
TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

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

DATE: Tuesday October 17, 2023
TIME: 5:30 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) **PUBLIC INFORMATION SESSION (5:35pm)**
 - a) Warrant Articles 13-15 on the November 7, 2023, Town Special Referendum Election: Ordinance Amendments related to:
 1. Grocery Stores
 2. Park-and-Ride Lots
 3. Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations
- 5) **10-MINUTE PUBLIC INPUT SESSION**
- 6) **PUBLIC HEARING**
 - a) 495-505 Harold L. Dow Highway (Map 53, Lots 6 & 7), PID # 053-006-000 & 053-007-000 PB23-18, Site Plan Amendment/Review and Change of Use – Marijuana Store
- 7) **NEW BUSINESS**
 - a) Passamaquoddy Lane (Map 29 / Lot 34), PID #029-034-000: PB23-05, Site Plan Review - Staging & Storage Yard Sketch Plan - Sketch Plan Review
 - b) 22 Arc Rd. & 0 Arc Rd., 0 Harold L. Dow Hwy., and 0 Slate Hill Rd. (Map 46, Lot 5; Map 54, Lot 54-9-1; Map 55, Lots 4&8), PID # 046-005-000; 054-009-001; 055-004-000; 055-008-000: PB23-17, Site Plan Amendment/Review – Earth Material Removal (100 cubic yards or greater)
- 8) **OLD BUSINESS**
- 9) **REVIEW AND APPROVE MINUTES**
 - a) Minutes – *If available*
- 10) **OTHER BUSINESS / CORRESPONDENCE**
 - a) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Member
- 11) **SET AGENDA AND DATE FOR NEXT MEETING**
 - a) October 24, 2023
- 12) **ADJOURN**

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

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

- b) Go to www.eliotme.org
- c) Click on “Meeting Videos” – Located in the second column, on the left-hand side of the screen.
- d) Click on the meeting under “Live Events” – The broadcasting of the meeting will start at 6:00pm (Please note: streaming a remote meeting can be delayed up to a minute)

Instructions to join remote meeting:

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

- a) Please call **1-646-558-8656**
 1. When prompted enter meeting number ID: **886 3939 8051**
 2. When prompted to enter Attendee ID
 3. When prompted enter meeting password: **373979**

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.

- b) Press *9 to raise your virtual hand to speak

Christine Bennett, Planning Board Chair



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Justice Rines, Esq., Sweet Dirt/NEK Assets, LLC, Applicant
 Shelly Bishop, Code Enforcement Officer
 Kim Tackett, Land Use Administrative Assistant
 Date: October 11, 2023 (report date)
 October 17, 2023 (meeting date)
 Re: PB23-18: 495-505 Harold L. Dow Highway (Map 53, Lots 6 & 7): Site Plan Amendment/Review and Change of Use – Marijuana Store – **Public Hearing**

| Application Details/Checklist Documentation | |
|---|--|
| ✓ Address: | 495-505 Harold L. Dow Hwy. |
| ✓ Map/Lot: | 53/6&7 |
| ✓ PB Case#: | 23-18 |
| ✓ Zoning: | Commercial/Industrial (C/I) District |
| ✓ Shoreland Zoning: | Limited Commercial |
| ✓ Owner Name: | PW ME Can RE SD, LLC (both lots) |
| ✓ Applicant Name: | NEK Assets, LLC; Sweet Dirt 2, LLC |
| ✓ Proposed Project: | Exchange/Conversion of Medical Marijuana Caregiver Retail Store to Marijuana Store (adult use) |
| ✓ Application Received by Staff: | June 7, 2023; revised application on September 14, 2023 |
| ✓ Application Fee Paid and Date: | \$350 fee paid (\$100 Site Plan Amendment/Review; \$25 Change of Use; \$175 Public Hearing; surplus – refund may be due) |
| Application Sent to Staff Reviewers: | Not sent |
| ✓ Application Heard by PB ✓ Found Complete by PB | September 19, October 3, and October 17 (scheduled), 2023 October 3, 2023 |
| Site Walk | None held |
| Site Walk Publication | N/A |
| Public Hearing | October 17, 2023 (scheduled) |
| Public Hearing Publication | October 8, 2023 (Portsmouth Herald/Seacoast Online) |
| Deliberation | TBD |
| ✓ Reason for PB Review: | Change of Use, SPR Use, Site Plan Amendment |

Overview

Applicant seeks approval of a Site Plan Amendment and Change of Use to convert their Medical Marijuana Caregiver Retail Store into a Marijuana Store (adult use marijuana retail) at 495 Harold L. Dow Hwy. Medical marijuana retail sales would be ended and replaced with adult use marijuana retail sales.

PB23-18: 495-505 Harold L. Dow Highway (Map 53, Lots 6 & 7): Site Plan Amendment/Review and Change of Use – Marijuana Store – **Public Hearing**

The applicant notes in their cover letter that “there is *no construction or development required nor proposed on either the 495 or the 505 properties to accomplish this pivot to Adult Use Cannabis retail from Medical Cannabis retail*. The most that would be required from a State regulatory perspective to this end is possibly the addition of some security and surveillance equipment” (emphasis in original).

Section 45-194(b) – Contiguous nonconforming lots of record under single ownership

495 Harold L. Dow Hwy. (Map 53, Lot 6), where the store conversion is proposed, and 505 Harold L. Dow Hwy. (Map 53, Lot 7) are legally nonconforming lots of record that are contiguous and under the same owner (PW ME Can RE SD, LLC). They are nonconforming with respect to street frontage, with 300 ft. required in the C/I district and less than 300 ft. for each lot.

Because of this, the two are considered a single parcel for the purposes of this review, subject to normal dimensional standards. In this case, no buildings or building additions are proposed, as the applicant notes in the above quote. However, there are some implications for review, e.g. driveway consolidation and access management on Route 236.

Uses

Marijuana stores are SPR uses in the land use table (45-405). A small portion of 505 Harold L. Dow Hwy. has limited commercial (LC) shoreland zoning; however, no change is proposed to that portion, which is in the front lot line setback.

Summary of previous approvals for marijuana uses on the two locus parcels for the applicant or associated entities

| PB# | Address | Adult use (AU) or Medical (Med) | Establishment Type | Current status | PB Approval Date | NOD Approval Date |
|-------|----------------|---------------------------------|---|---------------------------------------|------------------|-------------------|
| 18-9 | 495 HL Dow Hwy | Med | Medical Marijuana Caregiver Retail Store | No longer active or superseded | 8/28/2018 | 9/4/2018 |
| 19-4 | 495 HL Dow Hwy | Med | Medical Marijuana Caregiver Retail Store <i>*11/16/17 separation reduction approved by BOA</i> | In operation (medical) | 4/16/2019 | 5/7/2019 |
| 19-8 | 495 HL Dow Hwy | Med | Medical Marijuana Cultivation Facility | No longer active or superseded | | |
| 20-20 | 495 HL Dow Hwy | AU | Marijuana Cultivation Facility | Local and state active license issued | 10/20/2020 | 11/10/2020 |
| 20-20 | 495 HL Dow Hwy | Med | Medical Marijuana Cultivation Facility | In operation (medical) | 10/20/2020 | 11/10/2020 |
| 20-20 | 495 HL Dow Hwy | AU | Marijuana Products Manufacturing Facility | Local and state active license issued | 10/20/2020 | 11/10/2020 |
| 20-21 | 505 HL Dow Hwy | | | No longer active or superseded | | |
| 21-25 | 505 HL Dow Hwy | AU | Marijuana Products Manufacturing Facility | Local and state active license issued | 11/9/2021 | 1/4/2022 |
| 21-25 | 505 HL Dow Hwy | Med | Medical Marijuana Products Manufacturing Facility | In operation (medical) | 11/9/2021 | 1/4/2022 |

Section 45-406 – Traffic – and access management

As noted in the cover letter, the applicant would like to consolidate the two driveway access points onto Route 236 into one, consistent with a condition of approval in PB20-21 for their marijuana products manufacturing facility on the property. That condition gave some flexibility for driveway consolidation because it was contingent on DEP approving an amendment to the applicant's stormwater permitting, since the consolidation would require the relocation of a stormwater feature.

The cover letter describes an approach of temporarily closing one of the two entry points with a “no entry” sign, subject to Eliot Police/Fire review, “until such time that the DEP is able to process our amended environmental site plan (a timeline that we understand can take up to or more than three years as there is no statutory response timing requirement for DEP staff concerning amendments to preexisting approved plans) and permit the necessary changes to accommodate the Town's wishes.”

The PB may wish to discuss this further with the applicant. In my opinion, less important than a temporary no entry sign would be to (subject to the DEP amendment) complete the 505 HL Dow driveway consolidation with cross access to 495 HL Dow and a vegetated 505 HL Dow frontage (per 33-175) with relocated stormwater feature. A no-entry sign alone may cause confusion.

Section 33-190 – Marijuana performance standards

- Buffers and screening – both lots should have sufficient front vegetated buffer and screening, and partial foundation planting for the proposed marijuana store, per 33-175. New trees were installed at 505 HL Dow per PB21-20 approval.
- Parking requirement is 1 space per 100 sq. ft., min. 10 spaces (45-495) for an adult use retail store. The sketch plan has a calculation of 1 space per 200 sq. ft. which should be revised accordingly. The proposed retail is 800 sq. ft. so the minimum 10 are required. (The applicant clarified that this would be their retail store size, not 2,800 sf which I reported in my previous staff report – based on Note 7 of their site plan.)
- Applicant proposes a marijuana retail store with presumptive indoor sales; no proposals for home delivery or curbside pickup are evident in the application, and the applicant confirmed this at the September 19 meeting.
- Security plan included in the application
- Separation from sensitive uses – applicant notes a waiver granted by the Eliot Board of Appeals in November 2017 to allow the medical marijuana caregiver retail store to operate closer than the required 500 ft. from a sensitive use, in this case a public facility (the Town Transfer Station). As amended by voters in June, 33-190(5) provides: “A variance or waiver previously granted to a medical marijuana caregiver retail store or medical marijuana dispensary shall be deemed to apply to the conversion of such establishment to a marijuana store, or the inclusion of a co-located marijuana store in such establishment.”
- Hours of operation – as noted in the submittal, the proposed hours are:
 - Monday: 9am-9pm
 - Tuesday: 9am-9pm
 - Wednesday: 9am-9pm
 - Thursday: 9am-9pm
 - Friday: 9am-9pm
 - Saturday: 9am-9pm
 - Sunday: 9am-9pm

PB23-18: 495-505 Harold L. Dow Highway (Map 53, Lots 6 & 7): Site Plan Amendment/Review and Change of Use – Marijuana Store – **Public Hearing**

- On September 19, the applicant reported that they currently have 5 employees at the medical marijuana caregiver retail store and that would not change with the conversion to adult use
- Sale of edible products – state licensing should be provided as needed
- Traffic impact assessment – required per 33-190(10) for a new marijuana store – the applicant made the case that there would not be a significant impact on traffic. The PB consensus on September 19 appears to be that if approved, a condition of approval addressing a traffic impact assessment could be appropriate [33-131(c)].

OMP Conditional Licenses

Applicant has included these in their submittal

Recommendation

Approval with conditions

Motion templates

Approval with conditions (recommended)

Motion to approve PB23-18 – Site Plan Amendment and Change of Use for a Marijuana Store at 495-505 Harold L. Dow Highway (Map 53, Lots 6 & 7), subject to the following conditions:

1. [standard conditions]
2. Within six months of the opening of the marijuana store, the applicant shall submit a traffic impact assessment (TIA) to the Code Enforcement Officer and Town Planner that is consistent with Section 33-190(10). The Code Enforcement Officer may grant up to a six-month extension for the submittal of the TIA if the applicant demonstrates the need for additional time.
3. Condition #4 of PB21-25 (505 Harold L. Dow Hwy., approved November 9, 2021 – may be referenced under other PB case numbers) shall remain in effect except as revised or supplemented by the following:
 - a. Subject to obtaining the required approvals from Maine Department of Environmental Protection (DEP), Maine Department of Transportation (DOT), and any other required approvals, the applicant shall have one year from those approvals to construct the Consolidated Driveway with Cross-Access as referenced in PB21-25.
 - b. When the Consolidated Driveway with Cross-Access is constructed, the applicant shall maintain or restore trees and other plantings along the frontage of the two locus parcels (495 and 505 Harold L. Dow Hwy.) consistent with the buffering and screening requirements of Sections 33-190(1) and 33-175, state approvals, and-or previous Town approvals. If there is a conflict between requirements, the stricter shall control.
4. As needed, the applicant shall submit to the Code Enforcement Officer and Town Planner updated site plans for the two locus parcels. The Code Enforcement Officer is authorized to approve the site plans, and may allow minor revisions related to the site driveways, cross-access, and parking spaces, if such revisions are warranted by the TIA or state permits and do

PB23-18: 495-505 Harold L. Dow Highway (Map 53, Lots 6 & 7): Site Plan Amendment/Review and Change of Use – Marijuana Store – **Public Hearing**

not substantially conflict with this approval, the above conditions, or the parking requirements in Chapter 45, Article X.

* * *

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: October 17, 2023
TIME: 5:30PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, October 17, 2023 at 5:30 PM for the following application:

- **495-505 Harold L. Dow Highway** (Map 53, Lots 6 & 7), PID # 053-006-000 & 053-007-000
PB23-18 Site Plan Amendment/Review and Change of Use – Marijuana Store
 - **Applicant:** NEK Assets, LLC; Sweet Dirt 2, LLC
 - **Property Owner:** PW ME Can RE SD, LLC

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.

Seacoastonline

Govt Public Notices

Originally published at seacoastonline.com on 10/08/2023

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board

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

DATE OF HEARING: October 17, 2023

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- 495-505 Harold L. Dow Highway (Map 53, Lots 6 & 7), PID # 053-006-000 & 053-007-000, PB23-18: Site Plan Amendment/Review and Change of Use – Marijuana Store
- Applicant: NEK Assets, LLC; Sweet Dirt 2, LLC
- Property Owner: PW ME Can RE SD, LLC

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.

Seacoastonline

Govt Public Notices

Originally published at seacoastonline.com on 10/08/2023

SITE WALK NOTICE

AUTHORITY: Eliot, Maine Planning Board

PLACE: 76 Cedar Road, Eliot

DATE OF SITE WALK: October 17, 2023

TIME: 3:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a site walk on Tuesday, October 17, 2023 at 3:00 PM for the following application:

- 76 Cedar Road (Map 71, Lot 25), PID# 071-025-000, PB23-16: Residential Subdivision (6 lots)

- Applicant: David Springer
- Property Owner: David Springer

Interested persons may be heard and written communication received regarding the proposed application at this site walk. 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.

BONDGARDEN
255 DEPOT RD
ELIOT, ME 03903

CPN REALTY LLC
31 CLARK RD
ELIOT, ME 03903

LAC REALTY LLC
31 CLARK RD
ELIOT, ME 03903

MARITIMES & NORTHEAST PIP
C/O DUFF & PHELPS LLC
PO BOX 2629
ADDISON, TX 75001

NORTHEAST KIND ASSETS LLC
987 HAROLD L DOW HIGHWAY
ELIOT, ME 03903

PW ME CANRE SD LLC
301 WINDING RD
OLD BETHAGE, NY 11804

TOWN OF ELIOT
TRANSFER STATION
1333 STATE RD
ELIOT, ME 03903

XNG MAINE LLC
300 BRICKSTONE SQUARE STE
1005
ANDOVER, MA 01810



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Kenneth Wood, P.E., Attar Engineering, Applicant’s Representative
 Shelly Bishop, Code Enforcement Officer
 Kim Tackett, Land Use Administrative Assistant
 Date: October 11, 2023 (report date)
 October 17, 2023 (meeting date)
 Re: PB23-5: Passamaquoddy Lane (Map 29/Lot 34): Site Plan Review – Staging & Storage Yard

Supplement to SMPDC staff report (in packet)

| Application Details/Checklist Documentation | |
|--|---|
| ✓ Address: | Passamaquoddy Lane |
| ✓ Map/Lot: | 29/34 |
| ✓ Zoning: | Commercial/Industrial (C/I) district |
| ✓ Shoreland Zoning: | Areas of Limited Residential, Resource Protection, Freshwater Wetlands, and Limited Commercial |
| ✓ Owner Name: | John Pollard |
| ✓ Applicant Name: | John Pollard (Agent: Attar Engineering, Inc.) |
| ✓ Proposed Project: | Staging & Storage Yard |
| ✓ Application Received by Staff: | January 31, 2023 |
| ✓ Application Fee Paid and Date: | \$800 (\$650 – Site Plan Review ~8 ac.; \$150 – Public Hearing); \$25 due to complete public hearing fee January 31, 2023 |
| Application Sent to Staff Reviewers: | Not yet sent |
| ✓ Application Heard by PB Found Complete by PB | April 18, 2023 TBD |
| ✓ Site Walk | May 2, 2023 |
| ✓ Site Walk Publication | April 21, 2023 (Weekly Sentinel) |
| Public Hearing | TBD |
| Public Hearing Publication | TBD |
| ✓ Reason for PB Review: | Site Plan Review |

Tree score plan

The applicant states in the October 10, 2023, cover letter that “tree clearing needed for the construction of the project does not exceed the 40% 10-year clearing limit of Shoreland Overlay Zones

within the parcel as outlined in §44-35(p)(3) of the Town of Eliot Code of Ordinances as confirmed by a tree survey conducted by Attar Engineering on 5/24/23.”

The applicant surveyed each tree of 4” or greater diameter within the shoreland zone on the parcel and a part of the parcel outside of the shoreland zone. They calculated the basal area of the tree from the diameter. Each tree was included in a designated grid square, as shown on Sheet 3. The basal area for each grid square is included in the “Basal Area Calculations” document, with the total basal area for the shoreland zone calculated as about 25,000 sq. in.

Using 44-35(p)(3) as the standard, the applicant calculates an allowable clearing of just over 10,000 sq. in. of basal area. The total proposed clearing is shown as 8,591 sq. in., below the 40% level. This is somewhat different than a tree score plan that is done “within a strip extending 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland” [44-35(p)(2)]. Sheet 3 does not appear to show any clearing within 75 ft. of the wetland edge, on the wetland side of the sewer easement, though a break in the treeline is shown that appears to mark an existing gravel drive.

There is a proposed tree line shown on the Site Plan (Sheet 1). Inside the shoreland overlay, the site plan shows part of the stormwater management pond/area and a site driveway, which would necessitate the selective clearing.

The PB may wish to have the applicant describe the basal area calculations further and the areas within the shoreland zone that will be cleared. Overall, the gravel storage portion falls outside of the shoreland zone.

Stormwater

The applicant has included a Stormwater Plan with HydroCAD modeling of pre- and post-construction stormwater flows. The net change in peak runoff for the two analysis points in the 50-year-storm event (Eliot’s standard) shows a decrease at each point:

- AP1: -2.36 cubic feet per second (cfs)
- AP2: -1.21 cfs

An erosion and sedimentation control plan, including a stabilized construction entrance, is included in the plan set.

Utility easement

The Town holds a utility easement for the in-progress Water-Sewer Extension Project, with an upcoming contract to be let for the overland portion that would run the sewer line through the locus parcel. The site plan appears to show the utility easement substantially unaffected by the proposed storage yard and driveways.

* * *

Respectfully submitted,
Jeff Brubaker, AICP
Town Planner



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
 From:
 Cc: Kenneth Wood, P.E., Attar Engineering, Applicant’s Representative
 Shelly Bishop, Code Enforcement Officer
 Kim Tackett, Land Use Administrative Assistant
 Date: March 2, 2023 (report date)
 April 18, 2023 (meeting date)
 Re: PB23-05: Passamaquoddy Lane (Map 29/Lot 34): Site Plan Review – Staging & Storage Yard – Sketch Plan Review

| Application Details/Checklist Documentation | |
|--|--|
| ✓ Address: | Passamaquoddy Lane |
| ✓ Map/Lot: | 29/34 |
| ✓ Zoning: | Commercial/Industrial (C/I) district |
| ✓ Shoreland Zoning: | Areas of Limited Residential, Resource Protection, Freshwater Wetlands, and Limited Commercial |
| ✓ Owner Name: | John Pollard |
| ✓ Applicant Name: | Agent: Kenneth Wood, P.E., Attar Engineering, Inc. |
| ✓ Proposed Project: | Staging & Storage Yard |
| ✓ Application Received by Staff: | January 31, 2023 |
| Application Fee Paid and Date: | Not yet paid (sketch plan review) |
| Application Sent to Staff Reviewers: | Not yet sent |
| Application Heard by PB Found Complete by PB | April 18, 2023 |
| Site Walk | TBD |
| Site Walk Publication | TBD |
| Public Hearing | TBD |
| Public Hearing Publication | TBD |
| ✓ Reason for PB Review: | Site Plan Review |

Overview

The applicant seeks review and approval to expand an existing gravel lot used for staging and storage of construction equipment and vehicles; no buildings are proposed at this time. The site of the proposed development is an 8.2-acre parcel along Passamaquoddy Lane, off of Route 236. A portion of the lot is crossed by Great Creek and adjacent freshwater wetlands. As such, while the site is within the Commercial / Industrial (C/I) zoning district, it is also subject to shoreland zoning. As indicated

PB23-05: Passamaquoddy Lane (Map 29/Lot 34): Site Plan Review – Staging & Storage Yard – Sketch Plan Review

on the applicant's sketch plan, the existing gravel lot is entirely within the non-shoreland, C/I district. The proposed enlargement would expand into the Limited Commercial shoreland zoning district.

Please note that there is also a 40-foot utility easement across areas of the site for the Town's Route 236 water and sewer project, intended for an overland gravity sewer line.

Type of review needed

Sketch plan review: ask questions of the applicant, seek more information, and comment on Town Code compliance.

Use (44-34, 45-225, and 45-290)

“Equipment storage, trucks, 3 or more” (which the applicant selected as closest to the proposed use of construction equipment and vehicle staging and storage) is a use allowed in the C/I zoning district. It is recommended that the applicant clarify, and Planning Board review, the proposed use and storage capacity of the land. “Truck terminals and storage” is also an allowed use in the C/I zone with Site Plan Review; please note, however, that “off-site parking” is not allowed.

Section 45-225 (c) of the Town's zoning ordinances specifies that “where a shoreland district shares a boundary with any other district, the requirements for either district shall extend to the common boundary and shall not overlap on either side.” The proposed enlargement of the existing gravel lot would occur largely in the Limited Commercial shoreland zoning district.

Within that zoning district, “clearing of vegetation for activities other than timber harvesting” is an allowable use with Code Enforcement Officer review. However, there are restrictions on this use that may apply and are acknowledged below (relevant requirements for shoreland zone). Equipment storage and truck terminals are not included in the uses list, and “off-site parking” is specified as not allowed.

Additionally, the Town's shoreland zoning ordinance states that:

“It is the intent of this chapter to promote land use conformities, except that nonconforming conditions that existed before the effective date of this chapter shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this chapter, a nonconforming condition shall not be permitted to become more nonconforming.”

The Planning Board is encouraged to consider which use is most applicable to the proposed project, and whether such use is permitted in the Limited Commercial shoreland zoning district as proposed.

Right, title, and interest (33-106)

A warranty deed is provided with the application materials.

The applicant's sketch plan acknowledges a 40' wide public utility access easement that appears to overlap with the proposed gravel lot expansion. The easement is intended for a future sewer line;

whether or not storage of equipment and vehicles might impede that easement should be examined and clarified by the applicant.

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

| Dimension | Standard | Met? |
|---|--|-------------------------------------|
| Min lot size | 3 acres | Met |
| Lot line setbacks (ft): Front: Side: Rear: | 30' (on interior, non-town roads) 20' 20' | Met |
| Building height (ft) | 55' | Met / not applicable |
| Lot coverage | 50% | Met / not applicable |
| Min. street frontage (ft) | 300' | Met along Passamaquoddy Lane |
| Max sign area (sf) | 100 sf | Not applicable |
| Building separation (C/I district) | Min. 20' for multiple principal structures on a single lot | Not applicable |

Relevant requirements for Shoreland Zone (44-35)

Per the Town’s shoreland zoning ordinance (44-35 (b) (4):

“The total footprint area of all structures, driveways, parking areas and other non-vegetated surfaces, within the shoreland zone shall not exceed 20 percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the general development district, adjacent to tidal waters and rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed 70 percent.”

According to the applicant’s sketch plan, the total portion of the lot area within the Limited Commercial zone is 130,526 sf and the total proposed non-vegetated area is 25,758 sf, yielding 19.7% coverage. At the site plan review level, the applicant should provide greater detail regarding conformance with the relevant 20% threshold.

Another section of the shoreland zoning ordinance raises potential concern. Regarding “clearing or removal of vegetation for activities other than timber harvesting” (44-35 (p) (3)) the shoreland zoning ordinance states:

“At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40 percent of the volume of trees four inches or more in diameter, measured four and one-half feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40 percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.”

“In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25 percent of the lot area or 10,000 square feet, whichever is greater, including land previously developed.”

Planning Board members are encouraged to consider whether the areas proposed for a gravel lot can conform to the above standards. The applicant may also be required to provide a tree survey.

Stormwater

According to the applicant's sketch plan, approximately 50,000 sf of gravel lot already exists onsite, and approximately 25,000 sf of additional gravel lot is proposed – yielding a total proposed yard area of 1.7 acres. A stormwater/drainage plan will be required at full site plan review, and the applicant will need to enter into a Chapter 35 post-construction stormwater agreement if the proposed project is approved. Additionally, the shoreland zoning ordinance specifies (44-35 (j) (1 - 2)) that:

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

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

Parking

Parking requirements are not anticipated at the current time, as the site is proposed for use as an equipment and vehicle staging and storage area.

Traffic (45-406)

According to the applicant's sketch plan, the site is served by two gravel driveways onto Passamaquoddy Lane (which connects to Route 236). The first is 15' wide and proposed for widening to 24.' The second is 20' wide and proposed for widening to 24.' The need for this proposed widening is not currently provided; at the site plan review stage, the applicant will be expected to evidence compliance with relevant traffic requirements (45-406).

Wetlands

The site is impacted by shoreland zoning as described above. Additionally, the applicant's sketch plan acknowledges an inland wetland area at the site's east end. The sketch plan provided does not indicate expansion of the proposed gravel lot into the additional easterly wetland; Planning Board members are encouraged to consider its location during their site visit.

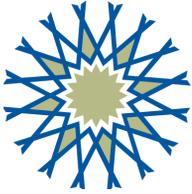
Water and sewer

The current proposed development is only for storage and staging; water and sewer are not anticipated as necessary at this time.

* * *

PB23-05: Passamaquoddy Lane (Map 29/Lot 34): Site Plan Review – Staging & Storage Yard –
Sketch Plan Review

Respectfully submitted,



ATTAR

ENGINEERING, INC

CIVIL ♦ STRUCTURAL ♦ MARINE

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

October 10th, 2023
Project No. C338-22

**RE: Preliminary Plan Application for Site Plan Review
Passamaquoddy Yard (Tax Map 29, Lot 34)
Passamaquoddy Lane, Eliot, Maine**

Dear Mr. Brubaker:

On behalf of the applicant, John (Rick) Pollard, I have enclosed a Preliminary Plan Application and supporting documents for your review and consideration.

The 8.2-acre parcel is located on Passamaquoddy Lane and is currently undeveloped aside from a rough laydown yard leased to contractors associated with the Town Sewer Expansion Project containing vehicles and construction reclaim. The site is primarily located in the Commercial/Industrial zoning district with smaller portions of the parcel belonging to the Limited Commercial, Resource Protection, and Limited Residential Shoreland Overlay Zoning districts as well as a section of Freshwater Wetlands as identified as a Protected Resource in the Shoreland Zone. Great Creek traverses the site on the westerly half of the property.

The plan proposes to construct an exterior staging/storage yard used for storage of construction equipment and vehicles as allowed in the Commercial/Industrial district as well as the Limited Commercial district. The tree clearing needed for the construction of the project does not exceed the 40% 10-year clearing limit of Shoreland Overlay Zones within the parcel as outlined in §44-35(p)(3) of the Town of Eliot Code of Ordinances as confirmed by a tree survey conducted by Attar Engineering on 5/24/23.

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

Sincerely;

Kenneth A. Wood, P.E.
President

cc: John Pollard
C338-22 Cover 10Oct2023

Case No. _____

Site review? Yes No

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

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

Tax Map 29 Lot# 34 Lot Size 8.2 AC Zoning District: C/I

Your Name Kenneth A. Wood, P.E. Your mailing address 1284 State Road

City/Town Eliot State: ME Zip: 03903 Telephone: 207-439-6023

Who owns the property now? John Pollard

Address (Location) of the property Passamaquoddy Lane

Property located in a flood zone? Yes No

(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

Step 2 (establish your legal interest in the property)

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

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

What SPECIFIC land use are you applying for? Equipment storage, trucks, 3 or more
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

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

The project seeks to build an exterior staging/storage yard for construction equipment and vehicles.

Case No. _____

Site review? Yes No

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

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

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

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

(STEP 5) Board visits site with applicant.

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

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

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

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

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

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

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

PART 2

Case No. _____

Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

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

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

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

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

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

Case No. _____

Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. _____

Site review? Yes No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

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

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

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

Case No. _____

Site review? Yes No

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

5.1. Board discusses Site Plan with applicant.

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

6.1. Conducted within 30 days of Boards acceptance of Site Plan.

6.2. Three notices posted 10 days prior to the Public Hearing.

6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.

6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.

6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. \$150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)

6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

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

Note: Computation of time shall be in accordance with Section 1-2 as follows:

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

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



ATTAR

ENGINEERING, INC

CIVIL ♦ STRUCTURAL ♦ MARINE

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

October 10th, 2023
Project No. C338-22

**RE: Waiver Request – Site Plan Application
Passamaquoddy Yard (Tax Map 29, Lot 34)
Passamaquoddy Lane, Eliot Maine**

Dear Mr. Brubaker:

The purpose of this letter is to request that the Planning Board consider a waiver from compliance with the Town of Eliot Code of Ordinances. The waiver requests and justifications follow:

Code of Ordinances Chapter 33 Article III Division 4 §33-127(12) – High Intensity Soils Report

A waiver from the requirement that a high intensity soil survey and report signed and sealed by a Maine Certified Soil Scientist is requested. Rationale for this waiver follows:

- The site is currently in use as a rough laydown yard leased to contractors associated with the Town Sewer Expansion Project containing vehicles and construction reclaim. The yard's surface is comprised of old, compacted reclaim and gravel present for an unknown amount of time. Conducting a soil survey of the native material through such materials would prove difficult, and the site is already serving its intended use, albeit in a reduced capacity from the scope of the proposed developments. Conducting such a survey also has the potential to conflict with the active use of the site by the lessors. Therefore, a waiver is requested.

Please contact me if any additional information or clarifications are required.

Sincerely;

Kenneth A. Wood, P.E.

C338-22 Waiver Request.doc

NANCY E HAMMOND, REGISTER OF DEEDS

Bk 17876 PG 652
 Instr # 2019000966
 01/10/2019 01:27:05 PM
 Pages 3 YORK CO

Return to:

②
 Joseph Lenkowski

WARRANTY DEED
 Maine Statutory Short Form

Lena L. Grover, of 13 Whitney Street, Jonesboro, ME 04648, for consideration paid, grants to **John E. Pollard and Carl Leonard Archer**, with a mailing address of PO Box 61, Eliot, ME 03903, with **WARRANTY COVENANTS**, as Joint Tenants, the real estate in the Town of Eliot, County of York, and State of Maine, described as follows:

A certain tract or parcel of land located westerly of but not adjacent to Route 236 in the Town of Eliot, County of York and State of Maine, depicted as "Proposed Consolidated Lot" on a plan titled "Standard Boundary Survey and Proposed Lot Consolidation for Property on Route 236, Eliot, York County, Maine, Owned by Ray K. Grover and Lena L. Grover," prepared by Easterly Surveying, Inc. and dated March 7, 2014, recorded in the York County Registry of Deeds in Plan Book 366, Page 30, being more particularly bounded and described as follows:

Beginning at a 5/8-inch iron rod approximately 443 feet southwesterly of Route 236 at land now or formerly of Evan A and Rosalie B. Churchill, said iron rod being the northwest corner of land depicted as "Tax Map 29, Lot 5-1" on said Plan and the northeast corner of the herein described premises; thence running S 59° 44' 09" W along land of said Churchill and remains of a barbwire fence for a distance of 400.00 feet to a point; thence continuing S 59° 44' 09" W along land of said Churchill and remains of a barbwire fence for a distance of 209.60 feet to a 1 and 1/4-inch iron pipe; thence continuing S 59° 44' 09" W along land of said Churchill and land now or formerly of Albert Libbey and remains of a barbwire fence for a distance of 170.40 feet to a point; thence continuing S 59° 44' 09" W along land of said Libbey and remains of a barbwire fence for a distance of 302.70 feet to a 5/8-inch iron rod at land now or formerly of the Public Service Company of New Hampshire; thence turning and running S 24° 21' 37" E along land of said Public Service Company of New Hampshire for a distance of 177.13 feet to a 5/8-inch iron rod; thence running S 27° 43' 00" E along land of said Public Service Company of New Hampshire and land now or formerly of Granite State Gas Transmission, Inc. for a distance of 228.78 feet to a 5/8-inch iron rod and land now or formerly of Ray K. Grover described in a deed recorded in said Registry in Book 16074, Page 290; thence turning and running N 60° 58' 54" E along said land of Raymond K. Grover for a distance of 320.45 feet to a 5/8-inch iron rod and land now or formerly of Richard D. Johnson; thence turning and running N 30° 10' 48" W along said land of Johnson and a stone wall for a distance of 125.00 feet to a

Maine R.E. Transfer Tax Paid

drill hole at the end of said stone wall; thence turning and running N 60° 34' 30" E along said land of Johnson and remains of a barbwire fence for a distance of 391.12 feet to a point; thence continuing N 60° 34' 30" E along said land of Johnson and remains of a barbwire fence and a stone wall for a distance of 400.00 feet to a drill hole in said stone wall at land now or formerly of DG Strategic II, LLC; thence running N 30° 21' 34" E along said land of DG Strategic II, LLC for a distance of 298.45 feet to the point of beginning. Said parcel contains 8.21 acres of land.

