel Number: 006-153-000 CAMA Number: 006-153-000 Property Address: ANTHONYS LANDING	Mailing Address: MANERO, CHRISTOPHER K 14 SOUTH BUCKBOARD LN MARLBOROUGH, CT 06447
Parcel Number: 010-001-000 CAMA Number: 010-001-000 Property Address: 851 MAIN ST	Mailing Address: THOMPSON, JUDITH M THOMPSON, MICHAEL S 851 MAIN ST ELIOT, ME 03903
Parcel Number: 010-003-000 CAMA Number: 010-003-000 Property Address: 863 MAIN ST	Mailing Address: MAHONEY, ROBERT W MAHONEY, JANINE Y 863 MAIN ST ELIOT, ME 03903
Parcel Number: 010-004-000 CAMA Number: 010-004-000 Property Address: 871 MAIN ST	Mailing Address: WEBB, HILLARY S REVOCABLE TRUST HILLARY S WEBB TRUSTEE 871 MAIN ST ELIOT, ME 03903
Parcel Number: 010-005-000 CAMA Number: 010-005-000 Property Address: 881 MAIN ST	Mailing Address: GILBERT, BRADLEY J GILBERT, TARA O 881 MAIN ST ELIOT, ME 03903
Parcel Number: 010-006-000 CAMA Number: 010-006-000 Property Address: 1 CLARK RD	Mailing Address: ILARIA CORY D 1 CLARK RD ELIOT, ME 03903
Parcel Number: 010-007-000 CAMA Number: 010-007-000 Property Address: 5 CLARK RD	Mailing Address: GASS FAMILY REVOCABLE TRUST MICHAEL AND KIMBERLY GASS TRUSTEES 120 HILLSIDE DR PORTSMOUTH, NH 03903
Parcel Number: 010-008-000 CAMA Number: 010-008-000 Property Address: 9 CLARK RD	Mailing Address: PHILBRICK, RICHARD S PHILBRICK, HARRIET G 11 CLARK RD ELIOT, ME 03903



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7/31/2023

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500 feet Abutters List Report

Eliot, ME
July 31, 2023

Parcel Number: 010-009-000 CAMA Number: 010-009-000 Property Address: 14 CLARK RD	Mailing Address: SAMBATARO, MONICA REVOCABLE TRUST MONICA SAMBATARO TRUSTEE 14 CLARK RD ELIOT, ME 03903
Parcel Number: 010-010-000 CAMA Number: 010-010-000 Property Address: CLARK RD	Mailing Address: GREEN ACRE BAHA'I SCHOOL 1233 CENTRAL ST EVANSTON, IL 60201
Parcel Number: 010-011-000 CAMA Number: 010-011-000 Property Address: 6 CLARK RD	Mailing Address: HOUDE, MARCIA J HOUDE, PAUL J 6 CLARK RD ELIOT, ME 03903
Parcel Number: 010-012-000 CAMA Number: 010-012-000 Property Address: CLARK RD	Mailing Address: ADUCAT, MARY 289 KRESSON-GIBBSBORO RD VOORHEES, NJ 08043
Parcel Number: 010-013-000 CAMA Number: 010-013-000 Property Address: MAIN ST	Mailing Address: ADUCAT, MARY 298 KRESSON-GIBBSBORO RD VOORHEES, NJ 08043
Parcel Number: 010-014-000 CAMA Number: 010-014-000 Property Address: 913 MAIN ST	Mailing Address: CURTIS, JENNIFER 15 CLARK RD ELIOT, ME 03903
Parcel Number: 010-014-001 CAMA Number: 010-014-001 Property Address: 10 CLARK RD	Mailing Address: CAHILL, KEVIN 10 CLARK RD ELIOT, ME 03903
Parcel Number: 010-014-002 CAMA Number: 010-014-002 Property Address: 12 CLARK RD	Mailing Address: ANDERSON, ERIK N ANDERSON, LINDA LANDRY 12 CLARK RD ELIOT, ME 03903
Parcel Number: 010-016-000 CAMA Number: 010-016-000 Property Address: 925 MAIN ST	Mailing Address: GREEN ACRE BAHA'I SCHOOL 1233 CENTRAL ST EVANTON, IL 60201-1611
Parcel Number: 010-032-000 CAMA Number: 010-032-000 Property Address: 906 MAIN ST	Mailing Address: THOMAS, FRANCIS L THOMAS, LORRAINE T 906 MAIN ST ELIOT, ME 03903
Parcel Number: 010-033-000 CAMA Number: 010-033-000 Property Address: 892 MAIN ST	Mailing Address: DAME, KENNETH E DAME, MEREDITH R PO BOX 324 ELIOT, ME 03903
Parcel Number: 010-034-000 CAMA Number: 010-034-000 Property Address: 884 MAIN ST	Mailing Address: DAME, KENNETH E DAME, MEREDITH PO BOX 324 ELIOT, ME 03903



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500 feet Abutters List Report

Eliot, ME
July 31, 2023

Parcel Number: 010-035-000 CAMA Number: 010-035-000 Property Address: 14 AUTUMN LN	Mailing Address: MCKAY, JEFFREY D MCKAY, WHITNEY B 14 AUTUMN LN ELIOT, ME 03903
Parcel Number: 010-036-000 CAMA Number: 010-036-000 Property Address: 874 MAIN ST	Mailing Address: CRONAUER, GREIG P CRONAUER, ELLEN J 874 MAIN ST ELIOT, ME 03903
Parcel Number: 010-037-000 CAMA Number: 010-037-000 Property Address: 862 MAIN ST	Mailing Address: HORTON, KAREN J HORTON, ROBERT C 862 MAIN ST ELIOT, ME 03903
Parcel Number: 010-038-000 CAMA Number: 010-038-000 Property Address: 15 GREENWOOD ST	Mailing Address: PIPER, MELISSA 15 GREENWOOD ST ELIOT, ME 03903
Parcel Number: 010-039-000 CAMA Number: 010-039-000 Property Address: 19 GREENWOOD ST	Mailing Address: VERDICK, DANIEL J SMITH, AMANDA G 19 GREENWOOD ST ELIOT, ME 03903
Parcel Number: 010-070-000 CAMA Number: 010-070-000 Property Address: 20 GREENWOOD ST	Mailing Address: TITUS, PATRICIA I'ANS ROSS, LINDA LEE 20 GREENWOOD ST ELIOT, ME 03903
Parcel Number: 010-071-000 CAMA Number: 010-071-000 Property Address: 11 HAMILTON LN	Mailing Address: OWENS, NORMAN GLYNN 11 HAMILTON LN ELIOT, ME 03903
Parcel Number: 010-074-000 CAMA Number: 010-074-000 Property Address: 826 MAIN ST	Mailing Address: PRATT, CHARLES JR 826 MAIN ST ELIOT, ME 03903
Parcel Number: 010-075-000 CAMA Number: 010-075-000 Property Address: 834 MAIN ST	Mailing Address: MCKENNEY, RALPH A SIMAMORA, MINARA L 834 MAIN STREET ELIOT, ME 03903
Parcel Number: 010-076-000 CAMA Number: 010-076-000 Property Address: 12 HAMILTON LN	Mailing Address: GSCHIEDLE, JOANNE M 12 HAMILTON LN ELIOT, ME 03903
Parcel Number: 010-077-000 CAMA Number: 010-077-000 Property Address: GREENWOOD ST	Mailing Address: HINDS FAMILY REVOCABLE TRUST HINDS, GEORGE C & IRVA P TRUSTEES 63 GREENWOOD ST ELIOT, ME 03903
Parcel Number: 010-078-000 CAMA Number: 010-078-000 Property Address: 850 MAIN ST	Mailing Address: MORSE, MARGARET ANN 850 MAIN ST ELIOT, ME 03903



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500 feet Abutters List Report

Eliot, ME
July 31, 2023

Parcel Number:	010-079-000	Mailing Address:	MONDSCHIEIN, PAMELA A LIVING TRUST
CAMA Number:	010-079-000		PAMELA MONDSCHIEIN TRUSTEE
Property Address:	840 MAIN ST		840 MAIN ST
			ELIOT, ME 03903
<hr/>			
Parcel Number:	010-092-000	Mailing Address:	BERTRAND, BRIAN BERTRAND,
CAMA Number:	010-092-000		STEPHANIE
Property Address:	14 HAMILTON LN		14 HAMILTON LN
			ELIOT, ME 03903
<hr/>			



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PB23-14: 41 Rogers Point Drive (Map 32/Lot 2): Shoreland Zoning Permit Application and Site Plan Review (Request for Planning Board Re-Approval) – Replace and expand existing nonconforming residential structures – **Public Hearing**



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Jane E. and John C. Fantry, Applicants
Christen and Jennifer Wilber, Property Owners
Shelly Bishop, Code Enforcement Officer
Kim Tackett, Land Use Administrative Assistant
Date: August 9, 2023 (report date)
August 15, 2023 (meeting date)
Re: PB23-14: 41 Rogers Point Drive (Map 32/Lot 2): Shoreland Zoning Permit Application and Site Plan Review (Request for Planning Board Re-Approval) – Replace and expand existing nonconforming residential structures – **Public Hearing**

Application Details/Checklist Documentation	
✓ Address:	41 Rogers Point Dr.
✓ Map/Lot:	32/2
✓ Zoning:	Suburban
✓ Shoreland Zoning:	Resource Protection, Limited Residential
✓ Owner Name:	Christen and Jennifer Wilber
✓ Applicant Name:	Jane E. and John C. Fantry
✓ Proposed Project:	Re-approval: replace existing residential structure, expand footprint
✓ Application Received by Staff:	May 23, 2023
Application Fee Paid and Date:	TBD
Application Sent to Staff Reviewers:	Not yet sent
✓ Application Heard by PB	August 1 and August 15 (scheduled), 2023
✓ Found Complete by PB	August 1, 2023
Site Walk	None held
Site Walk Publication	N/A
Public Hearing	August 15, 2023 (scheduled)
✓ Public Hearing Publication	August 6, 2023 (Portsmouth Herald/Seacoast Online)
✓ Reason for PB Review:	Shoreland Zoning Permit Application, Site Plan Review Re-approval

Overview

Applicants seek re-approval of a Shoreland Zoning Permit Application and Site Plan Review approved on December 15, 2020, under case PB20-19. The current owner received that approval but is now under contract to sell the property to the applicants.

PB23-14: 41 Rogers Point Drive (Map 32/Lot 2): Shoreland Zoning Permit Application and Site Plan Review (Request for Planning Board Re-Approval) – Replace and expand existing nonconforming residential structures – **Public Hearing**

Shoreland zoning permits expire after one year with no substantial start to construction, and one year after substantial start if construction is not completed (44-45). The permit in PB20-19 has thus expired.

In summary of PB20-19 (Notice of Decision in your packet), the then-applicant and current owner sought to demolish a seasonal residence and replace it with a year-round residence (cottage), plus modify an existing boathouse/garage to create a living area (ADU) over car storage. As noted in the May 23, 2023, letter in your packet, the boathouse/garage conversion is done. The letter notes that COVID supply and contractor availability issues affected the construction timing of the cottage replacement. The applicants now seek to build their own cottage on the same footprint as approved in PB20-19, with a different house style but still adhering to the 20 ft. height limitation [44-32(c)(1)c1].

The review in PB20-19 addressed several limitations for rebuilding the residence placed on structures in the shoreland zone this close to the normal high-water line. Those review points can be seen in the NOD and my December 15, 2020, meeting staff report.

During August 1 review, the Chair noted that non-shoreland site plan approval would be expiring in December 2023 [33-59(a)]. The applicant indicated that the work on the cottage would not be done by then. It was decided that site plan reapproval should be sought, under 33-141, alongside the shoreland zoning permit reapproval. Per 33-141(b), a public hearing is necessary. The motion template presented in your August 1 staff report is updated to incorporate both the shoreland and site plan reapproval.

Type of review needed

Public hearing – receive any public comments (written or verbal) before closing the public hearing, deliberating, and considering an overall action on the application.

