

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

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

DATE: Tuesday Dec. 12, 2023
TIME: 6:00 P.M.

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

1. **ROLL CALL**

a) Quorum, Alternate Members, Conflicts of Interest

2. **PLEDGE OF ALLEGIANCE**

3. **MOMENT OF SILENCE**

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

5. **PUBLIC HEARING**

6. **NEW BUSINESS**

a) 107 Littlebrook Lane (Map 46 / Lot 3), PID# 046-003-000, PB 23-21: Site Plan Amendment/Review – Earth material removal >100 cy

7. **OLD BUSINESS**

a) 17 Levesque Drive (Map 29 / Lot 26), PID# 029-026-000, PB23-1: Site Plan Amendment/Review – Car Wash

8. **REVIEW AND APPROVE MINUTES**

a) Minutes – September 5, 2023

9. **OTHER BUSINESS / CORRESPONDENCE**

a) June 2024 ordinance amendments preview and Route 236 zoning discussion

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

10. **SET AGENDA AND DATE FOR NEXT MEETING**

a) January 9, 2024

11. **ADJOURN**

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

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

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

Instructions to join remote meeting:

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

- a) Please call **1-646-558-8656**
 1. When prompted enter meeting number ID: **852 4656 1359**
 2. When prompted to enter Attendee ID
 3. When prompted enter meeting password: **534792**

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

PB23-21: 107 Littlebrook Ln. (Map 46, Lot 3): Site Plan Amendment/Review – Earth material removal ≥ 100 cy



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Mike Devine, Applicant's Representative
Shelly Bishop, Code Enforcement Officer
Kim Tackett, Land Use Administrative Assistant
Date: December 7, 2023 (report date)
December 12, 2023 (meeting date)
Re: PB23-21: 107 Littlebrook Ln. (Map 46, Lot 3): Site Plan Amendment/Review – Earth material removal ≥ 100 cy

Application Details/Checklist Documentation	
✓ Address:	107 Littlebrook Ln. (listed as 100 Littlebrook Ln. on application)
✓ Map/Lot:	46/3
✓ Zoning:	Suburban, Commercial/Industrial (C/I)
✓ Shoreland Zoning:	Stream Protection (not in area of proposed activity)
✓ Owner Name:	Shamrock Aviation / Thomas Shaughnessy
✓ Applicant Name:	Mike Devine
✓ Proposed Project:	Remove trees & overgrowth; grade area 41,000 sf
✓ Reason for PB Review:	SPR use

Overview

Applicant seeks to remove trees, overgrowth, and stumps from, and grade, a 40 ft. by 1000 ft. area adjacent to the runway at Seacoast Airfield. The area (on the north side of the runway) is shown in a sketch plan submitted by the applicant's representative prior to the SPR application; both are in the packet. The applicant has described that this is related to airplane landing safety with more clearance for airplanes landing that may get blown off the tarmac by the wind.

Earth material removal, 100 cubic yds or greater is an SPR use in the Suburban zone. Section 33-181 covers earth material removal performance standards. Subsection (a) has exemptions from these standards, including: "Movement of earth materials from one portion of a parcel to another location on the same parcel or to a contiguous parcel of the same owner". This is the case with this application.

There is Stream Protection shoreland zoning on the south side of the runway. The activity is outside of shoreland zoning.

The application was submitted on or about July 28, and includes a \$100 fee payment for Site Plan Amendment.

PB23-21: 107 Littlebrook Ln. (Map 46, Lot 3): Site Plan Amendment/Review – Earth material removal ≥ 100 cy

Recommendation

Approval as a minor site plan amendment/revision, with conditions

Motion templates

Approval with conditions (recommended)

Motion to approve PB23-21 as a Minor Site Plan Amendment/Revision, as provided in Section 33-140(b) for earth material removal, 100 cubic yards or greater, on Map 46, Lot 3, related to removal of trees, overgrowth, and stumps, and grading, an approximately 40 ft. by 1000 ft. area just north of the runway at Seacoast Airfield.

The Planning Board finds that the proposed revisions are minor and do not result in any substantial changes to the approved development or further impact abutters. The following are conditions of approval:

1. [Standard conditions]
2. [Other conditions if desired]

Disapproval

Motion to disapprove PB23-21 – for the following reason(s) related to noncompliance with land use regulations:

1. _____
2. _____
3. _____

Continuance/Major amendment

Motion to continue PB23-21 to the January 23, 2024, meeting.

Motion to deem PB23-21 a major amendment. The applicant must submit a site plan review application consistent with Ch. 33.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

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 _____ Lot# _____ Lot Size _____ Zoning District: _____

Your Name MIKE DEVINE Your mailing address 116 Pond Brook Rd ^{MAYNARD MA} 01754

City/Town MAYNARD State: MA Zip: 01754 Telephone: 781-645-9339

Who owns the property now? STAN ROCK Aviation / T. SHAGNASSY

Address (Location) of the property 100 L. THE BROOK LN

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? Grading

(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:

REMOVE TREES & OVERGROWTH

GRADE AREA 41,000 S/F

	Case No. _____
	Site review? Yes No

☐ **Step 4 Attach ten (10) copies of a sketch plan, showing in approximate dimensions the following:**

- ☐ All zoning districts
- ☐ The location of all existing and/or proposed buildings
- ☐ The setbacks of all existing and proposed structures or uses.

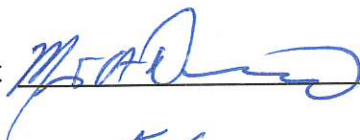
- ☐ The location of proposed signs, their size, and direction of illumination.

- ☐ The location of all existing and/or proposed entrances and exits.

- ☐ All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)

- ☐ Plans of buildings, sewage disposal facilities, and location of water supply.

☐ **Step 5 Sign the application (both owner and applicant must sign and date the application) and submit fee with preliminary plans (\$100 per acre for first 5 acres and \$50 per acre after five plus \$150 for advertising and public hearing fees)**

Applicant  Date JULY 1 23

Property Owner  Date JULY 1 23

☐ **Step 6 Application received by Planning Assistant**

Date received by the PA _____ PA initials _____

☐ **Step 7 The Planning Assistant will review the application and if complete, will place your application on a future Planning Board agenda**

☐ **Step 8 The applicant or representative of the applicant must attend the Planning Board meeting**

PART 1 - THE PROCEDURE

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).

MAP 46 LOT 3

56 Little Brook LAWS

SEACONST AIRFIELD



30

RUNWAY

12

THIS AREA
HAD NO
GRADER
STUMPS AND IS AT

40 X 1000'
TO BE GRADED FOR STUMP
REMOVAL

HARD/GARCS

EXISTING
POND

BETWEEN OF STUMPS (EXISTING)

MIKE DEVINE

781-645-9339

Devineext@aol.com



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Kenneth A. Wood, PE, Attar Engineering, Applicant's Representative
Wyatt Page, Attar Engineering, Applicant's Representative
Shelly Bishop, Code Enforcement Officer
Kim Tackett, Land Use Administrative Assistant
Date: December 7, 2023 (report date)
December 12, 2023 (meeting date)
Re: PB23-1: 17 Levesque Dr. (Map 29/Lot 26): Site Plan Amendment/Review – Car Wash

Application Details/Checklist Documentation	
✓ Address:	17 Levesque Dr.
✓ Map/Lot:	29/26
✓ Zoning:	Commercial/Industrial (C/I)
✓ Shoreland Zoning:	None
✓ Owner Name:	York Hospital
✓ Applicant Name:	Shawn Moore; Agent: Attar Engineering, Inc.
✓ Proposed Project:	Car Wash Building
✓ Application Received by Staff:	January 3, 2023
✓ Application Fee Paid and Date:	\$300 (\$100 SPR; \$25 change of use; \$175 public hearing) May 4, 2023
Application Sent to Staff Reviewers:	Reviewers contacted individually (e.g. Town of Kittery wastewater, Kittery Water District)
✓ Application Heard by PB	February 21, July 25, September 5, and October 3, 2023
✓ Found Complete by PB	September 5, 2023
Site Walk	Not held
Site Walk Publication	N/A
✓ Public Hearing	October 3, 2023
✓ Public Hearing Publication	September 22, 2023 (Weekly Sentinel)
✓ Reason for PB Review:	Site Plan Amendment, Change of Use, SPR uses

Overview

Applicant seeks site plan review and approval to construct an auto wash facility with two automatic bays and a detail bay, two vacuum islands and associated parking at 17 Levesque Dr., within Eliot Commons. Previous staff reports have described the lot and site context.

Related to review discussions at both the Select Board and Planning Board about sewer allocation, water use, and water recycling, the applicant has reduced the size of the building and the number of bays. From the November 28, 2023, cover letter:

“The proposed changes come at the request for a reduction in the car wash discharge to the municipal system from the select board...The car wash will discharge approximately 2,342 GPD to the municipal system. The facility will use both touch-free and friction type wash systems in 2 different bays. Approximately 20% of the wash water will be reused and recycled through a reverse osmosis system. The car wash facility will discharge all other wash-water to the municipal system, minimizing particulate and soluble pollutants which would otherwise be generated by a typical vehicle being washed in a driveway. The self-service bay previously proposed to be included in the car wash building has been removed and the building size has been decreased accordingly. The removal of the self-service bay is intended to further reduce the potential flow discharged by the car wash.”

An email in the applicant’s submittal (in packet) from applicant’s representative Jeff Arimento goes into more detail about the change in wash equipment that will allow for reduced water usage. As discussed previously, the Select Board is the sewer allocation authority per Chapter 18, but the information has relevance to the PB review via the changed site plan with reduced building size, and because the SB had previously asked for an advisory opinion on water use from the PB. The SB is slated to take up its sewer allocation review again on December 14.

While I have endeavored to find out more about car wash water use from other car washes and municipal sewer departments in the region, getting concrete information has been a challenge. If I get any more information prior to the PB and SB meetings, I will convey it.

Type of review needed

Post-public-hearing deliberation – take an overall action on the application, unless there is reason to continue deliberation and the applicant concurs with continuance. See motion templates.

Use

The use listed in the Site Plan Review application is *auto service station*. Recommendation: review as “use similar to” *auto repair garage*.

Right, title, and interest (33-106)

Town records show an approximately 4.4-acre parcel (Map 29, Lot 26) running from Route 236 to the Post Office lot line, owned by Guys Realty LLC, which includes the bank, dental office, and State Farm building. The latter building also includes a marijuana/medical marijuana testing facility. The lot is part of Eliot Commons, which has condominium lot lines for various units within the overall parcel. That is reflected in the 2006 quitclaim deed to York Hospital included in the submittal.

The submittal includes a purchase agreement between York Hospital and the applicant (specifying the condo lot size as “approximately 1 ± acres”), with an extension clause based on the timing of the Town’s site plan and code review; as-built plans from 1986; and a 2020 condominium plat showing an approved but not built York Hospital two-story professional office building. The 1986 as-builts show the site to be developed as vacant but with an 8” sanitary sewer line running across it.

Dimensional requirements (45-405)

Dimension	Standard	Met?
Min lot size	3 acres	Met for Eliot Commons overall and Map 29, Lot 26.
Lot line setbacks (ft)	30/20/30 front/side/rear	Appears to be met
Building height (ft)	55	Met

Lot coverage	50%	Appears to be met. See Note 5 on site plan; along with 2 existing buildings, the car wash increases coverage from 7.4% to 9.3% (down from the previous 9.8% due to the reduced building size).
Min street frontage (ft)	300	Met
Max sign area (sf)	Max. 50 sf for wall-mounted, 100 sf for common freestanding	Signs will need a sign permit from the Code Enforcement Officer and will need to accord with Ch. 45, Art. XI standards. Currently, application package only shows 32 sf (4' x 8') illuminated drive-through menu showing wash options. PB also requested more info on signage at 7/25 review. I have previously suggested that, while unclear in the Code, given the context of the other Eliot Commons outparcels (e.g. Kennebunk Savings, Blatt-Kingston dental office), the car wash could be eligible for a freestanding sign rather than just a plaque on the Eliot Commons common sign.
Building separation (C/I district)	Min. 20 ft. for multiple principal structures on a single lot	Met with respect to distance from existing adjacent red building.

Stormwater

The lot is currently vacant with grass cover. Sheet 1, Note 7 reports a total proposed new impervious surface of 15,772 sq. ft. (down from the previous 17,650 sq. ft. due to the reduced size of the building). Total disturbed area is reported as 0.73 acres. The amount of disturbed area is under the amount needed for a DEP Stormwater Management Permit. The project is individually under the 1-acre disturbed area threshold for Town post-construction stormwater management requirements (Ch. 35) and erosion and sedimentation control plan (Ch. 34) requirements, but is part of a larger common plan of development (i.e. Eliot Commons) that may warrant these requirements.

Sheet 1 shows a stormwater detention pond located in the rear of the parcel. A stormwater management plan is included in the application package. The plan states that the detention pond “outlets to a level spreader that returns channelized flow to sheet flow” and then to a wooded buffer before leaving the site to a wetland. Sheet 7 includes erosion/sedimentation control notes and details. The stormwater pre- and post-construction analysis with HydroCAD modeling results shows reductions in peak stormwater flows for all three analysis points.

- AP1: -1.29 cubic feet per second (cfs)
- AP2: -0.11 cfs
- AP3: -0.96 cfs

Another smaller stormwater management area is also shown to the south of the building. This appears to have been enlarged with the reduction of the building.

Parking

Four diagonal employee spaces are provided in the front of the site, and four are provided at the vacuum islands. This part of the lot appears contiguous with the parking pool for the real

estate/marijuana testing facility building and dental office, which accords with Note 6 reporting a total of 12 spaces on site. Note 6 estimates 2 employees at the largest shift, though as noted elsewhere in this report, the car wash will often be unattended.

Traffic (45-406)

A single driveway enters onto Levesque Dr., which is a private drive within Eliot Commons. A one-way loop of 12 ft. in width loops around to the wash bays, two with auto payment kiosks and one detailing bay. There is also an auxiliary exit in the rear of the lot behind the back of the real estate/marijuana testing facility building.

Water service and use

A previous packet included my email regarding the sewer allocation and water use. SB sewer allocation review is expected to continue on December 14.

As previously noted, the site is served by public water. The applicant estimates that average daily water use for the two (2) automatic bays will be 2,342 gallons per day (gpd), down from the previously estimated 2,712 gallons per day (gpd) due to the equipment change described in Mr. Arimento's email, though daily usage will vary based on customer volume. The previously included self-serve bay, now omitted from the downsized plan, did not factor into previous water use calculations anyway. The applicant has also revised their peak water use estimate to 9,500 gpd, down from the previous estimate of 11,000 gpd. Water District (KWD) staff have concurred with the project.

Wastewater and disposal of wash water

Proposed sewer connections

Applicant cover letters have conveyed that Eliot Commons owner Sea Dog Realty will be able to approve the private sewer connection to Levesque Dr. after PB approval, before building permitting. The private Eliot Commons wastewater system pumps from a pump station next to The Residences at Eliot Commons, out to Route 236 via a forcemain, southeast down Route 236, and then southwest down Bolt Hill Rd., into the public sewer system. Sheet 3 shows a proposed new 8" sewer lateral from the car wash building to a private gravity line on Levesque Dr., with a manhole near the parking spaces. That gravity line appears to flow to the pump station. The existing forcemain sending sewerage from the pump station out to Route 236 is also shown crossing the car wash site. General note 1 on Sheet 3 speaks to the PVC (SDR 35) sewer lines meeting Kittery Sewer District standards.

Previous reviews addressed the role of the Town's Route 236 Water-Sewer Extension Project. The project (estimated to be complete in 2025) will extend a gravity sewer line down Levesque Dr. to allow for a connection from the car wash (see attached project plan sheet). The Town holds an easement for a future public gravity sewer line down Levesque Dr., with the approximate easement lines shown on the plan. Based on review discussions, and depending on timing of construction, if approved, it is understood the building would start with the private system connection and switch to the public sewer system when available.

Wash water disposal and reuse/recycling

Wash water disposal has been discussed in previous reviews. Chapter 18, regulating sewer connections, Chapter 31, regulating non-stormwater discharges, and Sections 45-419 and -420, prohibit or restrict

treated or hazardous wastewater and wastes into surface waters, ground waters, the public sewer system, or the Town's storm sewer system. Ch. 31 exempts only "individual residential car washing". In their stormwater management plan, the applicant states: "The carwash operation system includes exterior drains that are routed to the sanitary sewer system, therefore carwash operations are separate from, and will not adversely affect, the stormwater management system."

Per a PB question, the applicant described how each bay will have a sediment pit with filter and oil-water separator for treating wash water before going into the sewer system. The applicant's cover letter indicated a continued proposal for 20% water reuse – so the reduced wastewater discharge is instead a result of the more efficient water sprayer technology as described in Mr. Arimento's email.

Sewer allocation and capacity

See also information and correspondence in previous packets.
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In 2021, Town of Eliot staff began formal discussions with the Town of Kittery about increasing our reserve capacity at the Kittery treatment plant. The Intermunicipal Agreement (IMA) was updated to increase the reserve capacity by 200,000 gpd, to a total of 400,000 gpd. The IMA is included in the packet. The Town's Route 236 Water-Sewer Project consultant, Underwood Engineers, had estimated in 2020 that the existing annual average sewer flow from Eliot was 120,000 gpd, with another 26,300 gpd in "unrealized allocations" – related to approved projects that had not yet been built or generated wastewater. Assuming current use of between 125,000 and 150,000 gpd, the Town would have 250,000 to 275,000 in remaining reserve capacity, though the IMA also includes peak daily and one-hour limits.

