

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

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

DATE: Tuesday, April 18, 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) **REVIEW AND APPROVE MINUTES**
 - a) October 4, 2022 to March 28, 2023 – if available
- 6) **NOTICE OF DECISION – if available**
 - a) 290 & 291 Harold L. Dow Highway
- 7) **PUBLIC HEARING**
- 8) **NEW BUSINESS**
 - a) Home Business – Day Care owner Jessica Labbe, business location, 2077 State Road (Map 87 / Lot 1), PID #087-001-000, property owner Raitt Homestead Farm Museum
 - b) Passamaquoddy Lane – Sketch Plan Application for Site Plan Amendment Passamaquoddy Yard (Map 29 / Lot 34), PID #029-034-000 property owner John Pollard
- 9) **OLD BUSINESS**
 - a) 771 & 787 Main Street Clover Farm Subdivision (Map 6 / Lots 43, 44, & 154), PID #006-043-000, 06-044-000, & 06-154-000, Final Subdivision Application
- 10) **OTHER BUSINESS / CORRESPONDENCE**
 - a) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Members
- 11) **SET AGENDA AND DATE FOR NEXT MEETING**
 - a) May 2, 2023
- 12) **ADJOURN**

All in-person attendees are asked to wear face masks

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: **858 8328 7578**
 2. When prompted to enter Attendee ID
 3. When prompted enter meeting password: **938103**
- b) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.
- c) Press *9 to raise your virtual hand to speak



Carmela Braun – Chair

NOTE: All attendees are asked to wear facial protective masks. No more than 50 attendees in the meeting room at any one time. The meeting agenda and information on how to join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

1 **ITEM 1 - ROLL CALL**

2
3 Present: Carmela Braun – Chair, Christine Bennett – Secretary, Jim Latter, and Suzanne
4 O’Connor - Alternate.

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6 Excused absence: Jeff Leathe – Vice Chair.

7
8 Also Present: Jeff Brubaker, Town Planner.

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10 Voting members: Carmela Braun, Christine Bennett, Jim Latter, and Suzanne O’Connor.

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12
13 Ms. Braun welcomed, Suzanne O’Connor. She is an alternate member of the PB.

14
15 Ms. O’Connor said that I and my husband moved to Eliot in 2019, just before the
16 pandemic started. We have vacationed in Maine for years, on and off, and we knew this
17 was where we wanted to retire. So, we had the opportunity to move up here and I retired
18 in 2021, finding myself with lots of energy and the luxury of time, which I had never
19 really had before. I really wanted to be a lot more involved in the community. I had met
20 Ms. Braun before and I thought this was something I would like to spend some time
21 doing.

22
23 Ms. Braun appointed Ms. O’Connor a voting member for tonight’s meeting.

24
25 Ms. Braun said that I will be recusing myself from the Village at Great Brook application
26 as I am a resident of that community. Ms. Bennett will chair that application.

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28 **ITEM 2 – PLEDGE OF ALLEGIANCE**

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30 **ITEM 3 – MOMENT OF SILENCE**

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

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34 There was no public input.

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36 **ITEM 5 – REVIEW AND APPROVE MINUTES**

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38 **Mr. Latter moved, second by Ms. Bennett, to approve the minutes of September 6,**
39 **2022, as amended.**

40 **VOTE**

41 **4-0**

42 **Motion approved**

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44 **ITEM 6 – NOTICE OF DECISION**

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46 There were no Notices of Decision.

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ITEM 7 – PUBLIC HEARING

A. 290 & 291 Harold L. Dow Highway (M37/L20 & M37/L2-1), PB22-18: Site Plan Amendment/Review and Change of Use – Marijuana Products Manufacturing Facility.

Received: September 20, 2022

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

2nd Heard: December 13, 2022 (site plan review/completeness)

3rd Heard: February 7, 2023 (continued review/Public Hearing/approval)

Public Hearing: February 7, 2023

Site Walk: N/A

Approval: February 7, 2023

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

6:10 PM Public Hearing opened.

Mr. Brubaker said that this involves a change of use to add a marijuana manufacturing products facility at 290 Harold L. Dow Highway. The commercial kitchen space currently at 291 Harold L. Dow Highway (Northern Pool & Spa site) will be moved across the road to 290 but the applicant proposes to keep an extraction lab at the former site. The building at 290 H. L. Dow Highway has been previously approved for a marijuana store and a cultivation facility, including the current temporary trailer store that is in operation. Just a reminder that this application proposes phasing where they remove the temporary trailer, occupancy for the permanent store, and part of the manufacturing area in Phase 1. In Phase 2, they occupy the additional manufacturing area. Recall that there are two different manufacturing areas delineated in the previous submittal. Then, the final Phase 3 occupancy would be of the entire building, construction of the additional parking spaces. He showed the building that’s already under construction on the screen. This again is the location. 290 H.L. Dow is on the northeast side of Route 236. Then 291 (Northern Pool site), with the rear building where there is currently cultivation and manufacturing use. One thing to note is that the PB discussed and the applicant responded to the additional vegetative screening need. So, now there is some pretty substantial additional planting proposed along the frontage of Route 236. That would be plantings not only ‘here’ but also back ‘here’ between the parking area and the bio-retention filters. And again, those bio-retention filters were previously approved by the DEP and serviced stormwater management for the site. The applicant did provide a photometric plan to ensure lighting decreases as it reaches the lot line and, in this case, to meet security standards for exterior lighting around the building. Traffic in the existing driveway is permitted by the DOT. We had talked about, if approved, requiring post-construction traffic counts when the stored is opened. Odor control, waste, and wastewater disposal plans and information were submitted previously. Parking requirements appear to be met for all phases. Security standards appear to be met. I just wanted to confirm, maybe verbally, from the applicant that they will have a secure safe or

93 lock-secured container. There's no new impervious surface proposed. The vegetative
94 buffer I previously talk about should help with stormwater. My recommendation in my
95 staff report is approval, with conditions.

96
97 Ms. Braun asked Mr. Sudak if he would answer Mr. Brubaker's question about the safe.

98
99 Mr. Sudak said that I have Dana Brearley with me tonight. I can provide the verbal
100 confirmation, as Mr. Brubaker requested. Mr. Brubaker described the change of use
101 beautifully. I have nothing to add there. Really, the only other things that were changes
102 on-site are that we are slightly re-configuring the entrance. The southernmost portion of
103 the "L" that you see, closest to the Route 236 corridor, is resulting in no increase in
104 impervious. It's just kind of an egress thing so we had to adjust some parking. Since our
105 last meeting, we gave you the updated existing tree line in the southern portion of the site,
106 added those plantings. Happy to answer any questions.

107
108 There was no public comment.

109
110 **6:17 PM Public Hearing closed.**

111
112 Mr. Latter asked if there was anything changing at the 291 site, other than the usage.

113
114 Mr. Sudak said no. As Mr. Brubaker summarized, behind the Northern Pool & Spa
115 facility, there is an existing commercial building. Within that, there is a currently-
116 approved manufacturing use that contains both the extraction lab and the commercial
117 kitchen. The kitchen portion of that is what is coming across the street and being split
118 into the uses at 290. The extraction lab will stay at 291.

119
120 Mr. Brubaker said that, essentially, because the extraction lab is staying in that rear
121 building at 291, there would still be a marijuana products manufacturing use because
122 extraction is part of manufacturing.

123
124 Ms. Braun said that the remaining space where the lab is will be storage, as I understood.

125
126 Mr. Sudak said yes. That was brought up at the last meeting and will just be additional
127 products, inviting confirmation from Mr. Brearley.

128
129 Mr. Brearley agreed, as we are getting tight for storage.

130
131 Ms. Braun asked what PB members wanted to do with this application. Are we ready for
132 approval.

133
134 Ms. Bennett said that I think we are. In reviewing the Planner's notes, I think he put
135 together a great motion template for our approval, with a suggestion that we also add in
136 something to the affect that prior to the sale of an edible products, the applicant should
137 provide the Town a copy a commercial kitchen license.

138

139 Mr. Latter and Ms. O'Connor was also ready to move on a motion.
140

141 **Mr. Latter moved, second by Ms. Bennett, that the Planning Board approve PB22-**
142 **18 Site Plan Amendment/Review and Change of Use for the addition of a marijuana**
143 **products manufacturing facility to the existing approved uses at 290 Harold L. Dow**
144 **Highway (Map 37/Lot 20) and interior building changes at 291 Harold L. Dow**
145 **Highway (Map 37/Lot 2-1). The following are conditions of approval:**

- 146 **1. The property may be developed and used only in accordance with the plans,**
147 **documents, material submitted, and representations of the applicant made**
148 **to the Planning Board. All elements and features of the use as presented to**
149 **the Planning Board are conditions of approval and no changes in any of**
150 **those elements or features are permitted unless such changes are first**
151 **submitted to and approved by the Eliot Planning Board. Copies of approved**
152 **permits from Maine DEP, Army Corps of Engineers, if applicable, and State**
153 **shall be provided to the CEO before construction on this project may begin.**
- 154 **2. The permit is approved on the basis of information provided by the**
155 **applicant in the record regarding the ownership of the property and**
156 **boundary location. The applicant has the burden of ensuring that they have**
157 **the legal right to use the property and that they are measuring required**
158 **setbacks from the legal boundary lines of the lot. The approval of this**
159 **permit in no way relieves the applicant of this burden. Nor does this permit**
160 **approval constitute a resolution in favor of the applicant of any issues**
161 **regarding the property boundaries, ownership, or similar title issues. The**
162 **permit holder would be well-advised to resolve any such title problems**
163 **before expending money in reliance on this permit.**
- 164 **3. The applicant authorizes inspection of premises by the Code Enforcement**
165 **Officer during the term of the permit for the purposes of permit**
166 **compliance.**
- 167 **4. Prior to commencing operation of Phase I, the applicant shall provide to the**
168 **Code Enforcement Officer:**
 - 169 **a. Their approved commercial processing license, or licenses (or**
170 **similar, as applicable) required by the State of Maine.**
 - 171 **b. The DOT driveway permit for the 290 Harold L. Dow Highway site.**
 - 172 **c. Documentation that the bio-retention filters are completed and**
173 **operational.**
- 174 **5. Pursuant to Chapter 35 of the Town Code, applicant shall enter into a post-**
175 **construction stormwater maintenance agreement with the Town by May 31,**
176 **2023.**
- 177 **6. The front vegetative buffer plantings shall be planted no later than May 31,**
178 **2023.**
- 179 **7. Within 120 days after the permanent marijuana store opens to the public,**
180 **the applicant shall collect turning movement counts for the site driveway at**
181 **290 Harold L. Dow Highway for, at a minimum, one full weekday and one**
182 **full weekend day that the marijuana store is open, and submit such data to**
183 **the Town Planner. Such count data shall be disaggregated by the hour, or a**
184 **shorter time period, to show peaking characteristics.**

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DISCUSSION

Ms. Bennett said that the request was to phase this project and we noted Phase I. Do we need to discuss Phase 2 and 3 in this approval. Is that going to be noted on the plan.

Mr. Sudak said that there was a phasing plan set that was provided but I might need to defer to Mr. Brubaker on whether or not that just becomes a code enforcement issue.

Mr. Brubaker said that I would assume that the approval motion would approve the whole of what's been submitted, including the phasing plan, itself. I would assume that would be implicit in the motion.

Mr. Latter said that the only thing we spoke specifically to in Phase I is that, prior to commencing the operation of Phase I, they have to meet the conditions of A, B, and C. So that speaks specifically to Phase I but the rest of the motion speaks to the entire set plan.

Ms. Braun asked if Ms. Bennett was set with that.

Ms. Bennett said yes, as long as that phasing is ratified and documented.

Ms. Lemire said that it will be in the Notice of Decision.

Ms. Bennett was satisfied.

DISCUSSION ENDED

VOTE

4-0

Motion approved

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

ITEM 8 – NEW BUSINESS

A. 360 River Road (M25/L11), PB22-22: Shoreland Zoning Permit Application – Residential Pier, Gangway, Float, Boardwalk, and Stairway – Sketch Plan Review.

Received: December 7, 2022

1st Heard: February 7, 2022 (sketch plan review)

2nd Heard: _____ 2023 (site plan review/completeness)

3rd Heard: _____, 2023 (continued review/Public Hearing/approval)

Public Hearing: _____, 2023

231 **Site Walk: N/A**
232 **Approval: _____, 2023**
233

234 Mr. (Ryan) McCarthy, P.E., P.L.S., (Tidewater Engineering & Surveying, Inc.) was
235 present for this application.
236

237 Mr. Brubaker said that this is a Shoreland Zoning Permit application for a docking
238 structure and residential pier system at 360 River Road. The elements in this include an
239 access corridor, access stairway to the beach, a permanent fixed pier out into the river,
240 and, then, a seasonal gangway and seasonal float. So, a pretty typical pier system that
241 we've reviewed before. This has NRPA approval from the DEP as well as Army Corps
242 approval/authorization. So, this is an excerpt from the application showing the location.
243 You can see that it's a little bit south of Sturgeon Creek, along River Road. And this
244 parcel, like a lot of these parcels, is bisected by River Road, with the water-side parcel
245 being the location of the development. As usual, I have my pier and dock standards
246 review in my staff report and all applicable standards are met, or appear to be met, in my
247 opinion. I have my stairway standards review and all standards are met. The application
248 notes that the pier alignment avoids tree removal and you can see that with photos in the
249 application. The environmental marine and marine impacts are covered in the application
250 and they are also summarized and reviewed in my staff report. My recommendation, after
251 receiving the presentation from Mr. McCarthy and asking any questions, is to deem the
252 application complete and set a public hearing for February 21st, 2023, if that is amenable
253 to the applicant. The motion templates are in the packet.
254

255 Mr. McCarthy said I'm with Tidewater Engineering & Surveying and I'm here to
256 represent the applicant, Robert Holderith, at 360 River Road. This application is for a
257 pier, gangway, and float off of River Road, as Mr. Brubaker stated. The Pier is going to
258 be 60 feet. The gangway is going to be 30 feet and there will be a 10'X30' float at the
259 end. We do have an access ramp that provides the means of access from River Road to
260 the pier, itself, and then, also from the pier down to the shoreline, we have a set of stairs.
261 The total impacts on this property due to the pier is 10 square feet. Basically, it's the
262 square-foot area of the pilings that support the pier so it's very minimal. Indirect impacts,
263 we were required to calculate this amount of area for DEP purposes, but basically any
264 shading that the pier casts down onto the shoreline is an indirect impact to potential
265 vegetation. Also, the gangway/float system has an indirect impact, as well. The float,
266 itself, because it is not going to be floating at low tide, it's going to rest on the mud.
267 However, we've designed the float with skids so it minimizes the amount of structure that
268 actually sits on the mud, itself. The location we selected is to minimize impacts to any of
269 the habitats and the shoreline. Primarily, we avoided having to remove any trees. The
270 other habitat that we try to avoid is the marsh grass. That's really sensitive habitat along
271 the shoreline. We're losing it constantly. So, the pier is going to be located over on the
272 sandy mudflat. As Mr. Brubaker stated, we already have our Army Corps approval; that
273 we received that last November. The DEP approval we have been granted that this past
274 December.
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276 Mr. Latter asked how much of this is going to sit in the mud at low tide.

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Mr. McCarthy said it would be just the float, just the last 10’X30’ rectangle that you see at the end. The pier is permanent and raised up above the ground. Then you’ve got a gangway, or ramp, that extends down to that last section.

Ms. Braun asked if the entrance to the pier is going to be gated in some way or just open.

Mr. McCarthy said that, most likely, there will end up being a gate on the end of it. There are a lot of pedestrians on River Road and, with it being private property.

Ms. Braun added that I am thinking of safety, too.

Mr. McCarthy agreed.

Ms. Bennett asked if there are reflectors.

Mr. McCarthy said that we do.

Ms. Braun asked if the PB was ready to deem this application complete.

The PB said yes.

Ms. Bennett moved, second by Mr. Latter, that the Planning Board accept the Shoreland Zoning Permit application for PB22-22, 360 River Road, as complete and set a Public Hearing for March 7, 2023.

VOTE

4-0

Motion approved

B. 178 Harold L. Dow Highway (M29/L20), PB22-20: Site Plan Amendment/Review – Commercial Buildings – Sketch Plan Review.

Received: November 1, 2022

1st Heard: February 7, 2023 (postponed from Jan. 24/sketch plan review)

2nd Heard: _____ 2022 (site plan review/completeness)

3rd Heard: _____, 2022 (continued review/Public Hearing/approval)

Public Hearing: _____, 2022

Site Walk: N/A

Approval: _____, 2022

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

Mr. Brubaker said that this is a lot on the northeast side of Route 236 near Beech Road in the Commercial/Industrial Zoning District. The proposal is to construct 2 commercial buildings, in addition to the existing commercial building on-site. Regarding the proposed buildings, one is 5,000 square feet, 2-story, for commercial/industrial use and

323 the other is 3,000 square feet, a 1-story commercial building. Overall, there will be 13
324 employees estimated. I did include in my staff report the need to specify specific uses
325 sought for approval in the land use table. Dimensional standards, at the sketch plan stage,
326 appear to be met or are likely met. 'This' is the location, across from Eliot Commons. I
327 talk about stormwater, parking, the driveway, and wetlands in my staff report. There is
328 some additional impervious being proposed and there is an existing pond at the front of
329 the site. Regarding parking, I think they've started off their review by showing more
330 parking spaces than required and I think a loading bay in the rear of the existing building.
331 I think they are proposing to widen what I think is kind of a narrow driveway so that
332 pretty much accords with our standards.
333

334 Mr. Page said that I'm here representing J&J Pathfinders, LLC. Everything Mr. Brubaker
335 said sounds about right. I have a couple quick answers to add. This is going to be for, as I
336 understand it, a commercial establishment. The confusion with referring to it as a
337 commercial office is that there are more so, I don't know if you'd call it units, but several
338 spaces for rental therein that had a number of businesses that I looked through. It had a
339 nurse practitioner, some financial businesses, and such. Then, they have storage
340 supporting these businesses in the basement. For the parking lot, itself, as Mr. Brubaker
341 indicated we have well-exceeded the minimum required parking spaces for it. Where our
342 calculations call for 40 spaces, we have 60 provided. To give a little insight to this, we
343 are intending to work the layout of the parking slightly and come a little further down
344 closer to that limit. We had initially been working with a client that wanted both
345 buildings to be two stories and we had to explain to them that we can't really support
346 that; that we are already a little pressed for parking, as is. So, we worked down to our
347 current set-up and we wanted to demonstrate that we really couldn't get enough parking
348 to meet the 3,000 square-foot building to be two stories, that we are sort of at the very
349 upper limit of what we can fit in for parking and intend to work it down. Additionally,
350 you had mentioned there is a loading bay in the back. It is not actually a loading bay. The
351 current design is an ADA space and that small rectangle on the right that is flush with the
352 building is some sort of an electrical or HVAC piece; that we wanted to put a buffer
353 around it. I don't think we intend to add a loading bay. As for dimensional requirements,
354 I looked through these and had a couple of clarifications. Building separation, currently,
355 is approximately 22 feet. We may try to find some extra space there, if possible. With the
356 general location of the buildings, right now, it's about as good as it can get with the
357 existing building being there and not really being movable in any way. So, it's probably
358 going to stay at around 22 feet. We've contemplated the idea of running a single lane of
359 traffic through if we were to change the layout of the parking to a one-way, sort of a
360 circuit design but, as it is currently, it's probably going to remain two-way. Other than
361 that, I believe that everything that Mr. Brubaker mentioned is up to snuff with your code.
362

363 Ms. Braun said that your application states that it is a 3,000 and a 5,000 square-foot
364 building. The sketch plan, note #1, says 3,000 and 10,000.
365

366 Mr. Page said that the 5,000 square-foot building is a 2-story building with both intending
367 to be used. It may be an artifact of a previous intended use. Depending on the use, in

368 some cases, it calls for parking spaces to be required by square footage. It is, in fact, a
369 5,000 square-foot, two-story building.

370
371 Ms. Braun said that the Note should be changed to 5,000.

372
373 Mr. Page said yes.

374
375 Ms. Braun asked that he make that change.

376
377 Mr. Page agreed.

378
379 Mr. Brubaker clarified a 5,000 square-foot footprint, a 10,000 square-foot floor area.

380
381 Mr. Page agreed it is 10,000 square feet of usable space.

382
383 Mr. Latter said that the parking anticipates 10,000 square feet of usable space.

384
385 Mr. Page said yes.

386
387 Ms. Bennett said that I'm kind of fixated on what you talked about what the uses would
388 be because we have to fit you into an allowed use. We don't have, per se, a commercial
389 building as an allowed use. You described a nurse practitioner being there.

390
391 Mr. Page said that that was a previous one. I can't 100% say which ones are in there right
392 now but, as I understand it, it's an array of businesses that in which the space is going to
393 be rented out.

394
395 Ms. Bennett asked if you would say that it's a business office, a collection of business
396 offices. I've been looking through our table of allowed, permitted, uses and a couple
397 popped to mind from what you described. I know you are describing the existing but
398 what are the intentions of these future buildings. What came to mind, which are pretty
399 broad; one was 'business offices', another is 'professional offices', and the other one is
400 'commercial establishment'. So, if maybe you could talk a little bit more or if you know
401 what the intended uses are for these buildings are.

402
403 Mr. Page said that, to the best of my knowledge, it would be a 'business office' as
404 opposed to a 'professional office'.

405
406 Ms. Braun said, so, we'll go with 'business office'.

407
408 Ms. Bennett suggested you talk with your client about that a little bit more. You can refer
409 to our code. There are some definitions on these, as well. So, we will proceed as
410 'business office'.

411
412 Mr. Page said that that sounds good.

413

414 Ms. Braun said that, for the future when you come back, we're going to need a
415 landscaping plan, a lighting plan, and a drainage plan.

416
417 Mr. Brubaker said that it would be a typical full site plan review where all the content
418 requirements of §33-127 would be needed unless you want to request any waivers from
419 the PB.

420
421 Mr. Page said that it is our intent to provide each of those.

422
423 Ms. Braun said that, once you have all that information, if you contact Mr. Brubaker, he
424 will get you back on the schedule.

425
426 Mr. Page said absolutely, I shall.

427
428 **ITEM 9 – OLD BUSINESS**

429
430 **A. 0 Bolt Hill Road (M17/L29), PB22-21: Village at Great Brook – Amendment to**
431 **an existing Subdivision Plan (43 lots).**

432
433 **Received: October 17, 2022**
434 **1st Heard: November 15, 2022 (sketch plan review)**
435 **2nd Heard: December 13, 2022 (postponed by applicant request)**
436 **3rd Heard: January 24, 2023 (postponed due to weather)**
437 **4th Heard: February 7, 2023 (continued review)**
438 **Public Hearing: _____, 2023**
439 **Site Walk: N/A**
440 **Approval: _____, 2023**

441
442 Mr. (Michael) Sudak, E.I.T. (Attar Engineering, Inc.), Attorney (Sandra) Guay
443 (applicant's representative)

444
445 Ms. Braun said that I will be recusing myself from this discussion. Ms. Bennett will be
446 acting Chair for this discussion.

447
448 Ms. Bennett said that this is the application for PB22-21 0 Bolt Hill Road for an
449 amendment to an existing subdivision plan (Village at Great Brook). Just as a note as we
450 start, there are a couple of requests, here, before us on this amendment to the site plan.
451 We're doing a hybrid approach to this application. Initially, we had thought about, and
452 many residents at Villages had requested that we do, a full site plan review because it is a
453 pretty substantial change to the 2007 approved plan for the Villages, which I believe was
454 150 dwelling units, now down to 43. There is also a majority request in communication
455 from the applicant, which outlines a request for some waivers to road standards. One of
456 the peculiarities of the Eliot ordinance is that we can't consider, or vote upon, any
457 changes or waivers to road standards without four members and we have three tonight.
458 So, we will not be able to discuss any waivers to any of the road ordinance this evening.
459 That said, in this hybrid approach, we have multiple goals before us. We have the request

460 of the applicant to complete, finish, the subdivision of the Village. Finish the building.
461 We have a request to subdivide the land from the applicant. We also have multiple
462 requests from the residents of the Villages to ensure what is built has been built to
463 standards and that they will be indemnified and assured that what they have bought
464 actually is up to code. And as the Town, we also have the goal to make a complete and
465 thorough record that will go forward on this property. A lot of time has passed since it
466 was first approved in 2007. We did business differently in 2007. We didn't do Findings
467 of Fact. We did not do Notice of Decision letters. We did not have a Town Manager. We
468 had a part-time Town Administrator. We didn't have a Town Planner. We had a part-time
469 Planning Assistant. We also had a very casual approach to all of our proceedings and
470 everything at Town Hall. That includes the Town records for every property in this
471 Town. As a consequence, a lot of our records are deficient, including the records for these
472 properties. It's actually two lots that were considered with this subdivision. ~~So, there is an~~
473 ~~interest for the Town in these proceedings to make a very clear findings of fact and draw~~
474 ~~the lines from 2007 to 2023~~ One of the biggest pieces in my mind was the fact that this
475 subdivision had an approved phasing schedule. I greatly appreciate the history that was
476 provided by Mr. Wood regarding the history of the ownership of this property that starts
477 to fill in those blanks and creates that findings of fact. One of the few things we gave in
478 our records in Town Hall is the fact that the first owner of this property came to the
479 Board of Appeals (BOA) and sought an amendment to that phasing schedule and claimed
480 hardship because, in 2008, we were going through a major recession. And it was granted.
481 There were four phases and, now, we have before us a lot of discussion about three
482 phases. This PB needs to understand how the original approval of four phases maps to,
483 now, three phases so we can now, again, tie those two pieces together. That was sort of
484 the introduction of what I wanted to lay out. I know that our Planner also has some
485 thoughts about how we proceed this evening.

486
487 Mr. Brubaker said, as our acting Chair mentioned for this item, this is an application to
488 amend a subdivision plan. The subdivision has been built out inconsistent with the
489 approved 2007 plan. The request, now, is to reduce the number of units from 150 to 43
490 and, as mentioned, split out the rear portion as a separate lot. The construction of the
491 residential development is mostly built out but construction of the last three units in that
492 portion of the property is subject to a stop-work order, including a setback issue with Unit
493 #19, which is also described as 49 Village Drive, necessitating adjustment of the road
494 alignment, which is shown and proposed in the applicant's subdivision plan amendment.
495 So, my recommendation for the January 24th meeting, which was postponed due to
496 weather and power outages, was to continue the review until February to allow the
497 applicant to submit an updated application and plan set to address outstanding
498 performance standards mentioned in this report, address review comments by PB
499 members, and address public input pertinent to the standards. The residents have
500 contacted me at various points. They had correspondence included in the January 24th
501 packet. And I've also been meeting with the applicant's representatives to talk about
502 these standards. So, my staff report in this packet of February 7th has some additional
503 notes on those standards. I will summarize those here. One thing to take care of right off
504 the bat is that I believe that the lot line for the proposed lot to be split off needs to be
505 adjusted to be set further back from Units #41 through #44. You can see an excerpt from

506 the plans ‘here’ (on the screen). These are units along Pheasant Lane. Various
507 subdivision standards require that this lot line be moved back away from these units. I
508 would argue that a minimum 30-foot rear setback is needed and the lot line is closer than
509 30 feet to these units. The subdivision standards also provide that a green strip of at least
510 30 feet wide be provided to buffer the subdivision from noise from adjacent parcels. So,
511 the idea would be a greater vegetated buffer to potentially mitigate any noise standards
512 from when the remaining portion of land is developed in some way or another. That is
513 something that I talked about with the applicant’s representative. Performance guarantee
514 has been an important topic for the PB and for the residents in their communication to the
515 PB. This afternoon the applicant provided, as is required, a statement on choosing the
516 type of performance guarantee they wish to furnish for the development. In my next slide,
517 I will show that up on the screen or also defer to Attorney Guay, who is here representing
518 the applicant, if she wants to speak to that further. The requirement is that the
519 performance guarantee cover streets and/or other required improvements in the
520 development and that the applicant furnish the performance guarantee to the Select Board
521 (SB). The SB reviews the form of the performance guarantee, the issuer, and the SB has
522 to approve that guarantee. Also, the amount has to be acceptable to cover the
523 maintenance and performance of the improvements. So, my recommendation for
524 additional performance guarantee coverage would be to ensure that it covers maintenance
525 of Quail Lane, which is currently proposed as an emergency access and egress, just to
526 ensure that it remains passable as that secondary emergency access and egress; that a
527 reasonable amount be reflected in the guarantee to address other repairs that may be
528 needed for Village Drive and Pheasant Lane. A potentially limited and reasonable
529 amount to cover near-term stormwater facility repairs, if necessary. Then, a new
530 amendment to the performance guarantee ordinance allows the PB to require that the
531 guarantee cover the planting of any new trees planted in the development that fail or die
532 for whatever reason over the first two years; that the performance guarantee can cover the
533 replacement of those trees. This is the performance guarantee statement (on screen)
534 provided by the applicant. Quoting, *“Pursuant to §33-132 of the Code, this letter*
535 *confirms that, in conjunction with the final and non-appealed approval of the Villages at*
536 *Great Brook subdivision amendment application, the applicant, Village on Great Brook,*
537 *LLC, will provide a performance guarantee in the form of a financial guarantee for the*
538 *final paving of Village Lane and Pheasant Lane, as depicted on the approved site plan.”*
539 This was received late this afternoon and that’s why it’s not included in the packet. I do
540 want to say a few words on existing Village Drive and Pheasant Lane. One thing I talked
541 about in meetings with the applicant was whether Chapter 37 standards were met for the
542 existing road. We did receive yesterday some passed reports investigating the pavement
543 for Village Drive and Pheasant Lane to determine if the pavement section, the subbase
544 compaction, the gravel subbase, and the paving were adequate and designed to Town
545 standards. That’s still unclear to me. I haven’t been able to review that in detail. But there
546 are some questions there and perhaps, if the applicant is ready to speak further to that, the
547 PB may want to ask the applicant about that. Quail Lane, if you look at the plans you can
548 see the latter half of the land retained by the owner is showing Quail Lane as a 16-foot
549 gravel road, with emergency access, with a gate, a Knox box. The Fire Chief has reviewed
550 and found that acceptable in the short term. And I would say that there needs to be a
551 requirement that, prior to development occurring on the land retained by owner (LRO),

552 Quail Lane shall be brought up to Town street standards from Route 236 to Village
553 Drive. When I discussed this with our Town attorney, he pointed out that this lot that is
554 proposed to be created, this rear portion lot, would not be buildable until it has 300, or
555 more, feet of street frontage abutting a town way or private way meeting the minimum
556 standards of a street. That speaks to the need for Quail Lane to actually be brought up to
557 Town standards for this lot to be buildable. We talked about the previous waivers granted
558 as part of the 2007 plan approval. I have those here in case there are any questions but I
559 won't go into detail because we've discussed them before. So, another subdivision review
560 provision is that the PB may require that a subdivider reserve sufficient land for future
561 rights-of-way where a proposed subdivision abuts on developed property. In this case, we
562 have an undeveloped abutting property and the property owner is here in the room. I have
563 heard from him that he would be interested in such a right-of-way. And I have discussed
564 this right-of-way reservation with the applicant's representatives; that there is also a
565 summary in my staff report. I do think it's a legitimate tool the PB may choose to
566 exercise. It's a 'may require' requirement so the PB may choose to require it, or not. In
567 my opinion, I think it's applicable here. So, I have some kind of very draft language as to
568 what this requirement might look like but it would essentially be a future right-of-way
569 reserved connecting Quail Lane to the upland portion of the abutting lot designated as
570 Map 23, Lot 8 on Town tax maps, along with some minor modifications in the alignment.
571 The idea there is that this abutting lot is mostly wetlands. It's mostly covered by a large,
572 contiguous wetland and, if the upland islands were to be accessed directly from Route
573 236, there would be a certain amount of wetlands altered and impacted. And you're
574 talking about creating another access point on Route 236 whereas the use of Quail Lane
575 would allow for consolidation of access, which is a general good practice for Route 236
576 traffic. With that, I thought it was a reasonable tool to exercise. With that, I will end my
577 presentation for now but I would be happy to answer any questions.

578
579 Mr. Sudak said that I am here on behalf of Village on Great Brook, LLC and I have the
580 applicant's attorneys here with me tonight who I believe want to give an opening
581 statement. I have some things that I can go into, as well, just shots across the bow of the
582 history of the project and what we've done since our last meeting, then get into Mr.
583 Brubaker's memo. But I believe Attorney Guay wanted to speak first.