Recommendation

Approval with conditions

Motion templates

Approval with shoreland zoning findings and conditions (recommended)

Motion to approve the Shoreland Zoning Permit Application for PB23-14 for the replacement of a residence at 41 Rogers Point Dr., and to grant site plan reapproval pursuant to Section 33-141, with the intent of the approval being a renewal of the same Shoreland Zoning Permit and Site Plan approval in PB20-19, decided December 15, 2020 – except for changes to the style of the residence and the omission of the boathouse/garage work and new septic system (which are already completed) – with the following findings of fact (in addition to other applicable findings of fact to be included in the Notice of Decision):

1. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have been or will be met.
2. Based on the information presented by the applicant and in accordance with Sec. 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 wastewater;

PB23-14: 41 Rogers Point Drive (Map 32/Lot 2): Shoreland Zoning Permit Application and Site Plan Review (Request for Planning Board Re-Approval) – Replace and expand existing nonconforming residential structures – **Public Hearing**

- 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 archaeological 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 section 44-35, land use standards.
3. Applicant has met §44-32 – Nonconformance. Without limiting the generality of this finding, the Planning Board also specifically finds that the new residential structure and foundation will substantially reduce the area of encroachment in the river setback compared to the previous residential structure, from 58 square feet to 9 square feet, while continuing to meet the existing Rogers Point Drive setback. This nonconforming lot of record is narrow and creates a challenging building envelope. Therefore, working within a significantly constrained site, the applicant has met the river setback requirement for the residential structure and its foundation to the greatest practical extent.

The approval includes the following conditions:

1. [Standard conditions]
2. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the York County Registry of Deeds within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the Eliot Planning Board. The applicant may make minor informational or formatting changes to the site plan, relative to the plan presented for approval, to address the information required for the recorded plan. The Planning Board's approval authorizes (and the recorded plan must have) a signature from the Planning Board Chair.
3. Within 20 days of completion of the project, the applicant shall submit photos of the shoreland area and vegetation to the Code Enforcement Officer.

Denial

Motion to deny the Shoreland Zoning Permit Application and Site Plan reapproval for PB23-14, for the following reasons:

1. _____
2. _____
3. _____ [etc.]

Continuance

Motion to continue PB23-14 to the September 5, 2023, meeting.

* * *

Respectfully submitted,
Jeff Brubaker, AICP, Town Planner



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: August 15, 2023
TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, August 15, 2023 at 6:00 PM for the following application:

- **41 Rogers Point Dr. (Map 32/Lot 2), PID# 032-002-000, PB 23-14: Shoreland Zoning Permit Application and Site Plan Review (Request for Planning Board Re-Approval) – Replace and expand existing nonconforming residential structure**
 - Applicant: Jane E. and John C. Fantry
 - Property Owner: Christen and Jennifer Wilber

Interested persons may be heard and written communication received regarding the proposed application at this public hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

Ad Preview

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine
Planning Board

PLACE: Town Hall (1333
State Rd.) with Remote
Option

DATE OF HEARING:

August 15, 2023

TIME: 6:00PM

Notice is hereby given that
the Planning Board of the
Town of Eliot, Maine will
hold a public hearing on
Tuesday, August 15, 2023 at
6:00 PM for the following
application:

- 41 Rogers Point Dr. (Map
32/Lot 2), PID# 032-002-000,
PB 23-14: Shoreland Zoning
Permit Application and Site
Plan Review (Request for
Planning Board Re-
Approval) – Replace and
expand existing noncon-
forming residential struc-
ture

- o Applicant: Jane E. and
John C. Fantry

- o Property Owner: Christen
and Jennifer Wilber

Interested persons may be
heard and written communi-
cation received regarding
the proposed application at
this public hearing. The
application is on file and
available for review in the
Planning Office at Eliot
Town Hall, 1333 State Road,
Eliot, ME 03903. The meeting
agenda and information on
how join the remote Zoom
meeting will be posted on the
web page at [eliot-
maine.org/planning-board](http://eliot-maine.org/planning-board).

Town Hall is accessible for
persons with disabilities.



500 feet Abutters List Report

Eliot, ME
August 09, 2023

Subject Property:

Parcel Number: 032-002-000
CAMA Number: 032-002-000
Property Address: 41 ROGERS POINT DR

Mailing Address: WILBER, CHRISTEN B WILBER,
JENNIFER C
PO BOX 90
ELIOT, ME 03903

Abutters:

Parcel Number: 032-001-000
CAMA Number: 032-001-000
Property Address: 25 ROGERS POINT DR

Mailing Address: LONGTIN, ROBERT AND MELINDA,
LIVING TRUST, DATED 4 LONGTIN,
ROBERT A. AND MELINDA M.,
TRUSTEES
25 ROGERS POINT DRIVE
ELIOT, ME 03903

Parcel Number: 032-003-000
CAMA Number: 032-003-000
Property Address: 46 ROGERS POINT DR

Mailing Address: RAWLING, DANIEL T VACCARO,
ROBERT L
46 ROGERS POINT DR
ELIOT, ME 03903

Parcel Number: 032-004-000
CAMA Number: 032-004-000
Property Address: 44 ROGERS POINT DR

Mailing Address: MATTHESON REALTY TRUST JOHN &
TRACY MATTHESON, TRUSTEES
42 ROGERS POINT DR
ELIOT, ME 03903

Parcel Number: 032-006-000
CAMA Number: 032-006-000
Property Address: 42 ROGERS POINT DR

Mailing Address: MATTHESON, JOHN EGGLESTON, TRACY
42 ROGERS POINT DR
ELIOT, ME 03903

Parcel Number: 032-007-000
CAMA Number: 032-007-000
Property Address: 38 ROGERS POINT DR

Mailing Address: OESER, STEPHEN A OESER, LORRAINE
P
38 ROGERS POINT DR
ELIOT, ME 03903

Parcel Number: 032-008-000
CAMA Number: 032-008-000
Property Address: 36 ROGERS POINT DR

Mailing Address: HENDERSON, JEFFREY D
36 ROGERS POINT DR
ELIOT, ME 03903

Parcel Number: 032-011-000
CAMA Number: 032-011-000
Property Address: 28 ROGERS POINT DR

Mailing Address: SCHUBERT, DAVID H SCHUBERT,
CATHRYN
28 ROGERS POINT DR
ELIOT, ME 03903

Parcel Number: 032-016-000
CAMA Number: 032-016-000
Property Address: 7 GRANDVIEW DR

Mailing Address: VISKER, ROBERT W VISKER, EGAN P
7 GRANDVIEW DR
ELIOT, ME 03903

Parcel Number: 033-009-000
CAMA Number: 033-009-000
Property Address: RIVER RD

Mailing Address: WATERS, JAMES J
488 RIVER RD
ELIOT, ME 03903



www.cai-tech.com

8/9/2023

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Page 1 of 2



500 feet Abutters List Report

Eliot, ME
August 09, 2023

Parcel Number:	033-010-000	Mailing Address:	JORDAN, LUCILLE R REVOCABLE TRUST LUCILLE R JORDAN TRUSTEE
CAMA Number:	033-010-000		467 RIVER RD
Property Address:	467 RIVER RD		ELIOT, ME 03903
Parcel Number:	033-011-000	Mailing Address:	ROUX, STEPHEN R REVOCABLE TRUST
CAMA Number:	033-011-000		STEPHEN R ROUX TRUSTEE
Property Address:	13 ROGERS POINT DR		13 ROGERS POINT DR
			ELIOT, ME 03903
Parcel Number:	033-012-000	Mailing Address:	ROUX, STEPHEN R REVOCABLE TRUST
CAMA Number:	033-012-000		STEPHEN R ROUX, TRUSTEE
Property Address:	ROGERS POINT DR		13 ROGERS POINT RD
			ELIOT, ME 03903
Parcel Number:	033-031-000	Mailing Address:	SCHUBERT, DAVID H SCHUBERT,
CAMA Number:	033-031-000		CATHRYN
Property Address:	GRANDVIEW DR		28 ROGERS POINT DR
			ELIOT, ME 03903
Parcel Number:	033-032-000	Mailing Address:	GOODWIN, ALICIA L
CAMA Number:	033-032-000		45 BOYCE RD
Property Address:	GRANDVIEW DR		ELIOT, ME 03903
Parcel Number:	033-033-000	Mailing Address:	ROUX, STEPHEN R REVOCABLE TRUST
CAMA Number:	033-033-000		STEPHEN R ROUX TRUSTEES
Property Address:	ROGERS POINT DR		13 ROGERS POINT RD
			ELIOT, ME 03903
Parcel Number:	033-034-000	Mailing Address:	JORDAN, LUCILLE R REVOCABLE TRUST LUCILLE R JORDAN TRUSTEE
CAMA Number:	033-034-000		467 RIVER RD
Property Address:	487 RIVER RD		ELIOT, ME 03903



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Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Planning Board recommends _____ (#-#)
Select Board recommends _____ (#-#)

DRAFT for August 15, 2023 Planning Board public hearing
Legal review August 4, 2023

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Ballot question – Town Referendum, November 7, 2023

ARTICLE #__: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations” be enacted?
(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

In April 2022, the Governor signed into law LD 2003, An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. Toward increasing housing opportunities in Maine, the law requires municipalities to comply with certain minimum standards in their local zoning ordinances. [The law is implemented by rulemaking from the Maine Department of Economic and Community Development \(DECD\).](#)

LD2003 is codified in state law primarily in Title 30-A M.R.S.A. §§4364, 4364-A, 4364-B, and 4364-C. §4364 pertains to incentivizing affordable housing developments. §4364-A pertains to the number of residential units per lot. §4364-B pertains to accessory dwelling units (ADUs). In summary, the statutes require municipalities to allow certain dwelling unit types and numbers of dwelling units on a lot.

The statutes created by LD2003 were amended by LD1706, An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units, which became effective on June 16, 2023. Among other changes, LD1706 extended the deadline for Town Meeting/Select Board towns, such as Eliot, to comply with LD2003 to July 1, 2024. Noncompliance would put the Town of Eliot at risk of legal challenge.

Changes relating to ADUs approved by voters at the Town Meeting Election and Referendum on June 13, 2023, addressed the requirements of [§4364-B](#). [The proposed amendments codify an additional requirement of LD1706 that ADUs cannot be categorically prohibited in the shoreland](#)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

zone but can be governed by shoreland zoning. They add ADUs to the shoreland zoning table of land uses (Section 44-34), giving them the same allowability as one- and two-family residential dwellings, except that, to be consistent with Maine Department of Environmental Protection (DEP) shoreland zoning standards, ADUs would be prohibited in the Resource Protection (RP) zone.

The amendments also make further technical corrections to Section 45-459, the section that regulates ADUs. A sentence is added to Section 45-405 to codify the practice of allowing an ADU to be built on a lot without needing the additional acreage that is required for additional principal dwelling units (see further discussion below).

Though they make these additional ADU changes, the primary focus of these ordinance amendments is on compliance with other parts of LD2003, namely the requirements of §4364, “Affordable housing density”, and §4364-A “Residential areas, generally”.

§4364-A requires municipalities to allow multiple residential units on any lot within any zone that allows residential units. For many years, Section 45-290, the table of permitted and prohibited uses (commonly known as the “land use table”) has allowed single-family and two-family dwellings in all zones that allow residential uses. Footnote (h) of the dimensional standards table in Section 45-405 states: “In the rural, suburban and village districts, more than one principal structure may be located on a single lot, provided each such structure is located in such a fashion that it could be separately conveyed on a separate lot in compliance with all dimensional requirements of the district”. This means that the additional residential structures meet the dimensional standards set forth in Section 45-405. In all residential zones (Village, Suburban, and Rural), on lots without any residential structures, §4364-A requires that municipalities allow up to two dwelling units. Since the land use table already provides for this, no changes are proposed.

§4364-A also expands this allowance of up to four units per lot, if a lot does not contain an existing dwelling unit, in a “designated growth area”. As a background on how this affects the zoning regulations and what changes may be needed, in 2009, the voters of Eliot approved the Town’s current Comprehensive Plan, which designates a Rural Area and a Designated Growth Area. The Village Zone was chosen to be the designated growth area because some infrastructure existed at the time (public water supply and sewer) in a portion of this zone that could accommodate more dense development and smaller lots. (See [Future Land Use Policy 1, Strategy 1, on p. 182 of the plan.](#)) After adoption of the plan, the State certified it as consistent with the State’s Growth Management Act. Because the Town did not choose to expand the sewer throughout the Village as proposed in the Comprehensive Plan, the Planning Board refrained from formally changing the Village Zone in the Town Code to be our designated growth area. Now LD2003 grants specific development rights to this area and we must implement this change.