The process for applicants to request sewer allocation for the Town of Eliot is in a previous packet. More information is in Chapter 18 of the Town Code and here: <https://www.eliotmaine.org/public-works/pages/sewer-application-process>.

Per a PB 7/25 comment, I contacted the Kittery Sewer Department on the phone on 8/29. They indicated that for a car wash they would typically ask for a sediment filter and oil-water separator, which the applicant has already committed to providing.

Tree buffer

The plans show the existing woods in the rear of the parcel, where Eliot Commons abuts 155 HL Dow. There are a few existing trees between the parcel and the Post Office, and the plans show the addition of two new shade trees in the front of the car wash.

Solid waste

A dumpster with 6' stockade fence screening is shown in the rear of the lot.

Recommendation

Approval with conditions

Motion templates

Approval with conditions (recommended)

Motion to approve PB23-1 – Site Plan Amendment/Review for a Car Wash at 17 Levesque Dr. The approval includes the following conditions:

1. [standard conditions]
2. _____
3. _____

Disapproval

Motion to disapprove PB23-1 – Site Plan Amendment/Review for a Car Wash at 17 Levesque Dr. for the following reason(s) related to noncompliance with land use regulations:

1. _____
2. _____
3. _____

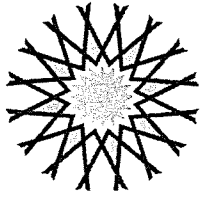
Continuance

Motion to continue PB23-1 to the January 23, 2024, meeting.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



ATTAR

ENGINEERING, INC

CIVIL • STRUCTURAL • MARINE

Mr. Michael Sullivan, Town Manager
Mr. Richard Donhauser, Chair-Board of Selectmen
Mr. Jeffery Brubaker, AICP, Town Planner Town of Eliot, Maine
1333 State Road
Eliot, Maine 03903

November 28, 2023
Project No. C381-22

**RE: Sewage Capacity and Plan Set Revisions
Eliot Commons Car Wash (Tax Map 29, Lot 26)
17 Levesque Drive, Eliot, Maine**

Dear Mr. Sullivan, Mr. Donhauser, and Mr. Brubaker

We are revising our design and request for sewer capacity for the Car Wash at Eliot Commons adjacent to the Post Office (plan, attached). The proposed changes come at the request for a reduction in the car wash discharge to the municipal system from the select board. The methods of reduction are outlined below in the attached email from Jeff Arimento of The Car Wash Pros.

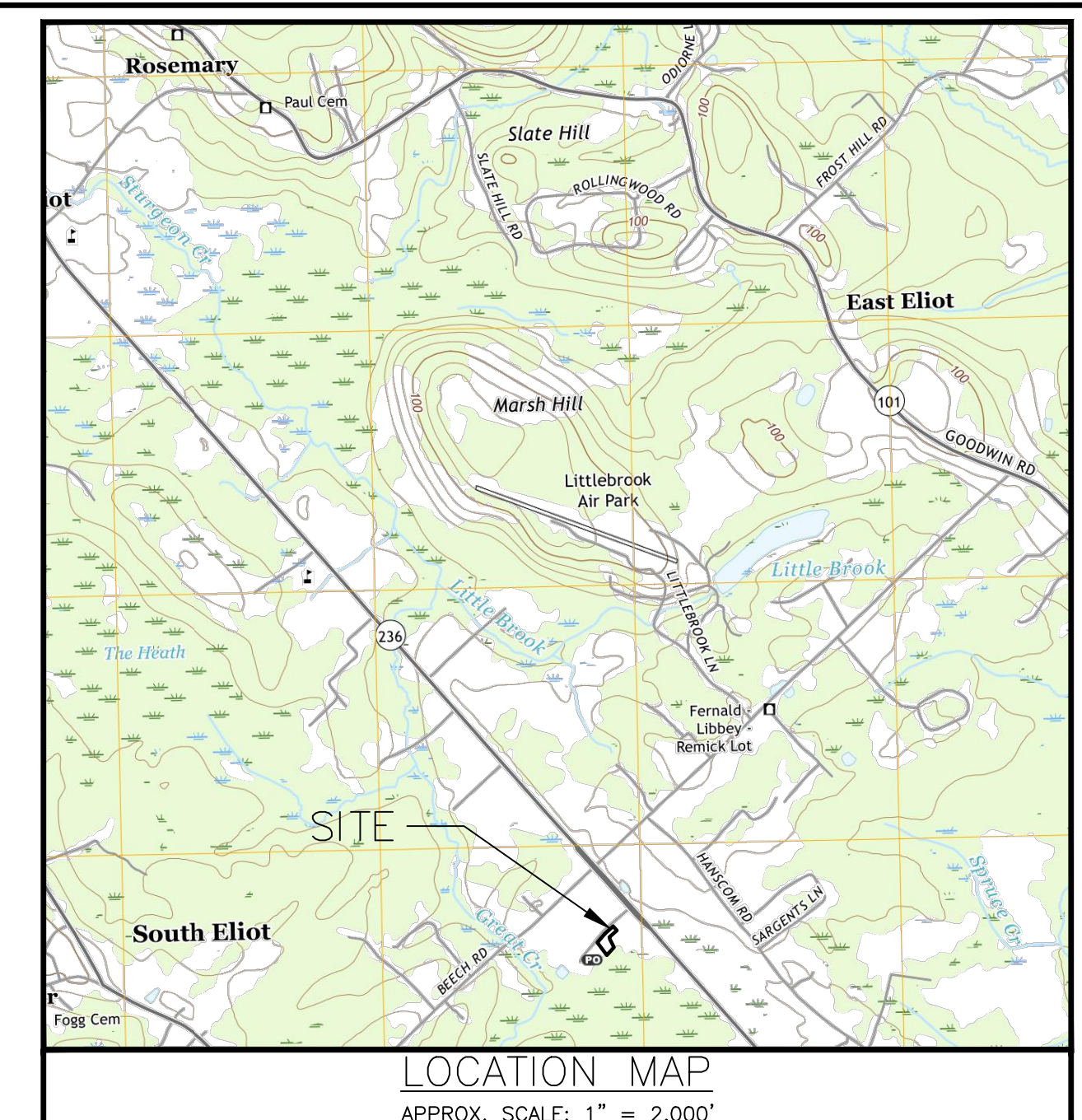
The car wash will discharge approximately 2,342 GPD to the municipal system. The facility will use both touch-free and friction type wash systems in 2 different bays. Approximately 20% of the wash water will be reused and recycled through a reverse osmosis system. The car wash facility will discharge all other wash-water to the municipal system, minimizing particulate and soluble pollutants which would otherwise be generated by a typical vehicle being washed in a driveway. The self-service bay previously proposed to be included in the car wash building has been removed and the building size has been decreased accordingly. The removal of the self-service bay is intended to further reduce the potential flow discharged by the car wash.

We will be able to obtain written approval for the connection after plan approval and prior to application of the Building Permit as previously discussed with Fred Forsley, President of Sea Dog Realty.

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

Sincerely;

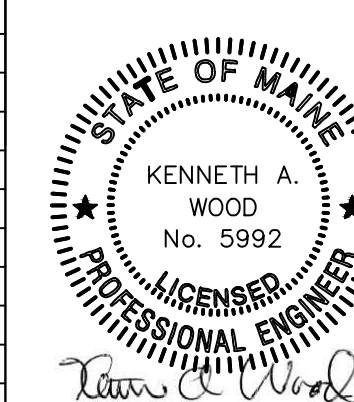
Wyatt R. Page, E.I.
Project Engineer



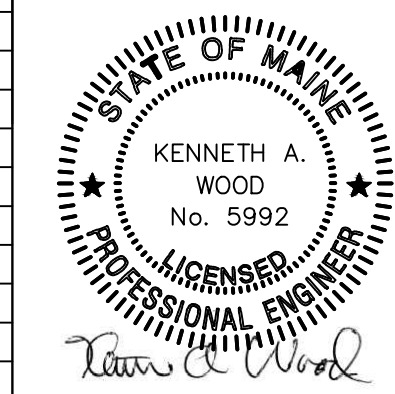
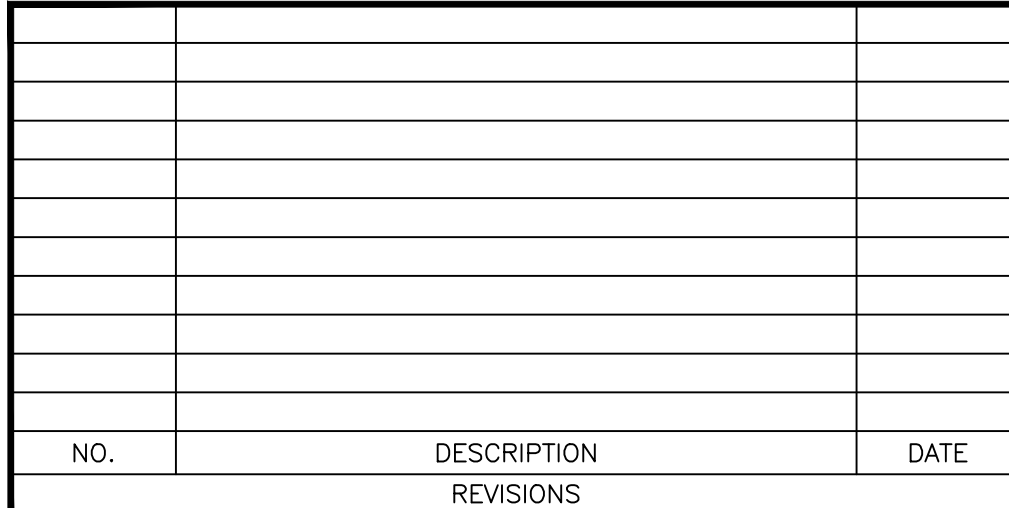
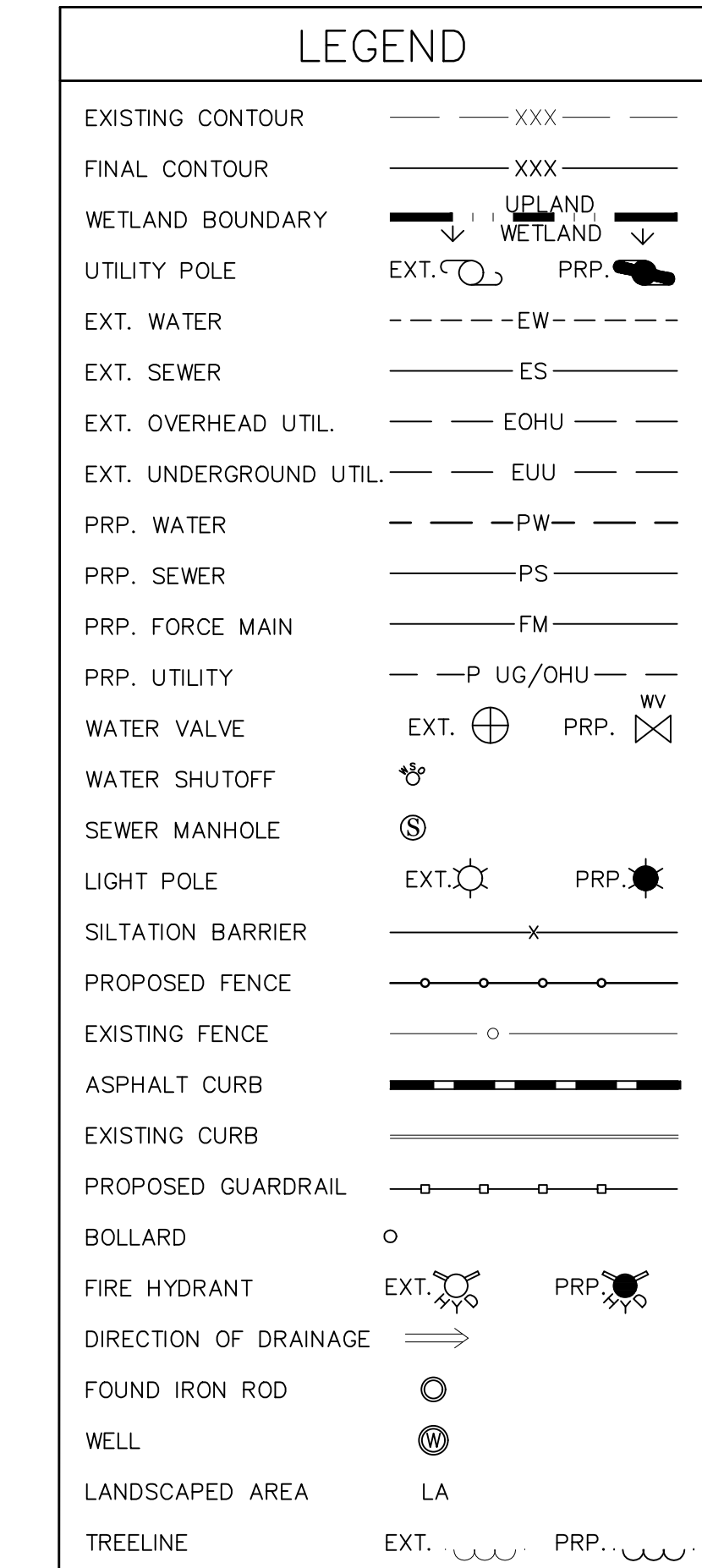
REFERENCES


1. "GENERIC 4 BAY DRAWING" FOR SHAWN MOORE. PREPARED BY CAR WASH PROS.
2. "CONDOMINIUM PLAT - ELIOT COMMONS PROFESSIONAL PARK, LEVESQUE DRIVE, ELIOT, MAINE" PREPARED BY ATTAR ENGINEERING, INC. DATED 9/14/2020. YORD BOOK 467, PAGE 4.
3. "AS - BUILT - ELIOT COMMONS ROUTE 236 ELIOT, MAINE" FOR ROBERT P. LEVESQUE. PREPARED BY RICHARD A. MANTHORNE DATED JANUARY 1988

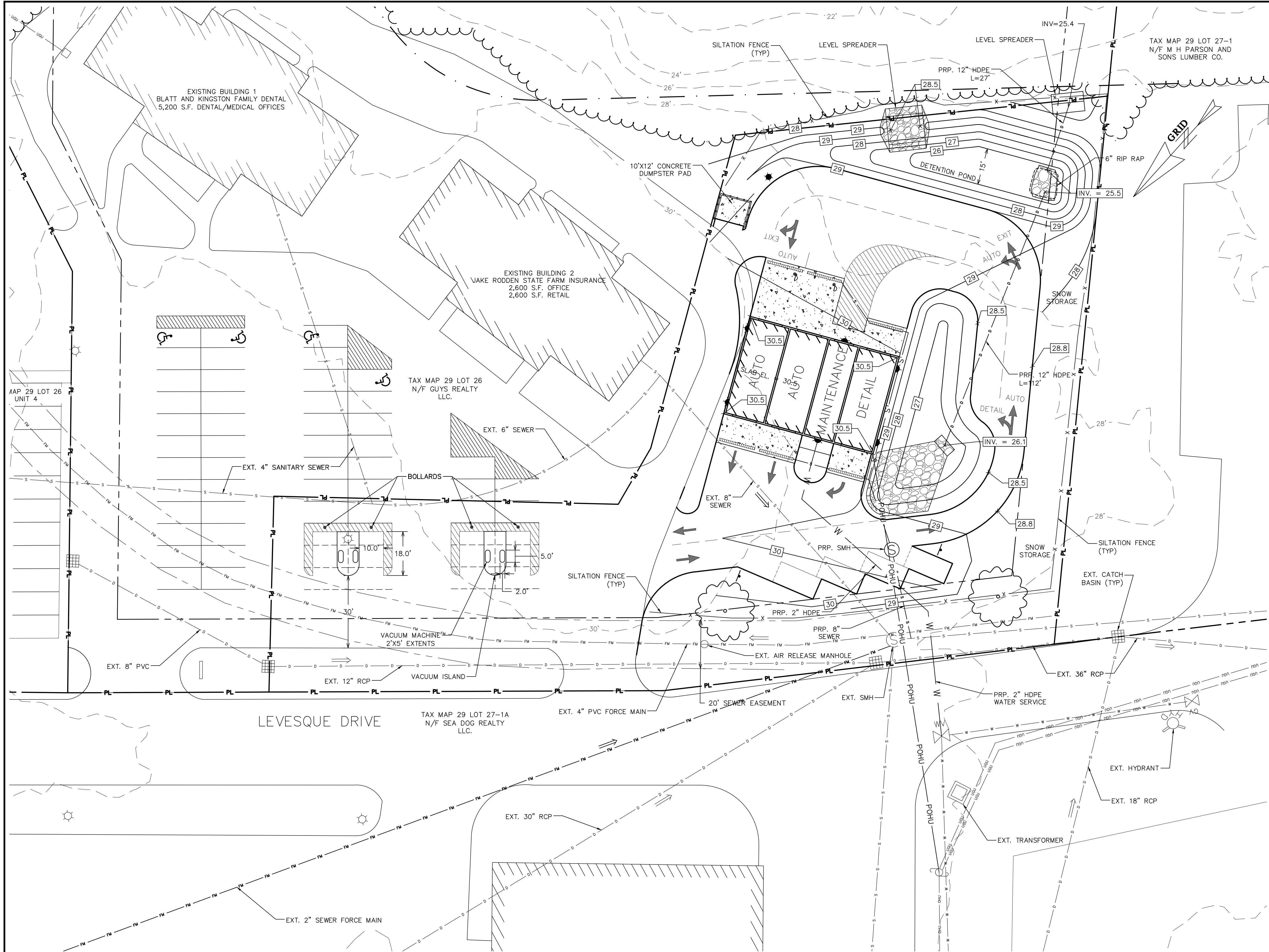
A	REMOVED SELF SERVICE BAY	11/28/20
NO.	DESCRIPTION	DATE
	REVISIONS	



JOB NO: C381-22	FILE: ELIOT COMMONS CAR WASH.DWG	SHEET: 1
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<p>EXISTING CONDITIONS PLAN</p> <p>ELIOT COMMONS CAR WASH</p> <p>17 LEVESQUE DRIVE, ELIOT, ME 03903</p>			
<p>FOR: SHAWN MOORE</p> <p>28 SCHOONER RD</p> <p>SCARBOROUGH, ME 04074</p>			
	<p>ATTAR ENGINEERING, INC.</p> <p>CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING</p> <p>1284 STATE ROAD — ELIOT, MAINE 03903</p> <p>PHONE: (207) 439—6023 FAX: (207) 439—2128</p>		
	<p>SCALE:</p> <p>1" = 20'</p>	<p>APPROVED BY:</p>	<p>DRAWN BY:</p> <p>WRP</p>
	<p>DATE:</p> <p>4/27/2023</p>		<p>REVISION DATE:</p> <p>A : 11/28/2023</p>
	<p>JOB NO: C381—22</p>	<p>FILE: ELIOT COMMONS CAR WASH.DWG</p>	<p>SHEET: 2</p>