584
585 Attorney Guay, Archipelago Law, said that I am here tonight representing the applicant.
586 This is a really unusual situation for the Board (PB), for the Town, for the residents, for
587 the LLC that is Chad Fitton and Mike Murray. It is an unusual situation for everybody
588 and I appreciate the hybrid approach. I appreciate the effort that Mr. Brubaker has been
589 putting into this. I appreciate what the PB is going to be dealing with here. I think it's
590 really important to let you understand where, sort of, things stand right now between the
591 applicant, the property owners, and the Town. So, I want to bring you up to speed
592 because there's a lot that's been discussed and a lot that's going on. I know you got the
593 summary of the history just to sort of bring you up to speed a little bit more with that, and
594 Mr. Sudak might be talking about this a little, as well. Obviously, this project was
595 approved quite a while ago. It went through an earlier developer and an earlier builder.
596 Things didn't go remarkably well and, in 2018, Mr. Fitton and Mr. Murray stepped in
597 when the original developer was struggling with this. The option, at that time, was to not

598 step in and let that original developer declare bankruptcy, or do whatever he needed to
599 do, but the decision was made to come in and try to fix things up and get this done. When
600 Mr. Fitton and Mr. Murray began those discussions, they ended up sort of taking over in
601 August of 2018. At that time, the Town had already issued 21 occupancy permits and
602 building permits for a bunch of other structures. So, the permits had been issued to the
603 prior developer. They had been issued by the Town former Code Officer and former
604 Road Commissioner. A lot of permits were being issued; approvals were being made.
605 There were some probably obvious problems originally but it went on. I just want you to
606 understand where this is all coming from so, I hope you bear with me. So, when they took
607 it over, they were not experienced developers, saw that things were being built, that they
608 could finish this up, and fix up some of the issues that were there then move on. That sort
609 of went okay until last August when the now Code Officer came and noticed that the
610 structure on 49 Village Lane was set too close to the road and, at that point, just stopped
611 everything. This was the first time that Mr. Fitton and Mr. Murray heard that they had to
612 go back and get an amended application. Yes, it needed to be amended, but that was
613 never told to the original developer and it was never told to Mr. Fitton and Mr. Murray
614 until this happened. So now it's been shut down for about 7 months. A lot of carrying
615 costs. Can't finish anything. And that's when I came in, after that happened, to try to see
616 if I could help resolve things between the applicant, the Town, and the homeowners.
617 Since that time, again, a lot of carrying costs, no work could get done, and we've been
618 working toward trying to get back in front of this PB for this amended application. I
619 appreciate the effort that your staff and Mr. Brubaker, has put into working through some
620 of this and coming up with this hybrid approach and find a way to make this work. So,
621 between the money that's been invested trying to correct things, the money that's been
622 invested into the project, the carrying costs, and everything; that I just want you to
623 understand that there was a lot of bleeding of money that's been happening here. The
624 Village on Great Brook is the LLC and Village at Great Brook is the development, which
625 I think might have been a scrivener's error. Mr. Fitton and Mr. Murray, as the managers,
626 reached a point a little while ago that they just can't keep putting money that they don't
627 have into this project. No matter what happens from here on, it's not about profit. They
628 are going to go away in the red. There's just no way to make it up. Realizing this was
629 coming, Mr. Fitton has been meeting with homeowners, Ken Wood (who can't be here
630 tonight), and then I met with homeowners in December. There were about 30 people
631 present at that meeting, I believe, and we met for a couple of hours and talked about this
632 process and the PB application. We said at that time that there was already an agreement
633 in place for a financial security bond or escrow that the ordinance would require.
634 Although, I realized when the letter came in from the property owners about a month ago
635 that a prior letter from Ken Wood in October, I think, had a whole list of items that kind
636 of went down through the items in the ordinance, and the last one was that there wasn't
637 going to be a performance bond. So, I can see where that confusion might have come up.
638 But there has been, and there is, an agreement that there will be a performance bond
639 posted. So, I just wanted to make that clear. One of the other things in that letter, and I'm
640 not going to get too much into it, but there were some liens attached in the letter. Those
641 liens were paid off a long time ago. That information was provided to Mr. Brubaker. It's
642 all recorded and discharged. I just want to make sure the PB is aware of that. So, this kind
643 of brings us to a point of there's another gentleman here tonight, there's another attorney,

644 Roger Clement. He is an attorney at Verrill in Portland and he is a bankruptcy attorney.
645 He was asked to consult with Mr. Fitton and Mr. Murray to make a determination about
646 what their options were at this point. They just didn't know what else to do. Mr. Fitton
647 and Mr. Murray do not want to go that route. That is not what they want to do. We're
648 working really, really, really, really hard to make this all work, here, for the homeowners,
649 the Town, for everybody. But that is an option if things can't work out. One of the things
650 that Attorney Clement has been working on for some of the homeowners and, hopefully,
651 with all of the homeowners is an agreement that would address a lot of the homeowners
652 concerns and would bring finality to the project for the applicant and, hopefully, for the
653 Town. I want to share with you some of that that agreement is because it's really, really
654 significant and I think it might cover some of the concerns that the PB might have. The
655 first thing is that Village on Great Brook would agree to post a performance bond, which
656 I just mentioned, and also put money into escrow to secure performance of the non-road
657 remaining work; that I will explain what that is in a minute. The Village on Great Brook
658 will cause these following tasks to be completed on or before the deadline set forth
659 below. Prior to the end of 2023, with paving season, they will re-locate that portion of
660 Village Drive adjacent to Lot 42 (49 Village Drive) that Mr. Brubaker was talking about.
661 That's actually shown in the application. Then, install a final layer of pavement on all
662 paved surfaces of the project and that's the road that actually goes up into the driveways.
663 No later than 6 months following the last to occur of the PB approval of the application,
664 as such application may be amended or the lifting of the stop-work order imposed by the
665 Town, these things will happen: The applicant will install stone to cover the culvert ends
666 adjacent to driveways on Pheasant Lane; install boulders near the retention pond off of
667 Pheasant Lane; inspect sewer line, repair leaks, clear any blockages; remove all
668 construction debris; temporary electrical boxes and plastic fencing; flatten or remove all
669 piles of dirt related to the project construction; install survey markers on the boundary
670 between the remaining land and the project; plant evergreen trees along the boundary of
671 the remaining land as specified by the Town. Also, the Village on Great Brook, LLC will
672 convey to the homeowners' association a specific lot to use as they want – right now
673 there is a buildable lot on Pheasant Lane that is shown on the plan and shows a building
674 on it that hasn't been built yet. This could be for a community space or however they
675 want to use it. That will be theirs. They will list the reserve land for sale, use reasonable
676 efforts to sell it, and that is that 27.69 acres that's shown on the plan as 'retained by
677 owner' (RBO). They'll use the proceeds of the sale: first, to pay off mortgages on the
678 reserved land; second, to pay all costs related to the agreement and the sale, broker's fees,
679 etc.; third, to reimburse the LLC for the cost of the remaining work; fourth, the first
680 \$35,000 of any remainder will be paid to the HOA and deposited into the HOA's
681 construction reserve; and fifth, if there is anything remaining, the LLC will keep that. In
682 addition, the LLC will pay \$35,000 to the homeowner's association at the same time as
683 the posting of the performance bond. So, \$35,000 they will pay to the HOA when they do
684 the performance bond. Another \$35,000 hopefully, if they sell the land for enough, out of
685 the sale of the land to the HOA. The other thing they'll do is keep honoring the 2-year
686 warranties so, right now, there's a 2-year warranty on new construction in there and those
687 warranties will continue to be honored. The other thing that they will do is make sure that
688 they reserve Quail Lane as an emergency access to Village Drive and also access over
689 Village Drive to Quail Lane as emergency access, although it will be gated. The residents

690 have asked that that be gated at least for the time being, with an emergency gate in there.
691 That will depend on whatever the future development is on the reserve land. It will be up
692 to those property owners at that time if they want to remove the gate and just open that up
693 In turn, they are asking the homeowners to sign this agreement, that they agree with it,
694 and they agree to waive any other issues that could come up. That agreement, originally,
695 was supposed to have been agreed to by yesterday. That time has passed. I haven't been
696 working on this directly but Attorney Clement and the attorney for some of the
697 homeowners are both here. My understanding is they both feel that it is getting close to
698 that, hopefully, so we're continuing to work toward that. One of the other conditions was
699 final PB approval no later than March 1st. Mr. Brubaker has been aware of that. I
700 appreciate his efforts to maybe help with scheduling, if it's amenable, obviously, to the
701 PB. Also, the stop-work order would have to be lifted once the LLC posts a bond. That
702 was a discussion we had with the Code Officer early on. She had said that, if we got
703 approval from the PB and we post the bond, at that point she would be comfortable lifting
704 the stop-work order so that the work and the sales could continue. That is the thrust of it.
705 So, it's a lot. They are offering to do a lot to finish things up here. Their concern is that
706 they need an end point and they need to understand and have a finite amount of the
707 additional investment that they need to make. So, that is what they've tried to do with this
708 agreement and, hopefully, with the consent of the homeowners, the homeowners will be
709 happy with the result. I understand that nobody is going to be 100% happy but I think this
710 could end up being a really nice, positive development that people will be happy living
711 in. And that the Town will be satisfied with the result, as well. I do want to mention a
712 couple of things in Mr. Brubaker's memo. One is that we did have a conversation about
713 the waiver, and the requirement for the waiver, and my understanding of that
714 conversation was that I don't believe we need a waiver for Quail. We have agreed that a
715 note would go on the plan saying that when that reserved land gets developed, that Quail
716 Lane will have to be brought up to Chapter 37 standards all the way from Route 236 up to
717 Village Drive. So, when this property comes back before this PB for whatever it ends up
718 being, and nobody knows what that is right now. I don't know if it will be commercial. I
719 don't know if it will be more 55+ housing. If it's commercial, of course it would have to
720 be at least a 100-foot buffer between this residential area and that use. If it's more 55+
721 housing, they may want to open up the gate, I don't know. But I don't know what it's
722 going to be right now, and nobody does, and that's part of the problem. The road can
723 remain gravel, right now, and the Fire Chief has agreed that that's a good temporary
724 solution. And the reason for that is that nobody knows where that road is going to end up
725 being exactly when this gets developed. And to do anything more with it now and tear it
726 up a year or two years down the road from now just didn't make any sense to anybody,
727 including the Fire Chief. So, he's satisfied with the road. The applicant is fine with
728 putting an extra amount in the performance guarantee that would make sure that that road
729 stays maintained and plowed and accessible. Their intent is to do it but, if there is an
730 amount left over in escrow or the bond that the Town could use in case it isn't getting
731 done, the applicant is agreeable to that. Before I turn this over to Mr. Sudak, I want to
732 address the connection to the other property. We have a fairly large piece of property,
733 here, and asked Mr. Brubaker to put the plan up on the screen to show the pertinent
734 property. The applicant is also agreeable to moving that line behind those three or four
735 structures, and Mr. Sudak will cover that. So, we have a lot, here, that has a lot of

736 wetlands on it. This is the reserved piece of land. There's not a lot of upland for
737 development on it. The abutting property owner has, I believe, a five-acre upland piece in
738 the back. The problem is, and you can see, if you have to put a 50-foot ROW across this
739 to hook up to Quail Lane, you're doing a lot of financial harm to this piece because it
740 doesn't leave a lot of developable land. And it provides zero benefit to this landowner,
741 whoever ends up owning it. It's going to take away from the value of 'this' land and the
742 developability of 'this' land and it's going to benefit one property owner. There's no
743 access off the other side of this property so the only thing this is going to do is provide
744 access for that one property owner. I've been on a PB for 20 years and I've seen plenty of
745 times where we've left a connector, 50-foot-wide connector, at the end of a cul-de-sac to
746 connect to another one, or something like that. It doesn't take up a lot of value from the
747 abutting property. It's a connector. What's being contemplated, here, is a 50-foot-wide
748 road that cuts over from the upper north corner and crosses over quite a far distance to
749 Quail Lane. Then, the other question is, so then it connects to Quail Lane, again
750 benefitting this one property owner, but we don't know if it's going to be residential.
751 That might be commercial and who is paying for all of that wear and tear on Quail Lane
752 to allow this one property owner to connect into this property. Where is the property
753 owner getting water and sewer from. Is that Quail Lane's responsibility, too. It just seems
754 really, really unfair to require this right now. It is possible that a connection could
755 possibly happen but that should really be a discussion between the two property owners
756 because it's such a financial issue. It's just not fair to force this property owner to give
757 that up to benefit one other property owner with a fairly small piece of upland property.
758 And the other thing is that, as Mr. Brubaker said, there was an approval, it has expired, to
759 cross over the wetlands to get to Route 236. It's not impossible that that could happen.
760 Also, this is a back piece but there's other area of that; that it's not like the lot is
761 unbuildable. We're talking about a back corner piece. So, I appreciate what Mr. Brubaker
762 said. I appreciate all the work he's been working with us on this but I just really disagree
763 with him on this one point. It just seems unfair to me. If you have any questions for me. If
764 you have any questions about the agreement, I would probably turn it over to the attorney
765 that drafted that. But, if you don't, and you would like to hear from Mr. Sudak to go over
766 the plan, I can just have Mr. Sudak come up.

767
768 Ms. Bennett asked if you would mind sharing that agreement when it's finalized.

769
770 Attorney Guay said that, when it's final, sure.

771
772 Ms. Bennett asked if March 1st was a hard stop for you.

773
774 Attorney Guay said that it's as hard as it can be, although, I think if everything is moving
775 well and it had to go to the next meeting...but that was the deadline they set.

776
777 Ms. Bennett said that we have one more meeting before March 1st. We have tonight and
778 we have one more meeting. We can make no decisions on roads this evening. You're
779 putting us into a real pressure-cooker on this.

780

781 Attorney Guay said that I understand. We don't need the waiver on the road, I don't
782 believe.

783
784 Ms. Bennett said that I thought that you had to have PB approval of this amendment by
785 March 1st.

786
787 Attorney Guay said that that is in the agreement. Yes, it is.

788
789 Ms. Bennett said that that, then, involves the road, and the lot line.

790
791 Mr. Sudak said that he could speak to that.

792
793 Mr. Latter reiterated that, for the record, I'm not here March 7th so we're going to have a
794 number issue again.

795
796 Attorney Guay said that there's another member that's not here tonight.

797
798 Ms. Bennett said right but Mr. Leathe will take Mr. Latter's place, so there will still only
799 be three of us.

800
801 Mr. Sudak said that I can give a brief overview and we can then stop for questions at that
802 point, if there are any general ones. Then we can go item-by-item through Mr. Brubaker's
803 memo. Mr. Brubaker did a good job summarizing the history. I'll provide you a little bit
804 of additional detail. This was approved back in 2007 and I believe that Mr. Brubaker and
805 Ms. Bennett said that it was originally approved as a 150-unit development, 100 of which
806 were residential development that are split between duplexes, quadplexes. The actual
807 build-out looked considerably different even though the roads are the same; that there
808 was a 50-unit dementia care/life care facility that was north of where the entire build-out
809 you see is right now. That was the original approval. Attorney Guay summarized how the
810 Town received and granted all the permits - occupancy, building, what have you. I'm not
811 going to get into that. This project was of a massive scope. It was subject to a DEP
812 **sublimation** and development permit and we amended that permit from 2019 to 2020,
813 particularly in Pheasant Lane, which was then Phase 3, just due to how considerably
814 different the build-out was from the original proposal. That amendment went through. It's
815 something we've been talking about with the DEP pretty consistently since 2019.

816
817 Ms. Bennett interrupted for a moment to say that since you've worked through this and
818 gotten DEP approval, can you share with us the submissions you gave to the DEP that
819 explained how you got from the 2007 plan to this now Phase 1, 2, 3 (documentation).

820
821 Mr. Sudak said yes.

822
823 Ms. Bennett said that this will help us map what was approved and ~~what is now being~~
824 ~~built~~ or has been built and what those phases look like.

825

826 Mr. Sudak said that I'm fairly certain that was in the October 2022 submission that went
827 through.

828
829 Ms. Bennett said that we have the DEP findings. WE don't have what you submitted to
830 the DEP so we have no way of knowing if Phase A in the 2007 plan equals Phase 1 in the
831 2021 plan, or whenever you made these changes (2018). It may seem like a pedantic
832 point but it really does matter. We're playing catch-up.

833
834 Mr. Sudak said I understand. No problem. You jogged my memory. About a year-and-a-
835 half ago, the CEO and Kristi Rabasca (independent stormwater reviewer for the State)
836 visited the site and had a similar request. I know we provided a comprehensive list to Ms.
837 Rabasca so it might just be forwarding that email to the Town.

838
839 Ms. Bennett said that that would be great. This is another reason why we definitely need
840 to have these records populated.

841
842 Mr. Sudak said that that is an overview. I am going to get into this amendment,
843 specifically. You see (plan on screen) right in the middle of the plan that Mr. Brubaker
844 has up, we've mentioned this before, we strike a line for the land to be retained by owner
845 (LRO). You see it there, Phases 1-3 at the top of the page, that delineates the 27+ acres
846 north of the build-out. There's been some discussion about moving that and we can get
847 into that. That's the first item in Mr. Brubaker's memo. Really, the only other major
848 change is the road movement for Unit #19 (49 Village Drive). The proposed road
849 movement is for a span of about 150 linear feet of Village Drive from the eastern edge of
850 49 Village Drive over to a mid-point of the duplex for Units 20 and 21. That's about the
851 span of adjustment where Village Drive is being bumper up between half a foot and 2
852 feet. 2 feet on the eastern end and that change is to allow Unit 319 to be in compliance
853 with the original setback from the structure to edge of pavement.

854
855 Mr. Latter said, just to clarify, that will mitigate the issue that's causing the stop-work
856 order.

857
858 Mr. Sudak said yes, it will. And it's just for that small section. So, east of Unit #19 to the
859 point of curvature in front of the duplex. That's really the whole, I guess, amendment that
860 we're in front of you now or the overview of the amendment. Where there's questions
861 before I get into the memo, I can take those now, or anyone from the applicant's team can
862 take those now. Otherwise, I can get into everything that Mr. Brubaker and Attorney
863 Guay have kind of front-loaded.

864
865 Ms. Bennett said that my only question about this 1- and 2-foot movement of the 150 feet
866 of road is that this is proposed to happen in the spring or when paving is happening. What
867 is the proposed timeframe for that.

868
869 Attorney Clement said that the agreement would be before the end of the paving season
870 in 2023. I have been working hard on this with Peter Doyle, who is probably going to
871 speak in a minute, and is the lawyer for at least three of the unit owners. My client's

872 desire is to have this done ASAP. They are willing to post, as Attorney Guay has been
873 referring to as a performance bond and that's what the current draft of the agreement
874 says, and I think we'll change that to mirror the Town's ordinance language of
875 performance guarantee, which would be a financial guarantee. It might be money in
876 escrow, it might be a letter of credit, it might be a bond, but some appropriate thing that
877 follows the ordinance. They want to get done as soon as possible. I, as their lawyer, said
878 why not make it to the end of the paving season. They've got to move the road, first, and
879 there's a bunch of other work that needs to be done, so let's give them the luxury of time
880 in case there's foul-ups with contractors, or whatever. But they want it done. If it's not
881 clear, they want finality. That's why the March 1 deadline. I get it. They're listening and
882 they're going through the roof. "We've been held up for 8 months and told we couldn't
883 do anything. We've come to meetings and there have been quorums. One of our units is
884 under contract. We can't sell it." So, they've got three units sitting there that they can't
885 sell. They're paying interest on their mortgage of seven figures, which is extremely
886 expensive, so this delay is really hurting them. And it's just cutting into the money
887 they're willing to put into the project. But if it goes on, beyond a point, they're just done.
888 They're just done. They're sort of done now but they're saying, "I'd rather do this. We're
889 going to take a loss anyway. I'd rather put whatever we can come up with back into the
890 project so that we leave it in as good a shape as we possibly can. We inherited a mess.
891 We'd like to leave it less of a mess. It's not going to make everybody thrilled but it won't
892 be an embarrassment. And put some money in the homeowner's account so that at least
893 there's some cushion, there, that's a lot better than if we hadn't stepped in." This thing
894 would have gone off a cliff four years ago so it's much better. But that's kind of where
895 they are. And so, if you can figure out a way to get a quorum and I would talk to them
896 about the March 7 meeting. I have no authority for that. But if it's going to be maybe
897 April, maybe May, you're going to lose them. So, that's kind of where they are. It's not a
898 threat, at all. It's just a reality. They have so much in the way of resources and, if they
899 could build the Taj Mahal there and make everybody super happy, whatever it would
900 take, that would be great. It's just not in the cards. They don't have it.

901
902 Mr. Latter said that when I'm on vacation with my wife, I can ask and it can take 10
903 minutes for me to dial in. I've done it before.

904
905 Attorney Clement said that that would be really appreciated, really. Thank you very
906 much. I'm willing to take any questions you want.

907
908 Ms. Bennett said fabulous. Thank you for introducing yourself and explaining. Mr.
909 Brubaker has a comment.

910
911 Mr. Brubaker said that I just think it's important that I clarify with the whole room that
912 the issue is not an overall quorum of PB members. An overall quorum is three voting
913 members. The issue is that, if the applicant needs to get any waivers from Chapter 37
914 street standards, that according to our code, needs a vote of four concurring members. So,
915 it's a higher threshold.

916

917 Mr. Sudak asked permission to go into the memo. I'm going to go through this item-by-
918 item in order, starting at the top of page 2 Setbacks. The left side of your screen, there,
919 are Units 41 – 44, which are the first two duplexes on the left-hand side of Pheasant Lane
920 after the intersection with Village Drive. In very large text, you can see the continuation
921 of that line as it moves toward the left side of the page. That's our 'retained by owner'
922 (LRO) line. To Mr. Brubaker's point, that is significantly thinner than 30 feet,
923 particularly behind Units 41 and 42. We'd be happy to move that further north, at least 30
924 feet. My recommendation would be for significantly more than that just based on the
925 existing features that are back there. Behind those four units is what I'm going to call a
926 shallow riprapped trench/swale that pushes east toward the wetlands. If that could be the
927 established sideline, that would allow a green space; effectively a back yard for behind
928 those four residents.

929
930 Ms. Bennett asked if he could physically point out what he is talking about shown on the
931 screen.

932
933 Mr. Sudak, closer to the screen, this line right 'here' is effectively the division line.
934 Everything north of that is land retained by owner that we've been talking about. 'This'
935 dimension from 'this' corner to 'that' line – for these units it's about 10 to 12 feet.
936 Obviously thinner than 30. For 'this' corner right 'here', it's about 20 feet. And the same
937 thing for back 'here'. So, we're proposing to increase that to be probably close to 30 feet
938 for 'this' section and considerably more for 'this' section back 'here'. There's an existing
939 I am going to call a riprapped swale, a very shallow riprap swale that runs towards 'these'
940 wetlands off-screen 'here', to the north. There are patios in those back yards. There's a
941 surprising amount of vegetated grass that's taken pretty well for this time of year so we
942 want to keep all of that in the development. My proposal is to have that swale be the
943 division line. I went out to take a look at it today, paced it off, and I would guess it's
944 about 60 feet behind 41 and 42, maybe a little less behind 43. But, that's our proposal and
945 we're happy to do that. I believe that covers the first one. Any questions, otherwise, I'll
946 move on.

947
948 Ms. Bennett asked if you would be willing to add a little more to that. 30 feet seems
949 really small. I know that's the minimum but these folks, as of like a year ago, were being
950 promised a bocci court and a community center and walking trails and a whole lot of
951 amenities in this community. At some point, they may want to actually gather together
952 and create in this village. Could you give them a little more land.

953
954 Mr. Sudak said that I can promise to take a look if it makes sense for...

955
956 Ms. Bennett said just a little more buffer, at least.

957
958 Mr. Sudak said that that was going to be the next item. Yes, I promise to take a look and
959 come to a number that is considerably greater than 30 feet and also makes sense for this
960 development and any prospective development on the other lot. Transitioning to the next
961 item, Mr. Brubaker highlights in his memo §41-215 regarding buffering and, Mr.
962 Brubaker, I might need some education on that third bullet, §41-422(b). That one I'm not

963 terribly familiar with. I know 41-215 because of ‘this’ parcel, the Seacoast Crane
964 development in the northeast corner of this. There was a legal opinion on the buffer yard
965 to be applied from ‘this’ residential development so that would be the burden of any
966 prospective commercial use that could come in to the LRO. But, regarding any screening
967 or buffering that we would have to depict on this development south of this division line.
968 I guess I would need an education on what would be necessary for that or what the PB
969 would like to see for that. When you first come into the development from Bolt Hill, that
970 first right-hand turn there are some berms and evergreens planted that screen the property
971 from NAPA and Modernist Pantry. Something to that effect, that level of, I guess,
972 rigorous screening. How much structure needs to be incorporated into this. I just want to
973 make sure that I get it right.

974
975 Mr. Brubaker said that it says green strips so I think there’s room for interpretation in
976 proposing something to the PB as what that will be, what kind of vegetation, and so forth.
977

978 Mr. Sudak asked if the PB had any preferences. We could match what’s out front on that
979 first corner. That’s seems to be something that works well. You can barely see those
980 commercial buildings behind, as you’re turning into the development.

981
982 Ms. Bennett said that it does that pretty well. It’s planted with conifers and so it does do
983 some screening. Does that make sense with the contours within that 30 feet.

984
985 Mr. Sudak said that it’s very flat out behind those units. It will be more than 30 feet. It
986 would make sense. I believe the sight, generally, flows from west to east pretty
987 consistently. So, it’s not as if any prospective development would be mounded to the
988 point of that planting schedule being ineffective. So, I think it would work.

989
990 Mr. Brubaker said that you can see how some of these requirements overlap. One says
991 shade trees. The other says green strips. So, you could see how, perhaps, a certain
992 planting schedule or approach could solve multiple _____ (1:40:00) provisions.

993
994 Mr. Sudak said, respectfully, a shade tree isn’t really going to do much from a screening
995 perspective. A Red Maple is more of a beautification than it is protecting from anything
996 or denying vision from anything. But, understood.

997
998 Mr. Brubaker said that it could be a kind of mix and match of vegetation.

999
1000 Mr. Sudak said okay. I’m going to move on, then, to the third one, which is waivers to
1001 Chapter 37. I’m going to refer to the memo prepared by my company January 24th by
1002 Ken Wood, my boss. As I believe both attorneys with me tonight have echoed, because of
1003 the justifications in this letter as well as information that Mr. Brubaker mentioned was
1004 provided to the Town yesterday, which I can get into, we believe that there are no
1005 waivers that are required to be recommended for Chapter 37, which would kind of take
1006 away the requirement for a quorum that Chapter 37 specifically implies are four
1007 concurring votes. Mr. Brubaker does a pretty good job summarized them in subsequent
1008 bullets within his February 7th memo. There are five pertinent subsections within that

1009 letter that were related to Chapter 37. And before I get into each one, I'm just going to
1010 say section one, which is the ROW width Mr. Brubaker covers in a later item on page 2
1011 of his review memo. Then, the travelway standards specifically for Quail Lane Mr.
1012 Brubaker covers in his first item on section three. The cul-de-sac radii standards, which is
1013 section three, our response to that is that a waiver is not necessary because the cul-de-sac
1014 in Pheasant Lane has been constructed to Town standards. The fourth section, which is on
1015 aggregate and aggregate subbase, is subject to the material that was presented yesterday. I
1016 can get into that as soon as I'm finished covering section five, which is on street side
1017 slope standards that Mr. Brubaker also covers in the last item on section three. So, I think
1018 as we proceed through this memo, we'll effectively cover everything encapsulated within
1019 that cover letter besides the aggregate base and subbase dimensional standards, which I
1020 can get into now. Part of what was sent yesterday to the Town was a series of testing that
1021 was performed in the summer of 2019 by UTS and JTC, which is John Turner
1022 Consulting. They are a geo-technical rep that we've used many, many, many times. The
1023 purpose of the first two tests (UTC 2019) testing were to determine compaction level of
1024 the gravel base and subbase to determine whether they were passing, based on Town
1025 standards. 95% proctor where all of those were adequate findings, and the sample area for
1026 all this testing was a majority of Village Drive and all of Pheasant Lane. So, effectively,
1027 the span of Village Drive west of Abenaki Way up to the intersection with Pheasant
1028 Lane, and the entirety of Pheasant Lane. The findings of one of those UTS tests were that
1029 all tested gravel base and subbase were satisfactory with respect to compaction standards
1030 for the Town. And the other test was that it was a grain-size distribution. So, whether or
1031 not the gravel base and subbase were adequate to Town standards from that perspective,
1032 the results were that all samples were. So those are the two UTS samples. Then the JTC
1033 findings, which were from September 2019, was significantly more comprehensive. They
1034 went out and took core samples. That was an examination of gravel base and subbase
1035 depth as well as the existing base course of pavement, with satisfaction with all of those.
1036 Their findings, and again this is summarized in the letter that Mr. Wood provided
1037 yesterday, where that all gravel base and subbase thicknesses satisfied Town standards
1038 and the vast majority of the existing pavement thicknesses satisfied Town standards. The
1039 proposal within that letter is that any additional requirements that need to be made to the
1040 existing pavement prior to the paving of the final wearing course are handled as if it was
1041 a Code Enforcement issue, as if it was a construction issue. If you need to shim any of
1042 that material in preparation for the wearing course, that you do if you need to add
1043 thickness in places that are deficient, you do so. My justification for that is that that isn't
1044 something that we would need to waive from the Town's dimensional standards because
1045 they will all be met by the time the final wearing course is established. Are there any
1046 questions on that.

1047
1048 Mr. Brubaker said that this was something that was provided late yesterday so we are still
1049 reviewing and it hasn't gotten to the PB.

1050
1051 Mr. Latter clarified that your position is that you don't need a waiver because the final
1052 product will be compliant.

1053

1054 Mr. Sudak said correct. Hearing no more questions, I'm going to go to the final item on
1055 page 2, here. The ROW and width for Village Drive and Quail Lane. He asked Attorney
1056 Guay to speak to this.

1057
1058 Attorney Guay said that, in discussing this yesterday with Mr. Brubaker, we talked about
1059 a condition of approval that there would be a note on the plan, which we would add
1060 obviously before that, as a part of any approval for any future development on the
1061 reserved land, that Quail Lane, at that point in time, would need to be brought up to the
1062 Chapter 37 standards. Again, all the way from Route 236 to Village Drive, whatever that
1063 configuration of Quail Lane looks like at that time, it would need to be brought up to that
1064 standard. So, we're not asking the PB to waive it. We're asking them to put it as a
1065 condition that it needs to be brought up to that standard, and will be brought up to that
1066 standard, and done in conjunction with the development of the reserved land. Prior to
1067 that, again, there was an email that I think you got from the Fire Chief approving of the
1068 use of the road as it is right now - 16-foot wide, I believe, gravel road to access. So, what
1069 we would like to do is put a note on the plan and make it a condition of approval that
1070 there can't be any development of the reserved land until that road is brought up to the
1071 Chapter 37 standard. So, it would be taken care of at that time. We're not asking for a
1072 permanent waiver. We're not asking that Quail Lane be allowed to be 16 feet wide.
1073 We're saying that Quail Lane will be whatever Chapter 37 requires but it will be done in
1074 conjunction with the development of the reserved land.

1075
1076 Mr. Brubaker concurred.

1077
1078 Ms. Bennett asked if Attorney Guay could you go into, when you were talking about the
1079 agreement you were striking with the residents, the gates and locks that are being
1080 proposed.

1081
1082 Attorney Guay said that I don't know exactly the mechanism of gate. It's something the
1083 Fire Chief would obviously have to approve of. Also, I know that homeowners are going
1084 to want access. There's been a discussion about that. I don't know enough about that,
1085 how that works. Do you have familiarity with those types of gates you could talk about,
1086 maybe.

1087
1088 Mr. Sudak said that this would be at the westerly end of Quail Lane where it meets up
1089 with Village Drive. That's what's been communicated to us. It would be a Knox box,
1090 keyed entry. Whether it would be a combination lock, padlocks, something to the effect
1091 of there would be a keyed entryway into securing the mechanism for the Fire Chief to use
1092 as an emergency access to the site.

1093
1094 Ms. Bennett asked if the residents would be able to use it.

1095
1096 Attorney Guay said that, again, I don't know enough about it. There was talk about at
1097 least a key being available, somehow, to the residents. We understand the issue.

1098

1099 Ms. Bennett said that my concern is that there's a reason why there's two points of egress
1100 for a development of this size. I'm thinking of the safety of the residents.

1101
1102 Attorney Guay agreed. We've talked about that. I'm sorry we don't have that information
1103 for you right now but we'll get that for you.

1104
1105 Mr. Sudak said, going back to Mr. Brubaker's memo, he did a good job outlining I guess
1106 an alternative commitment as opposed to necessitating a waiver of the Chapter 37
1107 subsection. So you can see, at the top and middle of page 3, how he outlines those two
1108 alternatives commitments prior to the development of the LRO. Quail Lane would be
1109 required to be brought up to Town dimensional standards. To me, the governing entity for
1110 determining whether or not it's satisfactory, as existing, is the Fire Chief and we have to
1111 sign off. With that, I'm going to skip over the Pheasant Lane cul-de-sac dimensions. I
1112 mentioned that in my addressing of the January 24th cover letter. I just went over the
1113 street construction standards through the JTC testing and the UTS testing findings. Side
1114 slope standards we can get into now. I believe that's the last subsection of Chapter 37 that
1115 we originally communicated a waiver request for or a potential for a waiver request. Just
1116 because I completely agree with the way you've worded this, Mr. Brubaker, do you want
1117 to speak to that section at all.

1118
1119 Mr. Brubaker said that I think it would be demonstrated that it's been met for the build-
1120 out portion. But, for the LRO, or additional land portion, it would be the same as you
1121 presented before, needing those steps to be met when that portion is developed.

1122
1123 Mr. Sudak said that we are agreeable to that. It is our intention, as well, that the existing
1124 build-out is satisfactory in all those. So, I have no opposition to this standard, as written.
1125 And because it is written as such, that doesn't necessitate a waiver of Chapter 37 either.
1126 Moving on to page 4, I believe Attorney Guay touched on reservation of future ROW for
1127 the northerly abutting parcel. If there are more questions on that, I'd be happy to bring
1128 Attorney Guay back up. The last one I believe Attorney Guay adequately discussed this,
1129 as well. The necessity for the LRO should it be prospectively developed to secure
1130 adequate frontage for the use. The last one is the performance guarantee. We talked about
1131 that. I understand, going through the same thing with that riverfront development of
1132 mine, so I understand the process and how the SB needs to get involved. We're going to
1133 do the best we can to provide a comprehensive estimate that hopefully allows them to
1134 chew on it for as little time as possible. I know what their by-laws require, what that
1135 subsection of the ordinance requires for their reviews, so we're willing to help them out
1136 as much as possible.

1137
1138 Mr. Latter said that I just want to encapsulate this whole thing. You've got a financial
1139 challenge. You've got a customer service challenge. What you're proposing is the way
1140 out is to cut this back lot off the entire development, use the proceeds of that to help fund
1141 getting out of this development in some way that will make the people that are already
1142 there as happy as they can be, finish building what you've already started building, and
1143 leave whatever lots are there to the homeowner's association afterwards.

1144

1145 Attorney Clement said that there is one lot left there. I think you did a nice job. I would
1146 go with what you just said. And let me just say one other thing. I know you're all
1147 interested in the interplay between homeowner negotiation with the developer and then
1148 the PB. So, there's kind of three legs to this stool. But I will say this, whatever the
1149 developer is able to negotiate with the homeowners, if we're lucky enough to get there
1150 and I actually think we're pretty darn close, I think it's very reasonable, and there's been
1151 a lot of give on the part of my client, and I know the homeowners aren't completely
1152 thrilled. But I think they've recognized it's better than what the alternative would be. If
1153 we can agree on that, it will be my client's financial limit. So just understand that, if the
1154 PB comes along and says that that's great, we're going to put a thumb on the scale for the
1155 homeowners. In addition to what you've negotiated, we want this and that and this and
1156 that and more trees and more landscaping, a big reserve for what may happen two years
1157 from now with the sewer system, it's just going to sink it. So, we'll negotiate up to the
1158 limit that we can and, again, if it doesn't meet the Town standards, it doesn't meet it. It
1159 will go in a different direction. But I just say that I think it will be a lot better than what
1160 the alternative is, if you can go with what the homeowners and developers negotiate.

1161
1162 Mr. Latter said that I understand that. And I hope you appreciate that your problems don't
1163 compel us to not hold up community standards.

1164
1165 Attorney Clement said 100%, yes.

1166
1167 Mr. Latter said that I'm trying to understand this and find a way forward, as well, but I
1168 also have an obligation to the Town, as a whole, to make sure our standards are kept.

1169
1170 Attorney Clement said 100%. And you need to do that and the chips will fall where they
1171 fall. But I also think you are practical people. Where there is a gray area or exceeding
1172 those standards or interpreting them in the most rigid way causes the whole thing to fail,
1173 it's not going to be a good situation. I thank you.

1174
1175 Attorney Guay said that I went through my notes, again, and I just wanted to comment
1176 again on the March 1st deadline. There's a bunch of reasons for it. One of them is just the
1177 financial situation. The other is 49 Village Drive. The buyer of that has been trying to
1178 own it and move in since the stop-work order happened. I'm sure you can imagine this
1179 situation, all on getting building permits, getting occupancy permits and, then, all of a
1180 sudden August not getting occupancy permits. She had already sold her house. As I
1181 understand it, she's living with a friend. She's been holding out. She really wants to live
1182 in this neighborhood. She really loves the house, loves the neighborhood. And this is just
1183 my understanding, as I haven't spoken to her directly, that the financing for the bank she
1184 has until March 1st. So, that was one of the driving factors for the March 1st deadline. Just
1185 so you know where that partly came from. So, we're certainly trying our best to
1186 accomplish what we need to accomplish.

1187
1188 Ms. Sharon Goodwin (49 Village Drive) agreed with Attorney Guay, adding that I sold
1189 my house two years ago.

1190

1191 Ms. Bennett said that we have now, in rapid fire, gone through your memo (Mr.
1192 Brubaker) and your memo (Mr. Sudak) and we need to consider how to proceed.

1193
1194 Mr. Latter asked what was the actual ask before us.

1195
1196 Ms. O'Connor agreed. What are the questions we need to answer for the decisions we
1197 need to make.

1198
1199 Mr. Brubaker said that the fundamental question is whether to approve the subdivision
1200 amendment. But there's a lot of little questions that have arisen from our discussion
1201 today. The first thing I'll say is that we need to see, on paper, some of these things that
1202 have been verbally talked about, including plan revisions, the written agreement, the
1203 performance guarantee, and so forth. I do want to say that I talked a little bit with our
1204 Town Manager and, if there's an ability for the performance guarantee to get its first
1205 review before the SB on February 23rd. I think that would help the process move along.
1206 So, I'll turn that over to the applicant but in essence, I think, for this meeting the
1207 important thing is to request that the application package be amended to reflect all of
1208 these things that have been discussed tonight.

1209
1210 Mr. Latter asked if we would need to go into March for this.

1211
1212 Mr. Sudak asked if I can step in, as well. Just a curiosity beyond where we are in the
1213 approval process and just what that timeline looks like. I understand the end goal. I do
1214 have a question about the SB, once we get to that. I'm just trying to establish periodic
1215 goals within the overarching goal just so both I and the PB know better how to act and
1216 proceed.

1217
1218 Mr. Brubaker asked if that was a question to the PB or me.

1219
1220 Mr. Sudak said to whoever can answer it. The applicant's team has presented you with a
1221 lot of information.

1222
1223 Ms. Bennett said that a lot of it is verbal. A lot of it we haven't seen. We've talked
1224 through some engineering studies. We haven't seen them.

1225
1226 Mr. Sudak said that we've presented you with the reality of our current situation.

1227
1228 Ms. Bennett said that I agree, and I appreciate it.

1229
1230 Mr. Sudak said that I just want to know how best to proceed if we're to attempt to operate
1231 within the current constraints we have. What needs to happen on the 21st. What needs to
1232 happen tonight, if anything.

1233
1234 Mr. Brubaker said let me address that, first, and then I'll talk about the other thing I think
1235 the PB needs to consider. So, it seems that it would be important to see the revised lot
1236 line, with the proposed buffer that was discussed. It would be good, in the next review

1237 package, have the UTS and JTC pavement reports so the PB could look in more detail
1238 over those. Third, the note on the plans reflecting the commitment of Quail Lane be
1239 brought up to Chapter 37 standards. Fourth, I do think that the question of ROW
1240 reservation is still alive but I think additional language in regard to that. Probably I'll
1241 have something to say on that for the next review meeting, as well. I realize that you've
1242 made clear the concerns that you have with that but I think that discussion has to be
1243 finalized.

1244
1245 Ms. Bennett interjected to ask if we could get a plan set that shows that adjacent property.
1246 I don't even kind of know where that abutter is.

1247
1248 Ms. O'Connor said that that was what you sort of hand-waved over earlier.

1249
1250 Mr. Latter said that that's north of retained.

1251
1252 Attorney Guay said that I think what I need to share is that such a financial hit, if the PB
1253 can or cannot answer that, if the PB requires that, I think that's going to push our clients
1254 beyond where they can be because it's going to significantly affect what the value of that
1255 remaining land is going to be. Again, if there needs to be an abutting lot owner that can
1256 negotiate something with whoever owns this and figure out a way to put in a ROW that's
1257 not going to just really affect what's left of the upland property up there, I think that
1258 should be between those two property owners. I know this is a hard line but I know that
1259 for my clients that that kind of a financial hit, when they're counting on the sale of this
1260 land and the value in this land to make all of this happen is really just going to push them
1261 beyond where they're going to be able to do this.