The above described parcel is conveyed with the benefit of a 40-foot access easement over land now or formerly of the Estate of Raymond D. Grover described in a deed recorded in the York County Registry of Deeds in Book 1222, Page 318, further described in easement deeds recorded in the York County Registry of Deeds in Book 6265, Page 227 and Book 15305, Page 192.

The above described parcel is conveyed subject to:

1. Notes, rights of way, rights, easements, restrictions, covenants, conditions, and other matters depicted on the Plan recorded in the York County Registry of Deeds in Plan Book 366, Page 30.
2. Rights and easements referred to or set forth in instruments recorded in the York County Registry of Deeds in Book 8831, Page 345; Book 11723, Page 158; Book 11723, Page 160; Book 11723, Page 162; Book 16442, Page 48; Book 16442, Page 51; Book 16442, Page 54; Book 16442, Page 57; and Book 16543, Page 90.
3. Covenants, conditions, and restrictions described in a Restrictions Agreement dated April 21, 2015 and recorded in the York County Registry of Deeds in Book 17021, Page 879.

Meaning and intending to describe and convey the same premises described in the deed of Ray Kenneth Grover and Lena L. Grover to Lena L. Grover dated March 17, 2014 and recorded in the York County Registry of Deeds in Book 16791, Page 394.

J Lenkowski: PO Box 1139 Saco ME 04073

Witness our hands and seals this 26th day of November __, 2018.

Wendy L. Schoppe
Witness

Lena L. Grover
Lena L. Grover

SEAL

STATE OF Maine
COUNTY OF Washington, SS.

November 26, 2018

Then personally appeared before me the above-named Lena L. Grover and acknowledged the foregoing instrument to be her free act and deed, before me:

Wendy L. Schoppe
Notary Public:
My Commission Expires:

WENDY L. SCHOPPE
NOTARY PUBLIC • MAINE
My Commission Expires June 26, 2023

John Pollard
P.O. Box 61
Eliot, ME 03903

January 25th, 2023

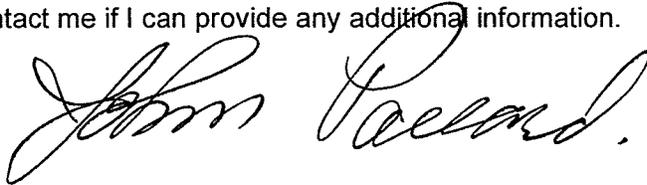
Town of Eliot
Jeff Brubaker
1333 State Road
Eliot, ME 03903

Dear Mr. Brubaker:

Please be informed that personnel from Attar Engineering, Inc. (Kenneth Wood, P.E., or other Attar staff) will be acting as our agents for local permitting of our project on Passamaquoddy Lane, Eliot Maine 03903

Please contact me if I can provide any additional information.

Sincerely,

A handwritten signature in black ink that reads "John Pollard". The signature is written in a cursive style with a large, looped initial "J".

John Pollard

cc: Attar Engineering, Inc.



101 feet Abutters List Report

Eliot, ME
October 05, 2023

Subject Property:

Parcel Number: 029-034-000
CAMA Number: 029-034-000
Property Address: PASSAMAQUODDY LN

Mailing Address: POLLARD, JOHN E ARCHER, CARL
LEONARD
PO BOX 61
ELIOT, ME 03903

Abutters:

Parcel Number: 011-038-000
CAMA Number: 011-038-000
Property Address: 299 BOLT HILL RD

Mailing Address: PUBLIC SERVICE CO OF NH DBA
EVERSOURCE ENERGY
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 029-002-000
CAMA Number: 029-002-000
Property Address: 20 DEBBIE LN

Mailing Address: UNITIL NORTHERN UTILITIES INC
6 LIBERTY LANE WEST
HAMPTON, NH 03842-1720

Parcel Number: 029-005-000
CAMA Number: 029-005-000
Property Address: 149 BEECH RD

Mailing Address: HO BOUCHARD INC
349 COLDBROOK RD
HAMPDEN, ME 04444

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

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

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

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

Parcel Number: 029-031-000
CAMA Number: 029-031-000
Property Address: 25 PASSAMAQUODDY LN

Mailing Address: M & T REALTY LLC
C/O ESTES OIL BURNER SERVICE INC
519 US ROUTE 1
YORK, ME 03909

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

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

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

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



www.cai-tech.com

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

FLOOD HAZARD DEVELOPMENT PERMIT

PART I

Eliot, Maine

(For New Construction or Substantial Improvements)

For New Construction or Substantial Improvement of any structure, this Flood Hazard Development Permit allows construction only up to the establishment of the lowest floor. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance. Once the lowest floor is established, the permittee must provide an Elevation Certificate establishing the as built lowest floor elevation. When the Code Enforcement Officer finds the documentation in the Elevation Certificate to be in compliance with the Floodplain Management Ordinance, the Part II Flood Hazard Development Permit shall be issued. The Part II Permit must be issued in order for construction to continue.

A Part I Flood Hazard Development Permit is hereby issued as provided under Article V.F. of the Floodplain Management Ordinance of Eliot, Maine, for development as defined in said ordinance.

Tax Map: 29 Lot #: 34

Project Description: Exterior staging/storage yard on Passamaquoddy Lane

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this permit are a true description of the existing property and the proposed development project.

Owner: _____ Date: _____
Signature

or

Authorized Agent: _____ Date: _____
Signature

Issued by: _____ Date: _____

Permit #: _____

FLOOD HAZARD DEVELOPMENT PERMIT PART II

_____, **Maine**
(For completion of New Construction or Substantial Improvements)

The following information has been submitted and found compliant with the Development Standards of the Floodplain Management Ordinance:

FEMA Elevation Certificate Form 81-31

For construction in Zones V1-30 and VE only:

Review of the structural design, specifications, plans, and construction methods by a Professional Engineer or Architect certifying that they meet or exceed the technical criteria contained in the FEMA/Coastal Construction Manual and are in accordance with accepted standard of practice for meeting the criteria of Article V.I.L.2.

A Part II Flood Hazard Development Permit is hereby issued as provided under Article V.F. of the Floodplain Management Ordinance of _____, Maine, for development as defined in said ordinance.

Tax Map: _____ Lot #: _____

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the elevation certificate;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this permit are a true description of the existing property and the proposed development project.

Owner: _____ Date: _____
Signature

or

Authorized Agent: _____ Date: _____
Signature

Issued by: _____ Date: _____

Permit #: _____



Lot 29-34 Location Map w/ Flood Zone

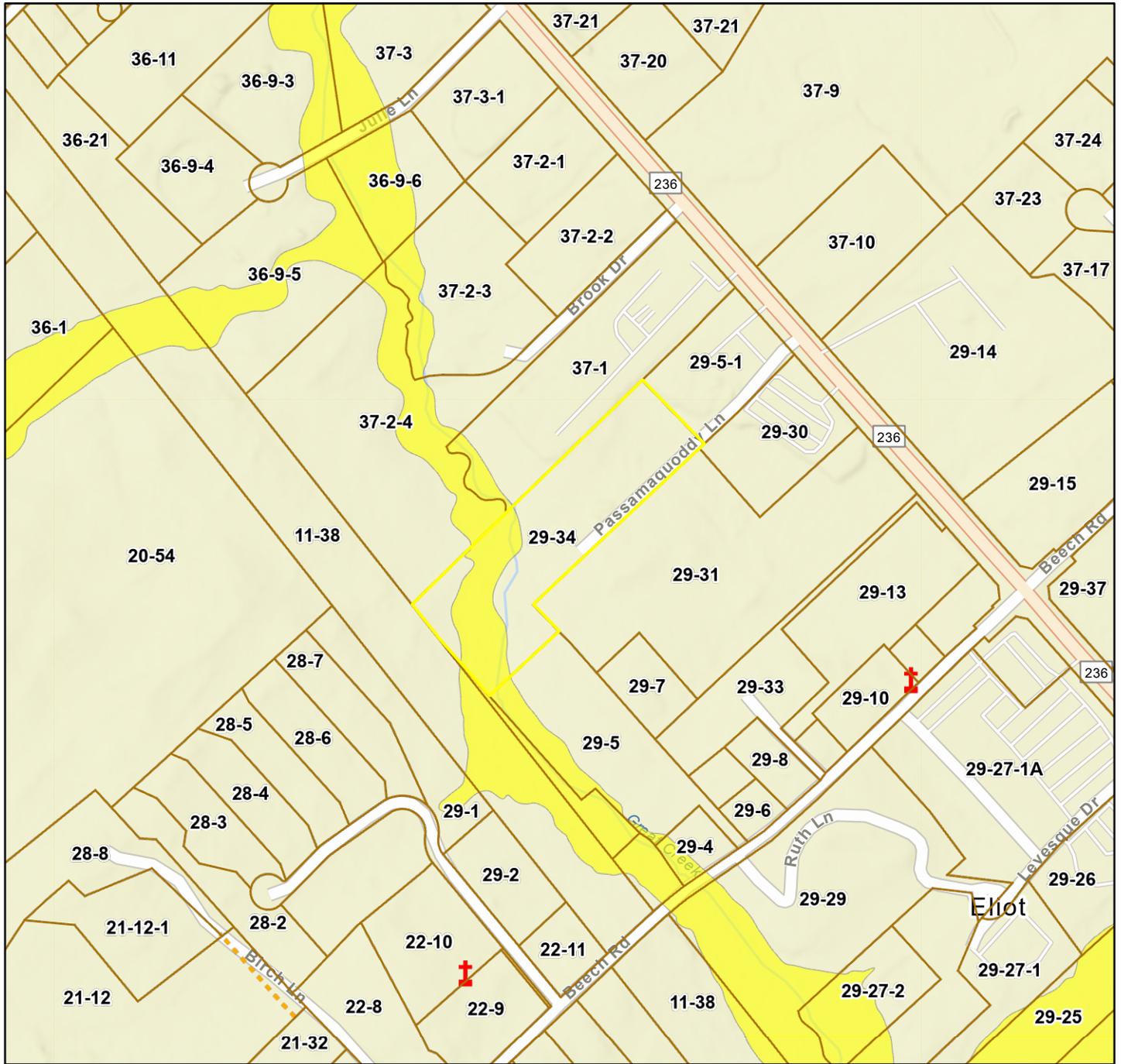


Town of Eliot, ME

1 inch = 500 Feet

www.cai-tech.com

January 31, 2023



| | | | | | |
|--|---------------|--|-------------------------|--|--------------------|
| | CAI Town Line | | Parcel Lines - No Ortho | | Cemetery Centroids |
| | Parcel - Poly | | Rights-of-Way | | Town Rights-of-Way |
| | Street Names | | Parcel Line Dims | | A |

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



ATTAR

ENGINEERING, INC

CIVIL ♦ STRUCTURAL ♦ MARINE

STORMWATER MANAGEMENT PLAN PASSAMAQUODDY YARD PASSAMAQUODDY LANE, ELIOT, MAINE

Project No.: C338-22

October 10th, 2023

♦ **Scope**

This stormwater management plan has been prepared for the proposed laydown yard on Passamaquoddy Lane in Eliot, Maine. The project consists of a gravel laydown yard, and associated site improvements on an 8.2-acre lot.

The project will be constructed on Tax Map 29, Lot 34, located in the Commercial/Industrial zoning district at the above noted address. The existing parcel is undeveloped aside from a rough laydown yard with a surface consisting of compacted fill and reclaim. The proposed project will result in a total of approximately 0.99 acres of impervious area including the driveways exempting the roadway present in the access easement. The project will result in more than 1 acre of disturbed area; therefore, a Maine Department of Environmental Protection Chapter 500 (Stormwater Management) Permit-By-Rule is required.

The project must meet the stormwater management requirements outlined in the Town of Eliot Code of Ordinances (Chapter 35).

♦ **Site and Watershed Description**

The project site is located on the North-East side of Passamaquoddy Lane, across from the industrial park. A 7½ minute series U.S.G.S. map of the project area is attached. The parcel contains a small wetland area in the North-Eastern corner of the property as well as a segment of Great Creek and associated wetland traversing the Westerly portion of the site.

The site is in the Great Creek watershed (source: USGS 7 ½ minute series, Dover East Quadrangle). The majority of the site drains to the Great Creek in the rear Western corner of the lot with a smaller portion draining to the smaller North-East wetland.

The topography of the site is moderately sloped (existing grades from 0% to 8%). On-site elevations (datum is NAVD 1988) range from approximately 16' in the West corner of the property to approximately 38' in the vegetated area to the rear of the existing laydown yard.

The site is not located within a 100-Year Special Flood Hazard Area per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 2301440008B (effective date 08/05/1991).

Proposed cuts and fills are generally between 0 and 4 feet.

♦ **Soils/Hydrologic Soil Groups**

Soil types and their respective Hydrologic Soil Groups (HSG) were determined from the Soil Survey of York County, Maine. Site soils consist of Biddeford Mucky Peat (Bm), Buxton Silt Loam (BuB), and Scantic Silt Loam (Sc) all three soil series are HSG D. In an undisturbed condition, this soil type typically has slopes of 3-8% (BuB) and 0-3% (Bm & Sc); depth to water table greater than 80" and depth to restrictive feature greater than 80".

◆ **Methodology**

The stormwater quantity analysis was conducted using the HydroCAD Stormwater Modeling System by Applied Microcomputer Systems. The analysis was accomplished to determine the "Existing Condition" and "Developed Condition" stormwater flows. Both cases were analyzed for the 2, 10, 25, and 50 year 24-hour frequency storm events. The Existing Condition analyzes the hydrologic condition of the site in its current state as an undeveloped grass field. The Developed Condition models the site with the proposed commercial development described above.

◆ **Water Quantity Analysis and Results**

Existing Condition

The site was modeled as three subcatchments (SC) for the Existing Condition analysis.

Analysis Points (AP) were selected at the downstream points of SC 1 and SC 2. The Analysis Points are located at the wetland culvert in the North-East corner of the site and the point where Great Creek Leaves the subject parcel and provide convenient locations to compare Existing Condition flows to Developed Condition flows.

SC 1 (tributary to AP 1) includes the upper portion of the existing yard and drains in a North-Easterly direction to an existing 12" culvert running under the existing roadway.

SC 2 (tributary to AP 2) includes lower portion of the yard and the remainder of the parcel and drains in a South Westerly Direction to where the creek exits the analysis area.

SC 3 (tributary to AP 1) includes a small portion of the frontage and drains in a North-Easterly direction to the 12" culvert running under the existing roadway.

Developed Condition

The Developed Condition analysis consists of four subcatchments. Other features such as ponds and reaches were added to account for on-site routing and detention of stormwater. The proposed project will utilize one proposed detention ponds (Pond 2) and a drainage swale with a culverted crossing (Pond 1). The detention pond and swale are considered a Best Management Practice (BMP) which provide retention (peak flow reduction) of stormwater and outlets to level spreader that returns channelized flow to sheet flow. All Developed Condition flows are routed to AP 1 and AP 2, described above.

Tables showing Existing Condition peak flows, Developed Condition peak flows and the change in peak flow from Existing Condition to Developed Condition are presented on a separate page.

The analysis indicates decreases in peak flow at AP 1 and AP 2 for all storm events.

Runoff from the detention pond BMPs will be routed through culverts and a level spreader prior to discharge to undisturbed, on-site areas.

◆ **Summary**

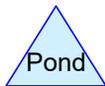
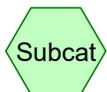
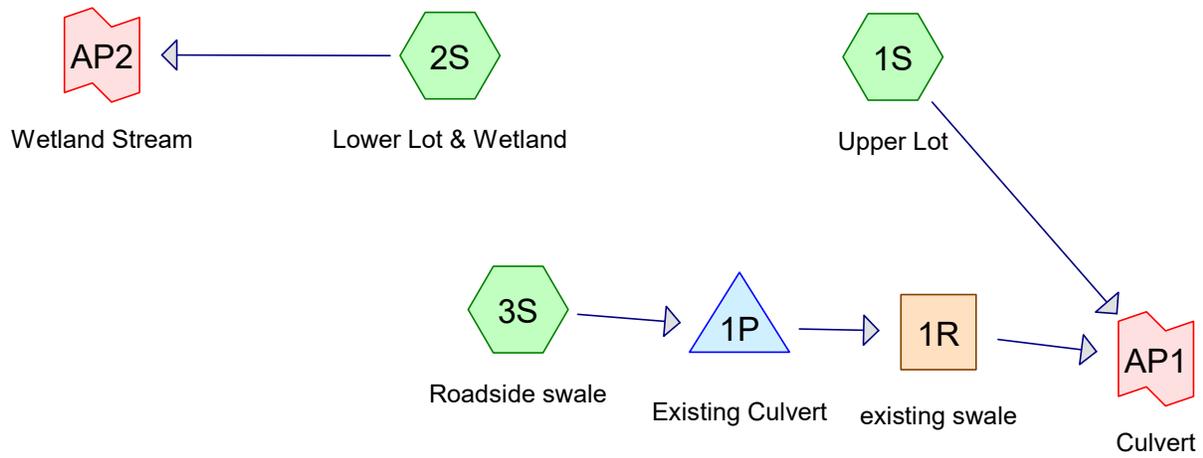
The use of detention ponds to attenuate peak flows results in no significant increase in peak runoff quantity from the proposed Development. No adverse effects are anticipated on any downstream properties or drainage structures for the analyzed storm events.

Respectfully submitted;



Kenneth A. Wood, P.E.

EXISTING CONDITION CALCULATIONS



Passamaquoddy EXT

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Page 2

Area Listing (all nodes)

| Area (acres) | CN | Description (subcatchment-numbers) |
|-----------------|-----------|--|
| 1.030 | 80 | >75% Grass cover, Good, HSG D (1S, 2S, 3S) |
| 1.480 | 98 | Paved parking, HSG D (1S, 2S, 3S) |
| 5.699 | 79 | Woods, Fair, HSG D (1S, 2S) |
| 8.209 | 83 | TOTAL AREA |

Passamaquoddy EXT

Type III 24-hr 2-Year Storm Rainfall=3.30"

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Page 3

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Upper Lot Runoff Area=86,286 sf 26.90% Impervious Runoff Depth>1.64"
Flow Length=376' Tc=19.3 min CN=84 Runoff=2.80 cfs 0.270 af

Subcatchment 2S: Lower Lot & Wetland Runoff Area=262,015 sf 12.63% Impervious Runoff Depth>1.49"
Flow Length=621' Tc=22.9 min CN=82 Runoff=7.22 cfs 0.748 af

Subcatchment 3S: Roadside swale Runoff Area=9,289 sf 87.93% Impervious Runoff Depth>2.69"
Flow Length=90' Slope=0.0220 '/' Tc=8.5 min CN=96 Runoff=0.60 cfs 0.048 af

Reach 1R: existing swale Avg. Flow Depth=0.21' Max Vel=0.43 fps Inflow=0.53 cfs 0.047 af
n=0.080 L=199.0' S=0.0054 '/' Capacity=108.81 cfs Outflow=0.45 cfs 0.047 af

Pond 1P: Existing Culvert Peak Elev=26.40' Storage=190 cf Inflow=0.60 cfs 0.048 af
15.0" Round Culvert n=0.013 L=18.0' S=0.0056 '/' Outflow=0.53 cfs 0.047 af

Link AP1: Culvert Inflow=3.16 cfs 0.317 af
Primary=3.16 cfs 0.317 af

Link AP2: Wetland Stream Inflow=7.22 cfs 0.748 af
Primary=7.22 cfs 0.748 af

Total Runoff Area = 8.209 ac Runoff Volume = 1.066 af Average Runoff Depth = 1.56"
81.97% Pervious = 6.729 ac 18.03% Impervious = 1.480 ac

Passamaquoddy EXT

Type III 24-hr 10-Year Storm Rainfall=4.90"

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Page 4

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Upper Lot Runoff Area=86,286 sf 26.90% Impervious Runoff Depth>2.97"
Flow Length=376' Tc=19.3 min CN=84 Runoff=5.02 cfs 0.491 af

Subcatchment 2S: Lower Lot & Wetland Runoff Area=262,015 sf 12.63% Impervious Runoff Depth>2.78"
Flow Length=621' Tc=22.9 min CN=82 Runoff=13.39 cfs 1.395 af

Subcatchment 3S: Roadside swale Runoff Area=9,289 sf 87.93% Impervious Runoff Depth>4.16"
Flow Length=90' Slope=0.0220 '/' Tc=8.5 min CN=96 Runoff=0.91 cfs 0.074 af

Reach 1R: existing swale Avg. Flow Depth=0.27' Max Vel=0.49 fps Inflow=0.83 cfs 0.073 af
n=0.080 L=199.0' S=0.0054 '/' Capacity=108.81 cfs Outflow=0.72 cfs 0.073 af

Pond 1P: Existing Culvert Peak Elev=26.51' Storage=246 cf Inflow=0.91 cfs 0.074 af
15.0" Round Culvert n=0.013 L=18.0' S=0.0056 '/' Outflow=0.83 cfs 0.073 af

Link AP1: Culvert Inflow=5.64 cfs 0.563 af
Primary=5.64 cfs 0.563 af

Link AP2: Wetland Stream Inflow=13.39 cfs 1.395 af
Primary=13.39 cfs 1.395 af

Total Runoff Area = 8.209 ac Runoff Volume = 1.960 af Average Runoff Depth = 2.86"
81.97% Pervious = 6.729 ac 18.03% Impervious = 1.480 ac

Passamaquoddy EXT

Type III 24-hr 25-Year Storm Rainfall=6.20"

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Page 5

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Upper Lot Runoff Area=86,286 sf 26.90% Impervious Runoff Depth>4.11"
Flow Length=376' Tc=19.3 min CN=84 Runoff=6.86 cfs 0.679 af

Subcatchment 2S: Lower Lot & Wetland Runoff Area=262,015 sf 12.63% Impervious Runoff Depth>3.90"
Flow Length=621' Tc=22.9 min CN=82 Runoff=18.58 cfs 1.955 af

Subcatchment 3S: Roadside swale Runoff Area=9,289 sf 87.93% Impervious Runoff Depth>5.36"
Flow Length=90' Slope=0.0220 '/' Tc=8.5 min CN=96 Runoff=1.16 cfs 0.095 af

Reach 1R: existing swale Avg. Flow Depth=0.32' Max Vel=0.53 fps Inflow=1.07 cfs 0.094 af
n=0.080 L=199.0' S=0.0054 '/' Capacity=108.81 cfs Outflow=0.94 cfs 0.094 af

Pond 1P: Existing Culvert Peak Elev=26.59' Storage=287 cf Inflow=1.16 cfs 0.095 af
15.0" Round Culvert n=0.013 L=18.0' S=0.0056 '/' Outflow=1.07 cfs 0.094 af

Link AP1: Culvert Inflow=7.71 cfs 0.773 af
Primary=7.71 cfs 0.773 af

Link AP2: Wetland Stream Inflow=18.58 cfs 1.955 af
Primary=18.58 cfs 1.955 af

Total Runoff Area = 8.209 ac Runoff Volume = 2.730 af Average Runoff Depth = 3.99"
81.97% Pervious = 6.729 ac 18.03% Impervious = 1.480 ac

Passamaquoddy EXT

Type III 24-hr 50-Year Storm Rainfall=7.30"

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Page 1

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Upper Lot Runoff Area=86,286 sf 26.90% Impervious Runoff Depth>5.10"
Flow Length=376' Tc=19.3 min CN=84 Runoff=8.43 cfs 0.842 af

Subcatchment 2S: Lower Lot & Wetland Runoff Area=262,015 sf 12.63% Impervious Runoff Depth>4.87"
Flow Length=621' Tc=22.9 min CN=82 Runoff=23.00 cfs 2.443 af

Subcatchment 3S: Roadside swale Runoff Area=9,289 sf 87.93% Impervious Runoff Depth>6.36"
Flow Length=90' Slope=0.0220 '/' Tc=8.5 min CN=96 Runoff=1.38 cfs 0.113 af

Reach 1R: existing swale Avg. Flow Depth=0.35' Max Vel=0.56 fps Inflow=1.27 cfs 0.112 af
n=0.080 L=199.0' S=0.0054 '/' Capacity=108.81 cfs Outflow=1.13 cfs 0.111 af

Pond 1P: Existing Culvert Peak Elev=26.65' Storage=320 cf Inflow=1.38 cfs 0.113 af
15.0" Round Culvert n=0.013 L=18.0' S=0.0056 '/' Outflow=1.27 cfs 0.112 af

Link AP1: Culvert Inflow=9.46 cfs 0.954 af
Primary=9.46 cfs 0.954 af

Link AP2: Wetland Stream Inflow=23.00 cfs 2.443 af
Primary=23.00 cfs 2.443 af

Total Runoff Area = 8.209 ac Runoff Volume = 3.398 af Average Runoff Depth = 4.97"
81.97% Pervious = 6.729 ac 18.03% Impervious = 1.480 ac

Passamaquoddy EXT

Type III 24-hr 50-Year Storm Rainfall=7.30"

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Page 2

Summary for Subcatchment 1S: Upper Lot

Runoff = 8.43 cfs @ 12.26 hrs, Volume= 0.842 af, Depth> 5.10"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 50-Year Storm Rainfall=7.30"

| Area (sf) | CN | Description |
|-----------|----|-------------------------------|
| 10,905 | 80 | >75% Grass cover, Good, HSG D |
| 23,215 | 98 | Paved parking, HSG D |
| 52,166 | 79 | Woods, Fair, HSG D |
| 86,286 | 84 | Weighted Average |
| 63,071 | | 73.10% Pervious Area |
| 23,215 | | 26.90% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|--|
| 12.1 | 100 | 0.0800 | 0.14 | | Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.30" |
| 1.5 | 113 | 0.0330 | 1.27 | | Shallow Concentrated Flow, grass Short Grass Pasture Kv= 7.0 fps |
| 5.7 | 163 | 0.0090 | 0.47 | | Shallow Concentrated Flow, wetland/woodland Woodland Kv= 5.0 fps |
| 19.3 | 376 | Total | | | |

Summary for Subcatchment 2S: Lower Lot & Wetland

Runoff = 23.00 cfs @ 12.31 hrs, Volume= 2.443 af, Depth> 4.87"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 50-Year Storm Rainfall=7.30"

| Area (sf) | CN | Description |
|-----------|----|-------------------------------|
| 33,102 | 98 | Paved parking, HSG D |
| 32,836 | 80 | >75% Grass cover, Good, HSG D |
| 196,077 | 79 | Woods, Fair, HSG D |
| 262,015 | 82 | Weighted Average |
| 228,913 | | 87.37% Pervious Area |
| 33,102 | | 12.63% Impervious Area |

Passamaquoddy EXT

Type III 24-hr 50-Year Storm Rainfall=7.30"

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Page 3

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|--|
| 12.1 | 100 | 0.0800 | 0.14 | | Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.30" |
| 1.6 | 133 | 0.0380 | 1.36 | | Shallow Concentrated Flow, grass Short Grass Pasture Kv= 7.0 fps |
| 4.3 | 227 | 0.0310 | 0.88 | | Shallow Concentrated Flow, woodland Woodland Kv= 5.0 fps |
| 4.9 | 161 | 0.0120 | 0.55 | | Shallow Concentrated Flow, wetland Woodland Kv= 5.0 fps |
| 22.9 | 621 | Total | | | |

Summary for Subcatchment 3S: Roadside swale

Runoff = 1.38 cfs @ 12.12 hrs, Volume= 0.113 af, Depth> 6.36"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 50-Year Storm Rainfall=7.30"

| Area (sf) | CN | Description |
|-----------|----|-------------------------------|
| 8,168 | 98 | Paved parking, HSG D |
| 1,121 | 80 | >75% Grass cover, Good, HSG D |
| 9,289 | 96 | Weighted Average |
| 1,121 | | 12.07% Pervious Area |
| 8,168 | | 87.93% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|---|
| 8.5 | 90 | 0.0220 | 0.18 | | Sheet Flow, Grass: Short n= 0.150 P2= 3.30" |

Summary for Reach 1R: existing swale

[79] Warning: Submerged Pond 1P Primary device # 1 INLET by 0.25'

Inflow Area = 0.213 ac, 87.93% Impervious, Inflow Depth > 6.32" for 50-Year Storm event
 Inflow = 1.27 cfs @ 12.16 hrs, Volume= 0.112 af
 Outflow = 1.13 cfs @ 12.32 hrs, Volume= 0.111 af, Atten= 11%, Lag= 9.7 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Max. Velocity= 0.56 fps, Min. Travel Time= 5.9 min
 Avg. Velocity= 0.21 fps, Avg. Travel Time= 15.6 min

Peak Storage= 398 cf @ 12.22 hrs
 Average Depth at Peak Storage= 0.35'
 Bank-Full Depth= 3.00' Flow Area= 57.0 sf, Capacity= 108.81 cfs

4.00' x 3.00' deep channel, n= 0.080 Earth, long dense weeds
 Side Slope Z-value= 5.0 '/' Top Width= 34.00'
 Length= 199.0' Slope= 0.0054 '/'
 Inlet Invert= 25.90', Outlet Invert= 24.82'

Passamaquoddy EXT

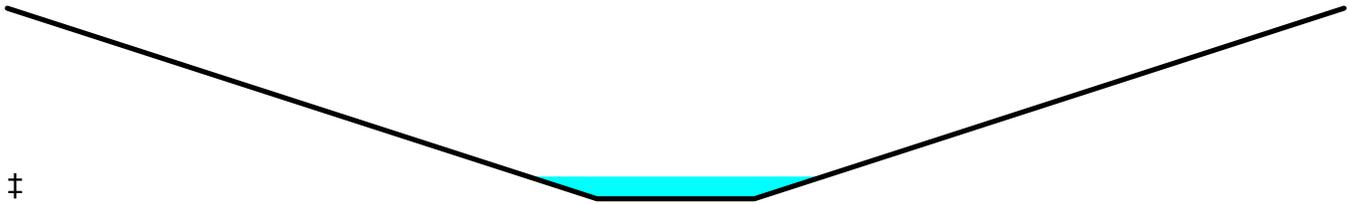
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Type III 24-hr 50-Year Storm Rainfall=7.30"

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Page 4



Summary for Pond 1P: Existing Culvert

[82] Warning: Early inflow requires earlier time span

Inflow Area = 0.213 ac, 87.93% Impervious, Inflow Depth > 6.36" for 50-Year Storm event
 Inflow = 1.38 cfs @ 12.12 hrs, Volume= 0.113 af
 Outflow = 1.27 cfs @ 12.16 hrs, Volume= 0.112 af, Atten= 8%, Lag= 2.6 min
 Primary = 1.27 cfs @ 12.16 hrs, Volume= 0.112 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 26.65' @ 12.16 hrs Surf.Area= 554 sf Storage= 320 cf

Plug-Flow detention time= 11.5 min calculated for 0.112 af (99% of inflow)
 Center-of-Mass det. time= 8.1 min (747.5 - 739.4)

| Volume | Invert | Avail.Storage | Storage Description |
|--------|--------|---------------|--|
| #1 | 26.00' | 1,241 cf | Custom Stage Data (Prismatic) Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) |
|------------------|-------------------|------------------------|------------------------|
| 26.00 | 433 | 0 | 0 |
| 28.00 | 808 | 1,241 | 1,241 |

| Device | Routing | Invert | Outlet Devices |
|--------|---------|--------|--|
| #1 | Primary | 26.00' | 15.0" Round Culvert L= 18.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 26.00' / 25.90' S= 0.0056 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.23 sf |

Primary OutFlow Max=1.25 cfs @ 12.16 hrs HW=26.64' (Free Discharge)
 ↑**1=Culvert** (Barrel Controls 1.25 cfs @ 2.87 fps)

Summary for Link AP1: Culvert

Inflow Area = 2.194 ac, 32.84% Impervious, Inflow Depth > 5.22" for 50-Year Storm event
 Inflow = 9.46 cfs @ 12.27 hrs, Volume= 0.954 af
 Primary = 9.46 cfs @ 12.27 hrs, Volume= 0.954 af, Atten= 0%, Lag= 0.0 min

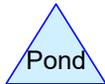
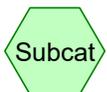
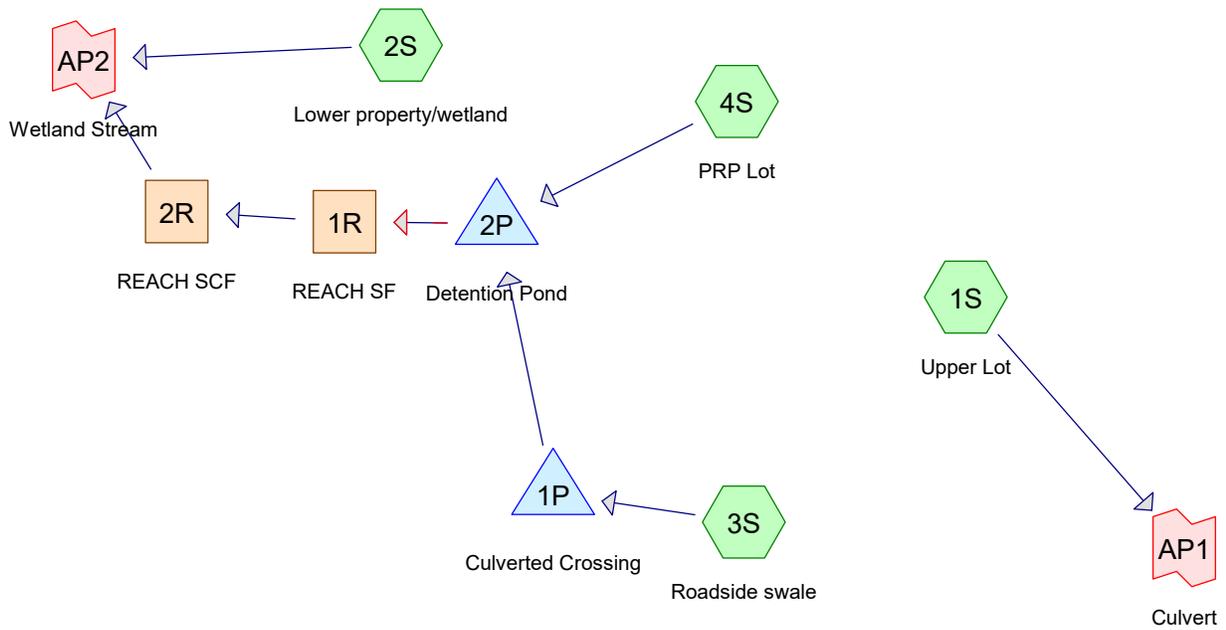
Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Summary for Link AP2: Wetland Stream