The proposed amendments codify the Comprehensive Plan by modifying Section 45-288 to designate the Village zoning district as our growth area and modify Section 45-405 to reduce the [minimum lot size and minimum area per dwelling unit](#) for lots served by public water and sewer systems from 1 acre to ½ acre.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

LD2003 allows municipalities to require a certain amount of acreage for each dwelling unit, “as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit”. Section 45-405 already has such requirements that comply with this standard. For example, 3 acres are needed to build a single-family dwelling in the Rural district, and an additional 3 acres are needed for each additional unit. In the Suburban and Village districts, a density bonus is offered for each additional unit after the second unit, requiring only half as much additional acreage (e.g. in the Village district, 1 acre for 1 unit, 2 acres for 2 units, 2.5 acres for 3 units, and so on). The ordinance amendments remove the density bonus now provided in the Village and Suburban zones for each unit after the second unit. The acreage-per-dwelling-unit standard would then be the same for each additional unit.

§4364-A permits lots with an existing residential unit to have up to 2 more residential units, [one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each](#). The Planning Board desires to maintain our ADU ordinance, which allows only one ADU per principal residential structure, as written and adopted. [Under the current land use regulations, a lot that has a single family dwelling and that meets the dimensional standards in Section 45-405 \(including having enough acreage\) could see the additional 2 dwelling units provided for by §4364-A by converting the single family dwelling to a two family dwelling and then adding another single family dwelling. \(This scenario may involve subdivision review.\) Alternatively, the property owner could opt to add one ADU to the single family dwelling, which would not require the additional acreage.](#)

§4364 requires that municipalities “shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units” in a designated growth area or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. Affordable housing developments are developments in which 51 percent or more of the units are affordable for ownership or rental by households meeting certain income eligibility requirements without spending more than 30% of the household’s monthly income on housing costs. In the land use table, multifamily dwellings are allowable, subject to Planning Board site plan review (labeled an “SPR use”), in the Village and Suburban zones. The amendments add “Affordable housing development” to the land use table as an SPR use in the Village and Suburban districts, mirroring multifamily dwellings, [except that a footnote is added specifying that affordable housing developments in the Suburban zone \(since they are outside of the designated growth area\) must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system](#). The amendments also add to Section 1-2 definitions of “Affordable housing development” and “Affordable unit” that accord with LD2003’s definitions.

The amendments also establish a new section, 45-464, that sets standards for affordable housing developments, primarily related to procedures to ensure that the affordable units remain affordable, at the time of initial occupancy, for at least 30 years, as required by §4364. Toward achieving a variety of unit types, this proposed new section requires that some affordable units have a minimum number of bedrooms. It also requires that all affordable units receive their certificates of occupancy before the last market-rate unit receives its certificate of occupancy. [It prohibits affordable units from being rented out, sublet, or used as short-term rentals. Affordable housing](#)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

development applications must demonstrate how they will ensure long-term affordability, either by showing that they have financial support (such as a grant or loan) that requires the affordability; by the developer being a governmental agency or nonprofit organization whose purposes include affordable housing and can demonstrate how affordability will be maintained; or by having the affordable units subject to an affordable housing covenant held by an entity that can enforce the covenant, called a **qualified holder**. Definitions are added to Section 1-2 that are related to these provisions: restrictive covenant, affordable housing covenant, qualified holder, market-rate unit, and market rent.

To reflect the above-described changes, the amendments make formatting and organizational changes to the existing dimensional standards table in Section 45-405. **The density bonus for affordable housing developments is described in a new subsection (c). It clarifies that the bonus is not additive to the existing bonuses for life care facility, elderly housing, and assisted living facility.** In some cases, footnote information is embedded into the table.

The amendments also make changes to the Town’s wastewater disposal regulations. They add a new provision to Section 45-416, Sanitary standards for sewerage, requiring that any **new or replacement** subsurface sewage disposal system that receives in excess of 2,000 gallons per day shall be an engineered system, a definition of which is added to Section 1-2. They make technical or editorial revisions to Section 33-183 – Multifamily dwellings; 45-495 – Schedule of minimum required offstreet parking spaces; and other sections of the regulations.

LD2003 does not exempt a subdivider from subdivision requirements. The Town is still reviewing if the legislation requires any changes to Chapter 41 – Subdivisions. Currently, no changes are proposed.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

[Revision annotations at the end of sections may be omitted – to be updated accordingly by Municode during codification]

Sec. 1-2. - Definitions and rules of construction.

[abridged to only show changes]

[...]

~~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.~~

Affordable housing covenant (as applied to an affordable housing development) means a type of restrictive covenant that includes an agreement among one or more owners, one or more tenants of residential real estate, and one or more qualified holders; or between one or more owners and one or more qualified holders; or between one or more tenants and one or more qualified holders, that permits a qualified holder to control, either directly or indirectly, the purchase price or rent of a dwelling unit for the primary purpose of providing that the unit remains affordable consistent with the definition of “affordable unit”.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Affordable housing development means a development in which 51 percent or more of the dwelling units are affordable units.

State law reference – 30-A M.R.S.A. 4364(1)

Affordable unit (as applied to an affordable housing development) means a dwelling unit in an affordable housing development that is priced so that:

- a) if it is a rental unit, a household whose income, at the time of initial occupancy, 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 to rent the unit without spending more than 30% of the household's monthly income on housing costs, or,**
- b) if it is an owner-occupied unit, a household whose income, at the time of initial occupancy, 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 the unit without spending more than 30% of the household's monthly income on housing costs.**

State law reference – 30-A M.R.S.A. 4364(1)

[...]

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.

[...]

Density means the ratio of a particular feature on the land per a given area of land.

[...]

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Designated growth area means an identified area designated in an adopted municipal Comprehensive Plan pursuant to 30-A M.R.S.A. 4326 where needed public services are available to accommodate residential, commercial or industrial growth.

[...]

Engineered subsurface disposal system means a domestic wastewater system designed to treat average daily flows in excess of 2,000 gallons per day. The design and location of these systems are regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules and require review by the Maine Department of Health and Human Services prior to issuance of permit by the Local Plumbing Inspector (Code Enforcement Officer).

[...]

Market-rate unit means a dwelling unit in an affordable housing development that is intended to be sold or rented at market value, or that is otherwise not designated as an affordable unit.

Market rent means the estimated rent a property will be rented for in the open market and under prevailing market conditions in a lease or rental agreement between a willing lessor and a willing lessee, both conversant with the property and with prevailing general rent levels.

[...]

Qualified holder means a governmental entity empowered to hold an interest in real property under the laws of Maine or the United States or a nonprofit organization whose purposes include the provision of affordable housing or the increasing of affordable housing opportunities for lower income or moderate-income households, including governmental or quasi-governmental entities such as public housing authorities, community action agencies, or other similar nonprofit or governmental entities committed to providing opportunities for lower income or moderate-income households to obtain affordable housing authorities, community action agencies, or other similar nonprofit or governmental entities committed to providing opportunities for lower income or moderate-income households to obtain affordable housing.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

[...]

***Restrictive covenant* means a provision in a deed (or other covenant conveying real property) restricting the use of the land.**

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Sec. 33-183. Multifamily dwellings.

- (a) A multifamily dwelling is a structure or portion that is principally designed, adapted or used for occupancy by three or more families, each living in its own separate quarters. Each individual unit which functions as a separate living quarter shall be deemed to be a dwelling unit.
- (b) A maximum of eight dwelling units shall be permitted in any one multifamily building.
- (c) Residential buildings containing multifamily dwelling units shall be located at least 100 feet apart from each other **and any other structure.**
- (d) Garages or other accessory buildings shall not be located between the multifamily residential buildings and the front lot line. Accessory buildings shall be located so as not to inhibit the access of emergency vehicles and fire apparatus to any side of a residential building.
- (e) No multifamily residential building shall exceed two floors above grade, or 35 feet from the average ground grade to the eaves.
- (f) The proposed development shall provide for safe access to and from public and private roads. Safe access shall be ensured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions, higher than three feet above ground level.
- (g) The proposed development shall not have an unreasonable adverse impact on the town road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turnaround areas. Street entrances and exits shall be limited to one per street; however, developments containing 16 or more units shall have two entrances to town ways. All driveways and parking areas within the site shall be constructed in accordance with the standards in 37-51 et seq.
- (h) All multifamily residential buildings on a single lot shall be connected to a common water supply and distribution system, either private 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.
- (i) All principal buildings shall have sprinklers ~~or~~ **and** an approved fire alarm system installed pursuant to NFPA standards. ~~Either~~ **Both** systems shall be connected to the municipal fire alarm system or dispatching panel.
- (j) All multifamily dwellings shall ~~be connected to a municipal sewer system, if available.~~ **have adequate wastewater disposal. If available, public sewer connections shall be governed by Chapter 18. If a private wastewater disposal system will be utilized, the system shall be designed, installed, and maintained consistent with Section 45-416, and the owner (or designee) shall submit a maintenance schedule to the local plumbing inspector and shall update the local plumbing inspector annually on maintenance done**

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

over the past year. If the proposed development is a subdivision, wastewater disposal shall also be governed by Section 41-218.

- (k) It shall be the responsibility of the owner to provide for rubbish disposal, snow removal and site maintenance.

Note: In reviewing any development of multifamily housing which is classified as elderly housing, an assisted living facility or a life care facility under chapter 45, section 45-1 of this Code, the planning board may waive any of the standards of this section which the board determines are not applicable because of the nature and circumstances of the proposed development the planning board must vote separately on each standard waived and the reasons for each waiver must appear in the board's minutes.

Cross reference(s)—District regulations, § 45-286 et seq.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Sec. 44-34. Table of land uses

All land use activities, as indicated in table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in section 44-33 and other applicable ordinances. The district designated for a particular site shall be determined from the official zoning map.

Key to table 1:

Yes	-	Allowed (no permit required but the use must comply with all applicable land use standards)
No	-	Prohibited
SPR	-	Allowed with site plan review and approval by the planning board
CEO	-	Allowed with permit issued by the code enforcement officer
LPI	-	Allowed with permit issued by the local plumbing inspector

Abbreviations:

RP	-	Resource protection
LR	-	Limited residential
LC	-	Limited commercial
GD	-	General development
SP	-	Stream protection

The following notes are applicable to the land uses table on the following page:

Note: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and public shorefront parks.