1262
1263 Mr. Latter asked what was the actual relief.

1264
1265 Attorney Guay added that the other part of this is that this lot is being taken out of the
1266 subdivision, once this amendment happens. It's no longer going to be a part of this
1267 subdivision. I realize now it is and we're taking it out. But the PB, if there's going to be,
1268 usually, a residential subdivision that abuts another property, although I've seen it with
1269 commercial, the PB can ask for a connector. I've never seen where a PB has actually
1270 asked for an entire ROW rather than just a connecting point but it's not something this
1271 PB needs to ask for. And, again, I think the financial discrepancy, here, in what the value
1272 would be to that 5-acre upland piece in the back and the detrimental value to this
1273 property, it just isn't fair. And again, I think that the harm it's going to do to the value of
1274 this property is going to just won't help my clients. I don't think they can deal with that.
1275 Just so you know. And I think that's where Attorney Clement is...

1276
1277 Attorney Clement said yes; that I think you just assume that that's off the table. If you
1278 wanted to deny it because that's not in, so be it, but we've got to move to finality here
1279 and that's kind of a new condition that would be highly discretionary. You certainly don't
1280 need to require it. It would be very unusual and a very aggressive ask. Our client is not
1281 going to propose that.

1282

1283 Mr. Latter said that your ask is for us to not do something that we could require but we're
1284 not obliged to require.

1285
1286 Both attorneys said exactly.

1287
1288 Ms. O'Connor asked if we need to see a draft of the guarantee. Is that a document we
1289 need.

1290
1291 Mr. Brubaker said that that would be useful information but it's not required for the PB to
1292 see it or review it.

1293
1294 Mr. Latter said that we could make our approval conditional on that, if we were to be
1295 inclined to go that way.

1296
1297 Mr. Brubaker said that I think there's a way in which the PB's review connects with the
1298 performance guarantee so a potential condition could speak to that, yes.

1299
1300 Mr. Sudak said that you mentioned a date at the end of February for the next SB meeting
1301 on the 23rd. Do you know the submission requirements in advance of that meeting. We
1302 fully intend on providing them something in advance of that meeting, if we can. I just
1303 don't know.

1304
1305 Mr. Brubaker said by Tuesday the 14th, it would be.

1306
1307 Mr. Brubaker said that I covered the lot line, the buffer, the note on the plan about Quail
1308 Lane, the pavement reports, which have already been provided. I think those are the main
1309 things that we'd want to see that I would recommend be provided for the PB's review.
1310 Then, I think the next question is that, obviously, in full subdivision review there's a
1311 public hearing that occurs and that typically occurs prior to and in conjunction with
1312 preliminary plan approval. The question for the PB, since this is a hybrid review where
1313 there's not as structured a review process, is do you want to have a public hearing and, if
1314 so, do you want to set it for February 21st. I think that, between that list for the applicant
1315 and those couple of questions for you, as the PB, is all I can think of right now.

1316
1317 Ms. Bennett asked what the PB thought of the topic of a public hearing on the 21st.

1318
1319 Mr. latter said that I would venture to say that the public we want to hear from are right
1320 here.

1321
1322 Mr. (Tim) Pickett asked if you are willing to take public input.

1323
1324 Ms. Bennett said that we are willing to take public input.

1325
1326 Mr. Pickett said that I'm the alleged abutter on the ROW proposal. Mr. Brubaker, if you
1327 recommend I don't say anything and I'll just be quiet. I was just texting with Mike
1328 Murray. My land is the big mess over 'here'. It's a large swamp. 'Here' is the mini-

1329 storage and my land starts 'here' and there's a pine upland 'here'. 'This' is half of an
1330 upland 'here', which in the original Great Brook proposal was never going to be
1331 developed because of the inconvenience and expense of crossing 'these'. They are a
1332 lower grade of wetlands. Far lower grade, meaning they are higher topography than my
1333 big major wetlands down 'here'. I have four little uplands out 'here' and I was trying to
1334 complete 'this' little upland 'here'. I thought I'd have to build from Route 236, which is
1335 right 'here' and I thought I'd come to this pine upland 'here', then hop across 'here'. But,
1336 in order to come 'here' I have to go around a sharp corner of wetlands. It's really
1337 awkward and it would invade a really beautiful spot of wetlands that I've just loved.
1338 There's an old stone wall here and I love that and didn't want to violate that. I just spoke
1339 with one of the Great Brook owners this evening and told him I'm still totally willing to
1340 buy that from the I guess you'd call it the LLC rather than just seize it. It's never been my
1341 intention. It's been my wish for six years to buy this little upland. So, my proposal was a
1342 minimal invasion of the Great Brook neighborhood out here because this is a large,
1343 probably 300 to 400 feet, in 'here' of woods so you wouldn't have to see me all that
1344 much. I don't know what else to say. I'm utterly willing to buy. I would rather benefit the
1345 current owners than to have them undergo further loses. So, I'd just like to go on public
1346 record of that. I'm not trying to leverage something out of somebody. I've been trying to
1347 work with a previous project manager and he was not very helpful. So, I don't know what
1348 else I should be saying other than I should be siting. Thanks for part of your evening.

1349
1350 Ms. Bennett thanked him and said that we really appreciate that. You clarified a lot.

1351
1352 Mr. Latter asked of we want to have a hearing.

1353
1354 Ms. Bennett said that I feel like we should.

1355
1356 Mr. Latter said that I think it would formalize the ability for every interested party to
1357 have an opportunity to come and speak to the issue.

1358
1359 Ms. Bennett said right. We customarily do a public hearing right before we make our
1360 decisions on the same evening. So, it would not be out of the question. It's our custom,
1361 often, to do that. Mr. Brubaker, do we have time to get that scheduled with public notice.

1362
1363 Mr. Brubaker said yes. We would mobilize tomorrow to get that notice out. We would
1364 need the public hearing fee paid by the applicant.

1365
1366 Ms. Bennett said tomorrow.

1367
1368 Mr. Sudak said that you've got it.

1369
1370 Mr. Latter said that if there is anyone else who would like to make a brief comment, I
1371 think it wouldn't be out of line.

1372
1373 Ms. Bennett agreed.

1374

1375 Attorney (Peter) Doyle said that I represent three of the homeowners. It's five owners all
1376 together, three units. I just wanted to speak to the issue of the negotiation that's going on
1377 between the applicant and my group. My group is reporting back to the other, there are a
1378 total of 39 homeowners, so there's been communication back and forth. The best thing
1379 I've heard tonight is that, until this hearing, we were under the impression that we were
1380 going to have to have a signed agreement by today or negotiations were over. It does
1381 seem like I get the position that the applicant is in but there's a willingness on the part of
1382 the applicant to move forward, and I think that's helpful because I do think we've made
1383 good progress in the week that we've been negotiating. We don't have an agreement, we
1384 have a negotiation. There are numerous issues that are still in dispute but it does seem
1385 like it would make the process easier if we came in with an agreement and they've got to
1386 seem like there's a willingness to try to proceed in that vein. We received some
1387 construction information on a similar timeline to the Town. I just want to confirm that I
1388 think I heard that the John Turner report is part of what you folks received.

1389
1390 Mr. Brubaker said that I was looking for it in the file but I couldn't find the John Turner
1391 stuff. We received it from the applicant yesterday afternoon.

1392
1393 Attorney Doyle said that I do think it's relevant and I do have copies of it. If you're going
1394 to request the applicant, I don't want to step on the applicant's toes. They provided it to
1395 us as a courtesy but I do think it's a relevant piece of information. I don't have to belabor
1396 a lot of points but there is good information in that Turner report. A lot of it helpful to the
1397 applicant but a lot of it would be helpful to the Town, too, in analyzing the financial
1398 requirements going forward. In addition, another one of my clients, who is here tonight,
1399 wanted me to mention that with regard to the gate, the access issue I think is simpler
1400 between ourselves and call it the reserve land. Both of us need two means of in and out
1401 and our land is fully developed. We can't put another, so we need an easement over the
1402 reserve land to have that second emergency access. We have initially taken the position,
1403 the undeveloped land they can do their own, and Attorney Clement was good enough to
1404 point out that, due to the particulars of the layout of this property, you couldn't get two
1405 means of egress, or entrance or exit, because there's a small amount of access to public
1406 roads now. So, we understand that that easement is going to have to run two ways. I was
1407 curious as to how the Town felt about the gate situation. My client wanted me to point
1408 out that, in the negotiation not the agreement, that the existing development is being
1409 asked to pay for at least the maintenance of the gate, half the maintenance to the gate and
1410 that does not appear to run to the roadway that's going to be built, which is obviously
1411 significantly more expensive. So, the good news is that we're negotiating. There may be
1412 a willingness on the part of the applicant to negotiate further beyond today. But to the
1413 extent if there is no willingness to negotiate further, there'll be no agreement. We've
1414 made progress but we're not close to having an agreement now. If the PB has any
1415 questions, I'd be happy to respond.

1416
1417 Ms. Bennett thanked him for that information.

1418
1419 Attorney Clement said that I don't want to pour cold water on this but I disagree with
1420 Attorney Doyle. I thought we were close. If he says we're not, I guess we're not. He just

1421 said we're not close and I'm discouraged by that; that that does not bode well if we're not
1422 close. I've gone back and forth with a number of drafts. We don't need to negotiate it,
1423 here, but maybe he needs to preserve room for his clients. But we've been going back and
1424 forth for several days on this with numerous back and forth of facts and my client doesn't
1425 have much room left. So, I just want to be clear on the record that that's where we are. I
1426 think the recitation of the gives by the developer that Attorney Guay gave earlier fairly
1427 summarizes where my client is. It's a fairly lengthy list. I would also say that I think a lot
1428 of this stuff does not involve a lot of money. It would make the homeowners happy to
1429 have it taken care of, and it will be done if we can get there. I think the big-ticket item,
1430 and if I was sitting in your shoes, I'd want to pay attention to the roads. The road specs
1431 and the road standards, that's expensive. That's were 80% of the money that's going to
1432 go in by my client, if we can go forward, to make sure the road is in good shape. That's a
1433 big-ticket item. It's a lot of road. It includes all the driveways. So, we do want you to
1434 have the reports that we have that I would essentially summarize and say that basically it
1435 indicates that the roads are in pretty good shape. The gravel base was done properly. It
1436 was compacted properly. There was a deficiency in the compaction of the base layer of
1437 asphalt that wasn't quite as compact as the standards would suggest but that was seven
1438 years ago so I'm guessing it's okay now. Importantly, by shimming and doing some other
1439 things with the final travel layer, the top coat, those deficiencies, where there's crowning
1440 or wedging, shimming, those things can be dealt with in this final coat. So, that's really
1441 the big issue. There are cosmetic issues. I know Mr. Parent was very concerned about
1442 decorative riprap stone that would cover black pieces of culvert that are exposed and not
1443 attractive to look at. My client wants to take care of that and will do it.

1444
1445 Mr. Latter said is it the end state to have this remain a private road or is the end state for
1446 it to become a Town road.

1447
1448 Attorney Clement said that I can't answer that question. I've heard nothing about it
1449 becoming a Town road.

1450
1451 Mr. Sudak said private.

1452
1453 Attorney Clement said that I would be happy to take questions. Obviously, I'd like to
1454 move this along on behalf of my clients. And I don't want to do to pressure anyone to do
1455 anything they're not comfortable with but I'm very encouraged that there's a discreet list,
1456 and a pretty manageable list of things the Town Planner just mentioned. That's very
1457 doable and I think we can have that in the next couple of days. They are things we
1458 already have for the most part. Thank you.

1459
1460 Mr. Latter said that I can't promise you I'm going to make a decision. I'm just trying to
1461 find out if we can make an informed decision in the timeline that people seem to want to
1462 have the decision made.

1463
1464 Attorney Clement said that he understood.

1465

1466 Ms. O'Connor added and what's the plan to get there. Is there one more piece of
1467 information that we requested that I didn't hear in the laundry list. And it may not be a
1468 requirement in the decision but, in order to make your walk-across from the Phase 1, 2,
1469 3,4 to Phase 1, 2, 3, you indicated there's a set of documents available from the DEP.
1470

1471 Ms. Bennett said that there's a series of violation notices from the Maine DEP. Within
1472 those, the applicant at the time, the owner at the time, negotiated with the DEP that there
1473 would be different phases; that there would be a lesser number of units, that there would
1474 be larger unit sizes. A lot of what should have been coming before the PB actually went
1475 to the Maine DEP. I'd like to get that.
1476

1477 Mr. Brubaker said that I have one of the DEP documents in front of me and there's a
1478 couple paragraphs, here, I could read or we could just have this repeated in the next PB
1479 meeting.
1480

1481 Ms. Bennett said that I have that document, as well, but it refers to submissions from the
1482 applicant. A plan set was given to the DEP and I would like to see it in our records.
1483

1484 Ms. O'Connor said that that's a gap, too.
1485

1486 Ms. Bennett agreed. We could make that as a condition of approval.
1487

1488 Ms. O'Connor said that I didn't want it to get lost.
1489

1490 Mr. latter asked if there was anyone else in the room that wanted to share, briefly.
1491

1492 Ms. (Sharon) Goodwin said that I'm the potential future owner of 49 Village Drive. I put
1493 my first deposit down for that property two years ago in March. I was promised to move
1494 in that following September 2021. They finally got the house going after getting permits
1495 and it was getting built last spring. I was so excited. I was living in a friend's house and I
1496 had sold my house before. Then, all of a sudden it turned out it was too close to the road.
1497 This was after it was inspected two times by the Town and it was shut down. Now, how
1498 do you get from having a building permit to having a house sided, roof on, windows in,
1499 and being told it's too close to the road, after two inspections. So, I've been the victim of
1500 a very complicated development and I want to live in Eliot. I love Eliot and all I ask, in
1501 the midst of all this information and this negotiation, all these residents are already in
1502 their homes and have been in their homes for years. I have not had my home and I ask
1503 that we could continue to get the house built in the meantime while we go through all this
1504 stuff. There's no reason that, unless you're going to make them move the house back. I
1505 don't think so. You're going to move the road, right, so can we just start building it again.
1506 I think I've postponed the closing date six times in two years. And that's my request, is
1507 that we just let the developers build. Thank you.
1508

1509 Ms. Bennett asked if there was anyone else who would like to speak.
1510

1511 There was not.

1512
1513 Mr. Latter said that we don't need to take any action other than to set a public hearing.
1514

1515 Ms. Bennett said that what we've done is outlined our information needs, we've set a
1516 public hearing.
1517

1518 **Mr. latter moved, second by Ms. O'Connor, that the Planning Board set a public**
1519 **hearing for PB22-21 for Tuesday February 21st.**

1520 **VOTE**

1521 **3-0**

1522 **Motion passes**
1523

1524 Mr. Sudak said thank you. I appreciate you wading through with us.
1525

1526 Ms. Bennett asked if everyone felt like they know what the game plan is. We've outlined
1527 our information needs. The Planner will be in touch. Do all parties _____ (coughing).
1528

1529 Attorney Clement said that I'm really glad you asked that question because we should not
1530 go away after all this effort. What I have is present a plan with the revised lot line and the
1531 buffer shown, turn over the road UTS and JTC reports, provide a note on the plan
1532 regarding Quail Lane and the Chapter 37 standards and the fact that that will have to be
1533 brought up to standards at a future time if that land is developed. I actually have a note
1534 about the performance guarantee. That sounds like more of a SB issue but you can
1535 certainly make that a condition. I would think you would make that a condition of your
1536 approval that that be done to the satisfaction of the SB, so that may take it off your hands.
1537 Although, we don't want to keep it from you; that they are the ones who make the
1538 decision so why not just let them do it. And you wanted a copy of the DEP applications.
1539 That's all I have. Is there anything else.
1540

1541 Mr. Sudak said that I have my deadline for the performance guarantee submission to the
1542 SB. I think the only other item I have is that, if there is a decision made regarding the
1543 Knox box entry for access to be given to the association, to the residents.
1544

1545 Attorney Clement said may I suggest that access will be given and whatever it is will be
1546 to the satisfaction of the Fire Chief, if that's appropriate. My client has no problem with
1547 whoever wants access to that Knox box. I assume it's a combination lock that people have
1548 the number to. Whatever the Fire Chief wants and the PB wants, we're good with that.
1549

1550 Mr. Sudak said that I just want to make sure I have the language correct so we are on the
1551 same page. So, access for the residents, their association and that access to the
1552 satisfaction of the Eliot Fire Chief.
1553

1554 The PB agreed.
1555

1556 Attorney Clement asked if the PB needed a plan detail on that.
1557

1558 Mr. Sudak said that I will go over it with the Chief, however he wants it presented. That's
1559 all I have.

1560

1561 Attorney Guay said that I think the only other question is when do we need to get this
1562 information to you in order to make it work in time for the February 21st.

1563

1564 Mr. Brubaker said by mid-day Monday the 13th. If I could, I'd like to make a few points
1565 on the performance guarantee. This is really informational because this is what the SB
1566 would be reviewing but I think it's important that everybody understands how this works.
1567 The performance guarantee needs to be in a form that is acceptable to the SB and the
1568 amount needs to be acceptable to the SB because we need to ensure that the performance
1569 guarantee is enough to cover the improvements that it covers. The SB has the ability to
1570 hire a third-party engineer at the applicant's expense to review the performance guarantee
1571 amount to make sure that it's sufficient for the improvements that it covers. The SB also
1572 reviews the form of the performance guarantee and the issuer to ensure those are
1573 sufficient, too. So, I want to stress that the performance guarantee has to meet certain
1574 standards for the SB and it can't just be a letter on a paper just saying we've got the
1575 money.

1576

1577 Attorney Guay said that we've already discussed this with our client and they are aware
1578 of the consultant fee to review and the review process; that they are fine with it.

1579

1580 Mr. Sudak said that I just want to reiterate what's been brought up by some of the other
1581 members of the applicant's team. We understand what the SB process may turn into if
1582 they go down the route of a third-party review of that amount. We're going to try to
1583 provide as much detail as we can to them so their reaction is that this is great and couldn't
1584 agree more. In the event that that's not the case, I completely agree with the
1585 recommendation earlier to have the performance guarantee to the satisfaction of the SB
1586 be a condition of the PB approval just so both processes can continue in parallel without
1587 one kind of hinging on the other. That's all I have.

1588

1589 Ms. Bennett said that that's reasonable.

1590

1591 Mr. Latter asked if we could get clarification of whether they need that Chapter 37 waiver
1592 or not.

1593

1594 Mr. Brubaker said that, as I sit here right now, as long as the compliance can be achieved
1595 through the ways we discussed, mainly through the note on the plan, nothing jumps out at
1596 me as needing a waiver right now.

1597

1598 Ms. Bennett said that we will have to bring all this up in an organized fashion at the next
1599 meeting and reach our conclusions.

1600

1601 Mr. Brubaker said that I will have to say that, after an initial scan, I think there are some
1602 things in the JTC report that will need a little bit more of a deeper dive regarding the way
1603 the road was constructed and some of the findings from that. But, as Mr. Sudak

1604 mentioned, they feel they can meet any pavement section road deficiencies through
1605 essentially a condition, or a rectifying, of any deficiencies rather than through a waiver.
1606

1607 Mr. Latter said that, to your point, it ultimately is our decision. It's rare, but I've
1608 disagreed with Mr. Brubaker and/or Mr. Sudak in the past.
1609

1610 At this time, Ms. Braun rejoined the PB.
1611

1612 **ITEM 10 – OTHER BUSINESS/CORRESPONDENCE**
1613

1614 **A. Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town**
1615 **Planner.**
1616

1617 Due to the lateness of the meeting, this was deferred.
1618

1619 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**
1620

1621 There will be a public hearing.
1622

1623 The next regular Planning Board Meeting is scheduled for February 21, 2022 at 7PM.
1624

1625 **ITEM 13 – ADJOURN**
1626

1627 **The Planning Board unanimously agreed to adjourn the meeting.**

1628 **VOTE**

1629 **3-0**

1630 **Motion passes**
1631
1632

1633 The meeting adjourned at 8:42 PM.
1634
1635
1636
1637

1638 **Christine Bennett, Secretary**

1639 **Date approved: _____**
1640
1641

1642 **Respectfully submitted,**
1643

1644 **Ellen Lemire, Recording Secretary**
1645
1646
1647

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: PB22-18 – AMENDED SITE PLAN REVIEW/CHANGE IN USE AT 290 DOW HIGHWAY/RETENTION OF MANUFACTURING USE AT 291 DOW HIGHWAY	MAP/LOT: 37/20 & 20-1 290 & 291 DOW HIGHWAY	DATE OF DECISION: FEBRUARY 7, 2023
--------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------	-----------------------------------------------------

3/27/2023

DRAFT

DJR Real Estate, LLC
Arcanna, LLC
c/o Dana Brearley
290 Harold L. Dow Highway
Eliot, Maine 03903

Attar Engineering, Inc.
c/o Michael Sudak, E.I.T.
1284 State Road
Eliot, Maine 03903

To: Dana Brearley
Michael Sudak

This **Notice of Decision** is to inform you that the Planning Board has acted on your application for site plan review to **amend a previously-approved site plan (PB20-15) to add a change of use for Adult Use Marijuana Manufacturing at 290 H.L. Dow Hwy for a commercial kitchen, phasing of project with associated site improvements, and retention of Adult Use Marijuana Manufacturing for the extraction lab at 291 H.L. Dow Hwy** as follows:

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

Submitted for November 1, 2022:

1. Request for Planning Board Action/Change of Use, received September 20, 2022.
2. Cover Letter from Michael Sudak, E.I.T., dated September 20, 2022.
3. Warranty Deed, Bk 14832/Pg 257, registered at the York County Registry of Deeds, dated November 2, 2020.
4. Notice of Decision for PB20-15.
5. Security Plan.
6. 150-foot Abutters List Report, dated September 19, 2022.
7. USGS Location Map.
8. Plan Set prepared by Attar Engineering, Inc, Sheets 1&2, dated September 20, 2022.
 - Revised Site Plan.
 - Revised Grading and Utility Plan
9. Copy of Maine Adult Use Marijuana Program Conditional License for Adult Use Cannabis Products Manufacturing Facility, #AMF1218, issued September 1, 2022.
 - Includes Organizational Structure document.
10. Memo from Jeff Brubaker, Town Planner, dated October 27, 2022.

Submitted for December 13, 2022:

1. Memo from Jeff Brubaker, Planner, dated December 10, 2022.
2. Application for Site Plan Review dated February 6, 2021.

3. Letter from Dana Brearley authorizing Kenneth A Wood, P.E. (and other assigned staff) of Attar Engineering, Inc. as Agent of Record, dated September 20, 2022.
4. Copy of Warranty Deed, Bk 14832/Pg 257, registered at the York County Registry of Deeds, dated November 2, 2020.
5. USGS Location Map.
6. Abutters List Report, dated November 23, 2022.
7. Copy of Maine Adult Use Marijuana Program Conditional License for Adult Use Cannabis Products Manufacturing Facility, #AMF1218, issued September 1, 2022.
8. Notice of Decision for PB20-15.
9. Security Plan.
10. Notice of Decision for PB20-28.
11. Notice of Decision for PB20-16.
12. Odor Mitigation/Waste Disposal Plan.
13. Plan Set prepared by Attar Engineering, Inc. dated December 1, 2022:
 - Sheet C1 – Existing Conditions Plan
 - Revised Proposed Floor Plan
 - Phase 1 Development Plan
 - Phase 11 Development Plan
 - Phase 111 Development Plan

Submitted for February 7, 2023:

1. Memo from Jeff Brubaker, Planner, dated January 19, 2023.
2. Revised Memo from Jeff Brubaker, Town Planner, dated January 31, 2023.
3. Copy of Legal Notice advertised in the Portsmouth Herald, dated January 13, 2023.
4. Copy of Notice of Public Hearing to the Town of Eliot, posted January 10, 2023.
5. Copy of 500-Foot Abutters List Report, dated January 10, 2023.
6. Cover Letter from Michael Sudak, E.I.T., dated January 10, 2023.
7. Revised Site Plan, dated January 10, 2023.
8. Amended Grading & Utility Plan, dated January 10, 2023.
9. Cover Letter from Michael Sudak, E.I.T., dated January 19, 2023
10. Amended Site Plan, dated January 19, 2023.
11. Email Correspondence regarding Planner questions to applicant.
12. Amended Photometric Plan, dated January 23, 2023.
 - Lighting requirements included.

FINDINGS OF FACT:

1. The owner of the property is: DJR Real Estate, LLC (Dana Brearley) (mailing address: 291 Harold L. Dow Highway, Eliot, Maine 03903).
2. The applicant is: DJR Real Estate, LLC/Arcanna, LLC (Dana Brearley), (mailing address: 290/291 Harold L Dow Highway, Eliot, Maine 03903).
3. The property is located at 290 Harold L. Dow Highway, Eliot, ME and is 3.0 acres.
4. Properties can be identified as Assessor's Map 37/ Lot 20 & Map 37/Lot 2-1 & and are located in the Commercial/Industrial Zoning District.

5. The applicant proposes to amend a previously-approved Site Plan (PB20-15), including an additional change of use for Adult Use Marijuana Manufacturing at 290 H.L. Dow Hwy for a commercial kitchen, phasing of project with associated site improvements, and retention of Adult Use Marijuana Manufacturing for the extraction lab at 291 H.L. Dow Hwy.
6. The Adult Use Marijuana Manufacturing license will be retained at 291 Dow Highway for the extraction lab. The former commercial kitchen space will be used for storage of lab equipment and packaging.
7. An Adult Use Marijuana Manufacturing License will be added to 290 Dow Highway for the commercial kitchen, per OCP requirements, once re-located from 291 Dow Highway to 290 Dow Highway, and a copy provide to the Planning Department.
8. Previously-approved existing uses at 290 H.L. Dow Highway – Adult Use Marijuana Retail and Adult Use Marijuana Cultivation – will be retained.
9. Elevations and architectural renderings were provided by the applicant.
10. The project will be completed in three phases (Certificates of Occupancy) to adjust for labor/material shortages regarding installation of necessary power:
 - Phase 1:
 - Removal of temporary trailer so as not to operate concurrently with any permanent use.
 - Occupancy of entire 1,880 square-foot Retail use. Adequate power is already in place.
 - Occupancy of a portion of the Manufacturing space.
 - Occupancy of 180 square-foot Manufacturing use abutting Retail use (display kitchen).
 1. Display kitchen will be behind glass.
 2. Shows what a cannabis kitchen might look like.
 3. OCP-vetted. This is allowed as long as customers cannot enter.
 4. There will be no customer access.
 5. Approval from OCP will be submitted to the Planning Department.
 - Emergency egress around entire building.
 - Adjusted parking spaces, aisles to accommodate new Retail/commercial kitchen.
 - Parking spaces required – (28) twenty-eight; (29) twenty nine spaces provided.
 - Phase 11:
 - Occupancy of 800 square-foot commercial kitchen Manufacturing use.
 - Occupancy of employee break room/office spaces (northern wing).
 - No additional parking spaces needed.
 - Phase 111:
 - Occupancy of fully-completed original build-out with full approval.
 - Parking spaces required (33) thirty-three; (40) forty provided (including 3 ADA spaces).
 - The complete phasing plan is shown in the amended site plan set. Additionally, the complete phasing plan is implicitly approved within the Planning Board motion.
11. Proposed project will meet State Adult Use Program Rule co-location requirements.
12. The 500-foot separation rule has been met.
13. All marijuana activities will be conducted indoors. No drive-through or home delivery services are proposed.
14. No changes are proposed to increase the existing impervious area. There will be no additional impacts on stormwater management.
15. Applicant will enter into a Stormwater Maintenance Agreement, per Chapter 35, by May 31, 2023
16. Plan set has been updated to include modification of the building footprint to accommodate new entrance to the retail use, as well as sidewalk, curbing, and minor parking aisle adjustments relative to this modification.
17. Applicant confirmed that there will be a secure safe/lock-secured container on-site.
18. All employees will be required to have background checks and have State-issued ID cards.

19. The MDOT Driveway Permit (#9781) is in good standing. The driveway entrance layout has been slightly modified to improve egress but adds no additional impervious surface.
20. Traffic impact assessment (turning movement counts) per §33-190(10) and Condition of Approval #7 will be submitted to the Planning Department within 120 days from permanent marijuana store opening to the public.
21. Updated landscaping plan and schedule: to be approved by the Code Enforcement Officer, per §33-175(b), without altering the bioretention filters.
 - Condition of Approval # 4 from Notice of Decision PB20-28: “For the purposes of adherence to §33-175(b), supplementing the stormwater management benefit of the bioretention filter, and helping address the stormwater runoff performance standard in §45-411, additional vegetative screening shall be provided between the buildings and Route 236. Screening shall be accomplished, prior to a certificate of occupancy being granted for the adult use retail building or cultivation facility, in place of a minimum of 4 of the 11 front parking spaces shown on the site plan closest to Route 236 without negatively impacting the proposed bioretention filters or vehicle circulation, except that the applicant may implement an alternative means of accomplishing a substantially similar screening effect if approved by the Code Enforcement Officer.” The applicant has agreed.
 - Tree line survey was done (western side of site) and shown on the amended plan set. Additional vegetative plantings will be added in the front yard setback between the buildings and Route 236. Plantings/planting schedule shown on the amended grading & utility plan.
22. Signage will meet Town of Eliot Ordinance requirements.
23. The proposed use will meet or exceed State and local security measures. The Eliot Police Chief must sign off on the security system before a Certificate of Occupancy can be issued.
24. A Knox Box will be installed for Town of Eliot Police and Fire Department emergency access.
25. Anticipated retail hours of operation are 10:00AM to 8:00PM, seven (7) days a week.
26. The manufacturing facility commercial kitchen will have three (3) employees.
27. The property is not located in the flood zone.
28. The property is served by private sewer and well.
29. Dumpster located on-site will be locked and screened.
30. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Town Manager, Public Works, and Code Enforcement. The Fire Chief comments submitted September 28, 2020 for PB20-15 are attached.
 - The applicant agreed to the items listed in the Fire Chief Memo.
31. Select Board action for this application on October 13, 2022:
 - Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board approve the Change of Ownership for Arcanna, LLC #AMF275, to be renewed October 13, 2023.
 - Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board approve the Change of Ownership for Arcanna, LLC #ACC2754, to be renewed October 13, 2023.
32. The Planning Board reviewed the application at the following regular meetings:
 - November 1, 2022. (Sketch Plan Review)
 - December 13, 2022 (Site Plan/Completion)
 - January 24, 2023 (Public Hearing/cancelled due to winter storm)
 - February 7, 2023 (Continued Site Plan Review/Public Hearing/Approval)
33. The following application fees have been paid by the applicant, in accordance with §1-25:
 - Amended Site Plan Review Application Fee: \$100 (dated January 19, 2023).
 - Change of Use Fee: \$25 (dated January 19, 2023)
 - Public Hearing Fee: \$175.00 (January 19, 2023).
34. In accordance with §33-129 & 130, public hearings were advertised in the Portsmouth Herald/Seacoast Online on January 13, 2023 and held on February 7, 2023. In accordance with §33-129 & 130, abutting landowners were notified

via certified mail. There were no public comments. (Scheduled/posted public hearing in Weekly Sentiinel for January 24, 2023 cancelled).

35. The Planning Board accepted the application as complete on December 13, 2022.
36. Action on waivers requested: §33-127: (5) Temporary Markers; (8) Drainage Plan; (9) Bridges & Culverts; (11) Sedimentation and Erosion Control Plan; (12) High Intensity Soil Survey; (13) Water/Sewer Main; (15) Septic/Sewerage; (16) Septic Soil Tests approved December 13, 2022.
37. A site walk was not held.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (*Revisions to final site plans after planning board approval*).
2. 'Adult Use Marijuana Establishment, 'manufacturing' is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR), per Sec. 45-290 and Chapter 11 Marijuana Establishments.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Planning & Development, Article III, Division 6, Chapter 11, Chapter 35, and Chapter 45.

DECISION:

Based on the above facts and conclusions, on **February 7, 2023**, the Planning Board voted to **approve your application to amend a previously-approved Site Plan (PB20-15) currently approved for Adult Use Marijuana Establishment and Adult Use Marijuana Cultivation Establishment to add Adult Use Marijuana Manufacturing at 290 H.L. Dow Hwy for a commercial kitchen, phasing of project with associated site improvements, and retention of Adult Use Marijuana Manufacturing for the extraction lab at 291 H.L. Dow Hwy.**

CONDITIONS OF APPROVAL:

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Prior to commencing operation of Phase I, the applicant shall provide to the Code Enforcement Officer:
 - a. Their approved commercial processing license, or licenses (or similar, as applicable) required by the State of Maine.
 - b. The DOT driveway permit for the 290 Harold L. Dow Highway site.

- c. Documentation that the bio-retention filters are completed and operational.
5. Pursuant to Chapter 35 of the Town Code, applicant shall enter into a post-construction stormwater maintenance agreement with the Town by May 31, 2023.
6. The front vegetative buffer plantings shall be planted no later than May 31, 2023.
7. Within 120 days after the permanent marijuana store opens to the public, the applicant shall collect turning movement counts for the site driveway at 290 Harold L. Dow Highway for, at a minimum, one full weekday and one full weekend day that the marijuana store is open, and submit such data to the Town Planner. Such count data shall be disaggregated by the hour, or a shorter time period, to show peaking characteristics.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

Except as otherwise provided in this section (§33-59), site plan approval shall expire if the work or change involved does not commence within two (2) years of site plan approval or if the work or change is not substantially complete within three (3) years from the date of approval. (Reference the definition of "Start of construction" in Section 1-2.). For the purpose of this section, "substantially complete" means that the property or improvements may be occupied or utilized for the purpose for which they are intended and only minor items such as touch-up, adjustments, or minor replacements or installations remain to be completed or corrected.

The holder of an approved permit should take care to ensure that the approval granted on **February 7, 2023** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **February 7, 2023** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Carmela Braun, Chair

This letter reviewed and approved by the Planning Board on _____, 2023.

CC: Shelly Bishop, Code Enforcement Officer
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Tax Assessor
Jim Roy, Acting Public Works Director

Memo from Chief Muzeroll:

September 28, 2020

Town of Eliot Planning Board

Ref: PB20-15, 290 Harold Dow Highway

Dear Board,

I have reviewed the application for the above referenced facility and submit the following:

- The building is greater than 3000 square feet and requires a Maine Fire Marshal review as well as associated state required permits.
- The occupancy is required to follow the 2018 Edition of NFPA 1, Chapter 38 and its referenced codes, standards and documents.
- Knox Box access to the facility.
- Full Fire Alarm system with monitoring off premise 24/7.
- All copies of permits and requirements from the Maine Fire Marshal's office to the Eliot Fire Chief.
- Complete set of construction plans to include access and egress roads submitted to the Eliot Fire Chief prior to construction.
- Any proposed fire hydrant locations approved by the Eliot Fire Chief.
- If structure is to be sprinkled for fire protection contact the Eliot Fire Chief for location and type of fire department street connection.

As always feel free.....

Jay Muzeroll Eliot Fire Chief

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 87 Lot# 1 Lot Size 10 acres Zoning District: Rural

Your Name Jessica Labbe Your mailing address PO Box 117

City/Town Eliot State: ME Zip: 03903 Telephone: 207-251-1011

Who owns the property now? Raitt Homestead Farm Museum

Address (Location) of the property 2077 State Road

Property located in a flood zone? ___ Yes ___ X 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? Day Nursery
(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:

We would like to acquire the ability to have a day Nursery at 2077 State Road without a building or structure,

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

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

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)

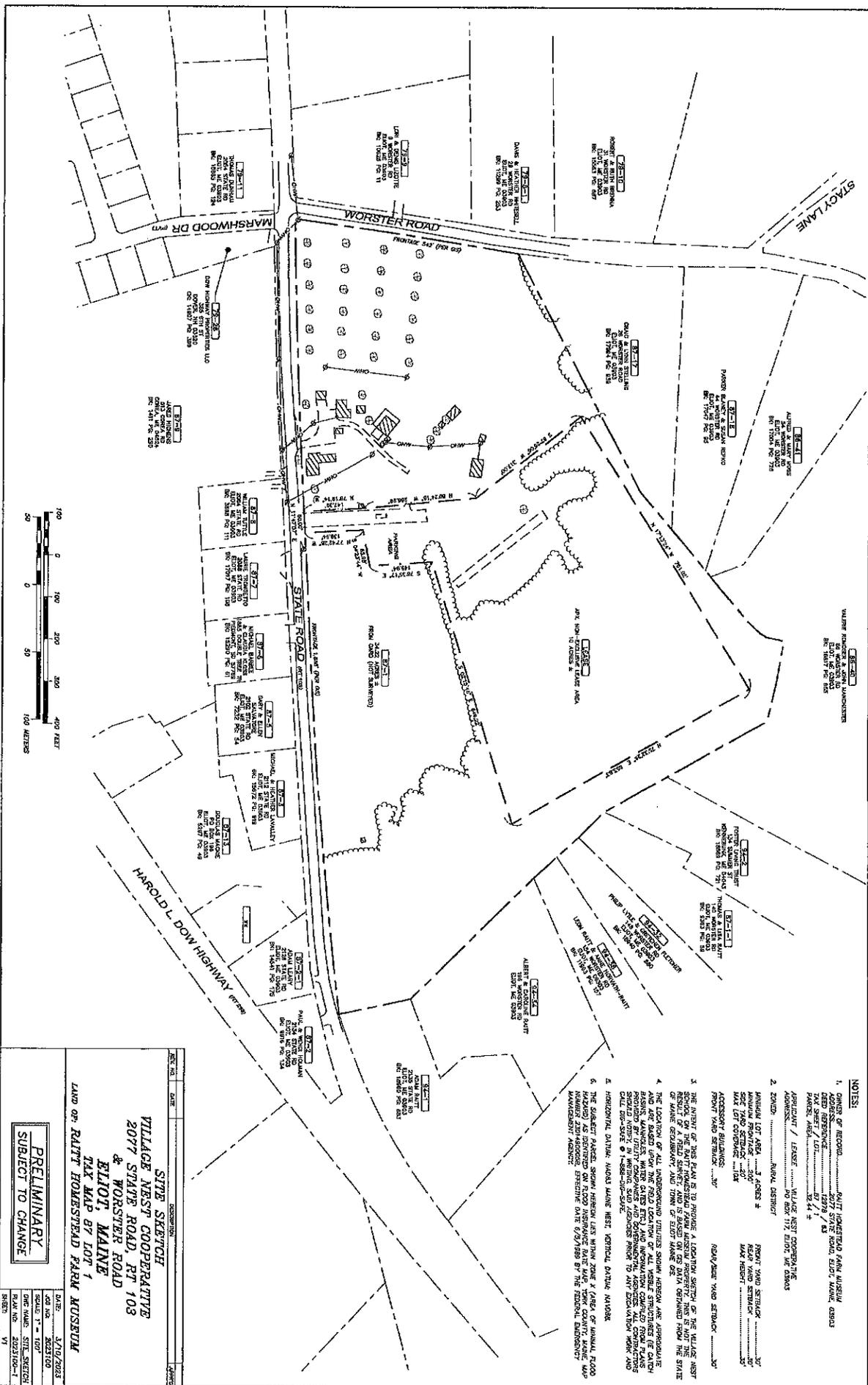
6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

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).