Inflow Area = 6.015 ac, 12.63% Impervious, Inflow Depth > 4.87" for 50-Year Storm event
Inflow = 23.00 cfs @ 12.31 hrs, Volume= 2.443 af
Primary = 23.00 cfs @ 12.31 hrs, Volume= 2.443 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

DEVELOPED CONDITION CALCULATIONS



Passamaquoddy DEV

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Page 2

Area Listing (all nodes)

| Area (acres) | CN | Description (subcatchment-numbers) |
|-----------------|-----------|--|
| 1.402 | 80 | >75% Grass cover, Good, HSG D (1S, 2S, 3S, 4S) |
| 1.696 | 98 | Paved parking, HSG D (1S, 2S, 3S, 4S) |
| 5.111 | 79 | Woods, Fair, HSG D (1S, 2S, 4S) |
| 8.209 | 83 | TOTAL AREA |

Passamaquoddy DEV

Type III 24-hr 2-Year Storm Rainfall=3.30"

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Page 3

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Upper Lot Runoff Area=77,734 sf 21.78% Impervious Runoff Depth>1.56"
Flow Length=425' Tc=21.7 min CN=83 Runoff=2.30 cfs 0.233 af

Subcatchment 2S: Lower property/wetland Runoff Area=212,552 sf 7.37% Impervious Runoff Depth>1.43"
Flow Length=333' Tc=18.1 min CN=81 Runoff=6.15 cfs 0.580 af

Subcatchment 3S: Roadside swale Runoff Area=34,935 sf 70.65% Impervious Runoff Depth>2.40"
Flow Length=220' Tc=3.6 min CN=93 Runoff=2.46 cfs 0.161 af

Subcatchment 4S: PRP Lot Runoff Area=32,367 sf 51.27% Impervious Runoff Depth>2.03"
Flow Length=320' Tc=15.2 min CN=89 Runoff=1.41 cfs 0.126 af

Reach 1R: REACH SF Avg. Flow Depth=0.33' Max Vel=0.28 fps Inflow=2.76 cfs 0.284 af
n=0.400 L=100.0' S=0.0300 '/' Capacity=876.17 cfs Outflow=2.65 cfs 0.282 af

Reach 2R: REACH SCF Avg. Flow Depth=0.35' Max Vel=0.21 fps Inflow=2.65 cfs 0.282 af
n=0.400 L=193.0' S=0.0155 '/' Capacity=716.84 cfs Outflow=2.17 cfs 0.275 af

Pond 1P: Culverted Crossing Peak Elev=25.77' Storage=590 cf Inflow=2.46 cfs 0.161 af
12.0" Round Culvert n=0.013 L=64.0' S=0.0141 '/' Outflow=1.96 cfs 0.160 af

Pond 2P: Detention Pond Peak Elev=25.03' Storage=972 cf Inflow=3.14 cfs 0.286 af
Primary=2.76 cfs 0.284 af Secondary=0.00 cfs 0.000 af Outflow=2.76 cfs 0.284 af

Link AP1: Culvert Inflow=2.30 cfs 0.233 af
Primary=2.30 cfs 0.233 af

Link AP2: Wetland Stream Inflow=6.51 cfs 0.856 af
Primary=6.51 cfs 0.856 af

Total Runoff Area = 8.209 ac Runoff Volume = 1.100 af Average Runoff Depth = 1.61"
79.34% Pervious = 6.513 ac 20.66% Impervious = 1.696 ac

Passamaquoddy DEV

Type III 24-hr 10-Year Storm Rainfall=4.90"

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Page 4

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Upper Lot Runoff Area=77,734 sf 21.78% Impervious Runoff Depth>2.88"
Flow Length=425' Tc=21.7 min CN=83 Runoff=4.18 cfs 0.428 af

Subcatchment 2S: Lower property/wetland Runoff Area=212,552 sf 7.37% Impervious Runoff Depth>2.70"
Flow Length=333' Tc=18.1 min CN=81 Runoff=11.60 cfs 1.097 af

Subcatchment 3S: Roadside swale Runoff Area=34,935 sf 70.65% Impervious Runoff Depth>3.87"
Flow Length=220' Tc=3.6 min CN=93 Runoff=3.86 cfs 0.259 af

Subcatchment 4S: PRP Lot Runoff Area=32,367 sf 51.27% Impervious Runoff Depth>3.46"
Flow Length=320' Tc=15.2 min CN=89 Runoff=2.35 cfs 0.214 af

Reach 1R: REACH SF Avg. Flow Depth=0.41' Max Vel=0.32 fps Inflow=3.99 cfs 0.470 af
n=0.400 L=100.0' S=0.0300 '/' Capacity=876.17 cfs Outflow=3.90 cfs 0.467 af

Reach 2R: REACH SCF Avg. Flow Depth=0.46' Max Vel=0.24 fps Inflow=3.90 cfs 0.467 af
n=0.400 L=193.0' S=0.0155 '/' Capacity=716.84 cfs Outflow=3.49 cfs 0.458 af

Pond 1P: Culverted Crossing Peak Elev=26.06' Storage=970 cf Inflow=3.86 cfs 0.259 af
12.0" Round Culvert n=0.013 L=64.0' S=0.0141 '/' Outflow=2.82 cfs 0.258 af

Pond 2P: Detention Pond Peak Elev=25.61' Storage=1,829 cf Inflow=4.97 cfs 0.472 af
Primary=3.99 cfs 0.470 af Secondary=0.00 cfs 0.000 af Outflow=3.99 cfs 0.470 af

Link AP1: Culvert Inflow=4.18 cfs 0.428 af
Primary=4.18 cfs 0.428 af

Link AP2: Wetland Stream Inflow=12.46 cfs 1.555 af
Primary=12.46 cfs 1.555 af

Total Runoff Area = 8.209 ac Runoff Volume = 1.998 af Average Runoff Depth = 2.92"
79.34% Pervious = 6.513 ac 20.66% Impervious = 1.696 ac

Passamaquoddy DEV

Type III 24-hr 25-Year Storm Rainfall=6.20"

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Page 5

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Upper Lot Runoff Area=77,734 sf 21.78% Impervious Runoff Depth>4.01"
Flow Length=425' Tc=21.7 min CN=83 Runoff=5.76 cfs 0.596 af

Subcatchment 2S: Lower property/wetland Runoff Area=212,552 sf 7.37% Impervious Runoff Depth>3.80"
Flow Length=333' Tc=18.1 min CN=81 Runoff=16.20 cfs 1.547 af

Subcatchment 3S: Roadside swale Runoff Area=34,935 sf 70.65% Impervious Runoff Depth>5.07"
Flow Length=220' Tc=3.6 min CN=93 Runoff=4.99 cfs 0.339 af

Subcatchment 4S: PRP Lot Runoff Area=32,367 sf 51.27% Impervious Runoff Depth>4.65"
Flow Length=320' Tc=15.2 min CN=89 Runoff=3.10 cfs 0.288 af

Reach 1R: REACH SF Avg. Flow Depth=0.45' Max Vel=0.34 fps Inflow=4.76 cfs 0.623 af
n=0.400 L=100.0' S=0.0300 ' / ' Capacity=876.17 cfs Outflow=4.69 cfs 0.619 af

Reach 2R: REACH SCF Avg. Flow Depth=0.51' Max Vel=0.26 fps Inflow=4.69 cfs 0.619 af
n=0.400 L=193.0' S=0.0155 ' / ' Capacity=716.84 cfs Outflow=4.36 cfs 0.609 af

Pond 1P: Culverted Crossing Peak Elev=26.28' Storage=1,360 cf Inflow=4.99 cfs 0.339 af
12.0" Round Culvert n=0.013 L=64.0' S=0.0141 ' / ' Outflow=3.33 cfs 0.338 af

Pond 2P: Detention Pond Peak Elev=26.09' Storage=2,748 cf Inflow=6.29 cfs 0.626 af
Primary=4.76 cfs 0.623 af Secondary=0.00 cfs 0.000 af Outflow=4.76 cfs 0.623 af

Link AP1: Culvert Inflow=5.76 cfs 0.596 af
Primary=5.76 cfs 0.596 af

Link AP2: Wetland Stream Inflow=17.50 cfs 2.156 af
Primary=17.50 cfs 2.156 af

Total Runoff Area = 8.209 ac Runoff Volume = 2.770 af Average Runoff Depth = 4.05"
79.34% Pervious = 6.513 ac 20.66% Impervious = 1.696 ac

Passamaquoddy DEV

Type III 24-hr 50-Year Storm Rainfall=7.30"

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Page 1

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1S: Upper Lot Runoff Area=77,734 sf 21.78% Impervious Runoff Depth>4.99"
Flow Length=425' Tc=21.7 min CN=83 Runoff=7.10 cfs 0.742 af

Subcatchment 2S: Lower property/wetland Runoff Area=212,552 sf 7.37% Impervious Runoff Depth>4.77"
Flow Length=333' Tc=18.1 min CN=81 Runoff=20.14 cfs 1.939 af

Subcatchment 3S: Roadside swale Runoff Area=34,935 sf 70.65% Impervious Runoff Depth>6.09"
Flow Length=220' Tc=3.6 min CN=93 Runoff=5.94 cfs 0.407 af

Subcatchment 4S: PRP Lot Runoff Area=32,367 sf 51.27% Impervious Runoff Depth>5.66"
Flow Length=320' Tc=15.2 min CN=89 Runoff=3.74 cfs 0.350 af

Reach 1R: REACH SF Avg. Flow Depth=0.48' Max Vel=0.35 fps Inflow=5.31 cfs 0.753 af
n=0.400 L=100.0' S=0.0300 '/ Capacity=876.17 cfs Outflow=5.26 cfs 0.749 af

Reach 2R: REACH SCF Avg. Flow Depth=0.55' Max Vel=0.27 fps Inflow=5.26 cfs 0.749 af
n=0.400 L=193.0' S=0.0155 '/ Capacity=716.84 cfs Outflow=4.97 cfs 0.737 af

Pond 1P: Culverted Crossing Peak Elev=26.46' Storage=1,757 cf Inflow=5.94 cfs 0.407 af
12.0" Round Culvert n=0.013 L=64.0' S=0.0141 '/ Outflow=3.70 cfs 0.406 af

Pond 2P: Detention Pond Peak Elev=26.47' Storage=3,629 cf Inflow=7.34 cfs 0.756 af
Primary=5.31 cfs 0.753 af Secondary=0.00 cfs 0.000 af Outflow=5.31 cfs 0.753 af

Link AP1: Culvert Inflow=7.10 cfs 0.742 af
Primary=7.10 cfs 0.742 af

Link AP2: Wetland Stream Inflow=21.79 cfs 2.677 af
Primary=21.79 cfs 2.677 af

Total Runoff Area = 8.209 ac Runoff Volume = 3.438 af Average Runoff Depth = 5.03"
79.34% Pervious = 6.513 ac 20.66% Impervious = 1.696 ac

Summary for Subcatchment 1S: Upper Lot

Runoff = 7.10 cfs @ 12.29 hrs, Volume= 0.742 af, Depth> 4.99"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 50-Year Storm Rainfall=7.30"

| Area (sf) | CN | Description |
|-----------|----|-------------------------------|
| 9,896 | 80 | >75% Grass cover, Good, HSG D |
| 16,930 | 98 | Paved parking, HSG D |
| 50,908 | 79 | Woods, Fair, HSG D |
| 77,734 | 83 | Weighted Average |
| 60,804 | | 78.22% Pervious Area |
| 16,930 | | 21.78% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|--|
| 12.5 | 100 | 0.0750 | 0.13 | | Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.30" |
| 0.8 | 67 | 0.0410 | 1.42 | | Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps |
| 8.4 | 258 | 0.0104 | 0.51 | | Shallow Concentrated Flow, Woodland Kv= 5.0 fps |
| 21.7 | 425 | Total | | | |

Summary for Subcatchment 2S: Lower property/wetland

Runoff = 20.14 cfs @ 12.25 hrs, Volume= 1.939 af, Depth> 4.77"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 50-Year Storm Rainfall=7.30"

| Area (sf) | CN | Description |
|-----------|----|-------------------------------|
| 15,675 | 98 | Paved parking, HSG D |
| 32,241 | 80 | >75% Grass cover, Good, HSG D |
| 164,636 | 79 | Woods, Fair, HSG D |
| 212,552 | 81 | Weighted Average |
| 196,877 | | 92.63% Pervious Area |
| 15,675 | | 7.37% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|--|
| 12.8 | 100 | 0.0700 | 0.13 | | Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.30" |
| 5.3 | 233 | 0.0215 | 0.73 | | Shallow Concentrated Flow, WOODLAND Woodland Kv= 5.0 fps |
| 18.1 | 333 | Total | | | |

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Type III 24-hr 50-Year Storm Rainfall=7.30"

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Page 3

Summary for Subcatchment 3S: Roadside swale[49] Hint: $T_c < 2dt$ may require smaller dt

Runoff = 5.94 cfs @ 12.05 hrs, Volume= 0.407 af, Depth> 6.09"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, $dt= 0.05$ hrs
Type III 24-hr 50-Year Storm Rainfall=7.30"

| Area (sf) | CN | Description |
|-----------|----|-------------------------------|
| 24,683 | 98 | Paved parking, HSG D |
| 10,252 | 80 | >75% Grass cover, Good, HSG D |
| 34,935 | 93 | Weighted Average |
| 10,252 | | 29.35% Pervious Area |
| 24,683 | | 70.65% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|--|
| 1.1 | 100 | 0.0240 | 1.50 | | Sheet Flow, Smooth surfaces $n= 0.011$ $P2= 3.30"$ |
| 2.5 | 120 | 0.0133 | 0.81 | | Shallow Concentrated Flow, Short Grass Pasture $Kv= 7.0$ fps |
| 3.6 | 220 | Total | | | |

Summary for Subcatchment 4S: PRP Lot

Runoff = 3.74 cfs @ 12.20 hrs, Volume= 0.350 af, Depth> 5.66"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, $dt= 0.05$ hrs
Type III 24-hr 50-Year Storm Rainfall=7.30"

| Area (sf) | CN | Description |
|-----------|----|-------------------------------|
| 16,596 | 98 | Paved parking, HSG D |
| 8,671 | 80 | >75% Grass cover, Good, HSG D |
| 7,100 | 79 | Woods, Fair, HSG D |
| 32,367 | 89 | Weighted Average |
| 15,771 | | 48.73% Pervious Area |
| 16,596 | | 51.27% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|--|
| 11.9 | 100 | 0.0850 | 0.14 | | Sheet Flow, Woods: Light underbrush $n= 0.400$ $P2= 3.30"$ |
| 3.3 | 220 | 0.0250 | 1.11 | | Shallow Concentrated Flow, Short Grass Pasture $Kv= 7.0$ fps |
| 15.2 | 320 | Total | | | |

Summary for Reach 1R: REACH SF

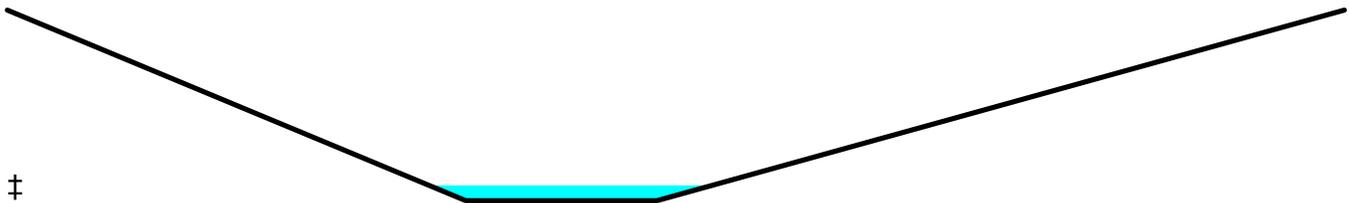
[79] Warning: Submerged Pond 2P Primary device # 1 OUTLET by 0.48'

Inflow Area = 1.545 ac, 61.33% Impervious, Inflow Depth > 5.85" for 50-Year Storm event
Inflow = 5.31 cfs @ 12.37 hrs, Volume= 0.753 af
Outflow = 5.26 cfs @ 12.51 hrs, Volume= 0.749 af, Atten= 1%, Lag= 8.2 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Max. Velocity= 0.35 fps, Min. Travel Time= 4.7 min
Avg. Velocity = 0.14 fps, Avg. Travel Time= 11.6 min

Peak Storage= 1,498 cf @ 12.43 hrs
Average Depth at Peak Storage= 0.48'
Bank-Full Depth= 6.00' Flow Area= 600.0 sf, Capacity= 876.17 cfs

25.00' x 6.00' deep channel, n= 0.400 Sheet flow: Woods+light brush
Side Slope Z-value= 10.0 15.0 '/' Top Width= 175.00'
Length= 100.0' Slope= 0.0300 '/'
Inlet Invert= 22.00', Outlet Invert= 19.00'



Summary for Reach 2R: REACH SCF

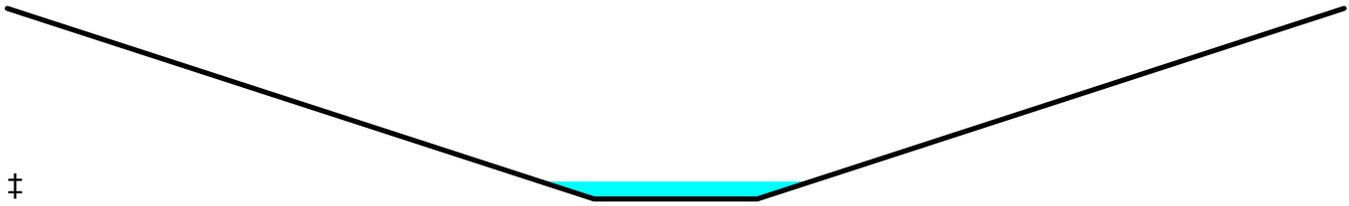
[62] Hint: Exceeded Reach 1R OUTLET depth by 0.20' @ 12.95 hrs

Inflow Area = 1.545 ac, 61.33% Impervious, Inflow Depth > 5.81" for 50-Year Storm event
Inflow = 5.26 cfs @ 12.51 hrs, Volume= 0.749 af
Outflow = 4.97 cfs @ 12.85 hrs, Volume= 0.737 af, Atten= 5%, Lag= 20.4 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Max. Velocity= 0.27 fps, Min. Travel Time= 11.9 min
Avg. Velocity = 0.11 fps, Avg. Travel Time= 28.2 min

Peak Storage= 3,561 cf @ 12.65 hrs
Average Depth at Peak Storage= 0.55'
Bank-Full Depth= 6.00' Flow Area= 690.0 sf, Capacity= 716.84 cfs

25.00' x 6.00' deep channel, n= 0.400 Sheet flow: Woods+light brush
Side Slope Z-value= 15.0 '/' Top Width= 205.00'
Length= 193.0' Slope= 0.0155 '/'
Inlet Invert= 19.00', Outlet Invert= 16.00'



Summary for Pond 1P: Culverted Crossing

[82] Warning: Early inflow requires earlier time span

Inflow Area = 0.802 ac, 70.65% Impervious, Inflow Depth > 6.09" for 50-Year Storm event
 Inflow = 5.94 cfs @ 12.05 hrs, Volume= 0.407 af
 Outflow = 3.70 cfs @ 12.14 hrs, Volume= 0.406 af, Atten= 38%, Lag= 5.4 min
 Primary = 3.70 cfs @ 12.14 hrs, Volume= 0.406 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 26.46' @ 12.14 hrs Surf.Area= 2,362 sf Storage= 1,757 cf

Plug-Flow detention time= 7.3 min calculated for 0.406 af (100% of inflow)
 Center-of-Mass det. time= 5.8 min (748.5 - 742.8)

| Volume | Invert | Avail.Storage | Storage Description |
|------------------|-------------------|------------------------|--|
| #1 | 25.00' | 8,543 cf | Custom Stage Data (Prismatic) Listed below (Recalc) |
| Elevation (feet) | Surf.Area (sq-ft) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) |
| 25.00 | 330 | 0 | 0 |
| 26.00 | 1,442 | 886 | 886 |
| 27.00 | 3,451 | 2,447 | 3,333 |
| 28.00 | 6,970 | 5,211 | 8,543 |

| Device | Routing | Invert | Outlet Devices |
|--------|---------|--------|--|
| #1 | Primary | 25.00' | 12.0" Round Culvert L= 64.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 25.00' / 24.10' S= 0.0141 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf |

Primary OutFlow Max=3.69 cfs @ 12.14 hrs HW=26.45' (Free Discharge)
 ↑1=Culvert (Inlet Controls 3.69 cfs @ 4.70 fps)

Summary for Pond 2P: Detention Pond

[82] Warning: Early inflow requires earlier time span
 [81] Warning: Exceeded Pond 1P by 0.61' @ 12.50 hrs

Inflow Area = 1.545 ac, 61.33% Impervious, Inflow Depth > 5.87" for 50-Year Storm event
 Inflow = 7.34 cfs @ 12.19 hrs, Volume= 0.756 af
 Outflow = 5.31 cfs @ 12.37 hrs, Volume= 0.753 af, Atten= 28%, Lag= 11.0 min
 Primary = 5.31 cfs @ 12.37 hrs, Volume= 0.753 af
 Secondary = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af

Passamaquoddy DEV

Type III 24-hr 50-Year Storm Rainfall=7.30"

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Page 6

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 26.47' @ 12.37 hrs Surf.Area= 2,417 sf Storage= 3,629 cf

Plug-Flow detention time= 9.4 min calculated for 0.753 af (100% of inflow)
 Center-of-Mass det. time= 7.6 min (762.0 - 754.4)

| Volume | Invert | Avail.Storage | Storage Description |
|--------|--------|---------------|--|
| #1 | 24.00' | 8,179 cf | Custom Stage Data (Prismatic) Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) |
|---------------------|----------------------|---------------------------|---------------------------|
| 24.00 | 684 | 0 | 0 |
| 25.00 | 1,185 | 935 | 935 |
| 26.00 | 2,080 | 1,633 | 2,567 |
| 27.00 | 2,793 | 2,437 | 5,004 |
| 28.00 | 3,557 | 3,175 | 8,179 |

| Device | Routing | Invert | Outlet Devices |
|--------|-----------|--------|--|
| #1 | Primary | 24.00' | 12.0" Round Culvert L= 40.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 24.00' / 22.00' S= 0.0500 ' / Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf |
| #2 | Secondary | 27.00' | 20.0' long x 12.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.57 2.62 2.70 2.67 2.66 2.67 2.66 2.64 |

Primary OutFlow Max=5.30 cfs @ 12.37 hrs HW=26.47' (Free Discharge)

↑**1=Culvert** (Inlet Controls 5.30 cfs @ 6.75 fps)

Secondary OutFlow Max=0.00 cfs @ 5.00 hrs HW=24.00' (Free Discharge)

↑**2=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)

Summary for Link AP1: Culvert

Inflow Area = 1.785 ac, 21.78% Impervious, Inflow Depth > 4.99" for 50-Year Storm event
 Inflow = 7.10 cfs @ 12.29 hrs, Volume= 0.742 af
 Primary = 7.10 cfs @ 12.29 hrs, Volume= 0.742 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Summary for Link AP2: Wetland Stream

Inflow Area = 6.425 ac, 20.35% Impervious, Inflow Depth > 5.00" for 50-Year Storm event
 Inflow = 21.79 cfs @ 12.25 hrs, Volume= 2.677 af
 Primary = 21.79 cfs @ 12.25 hrs, Volume= 2.677 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

BMP CALCULATIONS

Passamaquoddy Yard - Existing Condition Peak Flows

| Analysis Point | 2 Year Storm (cfs) | 10 Year Storm (cfs) | 25 Year Storm (cfs) | 50 Year Storm (cfs) |
|----------------|-----------------------|------------------------|------------------------|------------------------|
| AP1 | 3.16 | 5.64 | 7.71 | 9.46 |
| AP2 | 7.22 | 13.39 | 18.58 | 23.00 |
| | | | | |

| Rainfall Event Totals (in.) | |
|-----------------------------|------|
| 2-Year | 3.30 |
| 10-Year | 4.90 |
| 25-Year | 6.20 |
| 50-Year | 7.30 |

Passamaquoddy Yard - Developed Condition Peak Flows

| Analysis Point | 2 Year Storm (cfs) | 10 Year Storm (cfs) | 25 Year Storm (cfs) | 50 Year Storm (cfs) |
|----------------|-----------------------|------------------------|------------------------|------------------------|
| AP1 | 2.30 | 4.18 | 5.76 | 7.10 |
| AP2 | 6.51 | 12.46 | 17.51 | 21.79 |
| | | | | |

Passamaquoddy Yard - Change in Peak Flows

| Analysis Point | 2 Year Storm (cfs) | 10 Year Storm (cfs) | 25 Year Storm (cfs) | 50 Year Storm (cfs) |
|----------------|-----------------------|------------------------|------------------------|------------------------|
| AP1 | -0.86 | -1.46 | -1.95 | -2.36 |
| AP2 | -0.71 | -0.93 | -1.07 | -1.21 |
| | | | | |

OPERATION AND MAINTENANCE PROGRAM



**PASSAMAQUODDY YARD
PASSAMAQUODDY LANE
ELIOT, MAINE**

OPERATION AND MAINTENANCE PLAN STORMWATER MANAGEMENT BMP's

This project contains specific Best Management Practices (BMP's) for the conveyance, storage, and treatment of stormwater and the prevention of erosion. These BMP's consist of swales, detention ponds, culverts and buffers. All components should be inspected quarterly, and after every significant rain event of 1" in any 24-hour period.

The party responsible for implementing this Operation and Maintenance (O&M) Plan shall be the property owner, to be John (Rick) Pollard after project approval.

Inspections associated with this O&M plan shall be conducted by individuals with knowledge of erosion and sedimentation control.

Swales

All swales should be inspected for accumulation of debris, which could adversely affect the function of this BMP. These areas should be cleaned annually and maintained to have gradual slopes, which prevent channeling of stormwater and erosion of the bottom and sides of the swales.

Culverts

Culvert inlets and outlets should be inspected for debris, which could clog the BMP. Additionally, the placement of riprap should be inspected to ensure that all areas remain smooth and no areas exhibit erosion in the form of rills or gullies.

Detention Basins

Detention ponds shall be inspected to ensure that there is no channeling of stormwater and that no debris accumulates within the detention areas. The vegetative cover conditions shall be maintained. The inlets and outlets shall be inspected for erosion and any evidence of debris that could clog the outlet structures and culverts. Emergency spillways and level spreaders shall be inspected for any evidence of rilling and channeling and shall be maintained to promote a level, sheet-flow discharge. Pond embankments and side slopes shall be inspected for erosion, destabilization of side slopes and evidence of embankment settling; corrective action shall be taken immediately to correct such issues. The height of grass shall be maintained at a maximum of 12"; mowing shall be limited to no more than two times during the growing season.

Snow Removal

Snow shall be stockpiled only in the approved snow storage areas. Plowing of snow into wetland areas or detention ponds shall be avoided. Additionally, a mostly sand mix (reduced salt) shall be applied during winter months to prevent excessive salt from leaching into wetland areas. Excess sand shall be removed from the storage areas, all paved surfaces and adjacent areas each spring.

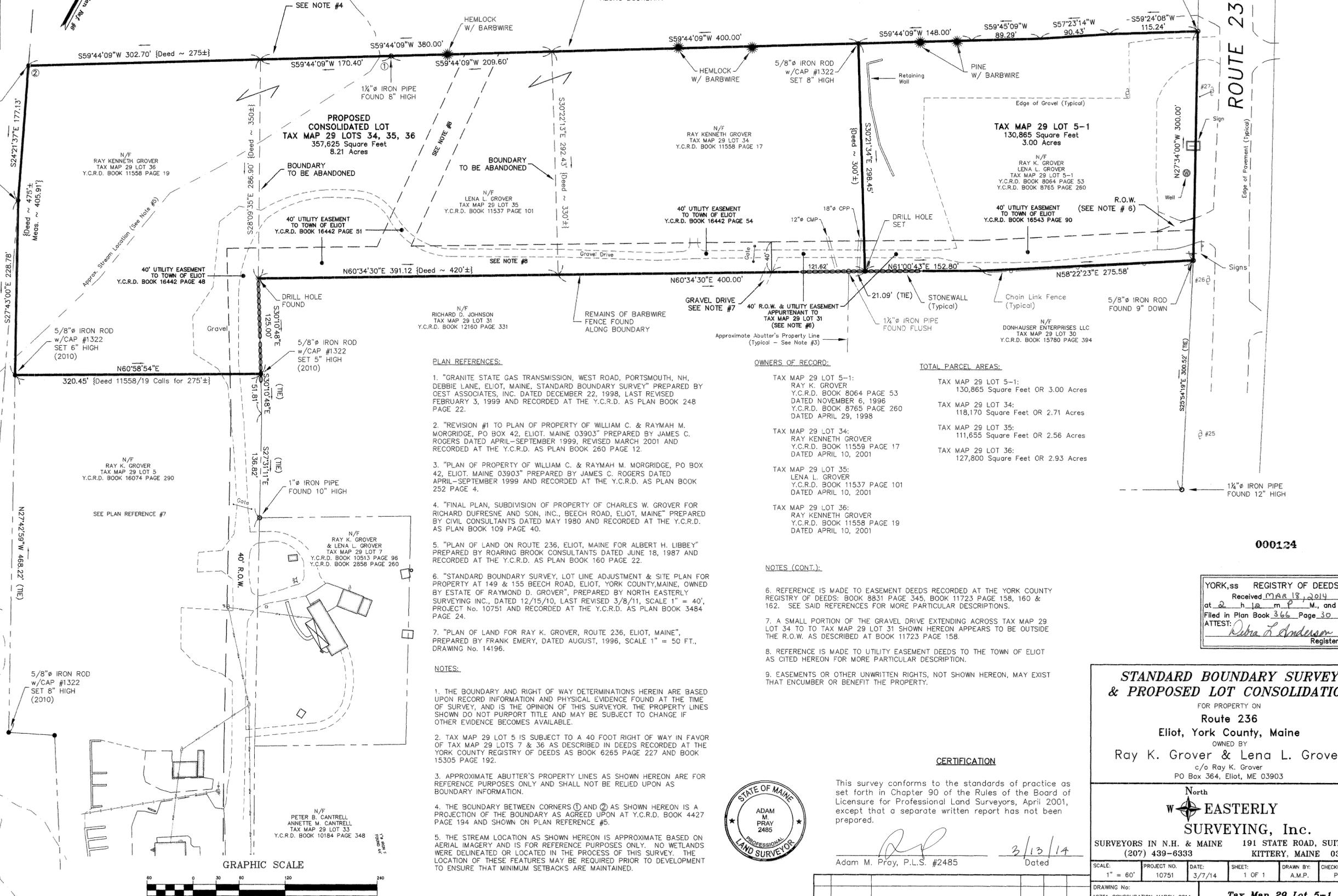
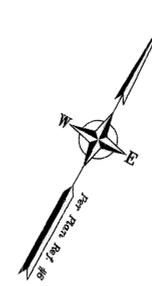
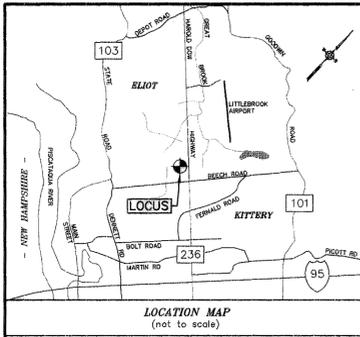
Seeding, Fertilizing and Mulching

All exposed soil materials and stockpiles must be either temporarily or permanently seeded, fertilized and mulched in accordance with plan specifications. This is one of the most important features of the Erosion Control Plan, which will provide both temporary and permanent stabilization. Eroded or damaged lawn areas must be repaired until a 75% effective growth of vegetation is established and permanently maintained.

Record Keeping

Routine maintenance and inspections will be accomplished by the future property owner [John (Rick) Pollard, P.O. Box 61, Eliot, ME 03903], or third party contracted by the property owner. All inspections accomplished in accordance with this program shall be documented on the attached Inspection & Maintenance Log. Copies of the Log shall be kept by the property owner or condominium association and be made available to the Town of Eliot, upon request. All records associated with this O&M plan shall be retained for a minimum of 5 years.

Prepared by: Kenneth A. Wood, P.E.