Table 1. Land Uses in the Shoreland Zone

		Districts				
Land Uses		SP	RP	LR	LC	GD
Uses or Activities Without Structures						
(1)	Clearing of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO	CEO	CEO
(2)	>Emergency operations	yes	yes	yes	yes	yes
(3)	Fire prevention activities	yes	yes	yes	yes	yes
(4)	Forest management activities, except for timber harvesting and land management roads	yes	yes	yes	yes	yes
(5)	Mineral exploration	no	no	no	yes ²	yes ²

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

(6)	Mineral extraction, including sand and gravel extraction	no	no	no	SPR	SPR
(7)	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
(8)	Nonintensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
(9)	Soil and water conservation practices	yes	yes	yes	yes	yes
(10)	Surveying and resource analysis	yes	yes	yes	yes	yes
(11)	Wildlife management practices	yes	yes	yes	yes	yes
Principal Structures or Uses						
(12)	Principal structures and uses:					
	a. One- and two-family residential	SPR ⁴	SPR ⁹	CEO	CEO	CEO
	b. Multifamily dwelling	no	no	SPR	SPR	SPR
	c. Commercial (not listed elsewhere)	no ¹³	no ¹³	no ¹³	SPR	SPR ⁵
	d. Industrial	no	no	no	no	SPR
	e. Governmental and institutional	no	no	no	SPR	SPR
	f. Small nonresidential facilities for educational, scientific or nature interpretation purposes	SPR ⁴	SPR	CEO	CEO	CEO
(13)	Agriculture	CEO	SPR	CEO	CEO	CEO
(14)	Aquaculture	SPR ¹⁰	SPR ¹⁰	SPR ¹⁰	SPR	Yes
(15)	Auto graveyard	no	no	no	no	no
(16)	Auto hobbyist storage area	no	no	no	no	no
(17)	Auto junkyard	no	no	no	no	no
(18)	Auto recycling operation, limited	no	no	no	no	no
(19)	Auto recycling operation, principal	no	no	no	no	no
(20)	Bed and breakfast	no	no	SPR ¹⁰	SPR ¹⁰	SPR
(21)	Boardinghouse	no	no	SPR ¹⁰	SPR	SPR
(22)	Campgrounds	no	no ⁷	no	no	SPR
(23)	Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
(24)	Fireworks sales	no ¹⁷	no ¹⁷	no ¹⁷	no ¹⁷	no ¹⁷

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

(25)	Gambling Casino	no	no	no	no	no
(26)	Marijuana establishment					
	a. Marijuana store	no	no	no	SPR	SPR
	b. Marijuana cultivation facility	no	no	no	SPR	SPR
	c. Marijuana products manufacturing facility	no	no	no	no	SPR
	d. Marijuana testing facility	no	no	no	SPR	SPR
(27)	Marinas					
	a. Full service	no	no	no	no	SPR
	b. Limited	no	no	no	SPR	SPR
(28)	Medical marijuana establishment					
	a. Medical marijuana dispensary	no	no	no	SPR	SPR
	b. Medical marijuana cultivation facility	no	no	no	SPR	SPR
	c. Medical marijuana caregiver retail store	no	no	no	SPR	SPR
	d. Medical marijuana products manufacturing facility	no	no	no	no	SPR
	e. Medical marijuana testing facility	no	no	no	SPR	SPR
(29)	Off-site parking	no	no ⁷	no	no	no
(30)	Public and private recreational areas involving minimal structural development	SPR	SPR	SPR	SPR	CEO
(31)	Solar energy system; larger-scale (SES-LG)	no	no	no	SPR ¹⁵	no
Accessory Structures or Uses						
(32)	<u>Accessory dwelling units</u>	<u>SPR⁴</u>	<u>no</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
(32)	Structures accessory to allowed uses, not otherwise listed	SPR ⁴	SPR	CEO	CEO	CEO
(33)	Essential services	SPR ⁶	SPR ⁶	SPR	SPR	SPR
(34)						
	a. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²
	b. Non-roadside or cross-country distribution lines	SPR ⁶	SPR ⁶	CEO	CEO	CEO

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		involving ten poles or less in the shoreland zone					
	c.	Non-roadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	SPR ⁶	SPR ⁶	SPR	SPR	SPR
	d.	Other essential services	SPR ⁶	SPR ⁶	SPR	SPR	SPR
(34) <u>(35)</u>		Fences	yes ^{11A}	yes ^{11A}	yes ^{11A}	yes ^{11A}	yes ^{11A}
(35) <u>(36)</u>		Filling and earthmoving of < 10 cubic yards	CEO	CEO	yes	yes	yes
(36) <u>(37)</u>		Filling and earthmoving of > 10 cubic yards	SPR	SPR	CEO	CEO	CEO
(37) <u>(38)</u>		Home business	no ^{12A}	no ^{12A}	SPR ^{10A}	SPR ^{10A}	no
(38) <u>(39)</u>		Home occupations; regular and water-dependent	no	no	no	no	no
(39) <u>(40)</u>		Home Office	CEO	no	CEO	CEO	CEO
(40) <u>(41)</u>		Individual, private campsites	CEO	CEO	CEO	CEO	CEO
(41) <u>(42)</u>		Piers, docks, wharves, bridges and other structures and uses and extending over or below the normal high-water line or within a wetland:					
	a.	Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
	b.	Permanent residential	SPR	SPR	SPR	SPR	SPR
	c.	Permanent commercial	SPR ¹⁴	SPR ¹⁴	SPR ¹⁴	SPR	SPR
	d.	Limited commercial	SPR ⁵	SPR ⁵	SPR ⁵	SPR	no
(42) <u>(43)</u>		Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
(43) <u>(44)</u>		Road and driveway construction	SPR	no ⁸	SPR	SPR	SPR
(44) <u>(45)</u>		Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
(45) <u>(46)</u>		Signs.	yes ^{9A}	yes ^{9A}	yes ^{9A}	yes ^{9A}	yes ^{9A}
(46) <u>(47)</u>		Solar energy system, small-scale ground-mounted or roof mounted (SES-SR)	CEO ^{15A}	CEO ^{15A}	CEO ^{15B}	CEO ¹⁵	CEO ¹⁵

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(47) (48)	Small wind energy system	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶
(48) (49)	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
(49) (50)	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
(50) (51)	Uses similar to uses requiring a SPR permit	SPR	SPR	SPR	SPR	SPR
(51) (52)	Waste containers	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}

Footnotes:

¹ In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

² Requires permit from the code enforcement officer if more than 100 square feet of surface area, in total, is disturbed.

³ In RP not allowed in areas so designated because of wildlife value.

⁴ Provided that a variance from the setback requirement is obtained from the board of appeals.

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only (see note on previous page).

^{5A} Only as an accessory use to an allowed principal use on the lot. Must conform to the requirements of [section] 45-422, Waste containers.

⁶ See further restrictions in subsection 44-35(l)(2), essential services.

⁷ Except when area is zoned for resource protection due to floodplain criteria in which case a site plan review is required from the planning board.

⁸ Except as provided in subsection 44-35(h).

⁹ Single family residential structures may be allowed by special exception only according to the provisions of subsection 44-44(f), Special exceptions. Two-family residential structures and accessory dwelling units are prohibited.

^{9A} See sign ordinance section.

¹⁰ Except for commercial uses otherwise listed in this table, such as marinas and campgrounds, that are allowed in the respective district.

^{10A} Must conform to the requirements of section 45-456.1, Home business.

¹¹ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

^{11A} Must conform to the requirements of section 45-423, Fences.

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¹² Permit not required, but must file a written "notice of intent to construct" with CEO.

^{12A} "No" except in conjunction with aquaculture, small nonresidential facilities for educational, scientific or nature interpretation purposes or limited commercial piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

¹³ Use is "No" except when permitted under another specific land use entry.

¹⁴ Only commercial aquaculture allowed on piers in this zone, with no other commercial pier uses. Pier must meet the requirements of a residential pier in these zones.

Note: A person performing any of the following activities shall require a permit from the department of environmental protection, pursuant to title 38, M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- b. Draining or otherwise dewatering;
- c. Filling, including adding sand or other material to a sand dune; or
- d. Any construction or alteration of any permanent structure.

¹⁵ Must conform to the requirements of section 45-462. SES-LGs in LC must be sited on soils that are non-hydric and are otherwise appropriate pursuant to subsection 44-35(r).

^{15A} Must conform to the requirements of section 45-462. In SP and RP, an SES-SR is only allowable as a roof-mounted system on an approved or legally nonconforming structure, or as a ground-mounted system whose area, based on total airspace projected over the ground, is less than 1,000 square feet. The SES-SR shall be limited by design to supply the energy needs of an existing or allowed use on the same lot as the system. Sale of energy to the power grid must be limited to incidental excess power generation.

^{15B} Must conform to the requirements of section 45-462. In LR, an SES-SR is only allowable if it is limited by design to supply the energy needs of an existing or allowed use on the same lot as the system. Sale of energy to the power grid must be limited to incidental excess power generation.

¹⁶ Must conform to the requirements of section 45-461.

¹⁷ See chapter 12 for additional regulations pertaining to the sale and use of fireworks.

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Sec. 45-288 Village district

The purpose of the village district is to:

- (1) Preserve the physical, aesthetic and social quality of the town's village area.
- (2) Provide for the location of residential uses close to the services provided by the town.
- (3) Provide space for small, local retail sales, commercial services, and office uses which are needed or may be desirable and are in keeping with the scale and character of the neighborhood, while minimizing the problems and interruption created by such development.

(4) Act as the town's designated growth area pursuant to M.R.S.A 30-A §4326(3-A).

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Sec. 45-290. – Table of permitted and prohibited uses.

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	C/I
Accessory dwelling unit	CEO	CEO	CEO	CEO
Affordable housing development	no	SPR²³	SPR	no
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes ¹	12	SPR ^{1&8}	no
Animal husbandry	yes ¹	yes ¹	yes ¹	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR ⁸	no
Assisted living facility	no	SPR/SD	SPR/SD	SPR/SD
Auto graveyards	SPR	no	no	no
Auto hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
Auto recycling operation, limited	9	9	no	SPR
Auto repair garages	14	14	SPR ⁸	SPR
Auto service stations	no	9	no	SPR
Banks	no	no	SPR	SPR
Bathhouse	11	11	no	no
Bathing beach	yes	yes	yes	no
Bed and breakfasts	14	14	SPR ⁸	SPR
Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR ²
Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no

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Child care facility	16	16	16	SPR
Child care provider, family	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR
Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Earth material removal, less than 100 cubic yards	yes	yes	yes	yes
100 cubic yards or greater	SPR	SPR	SPR	SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD
Emergency operations	yes	yes	yes	yes
Equipment storage, trucks, 3 or more	no	no	no	yes
Essential services	yes	yes	yes	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	CEO
Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹
Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no
Gardening	yes	yes	yes	yes
Gasoline stations	no	9	no	SPR
Governmental buildings or uses	SPR	SPR	SPR	SPR
Grain or feed stores	SPR	10	no	SPR
Harvesting wild crops	yes	yes	yes	yes
Home business	SPR ⁸	SPR ⁸	SPR ⁸	SPR ⁸
Home occupations	10	10	no	no
Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR
Indoor commercial, recreational and amusement facilities	no	no	no	SPR
Industrial and business research laboratory	no	no	no	SPR
Industrial establishments and uses	no	no	no	SPR
Institutional buildings and uses, indoor	no	9	no	no
Junkyards	no	no	no	no
Landfill, dump	no	no	no	no
Libraries	SPR	SPR	SPR	SPR

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Life care facility	no	SPR/SD	SPR/SD	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Marijuana establishment*	no	no	no	SPR ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰
Mobile home parks	SPR/ SD ⁷	SPR/SD ⁷	SPR/SD ⁷	no
Mobile vendor site	no	no	SPR	SPR
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR
New construction of telecommunication structure 70 feet and higher	9	9	no	SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Outdoor education program	yes	yes	yes	yes
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR ⁸	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR ⁸	SPR
Public utility facilities	SPR	SPR	SPR	SPR
Recreational facilities, nonintensive	SPR	SPR	SPR	no
Recreational use not requiring structures	SPR	yes	yes	no
Restaurant	9	9	SPR ⁸	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR ⁸	SPR
Road construction	CEO	CEO	CEO	SPR
Schools	SPR	SPR	SPR	SPR
Sewage disposal systems, private	CEO	CEO	CEO	CEO
Signs, 6 square feet	CEO	CEO	CEO	CEO
Signs, other	CEO	CEO	CEO	CEO
Single-family dwellings	CEO	CEO	CEO	no ⁶
Small wind energy system	SPR	SPR	SPR	SPR
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no	SPR ²¹
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
Tiny home on wheels	CEO ²²	CEO ²²	CEO ²²	no ²²
Truck terminals and storage	no	no	no	SPR
Two-family dwellings	CEO	CEO	CEO	no ⁶
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO ³	CEO ³	CEO ³	CEO ³
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	SPR
Youth camp	SPR	SPR	SPR	SPR
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR	SPR

*Marijuana establishment and medical marijuana establishment are defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.
4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.
5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.
8. Must conform to the requirements of section 45-456.1 Home business.
9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.
13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.
18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.
22. May be permitted as a principal residential unit or as an accessory dwelling unit. All tiny homes **on wheels** shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes shall also conform to the requirements of Section 45-459. For tiny homes in the C/I zoning district, reference footnote 6.
- 23. Must be served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.**

Cross reference(s)—Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

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Sec. 45-405. Dimensional standards.