NO.	DATE	DESCRIPTION
1	3/10/2023	DATE
2	3/10/2023	DATE
3	3/10/2023	DATE
4	3/10/2023	DATE
5	3/10/2023	DATE
6	3/10/2023	DATE
7	3/10/2023	DATE
8	3/10/2023	DATE
9	3/10/2023	DATE
10	3/10/2023	DATE

SITE SKETCH
VILLAGE NEST COOPERATIVE
2077 STATE ROAD, RT 103
& WORSTER ROAD
ELIOT, MAINE
TAX MAP BY LOT 1
LAND OP. RAITT HOMESTEAD FARM MUSEUM

PRELIMINARY
SUBJECT TO CHANGE

DATE: 3/10/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1" = 100'
 SHEET NO.: [Number]
 TOTAL SHEETS: [Number]

- NOTES:**
- OWNER OF RECORD: RAITT HOMESTEAD FARM MUSEUM
 DEED REFERENCE: 1978 / 45
 TAX MAP BY LOT: 1
 - OWNER / LESSOR: VILLAGE NEST COOPERATIVE
 ADJACENT / LESSEE: [Name]
 2. ZONED: [Name]
 3. ZONED: [Name]
 4. ZONED: [Name]
 5. ZONED: [Name]
 6. ZONED: [Name]
 - THE INTENT OF THIS PLAN IS TO PROVIDE A LOCATION SKETCH OF THE VILLAGE NEST COOPERATIVE PROPERTY. THIS IS NOT THE STATE OF MAINE OR ANY OTHER STATE'S OFFICIAL RECORD.
 - THE LOCATION OF ALL UNDERGROUND UTILITIES (ELECTRIC, GAS, SEWER, WATER) ARE NOT SHOWN ON THIS SKETCH. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOULD BE DETERMINED BY THE OWNER PRIOR TO ANY CONSTRUCTION WORK AND SHALL BE SHOWN ON ANY FINAL RECORD DRAWING.
 - HORIZONTAL DATUM: NAD 83
 - THE SUBJECT PARCEL SHOWS LOTS WITHIN ZONE 7 (AREA OF ANIMAL FLOOD NUMBER 2014-00000) SPECIFIC DATE 02/18/20 BY THE REGIONAL PLANNING AND DEVELOPMENT AGENCY.

COMMERCIAL LEASE

This Lease Agreement (this "Lease") is dated as of October 18, 2022, by and between Raitt Homestead Farm Museum ("Landlord"), and Village Nest Cooperative LLC ("Tenant"). The parties agree as follows:

PREMISES. Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant 10 acres of wooded land (forest) for non-exclusive use and edge of forest by Pulling Track for sheds. (the "Premises") located at 2077 State Rd (10 acres of forest to be leased), Eliot, ME 03903.

TERM. The lease term will begin on October 30, 2022 and will terminate on June 30, 2023.

LEASE PAYMENTS. Tenant shall pay to Landlord monthly installments of \$1,680.00, payable in advance on the first day of each month. Lease payments shall be made to the Landlord at 2077 State Rd, Eliot, Maine 03903. The payment address may be changed from time to time by the Landlord.

SECURITY DEPOSIT. At the time of the signing of this Lease, Tenant shall pay to Landlord, in trust, a security deposit of \$500.00 to be held and disbursed for Tenant damages to the Premises (if any) as provided by law.

POSSESSION. Tenant shall be entitled to possession on the first day of the term of this Lease, and shall yield possession to Landlord on the last day of the term of this Lease, unless otherwise agreed by both parties in writing. At the expiration of the term, Tenant shall remove its goods and effects and peaceably yield up the Premises to Landlord in as good a condition as when delivered to Tenant, ordinary wear and tear excepted.

USE OF PREMISES. Tenant may use the Premises only for forestry school activities Monday - Friday 7am - 5:30pm. The Premises may be used for any other purpose only with the prior written consent of Landlord, which shall not be unreasonably withheld. Tenant shall notify Landlord of any anticipated extended absence from the Premises not later than the first day of the extended absence.

PARKING. Tenant shall be entitled to use 10 parking space(s) for the parking of the Tenant's customers' and guests' motor vehicle(s).

STORAGE. Tenant shall be entitled to store items of personal property in their own sheds by the edge of the woods in Pulling area during the term of this Lease. Landlord shall not be liable for loss of, or damage to, such stored items.

PROPERTY INSURANCE. Landlord and Tenant shall each maintain appropriate insurance for their respective interests in the Premises and property located on the Premises. Landlord shall be named as an additional insured in such policies. Tenant shall deliver appropriate evidence to Landlord as proof that adequate insurance is in force issued by companies reasonably satisfactory to Landlord. Landlord shall receive advance written notice from the insurer prior to any termination of such insurance policies. Tenant shall also maintain any other insurance which Landlord may reasonably require for the protection of Landlord's interest in the Premises. Tenant is responsible for maintaining casualty insurance on its own property.

LIABILITY INSURANCE. Tenant shall maintain liability insurance on the Premises with personal injury limits of at least \$1,000,000.00 for injury to one person, and \$1,000,000.00 for any one accident, and a limit

last three months of this Lease, or any extension of this Lease, Landlord shall be allowed to display the usual "To Let" signs and show the Premises to prospective tenants.

INDEMNITY REGARDING USE OF PREMISES. To the extent permitted by law, Tenant agrees to indemnify, hold harmless, and defend Landlord from and against any and all losses, claims, liabilities, and expenses, including reasonable attorney fees, if any, which Landlord may suffer or incur in connection with Tenant's possession, use or misuse of the Premises, except Landlord's act or negligence.

DANGEROUS MATERIALS. Tenant shall not keep or have on the Premises any article or thing of a dangerous, flammable, or explosive character that might substantially increase the danger of fire on the Premises, or that might be considered hazardous by a responsible insurance company, unless the prior written consent of Landlord is obtained and proof of adequate insurance protection is provided by Tenant to Landlord.

COMPLIANCE WITH REGULATIONS. Tenant shall promptly comply with all laws, ordinances, requirements and regulations of the federal, state, county, municipal and other authorities, and the fire insurance underwriters. The leasee/tenant shall be financially responsible for any fees, fines and legal costs resulting from the lack of any permits/approvals from the Town of Eliot.

DISPUTE RESOLUTION. The parties will attempt to resolve any dispute arising out of or relating to this Agreement through friendly negotiations amongst the parties. If the matter is not resolved by negotiation, the parties will resolve the dispute using the below Alternative Dispute Resolution (ADR) procedure.

Any controversies or disputes arising out of or relating to this Agreement will be submitted to mediation in accordance with any statutory rules of mediation. If mediation does not successfully resolve the dispute, then the parties may proceed to seek an alternative form of resolution in accordance with any other rights and remedies afforded to them by law.

ASSIGNABILITY/SUBLETTING. Tenant may not assign or sublease any interest in the Premises, nor effect a change in the majority ownership of the Tenant (from the ownership existing at the inception of this lease), nor assign, mortgage or pledge this Lease.

NOTICE. Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

LANDLORD:

Raitt Homestead Farm Museum
2077 State Rd
Eliot, Maine 03903

TENANT:

Village Nest Cooperative LLC
10 Baker St Unit 1
Dover, New Hampshire 03820

Such addresses may be changed from time to time by any party by providing notice as set forth above. Notices mailed in accordance with the above provisions shall be deemed received on the third day after posting.

GOVERNING LAW. This Lease shall be construed in accordance with the laws of the State of Maine.

ENTIRE AGREEMENT/AMENDMENT. This Lease Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings or other agreements, whether oral or

From: Jess Labbe jess@villagenestcooperative.com
Subject: Fwd: The Village Nest
Date: Mar 16, 2023 at 9:25:11 AM
To: Jess Labbe jlabb721@gmail.com

----- Forwarded message -----

From: **Granata, Daryen J** <Daryen.J.Granata@maine.gov>
Date: Wednesday, March 15, 2023
Subject: The Village Nest
To: Jess Labbe <jess@villagenestcooperative.com>

Jess,

If there are no structures then there is no need for a plans review or an inspection by the fire marshals office..

Thanks,

Daryen J. Granata

Public Safety Inspector II, CFI-II, CFPE

Maine State Fire Marshals Office

45 Commerce Drive

Augusta, Maine 04333-0165

Office # [207-626-3880](tel:207-626-3880)

Cell # [207-441-0870](tel:207-441-0870)

From: Jess Labbe <jess@villagenestcooperative.com>
Sent: Monday, March 13, 2023 3:56 PM
To: Granata, Daryen J <Daryen.J.Granata@maine.gov>
Subject: The Village Nest

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

Hi Daryen,

Per our conversation earlier. If we are looking to provide childcare on 10 acres of land while using no structures/buildings, would the fire Marshall's need an application/site walk or anything of the sort?

Thanks so much for your help.

Best,

Jess

--

Jessica Labbe



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board

From:

Cc: Kenneth Wood, P.E., Attar Engineering, Applicant's Representative
Shelly Bishop, Code Enforcement Officer
Kim Tackett, Land Use Administrative Assistant

Date: March 2, 2023 (report date)
April 18, 2023 (meeting date)

Re: PB23-4: Passamaquoddy Lane (Map 29/Lot 34): Site Plan Review – Staging & Storage Yard
– Sketch Plan Review

Application Details/Checklist Documentation	
✓ Address:	Passamaquoddy Lane
✓ Map/Lot:	29/34
✓ Zoning:	Commercial/Industrial (C/I) district
✓ Shoreland Zoning:	Areas of Limited Residential, Resource Protection, Freshwater Wetlands, and Limited Commercial
✓ Owner Name:	John Pollard
✓ Applicant Name:	Agent: Attar Engineering, Inc. / Kenneth Wood, P.E.
✓ Proposed Project:	Staging & Storage Yard
✓ Application Received by Staff:	January 31, 2023
Application Fee Paid and Date:	January 31, 2023 (sketch plan review)
Application Sent to Staff Reviewers:	January 31, 2023
Application Heard by PB Found Complete by PB	April 18, 2023
Site Walk	TBD
Site Walk Publication	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
✓ Reason for PB Review:	Site Plan Review

Overview

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

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

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

Type of review needed

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

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

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

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

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

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

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

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

Right, title, and interest (33-106)

A warranty deed is provided with the application materials.

The applicant's sketch plan acknowledges a 40' wide public utility access easement that appears to overlap with the proposed gravel lot expansion. The easement is intended for a future sewer line; whether or not storage of equipment and vehicles might impede that easement should be examined and clarified by the applicant.

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

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

Relevant requirements for Shoreland Zone (44-35)

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

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

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

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

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

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

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

Stormwater

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

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

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

Parking

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

Traffic (45-406)

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

Wetlands

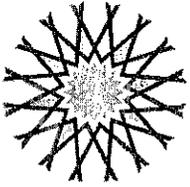
The site is impacted by shoreland zoning as described above. Additionally, the applicant's sketch plan acknowledges an inland wetland area at the site's east end. The sketch plan provided does not indicate expansion of the proposed gravel lot into the additional easterly wetland; Planning Board members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

Water and sewer

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

* * *

Respectfully submitted,



ATTAR

ENGINEERING, INC

CIVIL • STRUCTURAL • MARINE

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

January 31st, 2023
Project No. C338-22

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

Dear Mr. Brubaker:

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

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

The plan proposes to construct an exterior staging/storage yard used for storage of construction equipment and vehicles as allowed in the Commercial/Industrial district as well as the Limited Commercial district provided the total disturbed, non-vegetated area in the Limited Commercial portion of the parcel does not exceed 20% of the total area of Limited Commercial zone within the parcel.

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

Sincerely;

Kenneth A. Wood, P.E.
President

Case No. _____
Site review? Yes No

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

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

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

Your Name Kenneth A. Wood Your mailing address 1284 State rd.

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

Who owns the property now? John Pollard

Address (Location) of the property Passamaquoddy Lane

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

Step 2 (establish your legal interest in the property)

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

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

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

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

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

	Case No. _____
	Site review? Yes No

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

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

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

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

(STEP 5) Board visits site with applicant.

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

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

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

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

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

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

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

PART 2

Case No. _____

Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

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

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

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

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

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

	Case No. _____
	Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. _____

Site review? Yes No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

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

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

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

	Case No. _____
	Site review? Yes No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

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

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

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

January 25th, 2023

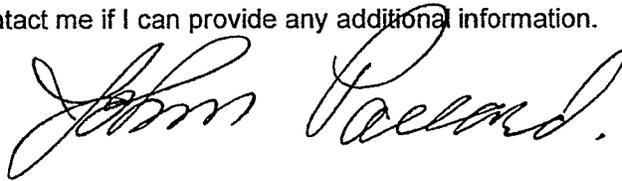
Town of Eliot
Jeff Brubaker
1333 State Road
Eliot, ME 03903

Dear Mr. Brubaker:

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

Please contact me if I can provide any additional information.

Sincerely,

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

John Pollard

cc: Attar Engineering, Inc.

NANCY E HAMMOND, REGISTER OF DEEDS



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

Return to:

②
3
by Joseph Lenkowski

WARRANTY DEED

Maine Statutory Short Form

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

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

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

Maine R.E. Transfer Tax Paid

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

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

The above described parcel is conveyed subject to:

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

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

J Lenkowski: PO Box 1139 Sanford ME 04093

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

Wendy L. Schoppe
Witness

Lena L. Grover
Lena L. Grover

SEAL

STATE OF Maine
COUNTY OF Washington, SS.

November 26, 2018

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

Wendy L. Schoppe
Notary Public:
My Commission Expires:

WENDY L. SCHOPPE
NOTARY PUBLIC • MAINE
My Commission Expires June 28, 2023



500 feet Abutters List Report

Eliot, ME
January 25, 2023

Subject Property:

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

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

Abutters:

Parcel Number: 000-000-000
CAMA Number: 000-000-000
Property Address:

Mailing Address:

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

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

Parcel Number: 020-054-000
CAMA Number: 020-054-000
Property Address: STATE RD

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

Parcel Number: 028-006-000
CAMA Number: 028-006-000
Property Address: 40 DEBBIE LN

Mailing Address: PALLEO, MICHAEL J PALLEO, ALLYSON
A
40 DEBBIE LN
ELIOT, ME 03903

Parcel Number: 028-007-000
CAMA Number: 028-007-000
Property Address: 36 DEBBIE LN

Mailing Address: HOPWOOD, CASEY S HOPWOOD,
TREVOR W
36 DEBBIE LN
ELIOT, ME 03903

Parcel Number: 029-001-000
CAMA Number: 029-001-000
Property Address: 34 DEBBIE LN

Mailing Address: COSTA, PAULO
34 DEBBIE LN PO BOX 415
ELIOT, ME 03903

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

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

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

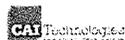
Mailing Address: HO BOUCHARD INC
349 COLDBROOK RD
HAMPDEN, ME 04444

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

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

Parcel Number: 029-007-000
CAMA Number: 029-007-000
Property Address: 151 BEECH RD

Mailing Address: PROCACCINI, NICHOLE M
151 BEECH RD
ELIOT, ME 03903



www.cai-tech.com

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

1/25/2023

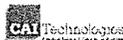
Page 1 of 2



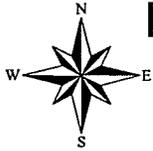
500 feet Abutters List Report

Eliot, ME
January 25, 2023

Parcel Number: 029-030-000 CAMA Number: 029-030-000 Property Address: 249 HAROLD L DOW HWY	Mailing Address: PRIME ELIOT LLC 83-85 RAILROAD PLACE SARATOGA SPRINGS, NY 12866
Parcel Number: 029-031-000 CAMA Number: 029-031-000 Property Address: 25 PASSAMAQUODDY LN	Mailing Address: M & T REALTY LLC C/O ESTES OIL BURNER SERVICE INC 519 US ROUTE 1 YORK, ME 03909
Parcel Number: 029-033-000 CAMA Number: 029-033-000 Property Address: 11 GALWAY LN	Mailing Address: CANTRELL, PETER B CANTRELL, ANNETTE M 11 GALWAY LN ELIOT, ME 03903
Parcel Number: 037-001-000 CAMA Number: 037-001-000 Property Address: 265 HAROLD L DOW HWY	Mailing Address: CHURCHILL, EVAN A/ROSALIE B REVOCABLE TR EVAN A AND ROSALIE B CHURCHILL TRUSTEES 1288 STATE RD ELIOT, ME 03903
Parcel Number: 037-002-002 CAMA Number: 037-002-002 Property Address: 4 BROOK DR	Mailing Address: MORIARTY, MARIE 23 LANDING DR METHUEN, MA 01844-5825
Parcel Number: 037-002-003 CAMA Number: 037-002-003 Property Address: 28 BROOK DR	Mailing Address: ORACLE INDUSTRIES, LLC 13 ELDREDGE ROAD ELIOT, ME 03903
Parcel Number: 037-002-004 CAMA Number: 037-002-004 Property Address: BROOK DR	Mailing Address: GORANSSON, PAUL GORANSSON, HLEN 255 DEPOT RD ELIOT, ME 03903



www.cai-tech.com



Lot 29-34 Location Map w/ Flood Zone

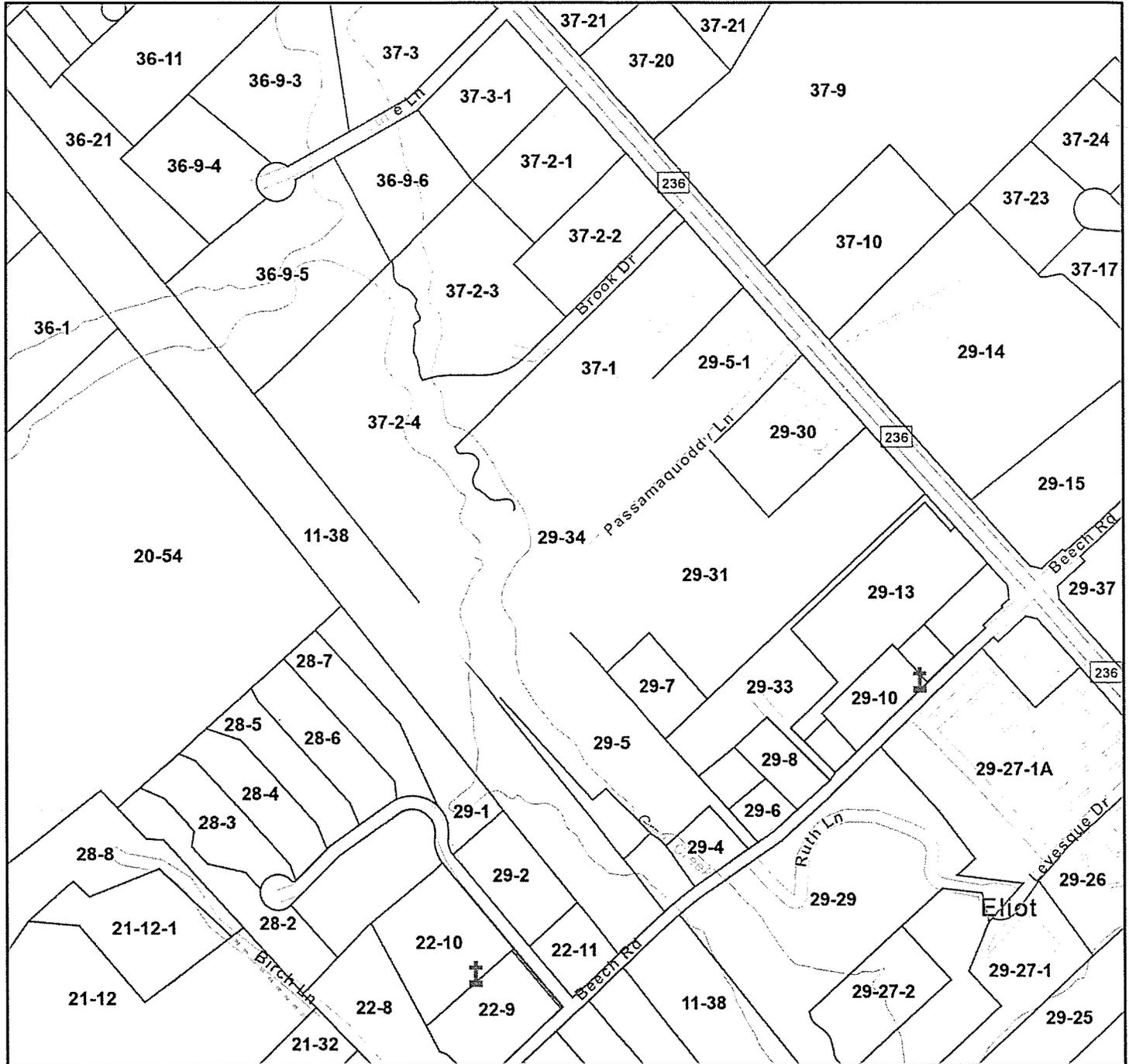


Town of Eliot, ME

1 inch = 500 Feet

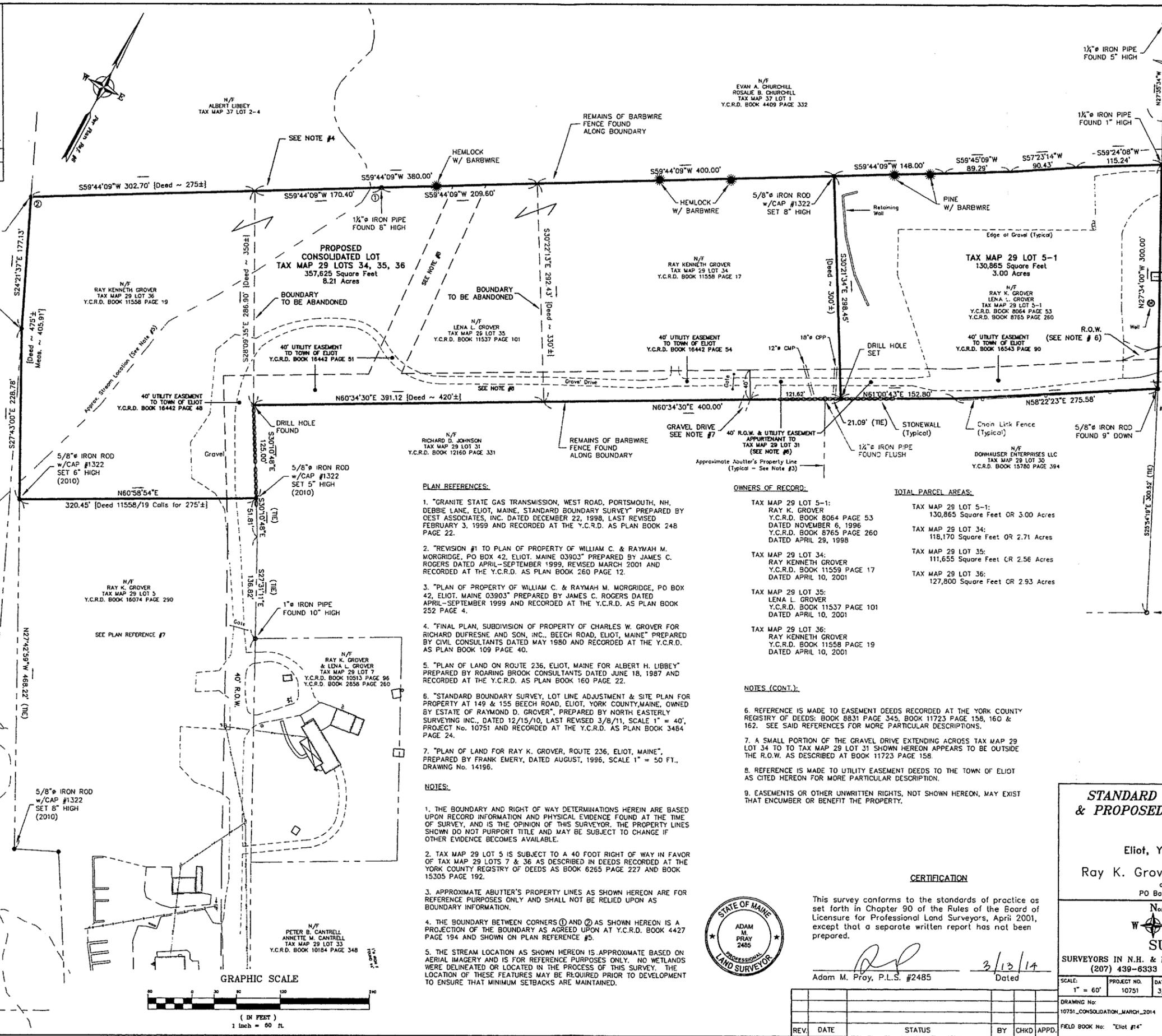
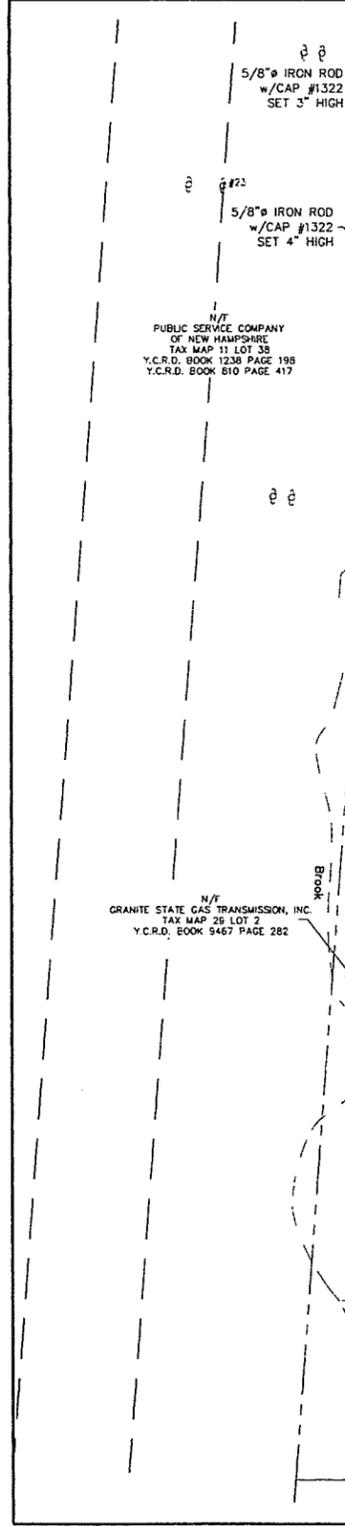
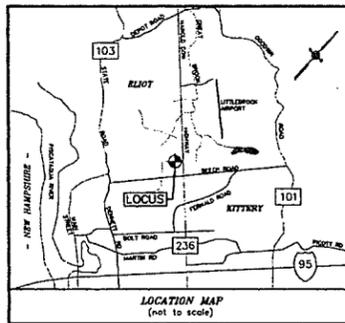
www.cai-tech.com

January 31, 2023



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

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



ROUTE 236

000124

YORK, ss REGISTRY OF DEEDS
 Received MAR 19, 2014
 at 2 h 12 m P. M., and
 Filed in Plan Book 366 Page 30
 ATTEST: Debra L. Anderson
 Register

**STANDARD BOUNDARY SURVEY
 & PROPOSED LOT CONSOLIDATION**

FOR PROPERTY ON
Route 236
 Eliot, York County, Maine
 OWNED BY
Ray K. Grover & Lena L. Grover
 c/o Ray K. Grover
 PO Box 364, Eliot, ME 03903

North

EASTERLY
SURVEYING, Inc.

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

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

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

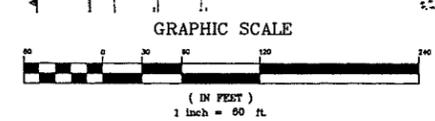
- NOTES:**
- THE BOUNDARY AND RIGHT OF WAY DETERMINATIONS HEREIN ARE BASED UPON RECORD INFORMATION AND PHYSICAL EVIDENCE FOUND AT THE TIME OF SURVEY, AND IS THE OPINION OF THIS SURVEYOR. THE PROPERTY LINES SHOWN DO NOT PURPORT TITLE AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
 -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

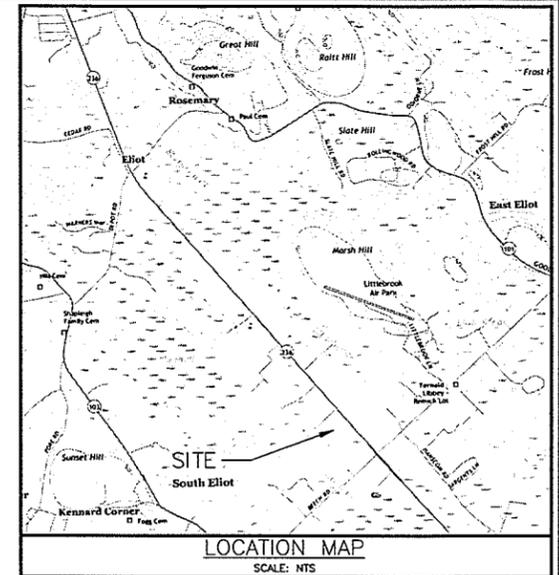
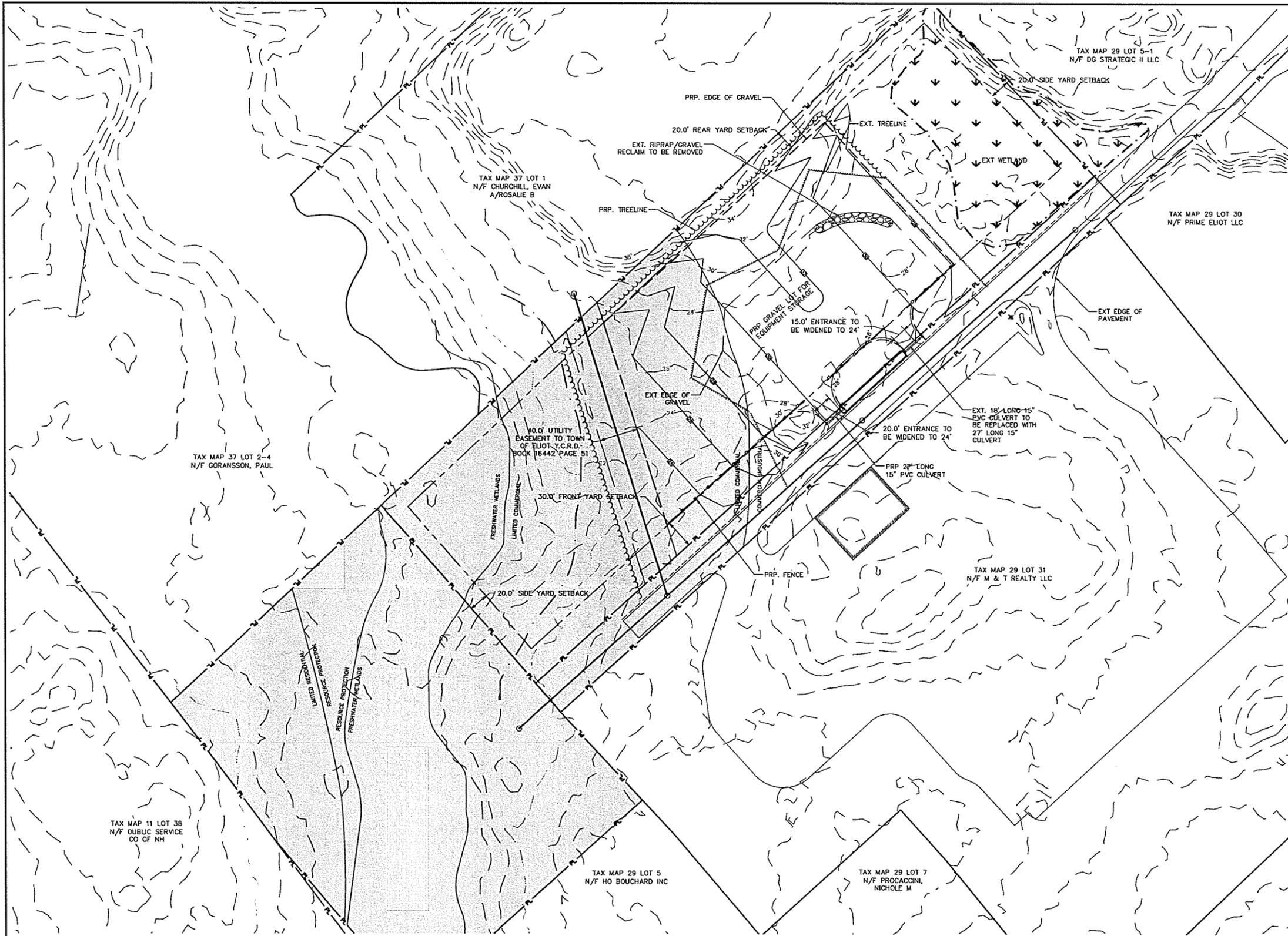
- OWNERS OF RECORD:**
- | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| TAX MAP 29 LOT 5-1:
RAY K. GROVER
Y.C.R.D. BOOK 8064 PAGE 53
DATED NOVEMBER 6, 1996
Y.C.R.D. BOOK 8765 PAGE 260
DATED APRIL 29, 1998 | TAX MAP 29 LOT 34:
RAY KENNETH GROVER
Y.C.R.D. BOOK 11559 PAGE 17
DATED APRIL 10, 2001 | TAX MAP 29 LOT 35:
LENA L. GROVER
Y.C.R.D. BOOK 11537 PAGE 101
DATED APRIL 10, 2001 | TAX MAP 29 LOT 36:
RAY KENNETH GROVER
Y.C.R.D. BOOK 11558 PAGE 19
DATED APRIL 10, 2001 |
| TAX MAP 29 LOT 5-1:
130,865 Square Feet OR 3.00 Acres | TAX MAP 29 LOT 34:
118,170 Square Feet OR 2.71 Acres | TAX MAP 29 LOT 35:
111,655 Square Feet CR 2.56 Acres | TAX MAP 29 LOT 36:
127,800 Square Feet CR 2.93 Acres |
- NOTES (CONT.):**
- REFERENCE IS MADE TO EASEMENT DEEDS RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS: BOOK 8831 PAGE 345, BOOK 11723 PAGE 158, 160 & 162. SEE SAID REFERENCES FOR MORE PARTICULAR DESCRIPTIONS.
 - A SMALL PORTION OF THE GRAVEL DRIVE EXTENDING ACROSS TAX MAP 29 LOT 34 TO TAX MAP 29 LOT 31 SHOWN HEREON APPEARS TO BE OUTSIDE THE R.O.W. AS DESCRIBED AT BOOK 11723 PAGE 158.
 - REFERENCE IS MADE TO UTILITY EASEMENT DEEDS TO THE TOWN OF ELIOT AS CITED HEREON FOR MORE PARTICULAR DESCRIPTION.
 - EASEMENTS OR OTHER UNWRITTEN RIGHTS, NOT SHOWN HEREON, MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY.