- PLAN REFERENCES:**
- "GRANITE STATE GAS TRANSMISSION, WEST ROAD, PORTSMOUTH, NH, DEBBIE LANE, ELIOT, MAINE, STANDARD BOUNDARY SURVEY" PREPARED BY GEST ASSOCIATES, INC. DATED DECEMBER 22, 1998, LAST REVISED FEBRUARY 3, 1999 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 248 PAGE 22.
 - "REVISION #1 TO PLAN OF PROPERTY OF WILLIAM C. & RAYMAH M. MORGRIDGE, PO BOX 42, ELIOT, MAINE 03903" PREPARED BY JAMES C. ROGERS DATED APRIL-SEPTEMBER 1999, REVISED MARCH 2001 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 260 PAGE 12.
 - "PLAN OF PROPERTY OF WILLIAM C. & RAYMAH M. MORGRIDGE, PO BOX 42, ELIOT, MAINE 03903" PREPARED BY JAMES C. ROGERS DATED APRIL-SEPTEMBER 1999 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 252 PAGE 4.
 - "FINAL PLAN, SUBDIVISION OF PROPERTY OF CHARLES W. GROVER FOR RICHARD DUFRESNE AND SON, INC., BEECH ROAD, ELIOT, MAINE" PREPARED BY CIVIL CONSULTANTS DATED MAY 1980 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 109 PAGE 40.
 - "PLAN OF LAND ON ROUTE 236, ELIOT, MAINE FOR ALBERT H. LIBBEY" PREPARED BY ROARING BROOK CONSULTANTS DATED JUNE 18, 1987 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 160 PAGE 22.
 - "STANDARD BOUNDARY SURVEY, LOT LINE ADJUSTMENT & SITE PLAN FOR PROPERTY AT 149 & 155 BEECH ROAD, ELIOT, YORK COUNTY, MAINE, OWNED BY ESTATE OF RAYMOND D. GROVER", PREPARED BY NORTH EASTERLY SURVEYING INC., DATED 12/15/10, LAST REVISED 3/8/11, SCALE 1" = 40', PROJECT NO. 10751 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 3484 PAGE 24.
 - "PLAN OF LAND FOR RAY K. GROVER, ROUTE 236, ELIOT, MAINE", PREPARED BY FRANK EMERY, DATED AUGUST, 1996, SCALE 1" = 50 FT., DRAWING NO. 14196.

- OWNERS OF RECORD:**
- TAX MAP 29 LOT 5-1: RAY K. GROVER, Y.C.R.D. BOOK 8064 PAGE 53 DATED NOVEMBER 6, 1998
 - TAX MAP 29 LOT 34: RAY KENNETH GROVER, Y.C.R.D. BOOK 11559 PAGE 17 DATED APRIL 10, 2001
 - TAX MAP 29 LOT 35: LENA L. GROVER, Y.C.R.D. BOOK 11537 PAGE 101 DATED APRIL 10, 2001
 - TAX MAP 29 LOT 36: RAY KENNETH GROVER, Y.C.R.D. BOOK 11558 PAGE 19 DATED APRIL 10, 2001

- NOTES (CONT.):**
- REFERENCE IS MADE TO EASEMENT DEEDS RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS: BOOK 8831 PAGE 345, BOOK 11723 PAGE 158, 160 & 162. SEE SAID REFERENCES FOR MORE PARTICULAR DESCRIPTIONS.
 - A SMALL PORTION OF THE GRAVEL DRIVE EXTENDING ACROSS TAX MAP 29 LOT 34 TO TAX MAP 29 LOT 31 SHOWN HEREON APPEARS TO BE OUTSIDE THE R.O.W. AS DESCRIBED AT BOOK 11723 PAGE 158.
 - REFERENCE IS MADE TO UTILITY EASEMENT DEEDS TO THE TOWN OF ELIOT AS CITED HEREON FOR MORE PARTICULAR DESCRIPTION.
 - EASEMENTS OR OTHER UNWRITTEN RIGHTS, NOT SHOWN HEREON, MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY.

- NOTES:**
- THE BOUNDARY AND RIGHT OF WAY DETERMINATIONS HEREIN ARE BASED UPON RECORD INFORMATION AND PHYSICAL EVIDENCE FOUND AT THE TIME OF SURVEY, AND IS THE OPINION OF THIS SURVEYOR. THE PROPERTY LINES SHOWN DO NOT PURPORT TITLE AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
 - TAX MAP 29 LOT 5 IS SUBJECT TO A 40 FOOT RIGHT OF WAY IN FAVOR OF TAX MAP 29 LOTS 7 & 36 AS DESCRIBED IN DEEDS RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS AS BOOK 6265 PAGE 227 AND BOOK 15305 PAGE 192.
 - APPROXIMATE ABUTTER'S PROPERTY LINES AS SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
 - THE BOUNDARY BETWEEN CORNERS ① AND ② AS SHOWN HEREON IS A PROJECTION OF THE BOUNDARY AS AGREED UPON AT Y.C.R.D. BOOK 4427 PAGE 194 AND SHOWN ON PLAN REFERENCE #5.
 - THE STREAM LOCATION AS SHOWN HEREON IS APPROXIMATE BASED ON AERIAL IMAGERY AND IS FOR REFERENCE PURPOSES ONLY. NO WETLANDS WERE DELINEATED OR LOCATED IN THE PROCESS OF THIS SURVEY. THE LOCATION OF THESE FEATURES MAY BE REQUIRED PRIOR TO DEVELOPMENT TO ENSURE THAT MINIMUM SETBACKS ARE MAINTAINED.

- TOTAL PARCEL AREAS:**
- TAX MAP 29 LOT 5-1: 130,865 Square Feet OR 3.00 Acres
 - TAX MAP 29 LOT 34: 118,170 Square Feet OR 2.71 Acres
 - TAX MAP 29 LOT 35: 111,655 Square Feet OR 2.56 Acres
 - TAX MAP 29 LOT 36: 127,800 Square Feet OR 2.93 Acres



CERTIFICATION

This survey conforms to the standards of practice as set forth in Chapter 90 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.

Adam M. Pray, P.L.S. #2485 Dated 3/13/14

YORK, ss REGISTRY OF DEEDS
 Received MAR 18, 2014
 at 2 h 12 a m P. M., and
 Filed in Plan Book 366 Page 30
 ATTEST: Debra L. Anderson
 Register

STANDARD BOUNDARY SURVEY & PROPOSED LOT CONSOLIDATION

FOR PROPERTY ON
Route 236
 Eliot, York County, Maine

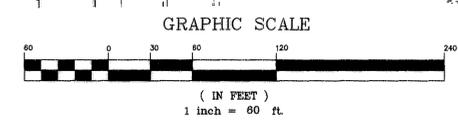
OWNED BY
Ray K. Grover & Lena L. Grover
 c/o Ray K. Grover
 PO Box 364, Eliot, ME 03903

North
 W EASTERLY
SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
 (207) 439-6333 KITTERY, MAINE 03904

| | | | | | |
|--|-------------------|--------------------|---------------|-----------------------------|--------------------|
| SCALE: 1" = 60' | PROJECT NO: 10751 | DATE: 3/7/14 | SHEET: 1 OF 1 | DRAWN BY: A.M.P. | CHECKED BY: P.L.A. |
| DRAWING No: 10751_CONSOLIDATION_MARCH_2014 | | Tax Map 29 Lot 5-1 | | Tax Map 29 Lots 34, 35 & 36 | |
| FIELD BOOK No: "Eliot #14" | | | | | |

| | | | | | |
|------|------|--------|----|------|------|
| REV. | DATE | STATUS | BY | CHKD | APPD |
| | | | | | |



000124



| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|---------------|
| 1 | 4 | 1 | 12.6 |
| | 27 | 1 | 572.6 |
| | 16 | 1 | 201.1 |
| | 15 | 1 | 176.7 |
| | 5 | 3 | 58.9 |
| | 20 | 1 | 314.2 |
| | 12 | 1 | 113.1 |
| | 9 | 1 | 63.6 |
| | 11 | 1 | 95.0 |
| Total | | | 1607.7 |
| 2 | 16 | 1 | 201.1 |
| | 10 | 2 | 157.1 |
| | 5 | 4 | 78.5 |
| | 23 | 1 | 415.5 |
| | 13 | 1 | 132.7 |
| Total | | | 984.9 |
| 3 | 7 | 1 | 38.5 |
| | 19 | 1 | 283.5 |
| | 6 | 1 | 28.3 |
| | 5 | 2 | 39.3 |
| | 9 | 2 | 127.2 |
| | 12 | 1 | 113.1 |
| | 4 | 1 | 12.6 |
| | 10 | 1 | 78.5 |
| 24 | 1 | 452.4 | |
| Total | | | 1173.4 |

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|---------------|
| 4 | 4 | 1 | 12.6 |
| | 5 | 2 | 39.3 |
| | 27 | 1 | 572.6 |
| | 6 | 1 | 28.3 |
| | 11 | 1 | 95.0 |
| | 10 | 1 | 78.5 |
| | 7 | 1 | 38.5 |
| | 18 | 1 | 254.5 |
| 6 | 1 | 28.3 | |
| Total | | | 1147.5 |
| 5 | 8 | 1 | 50.3 |
| | 16 | 1 | 201.1 |
| | 20 | 1 | 314.2 |
| | 6 | 1 | 28.3 |
| | 13 | 1 | 132.7 |
| | 23 | 1 | 415.5 |
| | 10 | 1 | 78.5 |
| | 9 | 2 | 127.2 |
| Total | | | 1387.0 |
| 6 | 4 | 1 | 12.6 |
| | 8 | 3 | 150.8 |
| | 24 | 1 | 452.4 |
| | 11 | 1 | 95.0 |
| | 7 | 1 | 38.5 |
| Total | | | 749.3 |

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|---------------|
| 6 | 10 | 1 | 78.5 |
| Total | | | 78.5 |
| 7 | 22 | 1 | 380.1 |
| | 10 | 4 | 314.2 |
| | 6 | 1 | 28.3 |
| | 13 | 1 | 132.7 |
| | 8 | 2 | 100.5 |
| | 7 | 2 | 77.0 |
| | 5 | 2 | 39.3 |
| | 18 | 1 | 254.5 |
| | 15 | 1 | 176.7 |
| 4 | 2 | 25.1 | |
| Total | | | 1528.4 |
| 8 | 8 | 1 | 50.3 |
| | 9 | 1 | 63.6 |
| Total | | | 113.9 |
| 9 | 4 | 3 | 37.7 |
| | 7 | 1 | 38.5 |
| | 10 | 2 | 157.1 |
| | 5 | 1 | 19.6 |
| Total | | | 252.9 |
| 10 | 13 | 1 | 132.7 |
| | 6 | 1 | 28.3 |
| | 5 | 2 | 39.3 |
| | 4 | 1 | 12.6 |
| Total | | | 212.8 |



| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|--------------|
| 10 | 9 | 1 | 63.6 |
| | 10 | 1 | 78.5 |
| Total | | | 142.2 |
| 11 | 5 | 1 | 19.6 |
| Total | | | 19.6 |
| 12 | 7 | 1 | 38.5 |
| | 16 | 1 | 201.1 |
| Total | | | 239.5 |
| 13 | 4 | 2 | 25.1 |
| | 10 | 1 | 78.5 |
| | 6 | 1 | 28.3 |
| Total | | | 131.9 |
| 14 | 12 | 1 | 113.1 |
| | 6 | 1 | 28.3 |
| | 4 | 2 | 25.1 |
| | 13 | 1 | 132.7 |
| Total | | | 299.2 |
| 15 | 4 | 2 | 25.1 |
| | 18 | 1 | 254.5 |
| | 7 | 1 | 38.5 |
| Total | | | 318.1 |
| 16 | 5 | 1 | 19.6 |
| | 7 | 1 | 38.5 |
| | 4 | 2 | 25.1 |
| | 8 | 2 | 100.5 |
| Total | | | 183.8 |

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|--------------|------------|--------------|
| 16 | 10 | 1 | 78.5 |
| | 6 | 2 | 56.5 |
| Total | | | 135.1 |
| 17 | 4 | 1 | 12.6 |
| | 12 | 2 | 226.2 |
| | 8 | 1 | 50.3 |
| | 5 | 1 | 19.6 |
| | 17 | 1 | 227.0 |
| 18 | 16 | 1 | 201.1 |
| | 11 | 1 | 95.0 |
| | Total | | |
| 18 | 5 | 2 | 39.3 |
| | 10 | 1 | 78.5 |
| | 9 | 1 | 63.6 |
| | 18 | 1 | 254.5 |
| Total | | | 435.9 |
| 19 | 8 | 1 | 50.3 |
| | 4 | 1 | 12.6 |
| | 10 | 2 | 157.1 |
| | 6 | 1 | 28.3 |
| | 17 | 1 | 227.0 |
| Total | | | 475.2 |
| 20 | 8 | 2 | 100.5 |
| | 13 | 1 | 132.7 |
| | 29 | 1 | 660.5 |
| Total | | | 893.8 |

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|--------------|------------|---------------|
| 20 | 6 | 1 | 28.3 |
| | 5 | 1 | 19.6 |
| | 7 | 1 | 38.5 |
| Total | | | 86.4 |
| 21 | 18 | 1 | 254.5 |
| Total | | | 254.5 |
| 22 | 8 | 2 | 100.5 |
| | 5 | 4 | 78.5 |
| | 4 | 3 | 37.7 |
| | 32 | 1 | 804.2 |
| | 6 | 1 | 28.3 |
| | 10 | 1 | 78.5 |
| 22 | 18 | 1 | 254.5 |
| | Total | | |
| 23 | 19 | 1 | 283.5 |
| Total | | | 283.5 |
| 24 | 9 | 2 | 127.2 |
| | 19 | 2 | 567.1 |
| | 11 | 1 | 95.0 |
| | 10 | 1 | 78.5 |
| | 20 | 1 | 314.2 |
| | 21 | 1 | 346.4 |
| Total | | | 1528.4 |
| 25 | 5 | 1 | 19.6 |
| | 6 | 1 | 28.3 |
| Total | | | 47.9 |



Basal Area Calculations
Prepared for: Pollard
Date: 5/31/2023
Job No: C338-22
By: GMB

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|--------------|
| 25 | 14 | 1 | 153.9 |
| | 15 | 1 | 176.7 |
| | 9 | 2 | 127.2 |
| Total | | | 457.9 |
| 26 | 10 | 2 | 157.1 |
| | 23 | 1 | 415.5 |
| Total | | | 572.6 |
| 27 | 4 | 2 | 25.1 |
| | 5 | 3 | 58.9 |
| | 8 | 1 | 50.3 |
| Total | | | 134.3 |
| 28 | 5 | 3 | 58.9 |
| | 4 | 4 | 50.3 |
| Total | | | 109.2 |
| 29 | 12 | 1 | 113.1 |
| | 6 | 1 | 28.3 |
| | 5 | 1 | 19.6 |
| | 4 | 1 | 12.6 |
| Total | | | 173.6 |
| 30 | 4 | 1 | 12.6 |
| | 5 | 1 | 19.6 |
| Total | | | 32.2 |
| 31 | 16 | 1 | 201.1 |
| | 4 | 1 | 12.6 |
| | 6 | 1 | 28.3 |
| Total | | | 241.9 |

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|--------------|
| 32 | 8 | 2 | 100.5 |
| | 4 | 5 | 62.8 |
| | 7 | 2 | 77.0 |
| | 5 | 3 | 58.9 |
| | 6 | 1 | 28.3 |
| | 14 | 1 | 153.9 |
| Total | | | 481.4 |
| 33 | 17 | 1 | 227.0 |
| | 5 | 2 | 39.3 |
| | 7 | 4 | 153.9 |
| | 4 | 1 | 12.6 |
| | 8 | 1 | 50.3 |
| | 6 | 2 | 56.5 |
| Total | | | 539.6 |
| 34 | 8 | 1 | 50.3 |
| Total | | | 50.3 |
| 35 | 5 | 4 | 78.5 |
| | 6 | 3 | 84.8 |
| | 8 | 1 | 50.3 |
| | 9 | 1 | 63.6 |
| | 10 | 1 | 78.5 |
| | 4 | 1 | 12.6 |
| | 7 | 1 | 38.5 |
| Total | | | 406.8 |
| 36 | 4 | 3 | 37.7 |
| Total | | | 37.7 |

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|--------------|
| 36 | 5 | 2 | 39.3 |
| Total | | | 39.3 |
| 37 | 17 | 1 | 227.0 |
| | 5 | 5 | 98.2 |
| | 4 | 2 | 25.1 |
| Total | | | 350.3 |
| 38 | 5 | 2 | 39.3 |
| | 15 | 1 | 176.7 |
| Total | | | 216.0 |
| 39 | 4 | 2 | 25.1 |
| | 6 | 1 | 28.3 |
| | 16 | 1 | 201.1 |
| Total | | | 254.5 |
| 40 | 20 | 1 | 314.2 |
| | 24 | 1 | 452.4 |
| | 14 | 1 | 153.9 |
| | 7 | 1 | 38.5 |
| Total | | | 959.0 |
| 41 | 12 | 1 | 113.1 |
| | 20 | 2 | 628.3 |
| Total | | | 741.4 |
| 42 | 19 | 2 | 567.1 |
| | 9 | 1 | 63.6 |
| Total | | | 630.7 |
| 43 | 5 | 2 | 39.3 |
| Total | | | 39.3 |



Basal Area Calculations
Prepared for: Pollard
Date: 5/31/2023
Job No: C338-22
By: GMB

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|--------------|
| 43 | 6 | 1 | 28.3 |
| | 11 | 1 | 95.0 |
| | 4 | 1 | 12.6 |
| Total | | | 135.9 |
| 44 | 4 | 1 | 12.6 |
| | 5 | 4 | 78.5 |
| | 6 | 3 | 84.8 |
| | 12 | 1 | 113.1 |
| | 16 | 1 | 201.1 |
| Total | | | 490.1 |
| 45 | 4 | 1 | 12.6 |
| Total | | | 12.6 |
| 46 | 15 | 1 | 176.7 |
| | 18 | 1 | 254.5 |
| Total | | | 431.2 |
| 47 | 9 | 1 | 63.6 |
| | 10 | 1 | 78.5 |
| | 16 | 1 | 201.1 |
| | 5 | 1 | 19.6 |
| | 7 | 1 | 38.5 |
| | 14 | 1 | 153.9 |
| Total | | | 555.3 |
| 48 | 21 | 1 | 346.4 |
| | 5 | 5 | 98.2 |
| | 13 | 1 | 132.7 |
| Total | | | 577.3 |

| Tree Grid | Dia. (in) | # of Trees | Area (sq in) |
|--------------|-----------|------------|--------------|
| 48 | 4 | 1 | 12.6 |
| | 7 | 1 | 38.5 |
| | 9 | 2 | 127.2 |
| | 8 | 1 | 50.3 |
| Total | | | 228.6 |
| 49 | 3 | 1 | 50.3 |
| Total | | | 50.3 |
| 50 | 6 | 2 | 56.5 |
| | 4 | 1 | 12.6 |
| Total | | | 69.1 |
| 51 | 4 | 3 | 37.7 |
| | 18 | 2 | 508.9 |
| | 5 | 3 | 58.9 |
| | 9 | 1 | 63.6 |
| | 10 | 1 | 78.5 |
| | 8 | 2 | 100.5 |
| Total | | | 886.7 |
| 52 | 5 | 2 | 39.3 |
| | 7 | 1 | 38.5 |
| Total | | | 77.8 |
| 53 | 6 | 2 | 56.5 |
| | 11 | 1 | 283.5 |
| | 9 | 1 | 63.6 |
| Total | | | 403.7 |

| |
|---|
| Total Basal Area |
| 25018 sq in |
| Total Allowed Clearing (40% -10yr) |
| 10007 sq in |
| Total Proposed Clearing |
| 8591 sq in |

Note:
Grids 48-53 fall outside surveyed 250' wetland line. Void basal area for mentioned grids
See DWG: PASSAMAQUODDY YARD



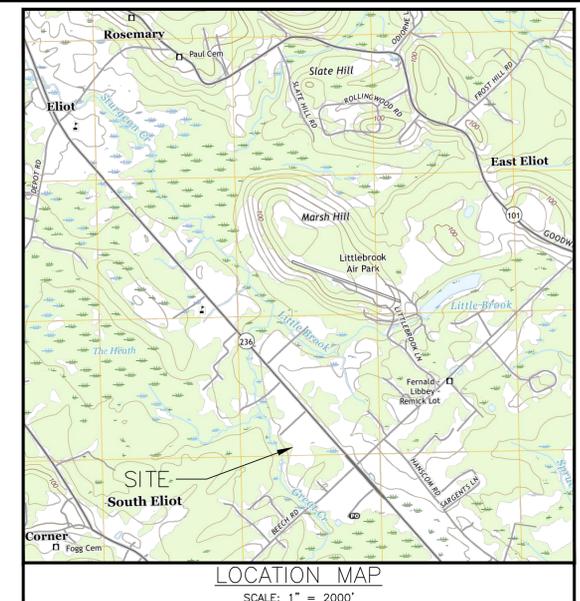
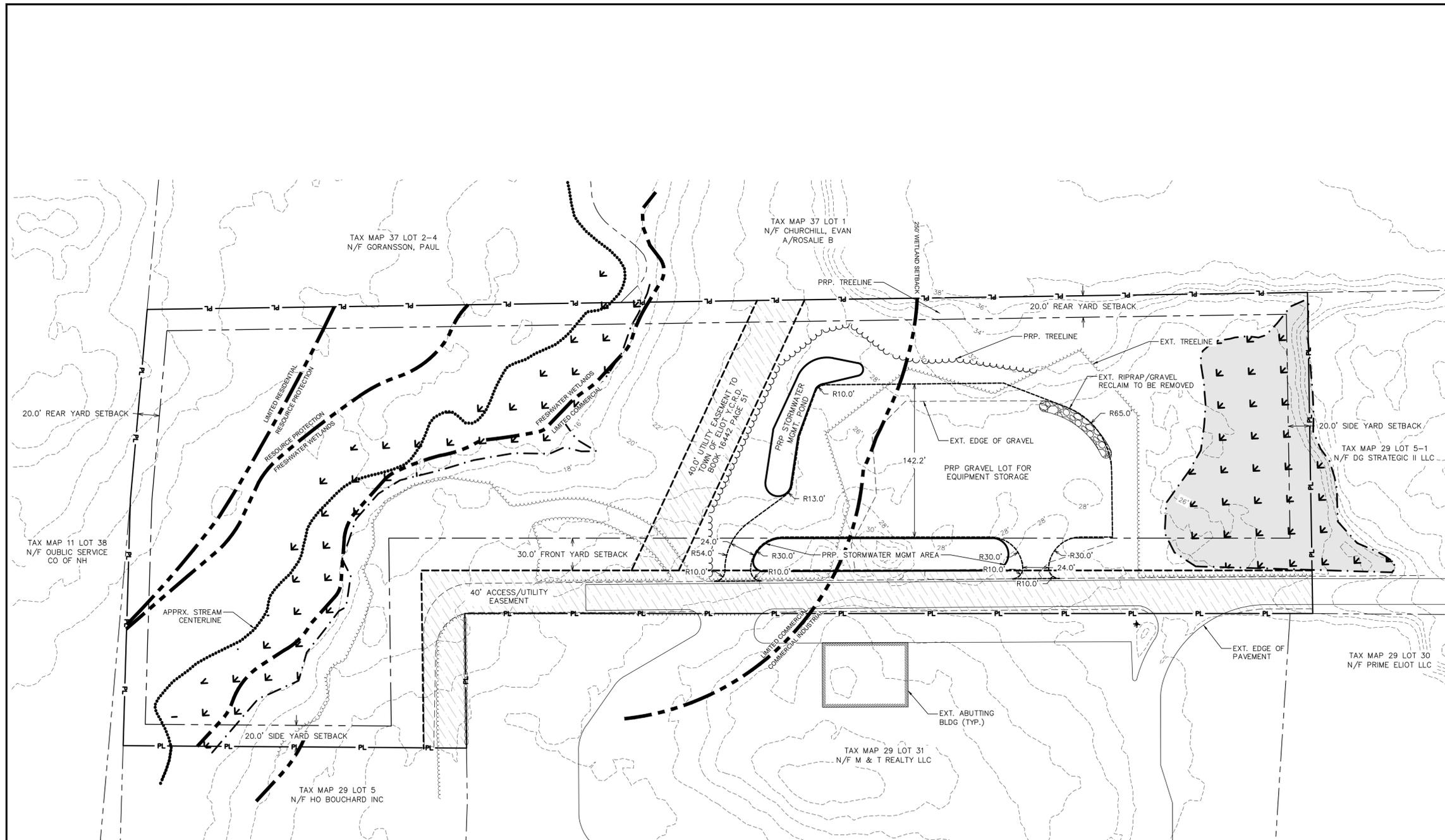
ATTAR
ENGINEERING, INC
CIVIL • STRUCTURAL • MARINE

Basal Area Calculations
Prepared for: Pollard
Date: 5/31/2023
Job No: C338-22
By: GMB

Total Basal Area is **25,018 sq in** and the calculations hereon comprises of grids 1-47 (see note page 4). In accordance with Shoreland zoning ordinance (44-35 (p)(3)), the proposed selective cutting is not more than 40% of volume of trees four inches or more in diameter in any ten-year period.

The proposed clearing cannot exceed **10,007 sq in** (40% - 10yr).

The proposed clearing comprises of grids 24 and 27-47 with a basal area of **8591 sq in**.



GENERAL NOTES

- THIS SITE PLAN DEPICTS THE DEVELOPMENT OF THE SUBJECT PARCEL INTO AN EXTERIOR STAGING/STORAGE YARD LOCATED ON PASSAMAQUODDY LANE IN ELIOT, MAINE. THE PROPOSED PLAN INCLUDES A GRADED GRAVEL LOT SERVING CONSTRUCTION VEHICLES AND EQUIPMENT. NO BUILDINGS ARE PROPOSED.
- THE SITE IS IDENTIFIED ON THE TOWN OF ELIOT TAX ASSESSOR'S MAP 29 AS LOT 34 IN THE COMMERCIAL INDUSTRIAL DISTRICT AND MEASURES APPROXIMATELY 8.2 ACRES. THE SOUTH WESTERLY PORTION OF THE LOT FALLS INTO THE LIMITED COMMERCIAL, RESOURCE PROTECTION, AND LIMITED RESIDENTIAL SHORELAND ZONING DISTRICTS AS WELL AS A SECTION OF FRESHWATER WETLANDS AS IDENTIFIED AS A PROTECTED RESOURCE IN THE SHORELAND ZONE.
- BOUNDARY LINES WERE PROVIDED BY REFERENCE 1.
- NO UTILITIES OR LIGHTING ARE PROPOSED BY THIS PLAN.
- DIMENSIONAL REQUIREMENTS
COMMERCIAL INDUSTRIAL DISTRICT AS PER §45-405 OF ELIOT CODE OF ORDINANCES
MINIMUM LOT SIZE: 3 ACRES
FRONT YARD SETBACK: 50 FT. (SEE §45-405 NOTE A)
SIDE AND REAR YARD SETBACK: 20 FT.
MAXIMUM BUILDING HEIGHT: 55 FT.
MAXIMUM LOT COVERAGE: 50%
MINIMUM STREET FRONTAGE: 300 FT.
- SHORELAND ZONING COVERAGE CALCULATIONS
SHORELAND ZONES
TOTAL PORTION OF LOT AREA = 237,009 S.F.
TOTAL PROPOSED NONVEGETATED AREA = 23,541 S.F.
MAX NONVEGETATED AREA ALLOWED = 20% OF LOT AREA LOCATED WITHIN THE SHORELAND ZONE

23,541 S.F. / 237,009 S.F. = 9.93%
- TOTAL PROPOSED YARD AREA = 43,039 S.F. (0.99 ACRES).

REFERENCES

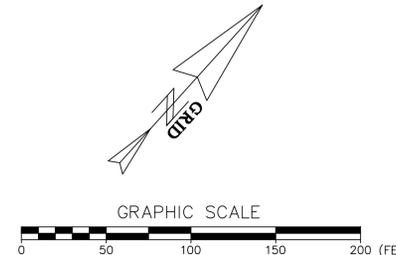
- "STANDARD BOUNDARY SURVEY & PROPOSED LOT CONSOLIDATION FOR PROPERTY ON ROUTE 236 OWNED BY RAY K. GROVER & LENA L. GROVER" PREPARED BY EASTERLY SURVEYING, INC. DATED 3/7/14

LEGEND

| | |
|----------------------|-------------------------|
| PROPERTY LINE | — — — — — |
| SETBACK | — · — · — · — · — · — · |
| EXT. ABUTTER LINE | — — — — — |
| EXT. EASEMENT | ▨ ▨ ▨ ▨ ▨ ▨ ▨ ▨ ▨ ▨ |
| EXT. GRAVEL | — · — · — · — · |
| PRP. GRAVEL | — — — — — |
| EXT. PAVEMENT | — · — · — · — · |
| EXT. TREELINE | ~~~~~ |
| PRP. TREELINE | ~~~~~ |
| EXT. STONEWALL | — · — · — · — · |
| EXT. MAJOR CONTOUR | — · — · — · — · |
| EXT. MINOR CONTOUR | — · — · — · — · |
| EXT. WETLAND BNDY | — · — · — · — · |
| EXT. STREAM LIMITS | — · — · — · — · |
| PRP. STORMWATER MGMT | — · — · — · — · |
| ZONING LINE | — · — · — · — · |

INDEX OF SHEETS:

- SITE PLAN
- EXISTING CONDITIONS PLAN
- TREE CLEARING PLAN
- GRADING + UTILITY PLAN
- EXISTING STORMWATER PLAN
- DEVELOPED STORMWATER PLAN
- SITE DETAILS
- SITE DETAILS



| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
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TAX MAP 29, LOT 34

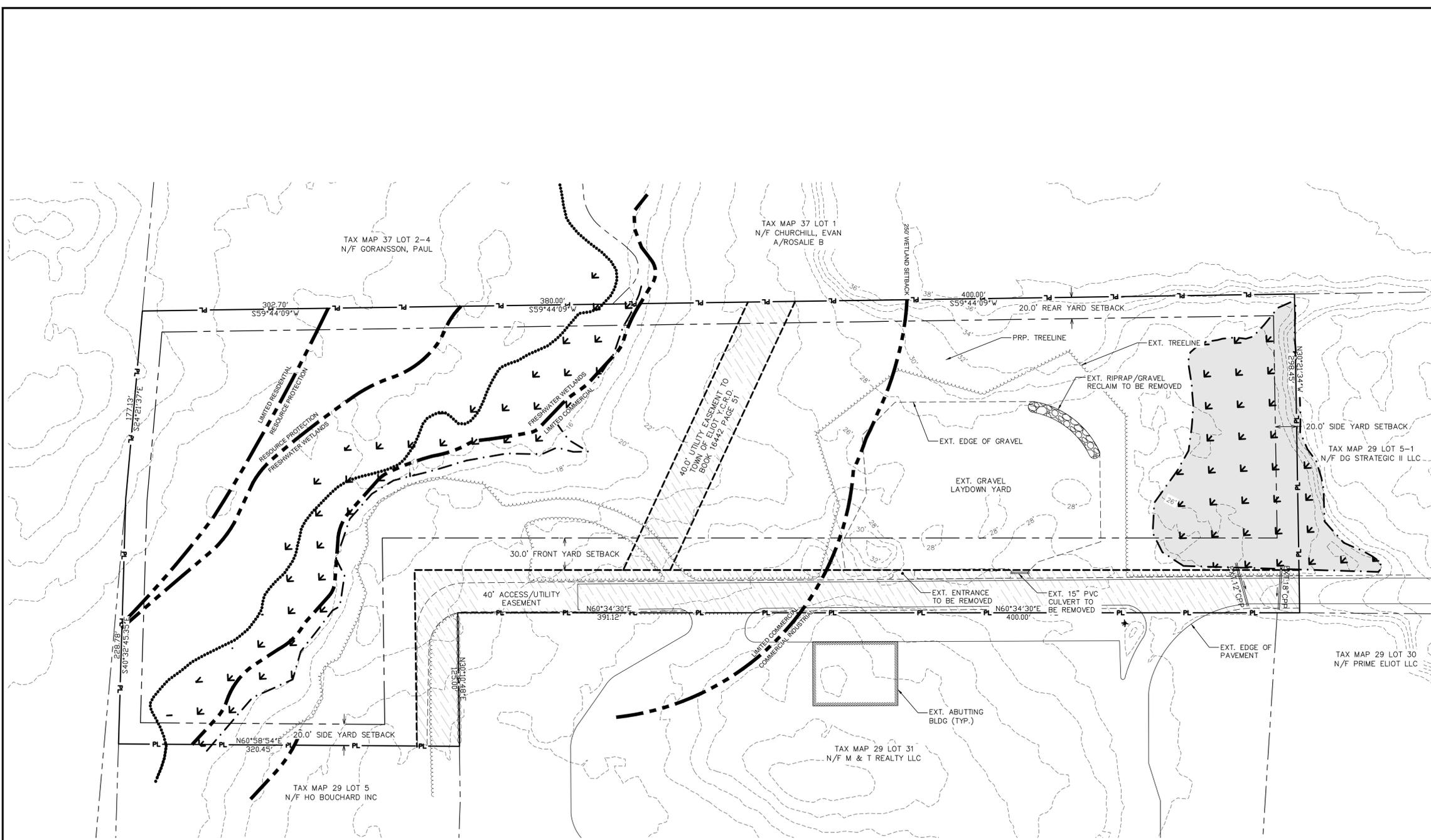
SITE PLAN
EXTERIOR STAGING YARD
PASSAMAQUODDY LANE, ELIOT ME

FOR: JOHN (RICK) POLLARD
P.O. BOX 61
ELIOT, ME 03903

ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 50'
DATE: 10/10/2023

APPROVED BY: _____
DRAWN BY: WRP
REVISION DATE: - - -
JOB NO: C338-22 FILE: PASSAMAQUODDY YARD.DWG SHEET: 1



EXISTING CONDITIONS PLAN NOTES

- BOUNDARY LINES WERE PROVIDED BY REFERENCE 1.
- WETLAND BOUNDARIES WERE SURVEYED BY ATTAR ENGINEERING, INC. ON 5/9/2023. LIMITED COMMERCIAL ZONE LINE IS ADJUSTED ACCORDINGLY.
- A TREE SURVEY WAS CONDUCTED BY ATTAR ENGINEERING, INC. ON 5/24/2023 AT THE REQUEST OF ELIOT PLANNING BOARD. THE RESULTS OF THE SURVEY ARE DEPICTED ON SHEET 3. ADDITIONAL INFO AND CALCS CAN BE FOUND IN THE BASAL AREA CALCULATIONS DATED 05/31/2023 INCLUDED IN THE SITE PLAN SUBMISSION PACKET DISTRIBUTED TO THE TOWN OF ELIOT ON 10/10/2023.