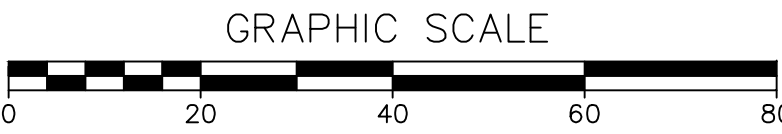


GENERAL NOTES

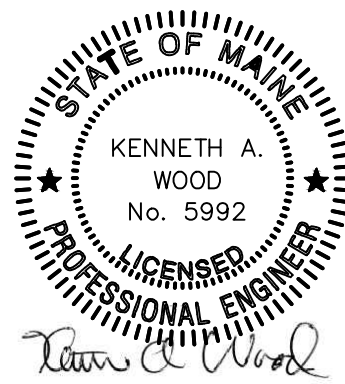
1. ALL SEWER LINES TO BE PVC (SDR 35). ALL ASPECTS OF THE SEWER SYSTEM INCLUDING MANHOLES AND CONSTRUCTION METHODS SHALL MEET CURRENT KITTERY SEWER DISTRICT STANDARDS. ALL SEWER LINES, MANHOLES AND PUMP STATIONS SHALL BE TESTED IN ACCORDANCE WITH CURRENT KSD REQUIREMENTS.
2. ALL STORM DRAINS SHALL BE ADS N-12 (HDPE) OR APPROVED EQUAL (UNLESS NOTED OTHERWISE). PROPER TRENCHING AND BACKFILLING ARE VITAL TO THE LONG TERM PERFORMANCE AND DURABILITY OF HDPE CULVERT INSTALLATIONS. SEE HDPE CULVERT TRENCH DETAIL.
3. WATER MAINS, VALVES, FITTINGS AND CONNECTIONS SHALL MEET CURRENT KITTERY WATER DISTRICT STANDARDS. ALL WATER LINES SHALL BE TESTED AND DISINFECTED IN ACCORDANCE WITH CURRENT KWD STANDARDS. MATERIALS SPECIFIED MAY BE SUBSTITUTED WITH EQUAL MATERIALS WITH THE APPROVAL OF KWD.
4. A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.
5. PROPOSED OVERHEAD/UNDERGROUND UTILITIES ARE APPROXIMATELY LOCATED. CENTRAL MAINE POWER WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION. THE CONTRACTOR SHALL COORDINATE WITH CMP PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

LEGEND

EXISTING CONTOUR	---	XXX	---
FINAL CONTOUR	---	XXX	---
WETLAND BOUNDARY	---	UPLAND	---
UTILITY POLE	---	WETLAND	---
EXT. WATER	---	EXT. C	---
EXT. SEWER	---	PRP.	---
EXT. OVERHEAD UTIL.	---	ES	---
EXT. UNDERGROUND UTIL.	---	EOHU	---
PRP. WATER	---	EUU	---
PRP. SEWER	---	PW	---
PRP. FORCE MAIN	---	PS	---
PRP. UTILITY	---	FM	---
WATER VALVE	---	P UG/CHU	---
WATER SHUTOFF	---	EXT. ⊕	---
SEWER MANHOLE	---	PRP. ⊕	---
LIGHT POLE	---	EXT. ⊙	---
SILTATION BARRIER	---	PRP. ⊙	---
PROPOSED FENCE	---	EXT. ⊙	---
EXISTING FENCE	---	PRP. ⊙	---
ASPHALT CURB	---	EXT. ⊙	---
EXISTING CURB	---	PRP. ⊙	---
PROPOSED GUARDRAIL	---	EXT. ⊙	---
BOLLARD	---	PRP. ⊙	---
FIRE HYDRANT	---	EXT. ⊙	---
DIRECTION OF DRAINAGE	---	PRP. ⊙	---
FOUND IRON ROD	---	EXT. ⊙	---
WELL	---	PRP. ⊙	---
LANDSCAPED AREA	---	EXT. ⊙	---
TREELINE	---	PRP. ⊙	---



A	REMOVED SELF SERVICE BAY	11/28/23
NO.	DESCRIPTION	DATE
REVISIONS		

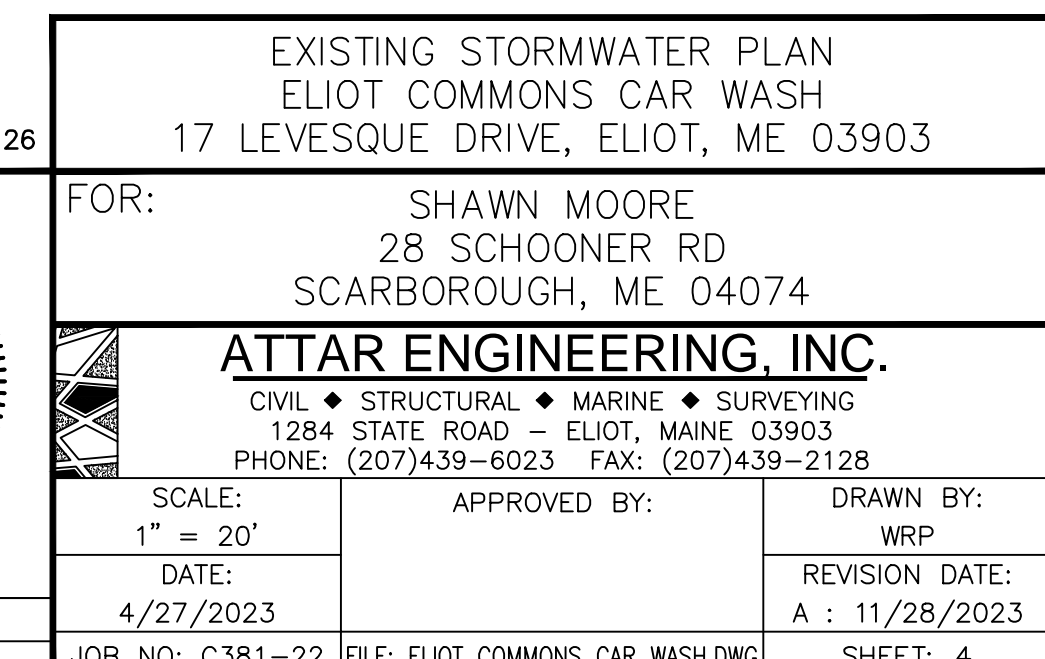


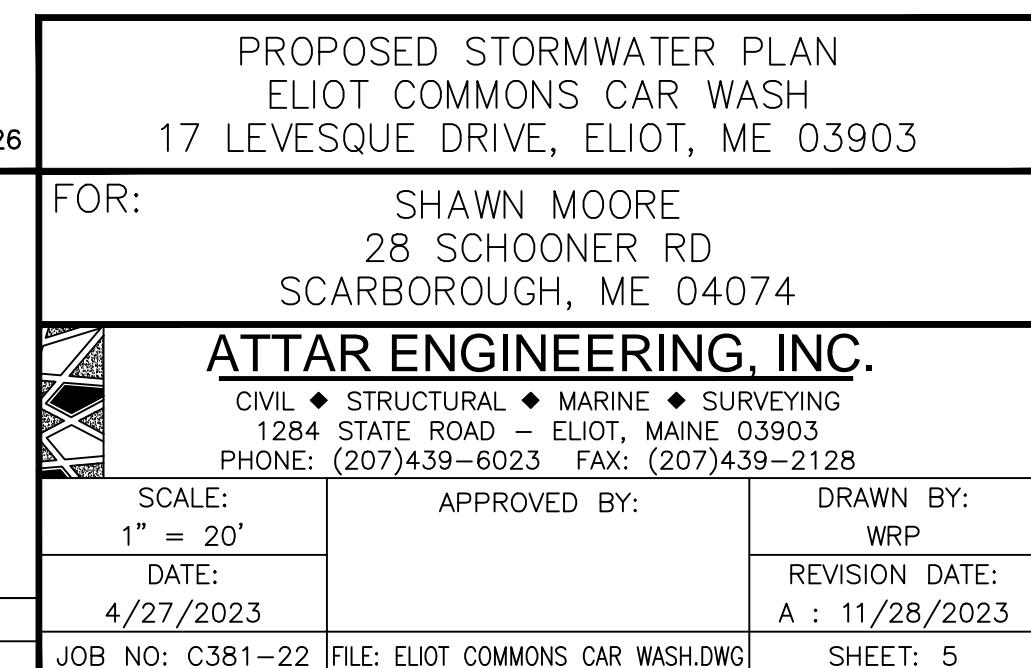
GRADING AND UTILITY PLAN
ELIOT COMMONS CAR WASH
17 LEVESQUE DRIVE, ELIOT, ME 03903

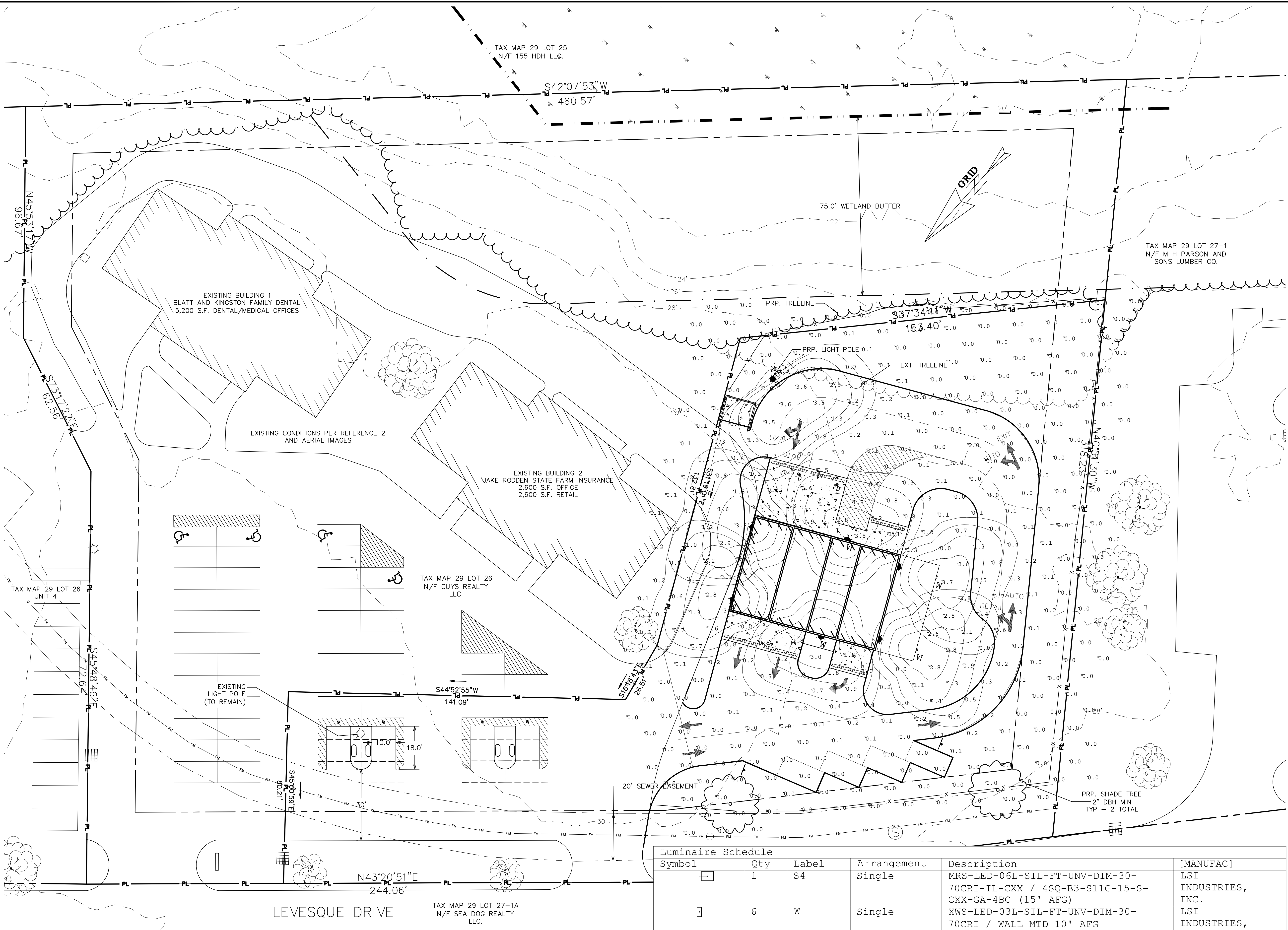
FOR: SHAWN MOORE
28 SCHOONER RD
SCARBOROUGH, ME 04074

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

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: WRP
DATE: 4/27/2023		REVISION DATE: A : 11/28/2023
JOB NO: C381-22	FILE: ELIOT COMMONS CAR WASH.DWG	SHEET: 3







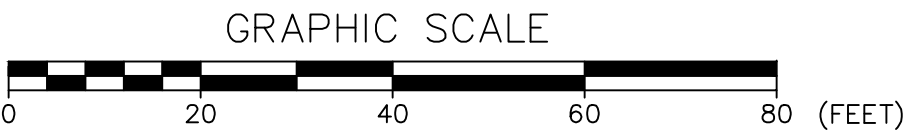
Luminaire Schedule					
Symbol	Qty	Label	Arrangement	Description	[MANUFAC]
	1	S4	Single	MRS-LED-06L-SIL-FT-UNV-DIM-30-70CRI-IL-CXX / 4SQ-B3-S11G-15-S-CXX-GA-4BC (15' AFG)	LSI INDUSTRIES, INC.
	6	W	Single	XWS-LED-03L-SIL-FT-UNV-DIM-30-70CRI / WALL MTD 10' AFG	LSI INDUSTRIES, INC.

REFERENCES

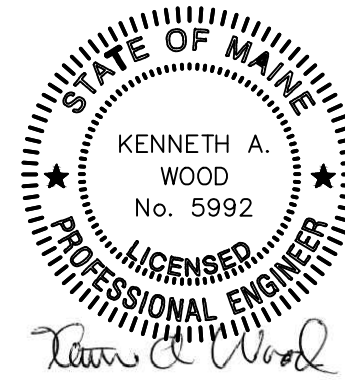
- "GENERIC 4 BAY DRAWING" FOR SHAWN MOORE. PREPARED BY CAR WASH PROS.
- "CONDOMINIUM PLAT - ELIOT COMMONS PROFESSIONAL PARK, LEVESQUE DRIVE, ELIOT, MAINE" PREPARED BY ATTAR ENGINEERING, INC. DATED 9/14/2020. YCRD BOOK 467, PAGE 4.