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

(a) Lots and structures in all districts shall meet or exceed the following minimum requirements:

District	Rural	Suburban	Village		C/I	MHP
			<u>No water or sewer^w</u>	<u>Water & sewer^w</u>		
Min. lot size, acres (ac) or square feet (ft ²)	3 ac	2 ac	1 ac	<u>½ ac</u>	3 ac	6,500 ft ² ⁿ 12,000 ft ² ⁿ 20,000 ft ² ⁿ
Min. street frontage (ft.) ^l	200	150	100	<u>75</u>	300	50/75/100 ⁿ
Min. street frontage: back lots	m	m	m	<u>m</u>		
	Min. area per dwelling unit, acres (ac)					
1 unit	3 ac	2 ac	1 ac	<u>½ ac</u>	—	o
2 units ^f	6 ac	4 ac	2 ac	<u>1 ac</u>	—	—
Each additional unit	3 ac	<u>½</u> 2 ac	½ <u>1</u> ac ^g	<u>½ ac</u>	—	—
<u>Accessory dwelling unit</u>	<u>u</u>	<u>u</u>	<u>u</u>	<u>u</u>	<u>u</u>	<u>u</u>
Assisted living facility	—	s	s	<u>s</u>	s	—
Elderly housing	—	g	g	<u>g</u>	g	—
Life care facility	—	t	t	<u>t</u>	t	—
	Min. yard dimensions (ft.)					
Front yard	30	30 ^p	30 ^p	<u>25^p</u>	50 ^{a,p} 30	20 ^o

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Side yards	20	20 ^p	20 ^p	<u>15^p</u>	20 ^p 100 ^b	20°
Rear yard	30	30 ^p	30 ^p	<u>25^p</u>	20 ^p 100 ^b	10°
Accessory building ^c						
Front yard setback	30	30	30	<u>30</u>	50 ^a 30 ^a	5°
Side and rear yard setback	10	10	10	<u>10</u>	20 100 ^b	5°
Accessory dwelling unit	u	u	u	<u>u</u>	u	—
Max. height (ft.)	35	35	35	<u>35</u>	55 ^d	35
Max. lot coverage (%)	10	15 ^q	20 ^q	<u>20^q</u>	50 ^q	50°
Setback-normal high water mark (feet) ^e	75	75	75	<u>75</u>	75	75
Dwelling units:						
Min. size (sq. ft. per unit):						
Accessory dwelling unit (ADU)	u	u	u	<u>u</u>	u	—
Assisted living facility	—	300	300	<u>300</u>	300	—
Federal or state elderly housing, other than assisted living facility	—	No min.	No min.	<u>No min.</u>	No min.	—
Mobile home park units	—	—	—	<u>—</u>	—	650
Tiny home on wheels or foundation-built tiny home	r	r	r	<u>r</u>	r	—
All other units	650	650	650	<u>650</u>	650	—
Max. number of principal structures per lot	h	h	h	<u>h</u>	v	1

(b) Signs in all districts shall meet or exceed the following minimum requirements:

Signs:					
--------	--	--	--	--	--

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

District	Rural	Suburban	Village	C/I	MHP
Max. sign area (sq. ft.)	6	6	6	100	6
Max. sign area (sq. ft.), commercial establishments only	12	12	12	100 ⁱ	12
Max. sign area (sq. ft.), new residential subdivisions	50 ^j	50 ^j	50 ^j		50 ^l
Min. setback (ft.) (front lot line only)	8 ^k	8 ^k	8 ^k	-- ^k	8 ^k

(c) Affordable housing developments (AHDs) may seek a density bonus of up to two-and-a-half times the dwelling unit density otherwise allowed in the zoning district. This means that the minimum area per dwelling unit in subsection (a) may be divided by up to 2.5 to determine the allowable number of dwelling units for a given acreage. AHDs shall meet the minimum lot size requirements in subsection (a). Applications for AHDs shall include a calculation showing the number of dwelling units that would be allowed for a non-AHD development in comparison with the number of dwelling units proposed for the AHD. This calculation shall also include the number of affordable units consistent with the definition of “affordable housing development” in Section 1-2 and the standards in Section 45-464. The density bonus may not be applied in conjunction with (that is, in addition to) the density bonuses provided in this section for an assisted living facility, elderly housing, or a life care facility.

Notes:

- a. A front yard abutting a state or town road shall have a minimum depth of 50 feet from the right-of-way line. A front yard abutting an interior street within the proposed site shall have a minimum depth of 30 feet from the right-of-way line. All parking areas shall conform to setback requirements.
- b. All side and rear yards abutting an existing residential use shall have a minimum depth of 100 feet from the side or rear lot lines.
- c. Accessory buildings shall be located no less than 30 feet from any principal buildings on adjacent property.
- d. Rooftop antennas and other telecommunications structures shall conform to the requirements of sections 33-185 and 45-460. Steeples and spires shall be exempt from maximum height requirements.
- e. Setbacks and setback measurements in shoreland zones shall follow requirements of chapter 44.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

- f. (Reserved.)
- g. The minimum acreage for elderly housing in all districts, where allowed, shall be one acre for the first dwelling unit and one quarter acre for each additional unit. Minimum acreage requirements shall revert back to dwelling unit requirements if elderly housing is discontinued.
- h. In the rural, suburban and village districts, more than one principal structure may be located on a single lot, provided each such structure is located in such a fashion that it could be separately conveyed on a separate lot in compliance with all dimensional requirements of the district (except that any lawfully existing structure which does not meet all minimum dimensional requirements may continue that nonconformity).
- i. See section 45-528(c) for other requirements applicable to two or more commercial or industrial establishments under separate ownership on one parcel within the commercial/industrial district.
- j. Signs identifying subdivisions of ten or more lots shall be posted at the entrance of the subdivision and shall be approved by the planning board. Signs shall contain only the name of the subdivision.
- k. See section 45-532 for additional sign placement requirements.
- l. Street frontage shall be measured along one street. The planning board is authorized to vary frontage requirements for new subdivisions according to section 41-255(g). Such lots shall be treated as conforming lots for the purpose of this chapter.
- m. Back lot requirements are contained in section 45-466.
- n. Lots within a mobile home park shall be a minimum of:
 - 6,500 feet² if served by public sewer. Minimum lot width is 50 feet.
 - 12,000 feet² if served by central subsurface wastewater disposal approved by the state department of human services. Overall density of park, including road rights-of-way and buffer strips shall be 20,000 feet² per dwelling. Minimum lot width is 75 feet.
 - 20,000 feet² if served by onsite subsurface wastewater disposal. Minimum lot width is 100 feet.
- o. See section 41-276 et seq. for specific requirements.
- p. Elderly housing, nursing facility, assisted living facility and life care facility shall have setbacks of 50 feet from lot line or 100 feet from residential dwelling unit, whichever is greater.
- q. Life care facility shall have a maximum lot coverage of 50 percent. Elderly housing, nursing facility or assisted living facility individually shall have a maximum lot coverage of 35 percent.
- r. Tiny homes on wheels shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes on wheels and foundation-built tiny homes shall also conform to the requirements of Section 45-459.
- s. One acre for the first dwelling unit and then one-fifteenth acre for each additional dwelling unit provided all other dimensional requirements are met.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

t. One acre for the first dwelling unit and then one-fifteenth acre for each additional assisted living facility dwelling unit plus one-fourth acre for each additional elderly housing dwelling unit plus district acreage requirement (1-village, 2-suburban, 3-C/I) for each single family dwelling unit provided all other dimensional requirements are met.

Example: A 15-acre suburban district lot could contain three single family dwelling units (five acres) plus 61 assisted living facility dwelling units (five acres) plus 17 elderly housing dwelling units (five acres) plus a nursing facility (0 acres) provided all dimensional requirements are met.

u. See section 45-459 for requirements. Additional lot area per dwelling unit is not required for an accessory dwelling unit.

v. In the C/I district, more than one principal structure may be located on a single lot which meets the minimum lot size and street frontage requirements for the district. Each such structure must maintain required yards adjacent to the front, side, and rear lot lines and must be located no closer than 20 feet (as viewed from the front lot line) to any other such structure on the lot. Such structures need not comply separately with the minimum lot size and frontage requirements, but the aggregate of all the structures on the lot shall not exceed the maximum lot coverage requirement. Nonconforming lots of record, with existing commercial structures, at the time of adoption of this section change may also contain more than one principal structure provided the setback and expansion requirements are met. Separation of structures shall not be less than 20 feet.

w. For the purpose of this table, “Water & sewer” means that the lot and all dwelling units thereon are served by connections to both a public water system and a public sewer system. “No water or sewer” means that the lot or at least one dwelling unit thereon are not served by a public water system, a public sewer system, or both.

Cross reference(s)—Requirements unique to mobile home park subdivisions, § 41-276 et seq.; other district regulations, § 45-286 et seq.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Sec. 45-416. Sanitary standards for sewage.

All subsurface sewage disposal facilities shall be installed in conformance with the state plumbing code and the following:

- (1) All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size.
- (2) The minimum setback for subsurface sewage disposal facilities shall be no less than 100 horizontal feet from the normal high water mark of a waterbody. This requirement shall not be reduced by variance.
- (3) **A new or replacement subsurface sewage disposal system that receives in excess of 2,000 gallons per day shall be:**
 - a. an engineered subsurface disposal system;**
 - b. reviewed by a technical consultant pursuant to Section 33-128 or Section 41-142, as applicable;**
 - c. submitted to the Maine Department of Health and Human Services for review.**

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Sec. 45-459 – Accessory dwelling unit

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

- (a) An accessory dwelling unit (**ADU**) may be rented so that the owner-occupant may benefit from the additional income. The owner may also elect to occupy the accessory dwelling unit and rent the principal dwelling unit.
- (b) Owner-occupied means that either the principal dwelling unit or the ~~accessory dwelling unit~~ **ADU** is occupied by a person who has a legal or equitable ownership interest in the property and bears all or part of the economic risk of decline in value of the property and who receives all or part of the remuneration, if any, derived from the lease or rental of the dwelling unit.
- (c) ~~An accessory dwelling unit~~ **ADU** may be permitted as an accessory use to a single family home under the following conditions:
 - (1) Only one ~~accessory dwelling unit~~ (**ADU**) is permitted per lot. The ~~accessory dwelling unit~~ **ADU** shall be located in the same building as the principal dwelling unit, attached to or sharing a wall with the principal dwelling unit, or in a building accessory to the principal dwelling unit.
 - (2) A building permit for the proposed construction of a new ADU or the creation of a new ADU within an existing building, must be issued by the **Code Enforcement Officer (CEO)**. Planning board approval is not required for an ADU, **except as specified by Section 44-34.**
 - (3) A building permit for a new single family home may include an ADU as long as the provisions of this section are met and the building conforms to all of the dimensional requirements for the zone in which it is being built. An ADU may be included in a new home constructed on a lawful nonconforming lot of record which may be built upon pursuant to section 45-194.
 - (4) The property owner must occupy either the principal dwelling unit or the ADU as their principal residence, and at no time receive rent for the owner-occupied unit. Principal residence must be proven by voter registration or other evidence acceptable to the CEO.
 - (5) The maximum gross floor area of an ADU shall be 1,000 square feet or 50 percent of the gross floor area of the principal dwelling unit, whichever is less. The minimum gross floor area of an ADU shall be 190 square feet, except that tiny home on wheels ADUs and foundation-built tiny home ADUs are not subject to a minimum gross floor area. An ADU shall not have more than two bedrooms.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

State law reference – **29-A M.R.S.A. §101(80-C), 30-A M.R.S.A. §4363,** 30-A M.R.S.A. §4364-B