REFERENCES

- "STANDARD BOUNDARY SURVEY & PROPOSED LOT CONSOLIDATION FOR PROPERTY ON ROUTE 236 OWNED BY RAY K. GROVER & LENA L. GROVER" PREPARED BY EASTERLY SURVEYING, INC. DATED 3/7/14

LEGEND

| | |
|--------------------|---------|
| PROPERTY LINE | — PL — |
| EXT. ABUTTER LINE | — AB — |
| EXT. EASEMENT | ▨ |
| EXT. PAVEMENT | — P — |
| EXT. GRAVEL | — G — |
| EXT. STONEWALL | — S — |
| EXT. TREELINE | — T — |
| PRP. TREELINE | — PRP — |
| EXT. MAJOR CONTOUR | — XXX — |
| EXT. MINOR CONTOUR | — xxx — |
| EXT. WETLAND BNDY | — W — |
| EXT. STREAM LIMITS | — SL — |
| ZONING LINE | — Z — |



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EXISTING CONDITIONS PLAN
EXTERIOR STAGING YARD
PASSAMAQUODDY LANE, ELIOT ME

FOR: JOHN (RICK) POLLARD
P.O. BOX 61
ELIOT, ME 03903

ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

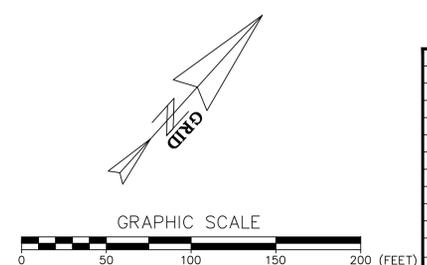
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| SCALE: 1" = 50' | APPROVED BY: | DRAWN BY: WRP |
| DATE: 10/10/2023 | | REVISION DATE: - : - |
| JOB NO: C338-22 | FILE: PASSAMAQUODDY YARD.DWG | SHEET: 2 |



| LEGEND | |
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| PROPERTY LINE | — — — — — |
| EXT. ABUTTER LINE | — — — — — |
| EXT. EASEMENT | ▨ ▨ ▨ ▨ |
| EXT. PAVEMENT | — — — — — |
| EXT. GRAVEL | — — — — — |
| EXT. STONEWALL | — — — — — |
| EXT. TREELINE | — — — — — |
| PRP. TREELINE | — — — — — |
| EXT. MAJOR CONTOUR | — — — — — |
| EXT. MINOR CONTOUR | — — — — — |
| EXT. WETLAND BNDY | — — — — — |
| EXT. STREAM LIMITS | — — — — — |
| ZONING LINE | — — — — — |
| TREE GRID CLEARING | ▨ ▨ ▨ ▨ |
| TREE GRID VOIDED | ▨ ▨ ▨ ▨ |

TREE SURVEY PLAN NOTES

1. A TREE SURVEY WAS CONDUCTED BY ATTAR ENGINEERING INC. ON 5/24/2023 AT THE REQUEST OF ELIOT PLANNING BOARD. THE RESULTS OF THE SURVEY ARE DEPICTED ON THIS PLAN SHEET. ADDITIONAL INFO AND CALCS CAN BE FOUND IN THE BASAL AREA CALCULATIONS DATED 05/31/2023 INCLUDED IN THE SITE PLAN SUBMISSION PACKET DISTRIBUTED TO THE TOWN OF ELIOT ON 10/10/2023.
2. THE MAXIMUM TREE CLEARING ALLOWED IN THE LIMITED—COMMERCIAL SHORELAND OVERLAY DISTRICT ZONE IS 40% OVER A 10 YEAR PERIOD AS PER THE TOWN OF ELIOT, MAINE MUNICIPAL CODE OF ORDINANCES.
3. THE TOTAL BASAL AREA SURVEYED BY ATTAR ENGINEERING, INC. WAS CALCULATED TO BE 25,018 SQ.IN. WITH A 10—YEAR MAX OF 10,007 SQ.IN.=(25,018 SQ.IN. X 0.40) THE PROPOSED CLEARING WAS APPROXIMATED TO ENCOMPASS GRIDS 27—47 AND GRID 24, WITH A TOTAL BASAL AREA OF 8,591 SQ. IN. WHICH DOES NOT EXCEED THE 10—YEAR LIMIT.



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TREE SURVEY AND CLEARING PLAN
EXTERIOR STAGING YARD
PASSAMAQUODDY LANE, ELIOT ME

TAX MAP 29, LOT 34

FOR: JOHN (RICK) POLLARD
P.O. BOX 61
ELIOT, ME 03903

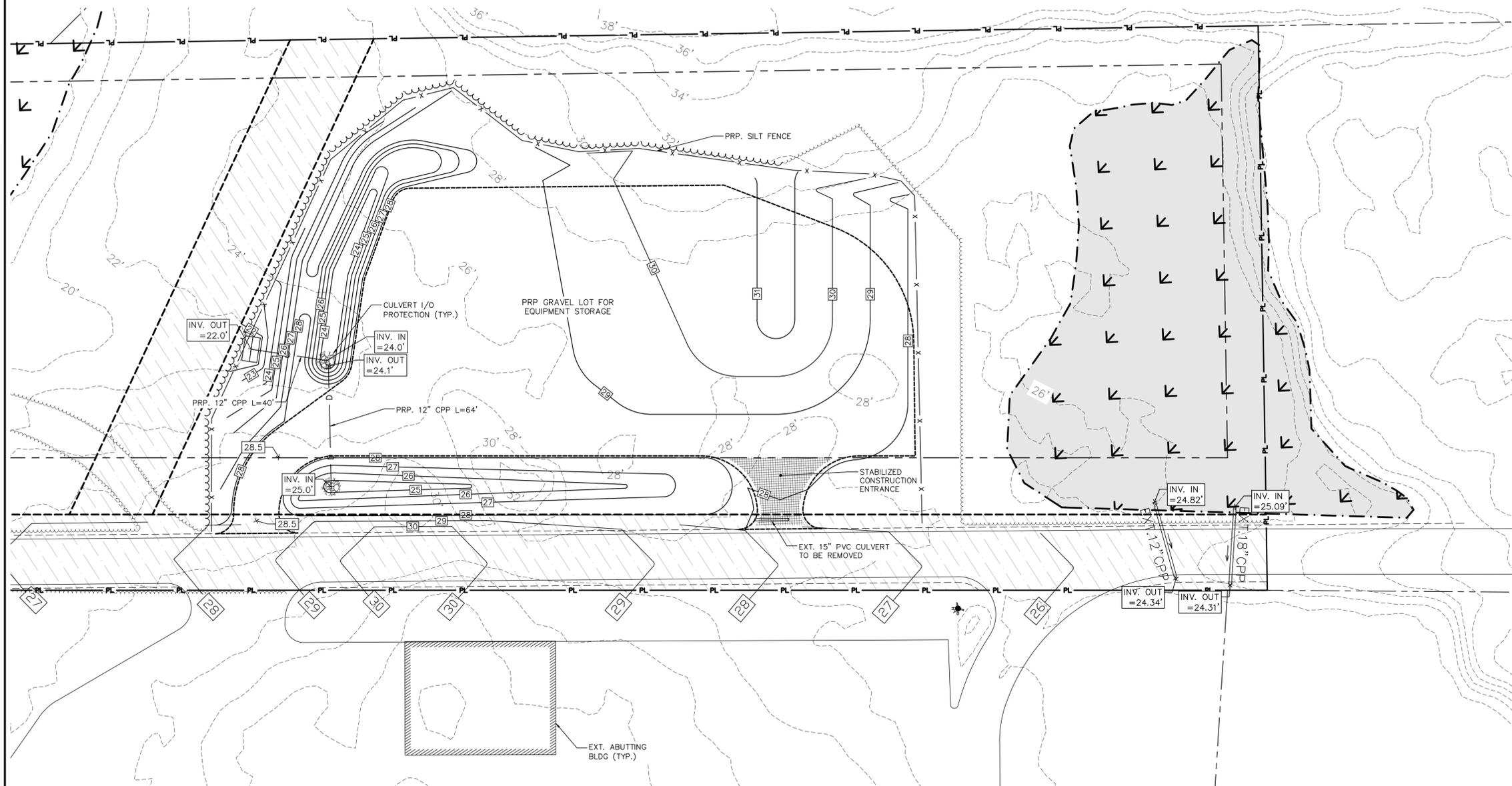
ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 50'
DATE: 10/10/2023

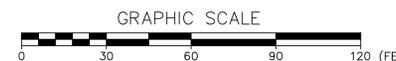
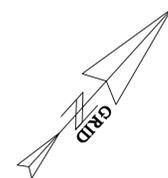
APPROVED BY: _____
DRAWN BY: WRP
REVISION DATE: - : -
JOB NO: C338-22 FILE: PASSAMAQUODDY YARD.DWG SHEET: 3

GRADING PLAN NOTES

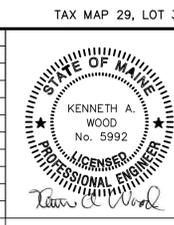
1. NO UTILITIES OR LIGHTING ARE PROPOSED BY THIS PLAN.
2. TOTAL PROPOSED YARD AREA = 43,039 S.F. (0.99 ACRES).



| LEGEND | |
|--------------------|---------------|
| PROPERTY LINE | — — — — — |
| SETBACK | - - - - - |
| EXT. ABUTTER LINE | — — — — — |
| EXT. EASEMENT | ▨ ▨ ▨ ▨ ▨ |
| EXT. STONEWALL | — — — — — |
| EXT. GRAVEL | — — — — — |
| PRP. GRAVEL | — — — — — |
| EXT. TREELINE | ~ ~ ~ ~ ~ |
| PRP. TREELINE | ~ ~ ~ ~ ~ |
| EXT. MAJOR CONTOUR | - - - - - XXX |
| EXT. MINOR CONTOUR | - - - - - XXX |
| PRP. MAJOR CONTOUR | - - - - - XXX |
| PRP. MINOR CONTOUR | - - - - - XXX |
| ZONING LINE | — — — — — |
| EXT. WETLAND BNDY | — — — — — |
| EXT. STREAM LIMITS | — — — — — |
| EXT. STORM LINE | — — — — — |
| PRP. STORM LINE | — — — — — |
| PRP. SPOT GRADE | 28.5 ↘ |



| NO. | DESCRIPTION | DATE |
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TAX MAP 29, LOT 34

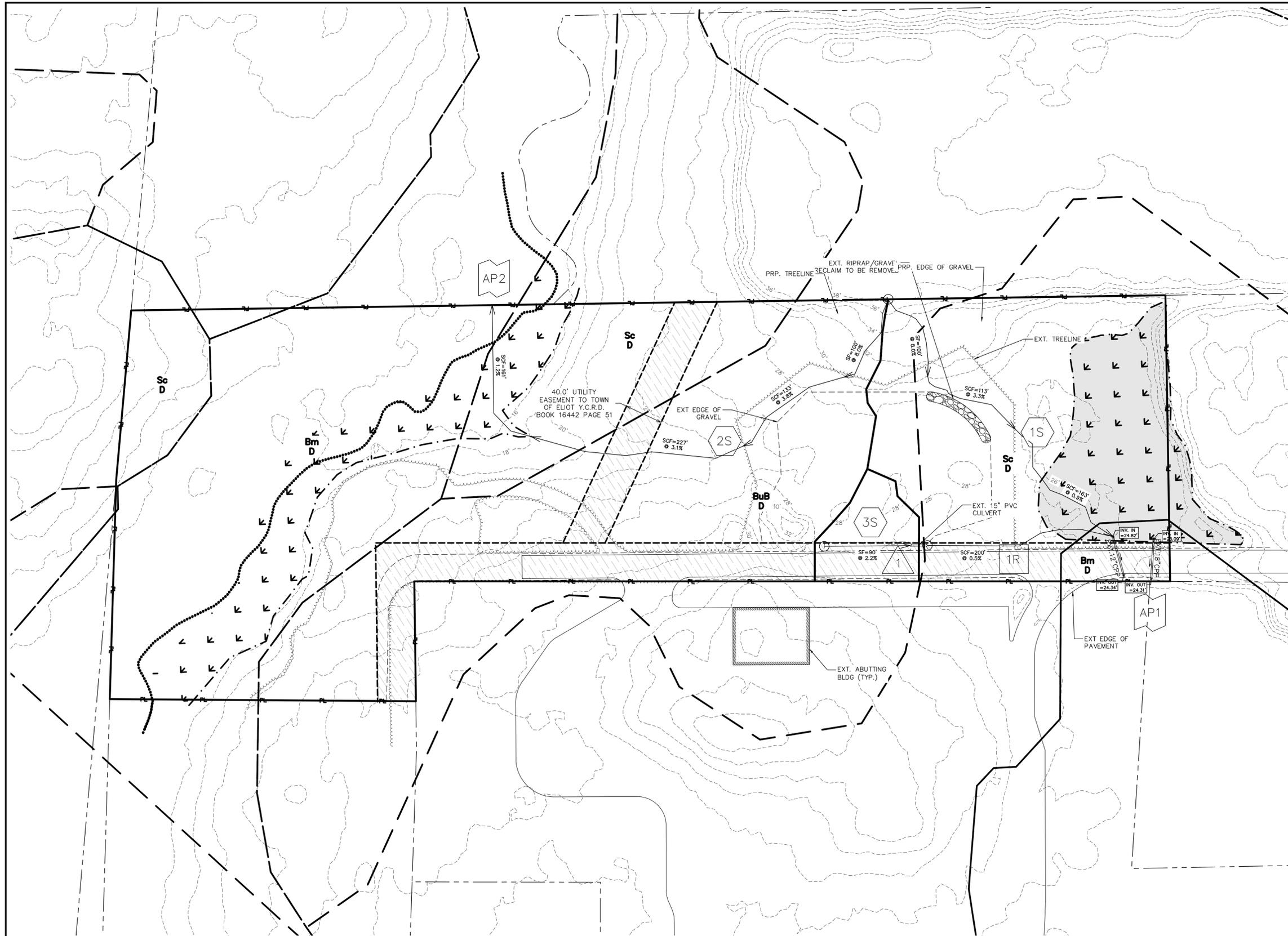
GRADING PLAN
EXTERIOR STAGING YARD
PASSAMAQUODDY LANE, ELIOT ME

FOR: JOHN (RICK) POLLARD
P.O. BOX 61
ELIOT, ME 03903

ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 30'
DATE: 10/10/2023

APPROVED BY: _____
DRAWN BY: WRP
REVISION DATE: - - -
JOB NO: C338-22 FILE: PASSAMAQUODDY YARD.DWG SHEET: 4



SOILS LEGEND

| SYMBOL | SOIL SERIES NAME | HSG | SLOPES |
|--------|----------------------|-----|--------|
| Bm | BIDDEFORD MUCKY PEAT | D | 0-3% |
| BuB | BUXTON SILT LOAM | D | 3-8% |
| Sc | SCANTIC SILT LOAM | D | 0-3% |

FLOW TYPES

| | |
|-----|---------------------------|
| SF | SHEET FLOW |
| SCF | SHALLOW CONCENTRATED FLOW |
| CF | CHANNEL FLOW |

NOTE: SOILS INFORMATION IS TAKEN FROM THE USGS SOIL SURVEY OF YORK COUNTY, MAINE.

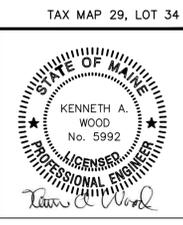
- 1S SUBCATCHMENT
- 1R REACH
- 1 POND
- 1L ANALYSIS POINT

LEGEND

| | |
|--------------------|-----------------|
| EXT. MAJOR CONTOUR | ----- XXX ----- |
| EXT. MINOR CONTOUR | ----- XXX ----- |
| EXT. WETLAND BNDY | WETLAND |
| EXT. STREAM LIMITS | |
| SOIL TYPE BOUNDARY | |
| EXT. SUBCATCHMENT | |
| EXT. To FLOW LINE | |
| EXT. To GRADE CALC | |



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TAX MAP 29, LOT 34

EXISTING STORMWATER PLAN
EXTERIOR STAGING YARD
PASSAMAQUODDY LANE, ELIOT ME

FOR: JOHN (RICK) POLLARD
P.O. BOX 61
ELIOT, ME 03903

ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

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| SCALE: 1" = 50' | APPROVED BY: | DRAWN BY: WRP |
| DATE: 10/10/2023 | | REVISION DATE: - : - |
| JOB NO: C338-22 | FILE: PASSAMAQUODDY YARD.DWG | SHEET: 5 |

SOILS LEGEND

| SYMBOL | SOIL SERIES NAME | HSG | SLOPES |
|--------|----------------------|-----|--------|
| Bm | BIDDEFORD MUCKY PEAT | D | 0-3% |
| BuB | BUXTON SILT LOAM | D | 3-8% |
| Sc | SCANTIC SILT LOAM | D | 0-3% |

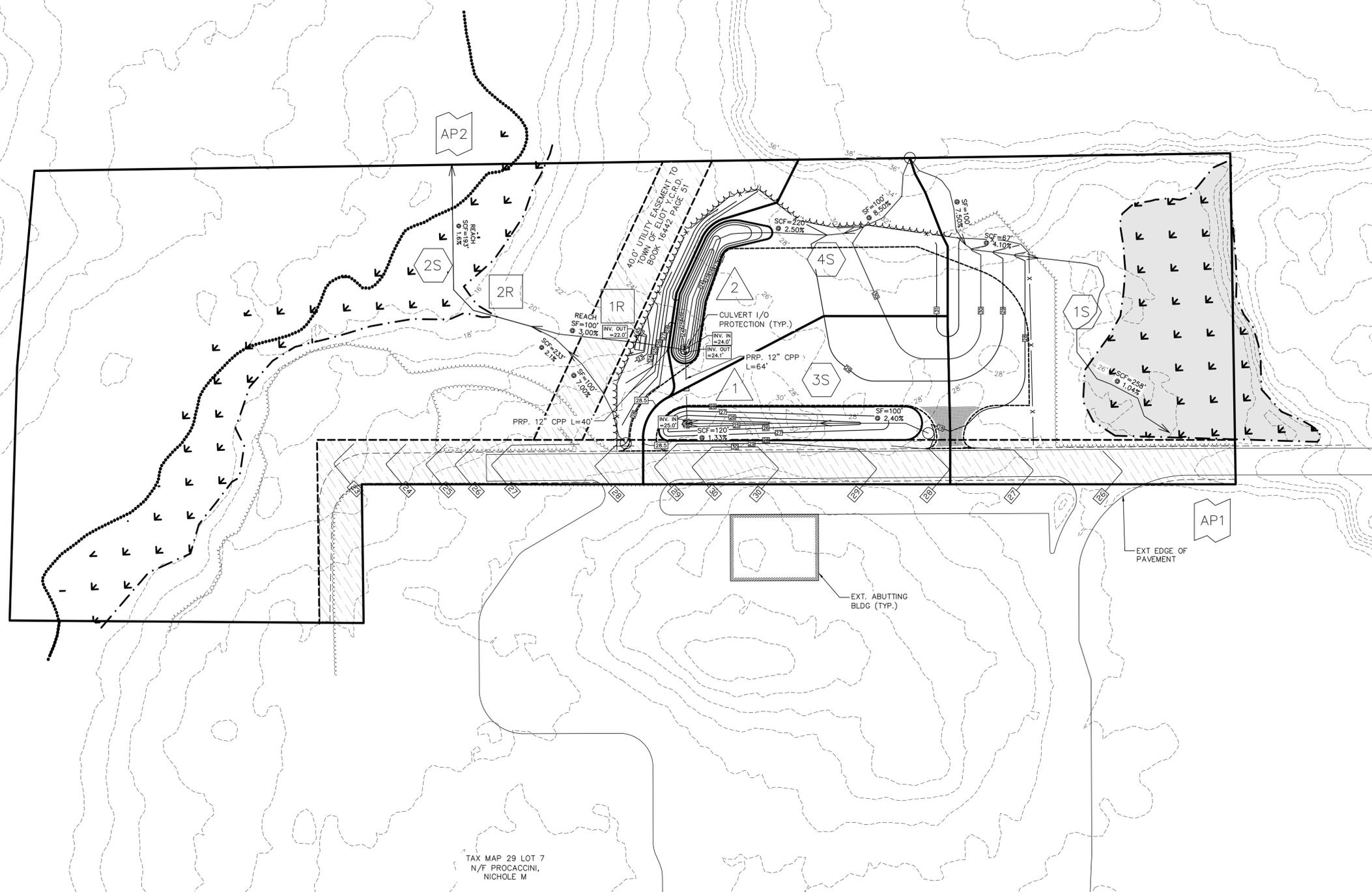
FLOW TYPES

| | |
|-----|---------------------------|
| SF | SHEET FLOW |
| SCF | SHALLOW CONCENTRATED FLOW |
| CF | CHANNEL FLOW |

NOTE: SOILS INFORMATION IS TAKEN FROM THE USGS SOIL SURVEY OF YORK COUNTY, MAINE.

| | |
|----|----------------|
| 1S | SUBCATCHMENT |
| 1R | REACH |
| 1 | POND |
| 1L | ANALYSIS POINT |

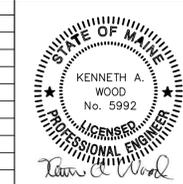
| LEGEND | |
|----------------------|--------------------|
| EXT. MAJOR CONTOUR | ---XXX--- |
| EXT. MINOR CONTOUR | -----XXX----- |
| PRP. MAJOR CONTOUR | ---XXX--- |
| PRP. MINOR CONTOUR | -----XXX----- |
| EXT. WETLAND BNDY | WETLAND |
| EXT. STREAM LIMITS | |
| EXT. STREAM OFFSET | |
| SOIL TYPE BOUNDARY | ----- |
| PRP. SUBCATCHMENT | ----- |
| PRP. Tc FLOW LINE | ○-----> |
| PRP. Tc GRADE CALC | SF=XXX' @ X.XX% |
| PRP. SILTATION FENCE | ----- |
| EXT. STORM LINE | ----- |
| PRP. STORM LINE | D----- |
| PRP. SPOT GRADE | [28.5] |



TAX MAP 29 LOT 7
N/F PROCACCINI,
NICHOLE M



| NO. | DESCRIPTION | DATE |
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TAX MAP 29, LOT 34

DEVELOPED STORMWATER PLAN
EXTERIOR STAGING YARD
PASSAMAQUODDY LANE, ELIOT ME

FOR: JOHN (RICK) POLLARD
P.O. BOX 61
ELIOT, ME 03903

ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 50'
DATE: 10/10/2023

APPROVED BY: _____
DRAWN BY: WRP
REVISION DATE: - - -

JOB NO: C338-22 FILE: PASSAMAQUODDY YARD.DWG SHEET: 6

Case No. _____
Site review? Yes No

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

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

Tax Map 46 Lot# 5 Lot Size 31.5 Zoning District: C/I

Your Name Joseph Brady Your mailing address 40 Pleasant Street

City/Town North Reading State: MA Zip: 01864 Telephone: 781-640-7128

Who owns the property now? Wheelabrator Holdco1

Address (Location) of the property 22 Arc Road

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



Step 2 (establish your legal interest in the property)

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

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

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

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

Spread existing soil on-site for sampling and eventual installation of a solar farm.

Case No. _____
Site review? Yes No

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

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

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

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

(STEP 5) Board visits site with applicant.

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

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

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

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

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

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

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

PART 2

Case No. _____

Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

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

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

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

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

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

Case No. _____

Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

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

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

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

Case No. _____
Site review? Yes No

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

5.1. Board discusses Site Plan with applicant.

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

6.1. Conducted within 30 days of Boards acceptance of Site Plan.

6.2. Three notices posted 10 days prior to the Public Hearing.

6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.

6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.

6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. \$150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)

6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

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

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

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

EXHIBIT A

PARCEL ONE

Lot 1:

A certain parcel of unimproved land located off of but not adjacent to the easterly side of Route 236, so-called, in Eliot, County of York, and State of Maine, and being more particularly described as follows:

Beginning at a point in the middle of "Great Brook", so called, at the Northerly side of a 50' easement as shown on a plan of land entitled, "Standard Boundary Survey Prepared for Lora M. Dow, Eliot, Maine", dated May 17, 1990, and prepared by Thomas F. Moran, Inc., recorded in the York County Registry of Deeds in Plan Book 194 Page 28, thence following the northerly side of said right-of-way to land n/f of John E. Hardy; thence turning and running along said Hardy land N 28° 56' 02" W a distance of 116.49 feet to a point; thence turning and running N 41° 09' 41" W still along said Hardy land a distance of 156.52 to a point at land of the Town of Eliot; thence turning and running in a Southwesterly direction, along land of the Town of Eliot a distance as determined by Great Brook as a monument to the middle of great Brook; thence turning and running in a southerly direction along the middle of Great Brook, to the point of beginning.

TOGETHER WITH an easement in common with others for a 50' right-of-way over the remaining land now or formerly of Jan L. McKenney f/k/a Jan L. Hardy as shown on the above described plan, said easement including the right of access and egress by foot or vehicle and to install, connect and maintain utilities over, under and across said right-of-way.

Further reference is made to a plan entitled, "Plan of Land for John E. Hardy, Jr., Eliot, Maine" Scale 1" = 200', dated November 22, 1982, prepared by Thomas F. Moran, Inc.

Also conveying all such additional land as may lay west of the 50' right-of-way shown and described on the above described "Standard Boundary Survey" and being a portion of the land described in a "Confirmation Deed" from Lora M. Dow by Elaine L. Paul (under Power of Attorney) dated July 31, 1990, and recorded at the York County Registry of Deeds at Book 5496, Page 186.

The grantee herein acknowledges the existence of Littlebrook Airpark, a private airport which lies in close proximity to the land hereby conveyed, and does for itself, its successors and assigns, covenants not to erect or construct any structure lights, poles or other obstacles which will interfere with the current flight path of aircraft taking off or landing at said airport or with the airspace around said airport, nor shall this grantee engage in any activity or do any act that would cause Littlebrook Airpark to be in violation of any current local, state or federal statute rule or ordinance in the operation of a private airport.

For source of title, reference is made to a warranty deed from Jan L. McKenney f/k/a Jan L. Hardy to Aggregate Recycling Corporation dated December 31, 1997 and recorded in the York County Registry of Deeds in Book 8586, Page 61.

Lot 2:

A certain parcel of unimproved land located off of but not adjacent to the easterly side of Route 236, so-called, in Eliot, County of York and State of Maine, being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of a 50 foot wide right-of-way as shown on a "Proposed fifty foot right-of-way Plan n/f of John E. Hardy, Jr., Littlebrook Lane, Eliot, Maine", at a point on the easterly corner of land n/f of Jan L. Hardy and proceeding along said right-of-way along a curve having a radius of 544.33 feet, a distance of 88.24 feet to a point; thence turning and running N 52° 09' 44" E a distance of 462.00 feet to a point; thence continuing along said right-of-way, along a curve having a radius of 920.13 feet, for a distance of 94.76 feet to a point; thence continuing along said right-of-way N 46° 15' 41" E a distance of 134.10 feet to a point; thence continuing along a curve having a radius of 434.22 feet a distance of 115.88 feet to a point; thence continuing along a curve having a radius of 1577.88 feet a distance of 260.00 feet to a point; thence turning and running N 35° 55' 56" W a distance of 33.75 feet to an iron pin in a stone wall at land n/f of Leslie W. Pike; thence turning and running N 37° 09' 02" W along said stone wall and land of said Pike, a distance of 112.86 feet to a drill hole set at end of stone wall; thence turning and running N 82° 59' 50" W a distance of 56.07 feet to a drill hole set at angle point of intersecting stone wall; thence running N 76° 12' 53" W a distance of 90.92 feet to a drill hole set at angle point of stone wall; thence turning and running N 83° 23' 57" W still along said stone wall, a distance of 112.81 feet to a drill hole set; thence turning and running along said stone wall N 80° 25' 03" W a distance of 175.84 feet to an iron pin set in said stone wall; thence turning and running along said stone wall N 87° 40' 38" W a distance of 45.45 feet to a drill hole set in a stone wall intersecting from the north; thence turning and running S 73° 07' 51" W a distance of 68.84 feet to a point marked by a ten inch leaning pine with barbed wire fence remains; thence turning and running S 79° 12' 11" W a distance of 102.66 feet to a 15 inch oak with barbed wire fence remains; thence turning and running S 73° 49' 14" W a distance of 57.97 feet to an iron pin set on barbed wire fence remains; thence turning and running S 79° 05' 24" W a distance of 108.60 feet to a 14 inch hickory at the corner of a barbed wire fence remains; thence turning and running S 17° 34' 23" E a distance of 159.63 feet to a point marked by a 18 inch white pine; thence turning and running S 19° 41' 53" E a distance of 121.24 feet to a point marked by a 16 inch white pine with barbed wire; thence turning and running S 19° 25' 06" E a distance of 215.25 feet to a point marked by a 12 inch pine stump with barbed wire; thence turning and running S 19° 55' 31" E a distance of 152.55 feet to a point marked by a three inch hornbeam with barbed wire; thence turning and running S 17° 24' 11" E a distance of 49.60 feet to an iron pin set at a point marked by a 10 inch leaning maple with barbed wire fence remains; thence turning and running S 80° 36' 48" W a distance of 289.66 feet to a point at the Northerly corner of land n/f owned by Jan L. Hardy; thence turning and running S 41° 09' 41" E a distance of 156.52 feet to a point; thence turning and running S 28° 56' 02" E a distance of 116.49 feet, more or less, to the point of beginning.

Reference is hereby made to a plan entitled, "Standard Boundary Survey prepared for Lora M. Dow, Eliot, Maine" by Thomas F. Moran, Inc., dated May 17, 1990, recorded at York County Registry of Deeds in Plan Book 194, Page 28 and to a progress print entitled, "Plan of Land prepared for John E. Hardy, Jr., Eliot, Maine," by Thomas F. Moran, Inc., dated November 22, 1982, and to a plan entitled "Proposed fifty foot right-of-way" prepared for land n/f of John E. Hardy, Jr., Littlebrook Lane, Eliot, Maine, prepared by Great East Land Survey Company of 2538 Lovell Road, Sanbornville, NH 03872, December, 1997.

Also conveyed herewith is an easement in common with others, for a right-of-way over land lying between Route 236 and the above described property for the purpose of access and egress by foot or vehicle and to install, connect and maintain, utilities over, under and across said right-of-way all as shown on the "Standard Boundary Survey Prepared for Lora M. Dow, Eliot, Maine" referred to above. Said right-of-way is appurtenant to the herein conveyed property and Lot 1 described above.

Also conveyed herewith is an easement over a land now or formerly of John E. Hardy, Jr. as shown on a "Proposed fifty foot right-of-way", land n/f of John E. Hardy, Jr. as described above. Said easement is granted for the purpose of access and egress by foot or vehicle and for the installation, connection and maintenance, over, under and across said right-of-way as described.

The grantee herein acknowledges the existence of Littlebrook Airpark, a private airport which lies in close proximity to the land hereby conveyed, and does for itself, its successors and assigns, covenants not to erect or construct any structure lights, poles or other obstacles which will interfere with the current flight path of aircraft taking off or landing at said airport or with the airspace around said airport, nor shall this grantee engage in any activity or do any act that would cause Littlebrook Airpark to be in violation of any current local, state or federal statute rule or ordinance in the operation of a private airport.

For source of title, reference is made to a warranty deed from John E. Hardy, Jr. to Aggregate Recycling Corporation dated December 31, 1997 and recorded in the York County Registry of Deeds in Book 8586, Page 63.

SUBJECT TO an easement from Aggregate Recycling Corporation to Central Maine Power Company and New England Telephone and Telegraph Company dated September 25, 2000 and recorded in said Registry of Deeds in Book 10303, Page 343.

PARCEL TWO

Lot 1:

A certain lot or parcel of land located easterly of, but not adjacent to Route 236, in Eliot, County of York and State of Maine, and being more particularly described as follows:

Beginning at the southerly corner of the locus parcel, being a 1/2" iron pin set inside a 1 1/4" iron pipe, at land conveyed to John E. Hardy by Deed recorded in Book 3006, Page 47 and land now

or formerly of Hans Baumann, being shown on a plan entitled "Division of Land For Hans Baumann, Route 236, Eliot, Maine", by Anderson-Livingston Engineers, dated Sept. 1998 and recorded in Plan Book 254, Page 46. Thence proceeding by land of Baumann on the following courses: N 20° 44' 22" W, nine hundred thirty-two and eighty-six hundredths (932.86) feet to an existing 1/2" diameter galvanized pipe; North 22° 15' 52" W, two hundred seventy-six and twenty-two hundredths (276.22) feet to an existing iron pin and land conveyed to John E. Hardy in deed recorded in Book 3006, Page 47; thence on the following courses by land of Hardy; S 66° 56' 01" E, five hundred ninety-four (594.00) feet to a point; thence S 05° 26' 01" E five hundred ten and twenty hundredths (510.20) feet to an existing iron pin; thence S 07° 57' 24" E one hundred ninety-three and thirty-five hundredths (193.35) feet to the remains of a barb wire fence in a 28" beech stump; thence S 34° 21' 49" E, eighty-four and fifty hundredths (84.50) feet to a point; thence S 61° 41' 30" W, two hundred sixty-six and seventeen hundredths (266.17) feet to the point of beginning.

The bearings referenced herein are based on magnetic north, 1982.

Containing six (6) acres, more or less.

The northerly and easterly lines described herein are shown on an unrecorded plan entitled "plan of Land Prepared for John E. Hardy, Jr.," dated November 22, 1982, prepared by Thomas F. Moran, Inc. The westerly and southerly lines are shown on the previously mentioned plan prepared by Anderson-Livingston Engineers. The above parcel is a portion of the land shown on a plan prepared for Aggregate Recycling Corporation by Civil Consultants dated June 26, 2000 and recorded in said Registry of Deeds in Plan Book 256, Page 50.