CERTIFICATION

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

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





GENERAL NOTES

- THIS PLAN PROVIDES SKETCH PLAN DETAILS FOR THE CONSTRUCTION OF AN EXTERIOR STAGING/STORAGE YARD LOCATED ON PASSAMAQUODDY LANE IN ELIOT, MAINE. THE PROPOSED PLAN INCLUDES A GRADED GRAVEL LOT SERVICING CONSTRUCTION VEHICLES AND EQUIPMENT. NO BUILDINGS ARE PROPOSED AT THIS TIME.
- THE SITE IS IDENTIFIED ON THE TOWN OF ELIOT TAX ASSESSOR'S MAP 29 AS LOT 34 IN THE COMMERCIAL INDUSTRIAL DISTRICT AND MEASURES APPROXIMATELY 8.2 ACRES. THE SOUTH WESTERLY PORTION OF THE LOT FALLS INTO THE LIMITED COMMERCIAL, RESOURCE PROTECTION, AND LIMITED RESIDENTIAL SHORELAND ZONING DISTRICTS AS WELL AS A SECTION OF FRESHWATER WETLANDS AS IDENTIFIED AS A PROTECTED RESOURCE IN THE SHORELAND ZONE.
- BOUNDARY LINES WERE PROVIDED BY REFERENCE 1.
- DIMENSIONAL REQUIREMENTS AS PER §45-405 OF ELIOT CODE OF ORDINANCES
COMMERCIAL INDUSTRIAL DISTRICT
 MINIMUM LOT SIZE: 3 ACRES
 FRONT YARD SETBACK: 50 FT. (SEE §45-405 NOTE A)
 SIDE AND REAR YARD SETBACK: 20 FT.
 MAXIMUM BUILDING HEIGHT: 55 FT.
 MAXIMUM LOT COVERAGE: 50%
 MINIMUM STREET FRONTAGE: 300 FT.
- SHORELAND ZONING COVERAGE CALCULATIONS
LIMITED COMMERCIAL DISTRICT
 TOTAL PORTION OF LOT AREA = 130,526 S.F.
 TOTAL PROPOSED NONVEGETATED AREA = 25,758 S.F.
 MAX NONVEGETATED AREA ALLOWED = 20% OF LOT AREA LOCATED WITHIN THE SHORELAND ZONE
 25,758 S.F. / 130,526 S.F. = 19.7%
 NO ADDITIONAL NONVEGETATED AREA IS PROPOSED IN THE REMAINING SHORELAND ZONES PRESENT IN THE PARCEL.
- TOTAL PROPOSED YARD AREA = 74,019 S.F. (1.7 ACRES)

REFERENCES

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

TAX MAP 11 LOT 36
N/F OUBLIC SERVICE
CO OF NH

TAX MAP 37 LOT 2-4
N/F GORANSSON, PAUL

TAX MAP 37 LOT 1
N/F CHURCHILL, EVAN
A/ROSALIE B

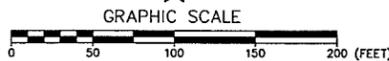
TAX MAP 29 LOT 5
N/F HO BOUCHARD INC

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

TAX MAP 29 LOT 31
N/F M & T REALTY LLC

TAX MAP 29 LOT 30
N/F PRIME ELIOT LLC

TAX MAP 29 LOT 5-1
N/F DG STRATEGIC II LLC



NO.	DESCRIPTION	DATE



TAX MAP 29, LOT 34

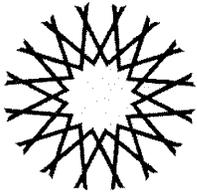
SKETCH PLAN
EXTERIOR STAGING YARD
PASSAMAQUODDY LANE, ELIOT ME

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

ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • MARINE • SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-5023 FAX: (207)439-2128

SCALE: 1" = 50'
DATE: 1/31/2023
JOB NO: C338-22 FILE: PASSAMAQUODDY YARD.DWG

APPROVED BY: WRP
DRAWN BY: WRP
REVISION DATE: - : -
SHEET: 1



ATTAR

ENGINEERING, INC

CIVIL STRUCTURAL MARINE

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

January 9th, 2023
Project No. C174-21

**RE: Final Subdivision Application (Major Subdivision)
Clover Farm Subdivision (Tax Map 6, Lots 43, 44, & 154)
771 & 787 Main Street, Eliot, Maine**

Dear Mr. Brubaker:

On behalf of Mark McNally Building Maintenance, LLC., LJE Development, LLC., and Jesse Realty, LLC., I have enclosed for your review and consideration a Final Subdivision Application for Major Subdivision and associated attachments for the above-referenced project.

This application package includes all elements from the recently-approved Preliminary Subdivision Plan. The Applicants propose to develop the collected subject parcels into an 8-lot conventional residential subdivision. The development shall be serviced by municipal water, municipal sewer, and underground electrical utilities. A ~750 linear foot travelway designed to Minor Road standards is proposed to access all 8 lots, and said travelway includes an elevated asphalt sidewalk and asphalt curbing along the north side of the road, which shall be incorporated into other future pedestrianways in the growth area.

This development is subject to a Maine Department of Environmental Protection (MDEP) Stormwater Permit-by-Rule (PBR), for which the approval is attached. Additionally, the previously-granted Maine Department of Transportation Driveway/Entrance Permit for this development has expired, and the MDOT has been re-engaged to procure a new entrance permit – the correspondence for which is also attached.

Plan Set updates since receiving Preliminary Subdivision approval include:

- Sheet 2 (Existing Conditions Plan) has been revised to display all existing trees of 10" DBH (diameter at breast height) or greater. The Preliminary Plan Set depicted trees of 24" DBH or greater, with additional trees being located in December of 2022 at the request of the Planning Board.
- Multiple Plan Set sheets have been revised to display a minor adjustment to the roadway elevations of the proposed travelway. Stations 5+00 thru the end of the cul-de-sac has been slightly elevated by changing the roadway slope in this area from 1.25% to 1.00%. All surrounding design elements have been appropriately updated, including roadside swales, catch basin rim elevations, and culvert invert elevations and slopes. The goal of this change is to address a comment from the Third-Party Stormwater Review (Sebago Technics) regarding the potential for the bottom elevation of the detention area within the cul-de-sac to encounter the seasonal high water table identified in test pit data. The base elevation of the cul-de-sac detention area has been raised by 1', putting the finished grade well above the encountered SHWT.

Lastly, the Applicants would like to respectfully request that the elected option of Performance Guarantee for this subdivision be changed from Option 2 to Option 1 as per §33-132.(b).. The Preliminary Subdivision Plan was approved under the assumption that Option 2 was the decision that the development would be operating under. Since that point in time the Applicants have prepared a Letter of Credit sufficient of the terms outlined in §33-132.(b).(1).a. and would like to request that the necessary engagement with the Board of Selectmen take place to proceed with Option 1.

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

Sincerely;

A handwritten signature in black ink, reading "Michael J. Sudak". The signature is written in a cursive, flowing style.

Michael J. Sudak, E.I.
Staff Engineer

cc: Mark McNally Building Maintenance, LLC., LJE Development, LLC., Jesse Realty, LLC.
C174-21 Cover Final SDV 09Jan2023



April 11, 2023
220414

Michael Sullivan, Town Manager
Town of Eliot
1333 State Road
Eliot, Maine 03903

Subject: Clover Farms Subdivision Construction Cost Estimate Review
771 & 787 Main Street – Eliot, Maine

Dear Matt:

Sebago Technics has received and reviewed the attached April 11, 2023 Opinion of Cost as prepared by Attar Engineering for the estimated cost of construction for the subject project's proposed improvements. The estimate includes exclusions for several items that have been completed or will be completed soon. We have also spoken to James Roy of Eliot Public Works Department who was able to confirm that the sanitary force main located in the proposed roadway and the sanitary services to the lots have been installed and that he believed that the connection manhole was to be placed today so it would appear to be reasonable to not include the excluded items in the cost estimate.

Based on our review, we believe that a construction value of \$404,283 is a reasonable projection of the improvement work associated the proposed project components to be completed. It should be noted that this amount includes a 10-percent contingency factor which corresponds to a \$36,753 amount. We understand that this estimate will be used to establish the Performance Guarantee amount for the project.

Please do not hesitate to contact us directly should there be any questions or comments regarding this review.

Sincerely,

SEBAGO TECHNICS, INC.

A handwritten signature in black ink, appearing to read "Stephen D. Harding".

Stephen D. Harding, P.E.
Senior Project Manager

SDH:sdh

cc: Michael Sudak, Attar Engineering, Inc.

Opinion of Cost - Clover Farm Subdivision (CFS)

771/787 Main Street, Eliot, Maine

04/11/2023

Estimate Line Item	Quantity	Unit	Unit Price	Price
Clearing & Excavation				
Subgrade	0.95	AC	\$12,000	\$11,400
<i>Exclusions (already complete): Clearing, Stumping & Grubbing</i>				
<i>Exclusions (to be completed prior to approval): Common Excavation & Common Borrow</i>				
Asphalt Paving & Curbing				
Subbase Gravel (Travelway)	1,350	CY	\$20	\$27,000
Base Gravel (Travelway)	540	CY	\$40	\$21,600
Base Course Asphalt (Travelway)	231	TON	\$75	\$17,325
Base Course Asphalt (Sidewalk)	34	TON	\$75	\$2,550
Wearing Course Asphalt (Travelway)	158	TON	\$100	\$15,800
Wearing Course Asphalt (Sidewalk)	32	TON	\$100	\$3,200
Asphalt Curb	990	LF	\$18	\$17,820
Utilities - Electrical				
U.G. Electrical Corridor	820	LF	\$25	\$20,500
Transformer Base	2	EA	\$1,500	\$3,000
CMP Connection	1	LS	\$50,000	\$50,000
Utilities - Sewer				
<i>Exclusions (already complete): Sewer Manhole Installed 4/11</i>				
<i>Exclusions (to be completed prior to approval): 2" Sewer Force Main, 1" Sewer Services</i>				
Utilities - Water				
8" PVC Water Main	660	LF	\$60	\$39,600
1" Water Services	8	EA	\$1,100	\$8,800
Fire Hydrant & Blowoff Assembly	1	EA	\$4,000	\$4,000
Stormwater Management				
15" HDPE (Catch Basin Network)	862	LF	\$25	\$21,550
12" HDPE (Driveway Culverts)	205	LF	\$21	\$4,305
Catch Basin / Drain Manhole	5	EA	\$3,000	\$15,000
Detention Pond (incl. Outlet Structure)	1	EA	\$22,500	\$22,500
Rip Rap Protection (incl. Check Dams)	180	SY	\$18	\$3,240
Siltation Fence	1,180	LF	\$3	\$3,540
E&S Control Items (Hay Bales, Blankets)	1	LS	\$2,500	\$2,500

General Construction				
Topsoil, Seed, Mulch	10	MSF	\$150	\$1,500
Vegetative Screening (Arborvitae)	1	LS	\$45,000	\$45,000
Stabilized Construction Entrance	1	EA	\$800	\$800
Signage	1	LS	\$500	\$500
Monumentation (Incl. Materials)	1	LS	\$4,500	\$4,500
Subtotal				\$367,530
Add Contingency (10% of Subtotal)				
Total				\$404,283

From: [Steve Harding](#)
To: [Mike Sudak](#)
Subject: FW: Clover Farm Subdivision - PB Submission Items
Date: Wednesday, April 12, 2023 2:10:34 PM

From: Planner <jbrubaker@eliotme.org>
Sent: Thursday, December 22, 2022 4:36 PM
To: Steve Harding <sharding@sebagotechnics.com>
Cc: Francine Nason <fnason@sebagotechnics.com>
Subject: RE: Clover Farm Subdivision - PB Submission Items

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Steve. We will review and process. No additional review needed for now. Your review was extremely helpful.

Happy holidays!

Jeff Brubaker, AICP
(207) 439-1813 x112

From: Steve Harding <sharding@sebagotechnics.com>
Sent: Wednesday, December 14, 2022 5:20 PM
To: Planner <jbrubaker@eliotme.org>
Cc: Francine Nason <fnason@sebagotechnics.com>
Subject: RE: Clover Farm Subdivision - PB Submission Items

Hi Jeff – Here is our invoice for services rendered in November. Let us know if you need another task order to review the submittal that Mike Sudak from Attar recently provided. Thanks, Steve

From: Steve Harding
Sent: Tuesday, December 13, 2022 11:31 AM
To: 'Planner' <jbrubaker@eliotme.org>
Subject: RE: Clover Farm Subdivision - PB Submission Items

Hi Jeff –

Hope you are well and enjoying the holiday season. We will be sending you an invoice for the 2nd round of our review and assuming that the Board would want us to continue on with our review. Do you need another proposal and, if so, when would you need it. Also, when would the review need to be done. I have a vacation in Florida coming up in early January and wanted to work this review in around that.

Thanks, Steve

From: Planner <jbrubaker@eliotme.org>
Sent: Wednesday, December 7, 2022 11:34 AM
To: Mike Sudak <mike@attarengineering.com>; Steve Harding <sharding@sebagotechnics.com>
Cc: Ken Wood <Ken@attarengineering.com>; Sammie Rogers <sammie@attarengineering.com>
Subject: RE: Clover Farm Subdivision - PB Submission Items

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, Mike

Jeff Brubaker, AICP
(207) 439-1813 x112

From: Mike Sudak <mike@attarengineering.com>
Sent: Wednesday, December 7, 2022 10:24 AM
To: Planner <jbrubaker@eliotme.org>; Steve Harding <sharding@sebagotechnics.com>
Cc: Ken Wood <Ken@attarengineering.com>; Sammie Rogers <sammie@attarengineering.com>
Subject: RE: Clover Farm Subdivision - PB Submission Items

Good Morning Jeff, Steve,

In checking over the materials I sent you yesterday afternoon it looks like I neglected to include one of the sheets within the Plan Set. I've attached the corrected .PDF for you both.

Thanks,
-Mike

From: Mike Sudak
Sent: Tuesday, December 6, 2022 4:52 PM
To: Jeff Brubaker <jbrubaker@eliotme.org>; Steve Harding <sharding@sebagotechnics.com>
Cc: Ken Wood <Ken@attarengineering.com>; Sammie Rogers <sammie@attarengineering.com>
Subject: Clover Farm Subdivision - PB Submission Items

Good Afternoon Jeff, Steve,

Attached please find an updated Plan Set and associated attachments for the Clover Farm Subdivision.

Revisions have been made to satisfy the Sebago Technics November 9th Memo, as well as comments from the November 15th Planning Board meeting.

Hard copies will be delivered when the Town Offices open tomorrow morning.

Please let me know if you have any questions/concerns.

Thanks and take care.

-Mike

Michael J. Sudak, E.I.
Civil Engineer
Attar Engineering, Inc.
1284 State Road
Eliot, Maine 03903
Ph: (207) 439-6023
Fax: (207) 439-2128
Cell: (978) 317-3398

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

CASE NO. _____

**TOWN OF ELIOT
PLANNING BOARD
SUBDIVISION APPLICATION**

This application shall conform in all respects to the Land Subdivision Standards of Chapter 41 of the Planning Board of the Town of Eliot code of ordinances. Ten (10) copies of application and sketch plan shall be submitted.

Application for () Sketch plan

() Preliminary plan for major subdivision

Final plan for minor subdivision

1. Proposed name of subdivision Clover Farm Subdivision

2. Location of property 771 & 787 Main Street

3. Tax Map 6 Lot # 43, 44, & 154 Size (acres) 10.95 (combined)

4. Zoning District (circle one) Commercial/Industrial Rural Suburban Village
Mark McNally Building Maintenance, LLC.
Jesse Realty, LLC.

5. Name of record owner LJE Property Development, LLC.

Mailing address 1381 Elwyn Road, Portsmouth NH Phone # 603.498.3837

6. Name of applicant Attar Engineering, Inc.

Mailing address 1284 State Road, Eliot ME Phone # 207.439.6023

If corporation, name of agent Michael J. Sudak, E.I., Applicant's Agent/Engineer

7. A complete statement of any easements relating to the property is attached hereto

(if none, so state) Attached as requested in Cover Letter/Plan Set

8. Deed or deeds recorded at County Registry of Deeds

Date _____ Book # 18327 Page # 751

Date _____ Book # 17849 Page # 563

Date _____ Book # 18390 Page # 922

CASE NO. _____

9. Do the owner and/or applicant have an interest in an abutting property as stated on the attached sheet? No
10. Name, address and license # of Engineer, Land Surveyor, Architect, or Planner
Kenneth A. Wood, P.E. #5992, President of Attar Engineering, Inc.
11. Preliminary plan covers See Item #13
12. If applicable, has the owner and/or applicant been approved for a MaineDOT driveway permit for the installation, physical change or change of use a driveway located on a State highway? Update with Van Terrell response
13. Does owner propose to submit Final Subdivision Plan to cover the entire Preliminary Plan, or to file same in sections? Final Subdivision Plan to cover entire Preliminary Plan
If so, how many? _____
14. Does the preliminary plan cover the entire contiguous holdings of the applicant?
Yes
15. Entrances onto existing or proposed collector streets do not exceed a frequency of one per 400' of street frontage? Yes No See Approved Waiver on Site Plan
16. Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage? Yes No N/A
17. A distance of at least 200' is maintained between centerlines of offset intersecting streets? Yes No
18. Does the applicant propose to dedicate to the public all streets, highways and parks shown on the plan? No, proposed street to remain Private

CASE NO. _____

19. Give the number of acres which the applicant proposes to dedicate to public to use for park, playground and/or other purposes None, payment in-lieu granted per Approved Waivers

20. If any waivers of requirements are to be requested, list them on a separate sheet, referencing the Sections in Chapter 41 and give reasons why such requirements should be waived .

21. Is the property located in a flood zone? No

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

Subdivider shall submit fees as specified in Sections 1-25 in the amount of \$200/lot prior to the second meeting with the Planning Board. Fees are not refundable.

Applicant signature Michael J. Suda Date 01/09/23
agent

Owner signature _____ Date _____

Planning Assistant _____ Date _____

FEES:	
Major subdivision	\$200 per lot
Minor subdivision	\$200 per lot

CASE NO. _____

**Town of Eliot Planning Board
CHECKLIST FOR A SUBDIVISION APPLICATION
(All items will be reviewed unless otherwise noted or NA)**

- The owner of the property is
Mark McNally Building Maintenance, LLC., Jesse Realty, LLC., & LJE Property Maintenance, LLC.
- The applicant is the Parcel Owners who has demonstrated a legal interest in the property by providing:
their Record Deeds
- Agents for the applicant are:
Michael J. Sudak, E.I. & Kenneth A. Wood, P.E. of Attar Engineering, Inc.
- The property is located at 771 & 787 Main Street, in the Village zoning district, identified as Assessor's Map 6, Lot , and containing acres
- Application is for establishment of (new) (modification to existing) Major/Minor Subdivision. Lots 43, 44, & 154 10.95 Acres
- Existing Subdivision was approved by the Planning Board on _____.
- The name of the proposed subdivision is Clover Farm SDV and it will contain 8 lots which range in size from 1.02 acres to 1.62 acres and are shown on Plan No. 1, dated 01/10/2023
- Easements and/or Rights of Way affected by or within the proposed subdivision are as follows:
- a. 20' access easement for Remick Cemetery
 - b. 5' easement for future pedestrianway improvements of Main Street R.O.W.
 - c. stormwater easements as depicted on the Final Subdivision Plan
- Entrances onto existing or proposed collector streets do not exceed a frequency of one per 400' of street frontage? Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage? See Approved Wavier on Site Plan
- Owner/applicant has been approved for a driveway permit from MaineDOT for the installation, change or change of use on any State highway, if applicable?
- Lots within the proposed Subdivision will have (private) (public) water supply and (private) (public) (private central) sewage disposal systems.
- Sketch Plan was accepted by the Planning Board on 07/26/2022
- Preliminary Plan approved by Planning Board on 12/13/2022
- A Site visit was conducted on 05/31/2022
- A public hearing was held on 11/15/2022
- 07/26/22 abutters spoke or submitted written correspondence at the Public Hearing or submitted written correspondence by mail.
written letter from John & Debra Crosier, read into record at 07/26/22 Planning Board meeting

N/A members of the public spoke or submitted written correspondence at the Public Hearing or submitted written correspondence by mail.

- The application was discussed by the Planning Board on 05/17/22, 05/31/22, 06/21/22, 07/26/22, 09/20/22, 10/18/22, 11/15/22, & 12/13/22
- Plan for minimizing surface water drainage (Section 41-213) submitted: (Yes) (No) (Waiver requested).
- Soil Erosion and Sediment Control Plan (Section 41-214) submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Statement or plan showing effect upon air quality (Section 41-212) submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Soils Report and High Intensity Soils Survey [Section 41-150(11)] submitted: (Yes) (No) (Waiver requested) See Approved Waiver on Site Plan
- (Optional for Minor Subdivision)* Location of all natural features or site elements to be preserved (Section 41-215) identified: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Statement or plan concerning historical sites and land use patterns (Section 41-216) submitted: (Yes) (No) (Waiver requested).
- Means of providing water supply to the proposed subdivision (Section 41-217) identified: (Yes) (No) (Waiver requested).
- Sanitary sewerage system (Section 41-218) identified: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Community services and impact statement (Section 41-220) submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Traffic congestion and safety plan (Section 41-221) submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Public health and safety statement (Section 41-222) submitted: (Yes) (No) (Waiver requested).
- Compliance with Federal, State, and Local land use laws (Section 41-223) demonstrated: (Yes) (No).
- (Optional for Minor Subdivision)* Estimated Progress schedule [Section 41-150(21)] submitted: (Yes) (No) (Waiver requested).
- Adequate financing (Section 41-224) demonstrated: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Water Department approval provided for public water service [Section 41-174 (1)]
- (Optional for Minor Subdivision)* State of Maine, Department of Human Services approval for central water supply system provided [Section 41-174 (2)]

CASE NO. _____

Soil Scientist approval for individual wells provided [Section 41-174 (3)]: (Yes) (No)

Proposed subdivision Plan reviewed by the Department of Environmental Protection: (Yes) (No) (Waiver requested).

Proposed subdivision Plan reviewed by the Department of the Army, Corps of Engineers: (Yes) (No) (Waiver requested)

Proposed subdivision Plan reviewed by the York County Soil and Water Conservation District: (Yes) (No) (Waiver requested)

Other _____

Mark McNally Building Maintenance, LLC

1381 Elwyn Road
Portsmouth, NH 03801
603-275-6369

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

April 11th, 2022

Dear Mr. Brubaker,

Please be informed that Kenneth A. Wood, P.E. and Michael J. Sudak, E.I.T. of Attar Engineering, Inc. will be acting as my agent for the applications and permitting of my project on Main Street in Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely;

Mark McNally 
Mark McNally Building Maintenance, LLO.

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

Jesse Realty, LLC
2552 Longboat Drive
Naples, FL 34104

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

April 11th, 2022

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Please contact me if I can provide any additional information.

Sincerely;



Kris Glidden
Jesse Realty, LLC

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

LJE Property Development, LLC
2 Punkin Town Road, Suite 340
South Berwick, ME 03908

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

April 11th, 2022

Dear Mr. Brubaker,

Please be informed that Kenneth Wood, P.E. and Michael J. Sudak, E.I.T. of Attar Engineering, Inc. will be acting as my agent for the applications and permitting of my project on Main Street in Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely;

A handwritten signature in black ink, appearing to read "Thomas Howarth". The signature is fluid and cursive, with a large initial "T" and "H".

Thomas Howarth
LJE Property Development, LLC

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

AGREEMENT

NOW COME Mark McNally of 1395 Elwyn Road, Portsmouth, New Hampshire 03801 (“McNally”); Tom Howarth, LJE Property Development, LLC (“LJE”) of South Berwick, Maine; and Kris Glidden, Jesse Realty, LLC (“Jesse”) of Dover, New Hampshire (collectively, the “Parties”) this 20th day of August, 2021 (“Effective date) and agree as follows:

RECITALS

WHEREAS, McNally is the owner of certain real property with any improvements thereon located at 771 Main Street, Eliot, Maine, identified as Tax Map 6, Lot 43 on a certain plan entitled Subdivision Plan, Clover Farms, Main Street, Eliot, Maine, for ARCS Property Maintenance, 771 Main St., Eliot, Maine, 03903, dated 6/22/21, by Attar engineering, Inc. (The “Plan”);

WHEREAS, LJE is the owner of certain real property with any improvements thereon located at 787 Main Street, Eliot, Maine, identified as Tax Map 6, Lot 154, reconfigured lot 1, LJE Property Development, LLC on the Plan;

WHEREAS, Jesse is the owner of certain real property with any improvements thereon located at 787 Main Street, Eliot, Maine, identified as Tax Map 6, Lot 44 reconfigured lot 2, Jesse Realty, LLC on the Plan¹;

WHEREAS, McNally and LJE/Jesse each intend to develop their respective lot(s);

WHEREAS, the proposed LJE development is located to the South/South-West and adjacent to the planned McNally development;

WHEREAS, the proposed Jesse development is located to the South/South-West and adjacent to the planned McNally development;

WHEREAS, LJE/Jesse desire an easement over the McNally property as depicted on the Plan to access and develop their property directly to the South/South-West and adjacent to McNally respectively.

WHEREAS, McNally desires additional land added to his as depicted on the Plan;

WHEREAS, pursuant to this agreement, the Parties desire to accommodate each other with respect to development of their respective lots;

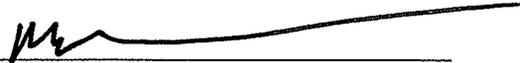
¹ All addresses are subject to change by the Town of Eliot.

CONDITIONS

NOW, THEREFORE, in consideration of the above recitals, and the entire contents of this agreement, which each party hereto agrees and acknowledges constitutes adequate consideration, the parties agree as follows:

1. The Plan, which is to be recorded in the York County Registry of Deeds, is incorporated into this agreement as Exhibit 1.
2. At a closing date to be agreed upon by and between the parties, but no later than September 1st, 2021, McNally shall grant to LJE and Jesse a non-exclusive permanent easement over the entrance, driveway, or roadway or as it may be otherwise termed, running from Route 103 along the boundary of the McNally land as depicted on the Plan, running with the land, for pedestrian and vehicular access, ingress and egress, including, temporarily, construction vehicles to permit development of the LJE and Jesse lots as depicted upon the Plan.
3. The purpose of the easement is to connect the entrance, driveway, or roadway or as it may be otherwise termed, on the McNally parcel to the entrance, driveway, or roadway or as it may be otherwise termed to be built by LJE/Jesse on their respective parcels.
4. The driveway on the McNally parcel shall be constructed at McNally's sole expense. McNally shall also at his expense run utilities to the most southerly end of the entrance, driveway, or roadway or as it may be otherwise termed on his parcel, permitting LJE/Jesse to connect. Furthermore, The road materials existing within the current access drive, roadway to the respective LJE/Jesse parcels shall be moved and reinstalled on the LJE/Jesse parcels to extend the entrance, driveway, or roadway or as it may be otherwise termed.
5. At said closing, LJE/Jesse, shall deed to McNally via deed, the "L" shaped parcel bordering the approximate NW, and S/SW boundaries of the existing McNally parcel, Tax Map 6, Lot 43 as depicted on the Plan. Upon recording of the deed, exclusive use of said parcel shall be reserved to McNally and existing Tax Map 6 Lot 43.
6. In the event that one or more of the proposed developments are not approved, the easement(s) and deed contemplated herein shall survive.
7. This agreement is construed under the laws of the State of Maine. All parties agree to submit to the jurisdiction of Maine courts.
8. This document contains the entire agreement of the parties. Any previous discussions, written or oral or superseded and merged herein. No amendment to this agreement shall be effective unless in writing, executed by all parties hereto.
9. This agreement shall remain in full force and effect and shall survive any decision made, regardless of the outcome of permitting approval or decline by the town of South Berwick.

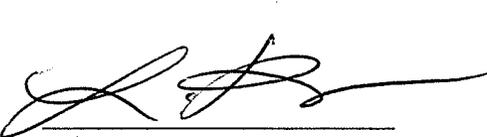

Witness

By: 
Mark McNally

STATE OF NEW HAMPSHIRE, COUNTY OF ROCKINGHAM

On this 15 day of August, 2021, personally appeared the above named Mark McNally, known to me and acknowledged the foregoing to be his free act and deed. Before me,

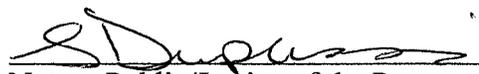

Notary Public/Justice of the Peace
Commission expires: 4/8/2025


Witness

By: 
Tom Howarth, LJE Properties Development, LLC

STATE OF MAINE, COUNTY OF YORK

On this ____ day of August, 2021, personally appeared the above named Tom Howarth, on behalf of L JE Property Development, LLC, known to me and acknowledged the foregoing to be his free act and deed. Before me,


Notary Public/Justice of the Peace
Commission expires:

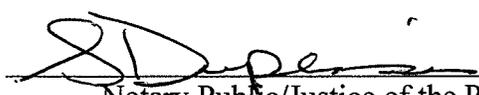
SARAH L. DUPLESSIS
NOTARY PUBLIC
State of Maine
My Commission Expires
January 23, 2022


Witness

By: 
Kris Glidden, Jesse Realty, LLC

STATE OF MAINE, COUNTY OF YORK

On this 14 day of August, 2021, personally appeared the above named Kris Glidden, on behalf of Jesse Realty, LLC, known to me and acknowledged the foregoing to be his free act and deed. Before me,


Notary Public/Justice of the Peace
Commission expires:

SARAH L. DUPLESSIS
NOTARY PUBLIC
State of Maine
My Commission Expires
January 23, 2022

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That I, Valentina Hong Thanh Luong, Trustee of the **Michael Anthony Boccia and Valentina Hong Thanh Luong Trust**, (Loung was incorrectly spelled in prior deed) u/d/t dated February 21, 2013 with a mailing address of 246 Main Street, Eliot, York County ME 03903, for consideration paid grant(s) to **Mark McNally**, Married, of 1381 Elwyn Road, Portsmouth, Rockingham County NH 03801, with WARRANTY COVENANTS:

A certain lot or parcel of land, together with the buildings thereon, situated in the Town of Eliot, County of York and State of Maine, and bounded and described as follows:

COMMENCING at the northerly corner of this parcel at a hub driven into the ground at the southwesterly sideline of Route #103 in said Eliot, which hub lies 75 feet southeasterly of the point of intersection of the fence marking the boundary line of property now or formerly of Hanscom heirs' and the southwesterly sideline of said Route #103; and running thence South 31-1/2° East for 218 feet to a hub driven into the ground at the southwesterly sideline of said Route #103 and at the easterly corner of the premises hereby conveyed; thence turning and running South 63° West for 318 feet to another hub driven into the ground designating the southerly corner of this parcel; thence turning and running North 28° West 258 feet to another hub driven into the ground designating the westerly corner of this parcel; thence turning and running North 70° East 305 feet to the first mentioned hub and place of beginning.

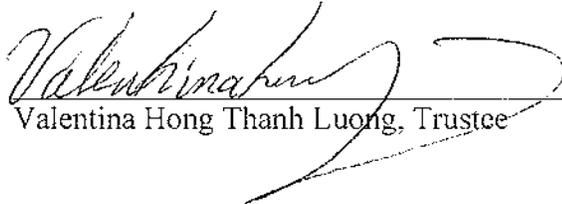
Meaning and intending to describe and convey the same premises conveyed to Michael A. Boccia, Trustee of the Michael Anthony Boccia and Valentina Hong Thanh Luong Trust from Fred F. King Jr Living Trust and the Beverly J. King Living Trust by virtue of a deed dated December 15, 2016 and recorded on December 16, 2015 in the York County Registry of Deeds at Book 17152, Page 537.

The property is not the residence of the grantor or the grantor's spouse and is not subject to homestead rights.

Maine R.E. Transfer Tax Paid

Executed this 3rd day of August, 2020.

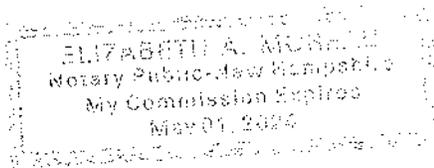
Michael Anthony Boccia and Valentina Hong Thanh Luong Trust


Valentina Hong Thanh Luong, Trustee

State of New Hampshire
County of Rockingham

August 3, 2020

Then personally appeared before me on this 3rd day of August, 2020, the said Valentina Hong Thanh Luong, Trustee of the Michael Anthony Boccia and Valentina Hong Thanh Luong Trust and acknowledged the foregoing to be her voluntary act and deed.




Notary Public/Justice of the Peace
Commission expiration: 5/1/2024

Please Return to:
CPN Realty
Po Box 657
Eliot, ME 03903

DEBRA L. ANDERSON, REGISTER OF DEEDS



Bk 17849 PG 563
Instr # 2018049422
11/26/2018 11:15:32 AM
Pages 5 YORK CO

WARRANTY DEED

DLN: 1001840044452
KNOW ALL PERSONS BY THESE PRESENTS that JESSE REALTY, LLC, a Florida Limited Liability Company, with an address of 2552 Longboat Drive, Naples, Florida (34104), and CPN REALTY, LLC, a New Hampshire limited liability company, with an address of 31 Clark Road, Eliot, Maine (03903), and a mailing address of PO Box 657, Eliot, Maine (03903), for consideration paid, grant to JESSE REALTY, LLC, a Florida Limited Liability Company, with an address of 2552 Longboat Drive, Naples, Florida (34104), with Warranty Covenants:

Maine R. E. Transfer Tax Paid

A certain unimproved parcel of land, situated in the Town of Eliot, County of York, State of Maine, located on the westerly side of Main Street, containing approximately 4.455 acres of upland, and the associated tidal flats in the Piscataqua River, being a portion of the land of the grantor described in a deed recorded at the York County Registry of Deeds in Book 17481, Page 446 and shown as **PROPOSED LOT 2** on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled "PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME" - project 16-166.00, to be recorded (the "Plan"),

(reference is also made to a plan by CIVIL CONSULTANTS, entitled "BOUNDARY PLAN PREPARED FOR JAMES D. & ORLEY MAE WHITE, Site Location: 139 Main Street, Eliot, Maine", project number 89-115.01, dated June 21, 2005, recorded at the York County Registry of Deeds in Plan Book 302, Page 6; bearings as shown on the first referenced plan are based on Grid North, Maine State Plane Coordinate System, West Zone, NAD 83; bearings as shown on the second referenced plan are based on magnetic north; the orientation difference is 14°28'49")

and being more particularly described as follows:

UPLAND PARCEL

BEGINNING at a 5/8" diameter iron rebar with a cap marked "PLS 1311" in the westerly line of Main Street which marks the northeasterly corner of land now or formerly of the Fred King, Jr. Living Trust and the Beverly J. King Living Trust as described in a deed recorded at the York

5p ↓
Red Door title, LLC

County Registry of Deeds in Book 8105, Page 151 and the most easterly corner of the herein-described parcel;

thence S 54°21'53" W, along said King land, 305.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

thence S 42°17'19" E, along said King land, 258.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

thence N 46°46'42" E, along said King land, 18.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

thence S 45°22'40" E, along land now or formerly of Jason Scott King as described in a deed recorded at the York County Registry of Deeds in Book 15988, Page 824, 99.07 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

thence S 45°22'40" E, along land now or formerly of Kent W. and Deanna L. Davis as described in a deed recorded at the York County Registry of Deeds in Book 16208, Page 514, 99.07 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311" in a stone wall;

thence S 46°28'30" W, along said stone wall and land now or formerly of Jeanne A. Thorvaldsen and Kenneth Wyman as described in a deed recorded at the York County Registry of Deeds in Book 15863, Page 285, land now or formerly of Debra A. and Steven R. Farnham as described in a deed recorded at the York County Registry of Deeds in Book 9954, Page 245, and land now or formerly of Barbara F. Gauthier as described in a deed recorded at the York County Registry of Deeds in Book 2699, Page 10, 221.19 feet to a point at the end of said wall;

thence S 46°48'03" W, along land now or formerly of Clinton and Pamela M. Newland as described in a deed recorded at the York County Registry of Deeds in Book 2133, Page 887, land now or formerly of Nichole M. and Frederick L. Poisson as described in a deed recorded at the York County Registry of Deeds in Book 11980, Page 184, land now or formerly of Barbara B. Wilson and Katherine H. Morin as described in a deed recorded at the York County Registry of Deeds in Book 14551, Page 713, land now or formerly of John E. and Sigred Marston as described in a deed recorded at the York County Registry of Deeds in Book 1985, Page 249, and land now or formerly of Janet A. and Julia M. Saurman as described in a deed recorded at the York County Registry of Deeds in Book 15517, Page 54, 349.49 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1302";

thence S 46°45'56" W, along land now or formerly of Gregory J. and Andrea M. Power as described in a deed recorded at the York County Registry of Deeds in Book 8136, Page 264, 97.36 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1302";

thence S 46°45'56" W, along said land now or formerly of Gregory J. and Andrea M. Power, 97.36 feet to a 5/8" diameter iron rebar with a cap marked "PLS 2059";

thence S 46°45'56" W, along said land now or formerly of Gregory J. and Andrea M. Power, 52.70 feet to a point at normal high water line of the Piscataqua River;

thence northwesterly by the meanders of the normal high water line of said river, approximately 190 feet to a point at the westerly end of a new division line, said point being located at a tie course and distance of N 39°03'15" W, 188.09 feet from the last described point;

thence N 44°45'45" E, along a new division, 305.15 feet to a point;

thence N 41°35'50" E, along a new division, 294.40 feet to a point in the westerly line of a proposed 50-foot wide access way;

thence N 41°35'50" E, along a new division and the southerly terminus of said access way, 25.09 feet to a point;

thence generally northerly, following the arc of a circular curve concave to the northeast and along the centerline of said access way, an arc length of 207.31 feet to a point, said curve is additionally defined by the following elements: radius=200.00 feet, central angle=59°23'25", chord bearing=N 23°53'29" W, chord length=198.15 feet;

thence N 05°48'14" E, along the centerline of said access way, 77.39 feet to a point;

thence generally northeasterly, following the arc of a circular curve concave to the east and along the centerline of said access way, an arc length of 84.75 feet to a point, said curve is additionally defined by the following elements: radius=100.00 feet, central angle=48°33'40", chord bearing=N 30°05'04" E, chord length=82.24 feet;

thence N 54°21'53" E, along the centerline of said access way, 259.87 feet to a point in the westerly line of Main Street;

thence S 46°14'14" E, along Main Street, 37.50 feet to the POINT OF BEGINNING;

together with all of the appurtenant tidal lands in the Piscataqua River, and

together with easements of record benefitting the herein-described parcel as are identified on the herein-referenced plans, and subject to easements also as identified on said plans;

TOGETHER WITH an easement for the benefit of the owners of PROPOSED LOT 2, in common with the owners of PROPOSED LOT 1 shown on the Plan, and identified on the Plan as "Proposed Private 50' Access Way," to be used as a shared driveway for ingress and egress from and to Main Street, by foot and by vehicle, and for the construction and maintenance of above ground and below ground utilities;

TOGETHER WITH AND SUBJECT TO the obligation of current and future owners of PROPOSED LOT 1 and PROPOSED LOT 2 (the "Lot Owners") to maintain the Proposed Private 50' Access Way in a good and useful condition, under all traffic and weather conditions.