INDEX OF SHEETS:

- SITE PLAN
- EXISTING CONDITIONS PLAN
- GRADING + UTILITY PLAN
- EXISTING STORMWATER PLAN
- PROPOSED STORMWATER PLAN
- SITE DETAILS PLAN
- SITE DETAILS PLAN
- LIGHTING PLAN



NO.	DESCRIPTION	DATE
REVISIONS		



LIGHTING PLAN ELIOT COMMONS CAR WASH 17 LEVESQUE DRIVE, ELIOT, ME 03903		
FOR: SHAWN MOORE 28 SCHOONER RD SCARBOROUGH, ME 04074		
ATTAR ENGINEERING, INC. CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING 1284 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128		
SCALE: 1" = 20' DATE: 4/27/2023	APPROVED BY:	DRAWN BY: WRP REVISION DATE: A : 11/28/2023
JOB NO: C381-22 FILE: ELIOT COMMONS CAR WASH.DWG		SHEET: 6

EROSION & SEDIMENTATION CONTROL NOTES

1. SEDIMENT BARRIERS SHALL BE INSTALLED PARALLEL TO CONTOURS DOWNSLOPE OF ALL STRIPPING OR CONSTRUCTION OPERATIONS, PRIOR TO THE START OF CONSTRUCTION. A DOUBLE SILT FENCE BARRIER SHALL BE INSTALLED DOWNSLOPE OF ANY SOIL MATERIAL STOCKPILES (STORMWATER SHALL BE PREVENTED FROM DRAINING COVER IS ESTABLISHED). SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL PARTICLES ACCUMULATING BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND IN NO INSTANCE SHOULD ACCUMULATION EXCEED 1/2 THE HEIGHT OF THE FENCE. TORN OR DAMAGED AREAS SHALL BE REPAIRED.
2. TEMPORARY AND PERMANENT VEGETATION AND MULCHING IS AN INTEGRAL COMPONENT OF THE EROSION AND SEDIMENTATION CONTROL PLAN. ALL AREAS SHALL BE INSPECTED AND MAINTAINED UNTIL THE DESIRED VEGETATIVE COVER IS ESTABLISHED. THESE CONTROL MEASURES ARE ESSENTIAL TO EROSION PREVENTION AND ALSO REDUCE COSTLY REWORK OF GRADED AND SHAPED AREAS. THE MAXIMUM AREA THAT CAN BE EXPOSED, AND NOT TEMPORARILY OR PERMANENTLY STABILIZED, AT ONE TIME SHALL BE LIMITED TO 10 ACRES.
3. SEEDING, FERTILIZER AND LIME RATES AND TIME OF APPLICATION WILL BE DEPENDENT ON SOIL REQUIREMENTS. TEMPORARY VEGETATION SHALL BE MAINTAINED IN THESE AREAS UNTIL PERMANENT SEEDING IS APPLIED. ADDITIONALLY, EROSION AND SEDIMENTATION MEASURES SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.
4. ALL LAWN AREA, OUTER POND SIDE SLOPES AND SWALES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 2 LB/ACRE REDTOP AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 42 LB/ACRE. FERTILIZER AND LIME RATES SHALL BE DEPENDENT ON SOIL TESTING. IN THE ABSENCE OF SOIL TESTS, FERTILIZE WITH 10-20-20 (N-P205-K20I) AT 800 LB/ACRE AND LIME AT 3 TONS/ACRE. MULCH WITH HAY AT 70-90 LB/1000 S.F. 4" OF LOAM SHALL BE APPLIED PRIOR TO SEEDING.
5. POND BOTTOMS AND INNER POND SIDESLOPES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 8 LB/ACRE BIRDSFOOT TREFOIL AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.
6. TEMPORARY VEGETATION OF ALL DISTURBED AREAS, MATERIAL STOCKPILES AND OTHER SUCH AREAS SHALL BE ESTABLISHED BY SEEDING WITH EITHER WINTER RYE AT A RATE OF 112 LB/ACRE OR ANNUAL RYEGRASS AT A RATE OF 40 LB/ACRE. WINTER RYE SHALL BE USED FOR FALL SEEDING AND ANNUAL RYEGRASS FOR SHORT DURATION SEEDING. SEEDING SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. TEMPORARY STABILIZATION WITH MULCH OF DISTURBED AREAS SHALL TAKE PLACE WITHIN 7 DAYS OF THE CESSATION OF CONSTRUCTION ACTIVITIES IN AN AREA THAT WILL NOT BE WORKED FOR MORE THAN 7 DAYS. AREAS WITHIN 75 FEET OF A WETLAND OR WATERBODY SHALL BE TEMPORARILY STABILIZED WITH MULCH WITHIN 48 HOURS OF THE INITIAL DISTURBANCE OR PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST.
7. TEMPORARY SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. PERMANENT SEEDING SHALL BE ACCOMPLISHED BEFORE SEPTEMBER 15.
8. ALL SEEDED AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-90 LB) PER 1000 S.F. OF SEEDED AREA.
9. ALL DISTURBED AREAS ON THE SITE SHALL BE PERMANENTLY STABILIZED WITHIN 7 DAYS OF FINAL GRADING OR TEMPORARILY STABILIZED PER E&S NOTE 6. PERMANENT STABILIZATION MEANS 90% COVER WITH MATURE, HEALTHY PLANTS FOR PLANTED AREAS AND FOR SODDED AREAS, COMPLETE BINDING OF SOD ROOTS INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE-OFF.
10. A STABILIZED CONSTRUCTION ENTRANCE SHALL BE INSTALLED AT ALL ACCESSES TO PUBLIC ROADS (SEE PLAN). TEMPORARY CULVERTS SHALL BE PROVIDED AS REQUIRED.
11. SLOPES BETWEEN 3H:1V AND 2H:1V SHALL BE TREATED WITH POLYJUTE OPEN WEAVE GEOTEXTILE (OR EQUIVALENT) AFTER SEEDING. JUTE MATS SHALL BE ANCHORED PER MANUFACTURER'S SPECIFICATIONS. SLOPES 2H:1V TO SLOPES AS STEEP AS 1.5H:1V SHALL BE TREATED WITH RIP RAP AS DEPICTED ON THE PLANS/DETAILS. SLOPES STEEPER THAN 1.5H:1V ARE PROHIBITED.
12. EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.
13. THE CONTRACTOR MAY OPT TO USE EROSION CONTROL MIX BERM AS A SEDIMENT BARRIER IN LIEU OF SILTATION FENCE OR HAY BALE BARRIERS WITH APPROVAL FROM THE INSPECTING ENGINEER.
14. TEMPORARY E&S CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS OF PERMANENT STABILIZATION. ACCUMULATED SEDIMENTS SHALL BE REMOVED AND THE AREA STABILIZED.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATE HOUSEKEEPING PRACTICES DURING THE CONSTRUCTION OF THE PROJECT. THESE STANDARDS CAN BE FOUND IN THE FOLLOWING DOCUMENT: MDEP CHAPTER 500 (STORMWATER MANAGEMENT), APPENDIX C. HOUSEKEEPING. HOUSEKEEPING PRACTICES INCLUDE, BUT ARE NOT LIMITED TO, SPILL PREVENTION, GROUNDWATER PROTECTION, FUGITIVE SEDIMENT AND DUST, DEBRIS AND OTHER MATERIALS, EXCAVATION DEWATERING, AUTHORIZED NON-STORMWATER DISCHARGES (SEE NOTE 18) AND UNAUTHORIZED NON-STORMWATER DISCHARGES (SEE NOTE 19). ANY SPILL OR RELEASE OF HAZARDOUS SUBSTANCES MUST BE REPORTED TO THE MDEP; FOR OIL SPILLS, CALL 1-800-482-0777; FOR SPILLS OF TOXIC OR HAZARDOUS MATERIAL, CALL 1-800-452-4664.
16. WHENEVER PRACTICABLE, NO DISTURBANCE ACTIVITIES SHOULD TAKE PLACE WITHIN 50 FEET OF ANY PROTECTED NATURAL RESOURCE. IF DISTURBANCE ACTIVITIES TAKE PLACE WITHIN 75' OF ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED. IF DISTURBANCE ACTIVITIES TAKE PLACE LESS THAN 30 FEET FROM ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED AND DISTURBED AREAS MUST BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN 7 DAYS.

EROSION & SED. CONTROL NOTES (CONT.)

1. AUTHORIZED NON-STORMWATER DISCHARGES. IDENTIFY AND PREVENT CONTAMINATION BY NONSTORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NONSTORMWATER DISCHARGES ARE:
- (A) DISCHARGES FROM FIREFIGHTING ACTIVITY;
- (B) FIRE HYDRANT FLUSHINGS;
- (C) VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
- (D) DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS AND APPENDIX C(3);
- (E) ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
- (F) PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED;
- (G) UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;
- (H) UNCONTAMINATED GROUNDWATER OR SPRING WATER;
- (I) FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;
- (J) UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN APPENDIX C(5));
- (K) POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS;
- (L) LANDSCAPE IRRIGATION.

2. UNAUTHORIZED NON-STORMWATER DISCHARGES. THE DEPARTMENT'S APPROVAL UNDER THIS CHAPTER DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NONSTORMWATER, OTHER THAN THOSE DISCHARGES IN COMPLIANCE WITH APPENDIX C(6). SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING:
- (A) WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
- (B) FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE;
- (C) SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND
- (D) TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.

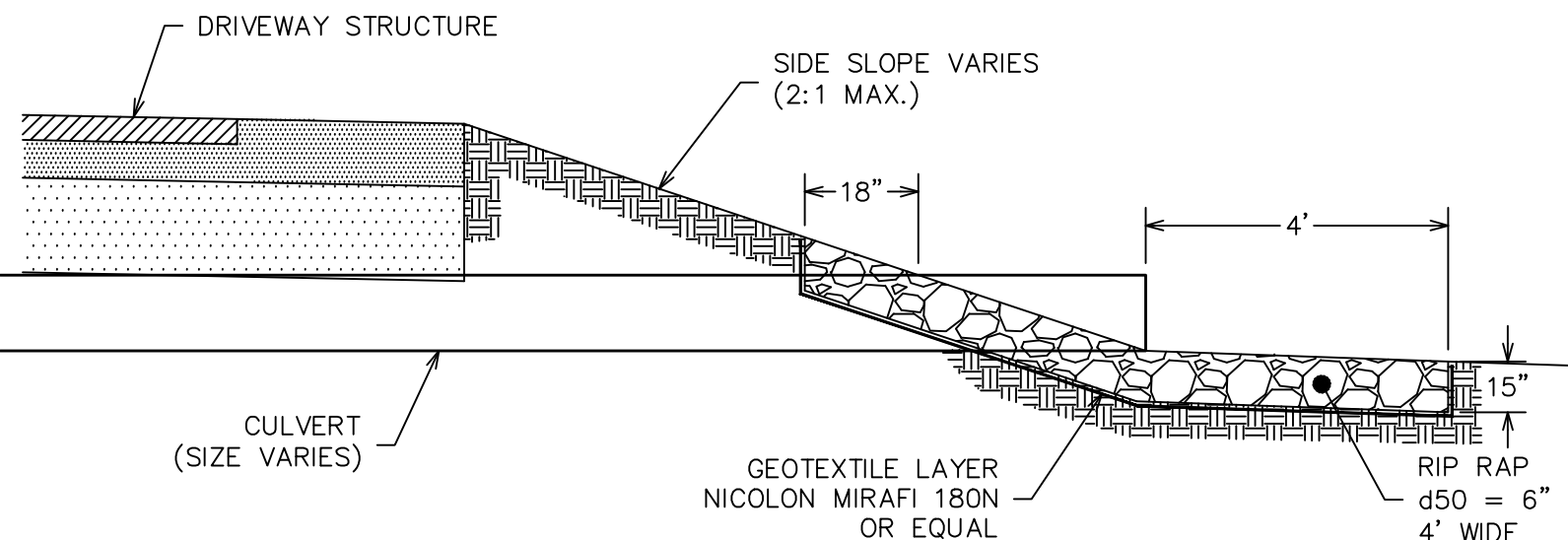
E&S INSPECTION/MAINTENANCE DURING CONSTRUCTION

THE SITE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FOLLOWING:

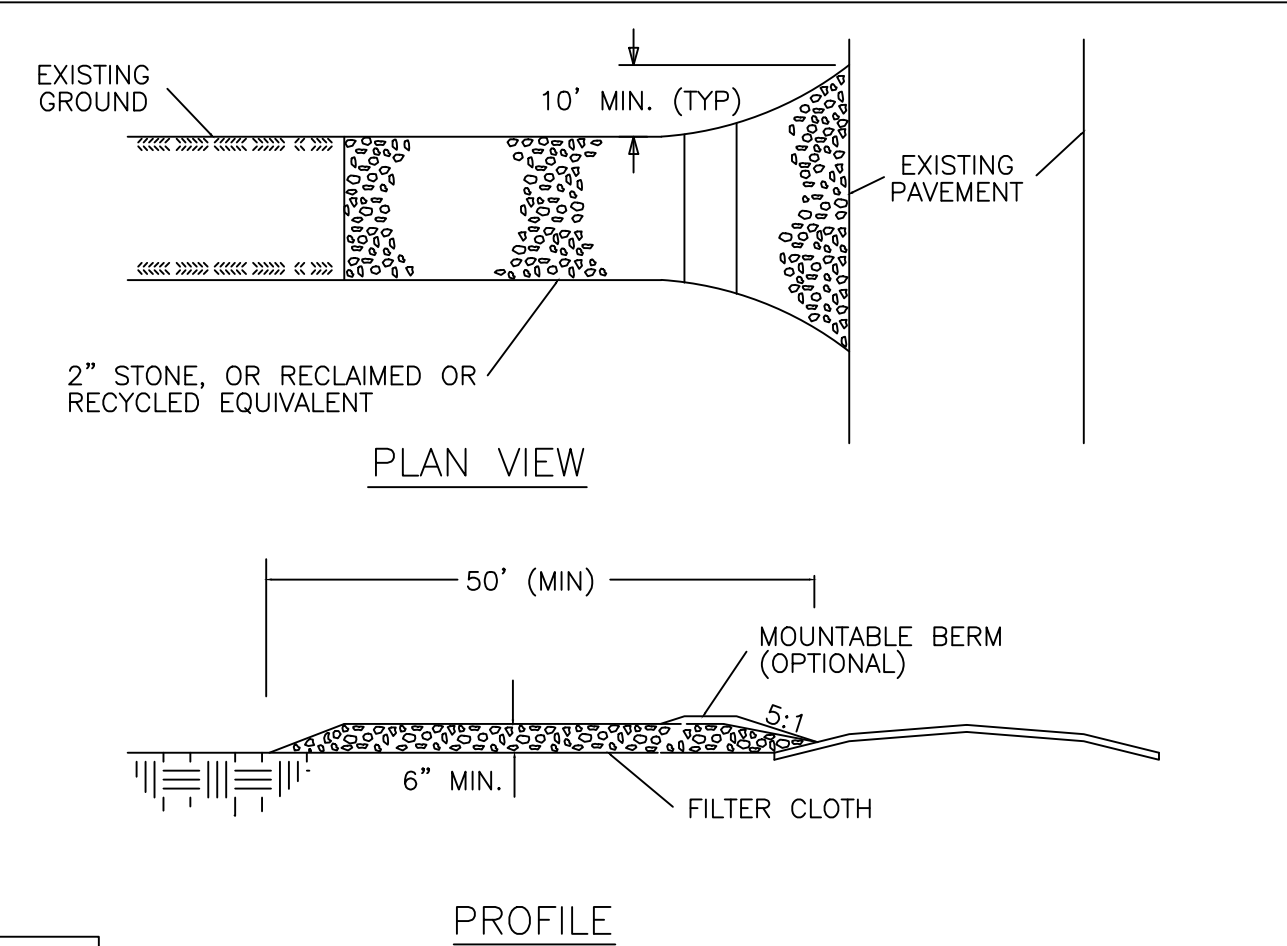
A. **INSPECTION AND CORRECTIVE ACTION.** INSPECT DISTURBED AND IMPERVIOUS AREAS, EROSION CONTROL MEASURES, MATERIALS STORAGE AREAS THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE. INSPECT THESE AREAS AT LEAST ONCE A WEEK AS WELL AS BEFORE AND WITHIN 24 HOURS AFTER A STORM EVENT OF MORE THAN 0.5" IN A CONSECUTIVE 24 HOUR PERIOD, AND PRIOR TO COMPLETING PERMANENT STABILIZATION MEASURES. A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT, SHALL CONDUCT THE INSPECTIONS.

B. **MAINTENANCE.** IF BEST MANAGEMENT PRACTICES (BMPs) NEED TO BE REPAIRED, THE REPAIR WORK SHOULD BE INITIATE UPON DISCOVERY OF THE PROBLEM BUT NO LATER THAN THE END OF THE NEXT WORKDAY. IF ADDITIONAL BMPs OR SIGNIFICANT REPAIR OF BMPs ARE NECESSARY, IMPLEMENTATION MUST BE COMPLETED WITHIN 7 CALENDAR DAYS AND PRIOR TO ANY STORM EVENT (RAINFALL). ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL AREAS ARE PERMANENTLY STABILIZED.

C. **DOCUMENTATION.** KEEP A LOG (REPORT) SUMMARIZING THE INSPECTIONS AND ANY CORRECTIVE ACTION TAKEN. THE LOG MUST INCLUDE THE NAME(S) AND QUALIFICATIONS OF THE PERSON MAKING THE INSPECTIONS, THE DATE(S) OF THE INSPECTIONS, AND MAJOR OBSERVATIONS ABOUT THE OPERATION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS, MATERIALS STORAGE AREAS, AND VEHICLES ACCESS POINTS TO THE PARCEL. MAJOR OBSERVATIONS MUST INCLUDE BMPs THAT NEED MAINTENANCE, BMPs THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION, AND LOCATION(S) WHERE ADDITIONAL BMPs ARE NEEDED. FOR EACH BMP REQUIRING MAINTENANCE, BMP NEEDING REPLACEMENT, AND LOCATION NEEDING ADDITIONAL BMPs, NOTE IN THE LOG THE CORRECTIVE ACTION TAKEN AND WHEN IT WAS TAKEN. THE LOG MUST BE MADE ACCESSIBLE TO DEPARTMENT STAFF AND A COPY MUST BE PROVIDED UPON REQUEST. THE PERMITTEE SHALL RETAIN A COPY OF THE LOG FOR A PERIOD OF AT LEAST THREE YEARS FROM THE COMPLETION OF PERMANENT STABILIZATION.