For source of title reference is made to a warranty deed with covenants from John E. Hardy, Jr. and Jean M. Hardy to Aggregate Recycling Corporation dated July 14, 2000 and recorded in said Registry of Deeds in Book 10121, Page 270.

SUBJECT TO an easement from Aggregate Recycling Corporation to Central Maine Power Company and Northern New England Telephone Operations, LLC dated September 22, 2001 and recoded in the York County Registry of Deeds in Book 16198, Page 729.

Lot 2:

A certain parcel of land located easterly of, but not adjacent to Route 236, in Eliot County of York, State of Maine, and being more particularly described as follows:

Beginning at the southerly corner of the parcel of land conveyed to John E. and Jean M. Hardy by J.M.G. Corporation in Deed 3831, Page 108, later Aggregate Recycling Corporation, being a 1/2" iron pin set inside a 1 1/4" iron pipe, at land conveyed to John E. Hardy by Deed 3008, Page 47, and land now or formerly of Hans Baumann, being shown on a plan entitled "Division of Land for Hans Baumann, Route 236, Eliot, Maine" by Anderson-Livingston, Engineers, dated September 1998 and recorded in Plan Book 254, Page 46.

Thence proceeding by Aggregate Recycling Corporation land the following courses: North 61° 41' 30" East two hundred sixty-six and seventeen hundredths (266.17) feet to a point; thence North 34° 21' 49" West eighty four and fifty hundredths (84.50) feet to the remains of a barb wire fence in a 28" beech stump; thence North 07° 57' 24" West one hundred ninety three and thirty five hundredths (193.35) feet to an existing iron pin; thence North 05° 26' 01" West seventy and fifty hundredths (70.50) feet to a point; thence South 60° 35' 47" East along land conveyed to John E. Hardy in deed recorded in Book 3006, Page 47, five hundred forty four and forty-one hundredths (544.41) feet to a point; thence South 16° 03' 52" West two hundred fifty eight and fifty eight hundredths (258.58) feet to an existing iron pin located at the northwest corner of the tract of land conveyed by Faye M. Colburn and Roland H. Jenkins to Elizabeth T. and Anthony K. Manero in Deed 6971, Page 228, and land of Hans Baumann; thence the following courses by land of Baumann; North 75° 31' 36" West ninety eight and ninety hundredths (98.90) feet to a 22" hemlock; thence North 70° 34' 48" West one hundred fourteen and ninety five hundredths (114.95) feet to a 24" twin hemlock; thence North 50° 14' 39" West fifty one and eighty seven hundredths (51.87) feet to an existing iron pin; thence South 22° 40' 10" West eighteen and forty eight hundredths (18.48) feet to an existing iron pin; thence South 58° 10' 10" West four hundred twenty and forty two hundredths (420.42) feet to an existing iron pin; thence South 88° 40' 10" West, one hundred fifteen and fifty hundredths (115.50) feet to an existing iron pin located at Great Brook, so-called, thence North 49° 11' 34" West along Great Brook sixty eight and ninety seven hundredths (68.97) feet to an existing iron pin; thence North 54° 13' 46" East two hundred sixty nine and twenty eight hundredths (269.28) feet to the point of beginning.

The bearings referenced herein are based on magnetic north, 1982.

Together with all right, title, and interest in and to the centerline of Great Brook.

Containing 4.54 acres, more or less. Reference is also had to Deed 5496, Pages 182 and 184. The second and third lines described herein are shown on an unrecorded plan entitled "Plan of Land Prepared for John E. Hardy, Jr." dated November 22, 1982 prepared by Thomas F. Moran, Inc. The lines common to Baumann are shown on a plan entitled "Division of Land For Hans Baumann" dated September 1998 prepared by Anderson-Livingston Engineers, recorded in Plan Book 245, Page 48.

The above parcel is a portion of the land shown on plan for Aggregate Recycling Corporation by Civil Consultants dated June 26, 2000 and recorded in said Registry of Deeds in Plan Book 256, Page 50.

For source of title reference is made to a warranty deed with covenants from Jean M. Hardy to Aggregate Recycling Corporation dated July 14, 2000 and recorded in said Registry of Deeds in Book 10121, Page 272.

Lot 3:

A certain lot or parcel of and located easterly of, but not adjacent to Route 236, in Eliot, County of York, State of Maine and being more particularly described as follows:

Beginning at the northerly corner of the parcel of land conveyed to John E. and Jean M. Hardy by J.M.G. Corporation in Deed 3831, Page 108, now owned by Aggregate Recycling Corporation, and land now or formerly of Hans Baumann, being shown on a plan entitled "Division of Land For Hans Baumann, Route 236, Eliot, Maine", by Anderson-Livingston, Engineers, dated Sept. 1998 and recorded in Plan Book 254, Page 46, thence proceeding by land of Baumann N 21° 26' 00" W two hundred seventy four and thirty eight hundredths (274.38) feet to an existing iron rod at the southerly sideline of a fifty foot right of way;

Thence on the following courses along the southerly sideline of said Right of Way;

The first road course begins at a non-tangent curve, being concave to the northwest with a radius of five hundred ninety four and thirty three hundredths (594.33) feet with a length of ninety six and twenty one hundredths (96.21) feet, having a chord bearing of N 56° 47' 59" E with a length of ninety six and ten hundredths (96.10) feet, terminating at an existing iron pin;

Thence N 52° 09' 44" E. four hundred sixty two (462.00) feet to an existing iron pin;

Thence on a tangent curve, being concave to the northwest, with a radius of nine hundred seventy and thirteen hundredths (970.13) feet with a length of ninety nine and ninety one hundredths feet, having a chord bearing of N 49° 12' 43" E with a distance of ninety nine and eighty seven hundredths (99.87) feet, terminating at an existing iron pin;

Thence N 46° 15' 41" E, one hundred thirty four and ten hundredths (134.10) feet to an existing iron pin;

Thence on a tangent curve, being concave to the northwest, with a radius of four hundred eighty four and twenty two hundredths (484.22) feet with a length of one hundred twenty nine and twenty two hundredths (129.22) feet, having a chord bearing of N 38° 36' 58" E with a distance of one hundred twenty eight and eighty four hundredths (128.84) feet, terminating at an existing iron pin;

Thence on a non-tangent curve, being concave to the northwest, with a radius of one thousand six hundred twenty seven and eighty eight hundredths (1627.88) feet with a length of one hundred seventy eight and twenty six hundredths (178.26) feet, having a chord bearing of N 27° 50' 01" E with a distance of one hundred seventy eight and seventeen hundredths (178.17) feet, terminating at a point on an existing stone wall at land now or formerly of John E. Hardy, Jr., said point being located S 13° 18' 18" E, two and fifty eight hundredths (2.58) feet from an existing iron rod;

Thence on the following courses of land now or formerly of John E. Hardy, Jr.;

S 12° 55' 56" E, along the center line of a stone wall, fifty three and seventy two hundredths (53.72) feet to an existing iron pin set at the end of said wall;

S 00° 38' 14" E one thousand four hundred eighty eight and ninety three hundredths (1488.93) feet to an iron pin to be set;

S 53°24'06"E, five hundred fifteen and seventy-nine hundredths (515.79) feet to an iron pin, to be set;

S 16° 03' 52" W, ninety eighty and one hundredths (98.01) feet to a point at land conveyed from Jean Hardy to Aggregate Recycling Corporation dated July 14, 2000 and recorded in said Registry of Deeds in Book 10121, Page 272.

Thence N 60° 35' 47" W, by land of Aggregate Recycling Corporation five hundred forty four and forty one hundredths (544.41) feet to a point at land conveyed from John E. and Jean M. Hardy to the Grantee herein, of recent date.

Thence N 05° 26' 01" W. by land of Aggregate Recycling Corporation four hundred thirty eight and six hundredths (438.06) feet to a point;

Thence N 66° 56' 01" W. by land of Aggregate Recycling Corporation, five hundred ninety four (594.00) feet to the point of beginning.

The bearings referenced herein are based on magnetic north, 1982.

Containing 16.5 acres, more or less.

The above parcel is a portion of the land shown on a plan prepared for Aggregate Recycling Corporation by Civil Consultants dated June 26, 2000 and recorded in said Registry of Deeds in Plan Book 256, Page 50.

TOGETHER WITH an easement in common with others, as described in an Easement Deed from John E. Hardy, Jr. and Jean M. Hardy dated July 14, 2000 and recorded in said Registry in Book 10121, Page 277 as follows:

A right of way over land lying between Routes 236 and 101, the Harold L. Dow Highway and Goodwin Road, respectively, in Eliot, Maine, for the purpose of access and egress by foot or vehicle and to install, connect and maintain utilities over, under and across said right of way part of which is shown on a plan entitled, "Standard Boundary Survey Prepared for Lora M. Dow, Eliot, Maine" by Thomas F. Moran, Inc., dated May 17, 1990, recorded at the York County Registry of Deeds in Plan Book 194, Page 28, and part of which is shown on a plan entitled "Proposed Fifty Foot Right of Way" prepared for land now or formerly of John E. Hardy, Jr., Littlebrook Lane, Eliot, Maine, prepared by Great East Land Survey Company, dated December, 1997 and recorded at the York County Registry of Deeds. Said right of way is appurtenant to 26.97 acres of land conveyed by three separate deeds to Aggregate Recycling Corporation recorded in Book 10121, Page 270, Book 10121, Page 272, and Book 10121, Page 274.

SUBJECT TO an easement from Aggregate Recycling Corporation to Central Maine Power Company and Northern New England Telephone Operations, LLC dated August 14, 2012 and recorded in the York County Registry of Deeds in Book 16405, Page 938.

Lot 4:

A parcel of land located northeasterly of, but not adjacent to the Town Highway (also known as Route 236) in the Town of Eliot, County of York and State of Maine, depicted as "Area A" on a plan entitled "Lot Line Adjustment Plan" for properties off Dow Highway (Route 236) & Little Brook Lane, Eliot, York County, Maine, owned by John R. Lang & Aggregate Recycling Corporation, prepared by North Easterly Surveying, Inc., dated 7/1/08, and recorded in the York County Registry of Deeds in Book 330, Page 46 and being more particularly bounded and described as follows:

Beginning at a point in the thread (centerline) of Great Brook at the southwest corner of land now or formerly of Charles Anderson, said point also being the northwest corner of the herein described parcel, said point is located North 61° 41' 34" East a distance of 906 feet, more or less, from an iron pipe located at the easterly sideline of the Dow Highway; then from the point of beginning running North 61° 41' 34" East along land of said Anderson a distance of 84 feet, more or less, to an iron pipe; then continuing North 61° 41' 34" East along land of said Anderson a distance of 320.91 feet to an iron pipe at other land of Aggregate Recycling Corporation; then turning and running South 20° 44' 22" East along land of said Aggregate Recycling a distance of 352.80 feet to an iron pipe; then continuing South 20° 44' 22" East still along land of said Aggregate Recycling a distance of 137.87 feet to an iron pipe; then running South 54° 13' 46" West along land of said Aggregate Recycling a distance of 269.28 feet to a point; then running South 49° 11' 34" along land of said Aggregate Recycling a distance of 68.97 feet to a point at land now or formerly of A. R. MacLellan Realty Trust; then running South 51° 12' 18" West along land of said MacLellan Trust a distance of 26 feet, more or less to the thread of the Great Brook; then turning and running northerly along the thread of Great Brook a distance of 690 feet, more or less, to the point of beginning. This parcel contains 4.5 acres of land, more or less.

Stormwater Drainage Easement. The Maine Department of Environmental Protection has issued a "Site Location of Development Act Amendment — Findings of Fact and Order" for Sarnia Properties, Inc. and Eliot Business Park docketed June 11, 2007, number L-22727-26-B-A which was partially transferred to JL's Maxi Storage by Order dated March 24, 2008 and recorded at the York County Registry of Deeds in Book 15390, Page 167. Said Order dealt with reciprocal easements involving the right to discharge stormwater into a stormwater management system located on land now or formerly of Eliot Business Park. In so far as said Order impacts the 4.5-acre Lot 4 described above these premises are conveyed subject to the terms and conditions of said Order.

DEP Orders. The premises described in the deed of Sarnia Properties, Inc. to John R. Lang dated June 18, 2007 and recorded at the York County Registry of Deeds in Book 15187, Page 226 were conveyed subject to the terms, conditions, restrictions or requirements as set forth in a State of Maine Dept. of Environmental Protect, "Site Location of Development, Water Quality Certification Findings of Fact and Order" issued to Sarnia Properties for the Eliot Business Park II, order L-22727-26-A-N recorded in the York County Registry in Book 14798, Page 172 and subject to John Lang's Land Permit, as the same findings of fact and orders may be amended or

modified in connection with the development of John Lang's land. The conveyance of the above-described Lot 4 is subject to said Order in so far as it impacts said 4.5-acre parcel.

For source of title reference is made to a warranty deed from JL's Maxi Storage to Aggregate Recycling Corporation dated July 16, 2008 and recorded in the York County Registry of Deeds in Book 15454, Page 987.

PARCEL THREE

A certain lot or parcel of land situated in the Town of Eliot, County of York and State of Maine, lying generally southerly and westerly of, but not adjacent to, Goodwin Road and generally easterly of, but not adjacent to, Route 236, and being a tract of land containing 76.2 acres, more or less, known as the gravel pit, so-called, and shown on a plan entitled, "Land of Roland A. and Marjorie L. Goodwin, 'Goodwin Pit' off Route 236, Eliot, Maine," K.E. Moore and B.G. Staples, Land Surveyors, Dover, New Hampshire, September, 1983.

Said tract of land is bounded and described as follows; BEGINNING at a point in the westerly sideline of land now or formerly of Philip and Bonnie Jennison at the southeasterly corner of land now or formerly of Leslie W. Pike; thence S 01° 02' E along said Jennison land 150.00 feet to a point; thence S 31° 33' 35" E along said Jennison land 520.60 feet to a point at a brook near the northerly corner of land conveyed to Southern Maine Fish and Game Association by deed recorded in the York County Registry of Deeds in Book 2114, Page 611; thence S 64° 26' 18" E along said Jennison land 722.91 feet to a point; thence S 89° 20' 15" E along said Jennison land 624.50 feet to a point where stands an 18-inch elm tree; thence S 18° 14' 28" E along said Jennison land 241.44 feet to a point; thence S 29° 23' E along said Jennison land 767.75 feet to a point where stands an 18-inch hemlock tree at the southeasterly corner of said Jennison land and the westerly sideline of land now or formerly of David Leavitt, formerly of Doris Leavitt and formerly of Moses E. Goodwin; thence S 44° 41' 20" W along said Leavitt land 117.32 feet to a point; thence S 53° 01' 40" W along said Leavitt land 117.08 feet to a point; thence S 53° 36' 50" W along said Leavitt land 126.14 feet to a point; thence S 47° 12' 20" W along said Leavitt land 83.39 feet to an iron pipe found at land now or formerly of John E. Hardy and Nancy T. Hardy, formerly of John S. Barnard; thence N 47° 00' W along said Hardy land 115.68 feet to a point marked by a steel stake found; thence N 84° 47' 05" W along said Hardy land 741.97 feet to a point marked by an iron pipe found; thence S 03° 36' 10" W along said Hardy land 46.71 feet to a point marked by a steel stake found; thence S 04° 17' 40" W along said Hardy land 258.38 feet to a point marked by a steel stake found; thence N 78° 30' W along said Hardy land 103.99 feet to a point marked by a drill hole; thence N 77° 26' 50" W along said Hardy land 314.99 feet to a point marked by a drill hole; thence N 76° 22' 40" W along said Hardy land 342.98 feet to a point marked by an iron pipe found; thence N 78° 35' W along said Hardy land 408.54 feet to a point marked by a steel stake at other land of said Hardy, formerly of Eben Simpson; thence N 37° 33' W along said Hardy land 233.56 feet to a point marked by a drill hole; thence N 14° 35' 50" W along said land of Hardy 74.96 feet to a point marked by a drill hole; thence N 11° 56' 05" W along said land of Hardy 322.75 feet to a point marked by a drill hole by a large dead pine tree; thence N 12° 26' W along said Hardy land 145.00 feet to a point; thence S 77° 34' W along said Hardy land 68.00 feet to a point; thence N

12° 26' W along said Hardy land 300.00 feet to a point marked by an iron pipe at land now or formerly of Leslie W. Pike; thence S 82° 49' E along said Pike land 340.00 feet to a point marked by an iron pipe; thence N 14° 36' 10" W along said Pike land 285.20 feet to a point marked by an iron pipe; thence N 14° 36' 10" W along said Pike land 112.84 feet to a point where stands a 12-inch black birch tree with wire; thence N 08° 04' 15" W along said Pike land 169.87 feet to a point; thence N 12° 32' 45" W along said Pike land 143.64 feet to a point marked by an iron pipe found; thence N 11° 26' 15" W along said Pike land by a line of iron pipes 401.10 feet to a point; thence N 04° 47' W along said Pike land 150.56 feet to a point marked by an iron pipe found; thence N 08° 40' 35" E along said Pike land 18.69 feet to a point marked by an iron pipe found; thence N 44° 37' 45" E along said Pike land 21.84 feet to a point where stands a 24-inch pine tree; thence S 71° 59' E along said Pike land 184.50 feet to a point; thence S 79° 28' E along said Pike land 175.20 feet to a point marked by an iron pipe found; thence S 65° 03' 15" E along said Pike land 203.05 feet to a point marked by an iron pipe found; thence S 58° 07' 55" E along said Pike land 87.92 feet to the land of Jennison and the point of beginning. Excepting, however, from the above-described parcel that portion thereof conveyed to Southern Maine Fish and Game Association by deed recorded in the York County Registry of Deeds in Book 2114, Page 611.

The above described premises are hereby conveyed together with a right of way over the existing gravel road which crosses property described in Indenture of Lease from Alice E. Pike and Lena C. Fox to Roland A. Goodwin and Marjorie L. Goodwin dated September 28, 1965 and recorded in York County Registry of Deeds Book 1815, Page 258.

The above described premises are conveyed together with all rights and easements appurtenant thereto, however and whenever created, including without limitation the following:

1. The right of way referenced in the deed from Francis S. Payne to Roland A. Goodwin and Marjorie L. Goodwin dated December 15, 1958 and recorded in the York County Registry of Deeds in Book 1381, Page 441;
2. The right of way referenced in the deed from Morris Goodwin to John Russell Jr. et al. dated November 6, 1854 and recorded in the York County Registry of Deeds in Book 236, Page 425;
3. The easement granted to Roland A. Goodwin and Marjorie L. Goodwin by deed of John E. Hardy Jr. and Nancy T. Hardy dated May 12, 1977 and recorded in the York County Registry of Deeds in Book 2202, Page 324;
4. The right of way granted to Roland A. Goodwin by deed of Harold L. Dow and Lora M. Dow dated January 14, 1965 and recorded in the York County Registry of Deeds in Book 1540, Page 39; and
5. The right of way reserved in the deed from Roland A. Goodwin to David J. Beth and Judy M. Beth dated July 5, 1985 and recorded in the York County Registry of Deeds in Book 3577, Page 84.

For source of title reference is made to a warranty deed from Atlantic Sand and Gravel, Inc. to Aggregate Recycling Corporation dated February 2005 and recorded in said Registry in Book 14373, Page 396 and corrective deed from Atlantic Sand and Gravel, Inc. to Aggregate Recycling Corporation dated December 9, 2005 and recorded in Book 14699, Page 687.

EXCEPTING that portion conveyed to Atlantic Sand and Gravel, Inc. by corrective deed dated December 9, 2005 and recorded in said Registry in Book 14699, Page 689 as follows:

"A certain lot or parcel of land lying northeasterly of Route 236, but not adjacent thereto, in the Town of Eliot, York County, State of Maine, said lot or parcel of land being a portion of the land described in a deed from James P. Austin and Paul Parker to Atlantic Sand and Gravel, Inc. dated September 23, 1992 and recorded at the York County Registry of Deeds in Book 7647, Page 214, said lot or parcel also being a portion of the land depicted on a plan entitled "Land Of Roland A. and Marjorie L. Goodwin, 'Goodwin Pit' off Route 236, Eliot, Maine" by K.E. Moore and B.G. Staples, Land Surveyors, Dover, New Hampshire, dated September 1983. The four (4)-acre parcel is more particularly bounded and described as follows:

Beginning at an existing 5/8-inch diameter rebar at the southeast corner of land now or formerly of Leslie W. Pike, as described in York County Registry of Deeds Book 6115, Page 333, said rebar being the southwest corner of the herein described lot or parcel of land;

thence N 14° 36' 10" W, along land now or formerly of said Pike, a distance of three hundred ninety eight and four hundredths (398.04) feet to a 12-inch diameter black birch tree with wire;

thence N 08° 04'15" W, along land now or formerly of said Pike and the remains of a barbed wire fence, a distance of one hundred sixty nine and eighty-seven hundredths (169.87) feet to a point;

thence N 12° 32'45" W, along land now or formerly of said Pike, a distance of twenty one and twenty-one hundredths (21.21) feet to a point;

thence N 75° 23'50" E, through land conveyed to Aggregate Recycling Corp., a distance of two hundred seventy nine and ninety-one hundredths (279.91) feet to a point;

thence S 14° 36'10" E, through land conveyed to Aggregate Recycling Corp., a distance of five hundred eighty eight and no hundredths (588.00) feet to a point;

thence S 75° 23'50" W, through land conveyed to Aggregate Recycling Corp., a distance of three hundred and no hundredths (300.00) feet to the Point of Beginning.

The herein-described lot or parcel of land contains 4.00 acres.

Bearings contained herein are based on Magnetic North.

The herein described lot or parcel of land is hereby conveyed together with all rights and easements appurtenant thereto, however and whenever created. Further reference is made to York County Registry of Deeds Book 7647, Page 214 for a more particular reference to easements of record."

PARCEL FOUR

Lot 1:

A parcel of land located easterly of, but not adjacent to, Route 236 in the Town of Eliot, County of York, State of Maine, said lot or parcel of land is depicted on a plan entitled "PLAN OF A PROPOSED DIVISION OF LAND OWNED BY SWEET PEAS, LLC PREPARED FOR AGGREGATE RECYCLING CORPORATION FOR LAND LOCATED OFF STATE ROUTE 236 TOWN OF ELIOT — YORK COUNTY — MAINE" dated June 14, 2007 by Civil Consultants. Said lot or parcel of land being more particularly bounded and described as follows:

Beginning at a point on a tangent curve concave to the west, on the easterly sideline of a fifty foot wide right-of-way, at other land of Aggregate Recycling Corporation, as described in a deed recorded at the York County Registry of Deeds in Book 10121, Page 274, said point bears South $12^{\circ} 55' 56''$ East, a distance of 11.56 feet from an existing 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULT PLS 2059" at the westerly end of a stone wall;

then along said tangent curve as defined by the following curve elements: having a radius of 1,627.88 feet; an arc length of 138.38 feet; a central angle of $04^{\circ} 52' 14''$; a tangent of 69.23 feet and a chord which bears North $22^{\circ} 15' 41''$ East, a distance of 138.34 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set, at land now or formerly of John Chagnon and Joni-Lynne Joseph-Chagnon, Trustees Of The Blank Key Trust, as described in a deed recorded at the York Registry in Book 9472, Page 195;

then South $87^{\circ} 17' 43''$ East, along land now or formerly of said Blank Key Trust, a distance of 241.30 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set, at other land now or formerly of Aggregate Recycling Corporation, as described in a deed recorded at the York Registry in Book 14373, Page 396;

then the following six (6) courses along land now or formerly of said Aggregate Recycling Corporation:

South $12^{\circ} 48' 18''$ East, a distance of 297.00 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

South $89^{\circ} 11' 40''$ East, a distance of 52.14 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

South 13° 18' 18" East, a distance of 285.35 feet to an existing drill hole set at the northerly end of an existing stone wall;

South 13° 18' 18" East, along said stonewall, a distance of 269.71 feet to an existing drill hole;

South 38° 41' 54" East, along said stone wall, a distance of 90.88 feet to an existing drill hole at the end of said stone wall;

South 37° 51' 50" East, a distance of 142.63 feet to an existing 5/8" diameter rebar in a pile of stones, at land now or formerly of Sweet Peas, LLC, as described in a deed recorded at the York Registry in Book 15001, Page 551;

Then South 16° 03' 52" West, severing land now or formerly of said Sweet Peas, LLC, a distance of 667.93 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

then North 53° 43' 38" West, severing land now or formerly of said Sweet Peas, LLC, a distance of 253.49 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

then South 36° 16' 22" West, severing land now or formerly of said Sweet Peas, LLC, a distance of 200.00 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

then South 53° 43' 38" East, severing land now or formerly of said Sweet Peas, LLC, a distance of 327.11 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

then South 16° 03' 52" West, severing land now or formerly of said Sweet Peas, LLC, a distance of 108.92 feet to an existing 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULT PLS 2059", at other land now or formerly of Aggregate Recycling Corporation, as described in a deed recorded at the York Registry in Book 10121, Page 274;

then North 53° 24' 06" West, along other land now or formerly of said Aggregate Recycling Corporation, a distance of 515.79 feet to an existing 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULT PLS 2059";

then North 00° 38' 14" East, along other land now or formerly of said Aggregate Recycling Corporation, a distance of 1,488.93 feet to an existing 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULT PLS 2059";

then North 12° 55' 56" West, along other land now or formerly of said Aggregate Recycling Corporation, a distance of 53.72 feet to the point of beginning.

Bearings herein are based on Magnetic North as observed in 1982.

The land described in this deed contains 19.65 acres, more or less.

Meaning to describe and conveying a portion of the premises described in the deed of Jean M. Hardy to Sweet Peas, LLC dated October 25, 2006 and recorded at the York County Registry of Deeds in Book 15001, Page 551.

Excepting and reserving to Sweet Peas, LLC, its successors and assigns a 50 foot wide easement to be used as a right of way over and across the above described 19.65 acre parcel. This right of way may be used on foot, or with vehicles, in common with others and for the installation, maintenance, repair and replacement of utilities, all as may be required to service the future development of land retained by Sweet Peas, LLC, its successors and assigns. This easement may be constructed, maintained, repaired and paved. The easement shall commence at the northwesterly corner of the above described 19.65 acre parcel and then extend in a southerly direction with the centerline to be the centerline of an existing gravel roadway.

The 50 foot wide easement described above is reserved subject to the right of grantee, its successors or assigns, to relocate the physical right of way at a future date, provided, however, that the points of beginning and ending of the centerline of the easement shall not be altered unless otherwise agreed to, in writing, by grantee, its successors and assigns and Sweet Peas, LLC, its successor and assigns. Such relocation shall be at the sole expense of grantee, its successors or assigns and shall not impede or make unreasonable the continued access of Sweet Peas, LLC, its successors and assigns across the right of way. Any relocated right of way shall be at least equal to the existing right of way in terms of width, construction and composition.

Lot 2:

Also conveying the fee simple interest in and to a certain parcel of property located in the Town of Eliot, County of York and State of Maine that is currently used as a 50 foot wide private right-of-way and is bounded and described as follows:

Beginning at a point on the northerly sideline of the herein described premises at a point on the easterly corner of land now or formerly of Jan I. Hardy; then from the point of beginning proceeding northeasterly along land of Aggregate Recycling Corp as described in a deed recorded at the York County Registry of Deeds in Book 8586, Page 63 on the following courses and for the following distances: on a curve having a radius of 544.33 feet, a distance of 88.24 feet to a point; then North 52° 09' 44" East a distance of 462 feet to a point; then along a curve having a radius of 920.13 feet for a distance of 94.76 feet to a point; then North 46° 15' 41" East a distance of 134.10 feet to a point; then along a curve having a radius of 434.22 feet a distance of 115.88 feet to a point; then along a curve having a radius of 1577.88 feet a distance of 260 feet to a point; then North 35° 55' 56" West a distance of 33.75 feet to an iron pin in a stone wall at land now or formerly of Leslie W. Pike; then turning and running South 87° 17' 43" East for a distance of 80 feet, more or less, to the location of a 5/8" rebar with plastic cap to be set; then southerly along the above described 19.65 acre parcel on a tangent curve having a radius of 1,627.88 feet; an arc length of 138.38 feet; a central angle of 04° 52' 14" a tangent of 69.23 feet and an arc length of 138.38 feet; then turning and running southwesterly along land of Aggregate Recycling Corp as described

in a deed recorded at the York County Registry of deeds in Book 10121, Page 274 on the following courses and for the following distances: running on a non-tangent curve to the southwest having a radius of 1627.88 feet with a length of 178.26 feet, having a chord bearing of South 27° 50' 01" West with a distance of 178.17 feet to an existing iron pin; then on a tangent curve to the southwest having a radius of 484.22 feet with a length of 129.22 feet, having a chord bearing of South 38° 36' 58" West a distance of 128.84 feet to an existing iron pin; then South 46° 15' 41" West 134.10 feet to an existing iron pin; then on a tangent curve with a radius of 970.13 feet with a length of 99.91 feet having a chord bearing of South 49° 12' 43" West with a distance of 99.87 feet to an existing iron pin; then South 52° 09' 44" West for 462 feet to an existing iron pin; then on a non-tangent curve with a radius of 594.33 feet with a length of 96.21 feet; having a chord bearing of South 56° 47' 59" West with a length of 96.10 feet; then turning and running northwesterly for a distance of 50 feet, more or less, to other land of said Aggregate Recycling as described in a deed recorded at Book 8586, Page 63 and being the point of beginning.

Excepting and reserving to Sweet Peas, LLC, its successors and assigns a 50 foot wide easement to be used as a right of way on the above described 50 foot wide premises, all as may be required to service the future development of land retained by Sweet Peas, LLC, its successors and assigns. This right of way may be used on foot, or with vehicles, in common with others and for the installation, maintenance, repair and replacement of utilities. The easement may be constructed, maintained, repaired and paved.

Also conveying an appurtenant 50 foot wide easement to be used in common with Sweet Peas, LLC and others, as a right of way over land lying between the easterly sideline of Route 236 and the westerly sideline of those premises owned by Aggregate Recycling Corporation as described in the deed recorded at the York Registry in Book 10121, Page 274. Said easement may be used on foot or with vehicles and to install, connect and maintain utilities over, under and across said right of way, all as may be required to service the future development of land owned by Aggregate Recycling Corporation, its successors and or assigns. The location of said easement is shown as "Right of Way or Easement" on a Standard Boundary Survey prepared for Lora M. Dow by Thomas F. Moran, Inc. dated May 17, 1990 and recorded at the York County Registry of Deeds in Plan Book 194, Page 28 and more particularly described as follows:

A certain right of way or easement extending easterly from Route 236 beginning at the easterly sideline of said Route 236 at land now or formerly of Tobey and running N 25° 35' 06" W along said easterly sideline 50 feet; thence turning and running N 64° 24' 54" E 194.16 feet to a curve to the left having a radius of 205.71 feet; thence running N 48° 24' 40" E 200 feet to a curve to the right having a radius of 300.49 feet; thence by said curve 114.28 feet to the end thereof; thence running N 70° 12' 2" E 327.88 feet to a curve to the right having a radius of 225 feet; thence by said curve 23.63 feet, more or less, to the center line of Great Brook; thence running S 17° 25' 55" E along said center line a distance of 50.13 feet to a point on a curve having a radius of 175 feet; thence by said curve westerly a distance of 21.57 feet to the end thereof; thence running S 70° 12' 02" W 327.88 feet to a curve to the left having a radius of 250.49 feet; thence by said curve 95.26 feet to the end thereof; thence running S 48° 24' 40" W 200 feet to a curve to the right having a radius of 255.71 feet; thence by said curve 71.43 feet to the end thereof; thence running S 64° 24' 54" W 194.16 feet to the point of beginning.

Also conveying an appurtenant 50 foot wide easement to be used in common with Sweet Peas, LLC and others, as a right of way on and over the private way known as Littlebrook Lane and from Littlebrook Lane to the 19.65 acre parcel of land described in this deed. From Littlebrook Lane this easement is to run northwesterly along an existing roadway to a taxiway located adjacent to and southwesterly of an existing airport runway. The easement is to extend along the taxiway to the southerly sideline of the above-described 19.65-acre parcel. This right of way may be used on foot, or with vehicles, in common with others and for the installation, maintenance, repair and replace of utilities all as may be required to service the future development of land owned by Aggregate Recycling Corporation, its successors and or assigns. This easement may be constructed, maintained, repaired and paved.

That section of the above described 50 foot wide easement extending from Littlebrook Lane is conveyed subject to the right of Jean M. Hardy, Sweet Peas, LLC or their successors or assigns, to relocate the physical right of way at a future date. Such relocation shall be at the sole expense of Jean M. Hardy, Sweet Peas, LLC or their successors or assigns and shall not impede or make unreasonable the continued access of grantee, its successors and assigns across the right of way. Any relocated right of way shall be at least equal to any existing right of way in terms of width, construction and composition.

The grantee herein acknowledges the existence of Littlebrook Airpark, a private airport which lies in close proximity to the land hereby conveyed and does for itself, its successors and assigns, covenants not to erect or construct any structure, lights, poles or other obstacles which will interfere with the current flight path of aircraft taking off or landing at said airport or with the airspace around said airport, nor shall this Grantee engage in any activity or do any act that would cause Littlebrook Airpark to be in violation of any current local, state or federal statute, rule or ordinance in the operation of a private airport.