- (6) Apartments built prior to November 2, 1982 and existing on March 16, 2002, shall be considered lawful nonconforming uses which may continue pursuant to section 45-191. Any apartments existing on (effective date of section 45-459) and built on or after November 2, 1982 shall not be considered lawful nonconforming uses, unless the property owners applies for a building permit for the ADU and brings the unit up to the health and safety provisions of the minimum housing code standards. A grace period of one year from the adoption of this article will be allowed for homeowners to modify such unlawful non-conforming units. The CEO will have the authority to waive certain space and setback requirements for such unlawful nonconforming units where full compliance would be impractical. On March 16, 2003, all owners of unlawful nonconforming units who have not brought them up to the health and safety standards of the minimum housing code, will be in violation of this section and subject to fines per subsection 45-6(b).
- (7) When any property containing an ~~accessory dwelling unit~~ **ADU** is sold or transferred, the new owner must continue to meet the requirements of this Section in order to continue the use of the ~~accessory dwelling unit~~ **ADU**. Should the new owner not meet the requirements of this section, the use of the unit must be discontinued. However, any lease in effect at the time of transfer may be continued until it expires or up to one year from the date of the transfer, whichever is shorter. This subsection (7) does not apply to an apartment built before November 2, 1982 and existing on March 16, 2002.
- (8) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the county registry of deeds a covenant in a form acceptable to the town attorney that the existence of the ~~accessory dwelling unit~~ **ADU** is predicated upon the occupancy of either the ~~accessory dwelling unit~~ **ADU** or the principal dwelling by a person who owns the property. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section.
- (9) New ~~accessory dwelling units~~ **ADUs** are not subject to the requirements of the growth management ordinance, chapter 29.
- (10) This provision shall not prohibit the conversion of a single family dwelling to a multifamily dwelling so long as said conversion complies with all current zoning requirements. However, if such conversion is approved, any accessory dwelling unit previously allowed under this section must be incorporated into and meet all the requirements for one of the units of the multifamily dwelling. Multifamily dwellings shall not include accessory dwelling units as defined in this section.
- (11) Design criteria:
 - a. An ADU, ~~with the exception of a tiny home on wheels,~~ shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an ADU extends beyond the existing footprint of the main building, such an addition must be consistent with the existing

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

facade, roof pitch, siding, and windows. **This paragraph shall not apply to a tiny home on wheels ADU.**

- b. Exterior stairs are restricted to the rear or sides of the structure.
- (12) Occupancy of an ADU shall be limited to the following: No more than two persons per bedroom are allowed, unless otherwise approved by the ~~code enforcement officer~~ **CEO** and the ~~fire chief~~ **Fire Chief** or their respective designees. Increased occupancy limits may be granted after application to the ~~code enforcement officer~~ **CEO** and inspection of the dwelling unit.
- (13) An occupancy permit must be issued by the CEO prior to occupancy of an ~~accessory dwelling unit~~ **ADU** created or modified pursuant to this section 45-459.
- (14) ~~The CEO shall prepare a biennial report to the planning board on accessory dwelling units which will include:~~
 - a. ~~The number of units established;~~
 - b. ~~The geographic distribution of the units; and~~
 - c. ~~The average size of the units.~~
- (14) ~~(15)~~ The ~~code enforcement officer~~ **CEO** may inspect an ~~accessory dwelling unit~~ **ADU**, with or without complaint with a minimum of 48 hours of receipt of notice of inspection to the property owner to ensure compliance with the section. Any property owner found in violation of this section shall have 30 days from the date of written notice to correct such violation. Failure to correct the violation shall result in the revocation of the ~~accessory dwelling unit~~ **ADU** certificate of occupancy, as well as subjecting the property owner to the remedies and penalties provided in sections 45-101 and 45-102.

(d) Lot line setbacks

- (1) An ADU located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit shall meet minimum yard and setback requirements for principal structures.
- (2) An ADU permitted in an accessory structure as of July 1, 2023, shall continue to meet minimum yard and setback requirements for principal structures, except that, if that ADU was permitted with a yard width or setback distance less than the requirements for principal structures relative to one or more lot lines, then, relative to those lot lines only, the ADU may continue to have its existing yard width or setback distance, but shall not be extended or moved closer to any of those lot lines. In such case, the total gross floor area of the ADU that is less than minimum yard and setback requirements for principal structures shall not be expanded.
- (3) An ADU permitted in an accessory structure after July 1, 2023:
 - a. Shall meet minimum yard and setback requirements for accessory structures; and

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

- b. Shall not be used as a short-term rental unless it meets minimum yard and setback requirements for principal structures.

State law reference – 30-A M.R.S.A. §4364-B

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

[Add a new section:]

Sec. 45-464. – Affordable housing developments

(a) *Long-term affordability.* For at least thirty (30) years after the completion of construction of an affordable unit:

- (1) For rental housing, occupancy of the unit shall remain limited to households with income, at the time of initial occupancy, at or below 80 percent of the local area median income; and,
- (2) For owner-occupied housing, occupancy of the unit shall remain limited to households with income, at the time of initial occupancy, at or below 80 percent of the local area median income.

(b) *Assurance of long-term affordability.* The owner of an affordable housing development shall demonstrate compliance with subsection (a) through at least one of the following:

- (1) The development is required by the terms of a grant, loan, or other assistance from a federal or state governmental agency, whose purposes include the provision of affordable housing, to assure long-term affordability consistent with subsection (a).
- (2) The owner of the affordable housing development is a nonprofit or governmental agency, whose purposes include the provision of affordable housing, and provides supporting documentation for how they will comply with subsection (a), including, but not necessarily limited to, deed restrictions, financial agreements, or other appropriate legal and binding instruments.
- (3) Before a certificate of occupancy may be granted for any affordable unit, the owner of the affordable housing development provides an affordable housing covenant for the affordable unit that is:
 - a. Consistent with subsection (a);
 - b. Held by a qualified holder; and,
 - c. Recorded in the York County Registry of Deeds.

(c) *Implementation plan.* An application for an affordable housing development shall include an implementation plan describing how the affordable units will remain affordable consistent with this section.

(d) *Qualified holder.*

- (1) An application for an affordable housing development that proposes to assure long-term affordability using a qualified holder pursuant to paragraph (b)(3) shall include a signed statement by the qualified holder that it will serve as the holder of the affordable housing covenant. The Planning Board may review the sufficiency of a nonprofit organization to

serve as a qualified holder, including requesting a review and recommendation from the Town's legal counsel and-or one or more third-party reviewers. The costs of any such review shall be borne by the applicant in accordance with Section 33-128. If the Planning Board finds that there is substantial risk of the qualified holder's inability to enforce the affordable housing covenant, it may request that the applicant propose a new qualified holder. The lack of a sufficient qualified holder is grounds for disapproval of the project.

- (2) The owner of the affordable housing development shall notify the Town whenever the qualified holder (if used) changes. A change of qualified holder does not, by itself, warrant Planning Board review. However, the Town Manager or Code Enforcement Officer may review the new qualified holder as described in paragraph (1). A review finding that there is substantial risk of the new qualified holder's inability to enforce the affordable housing covenant is grounds for a violation as described in subsection (i) below.
- (3) An affordable housing covenant applicable to any rental affordable unit shall include a written description of the mechanism by which the owner of the affordable housing development shall document annually to the qualified holder, Town Manager, Code Enforcement Officer, and Town Planner, that the unit(s) has or have remained priced and, if occupied, actually rented at affordable levels consistent with subsection (a). Failure to make such annual documentation shall constitute a violation as described in subsection (i) below.
- (e) *Deed restriction.* Any affordable unit that is to be sold shall include a restriction in its deed that requires that the unit be kept affordable according to subsection (a).
- (f) *Unit type variety.* To promote a variety of affordable housing options in an affordable housing development for households of different sizes, at minimum:
 - (1) Every third affordable unit shall have at least one separate bedroom.
 - (2) Every sixth affordable unit shall have at least two separate bedrooms.
 - (3) Every ninth affordable unit shall have at least three separate bedrooms.
 - (4) As an illustrative example, if an affordable housing development has nine affordable units, it will be required to have at least one (1) one-bedroom unit, at least one (1) two-bedroom unit, and at least one (1) three-bedroom unit. The remaining six (6) affordable units can have any number of bedrooms or be studio or efficiency units.
- (g) *Timing of unit occupancy.* A certificate of occupancy may not be granted for the final market-rate or market rent unit in an affordable housing development until certificates of occupancy have been granted for all affordable units in the development.

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(h) Prohibition on leasing, subletting, and short-term rentals.

- (1) Any person who owns or occupies an owner-occupied affordable unit shall not lease that unit to another person or entity, and they shall not otherwise earn rental income from the same unit.
- (2) Any person who rents or occupies a rental affordable unit shall not sublet that unit to another person or entity, and they shall not otherwise earn rental income from the same unit.
- (3) Affordable units shall not be short-term rentals.

(i) Enforcement, violations, and penalties.

- (1) A qualified holder shall notify the Town Manager and Code Enforcement Officer of any apparent or actual violation by the owner of the affordable housing development of the affordable housing covenant.
- (2) The Code Enforcement Officer may issue warnings or violations, or seek other appropriate remedial action, to correct an apparent or actual violation of this section. An affordable housing covenant may include its own terms for enforcement, violations, and penalties, but it shall not supersede, nullify, or prevent any remedial action taken by the Town under its authority in the Town Code.
- (3) Fines shall be set forth for violation of any of the provisions of this article; violators shall be punished by a civil penalty of not less than \$50.00 and not more than \$200.00 for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the Town. If the Town establishes an affordable housing reserve fund, all or part of the civil penalty amount collected may be placed in this fund. Each day a violation is committed, or permitted to continue, shall constitute a separate violation and shall be fined as such.

State law reference – 30-A M.R.S.A. §4364

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

Sec. 45-495. - Schedule of minimum required offstreet parking spaces.

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

	Use	Standards
(1)	Dwelling units	<u>Affordable housing developments—2/3 of a space per dwelling unit, rounded up to the nearest whole number</u>
		<u>Accessory dwelling units—no spaces required</u>
		<u>All other units</u> —alternately, 2 for the first unit, 3 for the second unit, 2 for the third unit, and so on
(2)	Lodging business and motels	1 space for each sleeping room and for each person anticipated to be employed on the largest shift
(3)	Home occupation	1 for each employee and customer up to 10 maximum, not counting residential use
(4)	Camper park	1 space per site
(5)	Takeout restaurant	minimum 25 parking spaces plus 1 space for each 50 square feet (or fraction thereof) of floor space in excess of 900 square feet, and 1 space for every exterior table
(6)	Other restaurants or places serving food	1 space for each 3 seats, permanent or otherwise
(7)	Wholesale or retail sales, or service establishment	1 space for each 150 square feet of retail floor area; 1 space for each 100 square feet of retail floor area (minimum 10 spaces) for marijuana retail stores)
(8)	Automobile, truck and tractor repair and filling stations	1 parking space for each regular employee plus 1 space for each 50 square feet of floor area used for service work

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations

(9)	Public building and professional offices (excluding medical and dental offices), nonprofit medical marijuana dispensaries	1 parking space for each 200 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas
(10)	Medical and dental offices	7 parking spaces for each physician, dentist or other medical practitioner
(11)	Commercial and industrial uses not specifically enumerated	1 space for each person employed or anticipated to be employed on the largest shift
(12)	Schools	Child care center—2 parking spaces for each child care room plus 1 space for each adult instructor
		Family child care provider—See Section 45-456.1
		Elementary and junior high schools—1 parking space for each adult employee plus 15 parking spaces for each 100 students, or major fraction thereof, of total enrollment
(13)	Theaters, auditoriums, churches, arenas, and libraries	1 parking space for every 4 seats, or for every 100 square feet of assemblage space if no fixed seats
(14)	Hospital, sanitariums or nursing homes	1 space for each 500 square feet (or major fraction thereof) of floor area, exclusive of basement
(15)	Adequate spaces shall be provided to accommodate customers, patrons, and employees for permitted uses not listed above	

Kim Tackett

From: Planner
Sent: Tuesday, August 8, 2023 3:11 PM
To: Kim Tackett
Subject: FW: Resource Protection zoning and ADUs

Kim,

Can we include the below correspondence from DEP in the PB packet?

Thanks,
Jeff

Jeff Brubaker, AICP
(207) 439-1813 x112

From: Kalinich, Jeffrey C <Jeffrey.C.Kalinich@maine.gov>
Sent: Tuesday, August 8, 2023 12:54 PM
To: Planner <jbrubaker@eliotme.org>
Subject: RE: Resource Protection zoning and ADUs

Hi Jeff,

It's good to hear from you. Everything is going well and I hope it is the same for you.