The Lot Owners shall equally share the cost of necessary maintenance and repairs, including but not limited to, snowplowing, snow removal, sanding and ice control, grading, installation and maintenance of ditches and culverts, cutting of brush and paving, all as applicable. This maintenance obligation shall be enforceable by either of the Lot Owners, their heirs, successors and assigns, and shall also be for the benefit of the mortgagees of the Lot Owners, such that any mortgagee of a mortgage of the premises referred to herein shall have the right to enforce this Agreement;

TOGETHER WITH an easement for the benefit of the owners of PROPOSED LOT 2, 10-feet in width, across PROPOSED LOT 1 shown on the Plan, in a mutually convenient location to allow for a connection to any existing or future waterlines constructed within the "30' Water Line Easement" shown on the Plan and described in deed recorded at the York County Registry of Deeds in Book 1985, Page 188;

MEANING AND INTENDING to describe and convey a portion of the premises conveyed by deed of Orley Mae White, Trustee of the Home Field Trust, said deed of near or even date and recorded herewith.

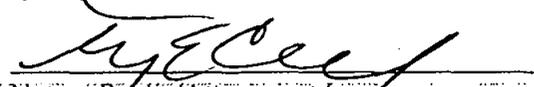
WITNESS my hand and seal on this 21 day of November, 2018.

JESSE REALTY, LLC


By: Kris Glidden, Member

STATE OF New Hampshire
COUNTY OF Rockingham

Before me this 21 day of November, 2018, personally appeared the above-named Kris Glidden in the capacity as Member of Jesse Realty, LLC, and acknowledged the foregoing instrument to be her voluntary act and deed in said capacity.


Notary Public/Attorney at Law
My Comm. Expires: _____

Timothy E Cornwell
New Hampshire
Commissioner of Deeds
My Commission Expires
01/24/2023

WITNESS our hands and seals on this 21 day of November, 2018.

CPN REALTY, LLC

David L. Chase

By: David L. Chase, Member

Laurie A. Chase

By: Laurie A. Chase, Member

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Before me this 21 day of November, 2018, personally appeared the above-named David L. Chase and Laurie A. Chase in their capacity as Members of CPN Realty, LLC, and acknowledged the foregoing instrument to be their voluntary act and deed in said capacity.

Timothy E. Cornwell
Notary Public/Attorney at Law
My Comm. Expires: _____

Timothy E Cornwell
New Hampshire
Commissioner of Deeds
My Commission Expires
01/24/2023

Return to:
LJE Property Development, LLC

DLN:1002040112472

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **CPN Realty, LLC**, a New Hampshire Limited Liability Company, with a mailing address of P.O. Box 657, Eliot, ME 03903, for consideration paid grants to **LJE Property Development, LLC**, a Maine Limited Liability Company, with a mailing address of 2 Punkin Town Road, Suite 340, South Berwick, ME 03908, with WARRANTY COVENANTS:

A certain unimproved parcel of land, situated in the Town of Eliot, County of York, State of Maine, located on the westerly side of Main Street, containing approximately 4.115 acres of upland, more or less, and the associated tidal flats in the Piscataqua River, being a reconfiguration of two lots:

1) A portion of the lands of CPN Realty, LLC described in a deed recorded at the York County Registry of Deeds in Book 17849, Page 559 and shown as LOT 1 on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled "PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME" - project 16-166.00 (SHEET D1), and also as shown on a plan by CIVIL CONSULTANTS, dated December 12, 2018, entitled "PLAN OF LAND OF CPN REALTY, LLC æ" 787 MAIN STR., ELIOT, YORK COUNTY, ME" - project 16-166.00 (SHEET D2), recorded at the York County Registry of Deeds in Plan Book 399, Page 10, and

2) A portion of the lands of Jesse Realty, LLC described in a deed recorded at the York County Registry of Deeds in Book 17849, Page 563 and shown as LOT 2 on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled "PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME" - project 16-166.00, and also as shown on a plan by CIVIL CONSULTANTS, dated December 12, 2018, entitled "PLAN OF LAND OF JESSE REALTY, LLC - 787 MAIN STR., ELIOT, YORK COUNTY, ME" - project 16-166.00 (SHEET D3), recorded at the York County Registry of Deeds in Plan Book 399, Page 11.

(Reference is also made to a plan by CIVIL CONSULTANTS, entitled "BOUNDARY PLAN PREPARED FOR JAMES D. & ORLEY MAE WHITE, Site Location: 139 Main Street, Eliot, Maine", project number 89-115.01, dated June 21, 2005, recorded at the York County Registry of Deeds in Plan Book 302, Page 6; bearings as shown on the first three referenced plans are based on Grid North, Maine State Plane Coordinate System, West Zone, NAD 83; bearings as shown on the second referenced plan are based on magnetic north; the orientation difference is 14°28'49")

Maine R.E. Transfer Tax Paid

The reconfigured lot of 4.115 acres, more or less, is show as "RECONFIGURED LOT 1" on a plan by CIVIL CONSULTANTS, dated February 5, 2020, entitled "PROPOSED LOT RECONFIGURATION OF LAND OF JESSE REALTY, LLC & CPN REALTY, LLC - 787 MAIN STR., ELIOT, YORK COUNTY, ME", project number 16-166.00 (SHEET D4), and is more particularly described as follows:

UPLAND PARCEL:

BEGINNING at the northeasterly corner of the herein described parcel, a point near the southerly common corner of land now or formerly of Franklin and Carolyn B. Hutchinson described in a deed recorded at the York County Registry of Deeds in Book 1888, Page 554 and land now or formerly of Christopher S. Hayden described in a deed recorded at the York County Registry of Deeds in Book 15753, Page 227, located at a tie course of S 54°21'53" W, 324.47 feet from a flat iron bar in the westerly line of Main Street which marks the southeasterly corner of land now or formerly of the June Remignanti Revocable Trust as described in a deed recorded at the York County Registry of Deeds in Book 15451, Page 115 and the most northeasterly corner of "RECONFIGURED LOT 2" shown on the last referenced plan (SHEET D4);

Thence S 59°55'20" E, along "RECONFIGURED LOT 2", 29.48 feet to a point;

Thence generally southerly, following the arc of a circular curve concave to the east and along "RECONFIGURED LOT 2", an arc length of 44.07 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS", said curve is additionally defined by the following elements: radius=125.00 feet, central angle=20°12'00", chord bearing=S 15°54'14" W, chord length=43.84 feet;

Thence S 05°48'14" W, along "RECONFIGURED LOT 2", 77.39 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 05°48'14" W, along "RECONFIGURED LOT 2", 36.45 feet to a point;

Thence S 84°11'46" E, along "RECONFIGURED LOT 2", 50.00 feet to a point;

Thence generally southerly, following the arc of a circular curve concave to the east and along "RECONFIGURED LOT 2", an arc length of 25.99 feet to a point, said curve is additionally defined by the following elements: radius=75.00 feet, central angle=19°51'20", chord bearing=S 04°07'26" E, chord length=25.86 feet;

Thence S 14°03'06" E, along "RECONFIGURED LOT 2", 67.96 feet to a point;

Red Door Title □ 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 □ (207) 358-7500

Thence S 19°06'22" E, along "RECONFIGURED LOT 2", 73.48 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 41°35'50" W, along "RECONFIGURED LOT 2", 294.40 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 2", 270.00 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 2", 29.68 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 2", 5.47 feet to a point at normal high-water line of the Piscataqua River;

Thence northwesterly by the meanders of the normal high-water line of said river, approximately 190 feet to a point at the westerly end of a stone wall, said point being located at a tie course and distance of N 53°21'59" W, 188.06 feet from the last described point;

Thence N 30°44'22" E, along a stone wall and land now or formerly of Debra M. and John T. Croiser, trustees as described in a deed recorded at the York County Registry of Deeds in Book 16975, Page 166, 25.45 feet to the end of said wall;

Thence N 27°15'02" E, by said Crosier land, 44.22 feet to the end of another stone wall;

Thence N 31°53'32" E, along said Crosier land, 197.04 feet to a point in said wall and the northwesterly corner of the Remick Family Burial Ground;

Thence the following three courses and distances around said Burial Ground as defined by granite posts:

S 56°28'01" E, 66.91 feet;

N 32°41'05" E, 68.33 feet;

N 57°48'03" W, 67.82 feet to a point in the last prior-referenced stone wall and said land of Crosier;

Thence N 31°55'36" E, along said wall and land of Crosier, 20.04 feet to a 6" by 6", 4-foot-tall concrete post at the end of said wall;

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Thence N 31°53'25" E, by said Crosier land, 180.28 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 31°53'25" E, by said Crosier land, 150.00 feet to a 6" by 6", 5-foot tall concrete post;

Thence N 54°21'53" E, by land now or formerly of Christopher S. Hayden as described in a deed recorded at the York County Registry of Deeds in Book 15753, Page 227, 100.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 54°21'53" E, by said Hayden land, 34.58 feet to the POINT OF BEGINNING;

Together with all of the appurtenant tidal lands in the Piscataqua River, the division line common to "RECONFIGURED LOT 2", across the tidal lands, to extend on a course of S 43°47'23" W from the southwesterly corner of the herein-described upland parcel;

Together with easements of record benefitting the herein-described parcel, but excepting those existing between the parties herein, which are intended to be terminated and replaced by those rights as described herein, and

Subject to easements of record burdening the herein-described parcel, but excepting those existing between the parties herein, which are intended to be terminated and replaced by those rights as described herein;

The subject parcel is conveyed together with an easement to use the "PROPOSED PRIVATE ACCESS WAY" depicted on the last referenced plan (SHEET D4), in common with the owners of "RECONFIGURED LOT 2" as shown on said plan, for a joint driveway, for ingress and egress from and to Main Street, by foot and by vehicle, and for the construction and maintenance of above ground and below ground utilities;

The subject parcel is burdened by an easement to benefit the owners of "RECONFIGURED LOT 2", 10-feet in width, in a mutually convenient location, to allow for a connection to any existing or future waterlines constructed within the 30-foot water line easement described in deed recorded at the York County Registry of Deeds in Book 1985, Page 188;

The subject parcel is subject to and benefitted by mutually beneficial rights to use, for ingress and egress, the existing gravel road which extends southerly into "RECONFIGURED LOT 1" and "RECONFIGURED LOT 2" beyond the southerly limit of the easement area of the "PROPOSED PRIVATE ACCESS WAY" depicted on the last referenced plan (SHEET D4), in common with owners "RECONFIGURED LOT 2".

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Meaning and intending to describe and convey the same premises conveyed to CPN Realty, LLC by virtue of a deed from CPN Realty, LLC and Jesse Realty, LLC dated February 24, 2020 and recorded in the York County Registry of Deeds at Book 18181, Page 913.

By executing this Deed, the undersigned further certify that they named in the Operating Agreement and Certificate of Formation as two of the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described in the above deed on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

Executed this 24 day of September, 2020.

CPN Realty, LLC

By: Laurie A. Chase
Laurie A. Chase, Member

By: David L. Chase
David L. Chase, Member

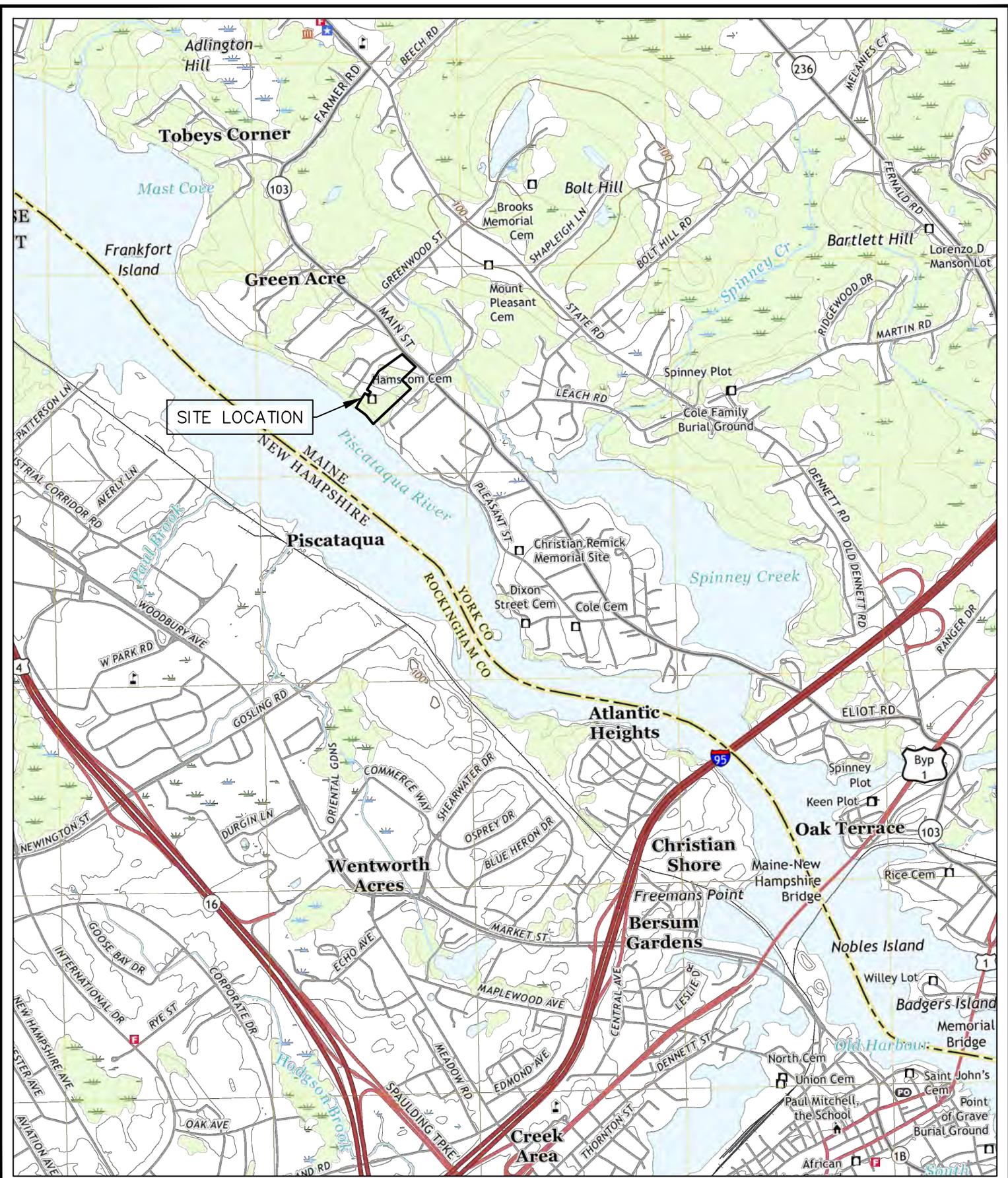
State of Maine
County of York

Then personally appeared before me on this 24 day of September, 2020 the said Laurie A. Chase, Member and David L. Chase, Member of CPN Realty, LLC and acknowledged the foregoing to be their voluntary act and deed in their said capacity.



Timothy E. Cornwell
Notary Public
Commission expiration:

Red Door Title ☐ 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 ☐ (207) 358-7500



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

SCALE: 1" = 2,000'	APPROVED BY:	DRAWN BY: MJS
DATE: 08/23/22		REVISION DATE: - : -
JOB NO: C174-21	FILE: MAIN ST REV BASE.DWG	SHEET: 1

LOCATION:
 CLOVER FARM SUBDIVISION
 771 & 787 MAIN STREET, ELIOT ME
 TAX MAP 6, LOTS 43, 44, 154

INFORMATION:
 USGS LOCATION MAP
 7.5-MINUTE SERIES
 PORTSMOUTH QUADRANGLE

MARK MCNALLY,
 BUILDING MAINTENANCE, LLC.
 LJE DEVELOPMENT, LLC.
 JESSE REALTY, LLC.



60 feet Abutters List Report

Eliot, ME
August 19, 2022

Subject Properties:

Parcel Number: 006-043-000
CAMA Number: 006-043-000
Property Address: 771 MAIN ST

Mailing Address: MCNALLY, MARK
1381 ELWYN RD
PORTSMOUTH, NH 03801

Parcel Number: 006-044-000
CAMA Number: 006-044-000
Property Address: 787 MAIN ST

Mailing Address: JESSE REALTY LLC
2552 LONGBOAT DR
NAPLES, FL 34104

Parcel Number: 006-154-000
CAMA Number: 006-154-000
Property Address: MAIN ST

Mailing Address: LJE PROPERTY DEVELOPMENT LLC
2 PUNKIN TOWN RD STE 340
SOUTH BERWICK, ME 03908

Abutters:

Parcel Number: 006-031-000
CAMA Number: 006-031-000
Property Address: 24 PARK ST

Mailing Address: HINES, SUSAN N REVOCABLE TRUST
SUSAN N HINES TRUSTEE
24 PARK ST
ELIOT, ME 03903

Parcel Number: 006-032-000
CAMA Number: 006-032-000
Property Address: 22 PARK ST

Mailing Address: SAURMAN, JANET A SAURMAN, BRYAN
D & MCNEIL, EMILY L
22 PARK ST
ELIOT, ME 03903

Parcel Number: 006-033-000
CAMA Number: 006-033-000
Property Address: 20 PARK ST

Mailing Address: MARSTON, JOHN E MARSTON, SIGRED
20 PARK ST
ELIOT, ME 03903

Parcel Number: 006-034-000
CAMA Number: 006-034-000
Property Address: 18 PARK ST

Mailing Address: SIMPSON, ALLAN R SIMPSON, KATHY L
18 PARK ST
ELIOT, ME 03903

Parcel Number: 006-035-000
CAMA Number: 006-035-000
Property Address: 16 PARK ST

Mailing Address: POISSON, NICHOLE M POISSON,
FREDERICK L
16 PARK ST
ELIOT, ME 03903

Parcel Number: 006-036-000
CAMA Number: 006-036-000
Property Address: 14 PARK ST

Mailing Address: NEWLAND, PAMELA M
14 PARK ST
ELIOT, ME 03903

Parcel Number: 006-037-000
CAMA Number: 006-037-000
Property Address: 12 PARK ST

Mailing Address: CROSBY, ANITA J
12 PARK ST
ELIOT, ME 03903



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



60 feet Abutters List Report

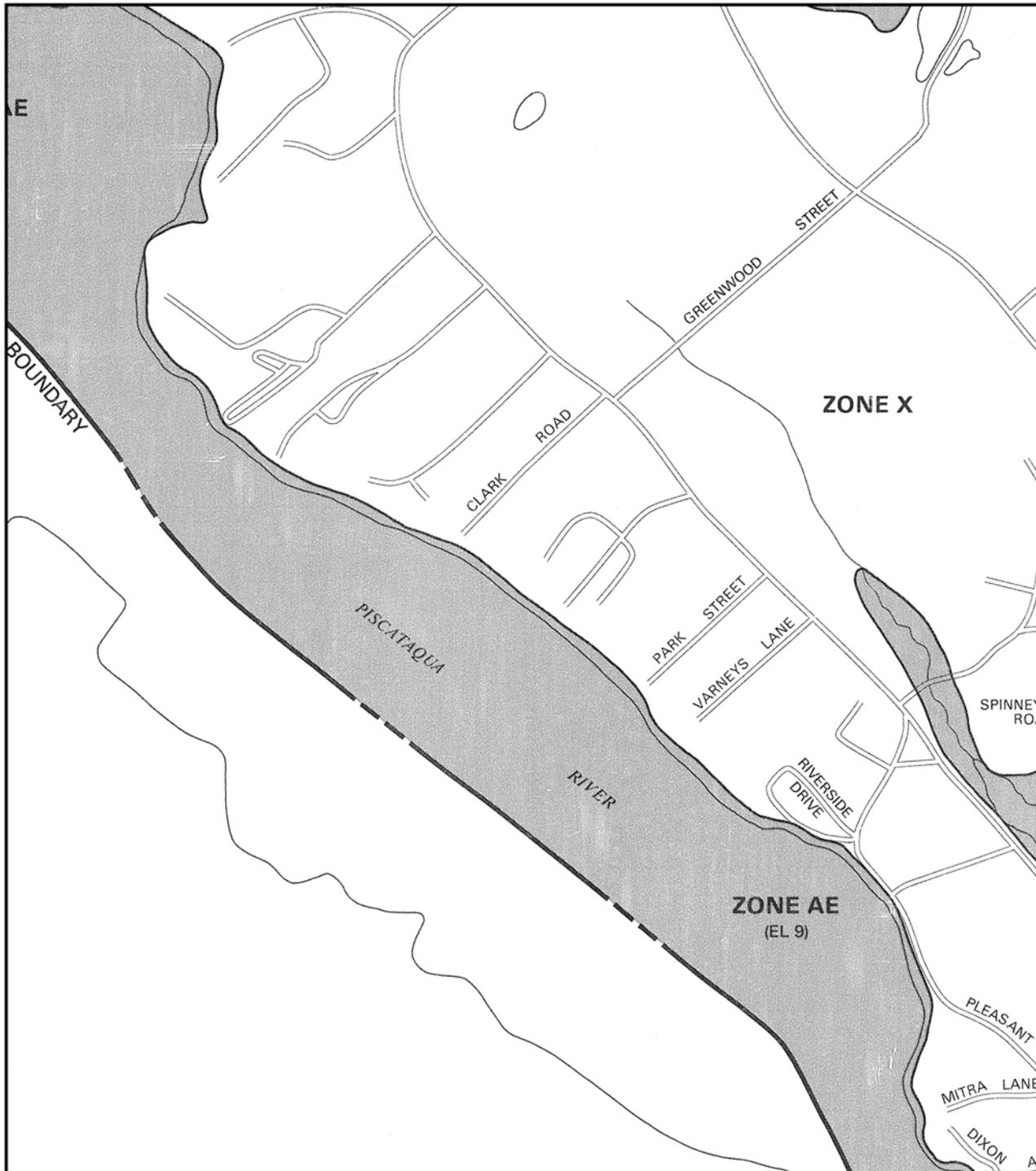
Eliot, ME
August 19, 2022

Parcel Number: 006-038-000 CAMA Number: 006-038-000 Property Address: 10 PARK ST	Mailing Address: FARNHAM, DEBRA A FARNHAM, STEVEN R 10 PARK ST ELIOT, ME 03903
Parcel Number: 006-039-000 CAMA Number: 006-039-000 Property Address: 6 PARK ST	Mailing Address: REED, CAITLIN M REED, MICHAEL R 6 PARK ST ELIOT, ME 03903
Parcel Number: 006-041-000 CAMA Number: 006-041-000 Property Address: 751 MAIN ST	Mailing Address: GRANT, CRISPIN 751 MAIN ST ELIOT, ME 03903
Parcel Number: 006-042-000 CAMA Number: 006-042-000 Property Address: 767 MAIN ST	Mailing Address: RATCLIFF, WARDWELL 767 MAIN ST ELIOT, ME 03903
Parcel Number: 006-045-000 CAMA Number: 006-045-000 Property Address: 793 MAIN ST	Mailing Address: KINNETT, CHARLES P MCNAMARA, STEPHANIE 793 MAIN ST ELIOT, ME 03903
Parcel Number: 006-046-000 CAMA Number: 006-046-000 Property Address: 11 AQUA AVE	Mailing Address: HUTCHINSON FAMILY REVOCABLE TRUST FRANKLIN & CAROLYN B HUTCHINSON TRUSTEES 11 AQUA AVE ELIOT, ME 03903
Parcel Number: 006-047-000 CAMA Number: 006-047-000 Property Address: 17 AQUA AVE	Mailing Address: SHEA, KATY 17 AQUA AVE ELIOT, ME 03903
Parcel Number: 006-048-000 CAMA Number: 006-048-000 Property Address: 21 AQUA AVE	Mailing Address: CROSIER, DEBRA M & JOHN T REVOCABLE TRUS DEBRA M & JOHN T CROSIER TRUSTEES 21 AQUA AVE ELIOT, ME 03903
Parcel Number: 006-072-000 CAMA Number: 006-072-000 Property Address: 790 MAIN ST	Mailing Address: BEAGEN, BRIDGETTE R 790 MAIN ST ELIOT, ME 03903
Parcel Number: 006-073-000 CAMA Number: 006-073-000 Property Address: 776 MAIN ST	Mailing Address: KELLY, DONNA L 776 MAIN ST ELIOT, ME 03903
Parcel Number: 006-074-000 CAMA Number: 006-074-000 Property Address: 768 MAIN ST	Mailing Address: KELSEY, KIM 768 MAIN ST ELIOT, ME 03903



www.cai-tech.com

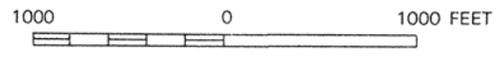
This information is believed to be correct but is subject to change and is not warranted.



or depths have been established.
 To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at (800) 638-6620



APPROXIMATE SCALE

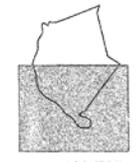


NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
 ELIOT,
 MAINE
 YORK COUNTY

PANEL 10 OF 10
 (SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

COMMUNITY-PANEL NUMBER
 230149 0010 B

EFFECTIVE DATE:
 JUNE 5, 1989



Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



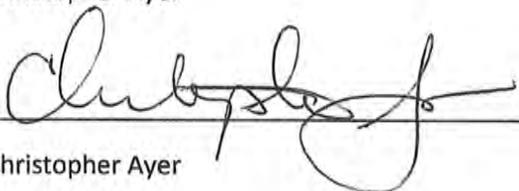
October 20, 2022

To whom it may concern:

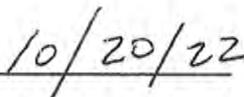
I, Christopher Ayer, Senior Vice President – Wealth Management at Pallas Capital Advisors, attest that Kristan E. Glidden has a secured line of credit, in excess of \$500k, available as need for the utility installations and road construction at 787 Main Street in Eliot, Maine. Please feel free to reach out to me directly with questions. Thank you.

Best,

Christopher Ayer



Christopher Ayer



Date

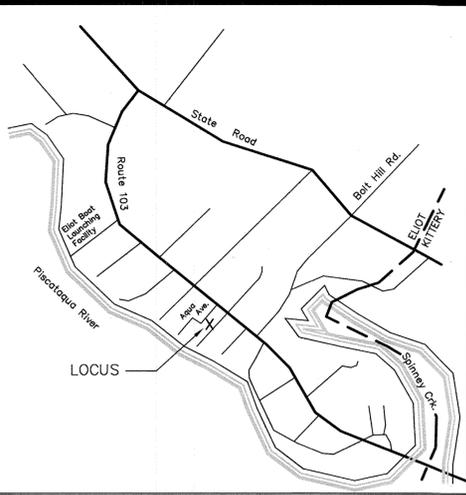
Christopher B. Ayer
Senior Vice President – Wealth Management

Pallas Capital Advisors
36 Maplewood Ave
Portsmouth, NH 03801
T: 603.292.3699 | C: 603.978.2133
Christopher@PallasCapitalAdvisors.com

MASSACHUSETTS | 45 Braintree Hill Office Park, Ste. 201 | Braintree, MA 02184 | T: 781.971.5052 | pallascapitaladvisors.com

NEW HAMPSHIRE | 36 Maplewood Avenue | Portsmouth, NH 03801 | T: 603.978.2133 | pallascapitaladvisors.com

Securities offered through Triad Advisors, LLC. Member FINRA/SIPC. Investment Advice offered through Pallas Capital Advisors, LLC, a registered investment advisor. Pallas Capital Advisors, LLC, is a separate entity from Triad Advisors, LLC.



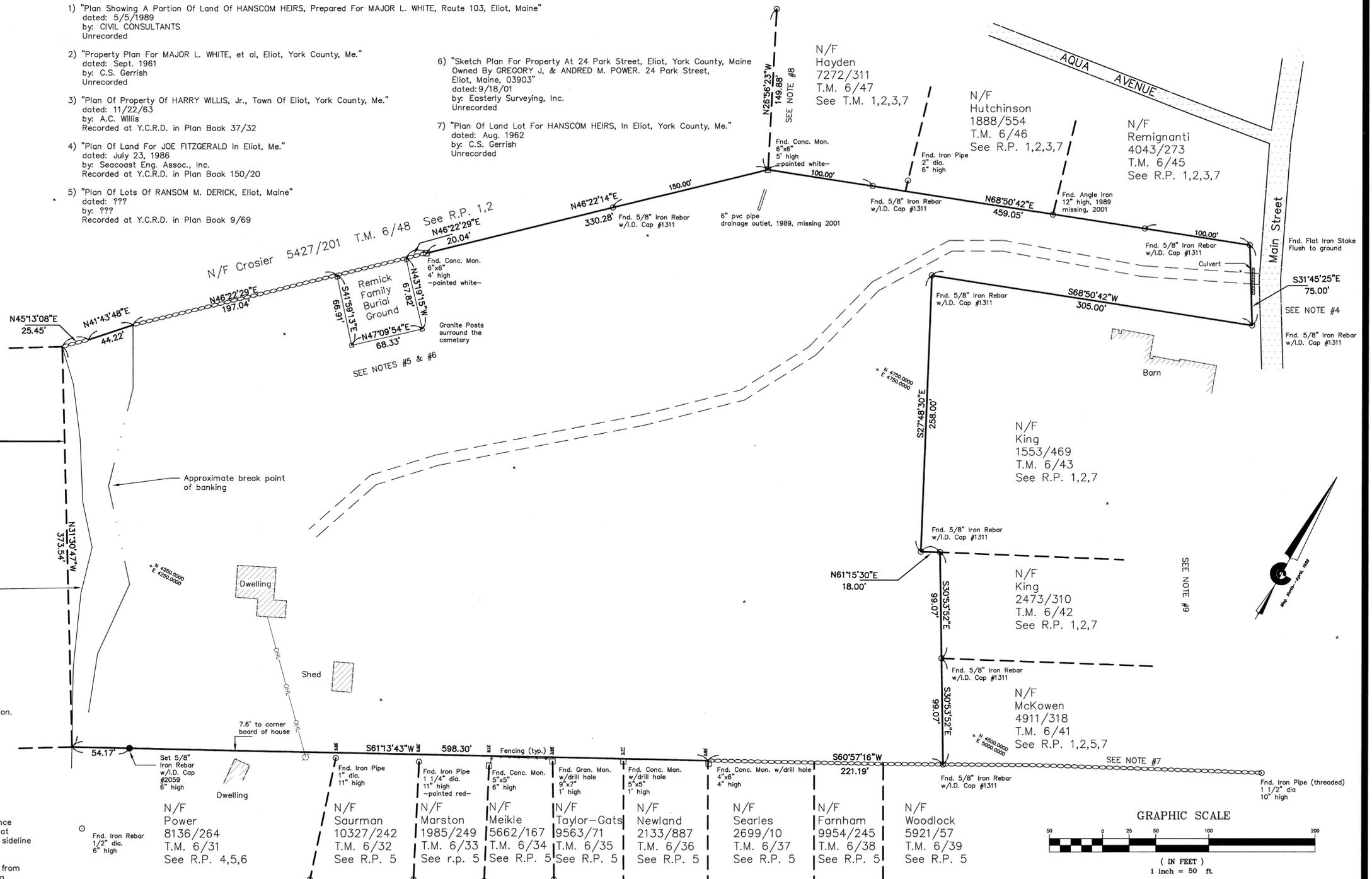
LOCATION PLAN (nts)

REFERENCE PLANS:

- "Plan Showing A Portion Of Land Of HANSCOM HEIRS, Prepared For MAJOR L. WHITE, Route 103, Eliot, Maine" dated: 5/5/1989 by: CIVIL CONSULTANTS Unrecorded
- "Property Plan For MAJOR L. WHITE, et al, Eliot, York County, Me." dated: Sept. 1961 by: C.S. Gerrish Unrecorded
- "Plan Of Property Of HARRY WILLIS, Jr., Town Of Eliot, York County, Me." dated: 11/22/63 by: A.C. Willis Recorded at Y.C.R.D. in Plan Book 37/32
- "Plan Of Land For JOE FITZGERALD In Eliot, Me." dated: July 23, 1986 by: Seacoast Eng. Assoc., Inc. Recorded at Y.C.R.D. in Plan Book 150/20
- "Plan Of Lots Of RANSOM M. DERICK, Eliot, Maine" dated: ??? by: ??? Recorded at Y.C.R.D. in Plan Book 9/69
- "Sketch Plan For Property At 24 Park Street, Eliot, York County, Maine Owned By GREGORY J. & ANDREW M. POWER, 24 Park Street, Eliot, Maine, 03903" dated: 9/18/01 by: Easterly Surveying, Inc. Unrecorded
- "Plan Of Land Lot For HANSCOM HEIRS, In Eliot, York County, Me." dated: Aug. 1962 by: C.S. Gerrish Unrecorded

PISCATAQUA RIVER

TIE-LINE, NOT A PROPERTY LINE, USED FOR BOUNDARY CLOSURE PURPOSES ONLY



PLAN NOTES:

- The field survey was performed during April, 1989 & October, 2001.
- The locus parcel is shown on Eliot Tax Map 6, Lot 44.
- The parcel area is 9.38 acres, excluding the burial ground.
- The sideline of Route 103 (Main St.) was determined from the found monumentation.
- The Remick family burial ground is excluded out of the locus parcel and it's fee remains with the Remick heirs.
- An easement by implication for the purposes of burial ground access may exist and be used by the heirs of the burial ground occupants.
- There exists a five foot water supply easement along the southeasterly boundary line of Lot #41, see Y.C.R.D. Book 1571/442.
- An easement "to erect and maintain a cold water line running from Aqua Avenue to" the locus parcel exists over the land N/F of Hayden as shown hereon, reference to Y.C.R.D. Book 1935/188. This deed apparently contains a scrivener error in that the location of said easement should read "15 equidistant from the northeasterly sideline of the premises of said David C. Wherren."
- The northerly and the westerly boundary lines for Lots 41, 42 & 43 were created from the deeds of the original creation, Plan Reference 7 and the found monumentation.
- Reference is made to a Survey Report prepared by CIVIL CONSULTANTS.
- Areas of encroaching land use have not been depicted hereon per the request of James D. and Orley Mae White.