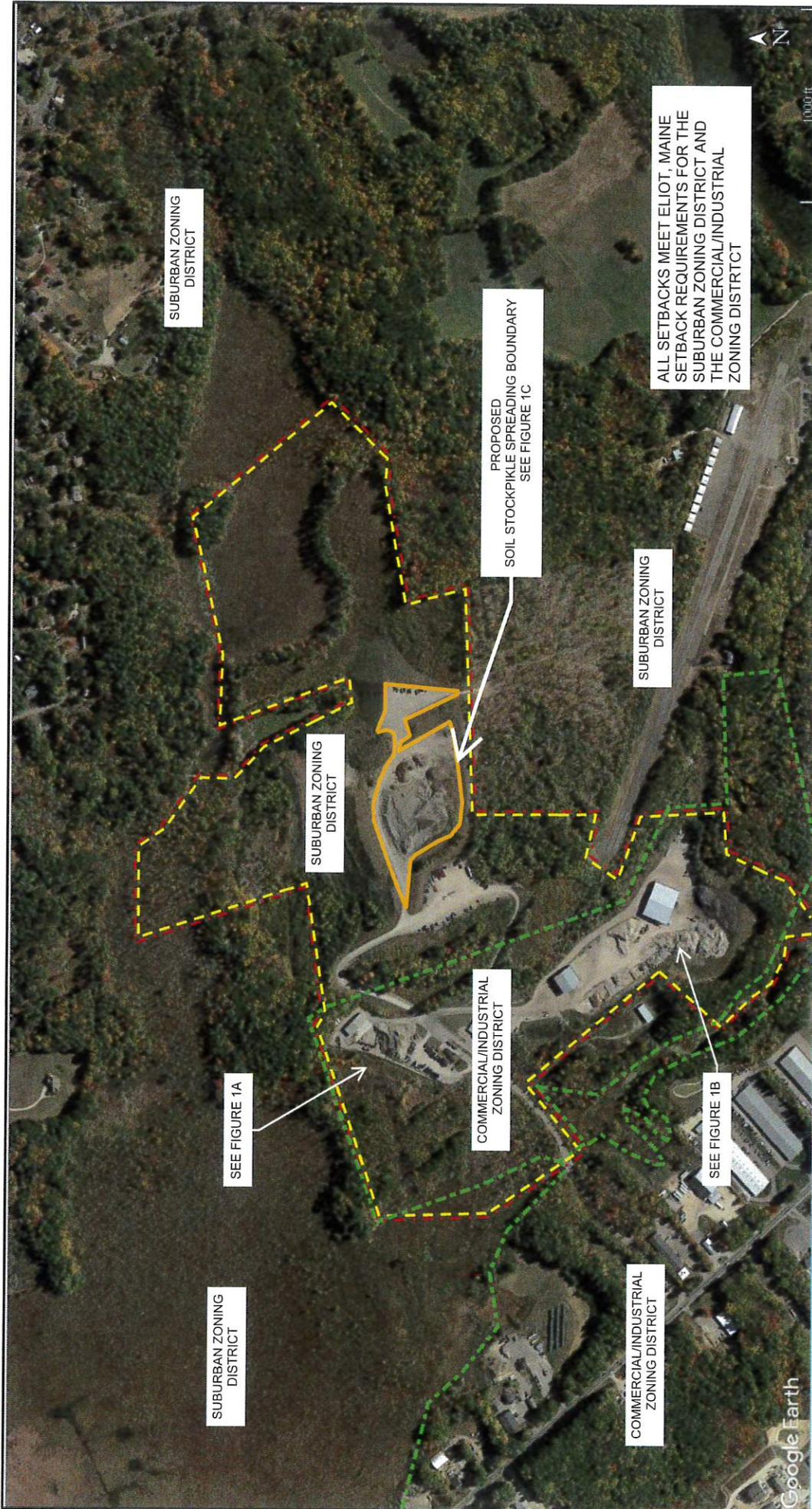
For source of title, reference is made to a Quitclaim Deed with Covenant from Sweet Peas, LLC to Aggregate Recycling Corporation dated August 8, 2007 and recorded in the York County Registry of Deeds in Book 15231, Page 768.

Excepting that portion of the above described premises conveyed to John Chagnon and Joni Lynne Joseph-Chagnon by quitclaim deed dated December 19, 2008 and recorded in the York County Registry of Deeds in Book 15540, Page 778, bounded and described as follows:

“That certain sliver of land, approximately 3,600 sq. ft. in size, bounded on its generally northerly side by the generally most northerly sideline of that certain lot or parcel of land described in a deed from Sweet Peas, LLC to Aggregate Recycling Corporation dated August 8, 2007 and recorded in the York County Registry of Deeds in Book 15231, Page 768, and being more particularly described and shown in Detail A on that certain survey plan entitled "Standard Boundary Survey for Blank Key Trust," drawn by Ambit

Engineering, Inc., dated November 6, 2008 and recorded in the York County Registry of Deeds in Plan Book 334, Page 37.

Meaning and intending to convey, and hereby conveying, that small, four-sided sliver of land shown in Detail A on said survey plan for the purpose of resolving a minor common lot line discrepancy between the parties to this deed. Reference may also be had to the deed into the Grantees herein, recorded in said Registry of Deeds in Book 9472, Page 195, in which the most southerly lot line of the Grantees' property as described therein is coincident with the most southerly lot line of the lot or parcel of land conveyed herein over a length of approximately 250.03' as shown in Detail A on said survey plan and also being coincident for that same distance as the southerly line of the Grantees' property as shown on another survey plan dated November 1989 and recorded in said Registry of Deeds in Plan Book 200, Page 25."



SUBURBAN ZONING DISTRICT

PROPOSED SOIL STOCKPILE SPREADING BOUNDARY SEE FIGURE 1C

ALL SETBACKS MEET ELIOT, MAINE SETBACK REQUIREMENTS FOR THE SUBURBAN ZONING DISTRICT AND THE COMMERCIAL/INDUSTRIAL ZONING DISTRICT

1000 ft



SEE FIGURE 1A

SUBURBAN ZONING DISTRICT

COMMERCIAL/INDUSTRIAL ZONING DISTRICT

SEE FIGURE 1B

SUBURBAN ZONING DISTRICT

SUBURBAN ZONING DISTRICT

COMMERCIAL/INDUSTRIAL ZONING DISTRICT

- LEGEND**
- - - PROPERTY BOUNDARY
 - - - EXISTING SOIL STOCKPILE AREA, SOIL TO BE SPREAD AT A CONSISTENT THICKNESS WITHIN THE EXISTING BERMS.
 - - - SETBACK FROM ABUTTING PROPERTY
 - - - ZONING DISTRICT BOUNDARY

NOTES
 BOUNDARIES AND SITE FEATURES ARE APPROXIMATE
 SOURCE: GOOGLE EARTH, 10-10-2022

SETBACKS – SOIL SPREADING AREA

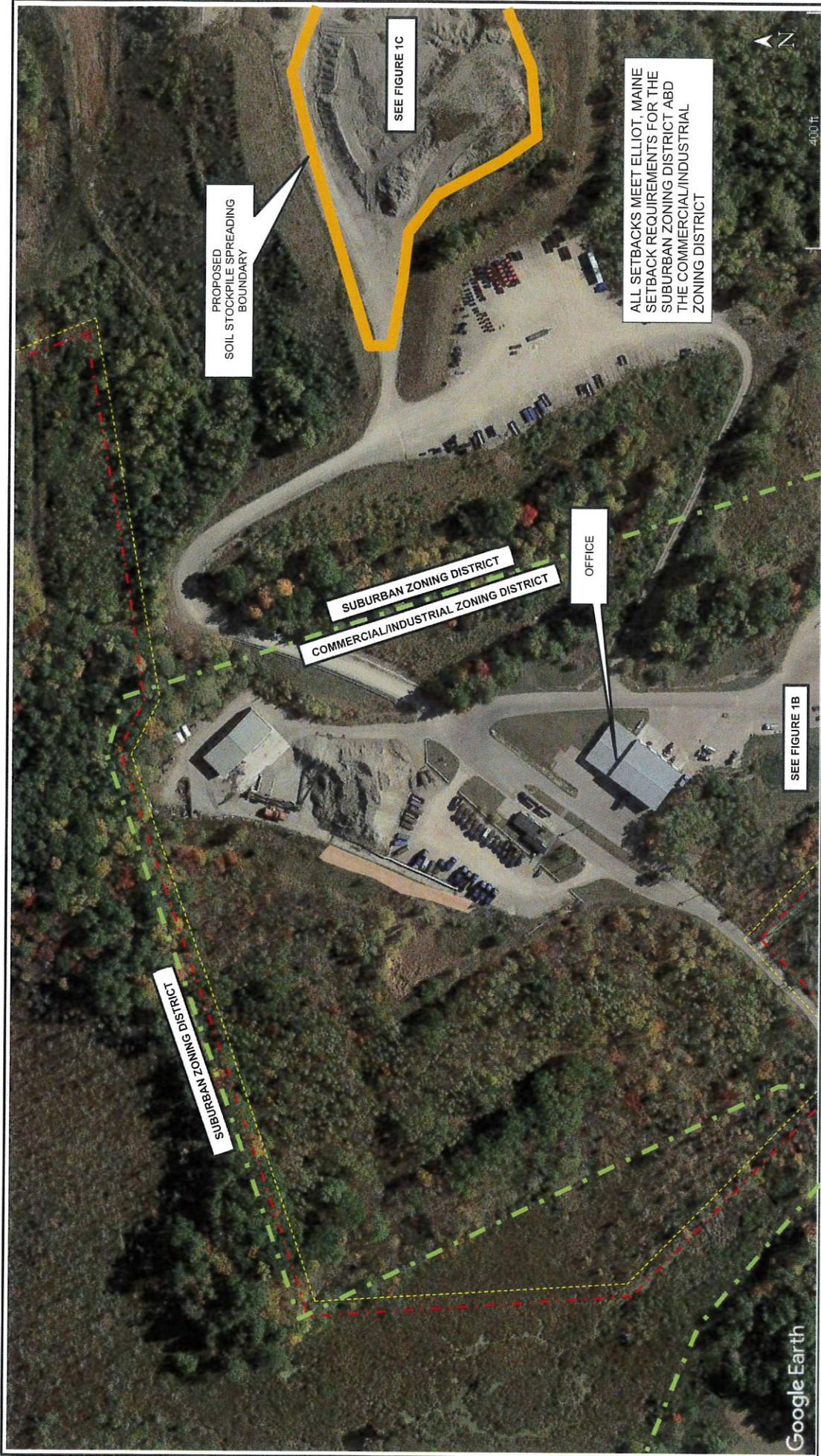
WIN WASTE
 434 DOW HIGHWAY
 ELIOT, ME

DATE: 4-25-2023 SCALE: SEE ABOVE PROJECT NO. 2230-0001 FILE: FIGURE 1

WIN WASTE INNOVATIONS
 100 SALEM TURNPIKE
 SAUGUS, MA 01906



FIGURE 1



| | | | |
|---|---|--|---|
| <p>LEGEND</p> <ul style="list-style-type: none"> - . - . - PROPERTY BOUNDARY - - - - - SETBACK FROM ABUTTING PROPERTY - - - - - EXISTING SOIL STOCKPILE AREA. SOIL TO BE SPREAD AT A CONSISTENT THICKNESS WITHIN THE EXISTING BERM. — — — — — ZONING DISTRICT BOUNDARY | <p>NOTES</p> <p>BOUNDARIES AND SITE FEATURES ARE APPROXIMATE</p> <p>SOURCE: GOOGLE EARTH, 10-10-2022</p> | <p>SETBACKS – SOIL SPREADING AREA</p> <p>WIN WASTE 434 DOW HIGHWAY ELLIOT, ME</p> <p>SCALE: SEE ABOVE PROJECT NO. 223P-0001 FILE: FIGURE 1A</p> | <p>WIN WASTE INNOVATIONS 100 SALEM TURNPIKE SAUGUS, MA 01906</p> <p>St.Germain 848 Main St., Westbrook, Maine 04092 207-581-7000 • StGermain.com</p> <p>FIGURE 1A</p> |
|---|---|--|---|

SEE FIGURE 1C

PROPOSED STOCKPILE SPREADING BOUNDARY

ALL SETBACKS MEET ELLIOT, MAINE SETBACK REQUIREMENTS FOR THE SUBURBAN ZONING DISTRICT AND THE COMMERCIAL/INDUSTRIAL ZONING DISTRICT

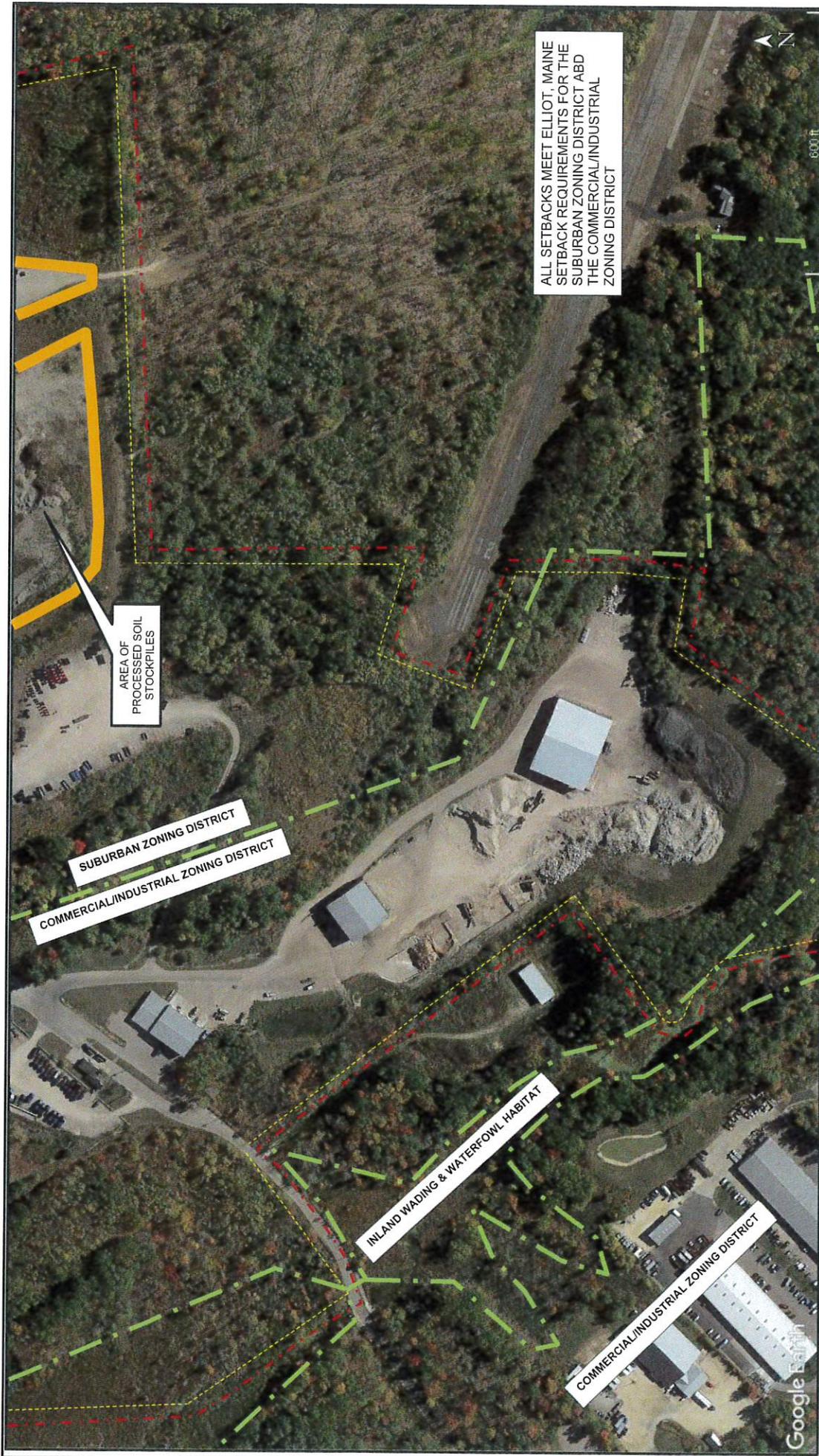
SUBURBAN ZONING DISTRICT
COMMERCIAL/INDUSTRIAL ZONING DISTRICT

OFFICE

SEE FIGURE 1B

SUBURBAN ZONING DISTRICT

Google Earth



ALL SETBACKS MEET ELLIOT, MAINE SETBACK REQUIREMENTS FOR THE SUBURBAN ZONING DISTRICT AND THE COMMERCIAL/INDUSTRIAL ZONING DISTRICT

AREA OF PROCESSED SOIL STOCKPILES

SUBURBAN ZONING DISTRICT
COMMERCIAL/INDUSTRIAL ZONING DISTRICT

INLAND WADING & WATERFOWL HABITAT

COMMERCIAL/INDUSTRIAL ZONING DISTRICT

| | | |
|--|--|---|
| <p>SETBACKS - SOIL SPREADING AREA</p> <p>WIN WASTE 434 DOW HIGHWAY ELIOT, ME</p> | | <p>DATE: 4-10-2023</p> <p>SCALE: SEE ABOVE</p> <p>PROJECT NO. 2230-0001</p> <p>FILE: FIGURE 1B</p> |
| <p>BOUNDARIES AND SITE FEATURES ARE APPROXIMATE</p> <p>SOURCE: GOOGLE EARTH, 10/10-2022</p> | | <p>WIN WASTE INNOVATIONS 100 SALEM TURNPIKE SAUGUS, MA 01906</p> <p>St.Germain 846 Main St., Westbrook, Maine 04092 207-591-7000 - Stgermain.com</p> |
| <p>LEGEND</p> <ul style="list-style-type: none"> - - - PROPERTY BOUNDARY █ EXISTING SOIL STOCKPILE AREA, SOIL TO BE SPREAD AT A CONSISTENT THICKNESS WITHIN THE EXISTING BERMS. █ SETBACK FROM ABUTTING PROPERTY █ ZONING DISTRICT BOUNDARY | | <p>FIGURE 1B</p> |

NOTES

BOUNDARIES AND SITE FEATURES ARE APPROXIMATE

SOURCE: GOOGLE EARTH, 10/10-2022





PROPOSED
SOIL STOCKPILE SPREADING
BOUNDARY

AREA OF
PROCESSED SOIL
STOCKPILES

EMPTY
CONTAINER
STAGING

SUBURBAN ZONING DISTRICT
COMMERCIAL/INDUSTRIAL ZONING DISTRICT

ALL SETBACKS MEET ELLIOT, MAINE
SETBACK REQUIREMENTS FOR THE
SUBURBAN ZONING DISTRICT AND
THE COMMERCIAL/INDUSTRIAL
ZONING DISTRICT

Google Earth

LEGEND

- - - PROPERTY BOUNDARY
- - - EXISTING SOIL STOCKPILE AREA, SOIL TO BE SPREAD AT A CONSISTENT THICKNESS WITHIN THE EXISTING BERMS.
- - - SETBACK FROM ABUTTING PROPERTY
- - - ZONING DISTRICT BOUNDARY

NOTES

BOUNDARIES AND SITE FEATURES ARE APPROXIMATE
SOURCE: GOOGLE EARTH, 10-10-2022

SETBACKS – SOIL SPREADING AREA

WIN WASTE
434 DOW HIGHWAY
ELLIOT, ME

DATE: 5-01-2023 SCALE: SEE ABOVE PROJECT NO: 2230-0001 FILE: FIGURE 1C

WIN WASTE INNOVATIONS
100 SALEM TURNPIKE
SAUGUS, MA 01906



FIGURE
1C

1 **ITEM 1 - ROLL CALL**
2

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

5
6 Also Present: Jeff Brubaker, Town Planner.

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

9
10 NOTE: Mr. Brubaker said that I have a conflict with a Notice of Decision and will recuse
11 myself from that review.

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

14
15 **ITEM 3 – MOMENT OF SILENCE**

16
17 **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

18
19 There was no public input.

20
21 **ITEM 5 – REVIEW AND APPROVE MINUTES**

22
23 There were no minutes reviewed.

24
25 **ITEM 6 – NOTICE OF DECISION**

26
27 NOTE: Mr. Brubaker recused himself from this review as it had to do with the Water and
28 Sewer Project, of which he was de facto interim project manager.

29
30 **147 Beech Road & 0 Harold L. Dow Highway (Map 29/Lot 4 & Map 36/Lot 13)**
31 **PB22-16**

32
33 **Ms. Bennett moved, second by Mr. Latter, that the Planning Board accept the**
34 **Notice of Decision for Map 29/Lot 4 & Map 36/Lot 13, 147 Beech Road and 0**
35 **Harold L. Dow Highway, as written.**

36 **VOTE**

37 **4-0**

38 **Motion approved**

39
40 **ITEM 7 – PUBLIC HEARING**

41
42 **A. 276 Harold L. Dow Highway (Map 37/Lot 9), PB22-14: Site Plan**
43 **Amendment/Review and Change of Use – Marijuana Products Manufacturing**
44 **Facility – sketch plan review.**

45
46 **Received: June 29, 2022**

47 **1st Heard: August 16, 2022 (sketch plan review)**
48 **2nd Heard: October 4 2022 (site plan review/completeness)**
49 **3rd Heard: October 18, 2022 (continued review/Public Hearing/approval)**
50 **Public Hearing: October 18, 2022**
51 **Site Walk: N/A**
52 **Approval: October 18, 2022**

53
54 Mr. (Mike) Sudak, E.I. (Attar Engineering) was present for this application.

55
56 **6:05 PM Public Hearing opened.**

57
58 Mr. Sudak said that this is a previously-approved site plan, with three sets of buildings.
59 The one closest to Harold Dow Highway is a primary caregiver facility. Building 2 in the
60 back is a marijuana cultivation facility and the one in the middle is adult use retail. All
61 that we are here before you tonight for is to have an amendment to convert about 600
62 square feet of the large building in the back (Building #2). You see the small, little
63 polygon that Mr. Brubaker is highlighting. We would convert that space from adult use
64 cultivation into adult use marijuana manufacturing. There won't be any change to the
65 exterior of the building. No change in impervious. No change in hours of operation,
66 employees, traffic, anything to speak of. We provided you a new interior floor plan for
67 that building and that is really it.

68
69 There was no public comment.

70
71 **6:07 PM Public Hearing closed.**

72
73 Ms. Braun asked if everyone was ready to move forward.

74
75 Mr. Latter said that it doesn't seem to be a huge change in scope. All you're doing is
76 somewhat changing how you're utilizing an already-existing approved marijuana
77 business to add a process.

78
79 Ms. Bennett said that I think everything is in order. It has met our code. I do want to just
80 call out an item in the Planner's notes regarding the water and sewer, §45-416, as was
81 described in the previous application for this site. The septic system has had some issues.
82 The applicant indicated at our August meeting that they would be open to fixing the riser
83 as identified as failing. I would like to include that as a part of the conditions of approval,
84 if we move in that direction tonight.

85
86 Mr. Sudak said that we are amenable to that.

87
88 Mr. Leathe had no comments.

89
90 Mr. Brubaker said that I just wanted to note that my recommendation is approval, with
91 conditions, and my template approval motion is on page 5.

92

93 Ms. Braun said that, if the PB was satisfied, the Chair would accept a motion.
94

95 **Mr. Latter moved, second by Ms. Bennett, that the Planning Board approve PB22-**
96 **14: Site Plan Amendment/Review and Change of Use to add a Marijuana Products**
97 **Manufacturing Facility to the existing approved uses at 276 Harold L. Dow**
98 **Highway. The following are conditions of approval:**

- 99 1. The property may be developed and used only in accordance with the plans,
100 documents, material submitted, and representations of the applicant made
101 to the Planning Board. All elements and features of the use as presented to
102 the Planning Board are conditions of approval and no changes in any of
103 those elements or features are permitted unless such changes are first
104 submitted to and approved by the Eliot Planning Board. Copies of approved
105 permits from Maine DEP, Army Corps of Engineers, if applicable, and State
106 shall be provided to the CEO before construction on this project may begin.
107 2. The permit is approved on the basis of information provided by the
108 applicant in the record regarding the ownership of the property and
109 boundary location. The applicant has the burden of ensuring that they have
110 the legal right to use the property and that they are measuring required
111 setbacks from the legal boundary lines of the lot. The approval of this
112 permit in no way relieves the applicant of this burden. Nor does this permit
113 approval constitute a resolution in favor of the applicant of any issues
114 regarding the property boundaries, ownership, or similar title issues. The
115 permit holder would be well-advised to resolve any such title problems
116 before expending money in reliance on this permit.
117 3. The applicant authorizes inspection of premises by the Code Enforcement
118 during the term of the permit for the purposes of permit compliance.
119 4. Prior to the issuance of a Certificate of Occupancy, Applicant shall fix the
120 brick-and-mortar riser issue identified in the septic inspection report from
121 Dave Anderson, Septic Inspector, dated 2/18/2022, Report #8527, and shall
122 provide to the Code Enforcement Officer a follow-up inspection report from
123 a qualified inspector confirming that the issue has been fixed.
124 5. Prior to commencing operation, Applicant shall provide to the Code
125 Enforcement Officer their approved commercial processing license (or
126 similar, as applicable) from the State of Maine.
127

128 **VOTE**

129 **4-0**

130 **Motion approved**

131
132 Ms. Braun said that the application stands approved and there is a 30-day period from
133 which the PB decision can be appealed by an aggrieved person or parties – move forward
134 but move forward cautiously.
135

136 **ITEM 8 – NEW BUSINESS**

137
138 No new business.

139
140
141
142
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ITEM 9 – OLD BUSINESS

A. 771/787 Main Street (Map6/Lots 43, 44, 154), PB22-09: Clover Farm Subdivision (8 lots) – Preliminary Plan Review

- Received: April 12, 2022**
- 1st Heard: May 17, 2022 (subdivision site plan review/sketch plan)**
- 2nd Heard: June 21, 2022 (continued sketch plan review)**
- Site Walk: May 31, 2022**
- Approval: July 26, 2022 (Sketch Plan approval)**
- Received: August 24, 2022 (Preliminary Plan Review)**
- 1st Heard: September 20, 2022 (continued Preliminary Plan review)**
- 2nd Heard: October 18, 2022**

Mr. (Michael) Sudak, E.I.T. (Attar Engineering, Inc.), was present for this application.

Mr. Sudak updated from the last meeting. Test pits for both of our stormwater detention area on-site has been provided and added to the plan set. This plan page should look exactly the same as the last time we saw you with the exception of Lot 7. That building footprint and driveway which was previously further to the left of the page, closer to the river, just a revision at the behest of the clients, so that got pushed away from the cul-de-sac. It now comes off the main travelway and the added benefit is that it is further away from Park Street. It will impact less of the tree line. Besides that, just some minor updates to the stormwater from that change. I also included my correspondence with the DEP. I actually got a comment on a stormwater PBR, which I don't think I've ever gotten. Just a couple minor comments from them that I am working through addressing. The big thing is that I got my first comments from Steve Harding with Sebago Technics, the stormwater review. I'd be happy to go through that at a surface level, if you would like. He asked Mr. Brubaker to pull up the appropriate plan sheet. Overall, I think some pretty manageable comments from Mr. Harding. If you recall, we're going to have a sidewalk in this development on the north side of the cul-de-sac and all the way around the back of the cul-de-sac. For the south side of the road, stormwater management is pretty easy. It just sheets off the road into a roadside swale with a couple of culvert crossings that go down to the detention pond between Lots #6 & 7. On the north side, because of the radius of the sidewalk, it's a little bit more complicated. I tried my best to avoid having a closed system to be installed and Mr. Harding basically said that I did need to have a closed system. So, what we're going to have, moving forward, is catchbasins at the entrances to driveways #2, #3, and #4, and the shared for driveway #5 & #6. No longer will the run-off from the north side of the road be sheeting across the rights-of-way and creating a potentially dangerous condition for pedestrians in the winter. So, it's all going to be contained in a closed system that runs down into the cul-de-sac, then runs into the detention pond, and in the exact same location that you previously saw. So, that's the big one. I should be getting a full submission out to Mr. Harding I'm hoping tomorrow. Regarding the rest of his comments, he wants typical roadway details now that we have

185 some catchbasins in the infrastructure defined, then some minor comments on erosion
186 and sedimentation control. Overall, amenable and the direction the project is going in
187 anyway. I think that's all I have. I would be happy to entertain any questions.
188

189 Ms. Bruan said that I'm not quite clear on how you're going to address 'this' comment,
190 #13 (Sebago Technics), on Erosion and Sedimentation issues.
191

192 Mr. Sudak said, regarding temporary construction entrance, that is very boiler-plate that I
193 can added to our detail sheet. That's just about the first 50 feet of out proposed entrance
194 preventing dust and dirt from getting out onto Main Street. He wants check dams
195 described in our roadside vegetated swales, particularly the south side. I'd be happy to
196 place those as the DEP recommends. Also, additional erosion and sedimentation controls
197 on Lot #7 and #8. The lots, themselves, not the drainage that goes into the roadside swale
198 because, if we are having an impact on these lots, we want to have E&S controls back
199 here before it gets into that natural swale that goes down to the river. That's no problem.
200

201 Mr. Brubaker said that I did want to give an update on the third-party review and the
202 parks & rec payment-in-lieu. I'm still searching for a third-party review consulting firm
203 on that. I had one that I thought was going to bite but they ended up backing out because
204 they felt they couldn't provide what we needed for a cost that would be appropriate for a
205 typical third-party review. I continue to search for that even as we potential move into
206 next steps with this review. Regarding two additional test pits, you see those were
207 included in your packet. Mr. Sudak, I don't know if you wanted to talk more about those,
208 but they both found moderately well-drained soils. One of the things that the third-party
209 review mentioned was potential for, based on the test pit results, the seasonal high water
210 tables may be encroached upon with the dating of the storm water facilities.
211

212 Mr. Sudak said that the test pit data showed that the depth to refusal, in this case the
213 seasonal high water table, was about a foot and a half below existing grade. Mr. Harding
214 did raise the question of whether or not we're going to be interacting with that with our
215 excavation for the stormwater management area. My position is no because we're
216 building up the greatest cut-and-fill on the site that is the area we are filling to raise the
217 cul-de-sac up, partly to avoid that and partly because I wanted to have enough relief for
218 the stormwater management area, itself, if everything is going to drain by gravity before
219 we had catchbasins. Now we have catchbasins. I am going to provide evidence to Mr.
220 Harding that that's not going to be interacted with. If he comes back and says that the
221 bottom of it has to be lined with water-impermeable geotextiles, then so be it. But, the
222 detention pond can also come up, if I need to, so we have some wiggle room. I don't
223 think it's going to be a barrier to the hydro-cad model, moving forward.
224

225 Mr. Brubaker said that, regarding some other notes, Mr. Sudak did provide standard
226 specifications to add further detail how the road base and subbase would be built to the
227 Town's standards in Chapter 37. Also, that the top soil removal would be limited to only
228 the developed areas. Two curb radius and right-of-way radius points have been addressed
229 related to other standards in Chapter 37. Site _____ triangles have been added to the plan
230 set to show that there will be adequate visibility for turning vehicles on Main Street. Mr.

231 Sudak talked about the Lot #7 building footprint change and the stormwater PBR. I also
232 wanted to note that, Mr. Sudak in his cover letter, put a statement in regarding that they
233 would like to go with Option #2 for the performance guarantee. That's the 'no lot sales or
234 building permits' until the infrastructure has been completed. Our CEO and I have been
235 talking about how that may affect the existing building permit that Mr. Glidden is in the
236 process of with regard to his property. Ms. Bishop (CEO) has joined the Zoom. I don't
237 know if she wants to weigh in at this point but it is still something we are reviewing.
238 Reviewing the utilities, an 8" water main with fire hydrant, a 2" force main, and a pump
239 station would be built, I think. Is that correct.

240
241 Mr. Sudak said that all the lots are proposed to be outfitted with an E1 personal grinder
242 pump within their lowest level. I am working with the Kittery Sewer District but
243 apparently the Director of the Public Works Highway Division in Eliot handles that.
244 Right now, the belief from all parties is that the E1s will be able to handle it and a pump
245 station won't be necessary. If that's something that the PB wants to vet against maybe
246 Mr. Harding, moving forward, or just his impression moving forward, I'd be happy to
247 offer that up. But, as it stands right now, and previously spoken about that a pump station
248 would be required, it would be installed. One is not proposed.

249
250 Ms. Bennett asked if Mr. Sudak could explain what an E1 is.

251
252 Mr. Sudak said that it's a 1-inch force main with a grinder pump that basically grinds the
253 effluent with enough force to go out to where the gravity line on Main Street is. It's pretty
254 standard for developments of this size. I did one in Kittery that was 6 lots. I did one in
255 Kennebunkport that was 10 lots. All of them ended in a cul-de-sac of about this length.
256 E1s were sufficient to get out to gravity systems.

257
258 Mr. Brubaker said that there will be an underground utility line, and regarding the tree
259 buffer, the plan shows the proposed clearing limits, as well as 24"+ diameter trees to be
260 preserved with an arborvitae buffer on the southeastern end.

261
262 Ms. Braun asked if they were deer-resistant arborvitae.

263
264 Mr. Sudak said that they are northern pillar, as prescribed. (Used in Seacoast Crane
265 project)

266
267 Mr. Brubaker said that you see a motion template in my staff report. I do recommend that
268 you do deem the preliminary application complete with the stipulation that, with their
269 next submittal, you see those stormwater third-party review updates and authorizing the
270 PB Chair and Town Planner to give written authorization of completeness. Then, if you
271 want to go in that direction, I would recommend that the next step is that a public hearing
272 would need to be held within 30 days and I would recommend November 15th for that;
273 that for subdivisions, by State law we actually have to do two subsequent newspaper
274 notices, so we need the time to do those as well as the abutter mailings.

275
276 Ms. Braun asked how the PB felt about moving this application forward.

277
278 Ms. Bennett said that I think it's moving along very nicely. I just have one
279 question/comment that was raised in the Planner's review about creating an easement on
280 Lots #6 and #7 for the stormwater and how Mr. Sudak feels about that.

281
282 Mr. Sudak said that that was the intent. All the other stormwater management
283 components are naturally within the right-of-way of the road, so, an extension would be
284 necessary for the detention pond in the side yard setback between Lots #6 and #7. That
285 easement will be incorporated into the plan.

286
287 Mr. Latter said that I support moving forward. Just note that I'm not here on November
288 15th and I want to make sure you have a quorum.

289
290 PB members were ready to move forward.