Here is a link to our newsletter: <https://content.govdelivery.com/accounts/MEDEP/bulletins/33ff36b> The last article goes over ADU's in the shoreland zone. It has a link to the enacted legislation.

Section 4364-A 6. States " 6. Shoreland zoning. A housing structure must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances." Municipal shoreland zoning ordinances do not need to be amended for this legislation. I think allowing ADU's in RP and SP or Shoreland would be considered inconsistent with Chapter 1000 and could not be approved. Since we are in relatively new territory, if you want to send a draft amendment, I can seek input from my supervisor and Attorney General.

Let me know if you have any additional questions.

Jeff

Jeffrey C. Kalinich
Assistant Shoreland Zoning Coordinator
Maine Department of Environmental Protection
312 Canco Road
Portland, Maine 04103
Ph. (207) 615-7044
Fax. (207) 822-6303
www.Maine.gov/dep

From: Planner <jbrubaker@eliotme.org>
Sent: Tuesday, August 8, 2023 12:19 PM
To: Kalinich, Jeffrey C <Jeffrey.C.Kalinich@maine.gov>
Subject: Resource Protection zoning and ADUs

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeff,

It's been a while since we chatted. I hope you're well.

We are working on ordinance amendments to comply with LD2003. One question that has come up is what to do with ADUs in the Resource Protection zone. Does DEP have any guidance on it?

Right now, we are proposing to strike a balance between LD2003 and Ch. 1000, where an ADU would be allowed within or attached to a single family dwelling unit that has been approved (via Special Exception) by the Planning Board. (All standards would still apply, including the 1,500 sf footprint limit.) But we would prohibit detached ADUs.

In Stream Protection, it would be the same allowability as single family dwellings. Allowable, subject to Planning Board approval and the granting of a variance by the Board of Appeals from the stream setback.

Thanks for any guidance.

Jeff

Jeff Brubaker, AICP
Town Planner
Town of Eliot

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

Planning Board recommends _____ (#-#)

Select Board recommends _____ (#-#)

DRAFT for August 15, 2023 Planning Board public hearing

Legal review completed August 2, 2023

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

Ballot question – Town Meeting and Referendum, November 7, 2023

ARTICLE #__: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 –
General Provisions and Chapter 45 – Zoning, Related to Public Park-and-Ride Lots” be enacted?
(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These ordinance amendments propose to make public park-and-ride facilities allowable within the
Commercial/Industrial (C/I) zoning district.

Section 1-2 has a definition of “off-site parking” that enumerates four types of off-site parking
facilities. A public park-and-ride facility could be one or more of these types – for example, one
of them is: “Any surface parking lot or parking structure which provides parking spaces for
passengers of a regularly scheduled shuttle bus service.” Section 45-290, the table of permitted
and prohibited uses (commonly known as the “land use table”), prohibits off-site parking
townwide (in every zoning district). Therefore, public park-and-ride facilities are effectively
banned in town, although the 2009 Comprehensive Plan (see below) recommends them.

In 2019, a Joint Land Use Study (JLUS) was completed that focused on collaborative planning
related to the Portsmouth Naval Shipyard (PNSY) and its employees. This partnership involved
PNSY, the Town of Kittery, the Southern Maine Planning and Development Commission
(SMPDC), and other municipalities and regional planning organizations in the region, including
the Town of Eliot. The JLUS describes itself as “an opportunity...to strengthen [this] existing
partnership, understand and address the issues impacting both the Navy and communities
throughout the region – especially traffic congestion – and establish a blueprint for mutually
beneficial actions to support military readiness, and continued community growth and economic
development” (quote from p. 7). Since the completion of the JLUS report, the partnership has
stayed in place to focus on implementation of its recommendations. One of the recommendations
is to establish new regional park-and-ride locations that “could incentivize PNSY drivers to
consider carpools, vanpools, or transit as a commuting alternative” (p. 86). One of the locations
that the partners have discussed is Eliot Commons, which has a bus stop for the COAST Route
100 bus, which serves the Shipyard and makes one trip in the morning and one trip in the afternoon.

Park-and-ride facilities can serve several different types of trips. People can park there to catch the
bus, carpool, or vanpool the rest of the way to their destination. Some people might use them to

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Public Park-and-Ride Lots

drive part of the way but ride a bicycle the rest of the way. They can be used for different trip purposes but are typically focused on serving commutes to employment. A typical objective of building a park-and-ride facility is to reduce the amount of single-occupancy car traffic along a popular commuter route, relieving traffic congestion.

The amendments change the land use table to make public park-and-ride facilities allowable, subject to Planning Board site plan review, in the C/I zone. They propose a new definition of public park-and-ride facility in Section 1-2 relating to use for carpooling, vanpooling, or bus service, or to park and ride a bicycle for the last leg of a trip. Under this definition, the facility must be primarily oriented toward commute trips and generally open to the public. It can be a lot or a structure. The amendments revise the “off-site parking” definition to exempt public park-and-ride facilities and make other editorial changes. They create a new Section 45-496 in Article X of Chapter 45 (Offstreet Parking and Loading) that includes performance standards and encouraged amenities for public park-and-ride facilities, including bicycle parking and electric vehicle charging stations.

The amendments are proposed to address the following recommendation and strategy in the 2009 Comprehensive Plan:

“Currently, the Town of Eliot does not have any designated Park and Rides. In fact, the Town currently restricts the development of such lots...Currently, the Town of Eliot has very limited transit service and the Town does not currently allow Park & Ride Lots in any part of Town. For the benefit of the population currently unable to drive (see inventory), for the benefit of households that are having a more difficult time stretching their budget by paying for increasing gas and oil prices and for the benefit of alleviating peak hour traffic, the town may want to actively pursue avenues for increasing transit service and allowing Park and Ride lots.” [pp. 77 and 83]

Transportation

Policy 5: To promote public health, protect natural and cultural resources, and enhance livability by managing land use in ways that maximize the efficiency of the transportation system and minimize increases in vehicle miles traveled.

Strategy 1: Revise the current land use standards, as needed, to allow publicly- funded park and ride facilities.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

Sec. 1-2. - Definitions and rules of construction.

[abridged to only show changes]

[...]

Bicycle means a “bicycle” as defined by 29-A M.R.S.A. §101(9), as may be amended.

[...]

Electric vehicle means a vehicle that is solely powered by an electric motor with a battery or powered by a combination of both an electric motor and a gasoline engine.

[...]

*Off-site parking **facility** means ~~an off site parking facility is any~~ **a** facility meeting one or more of the following criteria:*

- (1) Any surface parking lot or parking structure which provides more than ten parking spaces for use by persons who are not visitors to or occupants, customers or employees of a use other than parking located on the same lot or a contiguous lot;
- (2) Any surface parking lot or parking structure which charges fees for parking, where such fees constitute the primary source of revenue derived from the use of the lot on which the parking is located;
- ~~(3) Any surface parking lot or parking structure which provides parking spaces for passengers of a regularly scheduled shuttle bus service;~~
- (3)** Any surface parking lot or parking structure which is the only use located on the lot, unless the parking is utilized to provide required off street parking for a use on an adjacent lot as allowed by section 45-490 or section 45-492 of this Code.

The term ~~off street~~ **off-site parking facility** does not include a long term storage facility approved as a storage business: **or a public park-and-ride facility.**

[...]

Public park-and-ride facility means a parking lot or structure that:

- (1) provides parking spaces for the vehicles of persons using a bus service, carpool, or vanpool, or of persons using a bicycle to complete the last segment of a trip;**
- (2) is primarily used for commuting trips, but may occasionally or partially be used for trips to special events or other non-commuting trips;**
- (3) is owned, leased, maintained, and-or operated by a governmental agency; and,**
- (4) is generally open to the public for the above purposes, except it may have reasonable restrictions on the hours or days of use and the duration of parking.**

[...]

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

Sec. 45-290. - Table of permitted and prohibited uses.

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. This table has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	C/I
Accessory dwelling unit	CEO	CEO	CEO	CEO
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes ¹	12	SPR ^{1&8}	no
Animal husbandry	yes ¹	yes ¹	yes ¹	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR ⁸	no
Assisted living facility	no	SPR/SD	SPR/SD	SPR/SD
Auto graveyards	SPR	no	no	no
Auto hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
Auto recycling operation, limited	9	9	no	SPR
Auto repair garages	14	14	SPR ⁸	SPR
Auto service stations	no	9	no	SPR
Banks	no	no	SPR	SPR
Bathhouse	11	11	no	no

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

Bathing beach	yes	yes	yes	no
Bed and breakfasts	14	14	SPR ⁸	SPR
Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR ²
Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
Child care facility	16	16	16	SPR
Child care provider, family	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR
Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Earth material removal, less than 100 cubic yards 100 cubic yards or greater	yes SPR	yes SPR	yes SPR	yes SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD
Emergency operations	yes	yes	yes	yes
Equipment storage, trucks, 3 or more	no	no	no	yes
Essential services	yes	yes	yes	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	CEO
Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no
Gardening	yes	yes	yes	yes
Gasoline stations	no	9	no	SPR
Governmental buildings or uses	SPR	SPR	SPR	SPR
Grain or feed stores	SPR	10	no	SPR
Harvesting wild crops	yes	yes	yes	yes
Home business	SPR ⁸	SPR ⁸	SPR ⁸	SPR ⁸
Home occupations	10	10	no	no
Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR
Indoor commercial, recreational and amusement facilities	no	no	no	SPR
Industrial and business research laboratory	no	no	no	SPR
Industrial establishments and uses	no	no	no	SPR
Institutional buildings and uses, indoor	no	9	no	no
Junkyards	no	no	no	no
Landfill, dump	no	no	no	no
Libraries	SPR	SPR	SPR	SPR
Life care facility	no	SPR/SD	SPR/SD	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Marijuana establishment*	no	no	no	SPR ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰
Mobile home parks	SPR/ SD ⁷	SPR/SD ⁷	SPR/SD ⁷	no

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

Mobile vendor site	no	no	SPR	SPR
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR
New construction of telecommunication structure 70 feet and higher	9	9	no	SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Outdoor education program	yes	yes	yes	yes
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR ⁸	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR ⁸	SPR
<u>Public park-and-ride facility</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>SPR</u>
Public utility facilities	SPR	SPR	SPR	SPR
Recreational facilities, nonintensive	SPR	SPR	SPR	no
Recreational use not requiring structures	SPR	yes	yes	no
Restaurant	9	9	SPR ⁸	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR ⁸	SPR
Road construction	CEO	CEO	CEO	SPR
Schools	SPR	SPR	SPR	SPR
Sewage disposal systems, private	CEO	CEO	CEO	CEO
Signs, 6 square feet	CEO	CEO	CEO	CEO

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

Signs, other	CEO	CEO	CEO	CEO
Single-family dwellings	CEO	CEO	CEO	no ⁶
Small wind energy system	SPR	SPR	SPR	SPR
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹
Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no	SPR ²¹
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
Tiny home on wheels	CEO ²²	CEO ²²	CEO ²²	no ²²
Truck terminals and storage	no	no	no	SPR
Two-family dwellings	CEO	CEO	CEO	no ⁶
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO ³	CEO ³	CEO ³	CEO ³
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	SPR
Youth camp	SPR	SPR	SPR	SPR
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR	SPR

*Marijuana establishment and medical marijuana establishment are defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.
5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.
8. Must conform to the requirements of section 45-456.1 Home business.
9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.
13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.
18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.
22. May be permitted as a principal residential unit or as an accessory dwelling unit. All tiny homes shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Public Park-and-Ride Lots

shall also conform to the requirements of Section 45-459. For tiny homes in the C/I zoning district, reference footnote 6.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 207); T.M. of 12-15-93; Amend. of 3-25-95; T.M. of 3-27-99(1), § 5; Ord. of 3-25-00(1); T.M. of 3-16-02, (art. 3), (art. 4); T.M. of 6-19-01, (art. 6), (art. 7); T.M. of 11-5-02; T.M. of 11-4-03; T.M. of 11-4-03; T.M. of 3-20-04; T.M. of 6-14-08; T.M. of 6-12-2010(3); T.M. of 6-18-2011(6); T.M. of 11-8-2011; T.M. of 6-16-2012(1); T.M. of 6-16-2012(2); T.M. of 11-5-2019(5); T.M. of 7-14-2020(5) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(4) , art. 31; T.M. of 11-2-2021(4) , art. 5; T.M. of 6-14-2022(2) , art. 25; [*T.M. of 6-13-23 , art. 28, art. 30, art. 31*])

Cross reference(s)—Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

[add a new section:]

Sec. 45-496. - Public park-and-ride facilities.