000233

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED June 28, 2005
AT 2:36 p.m., AND RECORDED IN
PLAN BOOK 392, PAGE 6
ATTEST: Debra A. Anderson REGISTER

CERTIFICATION:

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH CHAPTER 90, PART 1 AND PART 2 OF THE STATE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.
Thomas J. McCullom
Thomas J. McCullom, P.L.S. #2059
CIVIL CONSULTANTS
South Berwick, Maine

Mailing Address:
HC 65 Box 40
Honesdale, PA 18431

NO.	REVISIONS	INT.	DATE

BOUNDARY PLAN
Prepared For
JAMES D. & ORLEY MAE WHITE
Site Location:
139 Main Street Eliot, Maine

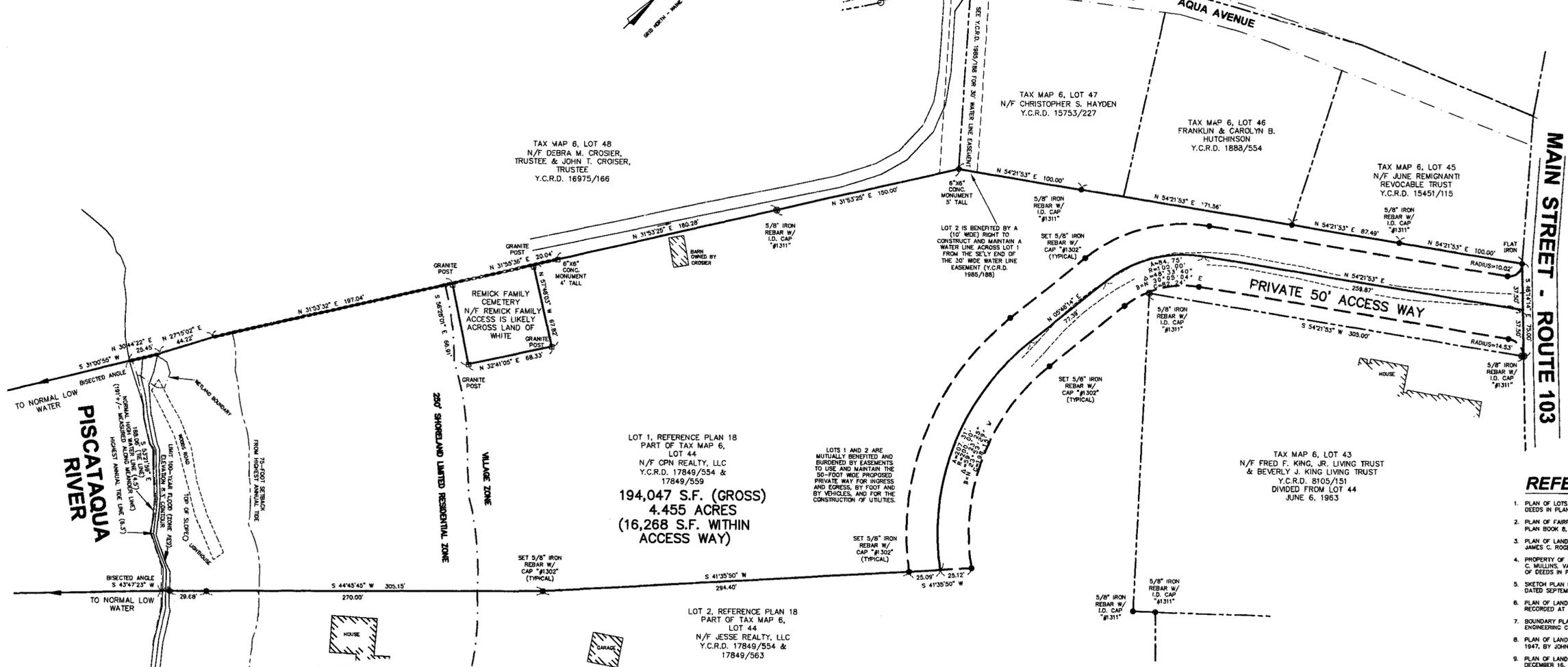
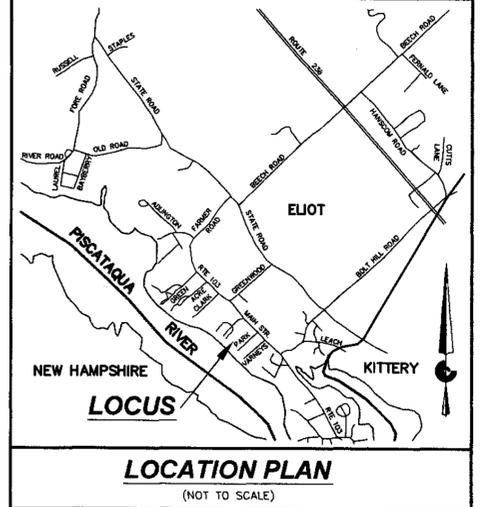
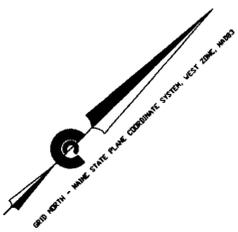
	CIVIL CONSULTANTS P.O. BOX 100 293 MAIN STREET SOUTH BERWICK MAINE 03909 207-384-2550
	DRAWN: <u>TJM</u> SCALE: <u>1" = 50'</u> DATE: <u>6/21/05</u> CALC: <u>TJM/RDW</u> APPROVED: _____ N.B. # <u>225/359</u> SHEET <u>1</u> OF <u>1</u> # <u>89-115.01</u>

DC #9115o251

CERTIFICATION:

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS (02-360 CMR CHAPTER 90, PART 1 & PART II - SEE NOTES HEREON FOR EXCEPTIONS, IF ANY).

DEC. 12, 2018
 CHRISTOPHER H. MENDE DATE:
 MAINE PROFESSIONAL LAND SURVEYOR #1302
 CIVIL CONSULTANTS
 SOUTH BERWICK, MAINE 03908



LOT 1, REFERENCE PLAN 18
 PART OF TAX MAP 6,
 LOT 44
 N/F CPN REALTY, LLC
 Y.C.R.D. 17849/554 &
 17849/559

**194,047 S.F. (GROSS)
 4.455 ACRES
 (16,268 S.F. WITHIN
 ACCESS WAY)**

LOT 2, REFERENCE PLAN 18
 PART OF TAX MAP 6,
 LOT 44
 N/F JESSE REALTY, LLC
 Y.C.R.D. 17849/554 &
 17849/563

NOTES:

- PLANNIMETRIC DETAIL DEPICTED HEREON IS THE RESULT OF AN ON-THE-GROUND FIELD SURVEY BY CIVIL CONSULTANTS IN JULY 2016. WETLANDS AS SHOWN HEREON WERE DELINEATED BY JOSEPH NOEL, MAINE SOIL SCIENTIST IN FALL OF 2015.
- NORTH AS DEPICTED HEREON IS REFERENCED TO GRID NORTH, NAD83, MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE. COORDINATE VALUES AND ORIENTATION ARE DERIVED FROM A GPS SURVEY COMPUTED UTILIZING THE NGS OPUS ON-LINE PROCESSING SERVICE. REFERENCE FRAME IS NAD83 (2011) EPOCH 2010.0000. THE SURVEY IS TIED TO CORS STATIONS GUNSTOCKMNH2008 CORS ARP (P776), GORHAM CORS ARP (M600) AND NHDOT CONCORD CORS ARP (MHC0). DISTANCES DEPICTED HEREON ARE GRID. TO CONVERT GRID DISTANCES TO GROUND DISTANCES, MULTIPLY THE GRID DISTANCE BY .999999340 (AVERAGE COMBINED SCALE FACTOR FOR THE SITE). ROTATION FROM MAGNETIC BEARINGS AS CONTAINED IN CURRENT DEED AND AS SHOWN ON PLAN 302/6 IS 14°28'49". ELEVATIONS AS SHOWN ARE BASED ON THE SAME GPS SURVEY AND NAVD83. TO CONVERT NAVD83 ELEVATIONS TO NGVD29 ELEVATIONS, ADD 0.75 FEET.
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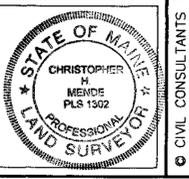
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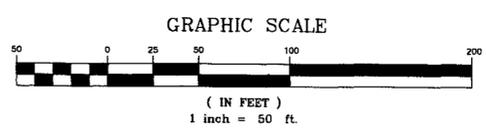
PART OF TAX MAP 6, LOT 44

000313

STATE OF MAINE
 YORK COUNTY ss. REGISTRY OF DEEDS
 RECEIVED Dec 27 2018
 AT 2:44 P.M. AND RECORDED IN
 PLAN BOOK 399, PAGE 10
 ATTEST *Money E. Hammond*
 Deputy REGISTER



CIVIL CONSULTANTS
 Engineers
 Planners
 Surveyors
 P.O. Box 100
 South Berwick
 Maine
 03908
 207-384-2560
 cclcon@cclcon.com



NO.	REVISIONS	INT.	DATE
8			
7			
6			
5			
4			
3			
2			
1			

DATE	BY	DESCRIPTION
DECEMBER 12, 2018	CHM	CALC. CHM
		CHECKED CBS
		APPROVED CHM
		SCALE 1"=50'
		FIELD BOOK
		DATA COLLECTOR FILE

SHEET TITLE:
BOUNDARY

**PLAN OF LAND OF CPN REALTY, LLC
 787 MAIN STR., ELIOT, YORK COUNTY, ME**

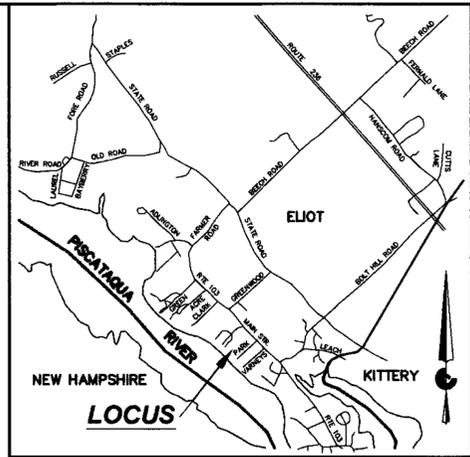
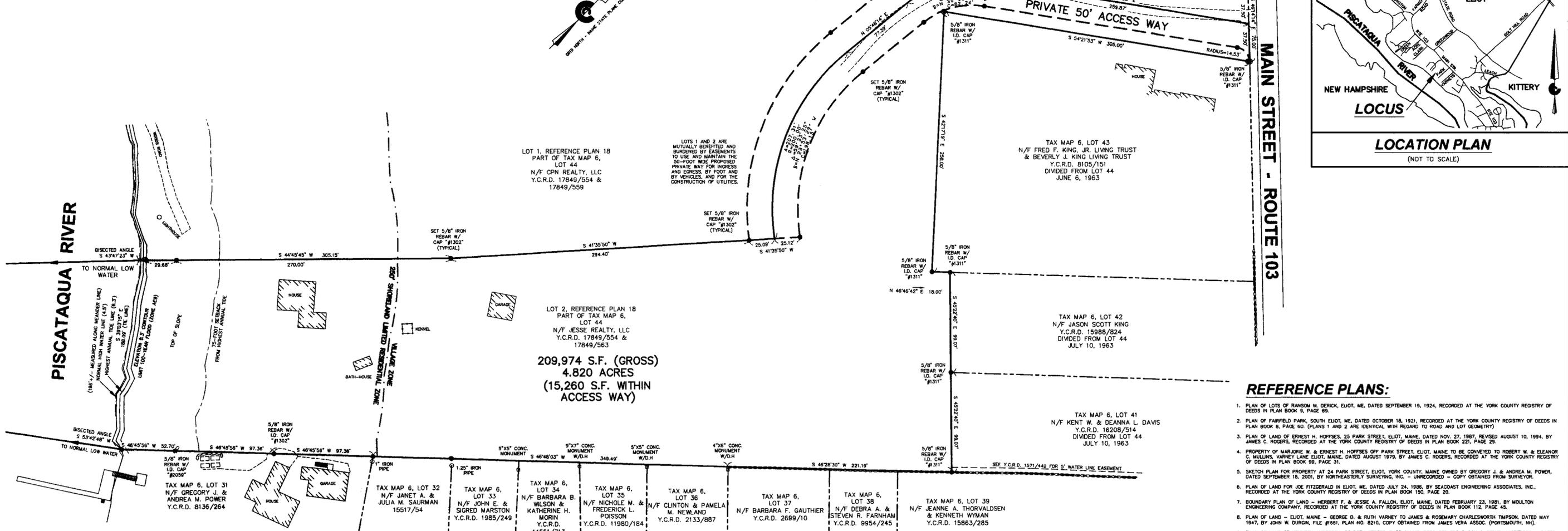
PREPARED FOR:
CPN REALTY, LLC
 OWNER'S MAILING ADDRESS: P.O. BOX 657, ELIOT, ME 03903-0657

SHEET NUMBER: D2
SHEET 1 OF 1
PROJECT # 16-166.00

CERTIFICATION:

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS (22-360 CMR CHAPTER 90, PART I & PART II - SEE NOTES HEREON FOR EXCEPTIONS, IF ANY).

CHRISTOPHER H. MENDE DATE: DEC. 12, 2018
 MAINE PROFESSIONAL LAND SURVEYOR #1302
 CIVIL CONSULTANTS
 SOUTH BERWICK, MAINE 03908



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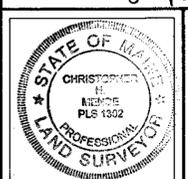
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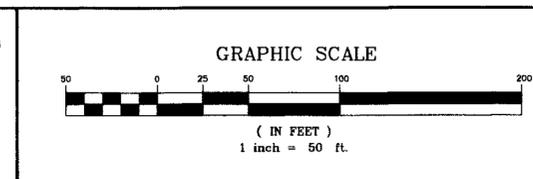
000311

STATE OF MAINE
 YORK COUNTY ss. REGISTRY OF DEEDS
 RECEIVED Dec 27 2018
 AT 2:44 PM, AND RECORDED IN
 PLAN BOOK 399, PAGE 11

ATTEST Nancy E. Hammond
 Deputy REGISTER



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



NO.	REVISIONS	INT.	DATE
8			
7			
6			
5			
4			
3			
2			
1			

FIELD BOOK	DATA COLLECTOR FILE

DATE: DECEMBER 12, 2018
 CHECKED: CBS
 APPROVED: CHM
 SCALE: 1"=50'
 SHEET TITLE: **BOUNDARY**
PLAN OF LAND OF JESSE REALTY, LLC
787 MAIN STR., ELIOT, YORK COUNTY, ME
 PREPARED FOR:
JESSE REALTY, LLC
 OWNER'S MAILING ADDRESS: 2552 LONGBOAT DRIVE, NAPLES, FL 34104

SHEET NUMBER:
D3
 SHEET 1 OF 1
 PROJECT # 16-166.00

April 12, 2022

Mr. Michael J. Sudak, EIT
Civil Engineer
Attar Engineering, Inc.
1284 State Road
Eliot, Maine 03903

RE: TRAFFIC IMPACT ASSESSMENT FOR CLOVER FARM SUBDIVISION IN ELIOT

INTRODUCTION

This memorandum summarizes trip generation and traffic impact assessment for local Town of Eliot approval of the proposed Clover Farm Subdivision. The subdivision is to be located on the westerly side of Main Street in Eliot, Maine. Access is proposed via a single access drive to Main Street, centered between the existing Aqua Avenue and Park Street intersections.

Based upon the “Sketch Residential Subdivision Plan, Clover Farm Subdivision, Main Street, Eliot, Maine”, prepared by Attar Engineering, Inc. and dated 4/12/2022, the currently proposed subdivision will provide for eight (8) single-family house lots.

TRAFFIC VOLUMES

Existing average annual daily traffic (AADT) data for Main Street was obtained from "Traffic Volume Counts, 2019 Reports", published by MaineDOT. This data is summarized below:

<u>Location Description</u>	Average Annual Daily Traffic	
	<u>2016</u>	<u>2019</u>
Main Street, northwest of Bolt Hill Road	1,400	1,290
Main Street, southeast of Pleasant Street (n. junction)	1,520	1,340

TRIP GENERATION ANALYSIS

The number of trips to be generated by the currently proposed residential development was estimated utilizing the most recent Institute of Transportation Engineers (ITE) “Trip Generation”, 11th edition. Land use code (LUC) 210 – Single-Family Detached Housing was utilized on the basis of 8 dwelling units. The results are summarized below:

<u>Time Period</u>	ITE Trip Generation (one-way trip-ends)	
	<u>Total Trips</u>	
Weekday	76	
AM Peak Hour	6	
Entering	1	
Exiting	5	
PM Peak Hour	8	
Entering	5	
Exiting	3	

Based upon the above analysis, the Clover Farm Subdivision will generate a limited number of new trips to Main Street. Six (6) one-way trips are projected for the AM peak with 8 during the PM peak hour. This is a reduction from the previously proposed subdivision, reviewed in my January 5, 2022 memorandum, which had 94 projected daily trips, 8 AM peak hour trips and 9 PM peak hour trips.

This level of traffic is not expected to have a significant impact on off-site traffic operations. Generally, a project will not have a significant impact unless it generates in excess of 25 new lane hour trips. The currently proposed single-family homes will generate a maximum of five (5) lane hour trips. Given this there would be no off-site impact on capacity. Additionally, given the daily volumes on Main Street there would be no existing capacity constraints. As a result, the remainder of this assessment will focus upon safety and standards.

SAFETY ANALYSES ACCIDENT REVIEW

The Maine Department of Transportation (MaineDOT) uses two criteria to determine high crash locations (HCLs). The first is the critical rate factor (CRF), which is a measure of the accident rate. A CRF greater than one indicates a location which has a higher than expected accident rate. The expected rate is calculated as a statewide average of similar facilities.

The second criterion, which must also be met, is based upon the number of accidents that occur at a particular location. Eight or more accidents must also occur over the three-year study period for the location to be considered a high crash location.

Updated accident data was obtained from MaineDOT for the most recent three-year period (2019 – 2021) for Main Street (Route 103) within the vicinity of the site; along Main Street from Moses Gerrish Farmer Road to Pleasant Street for a distance of 1 ¼ miles. The updated data is attached to this memorandum and summarized as follows:

<u>Main Street Location Description</u>	<u># of Acc.</u>	<u>CRF</u>
Intersection of Clark Road	1	1.16
Between Greenwood Street and Aqua Avenue	2	1.32
Intersection of Aqua Avenue	1	1.13
Intersection of Pleasant Street	1	0.75
Between Pleasant Street and Pickering Drive	1	0.29
Intersection of Cross Street	1	0.95

As seen above, there are no high crash locations on Main Street (Route 103) in the vicinity of the site. A total of 7 crashes occurred along the study segment. Hence, no further accident review or evaluation is necessary. It is important to note that accidents have decreased from the previous 3-year period when there were 10.

DRIVEWAY SIGHT DISTANCE

One of the most important safety factors to consider for a project with limited trip generation is sight distance from the access drives. This sight distance is measured ten feet back from the edge of travel way at a driver’s eye height of 3.5 feet to an object height of 4.25 feet. Sewall recommends a minimum of 300’ of sight distance for the 30-mph posted speed limit on this section of Main Street.

MaineDOT Entrance Rules require a lesser minimum of 250'. Attar Engineering previously measured the drive sight distances and it is shown on the sketch plan. Based upon their measurements, sight distance will exceed 450' in both directions from the proposed drive so there are no sight distance concerns. It is important that no signage or landscaping be located in the driveway sight triangle which could obscure or limit the access drive sight distances in the future.

SITE PLAN REVIEW AND ACCESS MANAGEMENT

It is understood that the Town of Eliot has established an intersection spacing standard of 400' in their ordinance. The proposed access drive is located directly between Aqua Avenue and Park Street, maximizing spacing to both existing intersections. The plan provides approximately 350' of separation between the proposed access drive intersection to both Park Street and Aqua Avenue, nearly meeting the town spacing standard.

The proposed 350' intersection spacing was reviewed in regard to other Maine intersection and entrance spacing standards. Main Street in this area is classified by MaineDOT as a major collector roadway. MaineDOT intersection/drive spacing standards for higher level mobility arterials is 175' for 40 mph roadways. MaineDOT does not have a minimum spacing for 30 mph arterials. The proposed 350' far exceeds (is double) the MaineDOT standard for a higher level mobility arterial with higher speeds and higher volumes.

MaineDOT also has a corner clearance standard, applicable for driveway entrances in proximity to existing intersections. This minimum corner clearance is 125' for the highest level mobility arterial classification and only 75' for a drive adjacent to an unsignalized intersection, which is the case here. The proposed spacing to the access drive far exceeds these corner clearance standards.

The "Transportation Research Circular, Driveway and Street Intersection Spacing", published in 1996, discusses the following principles of access management:

- "Limit the number of conflicts
- Separate conflict areas
- Reduce interference with through traffic due to turns into or out of a site
- Provide sufficient spacing between at-grade intersection
- Maintain progressive speeds along arterial,
- Provide adequate on-site storage areas"

The resulting minimum intersection spacing guideline developed in this publication for a collector road with a 30-mph speed is 300'. Hence, the proposed 350' also exceeds this recommended standard.

SUMMARY

To summarize, the proposed Clover Farm Subdivision is expected to generate 6 one-way trips in the AM peak hour and 8 during the PM peak hour. This level of traffic will have no significant impact off-site beyond the access drive on capacity or traffic operations. Based upon the daily traffic volumes on Main Street in this area there are no existing capacity concerns. In terms of safety, there are no high crash locations within the vicinity of the site and sight distances from the proposed access drive will significantly exceed the recommended minimum.

The drive location has been centered to maximize spacing from both existing intersections, Aqua Avenue and Park Street. While the 350' spacing from each intersection does not meet the town intersection spacing of 400' it far exceeds MaineDOT spacing standards for higher volume, higher speed, and higher-level mobility arterials. Hence, it is my professional opinion that the spacing and offset from the adjacent intersections is more than adequate to provide for both safe and convenient site access.

As always, please do not hesitate to contact Sewall if you or the Town of Eliot have any questions or concerns regarding my findings or recommendations.



Sincerely,



Diane W. Morabito, P.E. PTOE
Vice President Traffic Engineering

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I Section Detail Crash Summary II 1320 Public 1320 Private 1320 Summary

REPORT DESCRIPTION

Eliot
Rte. 103/Main St. from Moses Gerrish Farmer Rd. to Pleasant St.

REPORT PARAMETERS

Year 2019, Start Month 1 through Year 2021 End Month: 12

Route: **0103X**

Start Node: **66293**

Start Offset: **0**

Exclude First Node

End Node: **54444**

End Offset: **0**

Exclude Last Node

Maine Department Of Transportation - Office of Safety, Crash Records Section

Crash Summary I

Nodes															
Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF	
A51490	0103X - 4.61	Int of MAIN ST MAST COVE RD	1	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00	
												Statewide Crash Rate: 0.16			
51458	0103X - 5.06	Int of CLARK RD MAIN ST	1	1	0	0	0	0	1	0.0	0.423	0.79	0.68	1.16	
												Statewide Crash Rate: 0.16			
51461	0103X - 5.31	Int of AQUA AV, MAIN ST	1	1	0	0	0	0	1	0.0	0.434	0.77	0.68	1.13	
												Statewide Crash Rate: 0.16			
51464	0103X - 5.67	Int of BOLT HILL RD MAIN ST	1	0	0	0	0	0	0	0.0	0.637	0.00	0.64	0.00	
												Statewide Crash Rate: 0.16			
51463	0103X - 4.85	Non Int MAIN ST	1	0	0	0	0	0	0	0.0	0.377	0.00	0.69	0.00	
												Statewide Crash Rate: 0.16			
51466	0103X - 5.70	Int of MAIN ST PLEASANT ST	1	0	0	0	0	0	0	0.0	0.626	0.00	0.65	0.00	
												Statewide Crash Rate: 0.16			
P54446	0103X - 5.16	Int of GREENWOOD ST MAIN ST	1	0	0	0	0	0	0	0.0	0.476	0.00	0.67	0.00	
												Statewide Crash Rate: 0.16			
57351	0103X - 4.71	Int of MAIN ST PARMLEY LN	1	0	0	0	0	0	0	0.0	0.379	0.00	0.69	0.00	
												Statewide Crash Rate: 0.16			
A51459	0103X - 5.15	Int of MAIN ST NNA	1	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00	
												Statewide Crash Rate: 0.16			
54444	0103X - 6.36	Int of MAIN ST PLEASANT ST	1	1	0	0	0	0	1	0.0	0.714	0.47	0.63	0.00	0.75
												Statewide Crash Rate: 0.16			
51462	0103X - 5.44	Int of MAIN ST PARK ST	1	0	0	0	0	0	0	0.0	0.474	0.00	0.67	0.00	
												Statewide Crash Rate: 0.16			
P66293	0103X - 4.60	Int of MAIN ST MAST COVE RD MOSES GERRISH FARMEI	1	0	0	0	0	0	0	0.0	0.448	0.00	0.68	0.00	
												Statewide Crash Rate: 0.16			
60253	0103X - 6.07	Int of MAIN ST PICKERING DR	1	0	0	0	0	0	0	0.0	0.497	0.00	0.67	0.00	
												Statewide Crash Rate: 0.16			
51451	0103X - 6.16	Int of CROSS ST MAIN ST	1	1	0	0	0	1	0	100.0	0.527	0.63	0.66	0.00	0.95
												Statewide Crash Rate: 0.16			
Study Years:	3.00			NODE TOTALS:	4	0	0	0	1	3	25.0	6.012	0.22	0.37	0.59

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes				Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
								A	B	C	PD					
51490	66293	3129136	0 - 0.01	0103X - 4.60 ST RTE 103	0.01	1	0	0	0	0	0	0.0	0.00004	0.00	-337.53	0.00
														Statewide Crash Rate: 214.77		
51490	57351	3113628	0 - 0.10	0103X - 4.61 ST RTE 103	0.10	1	0	0	0	0	0	0.0	0.00038	0.00	894.86	0.00
														Statewide Crash Rate: 214.77		
51463	57351	3113623	0 - 0.14	0103X - 4.71 ST RTE 103	0.14	1	0	0	0	0	0	0.0	0.00052	0.00	849.54	0.00
														Statewide Crash Rate: 214.77		
51458	51463	3121231	0 - 0.21	0103X - 4.85 ST RTE 103	0.21	1	0	0	0	0	0	0.0	0.00080	0.00	776.98	0.00
														Statewide Crash Rate: 214.77		
51458	51459	3122761	0 - 0.09	0103X - 5.06 ST RTE 103	0.09	1	0	0	0	0	0	0.0	0.00037	0.00	897.56	0.00
														Statewide Crash Rate: 214.77		
51459	54446	3118773	0 - 0.01	0103X - 5.15 ST RTE 103	0.01	1	0	0	0	0	0	0.0	0.00004	0.00	-411.79	0.00
														Statewide Crash Rate: 214.77		
51461	54446	3113621	0 - 0.15	0103X - 5.16 ST RTE 103	0.15	1	2	0	0	0	2	0.0	0.00061	1089.14	823.45	1.32
														Statewide Crash Rate: 214.77		
51461	51462	3113620	0 - 0.13	0103X - 5.31 ST RTE 103	0.13	1	0	0	0	0	0	0.0	0.00056	0.00	839.60	0.00
														Statewide Crash Rate: 214.77		
51462	51464	3113622	0 - 0.23	0103X - 5.44 ST RTE 103	0.23	1	0	0	0	0	0	0.0	0.00108	0.00	723.60	0.00
														Statewide Crash Rate: 214.77		
51464	51466	3132357	0 - 0.03	0103X - 5.67 ST RTE 103	0.03	1	0	0	0	0	0	0.0	0.00018	0.00	914.82	0.00
														Statewide Crash Rate: 214.77		
60253	51466	3115169	0 - 0.37	0103X - 5.70 ST RTE 103	0.37	1	1	0	0	0	1	0.0	0.00181	184.61	635.40	0.00
														Statewide Crash Rate: 214.77		0.29
51451	60253	3139076	0 - 0.09	0103X - 6.07 ST RTE 103	0.09	1	0	0	0	0	0	0.0	0.00045	0.00	872.58	0.00
														Statewide Crash Rate: 214.77		
51451	54444	3113619	0 - 0.20	0103X - 6.16 ST RTE 103	0.20	1	0	0	0	0	0	0.0	0.00105	0.00	728.47	0.00
														Statewide Crash Rate: 214.77		

Study Years:	3.00	Section Totals:	1.76	3	0	0	0	0	3	0.0	0.00789	126.76	439.04	0.29
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Grand Totals:	1.76	7	0	0	0	1	6	14.3	0.00789	295.78	485.37	0.61
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Michael Cuomo, Soil Scientist
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207 363 4532
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TEST PIT DATA

Client: Attar Engineering, Inc.
Location Clover Farm Subdivision, Main Street, Eliot
Date: 2 September 2022

Test Pit Number: MC-1

<u>Depth</u>	<u>Description</u>
0-8"	Dark brown very fine sandy loam, granular, friable.
8-19"	Yellowish brown very fine sandy loam, blocky, friable.
19-53"	Light olive brown stratified fine sand and silt, massive, firm lenses, redox.

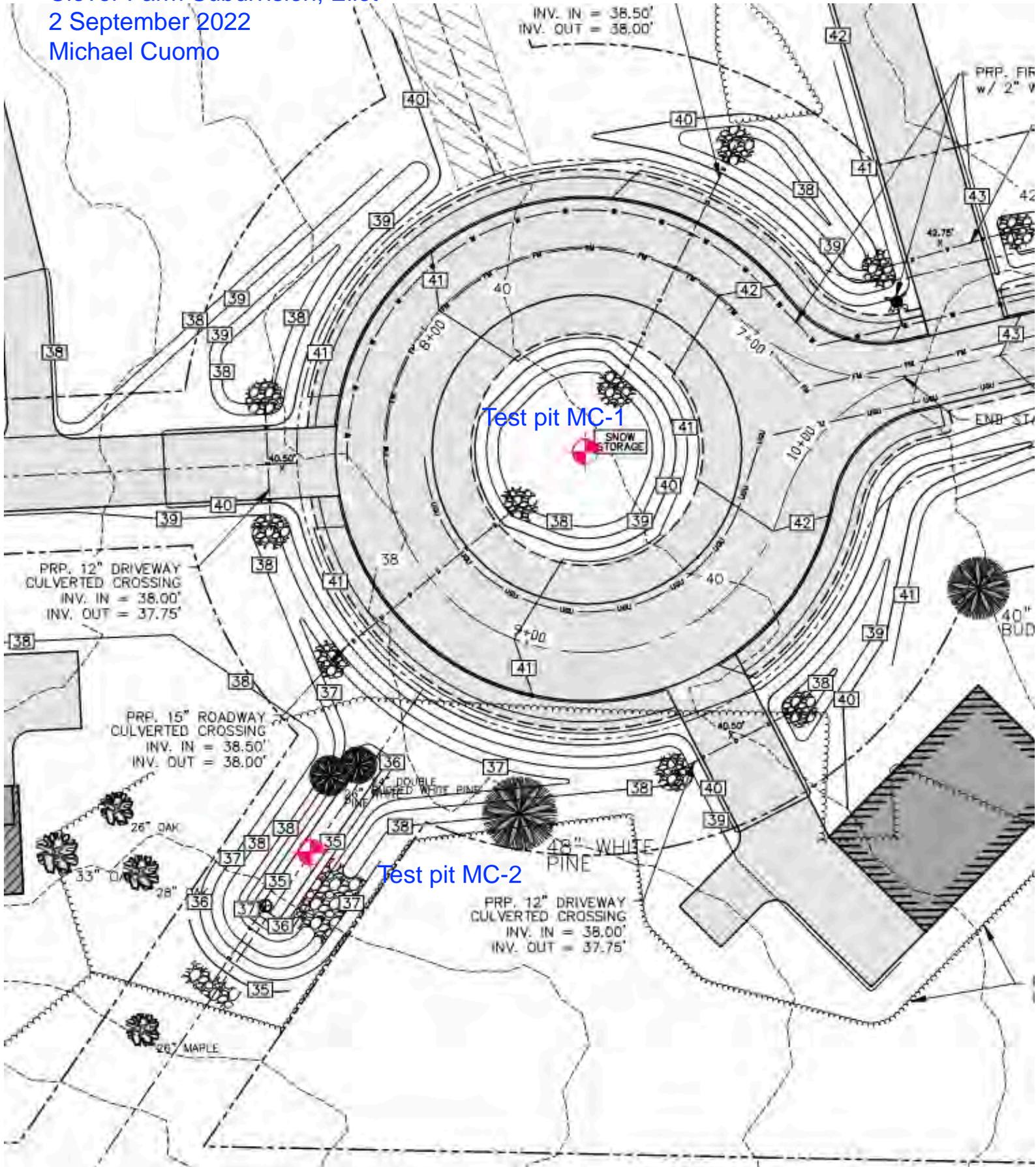
Soil Name: Nicholville
Hydrologic Soil Group: D
Drainage Class: Moderately well drained
Depth to Seasonal High Water Table: 19"
Depth to Bedrock: none

Test Pit Number: MC-2

<u>Depth</u>	<u>Description</u>
0-9"	Very dark brown very fine sandy loam, granular, friable.
9-17"	Yellowish brown very fine sandy loam, blocky, friable.
17-30"	Light olive brown very fine sandy loam, blocky, firm, redox.