CULVERT INLET/OUTLET PROTECTION DETAIL (NTS)



- NOTES
1. GEOTEXTILE: PLACE FILTER CLOTH OVER ENTIRE AREA TO BE COVERED WITH AGGREGATE. FILTER CLOTH WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENTIAL LOT.
2. PIPING OF SURFACE WATER UNDER ENTRANCE SHALL BE PROVIDED AS REQUIRED. IF PIPING IS IMPOSSIBLE, A MOUNTABLE BERM WITH A 5:1 SLOPE WILL BE PERMITTED.

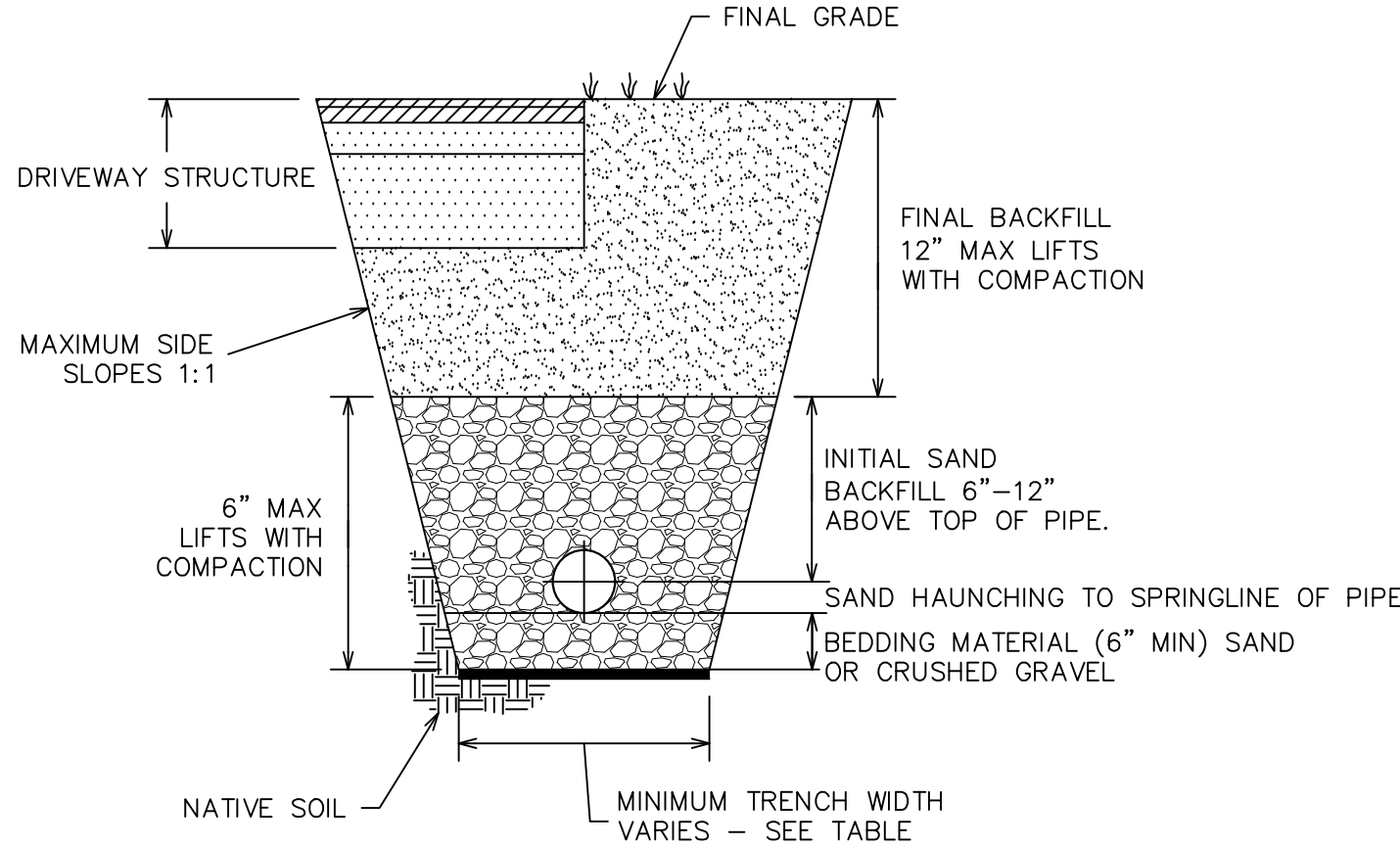
STABILIZED CONSTRUCTION ENTRANCE

PAVEMENT SECTION CONSTRUCTION NOTES

1. DRIVEWAYS AND PARKING AREAS TO BE CONSTRUCTED IN ACCORDANCE WITH THE APPROPRIATE CROSS SECTION DETAIL. GRAVEL FILL TO BE COMPACTED TO 95% MODIFIED PROCTOR IN ACCORDANCE WITH ASTM D 1557. LIFT THICKNESSES TO BE A MAXIMUM OF 6".
2. ALL STUMPS, ORGANIC MATERIAL, ROCKS AND BOULDERS TO BE REMOVED TO A MINIMUM DEPTH OF 24" BELOW SUBBASE.
3. ALL STUMPS, LEDGE AND LARGE BOULDERS TO BE REMOVED FROM THE CONSTRUCTION AREA. THE CONSTRUCTION AREA SHALL BE CLEARED AND ROUGH GRADED.
4. ALL CULVERTS TO BE ADS N-12 (HDPE) OR APPROVED EQUAL. CULVERT INLETS AND OUTLETS TO BE PROTECTED IN ACCORDANCE WITH THE CULVERT INLET/OUTLET PROTECTION DETAIL.
5. THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
6. THE CONTRACTOR MUST KEEP ROADWAY TRANSITIONS FROM NEW TO EXISTING PAVEMENT CLEAN TO ENSURE NO SEDIMENT OR DEBRIS LEAVES THE SITE.

WINTER CONSTRUCTION NOTES

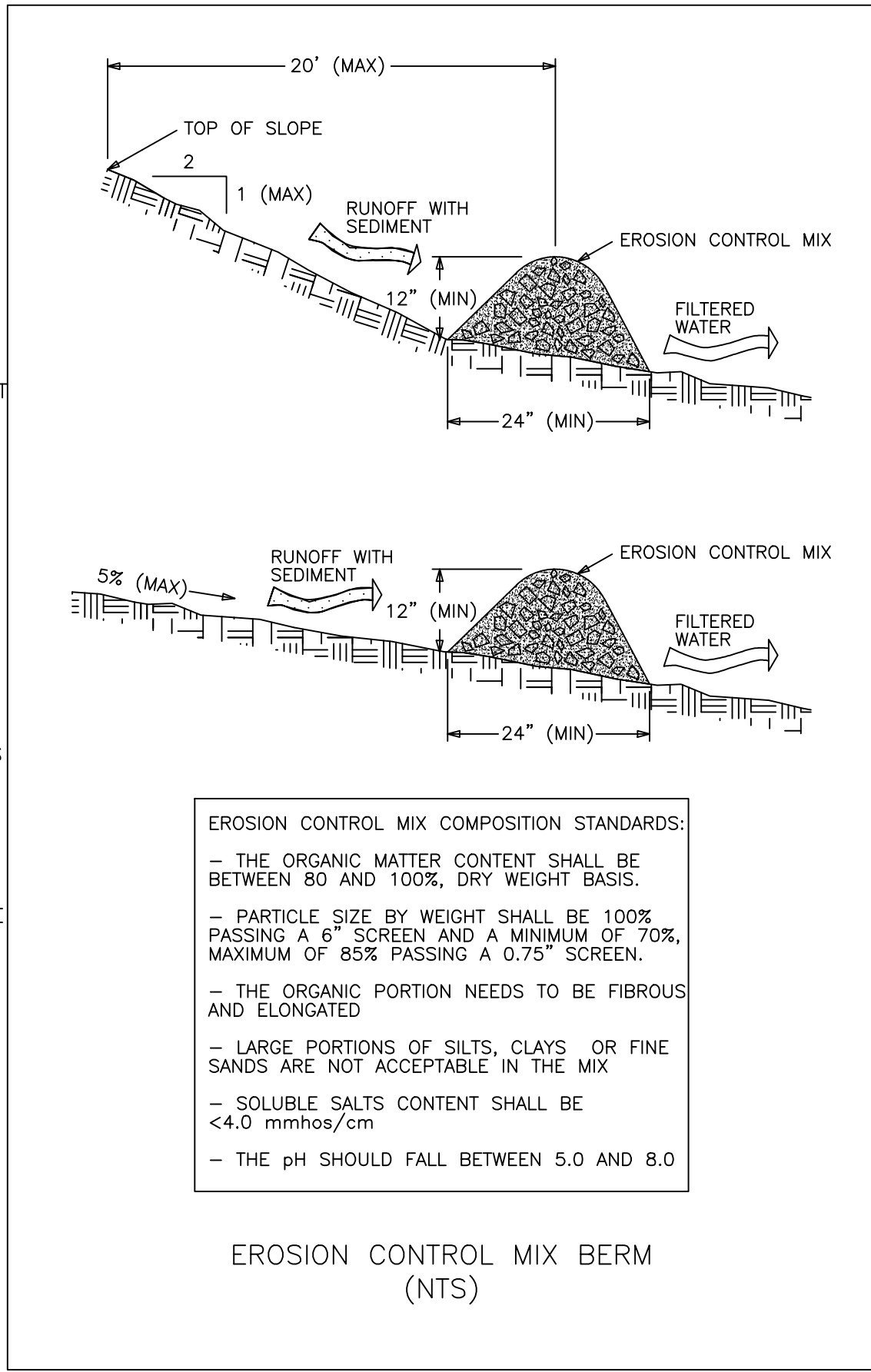
1. AN AREA SHALL BE CONSIDERED STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH HAY AT A RATE OF 100 LB/1000 S.F. OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SO THAT THE SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH.
2. FROM OCTOBER 15 TO APRIL 1, LOAM AND SEED WILL NOT BE REQUIRED. DURING PERIODS OF TEMPERATURES ABOVE FREEZING, DISTURBED AREAS SHALL BE FINE GRADED AND PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL PERMANENT SEEDING CAN BE APPLIED. AFTER NOVEMBER 1, DISTURBED AREAS MAY BE LOAMED, FINE GRADED AND DORMANT SEEDED AT A RATE 200-300% HIGHER THAN THE SPECIFIED PERMANENT SEEDING RATE. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, DISTURBED AREAS SHALL BE GRADED BEFORE FREEZING AND TEMPORARILY STABILIZED WITH MULCH. DISTURBED AREAS SHALL NOT BE LEFT OVER THE WINTER OR FOR ANY OTHER EXTENDED PERIOD OF TIME UNLESS STABILIZED WITH MULCH.
3. FROM NOVEMBER 1 TO APRIL 15 ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, TRACKING OR WOOD CELLULOSE FIBER. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH SLOPES GREATER THAN 3%. SLOPES EXPOSED TO DIRECT WINDS AND FOR SLOPES GREATER THAN 8%. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15%. AFTER OCTOBER 1, THE SAME APPLIES TO ALL SLOPES GREATER THAN 8%.
4. SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.
5. FOR WINTER STABILIZATION, HAY MULCH SHALL BE APPLIED AT TWICE THE STANDARD TEMPORARY STABILIZATION RATE. AT THE END OF EACH CONSTRUCTION DAY, AREAS THAT HAVE BEEN BROUGHT TO FINAL GRADE SHALL BE STABILIZED. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW.
6. ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE SHALL BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.
7. ALL VEGETATED DITCH LINES THAT HAVE NOT BEEN STABILIZED BY NOVEMBER 1, OR WILL BE WORKED DURING THE WINTER CONSTRUCTION PERIOD, SHALL BE STABILIZED WITH AN APPROPRIATE STONE LINING BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE UNLESS SPECIFICALLY RELEASED FROM THIS STANDARD BY THE MDEP.
8. MULCH NETTING SHALL BE USED TO ANCHOR MULCH ON ALL SLOPES GREATER THAN 8% UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MIX IS BEING USED ON SUCH SLOPES.



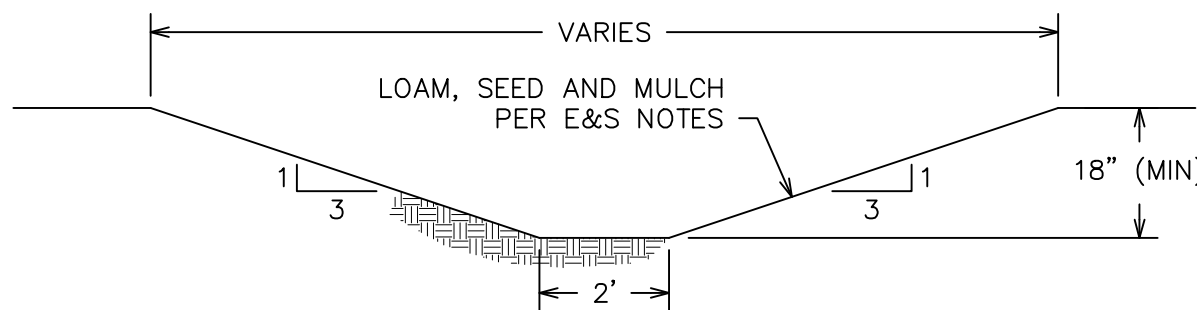
HDPE CULVERT TRENCH DETAIL (NTS)

TRENCH TO BE SUPPORTED BY SLOPING BACK AT 2:1 OR OTHER ACCEPTABLE METHOD.

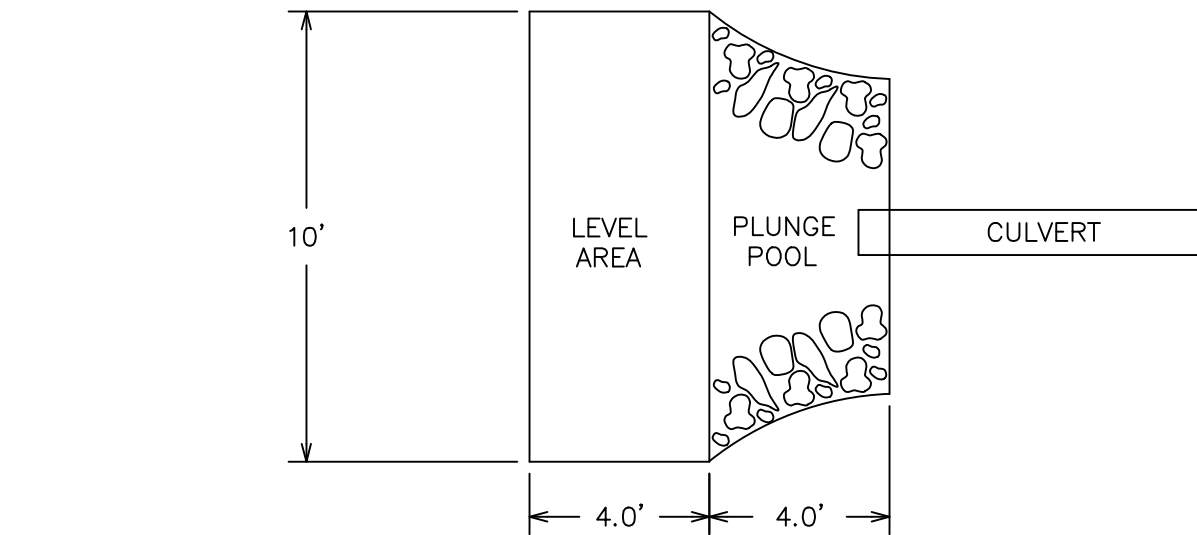
NOMINAL DIAMETER (IN)	MIN. TRENCH WIDTH (IN)
4	21
6	23
8	25
10	28
12	31
15	34
18	39
24	48
30	66
36	78
42	83
48	89
60	102



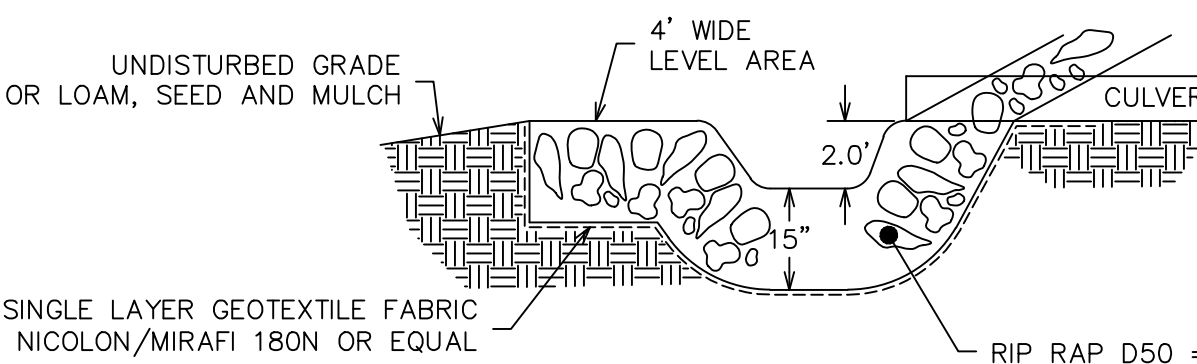
EROSION CONTROL MIX BERM (NTS)



VEGETATED SWALE DETAIL (NTS)



LEVEL SPREADER (NTS)



SITE DETAILS
ELIOT COMMONS CAR WASH
17 LEVESQUE DRIVE, ELIOT, MAINE

FOR: SHAWN MOORE
28 SCHOONER RD.
SCARBOROUGH, ME 04074

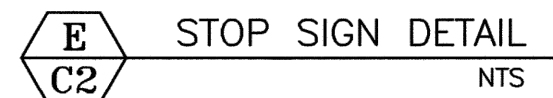
ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: AS NOTED	APPROVED BY:	DRAWN BY: LMC
DATE: 4/27/23		REVISION : DATE A : 11/28/2023
JOB NO: C381-22	FILE: ECCW_DET.DWG	SHEET 7






1. ALL ORGANIC MATERIAL, STUMPS, ROCKS, AND BOULDERS SHALL BE REMOVED TO A MINIMUM DEPTH OF 24" BELOW SUBGRADE OF THE BASIN EMBANKMENT. ALL EXCAVATIONS BELOW THE BASIN EMBANKMENT SHALL HAVE A MINIMUM SLOPE OF 1H : 1V.
2. ALL BASIN EMBANKMENT FILL MATERIAL SHALL BE WELL GRADED BORROW WITH A MINIMUM OF 20% FINES CONTENT. EMBANKMENT FILL SHALL BE PLACED IN 12" (MAX.) LIFTS AND BE COMPACTED TO 95% MODIFIED PROCTOR. A CUTOFF TRENCH SHALL BE EXCAVATED AS SHOWN PRIOR TO CONSTRUCTION OF EMBANKMENT.
3. DETENTION BASIN AND ALL EXCAVATIONS SHALL BE KEPT FREE OF WATER DURING CONSTRUCTION.