- (a) A public park-and-ride facility may be created through the conversion or designation of existing off-street parking spaces for park-and-ride use if the applicant demonstrates that, after the conversion or designation, enough parking spaces remain for all uses on the lot, pursuant to this article.
- (b) Public park-and-ride facilities are encouraged to provide the following features and amenities, if warranted:
 - (1) Pedestrian access to a stop for a regular bus service if the stop is within 200 feet of the facility
 - (2) A bicycle rack that provides secure parking for up to five (5) bicycles
 - (3) One or more electric vehicle charging stations

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

Planning Board recommends _____ (#-#)

Select Board recommends _____ (#-#)

DRAFT for August 15, 2023 Planning Board public hearing

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

Ballot question – Town Meeting and Referendum, November 7, 2023

ARTICLE #__: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 –
General Provisions and Chapter 45 – Zoning, Related to Grocery Stores” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These ordinance amendments propose to define grocery stores in Section 1-2 of the Town Code and add a row for grocery stores to the table of permitted and prohibited uses in Section 45-290 (also commonly known as the “land use table”).

Currently, a grocery store is listed as one type of “commercial establishment” under Section 1-2, but the land use table only lists “commercial establishment” with the qualifier, “2 or more where allowed”. The land use table also has a row for “retail sales, local, other”, which allows retail stores – subject to Planning Board site plan review (“SPR” in the land use table) – in the commercial/industrial (C/I) zone, in the Suburban and Rural zones for properties that abut Route 236, or otherwise as a home business. Retail stores in the Suburban and Rural zones on properties abutting Route 236 are limited to 5,000 square feet of gross floor area (GFA) with customer sales confined to one floor. Where uses are only allowed as home businesses (and subject to Planning Board site plan review), the land use table labels them “SPR 8” uses, referring to the table footnote that references the performance standards for home businesses.

The amendments would make grocery stores SPR uses in the C/I zone and assign a “16” for grocery stores in the Rural and Suburban zones, referring to footnote 16. This means that they would be SPR uses for properties abutting Route 236, but they would no longer face the 5,000 square feet of GFA or one-floor limitation. That limitation would remain for “retail stores, local, other” – effectively carving out grocery stores from this size limitation for other types of retail stores. Grocery stores would be prohibited on other properties in these two zones. The amendments also prohibit grocery stores in the Village zone, which does not touch Route 236.

The proposed new definition of “grocery store” seeks to differentiate it from other commercial establishments that might sell similar items as a grocery store, e.g. a restaurant that retails a limited number of grocery items or store that sells a limited number of items, e.g. a convenience store (though “convenience store” is not defined in Section 1-2). It would also clearly differentiate “grocery store” from locally-grown food sales, which are defined and made broadly allowable by other sections of the Town Code.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Grocery Stores

While these amendments would not make grocery stores “SPR 8” uses, the Town Code would continue to allow broad opportunities for home-based sales of food items under other use categories. As described above, there is a “by right” allowance for seasonal sales of locally-grown and -produced food, agriculture, and animal husbandry, meaning these uses (except for some limitations in the shoreland zone) can generally be pursued without Planning Board or Code Enforcement Officer approval. Also, Section 45-456.1(h) – home business performance standards – allows on-site sales of merchandise and products that are “are created, grown, built, or substantially altered as part of the home businesses” as well as on-site sales of merchandise and products that are “customarily incidental” to the former.

The amendments also make an editorial change to Section 45-495, with grocery stores facing the same parking requirement (1 space per 150 square feet) as most other retail uses.

The amendments are consistent with the following goals and policies of the 2009 Comprehensive Plan:

Economy

Goal: To promote an economic climate, which increases sustainable and well- paying job opportunities, and overall economic well being.

Policy #1. Continue to support broad-based community economic development activity, reflecting community desires and the community’s role in the region

Strategy #3. Consider zoning changes and/or incentives to promote the development of essential service- type businesses in Eliot (banks, food stores, pharmacies, hardware stores, etc.)...

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

*[Revision annotations at the end of sections may be omitted – to be updated accordingly by
Municode during codification]*

Sec. 1-2. - Definitions and rules of construction.

[abridged to only show changes]

[...]

Grocery store means a retail store that devotes a minimum of eighty percent of its total gross floor area to the display and sale of food products for human consumption and typical non-food household products. Outdoor areas reserved for regular display of groceries shall be included in this calculation. Grocery stores may be differentiated from other commercial establishments that sell similar products by several characteristics, including, but not necessarily limited to:

- 1) **The proportion of business activity or area of the lot (or unit, if the grocery store is on a lot with multiple commercial establishments) devoted to the display and sales of groceries relative to other products or services. For example, a restaurant or takeout restaurant that also sells a limited number of groceries is not necessarily a grocery store.**
- 2) **The variety and volume of products and brands available. For example, a retail store may offer a variety of grocery items, but it typically does not offer a wide variety of brands, sizes, or variations of such items and is not necessarily a grocery store.**
- 3) **Where the products were grown, processed, or produced. For example, local food (Section 14-22) and seasonal sales of produce and plants raised locally (Section 1-2) are defined and allowed elsewhere in this Code, and these uses are presumptively not grocery stores.**

[...]

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

Sec. 45-290. - Table of permitted and prohibited uses.

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	C/I
Accessory dwelling unit	CEO	CEO	CEO	CEO
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes ¹	12	SPR ^{1&8}	no
Animal husbandry	yes ¹	yes ¹	yes ¹	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR ⁸	no
Assisted living facility	no	SPR/SD	SPR/SD	SPR/SD
Auto graveyards	SPR	no	no	no
Auto hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
Auto recycling operation, limited	9	9	no	SPR
Auto repair garages	14	14	SPR ⁸	SPR
Auto service stations	no	9	no	SPR
Banks	no	no	SPR	SPR
Bathhouse	11	11	no	no

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

Bathing beach	yes	yes	yes	no
Bed and breakfasts	14	14	SPR ⁸	SPR
Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR ²
Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
Child care facility	16	16	16	SPR
Child care provider, family	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR
Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Earth material removal, less than 100 cubic yards 100 cubic yards or greater	yes SPR	yes SPR	yes SPR	yes SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD
Emergency operations	yes	yes	yes	yes
Equipment storage, trucks, 3 or more	no	no	no	yes
Essential services	yes	yes	yes	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	CEO
Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no
Gardening	yes	yes	yes	yes
Gasoline stations	no	9	no	SPR
Governmental buildings or uses	SPR	SPR	SPR	SPR
Grain or feed stores	SPR	10	no	SPR
<u>Grocery store</u>	<u>24</u>	<u>24</u>	<u>no</u>	<u>SPR</u>
Harvesting wild crops	yes	yes	yes	yes
Home business	SPR ⁸	SPR ⁸	SPR ⁸	SPR ⁸
Home occupations	10	10	no	no
Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR
Indoor commercial, recreational and amusement facilities	no	no	no	SPR
Industrial and business research laboratory	no	no	no	SPR
Industrial establishments and uses	no	no	no	SPR
Institutional buildings and uses, indoor	no	9	no	no
Junkyards	no	no	no	no
Landfill, dump	no	no	no	no
Libraries	SPR	SPR	SPR	SPR
Life care facility	no	SPR/SD	SPR/SD	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Marijuana establishment*	no	no	no	SPR ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

Mobile home parks	SPR/ SD ⁷	SPR/SD ⁷	SPR/SD ⁷	no
Mobile vendor site	no	no	SPR	SPR
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR
New construction of telecommunication structure 70 feet and higher	9	9	no	SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Outdoor education program	yes	yes	yes	yes
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR ⁸	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR ⁸	SPR
Public utility facilities	SPR	SPR	SPR	SPR
Recreational facilities, nonintensive	SPR	SPR	SPR	no
Recreational use not requiring structures	SPR	yes	yes	no
Restaurant	9	9	SPR ⁸	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR ⁸	SPR
Road construction	CEO	CEO	CEO	SPR
Schools	SPR	SPR	SPR	SPR
Sewage disposal systems, private	CEO	CEO	CEO	CEO

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

Signs, 6 square feet	CEO	CEO	CEO	CEO
Signs, other	CEO	CEO	CEO	CEO
Single-family dwellings	CEO	CEO	CEO	no ⁶
Small wind energy system	SPR	SPR	SPR	SPR
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹
Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no	SPR ²¹
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
Tiny home on wheels	CEO ²²	CEO ²²	CEO ²²	no ²²
Truck terminals and storage	no	no	no	SPR
Two-family dwellings	CEO	CEO	CEO	no ⁶
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO ³	CEO ³	CEO ³	CEO ³
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	SPR
Youth camp	SPR	SPR	SPR	SPR
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR	SPR

*Marijuana establishment and medical marijuana establishment are defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.
5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.
8. Must conform to the requirements of section 45-456.1 Home business.
9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.
13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.
18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.
22. May be permitted as a principal residential unit or as an accessory dwelling unit. All tiny homes shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

shall also conform to the requirements of Section 45-459. For tiny homes in the C/I zoning district, reference footnote 6.

[23. Proposed by other ordinance amendments]

24. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.

Cross reference(s)—Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
Related to Grocery Stores

Sec. 45-495. – Schedule of minimum required off-street parking spaces.

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

	Use	Standards
(1)	Dwelling units	alternately, 2 for the first unit, 3 for the second unit, 2 for the third unit, and so on
(2)	Lodging business and motels	1 space for each sleeping room and for each person anticipated to be employed on the largest shift
(3)	Home occupation	1 for each employee and customer up to 10 maximum, not counting residential use
(4)	Camper park	1 space per site
(5)	Takeout restaurant	minimum 25 parking spaces plus 1 space for each 50 square feet (or fraction thereof) of floor space in excess of 900 square feet, and 1 space for every exterior table
(6)	Other restaurants or places serving food	1 space for each 3 seats, permanent or otherwise
(7)	Wholesale or retail sales, grocery store , or service establishment	1 space for each 150 square feet of retail floor area; 1 space for each 100 square feet of retail floor area (minimum 10 spaces) for marijuana retail stores)
(8)	Automobile, truck and tractor repair and filling stations	1 parking space for each regular employee plus 1 space for each 50 square feet of floor area used for service work
(9)	Public building and professional offices (excluding medical and dental offices), nonprofit medical marijuana dispensaries	1 parking space for each 200 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas
(10)	Medical and dental offices	7 parking spaces for each physician, dentist or other medical practitioner

Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning,
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(11)	Commercial and industrial uses not specifically enumerated	1 space for each person employed or anticipated to be employed on the largest shift
(12)	Schools	Child care center—2 parking spaces for each child care room plus 1 space for each adult instructor
		Family child care provider—See Section 45-456.1
		Elementary and junior high schools—1 parking space for each adult employee plus 15 parking spaces for each 100 students, or major fraction thereof, of total enrollment
(13)	Theaters, auditoriums, churches, arenas, and libraries	1 parking space for every 4 seats, or for every 100 square feet of assemblage space if no fixed seats
(14)	Hospital, sanitariums or nursing homes	1 space for each 500 square feet (or major fraction thereof) of floor area, exclusive of basement
(15)	Adequate spaces shall be provided to accommodate customers, patrons, and employees for permitted uses not listed above	



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: August 15, 2023
TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine is expected to hold a public hearing on Tuesday, August 15, 2023, at 6:00 PM for the following ordinance amendments anticipated to be on the warrant for the November 7, 2023, Town of Eliot Special Referendum Election:

1. Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 41 – Subdivisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations
2. Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Public Park-and-Ride Lots
3. Proposed Town Code Amendments of Chapter 1 – General Provisions and Chapter 45 – Zoning, Related to Grocery Stores

Interested persons may be heard and written communication received regarding the proposed ordinance amendments at this public hearing. Copies of the draft ordinance amendments are on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

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