291
292
293 **Mr. Latter moved, second by Ms. Bennett that the Planning Board deem the**
294 **preliminary plan application for PB22-9 complete, per §41-141, with the stipulation**
295 **that, with their next submittal, the applicant address the stormwater third-party**
296 **review comments and any Planning Board review comments. The Chair is**
297 **authorized to work with the Town Planner to give written notification of**
298 **completeness to the applicant. Per §41-145, the public hearing shall be set for**
299 **November 15, 2022.**

300 **VOTE**
301 **4-0**
302 **Motion approved**

303
304 NOTE: At this time, Mr. Brubaker asked if the Chair would want to entertain any
305 changes to the agenda sequencing or keep the agenda sequencing as it is.

306
307 Ms. Braun said that, if we could change it, I would like to. Are all the other participants
308 here for 143.

309
310 Mr. Sudak said that he was fine with the change.

311
312 Mr. Brubaker said that I do see two representatives on Zoom.

313
314 Ms. Braun said that we will change the agenda to hear the 143 Harold Dow Highway
315 application at this time.

316
317 **B. 143 Harold L. Dow Highway (M23/L25), PB22-13: Site Plan Review and Change**
318 **of Use – Adult Use Marijuana Retail Store and Medical Marijuana Dispensary –**
319 **Sketch Plan Review.**

320
321 **Received: June 3, 2022**
322 **1st Heard: August 2, 2022 (sketch plan review)**

323 **2nd Heard: September 20, 2022**
324 **Public Hearing: _____, 2022**
325 **Site Walk: _____, 2022**
326 **Approval: _____, 2022**
327

328 On Zoom, Attorney Michelle Delmar, representing Joshua Seymour, the applicant for the
329 marijuana store, and Attorney Phillip Giordano, were present for this application.
330

331 Attorney Giordano said that I would just like to ask whether or not the Board has
332 received the materials that the applicant submitted. We received, as you may know, a
333 document from Mr. Brubaker, and the Planner sent it to us this afternoon, an affidavit of
334 Mr. Widi with certain attachments. This affidavit which we received at about 2:06 this
335 afternoon indicated that there were allegedly individuals that were living at the property
336 at 150 Harold L. Dow Highway. We responded to that. I just want to make sure that
337 everyone has a copy of the material that we sent. They are voluminous and I recognize
338 that you may not have had a complete opportunity but the summary memorandum states
339 for itself what the information essentially provides. Could I get a confirmation that the
340 materials are available.
341

342 Mr. Brubaker said that, once I received the email from you, I did forward that to the PB
343 members.
344

345 Ms. Bennett said that I did not have opportunity to check my email at that time so I have
346 not received your material.
347

348 Mr. Giordano said that it's a bit of a scramble because, like I said, we got the Widi
349 affidavit this afternoon at 2:06 and the voter registration information of a gentleman
350 identified as Christopher Stone. I think I can summarize the point in short order, which
351 essentially says according to the information of Mr. Widi four other individuals,
352 Christopher Stone, Fran Stone, Josh Stone, and Jimmy Stone were also allegedly living at
353 the location, the property, at the time of his arrest in November in 2008. The information
354 that Mr. Widi is submitting, first off, let's just understand what the information is and
355 what the limitations of it are. Mr. Widi has attached copies of transcripts and other
356 materials. Mr. Widi recognizes that, as of that point, at the time of his arrest, he no longer
357 has actual information regarding anything that happened at the property. He wasn't there.
358 He was subject to the criminal process that was ongoing. So that's the end point to which
359 the Board can give any consideration for the Widi affidavit. Secondly, he identifies for
360 individuals, I'll just call them the Stones, as having allegedly living in Apartment B of
361 the property. I can take the Board back to the materials which we've already submitted
362 and, hopefully, you've had the opportunity to review some of the transcripts. As you see
363 from information of law enforcement, there is no reference whatsoever to another
364 individual, or set of individuals living at the property. Indeed, the law enforcement
365 personnel indicate that they wanted to make sure that they executed the warrant,
366 conducted the arrest, and did all the other law enforcement activity at a time when no one
367 was there; that they had clearly indicated that the only concern was the daycare, which
368 was located at the first floor of the property. With the material sent by the Planner this

369 afternoon, I conducted a public records search on Lexis, explaining that LexisNexis is a
370 nationally-recognized database of information, of billions of public records as to public
371 sources that is aggregated by the Lexis company. Lawyers use it all the time to conduct
372 their legal research but it also has sources of public information regarding individuals,
373 public records that might be at the Registry of Deeds, voter records, etc. The quickest and
374 most comprehensive way I could do in the time allotted was to conduct a Lexis search of
375 the individuals identified to make a determination from public records if there was a
376 nexus between Christopher Stone, Fran Stone, Joshua Stone, and Jimmy Stone with the
377 150 property. I did a quick 2-page summary for the benefit of the Board so you
378 understand what the public records are that the database provides. The first search, which
379 is Exhibit A to the memorandum is of Christopher Stone. Just so you understand the
380 parameters, I wanted to be comprehensive but also make sure we didn't get extraneous
381 individuals, so the search was conducted with names and property in the State of Maine.
382 So, I put as a parameter excluding other states of the union; that I was not looking for
383 some Christopher Stone that might have been in California, or otherwise. You can see
384 each of the parameters are identified in the exhibit, as they were done. The first part of
385 the Christopher Stone search conducted was what is called a 'historical person locator'. It
386 essentially says that, within these parameters, is there a Christopher Stone within this
387 location and that is the information that is attached. The second parameter, which is in
388 Exhibit A for Christopher Stone, is a summary of the results of Maine. It gives you other
389 references, including by county, focusing on the property. There was one more piece of
390 information for Christopher Stone that I wanted to make sure that the Board was aware,
391 which is Mr. Christopher Allen Stone, who is the person from the search that has
392 connection to Eliot, Maine, passed away. So, we provided his obituary of when he passed
393 away. Each of those did not identify by any public record a nexus, at all, between
394 Christopher Stone, Christopher Allen Stone, Christopher A. Stone, and the property. So
395 that is Exhibit A. Francis Stone, according to the obituary, is Francis Rose Stone, also
396 characterized in the Widi affidavit as Fran Stone and the same searches were conducted.
397 For Fran Stone there is no public document that we could locate, at all, that indicates that
398 Fran Stone is, or was at any point in time, connected with the property. Now, just to point
399 out, there are indications that, at a different location on Harold L. Dow Highway, that the
400 Stones did apparently live but not at the property that is the subject of this inquiry. We
401 conducted the same inquiry for James, a.k.a. Jimmy, Stone and Josh Stone, and the same
402 results came through. The final search that was conducted was the search of the property,
403 itself, and you will see Nancy referenced throughout the property search, itself, and there
404 is no Stone that is associated with the property. With this submission, it is 135 pages and
405 I honestly did not anticipate that you would be able to go through it but the conclusion is
406 clear. First, the Widi affidavit and the voter registration document is limited by time. That
407 is clear. Mr. Christopher Stone passed away and that, alone, was the termination of any
408 residence, if he had any, at that location. Second, the Widi affidavit, by definition, is
409 limited by time, namely his arrest date in November of 2008. So, there can be no
410 determination or any information that can be relied upon after 2008 that comes out of the
411 Widi affidavit. Three, there is no information before this Board and, whether it's a public
412 information or not, that indicates a resident named Stone lived at the property past any
413 point in time, even if the Widi affidavit is deemed to be credible; that it stops at
414 November 2008. That, alone, is insufficient for this Board to make any conclusion other

415 than that the residential use was not consistently and contemporaneously throughout the
416 entire time period through where we are sitting in 2022, as required, and that there is a
417 termination of the residential use. I'm not going to try to summarize all the submitted
418 information but, when you put it all together, even taking the voter records, because
419 obviously we saw the document that was sent by Mr. Brubaker, which indicates that, at
420 some points in time, Mr. Christopher Stone did apparently vote, it appears, using that
421 address. I don't know exactly what that document is. It's only something that we
422 received. But again, that terminates as of 2012 for the time period that exists. Without
423 any evidence whatsoever, there are two points I'd like to make. One, the applicant has a
424 burden of persuasion, which is not a burden of all doubt. It is essentially more likely than
425 not. I've been a lawyer for over 30 years, done a lot of trial work, and been a litigator for
426 many, many years and I just simply say that there is nothing before this Board, other than
427 conclusions which it can draw, which is that the residential use for the property did not
428 extend, even if it existed at the time when Mr. Widi was arrested in November 2008,
429 whatever weight that this Board may give to the Widi affidavit, that time period ends
430 indisputably at the point in time when he was arrested. He has no knowledge after that
431 point in time. There's no question about that. He acknowledges that. Three, given that
432 and given the public records search, there is no information before this Board that
433 indicates that there is a resident in that location that is using, and has been using, that
434 property on a consistent basis from the arrest of Mr. Widi to the present time. As a result,
435 the standard, being a 'strict scrutiny' standard that this Board must be applying, I submit
436 it is one in which the Board should give its positive indication of intent to approve,
437 obviously subject to engineers, submissions, etc., and that is where we would like to go,
438 to the next step, with respect to this application. I'm going to defer to Ms. Delmar to see
439 if she would like to add anything.

440
441 Attorney Delam said that I think that Attorney Giordano has really summarized the
442 situation pretty well. What we are looking for are some comments from you, 'intent to
443 approve' as he said, and also to get on the agenda for the next possible meeting for a full
444 site plan review.

445
446 Ms. Braun thanked them and invited Mr. Widi to speak next.

447
448 Mr. (Bill) Widi, representing Nancy Shapleigh, said that I want to address receiving the
449 document at 2:06PM. These are the same people at the last meeting where the meeting
450 started at 6PM and they sent documents at 7PM. Do you have the original permit, rent
451 permit. It's a yellow slip. I know that they have it because I submitted it at the first
452 meeting I came and I handed them a copy. 38 Harold L. Dow Highway is 150 Harold L.
453 Dow Highway. It was renamed for E911 and it says it on the original permit; that I said
454 that two meetings ago. They should know that. So, 38 Dow Highway, let me go top
455 Exhibit A1 from Mr. Giordano's statement where it says Mr. Christopher Stone, 38 Dow
456 Highway. The voter rolls. He kept saying that they don't know what happened after Mr.
457 Widi went to jail. We do, because it says that he voted in '08, he voted in '12, I believe.

458
459 Mr. Brubaker clarified in 2008, 2010, and 2012 general elections.

460

461 Mr. Widi said there you go and asked what the address is at the top of that piece of paper.

462

463 Mr. Brubaker said that it says 150B Harold L. Dow Highway.

464

465 Mr. Widi said okay. As far as searching on LexisNexis, spoiler alert, these are low-
466 income apartments. At the time the Stones lived there, the rent was \$800. What do we
467 know about low-income people. They don't have assets because they are low-income
468 and, in many cases, they don't vote. Yes, he did register to vote in September of '08 to
469 vote. The ATF agent, in the court hearings, that they could have found if they allegedly
470 found David Widi's statements in these court documents, they could have clearly seen the
471 ATF agent's statements where he said that David Widi had one half of the top, and the
472 other side was an apartment. There was no need for them to mention the Stones in the
473 court case. Why would you do that. There was no need to mention them, just that there
474 was an apartment there. They didn't have anything to do with it so why bring them up.
475 The burden of proof is on them. If they wanted the truth, they could have just called
476 Nancy Shapleigh. Have they done that. No. They didn't do that. They didn't care about
477 the truth. They could have gone through these documents in their entirety. They didn't.
478 They could have talked to the Clerk and asked the Clerk what is the public information
479 for Christopher Stone and looked at the voter rolls. They could have done all that stuff.
480 They just wanted to find a back door variance because that's what this is. A back door
481 variance to get this passed.

482

483 Mr. Brubaker said that I just want to add to those points that I believe the record before
484 the PB, including documents that have been previously provided in packets, will show
485 numerous instances of what Mr. Widi mentioned, essentially to the point that Harold L.
486 Dow Highway has gone through a re-addressing and that 150 H. L. Dow Highway used
487 to be called 38 H. L. Dow. I have one such document in front of me. It's a rental
488 agreement involving Nancy Shapleigh and the Moulton Driving School, and that
489 references 38 H. L. Dow Highway. That document is already in the record and I think, as
490 Mr. Widi mentioned, there are others. If anything, Mr. Giordano's memo further
491 confirms a residence of Mr. Stone and, also, I note Francis Stone at 150 H. L. Dow
492 Highway, formerly known as 38 H. L. Dow Highway. Again, I just want to reference the
493 information Mr. Widi provided that was forwarded to the PB and the applicant earlier,
494 including the voter report from Mr. Stone, showing an address of 150B Harold L. Dow
495 Highway as well as the affidavit of David J. Widi Jr., which was already discussed and
496 mentioned. I would like to read into the record a very short excerpt that Mr. Widi referred
497 to. This is from the transcript of Document 155, an interview that's in Exhibit A of the
498 affidavit:

499

500 *“Q: As an ATF agent in the Portland Field office were you assigned to an investigation*
501 *involving the defendant, David Widi, who at the time, was living in Eliot, Maine?*

502 *A: Yes.*

503 *Q: Can you describe the location of Mr. Widi's residence as your investigation unfolded?*

504 *A: It's called Harold Dow Highway in Eliot. The address is 150 and his apartment is*
505 *letter A.*

506 *Q: Can you describe to the court what the building looks like?*

507 *A: Well, it's a two-story structure. The first floor has commercial space, and there are*
508 *two apartments on the second level, each taking half the second floor."*

509
510 Mr. Brubaker continued: So, the record shows that that's just another addition to the
511 record showing that there were two apartments up there. The applicant's earlier memo,
512 September 20th memo, is in your packet and, then, my response to that memo is in your
513 packet, so I'll just make reference to that. I just want to reiterate that our Town attorney
514 has clearly stated that the burden of proof in this case is on the applicant to show how
515 they are meeting the performance standards, including the 33-190(5) 500-foot buffer.
516 With that, I have a recommended motion template. The PB doesn't often make formal
517 motions during sketch plan review. It's usually a more informal informational process but
518 I think in this case it's appropriate to make a motion. My recommendation is that the
519 sketch plan is not compliant with the applicable land use regulations and my
520 recommended motion template is in the staff report of the packet. I'd be happy to answer
521 any questions you might have.

522
523 Mr. Giordano responded by saying that I don't like to belabor the point but I think it's
524 important to respond, if I could.

525
526 Ms. Braun said to go ahead.

527
528 Mr. Giordan said that I would like to point out that the documents point out that Francis
529 R. Stone had an owner-occupied mobile home during the period of the Widi affidavit.
530 This is starting on page 5 of Exhibit B and it goes through several pages thereafter.
531 Owner-occupied during the relevant time of the Widi affidavit, who is the wife of
532 Christopher Stone on a differing address and, the documents reflect that owner-occupied,
533 obviously of this mobile home, is an important aspect as it relates to the assessed value
534 and other aspects that are detailed. That is in the public records of the information as to
535 Christopher and Francis Stone. Owner-occupied during the time period as it relates up to
536 the point in time of the Widi affidavit. These are essentially aggregating and assessing.
537 Joshua and James do not have the connection that goes to the Harold property that Rose
538 and Christopher do. If you have an owner-occupied mobile home being owned, that is
539 something that is an indication that, regardless of how or where the information of the
540 Widi affidavit may be up to 2008, there's nothing beyond that that goes to any indication
541 a residence existed thereafter. So I think, once again, we've met our burden of proof. This
542 is something that is not anything we've created. These are documents from LexisNexis,
543 which is pretty-well established.

544
545 Ms. Braun thanked Mr. Giordano. I'm going to bring this back to the PB, now, and we
546 are going to make our decision. Speaking to PB members, Ms. Braun said that we have
547 all received the information. Has that changed our initial viewpoint of this particular
548 property, that it's a mixed-use property and has been a mixed-use property.

549
550 Ms. Bennett said that, no, nothing here has convinced me that the use of this property has
551 changed. Specifically, we have absolutely no record of the owner of this property filing a
552 request that the residential use of that property should be ceased. Whether someone was

553 living there, whether it was the Stones, or Francis or Chris, whether it was 2008, 2012,
554 2006, we do not have, in my opinion, a code enforcement ability to sit here, take
555 testimony, and make a decision that affects a property owner. The property owner and
556 their representatives have come to us multiple times and indicated that this property is a
557 mixed-use property, and nothing in our records and nothing presented tonight by the
558 applicant has disproved that.

559
560 Mr. Latter said that I will take that one step further. If we were to find them in
561 compliance and this project evaporated, would we then be in a situation where somebody
562 who has a property that is a residence would then have some kind of (didn't finish the
563 thought). People were living there until very recently, correct.

564
565 Mr. Widi said that they are still living there. I have the current leases in the folder; that
566 currently, there are still people living there.

567
568 Mr. Latter said that, without surveillance video for the past 30 years, it's been a residence
569 before, it's a residence now. There's nothing that tells me that it was never a residence.
570 So, no. I'm ready to move forward with the recommendation.

571
572 Mr. Leathe said that I agree with the Board so far. I agree that it's a mixed-use building
573 and has been a mixed-use building, and I don't see any evidence to indicate that it is no
574 longer a mixed-use building.

575
576 Ms. Braun said that I am of the same opinion that it has a mixed-use building and it still
577 is a mixed-use building. No information presented at this time has changed my viewpoint
578 on that. So, bearing that in mind, the Chair will accept a motion.

579
580 **Mr. Latter moved, second by Ms. Bennett, that the Planning Board determine that**
581 **PB22-13 sketch plan, as currently drawn, does not comply with §33-190(5)b of the**
582 **Town Code. The sketch plan proposes a marijuana store and medical marijuana**
583 **dispensary within 500 feet of the lot lines of a residential property. In support of this**
584 **determination, the Planning Board issues the following findings of fact:**

- 585
586 **1. The lot line of 150 Harold L. Dow Hwy. (Map 30, Lot 3, hereinafter "150 HL**
587 **Dow") is within 500 feet of the proposed location of the marijuana store/medical**
588 **marijuana dispensary building.**
- 589
590 **2. The Town records include a building permit issued in 1977 for 150 HL Dow that**
591 **approves a residential use, in addition to an office use, for the building on the**
592 **property (hereinafter the "mixed-use building").**
- 593
594 **3. Town property records indicate both a current residential use with apartment**
595 **units, and a building design/style that includes residential use, including the**
596 **presence of bedrooms.**

597
598

599 **4. Section 45-192(b) states: “The code enforcement officer may permit accessory**
600 **uses and structures for existing residential use in the commercial/industrial district.**
601 **Dimensional standards shall be the same as those for the suburban district in section**
602 **45-405.”**
603

604 **5. The mixed-use building has had several commercial uses on the first floor**
605 **through the years. However, no documentation presented to the Planning Board in**
606 **this review show that the property owner specifically requested to cease the**
607 **residential use on the second floor.**
608

609 **6. The Applicant has presented documentation showing that in 2008, a tenant of one**
610 **of the apartment units needed to vacate the unit.**
611

612 **7. The 150 HL Dow property owner has conveyed to the Planning Board that they**
613 **believe the residential use has continued.**
614

615 **8. No documentation has been presented to the Board wherein a Code Enforcement**
616 **Officer deemed the 150 HL Dow residential use to have discontinued per Section 45-**
617 **193(a).**
618

619 **9. No documentation has been presented to the Board clearly indicating that the 150**
620 **HL Dow residential use has been discontinued for one year.**
621

622 **10. The burden of proof is on the Applicant to show how they are meeting all**
623 **applicable land use regulations.**
624

625 **11. The Planning Board is not a code enforcement body, and it does not have the**
626 **ability to reclassify the use of a property as part of a review of a different property.**
627

628 **12. The Planning Board includes by reference the whole of the record presented to it**
629 **to date, including, but not necessarily limited to, the Town Attorney’s September 20,**
630 **2022, email; correspondence from the Town Planner; correspondence from the**
631 **Applicant, Applicant’s attorneys, and other representatives; and correspondence**
632 **from the public.**
633

634 **13. After weighing the full record, the Planning Board believes the preponderance of**
635 **evidence warrants a reasonable conclusion that 150 HL Dow should be considered a**
636 **residential property with respect to a review of the PB22-13 application’s**
637 **compliance with Section 33-190(5)b.**
638

639 **VOTE**

640 **4-0**

641 **Motion approved unanimously**
642

643 Ms. Braun said that we have made our determination as the applicant has requested.
644

645 NOTE: At this time, the PB took a 5-minute break (6:58PM).

646

647 **C. 7 Maclellan Lane (Map 37/Lot 19) PB22-15: Site Plan Amendment/Review and**
648 **Change of Use – Marijuana Store, Office, and Retail – site plan amendment/**
649 **review and change of use.**

650

651 **Received: June 28, 2022**

652 **1st Heard: August 16, 2022 (sketch plan review)**

653 **2nd Heard: October 4, 2022 (continued site plan amendment/review/change of use)**

654 **3rd Heard: October 18, 2022 (continued review/waivers/completeness)**

655 **4th Hearing: _____, 2022**

656 **Public Hearing: _____, 2022**

657 **Site Walk: October 18, 2022**

658 **Approval: _____, 2022**

659

660 Mr. (Michael) Sudak, Attar Engineering and Mr. (Joel) Pepin, applicant, were present for
661 this application.

662

663 Mr. Sudak gave an overview. This is for Maclellan Lane, right off of Route 236. There
664 was a former car wash there and this is a phased project. There are three phases to this
665 project. Each one contains a building. Phase #1 is the previously-approved, existing 2,000
666 square-foot building that was approved in July 2021 as an adult use manufacturing
667 facility, one story, with existing parking and existing impervious. Then, we have Phase #2,
668 which is for the building in the rear that is a 2-story, 2,000 square-foot building. The first
669 floor is co-located so it's 1,000 square feet of adult use marijuana retail and 1,000 square
670 feet of medical caregiver, then the second floor of 2,000 square feet is office space. That
671 2nd phase also includes all of the stormwater build-out – detention pond, swales, the closed
672 system (a couple catch basins and culverts to the detention pond out front), and about
673 2/3^{rds} of the parking. At the end of Phase #2 build-out, we have 42 spaces. Then, Phase #3
674 is what we're looking at here (screen showing Sheet 3) – the third building, which is the
675 largest one (3,200 square feet), one story, and that's going to be just general retail and
676 office, so, that does not have a marijuana designation. Also, the remainder of the parking,
677 so, about another 15 spaces. I believe we have 57 total on-site, with 53 required.

678

679 Ms. Braun said that you have 6 ADA spaces.

680

681 Mr. Sudak agreed.

682

683 Ms. Braun said that the building in front is the one that isn't being built, that that is in
684 Phase #3, correct.

685

686 Mr. Sudak agreed. That's it for the overview. I can go through some plan updates since the
687 last time. We reconfigured the site a little bit. The buildings, themselves, didn't change but
688 some of the interior travel ways and parking locations changed with the goal of getting
689 underneath an acre of impervious generated just for the sake of DEP permitting. I believe
690 we dropped a few spaces. I think we were in the 60s before but again we are 53 required

691 by the square footages of the proposed uses and we're providing 57; that we're all good
692 there. There were some building elevations provided yesterday and those are likely not in
693 your packets, but can be displayed on the screen. Buildings #2 and #3 were shown on the
694 screen for the PB's review. To my knowledge, the design of that building is not going to
695 change over time (Building #3).

696

697 Ms. Braun asked, in the marijuana business building, how are you separating medical
698 from recreational.

699

700 Mr. Pepin said with a complete demising wall. So, separate bathrooms, separate egress, no
701 interior access. They are completely separate.

702

703 Mr. Sudak said, regarding the sign, your sign ordinance recently changed and actually
704 attached to that is the new statute. Previously, there was a requirement that all signs had to
705 be 8 feet away from prospective property lines and talked about the new section - §45-
706 532(h), specifically related to signs adjacent to the Route 236 corridor, but basically, if
707 they aren't break-away signs that are specifically designed to allow vehicle collisions to
708 pass through them relatively uninhibited, if they are not that, they need to be completely
709 out of the Route 236 corridor and they need to be 20 feet away from edge of pavement.
710 It's not depicted on the plan set but I had a conversation with Mr. Brubaker this morning
711 about this and the existing sign (car wash sign) is 29½ feet from the edge of Route 236.
712 It's outside the Route 236 property, or ROW, and completely within our parcel. We're
713 going to be replacing that sign not in kind but in footprint. That is where the sign for this
714 business is going to be and we provided a rendering of what it's going to look like. There
715 was a discussion about whether or not that sign was going to change subject to whatever
716 future business occupies Building #3 and we can really handle that however you want. I
717 understand the limitations in the ordinance for that single, free-standing sign for the
718 businesses on this site. It has to become something like the Eliot Commons where it
719 becomes a single sign that features multiple businesses. So be it. I don't want that to be an
720 impediment to moving forward. So, however the PB wants me to address that on the plan,
721 I can.

722

723 Ms. Braun said that I would think similar to the Commons design; that it would have to be
724 like that, as opposed to one single sign, because then the next person is not going to be
725 able to put a sign up for their business.

726

727 Mr. Sudak said that we were just getting the pleasure of the PB. So, something to the
728 effect of 'signage shall be a single, free-standing sign in compliance with Sign Ordinance
729 of the Town of Eliot'. Is that satisfactory.

730

731 Ms. Braun said yes. If it was to change in any way, you would have to come back for a
732 site plan amendment.

733

734 Mr. Pepin said that Mr. Brubaker and I spoke about that today, on-site. This sign is
735 designed between Phase #1 and #2. This would be the only sign on the property, the only
736 sign change. In Phase #3, not knowing who those tenants are, if there is a wish by future

737 tenants to have their signage incorporated, that we would agree to come back. All
738 businesses on the property would be site plan amendment for signs.

739
740 Ms. Braun said okay, as long as that's understood up front.

741
742 Mr. Pepin said that it is. A little bit of a gamble on our behalf investing in a nice sign like
743 this with the potential of changing it. I know for sure that it's being built to suit with the
744 property owner; that the goal is for Phase #2 to happen right away. I'd gamble that, if we
745 got a certain amount of time, whether it's months or a year or more before more
746 businesses come in, the exposure will have been worth it.

747
748 Ms. Braun said that I know there was some discussion at the last meeting about the
749 possibility of road repair there. What is the status of that.

750
751 Mr. Sudak said that the intent is, specifically for Maclellan Lane, to improve at a
752 minimum to our intersection off of Maclellan Lane to Town standard for the C/I District.
753 The C/I standard, I believe, is 30-foot pavement and 9-foot shoulders on an 80-foot ROW.
754 We're completely fine with the 30-foot pavement. Our preference would be to have a
755 reduction in the shoulder width. I completely understand it for most roads in the C/I
756 District where you effectively need a break-down lane. This is a very small private road. I
757 think it has Hisson Concrete and Piscataqua Landscaping behind it; that those are the two
758 businesses. It's never going to be a connecting road unless it plans on teeing into the
759 airport that's right there. So, our preference would be to have a reduction in that shoulder
760 width while still providing the 30 feet of asphalt that's required. Maybe have 3-foot
761 shoulders, 5-foot shoulders, something that is just, I think, a little bit more reasonable for a
762 private road that the intent is never for the Town to take that over.

763
764 Ms. Braun asked if the other businesses are amenable to doing this for the road or is it that
765 you are only going to do it to a certain point.

766
767 Mr. Pepin said that there has been some discussion with some other businesses back there
768 that there is interest in people working together to get pavement done. I don't know to
769 what extent we'll be able to go above and beyond. In the event that there are no other
770 property owners or people using the ROW out back that want to participate in the cost, I
771 can say with confidence that we can bear of responsibility of pavement up to and just
772 beyond the driveway onto Maclellan. I think that would be the highest traffic area with
773 visitors coming into our store. So, everyone coming off Route 236 and into our location
774 would be on pavement.

775
776 Ms. Braun commented that I was hoping that everyone would be in agreement and pave
777 the whole road.

778
779 Mr. Pepin said that there is agreement in wanting pavement. I don't want to overstate that
780 and say, yes, everyone is going to. We don't know the real cost of it. There is consensus,
781 fortunately, and so I think there is some good opportunity. If we're going to be doing
782 pavement, it makes sense to do as much as possible.

783
784 Ms. Braun said that, with any information on that, if you could pass it our way so we have
785 an idea of what's going to happen with that road.
786
787 Mr. Sudak said that, at the very least, we're going to reflect what was just communicated
788 that pavement is going to be extended up to our entrance and everything that goes along
789 with that. I will give you the necessary details of a plan profile, if necessary. It's really not
790 that far but that will be incorporated into the future plan set.
791
792 Mr. Braun said that I was hoping that, in future plans, we would see something like that.
793
794 Mr. Sudak said no problem.
795
796 Mr. Sudak said that the only other thing is having a discussion on waivers.
797
798 Mr. Brubaker said that the two that would need to be done are (9) preliminary drawing of
799 bridges and culverts and (12) high intensity soils report. I don't know if Mr. Sudak has
800 any others.
801
802 Mr. Sudak said that the cover letter back in September requested high intensity soils report
803 and plan set scale. Because of the site geometry, we had to go one inch=30 feet so it
804 would fit on a single sheet.
805
806 Mr. Leathe asked if the site walk had been rescheduled.
807
808 Ms. Braun said that that hadn't been discussed yet.
809
810 Mr. Brubaker said that I will leave that up to the PB. It was cancelled for obvious reasons
811 (storm). I did go out there just to make sure no members of the public had been there. Mr.
812 Pepin was out there so we talked for a little bit and stayed around to make sure nobody
813 else showed up. Nobody did.
814
815 Ms. Braun asked if we feel the need to reschedule.
816
817 Ms. Bennett said yes. The consensus was to conduct a site walk.
818
819 Ms. Braun agreed. I had asked Mr. Chamberlain to stake out the building.
820
821 Mr. Pepin said that it is all staked out.
822
823 The Site Walk is scheduled for November 15th at 3PM.
824
825 The Public Hearing is scheduled for November 15th.
826

827 **Mr. Latter moved, second by Ms. Bennett, that the Planning Board for PB22-15 to**
828 **grant the following waivers of §33-127: (9) preliminary drawings of bridges and**
829 **culverts, (12) high intensity soils report, and (20) plan scale.**

830 **VOTE**
831 **4-0**
832 **Motion approved**

833
834 Ms. Braun asked if we are ready to deem this complete. If so, the Chair will accept a
835 motion.

836
837 **Ms. Bennett moved, second by Mr. Latter, that the Planning Board find PB22-15, 7**
838 **Maclellan Lane, complete.**

839 **VOTE**
840 **4-0**
841 **Motion approved**

842
843 **ITEM 10 – OTHER BUSINESS/CORRESPONDENCE**

844
845 **A. Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town**
846 **Planner.**

847
848 Mr. Brubaker said that I think you guys have all gotten your Land Use Law Booklets. So,
849 thanks to SMPDC. They always do a good job. I also want to say that I'm really happy to
850 have Kim Tackett on board as our new Land Use Administrative Assistant. For the Comp
851 Plan Committee, we have a date for the Kick-off Meeting on November 9th at 7PM here
852 in this room.

853
854 Ms. Braun said that we have the Resiliency Workshop on the 25th, correct.

855
856 Mr. Brubaker said yes, next Tuesday at 4:30PM at Green Acre. I'm happy to announce
857 that the Town has entered into a contract with the Defelice Corporation for Phase 1 of the
858 sewer project on Route 236. The majority of the work will begin starting next spring. The
859 first contract will involve the building of the force main on State Road and Beech Road
860 as well as gravity sewer on Route 236 between Bolt Hill Road and Julie Lane.

861
862 Ms. Braun asked if you have a hard copy of this municipal solar siting guide.

863
864 Mr. Brubaker said that you see the pdf there. I actually asked the Farmland Trust for hard
865 copies. They said that they have put them in the mail but I haven't got them yet.

866
867 Ms. Bennett said that the Subcommittee for Ordinance Review did meet last Thursday.
868 We started with the low-hanging fruit of doing some tweaks to our ADU ordinance.
869 There is a running draft, now, that Mr. Brubaker can put forward to Attorney Saucier for
870 review. A quick recap is that we need to remove the growth cap for ADUs. We need to
871 lower the minimum size of ADUs to 190 square feet. One of the things we introduced
872 that we haven't discussed with the full Board was the idea that a single-family home that

873 has an existing accessory structure could be allowed to convert it into an ADU, even if
874 that existing accessory structure does not currently conform for a dwelling unit. This is
875 something that is definitely going to be reviewed by Attorney Saucier. Next up, we will
876 be talking about ‘tiny homes’, ‘cottage’ – we’re going to take a look at Kittery’s cottage
877 development ordinance that they have, which just allows for a smaller, maximum 1,200-
878 square-foot home clustered around a common area. We’re trying to take up some creative
879 approaches to addressing the affordable housing issue that aren’t specifically in LD2003.
880 Mr. Brubaker handed you an email that came through just before this meeting from Paul
881 Schumacher of SMRP that he has sent a note to legislators sounding the alarm about the
882 lack of time remaining for communities to address LD2003, especially in the absence of
883 State guidance; that they are also supposed to be getting a grant from the State for this
884 legislation that passed in April and that has not been set up. I’m on the Housing
885 Subcommittee for the Maine Municipal Association Legislative Policy Committee and
886 that meeting is going to convene on November 2nd via Zoom. It looks like we will have
887 representation from all counties.

888
889 **B. Handouts/resources: Maine Farmland Trust, Municipal Solar Siting Guide,**
890 **2021 Maine Land Use Law Booklets from SMPDC.**

891
892 This was previously discussed above.

893
894 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

895
896
897 The next regular Planning Board Meeting is scheduled for November 1, 2022 at 6PM.

898
899 **ITEM 12 – ADJOURN**

900
901
902 The meeting adjourned at 7:43 PM.

903
904
905
906
907 **Christine Bennett, Secretary**
908 **Date approved: _____**

909
910
911 **Respectfully submitted,**
912
913 **Ellen Lemire, Recording Secretary**

914
915