[illegible]

SITE DETAILS
ELIOT COMMONS CAR WASH
17 LEVESQUE DRIVE, ELIOT, MAINE

FOR:	SHAWN MOORE 28 SCHOONER RD. SCARBOROUGH, ME 04074
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ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD – ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: AS NOTED	APPROVED BY:	DRAWN BY: WRP
DATE: 4/27/23		REVISION : DATE A : 11/28/2023
JOB NO: C381-22	FILE: ECCW_DET.DWG	SHEET 8

Wyatt

From: Jeff Arimento <jarimento@tcwpros.com>
Sent: Friday, November 10, 2023 1:25 PM
To: Wyatt; Shawn Moore
Cc: Ken Wood
Subject: FW: Eliot Commons Car Wash Information Needed

Follow Up Flag: Follow up
Flag Status: Flagged

Wyatt,

As discussed in our conversation the other day.

The equipment manufacturer (Washworld Inc.) also builds another version of the Touch-free wash unit that uses substantially less water. Through it's use of zero-degree nozzles (the arch that sprays the water on the car has 40 or more nozzles on it) and a much higher pressure pump it will use about 15 gallons per car less than the 'regular' unit (this unit is more like a pressure washer while the other unit is like a garden hose... so low volume/high pressure vs high volume/low pressure). This unit is named the 'Double Barrel'. While the unit does cost more money, I think it makes sense at this location given the water situation.

In our original calculations below we assumed an average of 55 gallons per car (40 for the friction unit and 70 for the touchfree).

If we lower the amount for the touchfree by 15 gallons per car, we will arrive at a new average of 47.5 gallons per car. Assuming the same annual car count of 18,000 cars per year we now get the following results:

Total Annual Usage – goes down by about 135,000 gallons (900,000 vs 855,000)

Mathematic Average Daily Usage - goes down by about 370 gallons per day (2,712 vs 2,342)

Estimated 'Peak Day' Usage (assuming 200 cars washed) – goes down by about 1,500 gallons per day (11,000 vs 9,500)

Please let me know if you have any questions.

Thanks,
Jeff Arimento
The Car Wash Pro's
978-429-1056

----- Original message -----

From: Wyatt <wyatt@attarengineering.com>
Date: 7/25/23 7:11 PM (GMT-05:00)
To: Jeff Brubaker <jbrubaker@eliotme.org>
Cc: Shawn Moore <smoore@RCMoore.com>, Jeff Arimento <jarimento@tcwpros.com>
Subject: Eliot Commons Car Wash Information Needed

Jeff,

Just following up about the points of information requested by the board at the tonight's (7/25/23) meeting.

My notes indicate they are requesting:

1 **ITEM 1 - ROLL CALL**

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

5
6 Also Present: Jeff Brubaker, Town Planner.

7
8 Voting members: Christine Bennett, Carmela Braun, Jeff Leathe, Suzanne O’Connor, and
9 Paul Shiner.

10
11 **ITEM 2 – PLEDGE OF ALLEGIANCE**

12
13 **ITEM 3 – MOMENT OF SILENCE**

14
15 **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

16
17 There was no public input.

18
19 **ITEM 5 – NOTICE OF DECISION**

20
21 Ms. Bennett said that, since we have so much on the agenda tonight, I would like to take
22 not more than 30 minutes for this part of the agenda.

23
24 **PB23-4: 2077 State Road - Site Plan Review/Outdoor Day Nursery – No Structures**

25
26 Ms. Braun said that, with Conclusions #4, you have that in red.

27
28 Ms. Lemire said that I do because I wanted to know whether that was, or was not,
29 acceptable. It is a pilot program and part of the Findings of Fact. It is a new thing and was
30 discussed quite a bit during deliberations.

31
32 Ms. Braun said that I’m fine with it. This was discussed quite a bit so that we were fully
33 aware of what the State was doing with this particular program.

34
35 Ms. Bennett said that I circled that one as a question mark. I don’t remember being fully
36 aware of what was involved or the criteria of the pilot program, just the existence of a
37 pilot program. So, I’m not sure that rises to the level of a conclusion that this PB drew.
38 I’m just throwing this out there for discussion. I’m fine with it being a Finding of Fact. It
39 was discussed that there is a pilot program with the Department of Health and Human
40 Services (DHHS).

41
42 Mr. Shiner said that it’s more a statement of fact. It’s under the purview of the State with
43 regards to their regulations.

44
45 Ms. Bennett asked if he would like to rephrase that more as an affirmative statement than
46 a Conclusion.

47 Ms. Lemire suggested it could be put in as a Finding of Fact.

49 Mr. Brubaker said that I would recommend that. If it's under Conclusions, it might create
50 an impression that the Town is the delegated reviewer of that pilot program.

52 Ms. Lemire agreed.

54 Ms. O'Connor said that it looks like we reviewed the State of Maine's pilot program
55 when, in fact, we did not. We asked questions of this particular first one through the gate.

57 Ms. Lemire said that I will move that statement to Findings of Fact.

59 Ms. Braun said that, with Finding of Fact #28, you have some red noted.

61 Ms. Lemire said that I wasn't sure that was the correct amount.

63 Mr. Brubaker said that this application fee was paid while I was on leave so I'm not sure
64 what the \$200 applies to. With Site Plan Review, Change of Use, and Public hearing, it
65 should be \$300. There is a reference in the fee-tracker to Home Business.

67 Ms. Lemire said yes. This application was originally filed as a Home Business.

69 Mr. Brubaker said that I would be glad to clarify the fee and seek any additional payment
70 that's needed.

72 Ms. Bennett agreed. She did pay for a Home Business application which then changed
73 into a Site Plan review.

75 Ms. Lemire suggested that the \$25 might have been the Home Business fee not the
76 Change of Use.

78 Mr. Brubaker said that, yes, perhaps that was presumably paid under the expectation that
79 it would be a total of \$200, \$175 for the Public Hearing and \$25 for the Home Business.
80 Since it's Site Plan review, it's just a matter of seeking clarification as to whether the
81 \$100 extra was collected, or not. Maybe the Notice of Decision could deal with that
82 nuance.

84 Mr. Leathe discussed Findings of Fact #5 regarding Conclusion #4. Does #5 cover the
85 same issue. I think it goes back to Ms. O'Connor's standpoint of putting the onus on the
86 State licensing and inspection.

88 Ms. Lemire said that that is a good point; that #5 really does cover it.

90 The PB agreed to strike Conclusion #4 as Finding of Fact #5 covered the information.

Note: Commas and a word edit from 'a' to 'or' was made in the fourth condition of approval.

Ms. Bennett asked for a motion.

Ms. Braun moved, second by Ms. O'Connor, that the Planning Board accept the Notice of Decision for PB23-4 – Site Plan Review, Outdoor Day Nursery with No Structures, as amended.

VOTE

5-0

Motion approved

PB23-14: 41 Rogers Point Drive – Permit Re-approval Shoreland Residential Structure

Mr. Shiner pointed out that there were some questions in the Findings of Fact (FoF) #1 and #2.

Ms. Lemire said that when the Wilbers first came in, they were the owners. But they aren't anymore and, so, that's why I did that in red. The final Findings of Fact are that he no longer owned it but represented as the agent for the applicant.

Ms. Bennett asked how the PB felt about accepting the strikethrough and proposed wording in red.

Ms. O'Connor said that I think that, because it changed during the process where we landed by the time we concluded and approved, Chris Wilber was the agent. So, I think that's the right thing to say.

Ms. Lemire said that that was what I was thinking. It doesn't usually happen during the process of approval.

Ms. O'Connor said that FoF #2 should be the owner because, by the time the whole process concluded, those were the facts.

The PB agreed.

Mr. Shriner said that you had a question about the payment in #10.

Ms. Lemire said that I don't know when it was paid.

Mr. Brubaker said that we have a record of the Shoreland application being paid on May 23rd. Ms. Tackett was not able to find the record of payment for the other two. I talked with Mr. Wilber about an hour ago and he said that the Fantry's came in and dropped off a check for the remaining fee on or about August 4th.

There were several more clarifying edits.

Ms. Bennett said that she would accept a motion.

Ms. O'Connor moved, second by Mr. Shiner, that the Planning Board approve the Notice of Decision for PB23-14 – Re-approval Request for Site Plan Review/Shoreland Zoning Permit Application/Replacement of Non-conforming Residential Structure/Request for Re-approval of Expired Permit, as amended.

VOTE

4-0-1 (Ms. Braun abstained)

Motion approved

PB23-15: 150 Harold L. Dow Highway – Site Plan Review Amendment/Change of Use – Mobile Vendor

Mr. Shiner said that, in the notes, Ms. Lemire mentioned that the standard conditions of approval needed to be inserted.

Ms. Lemire said that they were not stated in the approval motion at the meeting. You could amend that motion tonight.

Mr. Leathe moved, second by Ms. O'Connor, that the Planning Board approved PB23-15 Site Plan Amendment, Change of Use to add Mobile Vendor to site and minor amendment.

VOTE

4-0-1 (Ms. Braun abstained)

Motion approved

ITEM 6 – NEW BUSINESS

There was none.

ITEM 7 – OLD BUSINESS

A. 17 Levesque Drive (Map 29/Lot 26), PB32-01: Site Plan Review – Car Wash

Received: January 3, 2023

1st Heard: February 21, 2023 (sketch plan review)

2nd Heard: July 25, 2023

3rd Heard: September 5, 2023

Public Hearing: _____, 2023

Site Walk: TBD

Approval: _____, 2023

Ms. (Wyatt) Page (Attar Engineering) was present for this application.

Mr. Brubaker said that, building on the last review, building elevations are in your packet, now, on 11X17 sheets and I believe Mr. Page has a full-size copy for PB review, if they choose. So, those won't need a waiver because they are being provided. There was a discussion of wastewater use, and referencing the letter in your packet from Attar Engineering and has been discussed before, 2,700 gallons/day on average would be discharged into the municipal sewer system, which is the equivalent of ten 3-bedroom units. It does state that 20% of water will be re-used. All other wash water will go into the municipal system, with capture, so there wouldn't be stormwater discharge away from the building onto the site. A previous representative, Mr. Aramento, has said that peak use would be estimated at 1,000 gallons/day. Wastewater reserve capacity, addressed in my staff report, says that the Town did purchase additional wastewater capacity at the Kittery Treatment Plant in anticipation of the new sewerage that would be coming online with the Route 236 project. So, that went from 200,000 gallons to 400,000 gallons/day. In 2020, the estimated usage was about 120,000 gallons with potential additional usage from approved but not completed developments of 26,300 gallons/day. That was estimated by our sewer consultant, Underwood Engineers. There does appear to be a fair amount of excess capacity at the treatment plant. I did contact the Kittery Sewer Department and they said that they only really require an oil/water separator and sediment filter and that has already been committed to by the applicant. Then, I did contact Mike Rogers over at the Kittery Water District and an excerpt from his email says that he has no issue whatsoever with the proposed car wash at Eliot Commons. With that, I know there might be more discussion of water use and wastewater use but I did want to provide those updates.

Mr. Page said that, on top of everything Mr. Brubaker updated on, everything he said is correct and current. I would be happy to elaborate on water use, etc. Additionally, there is a question of signage raised and I have a proposed sign document I would be happy to hand around to the PB. So, the actual signage area, not including the structural posts would be 85½ " along the top, about 78.4 square feet of proposed signage area and I believe that 100 feet was the maximum. This particular sign would be at the front along the roadway, along Levesque Drive. The signage was included in a previous package, which included all options, shows a wall-mount (free-standing?) sign near the bay entrances showing a menu of various options on the rear of the building, as well.

Ms. Braun asked if you will also participate in the sign that is on Route 236 that the Eliot Commons has for the various businesses.

Mr. Page said that I raised that question with the client and they didn't mention anything about that sign and sent along 'that' with a stand-alone sign. So, I don't believe, at this time, that there are any plans to add a sign to that.

Ms. Braun asked if you would clarify if a sign would be added there.

Mr. Page said yes.

Mr. Shiner said that the sign is going to be positioned somewhere along the drive adjacent to the business. It's a two-sided, illuminated sign. I assume you are going to orient it so that it faces towards Route 236 for visibility, which means the other side of the illumination would be toward the Post Office.

Mr. Page said yes.

Mr. Shiner said that it seems like additional light in the neighborhood.

Mr. Page said that I would be very happy, as we have additional questions, going to the client and whoever they commissioned to set up the sign, to add that to the questions.

Mr. Shiner said that I am thinking of the residents on the other side of the Post Office, specifically.

Mr. Page said that I understand your concern and will raise that question, as well.

Mr. Brubaker said that I can clarify regarding location. You are talking about two things: A – not seeking a plaque on the existing Eliot Commons common free-standing sign; that at this time there would be no car wash sign there.

Mr. Page said that, at this time, there has been no discussion on them wanting to get one so I believe no. Again, I am happy to get that clarified.

Mr. Brubaker said that you just said that 'this' sign would be a free-standing sign along Levesque Drive.

Mr. Page said yes. Along Levesque Drive as opposed to Route 236.

Mr. Brubaker said that I'm not sure how our code would handle this.

Mr. Shiner said that that is two instances of signs.

Mr. Brubaker said yes. You get your plaque on the Commons sign and, then, you get a wall-mounted sign. I don't know if our code would permit a free-standing sign in this instance, specifically with reference to Eliot Commons. Additionally, there are instances of signage that are not consistent with that article of Chapter 45. So, I'm not exactly sure how the enforcement would work in this case with a free-standing sign 'here'. I don't know if there would be an ability to prohibit such a sign given that other signs for other commercial establishments appear to be not compliant with our code. But I do at least have to mention how our code treats the typical signage situation. In Eliot Commons, you get your plaque on the free-standing sign and you get a wall-mounted sign, like Shipyard, Pet Food Supply, and all the other uses there. And that's about it. I think the simplest thing, in terms of complying with that section, is a plaque on the free-standing sign and then a wall-mounted sign.

Mr. Page said that I would be happy to float that option and bring a more concrete answer back to you.

Ms. Bennett said that we would appreciate it.

Ms. O'Connor said that I know it appeared there were two different conclusions about water re-use. Was it confirmed which one was which one, which one was accurate. It appeared that, in one meeting, it ended in an email that said that there was not going to be a water re-use system; that then was a subsequent email from a different person who said that there would be re-use and recycling. Which one is accurate.

Mr. Page clarified that the most recent one was seeing that they would be re-using approximately 20% of the water. If you'd like clarity on how, let me clarify that.

Ms. O'Connor said that I just want to make sure that is accurate only because the two different facts come from two completely different people and I just want to know which one is accurate.

Mr. Page said yes. The original one stated that we had no plans for a water re-use system. We now have an agreement with the client that there would be, at minimum, 20% re-use.

Ms. Bennett asked at a minimum of 20% or approximately.

Mr. Page said that I am going to say approximately.

Ms. Braun said that you are going to install a separator for oil, etc.

Mr. Page said yes, that we have already noted that.

Ms. Braun said that I have a question on the re-use of the water. It says, here, reverse osmosis. Can you explain that.

Mr. Page said that the short version that was explained to me is that, with all the wash water that we use, some of it can be easily re-used, one-to-one, for the underside of vehicles, which does not require a more finely-filtered water to be re-used. That accounts for a good portion of that 20%. The main issue that keeps it down at 20% is that a lot of the water that has to be used requires a completely filtered "fresh wash coat". We do not have a feasible system that would let us re-use water for that purpose and that encompasses a large portion of the wash. So, reverse osmosis, as I understand it, is essentially separating the water and the sediment before it gets to the one to take out the oils, and all of that, and re-purposing it for the wash.

Mr. Leathe said that I was thinking about this idea of connecting the private to the public sewer when it's available in 2025 and, when that is implemented, whether or not we

should have a written commitment from the applicant to connect within a certain amount of time or should we just leave it as an understanding that that is what is going to happen. Part of that, and I'm not an expert, but I'm assuming that's a benefit to have it go through the public system versus a private system, over time.

Mr. Brubaker said that I think we should start by confirming from the applicant that that is the plan. If you can get it built and operating before the public system is done, you would use the private system. When the public system is done, you would switch the lateral over to public

Mr. Page confirmed that that was the plan, yes. We've discussed that at length with the owner of Eliot Commons. We only have emails right now but we want to procure something more solid in writing, should it be requested. The short version is, and it is in an attached letter from us, that Mr. Forsley is perfectly amenable with the idea of us using his system until such time that the public system is available to us.

Mr. Shiner asked who pays for that hook-up and would that be an obstacle moving forward for your client.

Mr. Page said, considering I don't have an answer for you I'm going to assume it would not be a problem for our client. This conversation between Fred Forsley and Ken Wood was, at least in part, was not an email chain I was on. It is certainly not something our client has been concerned with and I see no reason to assume it would be possible for dissolution of the project.

Ms. Bennett said that my assumption is that the applicant would pay for both connections.

Mr. Page said yes.

Ms. Bennett said that, regarding Mr. Leathe's question, your client is amenable to this and that that has actually been the conversation with the owner of the private system. If you would be willing to provide an affidavit of your intent or a letter of intent that states that when the public sewer becomes available you will connect to that.

Mr. Page said yes. I can absolutely do that.

Mr. Leathe said that we can also get more information but I would assume that it would be a net benefit to have more and more businesses on the public sewer than not. But if it's prohibitively expensive and not yielding any significant improvement in land quality, maybe it's not necessary. I just don't know.

Ms. Bennett said that, if this was a property looking to build a septic system, when we're bringing in sewer like we've had recently; that we have had site plan requests and people are building sewers in the C/I Zone just a year or two in advance of our sewer coming in. I feel like in that instance, that it really would behoove us to get a letter of intent and

commitment to connect to the sewer. But this is swapping one sewer for the other so, I think from water quality and health quality, it is apples to apples. Nonetheless, it sounds like the owner of the private sewer would like you to connect to the public sewer when it's available and we would like to get more commercial properties connected to the sewer.

Mr. Latter asked if there is an allocation issue if it's connected to the public sewer that would not be utilized if it remained on the private sewer.

Mr. Brubaker said that I'm not the foremost expert on the sewer allocation process with the SB. But, Chapter 18 regulates sewer system connections. Connection to the sewer system is voluntary. Typically how it works is, if public sewer is running by your property, you either have to connect or, as specified in §18-21, you can show that you have a functioning septic system and there is no need to connect. You could also ask for a waiver from the SB. So, those are the two ways you could stay on a different system even if the public sewer system is running right by your house. If you are going to be connecting to the municipal system, if you go to the SB and get your sewer allocation (the SB reviews that, not the PB), the SB does check to see the clause that says "Does it have PB approval?" and so forth, and says something about how the hook-up will not be allotted until the building has PB approval. In this case, it's all eventually flowing to the same system.

Mr. Latter said that my question is, and the answer wouldn't necessarily enter into how I would make my decision in this case, what would be the best situation for the Town – to stay on the private system and leave that capacity for future development or to have the current applicant be another rate-payer in the public system. It's just a point of curiosity and I'm trying to understand all the aspects of this.

Mr. Brubaker said that I think they would pay because they are a user of the public sewer system, no matter what. I thought I had asked to include the sewer allocation summary process in the packet.

Ms. Bennett confirmed that we do have a summary about the sewer allocation. The municipal agreement between Eliot and Kittery.

Mr. Brubaker apologized that it didn't get in the packet. Public Works website has a summary of how any property owner requests to hook up to the public sewer system. I couldn't say anything better than that document.

Ms. Bennett said that I think Mr. Latter raises a very good point. In my mind, thinking in terms of benefit to the Town of Eliot, I think it would be better if the applicant stayed on a private system, being a very water-intensive and water use instead of taking what this allocation is. Granted, I don't think the allocation will be running out in the near-term but it is finite. This is more a question for the SB than it is the PB but I think it is good for us to have this kind of conversation.

Mr. Brubaker said that, no matter what, you are asking for a sewer allocation. I believe the Villages at Great Brook, for instance, is on the Commons private system but still needs an allocation. Its own individual allocation.

Mr. Latter said that that would be independent of the Town allocation to the now being extended sewer line.

Ms. Bennett said that my understanding is that any new hook-ups through the Eliot Commons system would have to get their own allocation from Kittery Wastewater Treatment plant. But the new sewer we're building out now has an allocation that can then be divvied up to different users.

Mr. Latter said my caveat to the applicant is that this is nothing about you. You've just given me a new way to think about something that I've never had to think about before. This is the first time I've ever had to think about a private versus a public sewer allocation.

Mr. Leathe asked if we might want to get further information from the SB about this to make sure that our thinking is correct.

Ms. Bennett said that I think that would be great if we could solicit their input on this, given that we're talking about getting a letter of commitment from them. We should ask the SB if they want a letter of commitment.

Mr. Leathe said that this issue may come up again and again as time goes by out there. It would be nice for all of us to have a better understanding of it.

Ms. Bennett asked if we have any waivers for this application.

Mr. Brubaker said that I'm not aware of any.

Ms. Bennett said that, unless there is anything more for the applicant, the Chair would accept a motion to deem this application complete.

Ms. Braun moved, second by Mr. Shiner, that the Planning Board to deem the application for PB23-1, 17 Levesque Drive - Car Wash complete.

VOTE

5-0

Motion approved

A Public Hearing is scheduled for October 3, 2023.

B. 708 River Road (Map 50/Lot 29), PB23-07: Residential Subdivision (4 lots) – Sketch Plan.

Received: March 16, 2023

1st Heard: May 16, 2023 (sketch plan review)

2nd Heard: September 5, 2023 (cont'd sketch plan review)

3rd Heard: _____, 2023

Public Hearing: _____, 2023

Site Walk: TBD

Approval: _____, 2023

Ms. (Wyatt) Page (Attar Engineering) and Mr. Alan and Mrs. Frances Newsom (applicant/owner) were present for this application.

Mr. Brubaker said that the applicant did send the May 18th letter in response to the PB's previous review. It's been a while so I will summarize. They did note that their soil test pit results show that they have adequate depth to restrictive layer consistent with the State sub-surface wastewater rules – 9". Regarding open space, if you'll recall, a previous sketch plan had the open space lot. That's now been removed in favor of larger lots. No change in the number of proposed house lots (4). They clarified that what I had seen as a previous remainder lot was already separately conveyed so that's not part of this subdivision. What you have in front of you are pretty simple four lots. You have a location map and property information. I do want to delineate between the two requirements that we talked about before. One is the PB may require up to 10% open space reservation. That is something that is up to the PB. In the absence of the open space lot, it would be up to the PB to decide if you want to require the open space in some other way. For instance, a conservation easement, but it's optional for the PB to activate that requirement. For that 10% requirement, there is not a payment-in-lieu option articulated in our code. Separately from that, we have the parks and recreation land reservation requirement. Again, the PB may require that or, if that is not provided, the PB can require payment-in-lieu. I believe, at least at sketch plan review, that all applicable standards are met and my recommendation is to approve the sketch plan.

Mr. Page said that, on the topic of payment-in-lieu, after some discussion that applicant wants to offer \$750 per lot as a payment-in-lieu for the parks and rec requirement.

Ms. Bennett asked if that conformed with the payment that was established for Clover Farm.

Mr. Brubaker said that that was established by first picking an existing park. In that case, the Boat Basin. In this case, I think it would be the Murray Rowe Park. The Town does have plans for improvements; that it was initially built by a volunteer and kept up-to-date by that volunteer, with some assistance from the Town for a while but it has since fallen into some disrepair because of a lack of a suitable budget for maintenance and repair. The methodology we used last time was to count all the dwelling units within a mile of the

Boat Basin and pro-rated an expected contribution by the eight Clover Farm Subdivision lots, doing a basic cost estimate for improvements and we can do that the same here. The resulting fee may be close to \$750, maybe a different number.

Mr. Page said that I would like to point out that it is very much the preference of our client who walk in the direction of Murray Rowe Park frequently, as I understand it, that any payment-in-lieu would preferably be used to improve Murray Rowe Park.

Ms. Bennett agreed that we would not be allocating this to the Boat Basin when you have Murray Rowe right down the road.

Mr. Leathe said that we were going to have some open space in the original program and now we're not. I read about the description of why not but I don't totally understand why that changed.

Mr. Page said that, as far as maintaining the open space area, it's mostly deadwood and trail work therein. As you may have seen on the plans, there is a very large amount of wetland in between the houses of the open space and somewhat even around the open space area. It's our opinion, given the size and depth, in particular, of the lots, that that open space would probably not see very much use. It's my opinion that the lots would be a little more appealing for purchase and I assume that prospective buyers would prefer to not have to deal with anything that's an upkeep of this open space. What I was not aware of, and I suppose does change things potentially, it was in fact, two requirements – the parks and rec and the open space separately. So, I now understand that a payment-in-lieu doesn't necessarily get us out of the obligation for the open space. I will have to defer to the PB on that one.

Mr. Leathe said that that was actually my next question, which was payment-in-lieu and the open space and just understanding the workings of those two together, now.

Ms. Bennett said that a discussion for us is if we believe the 10% open space requirement is warranted for this particular application. This is a very small subdivision. For larger subdivisions, the idea being that there should be some nature that's not controlled by a neighbor but that you could have some place to spread your legs on some grass and some natural landscape. And likewise, there could be some recreational opportunities, as well. That's why there are these requirements baked into our subdivision ordinance.

Mr. Latter said, just to clarify, open space doesn't in any way mean public space. It just means communally-held space that all four of the property owners, in this case, would be able to enjoy collectively. It doesn't mean that I can go ride my bike on there.

Ms. Bennett agreed that it was for the benefit of the subdivision.

Ms. O'Connor asked how it was deeded. Is it separate from the four lots so there is a fifth open space lot that is deeded or is it just in language that describes how it is used but doesn't impact the deed or that actual passive (tax and) ownership. If I look at this map,

553 there would be four deeds for four lots, as it is now. If open space were set aside 10%, is
554 that a new fifth deeded lot that is owned jointly by the other four owners. What does the
555 10% open space actually mean to property tax and owner. Is it a gentlemen's agreement
556 that each of the four owners have equal access to it and can use it. So, it is a language
557 usage and not a by title or deed or tax change. I don't know and I'm trying to understand.

558
559 Ms. Bennett said that that's a great question. We do so few subdivisions that I have no
560 reference to draw from.

561
562 Mr. Newsom said that our thinking is that it is a small subdivision. There is no road.
563 There's no cul-de-sac. They are all coming off all by themselves and our thinking is it
564 encumbers those four people that have to make decisions on something that really isn't
565 relevant.

566
567 Ms. Newsom added that there will be no homeowner's association. There's no way to get
568 in and would just be a no-man's land. We had the same questions you have.

569
570 Mr. Newsom said, if we could do away with that, offer the fee-in-lieu, those funds could
571 be used at Murray Rowe, and then the potential buyers wouldn't be encumbered by
572 something they couldn't really do anything with.

573
574 Mr. Shiner said that, if you recall, the last time you were here we discussed, because of
575 the wetlands and the fact that you had a site that the houses were based on land that was
576 high and dry, of which is a minority of the land, as most of it is wet and low. We talked
577 about this and it was almost like you were going to create a land-locked area in the back
578 that nobody can really access easily. We came away after that meeting thinking that it's
579 really not practical for joint use or open space, and it's going to be open regardless
580 because it is wetland. There's nothing you can really do with it. So that, in my mind, put
581 it into the category of we should really be looking to the Town and Mr. Brubaker's
582 assessment for what is the fair number in-lieu of having that as an open space.

583
584 Mr. Leathe said that I think, when you look at the schematic, these are long, thin lots and
585 only one of them would have somewhat easy access to the open space. The others look
586 like they would have to access it through swamp or at least wet land. I think, given the
587 nature of the subdivision depiction, the open space doesn't make a lot of sense for that
588 reason. So, the payment-in-lieu makes more sense to me and just let the open space get
589 carved up. I think the reality is that there isn't going to be that much open space for folks
590 to recreate on, anyway.

591
592 Mr. Page added that I don't have the exact number for you but, by our estimation
593 between 30% and 40% of the open space would have to be wetland, anyway, just based
594 on the way that the lots are laid out. So, we're talking about a very small landlocked
595 space that is, realistically, if you want to avoid going through wetlands, you would only
596 be able to access it properly from one lot and maybe 60% of that would even be upland.

Mr. Shiner said that, in my mind, it's a non-starter to even think about it as an open space use.

Ms. Bennett said that Mr. Brubaker had in his staff report a discussion of another potential option of possibly considering a conservation easement.

Mr. Brubaker said that that is only if the PB believes a 10% open space is warranted would make that a requirement. If you don't believe it's warranted, and I can see the arguments for why it wouldn't be warranted – small subdivision, the back portions of the lot are wetlands and likely be undeveloped, as it is – and I can see the arguments that have been made for not meeting that requirement. But, if you do want to require it, I think that's one mechanism to bring that about. To Ms. O'Connor's point, the code is somewhat neutral on the exact legal means of establishing that open space. Wholly separate in a separate section of the code is the possible requirement of reserving land for parks and recreation purposes. And that's the one that has the payment-in-lieu alternative. So, even if you decided not to require the 10% open space, separate from that you could require the payment-in-lieu be provided for parks and recreation.

Ms. Bennett asked what was the feeling of the PB on this topic, which is probably the meatiest part of this consideration.

Ms. Braun said that I agree with Mr. Shiner that it's a non-starter. You can't use the land; that it's not accessible, or not easily so. It seems to me that that would not be a requirement.

Mr. Shiner said that it shouldn't be. I think that Mr. Brubaker should work with his colleagues to determine what payment-in-lieu would be acceptable to the Town and the owner just to make sure that everyone is in step with that.

Ms. Bennett agreed. She asked Mr. Brubaker how cumbersome that analysis was.

Mr. Brubaker said that the most cumbersome part was trying to get a consultant to do it but not being able to find a consultant that could do it. I did it myself and it was easier than I thought it was going to be. She questioned if this something we have to decide now or is it something that can happen as we move through the process. I think it might be good to consult with the Town Manager on how to proceed. Whether we accept the applicant's offer at \$750/lot or does he want you to go through the process of assessing with more accuracy what an equitable payment would be.

Mr. Brubaker said that I can consult with him. This is sketch plan review so a final decision on that doesn't need to be made now.

Ms. Bennett said that I appreciate the great plan of the test pits and report on the test pits. The only other thing that I wanted to raise is that it appeared for a couple of the proposed lots (#3/#4) that there wasn't a lot of leeway from what the State minimum was. You've got a test pit that was about 10 above the restricted layer of the water table and there's a

few more challenges with lots #3 & #4. When I looked at the test pits on-site, it looked like a lot of the best test pits were like right on the proposed division line between the lots. I didn't know if there is any consideration you could give to, perhaps, a little movement either on the lot lines or perhaps just trying to choose the best test pit or location that coincides with the test pits.

Mr. Shiner commented that you are pursuing this from the standpoint of individual systems.

Ms. Bennett said yes; that the proposal is for each individual septic system, conventional septic systems.

Mr. Shiner asked if you are pursuing this also thinking in terms of the style given the fact that the perk test was marginal.

Ms. Bennett said that Lot #2 had some great sites. My rationale for this is that the State allows 9 inches at this point. We have anecdotal evidence that the groundwater is rising, especially close to the river; that people are having some more problems with their systems when they are closely sited to existing ground water and we have to assume that these systems are going to be in place for 30-some years. So, that's why I raised the test pits. Some of the best test pits seem really close to the lot lines and I don't know if our code has any setbacks relating within the sideline setbacks. Can you put a septic system in right adjacent to a lot line because, environmentally, it would be ideal if this applicant could put a septic system right there. I don't know if the soil scientist knew where the lot lines were proposed in advance.

Mr. Page said that he did. I do want to point out that, while I do concede that some of our better test pits do seem to fall within that lot line setback, our really big constraint here, as far as the layout of the lots, is the minimum required frontage for each lot – 150 feet. You'll notice, if you look toward the front of Lot #1, there is a barn that is currently already in our lot line setback. If we want to give other undeveloped lots more room to hopefully get a septic system, as we have been discussing, onto some of these test pits that are currently not really in an accessible area, it might get a little complicated as far as the layout of the lot lines. We much prefer, for simplicity's sake, to keep that existing barn standing and be able to maintain simple lot lines. They are very deep lots running all the way back through a lot of wetlands. In my mind, the simpler we can keep the geometry of the lots, the better. However, I do understand the concerns for the test pits.

Ms. Bennett said that I actually appreciate that simplicity. It's easier for the future owners to understand where the lines are. I put stars around the best performers on this map the best test pits. It looks like Lot #2 had some of the better pits, two of which were 24 inches. It is the winner when it comes to septic. As you get closer west towards the river, the best one was test pit #3, with 14 inches. So, Lot #3 is the most severely challenged; that it looks like it's almost adjacent to the proposed driveway.

Mr. Page said that we are perfectly willing to re-locate that driveway, as necessary. It was placed there purely with the intent of minimizing the impact to wetlands. There was no further consideration other than making sure that it falls within the proper place within the lot. If it's the preference of the PB that we put a septic system directly on top of test pit #3, that can absolutely be arranged. It would just come at the cost of more wetland development.

Ms. Bennett said another option would be to design a septic system that could be driven over. Then, the other one was Lot #4. The best test pit is right on the division line between lots #3 & #4. Possibly a few more test pits in that area might yield. It was test pit #12 with 18 inches. In the interest of the future owners of those lots, it would be good to have a septic system that can survive the test of time and rising waters. Especially when you're so close to wetlands. Those wetlands are going to be absorbing and expanding more and more water as our climate continues to change.

Mr. Brubaker said, addressing the Chair's point on what the code says, under Subdivision Plan (presume the final plan) they will need to show the location of the septic.

Mr. Page said that we will be showing the septic and the offset, as well. As well as the septic, there will be a buffer around it that allows tie-in to the existing grade that will be on the plan.

Mr. Shiner asked if there was any investigation done around mounding.

Mr. Page said that, with all the experience I've had with Mr. Cuomo, who did the work on this, all his designs have a mounded septic. I don't have a final septic design for you right now but, as I understand it, that comes standard with what he gives us.

Ms. Bennett asked what the pleasure of the PB was. Are we ready to proceed. Summarizing, we are in agreement there shouldn't be a reservation of an open space lot but we do believe it's appropriate to pursue a payment-in-lieu for the requirement of parks and recreation. The Planner is going to have a conversation with our Town Manager about the proposed amount the applicant has graciously come forward with and to see whether the Town Manager would like him to proceed with a more granular look at coming to a fee. She asked if the PB was ready to approve the sketch plan. Hearing no other questions, the Chair will accept a motion to approve the sketch.

Ms. Braun moved, second by Ms. O'Connor, that the Planning Board approve the sketch plan for PB23-7, 708 River Road, for a residential subdivision, 4 lots.

VOTE

5-0

Motion approved

**ITEM 8 – REVIEW AND APPROVE MINUTES/OTHER
BUSINESS/CORRESPONDENCE**

A. Minutes

There were no minutes approved.

**B. Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Board
Member.**

Ms. Bennett said that there are a couple things we want to talk about regarding other business. Specifically, reaching out to voters to make the public aware that we are going to be holding some information sessions at the beginning of each of our October meetings. Both Ms. O'Connor and myself will be absent from the meeting on the 19th. Ms. Braun will be here and chairing that meeting. We also want to talk about the upcoming schedule.

Notice of Decision for PB23-15 (Mobile Vendor) was discussed as it relates to having the standard conditions in the document if they were not included verbally in the application approval motion. The standard conditions of approval are in the code stating that all three conditions apply to all approvals. If bound by ordinance and statute, and the ordinance and statute say that this applies to all decisions, do we have to go through the process of amendment to the motion was discussed as a concern. Applicants need to do their due diligence regarding applicable ordinances when applying to the PB. The comment was made that it was a good practice to read it out loud but not an absolute requirement and so the PB was not in an error condition in not having done so. The fix is far more trepidatious in amending a motion two meetings down the road, which bothered one PB member far more than not having read those conditions out. The applicant isn't present. These are standard conditions written into the code. Nothing substantive was overlooked to the specific application. There were no other conditions specific to the application added. The standard conditions are included, by reference, in the boiler-plate, that the reference is there.

Ms. Bennett said that the chair will accept a motion. We will re-open the Notice of Decision for PB23-15 to further amend this Notice of Decision to strike the standard conditions of approval.

Mr. Shined moved that the Planning Board revise PB23-15 Site Plan Amendment change of use to add mobile vendor to site with minor amendment to remove standard conditions of approval.

There was no second and the motion fails.

Ms. Lemire said that, because it's been the practice for so long and because of some of the things that are in this, is there another way enter it. Should we be removing legal language from this particular document without considering the implication.

Mr. Brubaker said that applicants still have to follow the code even if they are not included as conditions of approval of the PB decision. In this case, the PB made a decision that the proposed changes were minor, that didn't impact abutters, then approved the site plan amendment. I don't think the approval, especially of a minor site plan amendment where the standard conditions were not tacked on by reference, would excuse the applicant from being subject to any of what the standard conditions reflect. They still would have to, of course for the purposes of permit compliance, for instance, allow the CEO to inspect the premises for the purposes of the permit compliance (#3). They still would have to have the burden of ensuring they have a legal right to use the property and are measuring their required setbacks, and so forth. They would still have to develop the property only in accordance with the plans, and so forth, that they submitted. So, I do think the standard conditions are very important. I do think it's good to include them in approvals. I'm just thrown off a bit because I didn't think that would be necessary for a minor amendment. I don't think there's an existential crisis, here. I think, if nothing is done, it's not going to excuse the applicant's obligations on the property. Presumably, previous approvals have included the standard conditions.

Ms. Lemire said yes, they have.

Mr. Brubaker added that, therefore, they would still be subject to those conditions because their minor amendment did not supercede them. So, I think we're good. But I do think that, now that it has been caught, I think it would be appropriate for the Notice of Decision to reflect that the standard conditions weren't imposed because I think it's more awkward that the Notice of Decision include conditions that weren't referenced in the motion of approval. In the future, as I like your point, I would like to seek counsel as to how we handle the standard conditions because I'm sometimes nervous that we sometimes reference standard conditions instead of voicing them.

Ms. Lemire agreed. I've always promoted them, reading them at least once at any meeting where there are approvals just so they are stated out loud for the applicants that are in the room. Part of what I'm thinking is that this is a document that talks about the whole process from beginning to end. And then it's a legal document and it's the document that goes to the courts. This is part of the standards that apply to every single applicant, and the Findings of Fact are similar. So, all of this together tells a story of what the applicant is limited to, what they've agreed to, what the PB requires. That's why I was thinking of seeking counsel over removing it was concerning, that this is a legal document that has a little more impact than just the set of minutes might.

Mr. Brubaker said that I understand that point. I just think that, in this case, it makes sense to amend the Notice of Decision rather than try to amend the motion from August.

Ms. Lemire agreed that, for this one, that was fine. I'm just concerned for impacts down the road. A lot of people don't read the ordinances except the very specific pieces that apply to their particular proposal. I've known a lot of people that have come in that are not aware of these standard conditions. They don't see them until they see them in the Notice of Decision.

Mr. Brubaker said that I think that, if something like this went to court with an approval motion that didn't reference the standard conditions, the litigation could still reference the Town code. Here is the Town code that was in place, the law of the land.

Ms. Lemire said that they could. They might ask why they aren't in there anymore. In that particular situation, I would have to remove some of the language, "The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances." If all you had are the standard conditions, I would remove the second sentence because that relates to the three standard conditions: "In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application." So, going forward, if we choose not to put the standard conditions in any particular Notice of Decision, or all of them, that sentence would only be fore motions that include additional, specific, application-related conditions, not the standard ones.

Ms. Bennett suggested that we consider providing what we now call our standard conditions of approval into the application.

Ms. Lemire agreed that that would be a good idea.

Ms. Bennett added that whenever anyone brings business to the PB, they have read that this is what will be expected and held to, and they sign that document. A lot of it is going through the mechanics; that you have to have legal right and title but, when they submit an application, we don't have to validate. The applicant needs to show us 'this' and if the applicant ever wants to change what you have been approved for, or changed something we haven't approved, the applicant needs to come back. It sort of manages the expectations up front. This is how we do our business in Eliot.

Mr. Leathe said that I have long thought that that would be helpful to spell those out, even though it's more paperwork, I suppose, to put them in an application or Notice of Decision. But that doesn't answer the question of how we address this particular Notice of Decision. It seems to me it's a small thing but we have had some experience the last few years with cases going to court and over fine points, very fine definitions, and I guess I'd feel better if we just found a way to let the applicant know. Bring them back in and just go through these standard conditions so there isn't a possible question going forward. That's probably belt-and-suspenders but that's just my feeling.

Ms. Bennett said that there is a proposal to request that the applicant return to the PB. Is that what I'm hearing, to ask the applicant to come back before us so that we can amend his approval with the standard conditions.

Mr. Leathe said that I don't know if the applicant needs to come back. Maybe a written correspondence suggesting either the applicant can sign off on this or come back in and we can talk about it.

Mr. Latter offered a written correspondence pointing out that he is obliged by the ordinance even though it wasn't in the Notice of Decision. It was an oversight on our part. If you could sign off on this, that would be great. If you want to come and talk to us, that's fine, too. At least we're not going back and changing a settled matter without notification.

Mr. Leathe said that I think that's the way to go. I sort of learned by fire a couple years ago with one of our applicants. That ultimately went to the Supreme Court and it was definitional. I just don't want to go down that road, even if it's a simple matter like standard conditions.

Ms. Bennett said that I think that's a very good point. Is that the general sentiment of the PB, at this point. How do we feel about Mr. Leathe's proposal.

There was consensus among the PB members that they are agreed to the correspondence proposal.

Ms. Bennett suggested that we hold this Notice of Decision until the correspondence has been addressed.

The PB agreed.

Mr. Brubaker asked, by specific direction of the PB, if the PB would like me to write a letter to the applicant saying basically that this is to notify you are subject to the Town code, which is similar to the standard conditions. Would you like me to get written feedback from the applicant basically saying I concur with these standard conditions. Or just notify him and ask if he would like to come back in.

Ms. O'Connor said that I think notify and invite him to come back before the PB if there is a reason to have further discussion.

Ms. Bennett said that he could indicate in correspondence that he assents to the standard conditions. It was an oversight. We moved too quickly on this and didn't include the standard conditions. Out of an abundance of caution, we have charted a course that will rectify this oversight of what may be de minimis in consideration of a minor amendment. So, we have a course of action. We have clarification.

Mr. Brubaker asked if you want future motion templates to add that language 'approval of minor amendment with the standard conditions'.

Ms. Lemire said that the words 'standard conditions' is always in the motion templates that you put in. It just wasn't read out loud.

Ms. Bennett agreed that, until further notice, I think we should keep the standard conditions as part of the motion template. To be honest, because it isn't read out in a

meeting at the time, if the applicant is new to the process, doesn't have any idea until they get a Notice of Decision, which speaks to the idea of putting it on the application.

Ms. O'Connor asked what we need to do to change the application. Is that up to us or do we need special permission.

Ms. Lemire said that it's up to you. It's your document. The application is code-focused.

Ms. Bennett said that we're running late and I'm sensitive to everybody's time. I just wanted to knock off a couple of administrative items. We've talked about the fact that two members won't be here on the 19th. We do have a queue of applications building and some of them, from what I've heard from our Planner, are not the most straightforward. The proposal, and for discussion, is because we only have one meeting in November, could we consider adding a third meeting in October.

After some discussion, the PB agreed to add a meeting on October 24th.

Mr. Brubaker said that, regarding our outreach about **the postcard**, I talked with the Town Manager, including the Town Clerk, and I think he is of the feeling that the postcard should generally reference the warrant for the November election, the entirety of the articles rather than singling out land use amendments. I have his email. It is pretty short and I can quote it, if you like.

The PB agreed. This would be a background for the benefit of everyone.

Mr. Brubaker quoted: "*Jeff, I appreciate the Planning Board wanting to get information to inform the voter. I would strongly suggest that the message should be to inform the voter about the election November 7th where they can get the information online and in the Town Hall lobby for all the articles, not just the ordinance changes, when/how they can vote and finally who they can contact if they need more info (the Town Manager for the first ten, the Planner for the last three). Given the cost of the mailing, I must insist on it helping prepare the voters for all the questions.*"

Ms. Bennett asked if that means that it won't come out of the PB budget.

Mr. Brubaker said that I don't know.

Ms. O'Connor asked if that, then, removed the opportunity to invite people to the two information sessions. It does because, at the two information sessions, we are only going to talk about the land use articles. So, by expanding and generalizing the postcard we remove the specific invitation, which was our purpose.

Mr. Brubaker suggested there may be a middle ground where there could be a postcard that goes out that could inform the voters of the election, where they can get information, who they can contact. Then perhaps, it would be acceptable if the post card could also include, as the draft postcard does, the public information sessions. If the postcard can include general information about the election then reference the PB's public information, which I think we should have, perhaps the argument could be made that maybe all, or half, of the postcard cost can still be reimbursed through the LD2003 reimbursement program. I'm trying to thread the needle here.

Ms. Bennett said that I appreciate that we do need to thread the needle. This is a municipal government and we do have constraints on this. Why don't we revise what we have, follow Mr. Brubaker's suggestion, and also put this before DECD at the same time it goes to the Town Manager and Town Clerk. We can then get Ben and Hillary (DECD) to confirm or deny whether this is a reimbursable expense, even partially. One of the reimbursable expenses is conduct of elections.

Ms. Braun said to bear in mind the time constraints and deadlines we are facing in terms of processing, printing, etc.

Ms. O'Connor said that, if we change the postcard to have only general voting information, then it does not have to go out next week. The only reason it needed to go out next week was to invite people to a public information session October 3rd and 17th. If we remove all reference to a community meeting, then this can go slowly through the wheels of everything for a whole month. That answers one issue of time constraints. The other question still remains as to how and whether we would want to invite people to a community information session and did the Town Manager have an opinion about that.

Mr. Brubaker said that the email doesn't really talk about the information sessions. I still think you could have them. What is being said is that we wouldn't potentially have the postcards advertise it.

Ms. O'Connor agreed, that we wouldn't be able to do that very proactive outreach. We would need to come up with an alternative. Would we be able to put something on the PB website page.

Ms. Bennett said that I don't know. It doesn't sound like it.

There was some discussion on how they might advertise the public information sessions.

Mr. Latter said that, all that said, Mr. Brubaker works for the Town Manager, the Town Manager works for the SB, we were all appointed by the SB. I don't know if we want to go down a path that we are working against what they think is the way they think we should move forward with this. I would at least like, if not buy-in, at least acquiescence to say okay. If they have a reason they don't want us to do that, then what do we do.

Ms. Bennet said that it is sounding like, from Mr. Sullivan's email, that we need to only stick to the written document that we approved and was forwarded to the SB. We can't summarize it. We can't restate it, and we can't single it out, specifically our ordinance, from the rest of the ballot.

Ms. O'Connor clarified that Ms. Bennett was inferring that; that it wasn't known specifically.

Ms. Bennett agreed.

After further discussion, the PB agreed to seek more clarification with the Town Manager and Town Clerk on what is the acceptable path forward then come back on the 129th to discuss it further.

Mr. Leathe said that I think that's fine. I don't think it necessarily has to come back to the PB in a week or two. I think that, if you both meet with Mr. Sullivan and come up with a solution that works, we're certainly all in favor of that.

Mr. Shiner said that I think it's important that the Town Manager, and others, have a complete understanding of the opportunity that the State will reimburse in what it is we're trying to accomplish, to nest it in with a greater Town-wide push is good. I would hate to see this fail for reasons of not being able to do this.

Mr. Brubaker said that that is something I can pass along to him.

Mr. Shiner said, regarding Article #13 on grocery store, you give a dimensional standard and asked if there is a ceiling no greater than the number you have in the article. The second question is that, since you're proposing them for Route 236 abutter in rural and suburban zones, which dimensional standards would apply.

Mr. Brubaker said that they would be restricted by lot coverage. They would no longer be restricted by the special floor area restriction that is now in place for retail stores that abut Route 236 but are outside of the C/I District.

Mr. Shiner said, so, the 35-foot ceiling would apply only in the C/I Zone.

Mr. Brubaker said yes. That's the standard in the C/I Zone – 35 feet. If I wanted to run a grocery store up along Route 236 in the Rural District, I'd face 10% lot coverage and 35-foot ceiling.

Mr. Shiner asked if he was envisioning Trader Joe's size or Walmart Supercenter size.

Ms. O'Connor said that that would be my fear; that the way it's written, now, would we end up with a Walmart on Route 236 in the C/I Zone.

Mr. Brubaker said that, under today's code, a Walmart could seek to open in the C/I Zone. It would depend on the use categorization is. I believe that properties outside the C/I District abutting Route 236 are limited to 5,000 square feet.

Mr. Shiner said that there is no ceiling of square footage.

Mr. Brubaker said that effectively there is a ceiling and that's lot coverage. So, if any type of retail establishment sought, like a non-grocery store retail establishment, to open in the Rural District on Route 236, they would face the 10% lot coverage restriction. Today they would face the '5,000 square feet, one floor only'.

Mr. Shiner said that, if a significantly large lot came available, or two or three were combined because it was great reward for the sellers, there is potential for a large structure.

Mr. Leathe said that I think that is possible and that that large structure could include other structures coming in, too. So it could be that it would enhance the C/I District, a more customer friendly versus industrial friendly.

Mr. Shiner said that it's the completeness when I see a low-end minimum, it makes me think about what's the high-end maximum.

Mr. Brubaker said that the grocery store amendment wouldn't change anything with regard to 'retail store'. There is the thought of whether a big box retail be possible along Route 236. There would still be the '5,000 square-foot, one story' restriction for 'retail store'. A grocery store that came in, and again we have that very specific definition including 80% of the floor area has to sell groceries, wouldn't face that restriction. The other restraint that comes into play is parking. But retail stores would face the same restrictions they face today. This is just extracting grocery stores from retail stores.

Mr. Leathe said that tomorrow night (5PM) the Budget Committee will be discussing Articles #3 through #10 at our meeting, which are several million dollars-worth of discussions. So, tune in to that and see how it goes. The Budget Committee is required by law to make a recommendation on each one; that it can be a recommendation for, or no recommendation, which is still a recommendation. So, I think it's going to be an interesting meeting.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for September 19, 2023 at 6PM.

1099 **ITEM 10 – ADJOURN**

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1101 **The meeting was adjourned by consensus.**

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1104 The meeting adjourned at 9:03 PM.

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1109 **Suzanne O'Connor, Secretary**

1110 **Date approved:** _____

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1113 **Respectfully submitted,**

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1115 **Ellen Lemire, Recording Secretary**

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