30-57" Olive brown fine sand, massive, friable, redox.
Soil Name: Nicholville
Hydrologic Soil Group: D
Drainage Class: Moderately well drained
Depth to Seasonal High Water Table: 17"
Depth to Bedrock: none

Test pit locations
Clover Farm Subdivision, Eliot
2 September 2022
Michael Cuomo





United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for York County, Maine



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:4,660 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine
 Survey Area Data: Version 20, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AdB	Adams loamy sand, 0 to 8 percent slopes	5.6	14.9%
AIB	Allagash very fine sandy loam, 3 to 8 percent slopes	13.8	36.8%
MaB	Madawaska fine sandy loam, 0 to 8 percent slopes	8.8	23.4%
MrB	Marlow fine sandy loam, 3 to 8 percent slopes	0.5	1.3%
PeB	Peru fine sandy loam, 3 to 8 percent slopes	2.4	6.3%
Ra	Raynham silt loam	0.9	2.3%
Sc	Scantic silt loam, 0 to 3 percent slopes	1.4	3.8%
SeC	Scio silt loam, 8 to 15 percent slopes	1.7	4.6%
W	Water bodies	2.4	6.4%
Totals for Area of Interest		37.4	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas

Custom Soil Resource Report

are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

York County, Maine

AdB—Adams loamy sand, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2wqn9

Elevation: 10 to 2,000 feet

Mean annual precipitation: 31 to 95 inches

Mean annual air temperature: 27 to 52 degrees F

Frost-free period: 90 to 160 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Adams and similar soils: 85 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Adams

Setting

Landform: Outwash terraces

Landform position (two-dimensional): Summit, backslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Sandy glaciofluvial deposits

Typical profile

Ap - 0 to 7 inches: loamy sand

Bs - 7 to 21 inches: sand

BC - 21 to 27 inches: sand

C - 27 to 65 inches: sand

Properties and qualities

Slope: 0 to 8 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(1.42 to 14.17 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)

Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3s

Hydrologic Soil Group: A

Ecological site: F144BY601ME - Dry Sand

Hydric soil rating: No

AIB—Allagash very fine sandy loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9k4r
Elevation: 20 to 2,000 feet
Mean annual precipitation: 34 to 48 inches
Mean annual air temperature: 37 to 46 degrees F
Frost-free period: 80 to 160 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Allagash and similar soils: 88 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Allagash

Setting

Landform: Stream terraces
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy glaciofluvial deposits derived from slate

Typical profile

H1 - 0 to 6 inches: fine sandy loam
H2 - 6 to 23 inches: fine sandy loam
H3 - 23 to 65 inches: gravelly fine sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.60 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 5.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: B
Hydric soil rating: No

MaB—Madawaska fine sandy loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 9k60
Elevation: 20 to 2,000 feet
Mean annual precipitation: 34 to 48 inches
Mean annual air temperature: 37 to 46 degrees F
Frost-free period: 80 to 160 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Madawaska and similar soils: 88 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Madawaska

Setting

Landform: Stream terraces
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy glaciofluvial deposits derived from slate

Typical profile

H1 - 0 to 10 inches: fine sandy loam
H2 - 10 to 23 inches: fine sandy loam
H3 - 23 to 65 inches: fine sand

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.60 to 2.00 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 8.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: B
Hydric soil rating: No

MrB—Marlow fine sandy loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2ty5d
Elevation: 0 to 690 feet
Mean annual precipitation: 36 to 65 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Marlow and similar soils: 87 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Marlow

Setting

Landform: Hills, mountains
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Mountainbase, interflue, nose slope, side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy lodgment till derived from granite and/or loamy lodgment till derived from mica schist and/or loamy lodgment till derived from phyllite

Typical profile

Ap - 0 to 4 inches: fine sandy loam
E - 4 to 6 inches: fine sandy loam
Bs1 - 6 to 10 inches: fine sandy loam
Bs2 - 10 to 15 inches: fine sandy loam
Bs3 - 15 to 20 inches: fine sandy loam
BC - 20 to 24 inches: fine sandy loam
Cd - 24 to 65 inches: fine sandy loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 20 to 39 inches to densic material
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.01 to 1.42 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C

Custom Soil Resource Report

Ecological site: F144BY501ME - Loamy Slope (Northern Hardwoods)
Hydric soil rating: No

PeB—Peru fine sandy loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2ty5x
Elevation: 0 to 720 feet
Mean annual precipitation: 36 to 65 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Peru and similar soils: 88 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Peru

Setting

Landform: Hills, mountains
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Mountainbase, interfluve
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Loamy lodgment till derived from granite and/or loamy lodgment till derived from mica schist and/or loamy lodgment till derived from phyllite

Typical profile

Ap - 0 to 6 inches: fine sandy loam
Bhs - 6 to 8 inches: fine sandy loam
Bs1 - 8 to 12 inches: fine sandy loam
Bs2 - 12 to 18 inches: fine sandy loam
Bs3 - 18 to 21 inches: fine sandy loam
BC - 21 to 24 inches: fine sandy loam
Cd - 24 to 65 inches: sandy loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 20 to 39 inches to densic material
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.01 to 1.42 in/hr)
Depth to water table: About 16 to 30 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 3.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e

Custom Soil Resource Report

Hydrologic Soil Group: C/D
Ecological site: F144BY501ME - Loamy Slope (Northern Hardwoods)
Hydric soil rating: No

Ra—Raynham silt loam

Map Unit Setting

National map unit symbol: 9k6d
Elevation: 10 to 1,750 feet
Mean annual precipitation: 34 to 48 inches
Mean annual air temperature: 37 to 46 degrees F
Frost-free period: 80 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Raynham and similar soils: 92 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Raynham

Setting

Landform: Lakebeds
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-silty glaciolacustrine deposits derived from sandstone and siltstone

Typical profile

H1 - 0 to 6 inches: silt loam
H2 - 6 to 36 inches: silt loam
H3 - 36 to 65 inches: silt loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.60 in/hr)
Depth to water table: About 0 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very high (about 14.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: C/D
Hydric soil rating: Yes

Sc—Scantic silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2slv3

Elevation: 10 to 900 feet

Mean annual precipitation: 33 to 60 inches

Mean annual air temperature: 39 to 45 degrees F

Frost-free period: 90 to 160 days

Farmland classification: Not prime farmland

Map Unit Composition

Scantic and similar soils: 85 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Scantic

Setting

Landform: Marine terraces, river valleys

Landform position (three-dimensional): Talf

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Glaciomarine deposits

Typical profile

Ap - 0 to 9 inches: silt loam

Bg1 - 9 to 16 inches: silty clay loam

Bg2 - 16 to 29 inches: silty clay

Cg - 29 to 65 inches: silty clay

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)

Depth to water table: About 0 to 12 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Moderate (about 6.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: D

Ecological site: F144BY304ME - Wet Clay Flat

Hydric soil rating: Yes

SeC—Scio silt loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 9k6m

Elevation: 0 to 570 feet

Mean annual precipitation: 48 to 51 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 145 to 160 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Scio and similar soils: 91 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Scio

Setting

Landform: Lakebeds

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Riser

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Very fine sand glaciolacustrine deposits

Typical profile

H1 - 0 to 7 inches: silt loam

H2 - 7 to 26 inches: silt loam

H3 - 26 to 36 inches: silt loam

H4 - 36 to 65 inches: very fine sandy loam

Properties and qualities

Slope: 8 to 15 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.60 to 2.00 in/hr)

Depth to water table: About 18 to 30 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: High (about 10.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3e

Hydrologic Soil Group: C

Hydric soil rating: No

W—Water bodies

Map Unit Composition

Water: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Water

Setting

Landform: Hills

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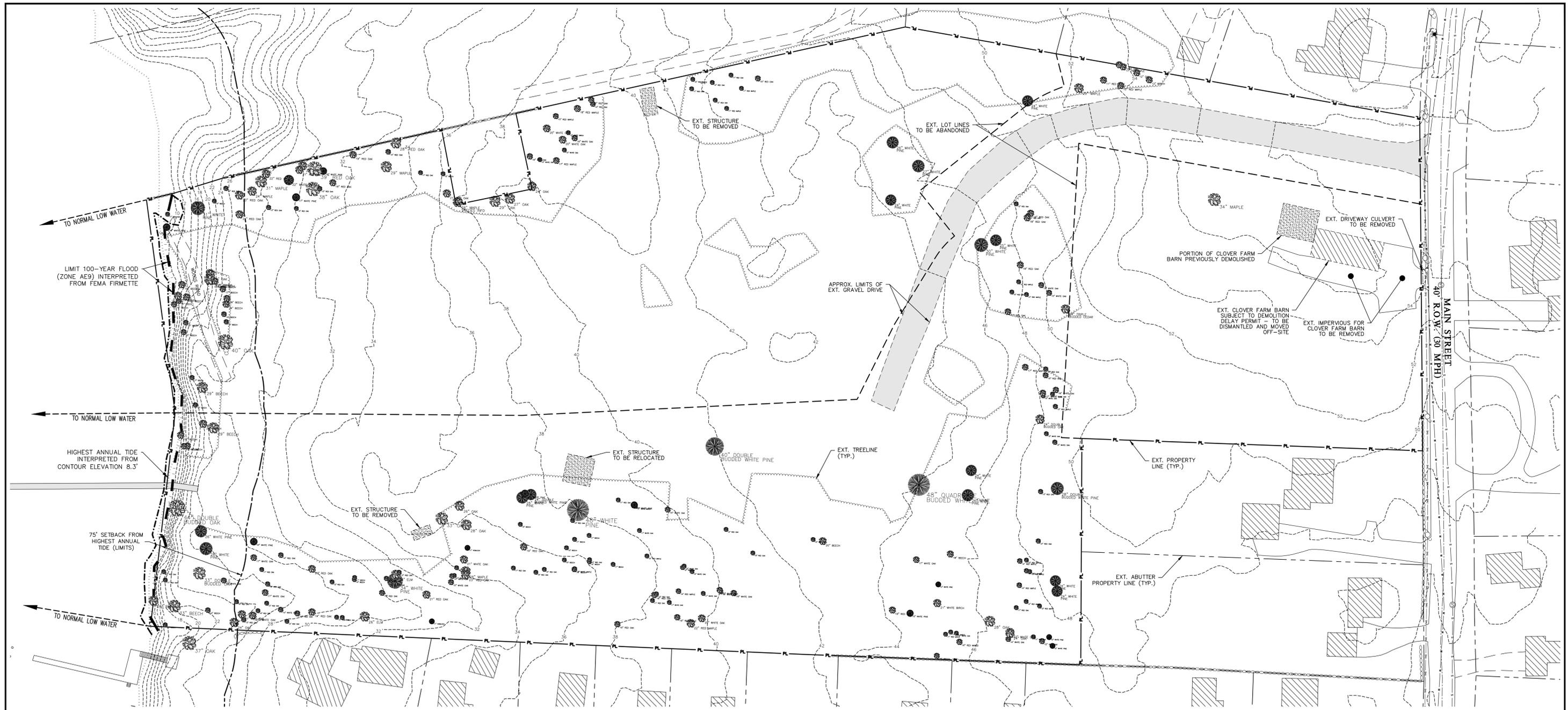
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Custom Soil Resource Report

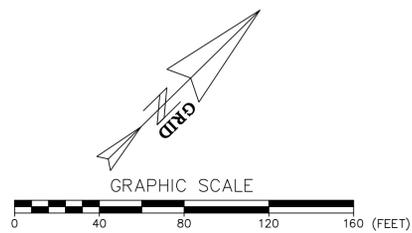
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LEGEND	
PROPERTY LINE	— — — — —
EXT. ABUTTER LINE	— — — — —
CENTERLINE OF ROAD	- - - - -
EXT. GRAVEL	— — — — —
EXT. PAVEMENT	— — — — —
EXT. BUILDING	
EXT. BLDG. TO BE DEMO'D	
EXT. WATER LINE	— W —
EXT. WATER HYDRANT	
EXT. SEWER LINE	— S —
EXT. SEWER MANHOLE	
EXT. OVERHEAD ELEC	— OHU —
EXT. POWER POLE	
EXT. STONEWALL	— — — — —
EXT. MAJOR CONTOUR	--- XXX ---
EXT. MINOR CONTOUR	--- XXX ---
EXT. TREELINE	— — — — —
EXT. TREE >24" DBH	
COASTAL BLUFF BANK	— — — — —
EXT. HIGH TIDE OFFSET	— — — — —



NO.	DESCRIPTION	DATE
A	FINAL PLAN SUBMISSION	01/09/23
REVISIONS		

TAX MAP 6, LOT 43, 44, & 154

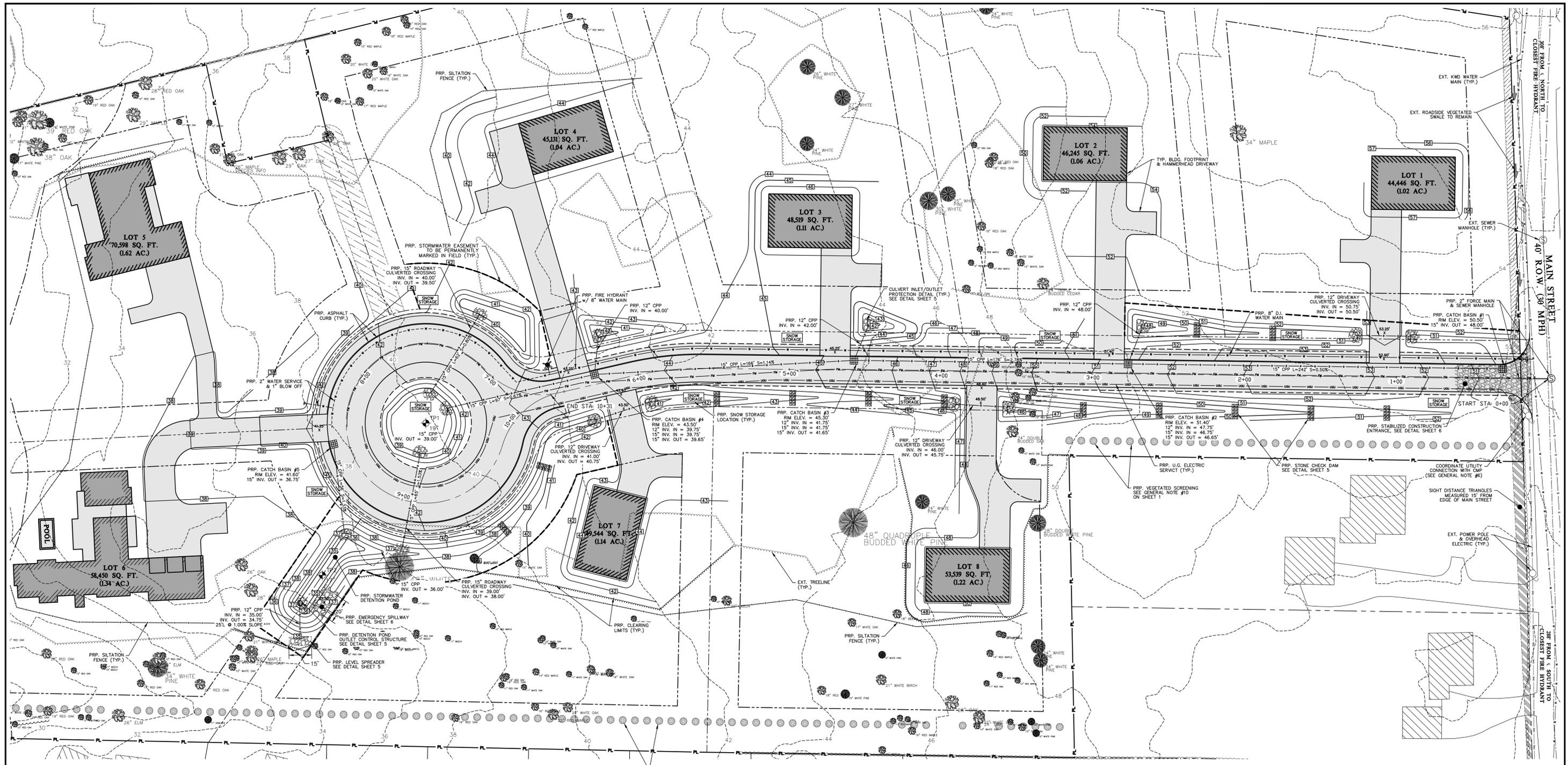


EXISTING CONDITIONS PLAN
CLOVER FARM SUBDIVISION
MAIN STREET, ELIOT, MAINE

FOR: MARK MCNALLY BUILDING MAINTENANCE, LLC.
1381 ELWYN ROAD
PORTSMOUTH, NH 03801

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

SCALE: 1" = 40'	APPROVED BY:	DRAWN BY: MJS
DATE: 08/23/22		REVISION DATE: A : 01/09/23
JOB NO: C174-21	FILE: MAIN ST REV BASE.DWG	SHEET: 2



LEGEND	
PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
PRP. LOT LINE	---
CENTERLINE OF ROAD	---
EXT. GRAVEL	---
EXT. PAVEMENT	---
PRP. GRAVEL	---
PRP. PAVEMENT	---
EXT. BUILDING	▨
PRP. BUILDING	▨
EXT. WATER LINE	W
EXT. WATER HYDRANT	⊗
PRP. WATER LINE	W
PRP. WATER HYDRANT	⊗
PRP. STORM LINE	D
PRP. RIP RAP	⊗
EXT. SEWER LINE	S
EXT. SEWER MANHOLE	⊙
PRP. FORCE MAIN	FM
PRP. SEWER MANHOLE	⊙
EXT. OVERHEAD ELEC	OHU
EXT. POWER POLE	⊙
PRP. U.G. ELECTRIC	UGU
EXT. STONEWALL	⊘
EXT. MAJOR CONTOUR	XXX
EXT. MINOR CONTOUR	XXX
PRP. MAJOR CONTOUR	XXX
PRP. MINOR CONTOUR	XXX
PRP. SPOT GRADE	102.0' X
EXT. TREELINE	⊖
PRP. CLEARING LIMITS	⊖
EXT. TREE >24" DBH	⊖
PRP. VEG. SCREENING	⊖

GRADING & UTILITY NOTES	
1.) SEWER FORCE MAINS SHALL BE SDR 35 PVC. ALL OTHER APPURTENANCES SHALL MEET KITTERY SEWER DISTRICT STANDARDS. SEE DETAIL FOR TYPICAL INDIVIDUAL SERVICE SIZES.	
2.) ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT KITTERY WATER DISTRICT STANDARDS.	
3.) ALL WATER SERVICES TO BE EQUIPPED WITH CURB STOPS.	
4.) 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.	
5.) A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.	
6.) CENTRAL MAINE POWER COMPANY WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION. ALL ELECTRICAL, TELEPHONE, AND CABLE SERVICES WILL BE UNDERGROUND.	
7.) NEW WATER AND SEWER LINES SHALL BE TESTED IN ACCORDANCE WITH RESPECTIVE DISTRICT REQUIREMENTS.	
8.) SNOW STORAGE LOCATIONS ARE DEPICTED ON THE PLANS. ROADSIDE SNOW STORAGE IS LOCATED IN THE SOUTHERLY VEGETATED SWALE, AS WELL AS IN THE DETENTION AREA IN THE CENTER OF THE CUL-DE-SAC. IN AN INSTANCE WHERE THE DEVELOPED LOT REACHES ITS CAPACITY FOR SNOW STORAGE, ALL EXCESS SNOW SHALL BE CARRIED OFF-SITE.	
9.) ALL PROPOSED LOTS SHALL BE SERVICED BY A LOW-PRESSURE GRINDER SEWAGE PUMP UNIT (E-ONE, BARNES ECO-TRAN, OR APPROVED EQUAL).	

1.) SEWER FORCE MAINS SHALL BE SDR 35 PVC. ALL OTHER APPURTENANCES SHALL MEET KITTERY SEWER DISTRICT STANDARDS. SEE DETAIL FOR TYPICAL INDIVIDUAL SERVICE SIZES.

2.) ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT KITTERY WATER DISTRICT STANDARDS.

3.) ALL WATER SERVICES TO BE EQUIPPED WITH CURB STOPS.

4.) 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.

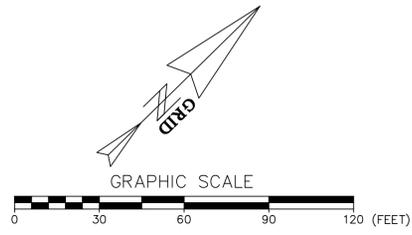
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9.) ALL PROPOSED LOTS SHALL BE SERVICED BY A LOW-PRESSURE GRINDER SEWAGE PUMP UNIT (E-ONE, BARNES ECO-TRAN, OR APPROVED EQUAL).



NO.	DESCRIPTION	DATE
D	FINAL PLAN SUBMISSION	01/09/23
C	THIRD PARTY REVIEW REVISIONS	12/06/22
B	THIRD PARTY REVIEW REVISIONS	11/01/22
A	PRELIMINARY REVIEW REVISIONS	10/04/22



TAX MAP 6, LOT 43, 44, & 154

GRADING & UTILITIES PLAN
CLOVER FARM SUBDIVISION
MAIN STREET, ELIOT, MAINE

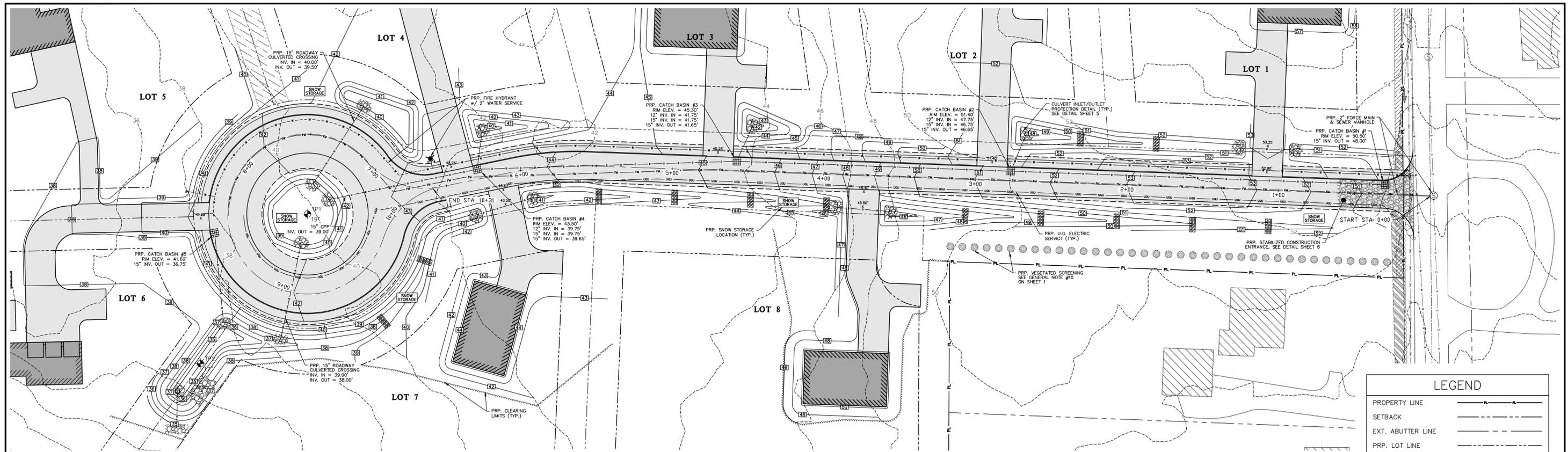
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PORTSMOUTH, NH 03801

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PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 30'
DATE: 08/23/22

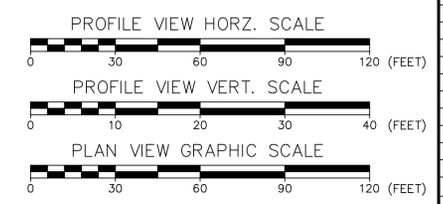
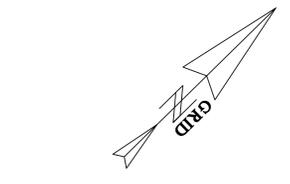
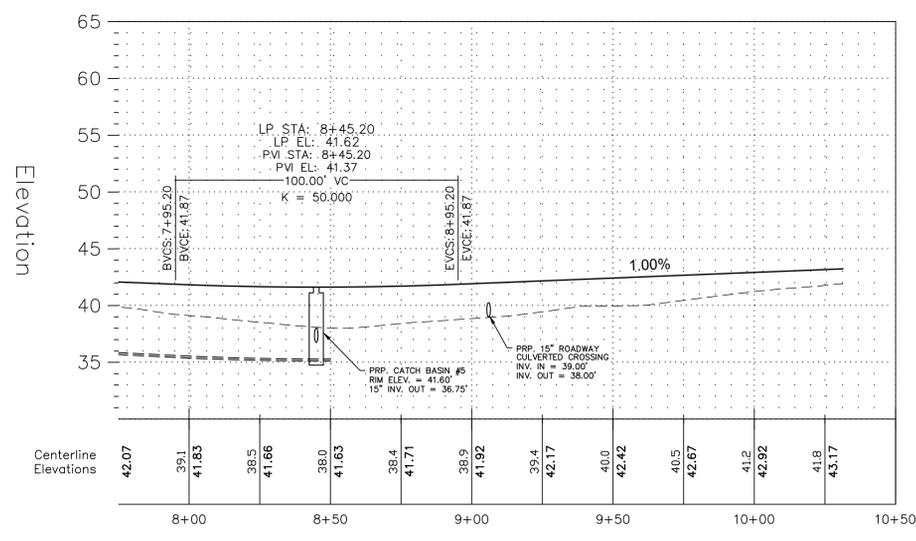
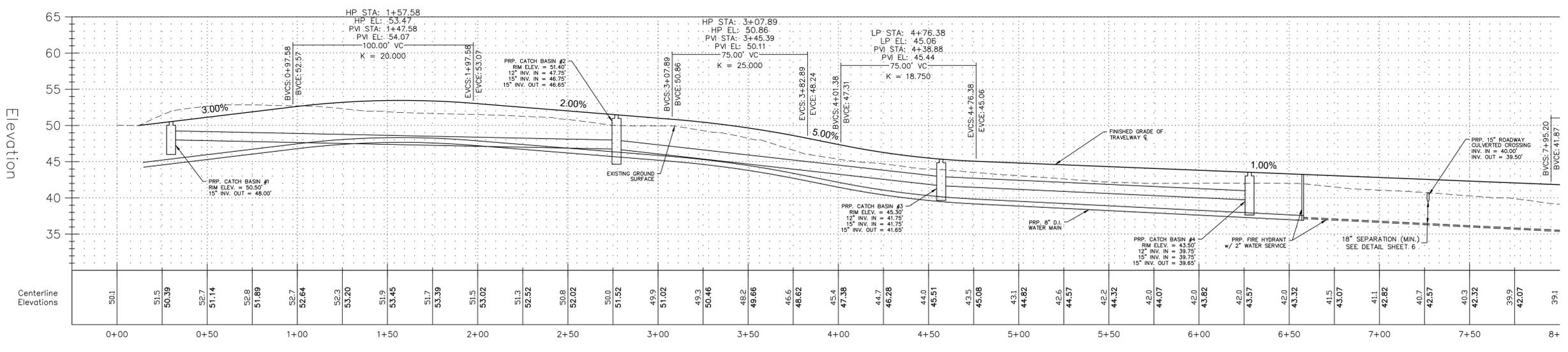
APPROVED BY: _____
DRAWN BY: MJS
REVISION DATE: D : 01/09/23

JOB NO: C174-21 FILE: MAIN ST REV BASE.DWG SHEET: 3



LEGEND

PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
PRP. LOT LINE	---
CENTERLINE OF ROAD	---
EXT. GRAVEL	---
EXT. PAVEMENT	---
PRP. GRAVEL	---
PRP. PAVEMENT	---
EXT. BUILDING	[Hatched Box]
PRP. BUILDING	[Hatched Box]
EXT. WATER LINE	W
EXT. WATER HYDRANT	⊗
PRP. WATER LINE	W
PRP. WATER HYDRANT	⊗
PRP. STORM LINE	D
PRP. RIP RAP	[Stippled Area]
EXT. SEWER LINE	S
EXT. SEWER MANHOLE	⊙
PRP. FORCE MAIN	FM
PRP. SEWER MANHOLE	⊙
EXT. OVERHEAD ELEC	OHU
EXT. POWER POLE	⊙
PRP. U.G. ELECTRIC	UGU
EXT. STONEWALL	---
EXT. MAJOR CONTOUR	XXX
EXT. MINOR CONTOUR	XXX
PRP. MAJOR CONTOUR	XXX
PRP. MINOR CONTOUR	XXX
PRP. SPOT GRADE	102.0'
EXT. TREELINE	---
PRP. CLEARING LIMITS	---
EXT. TREE >24" DBH	[Tree Symbol]
PRP. VEG. SCREENING	[Tree Symbol]



NO.	DESCRIPTION	DATE
D	FINAL PLAN SUBMISSION	01/09/23
C	THIRD PARTY REVIEW REVISIONS	12/06/22
B	THIRD PARTY REVIEW REVISIONS	11/01/22
A	PRELIMINARY REVIEW REVISIONS	10/04/22



ROADWAY PLAN & PROFILE
CLOVER FARM SUBDIVISION
MAIN STREET, ELIOT, MAINE

TAX MAP 6, LOT 43, 44, & 154

FOR: MARK MCNALLY BUILDING MAINTENANCE, LLC.
1381 ELWYN ROAD
PORTSMOUTH, NH 03801

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

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: MJS
DATE: 08/23/22		REVISION DATE: D : 01/09/23
JOB NO: C174-21	FILE: MAIN ST REV BASE.DWG	SHEET: 4

EROSION & SEDIMENTATION CONTROL STANDARDS
TOWN OF ELIOT §34, APPENDIX 1

EROSION & SEDIMENTATION CONTROL STANDARDS
TOWN OF ELIOT §34, APPENDIX 1

WHERE NOT OTHERWISE SPECIFIED IN THIS APPENDIX, THE EROSION AND SEDIMENTATION CONTROL BMPs SHALL BE DESIGNED USING PERFORMANCE STANDARDS SPECIFIED IN THE MAINE EROSION AND SEDIMENT CONTROL BMPs MANUAL FOR DESIGNERS AND ENGINEERS DEVELOPED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (OCTOBER 2016 OR MOST CURRENT VERSION).

- (a) GENERAL TIMING OF INSTALLATION AND MAINTENANCE UNTIL PERMANENT STABILIZATION
(1) SEDIMENTATION CONTROL BMPs MUST BE IN PLACE BEFORE CONSTRUCTION ACTIVITY BEGINS.
(2) ADDITIONAL EROSION AND SEDIMENTATION CONTROL BMPs MUST BE PHASED IN AS APPROPRIATE.
(3) EROSION AND SEDIMENTATION CONTROL BMPs MUST REMAIN IN PLACE AND FUNCTIONAL UNTIL THE SITE IS PERMANENTLY STABILIZED.
(4) ADEQUATE AND TIMELY MAINTENANCE OF EROSION AND SEDIMENTATION CONTROL BMPs MUST BE CONDUCTED UNTIL PERMANENT STABILIZATION IS ACHIEVED.
- (b) POLLUTION PREVENTION. DISTURBED AREAS SHALL BE MINIMIZED. NATURAL DOWNGRADIENT BUFFER AREAS, AS WELL AS (TO THE EXTENT PRACTICABLE) ANY AREAS WHERE STORMWATER MAY FLOW OFF-SITE, SHALL BE PROTECTED. STORMWATER VOLUME AND VELOCITY SHALL BE CONTROLLED WITHIN THE SITE TO MINIMIZE SOIL EROSION. DISTURBANCE OF STEEP SLOPES SHALL BE MINIMIZED. STORMWATER DISCHARGES, INCLUDING BOTH PEAK FLOW RATES AND VOLUME, SHALL BE MINIMIZED TO MINIMIZE EROSION AT OUTLETS. THE DISCHARGE MAY NOT RESULT IN EROSION OF ANY OPEN DRAINAGE CHANNELS, SWALES, STREAM CHANNELS OR STREAM BANKS, UPLAND, OR COASTAL OR FRESHWATER WETLANDS OFF THE PROJECT SITE. WHENEVER PRACTICABLE, NO DISTURBANCE ACTIVITIES SHALL TAKE PLACE WITHIN 50 FEET OF ANY PROTECTED NATURAL RESOURCE. IF IT IS NOT PRACTICABLE TO MAINTAIN A 50-FOOT BUFFER OF NO DISTURBANCE, THE EROSION AND SEDIMENTATION CONTROL PLAN MUST INCLUDE REDUNDANT (AT LEAST TWO) PERIMETER CONTROL MEASURES THAT ARE APPROPRIATE FOR THE SOIL AND SLOPE.
- (c) SEDIMENT BARRIERS. PRIOR TO CONSTRUCTION, PROPERLY INSTALL SEDIMENT BARRIERS AT THE DOWNGRADIENT EDGE OF ANY AREA TO BE DISTURBED AND ADJACENT TO ANY DRAINAGE CHANNELS WITHIN THE DISTURBED AREA. SEDIMENT BARRIERS SHALL BE INSTALLED DOWNGRADIENT OF SOIL AND SEDIMENT STOCKPILES, AND STORMWATER MUST BE PREVENTED FROM RUNNING ONTO THE STOCKPILE. SEDIMENT BARRIERS SHALL BE MAINTAINED BY REMOVING ACCUMULATED SEDIMENT, OR REMOVING AND REPLACING THE BARRIER, UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED. WHERE A DISCHARGE TO A STORM DRAIN INLET OCCURS, PROTECTION MEASURES THAT REMOVE SEDIMENT FROM THE DISCHARGE MUST BE INSTALLED AND MAINTAINED. STORM DRAIN INLET PROTECTION MUST INCLUDE EFFECTIVE CURB INLET OR "BACK THROAT" PROTECTION, WHERE APPLICABLE.
- (d) STABILIZED CONSTRUCTION ENTRANCE. PRIOR TO CONSTRUCTION, A STABILIZED CONSTRUCTION ENTRANCE (SCE) SHALL BE INSTALLED AT ALL POINTS OF VEHICULAR EGRESS FROM THE SITE. THE SCE IS TYPICALLY A STABILIZED PAD OF AGGREGATE, UNDERLAIN BY A GEOTEXTILE FILTER FABRIC, OR AN ENGINEERED TRACK OUT CONTROL MAT WHICH HAS BEEN APPROVED BY MAINE DEP WHICH IS USED TO PREVENT TRAFFIC FROM TRACKING MATERIAL AWAY FROM THE SITE ONTO PUBLIC RIGHTS-OF-WAY. THE SCE SHALL BE MAINTAINED UNTIL ALL DISTURBED AREAS ARE STABILIZED. IF AN ALTERNATE SCE HAS BEEN APPROVED BY MAINE DEP, PROVIDE PROOF OF THIS WITH THE PLAN OR APPLICATION.
- (e) TEMPORARY STABILIZATION.
(1) WITHIN 7 DAYS OF THE CESSATION OF CONSTRUCTION ACTIVITIES IN AN AREA THAT WILL NOT BE WORKED FOR MORE THAN 7 DAYS, ANY EXPOSED SOIL SHALL BE STABILIZED WITH MULCH OR OTHER NON-ERODIBLE COVER.
(2) AREAS WITHIN 75 FEET OF A WETLAND OR WATERBODY SHALL BE STABILIZED WITHIN 48 HOURS OF THE INITIAL DISTURBANCE OF THE SOIL OR PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST.
- (f) REMOVAL OF TEMPORARY MEASURES. ANY TEMPORARY CONTROL MEASURES, SUCH AS SILT FENCE, SHALL BE REMOVED WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED. ANY ACCUMULATED SEDIMENTS SHALL BE REMOVED AND ALL THE AREAS WHERE THOSE SEDIMENTS WERE SHALL BE STABILIZED.
- (g) PERMANENT STABILIZATION. IF THE SITE OR A PORTION OF THE SITE WILL NOT BE WORKED FOR MORE THAN ONE YEAR OS HAS BEEN BROUGHT TO FINAL GRADE, THEN THE AREA SHALL BE PERMANENTLY STABILIZED WITHIN 7 DAYS BY PLANTING VEGETATION, SEEDING, SOD, OR THROUGH THE USE OF PERMANENT MULCH OR RIPRAP. IF USING VEGETATION FOR STABILIZATION, PROPER VEGETATION SHALL BE SELECTED FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS. DISTURBED AREA SUBSOILS SHALL BE AMENDED WITH TOPSOIL, COMPOST, OR FERTILIZERS. SEEDING AREAS SHALL BE PROTECTED WITH MULCH OR, IF NECESSARY, EROSION CONTROL BLANKETS. SODDING, PLANTING, AND SEEDING SHALL BE SCHEDULED TO AVOID DIE-OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEEDING OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED WITH 90% COVER BY HEALTHY VEGETATION. IF NECESSARY, AREAS MUST BE REWORKED AND REESTABLISHED IF GERMINATION IS SPARSE, PLANT COVERAGE IS SPOTTY, OR TOPSOIL EROSION IS EVIDENT. NATIVE PLANTS AND NATIVE SEED MIXES SHOULD BE USED TO THE MAXIMUM EXTENT PRACTICABLE. IF HAY IS USED, IT SHALL BE WEED-FREE HAY. PERMANENT STABILIZATION DEFINITIONS ARE AS FOLLOWS:
(1) SEEDING AREAS: FOR SEEDING AREAS, PERMANENT STABILIZATION MEANS A 90% COVER OF THE DISTURBED AREA WITH MATURE, HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.
(2) SODDED AREAS: FOR SODDED AREAS, PERMANENT STABILIZATION MEANS THE COMPLETE BINDING OF THE SOD ROOTS INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE-OFF.
(3) PERMANENT MULCH: FOR MULCHED AREAS, PERMANENT MULCHING MEANS TOTAL COVERAGE OF THE EXPOSED AREA WITH AN APPROVED MULCH MATERIAL. EROSION CONTROL MIX MAY BE USED AS MULCH FOR PERMANENT STABILIZATION ACCORDING TO THE APPROVED APPLICATION RATES AND LIMITATIONS.
(4) RIPRAP: FOR AREAS STABILIZED WITH RIPRAP, PERMANENT STABILIZATION MEANS THAT SLOPES STABILIZED WITH RIPRAP HAVE AN APPROPRIATE BACKING OF A WELL-GRADED GRAVEL OR APPROVED GEOTEXTILE TO PREVENT SOIL MOVEMENT FROM BEHIND THE RIPRAP. STONE MUST BE SIZED APPROPRIATELY. IT IS RECOMMENDED THAT ANGULAR STONE BE USED.
(5) PAVED AREAS: FOR PAVED AREAS, PERMANENT STABILIZATION MEANS THE PLACEMENT OF THE COMPACTED GRAVEL SUBBASE IS COMPLETED, PROVIDED IT IS FREE OF FINE MATERIALS THAT MAY RUNOFF WITH A RAIN EVENT.
(6) DITCHES, CHANNELS, AND SWALES: FOR OPEN CHANNELS, PERMANENT STABILIZATION MEANS THE CHANNEL IS STABILIZED WITH A 90% COVER OF HEALTHY VEGETATION, WITH A WELL-GRADED RIPRAP LINING, TURF REINFORCEMENT MAT, OR WITH ANOTHER NON-EROSIVE LINING SUCH AS CONCRETE OR ASPHALT PAVEMENT. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE CHANNEL LINING, UNDERCUTTING OF THE CHANNEL BANKS, OR DOWN-CUTTING OF THE CHANNEL.
- (h) WINTER CONSTRUCTION. WINTER CONSTRUCTION IS CONSTRUCTION ACTIVITY PERFORMED DURING THE PERIOD FROM NOVEMBER 1 THROUGH APRIL 15. IF DISTURBED AREAS ARE NOT STABILIZED WITH PERMANENT MEASURES BY NOVEMBER 1 OR NEW SOIL DISTURBANCE OCCURS AFTER NOVEMBER 1, BUT BEFORE APRIL 15, THEN THESE AREAS MUST BE PROTECTED AND RUNOFF FROM THEM MUST BE CONTROLLED BY THE FOLLOWING ADDITIONAL WINTER CONSTRUCTION MEASURES AND RESTRICTIONS:
(1) SITE 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 MUST BE STABILIZED. MULCH MAY NOT BE SPREAD ON TOP OF SNOW.
(2) SEDIMENT BARRIERS: ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE MUST BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.
(3) DITCH LINES: DITCH LINES MUST BE STABILIZED WITH AN APPROPRIATE STONE LINING BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE UNLESS SPECIFICALLY RELEASED FROM THIS STANDARD BY MAINE DEP. IF RELEASE FROM MAINE DEP HAS BEEN GRANTED, PROOF OF THIS RELEASE MUST BE PROVIDED WITH THE PLAN OR APPLICATION.
(4) SLOPES: MULCH NETTING MUST BE USED TO ANCHOR MULCH ON ALL SLOPES GREATER THAN 8% UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MIX IS BEING USED ON THESE SLOPES. UNVEGETATED SLOPES LESS THAN 8% MUST BE PROTECTED WITH AN EROSION CONTROL BLANKET, EROSION CONTROL MIX, OR RIPRAP.
- (i) STORMWATER CHANNELS. EACH CHANNEL SHALL BE CONSTRUCTED IN SECTIONS SO THAT THE SECTION'S GRADING, SHAPING, AND INSTALLATION OF THE PERMANENT LINING CAN BE COMPLETED THE SAME DAY. IF A CHANNEL'S FINAL GRADING OR LINING INSTALLATION MUST BE DELAYED, THEN DIVERSION BERMS MUST BE USED TO DIVERT STORMWATER AWAY FROM THE CHANNEL, PROPERLY-SPACED CHECK DAMS MUST BE INSTALLED IN THE CHANNEL TO SLOW THE WATER VELOCITY, AND A TEMPORARY LINING INSTALLED ALONG THE CHANNEL TO PREVENT SCOURING.

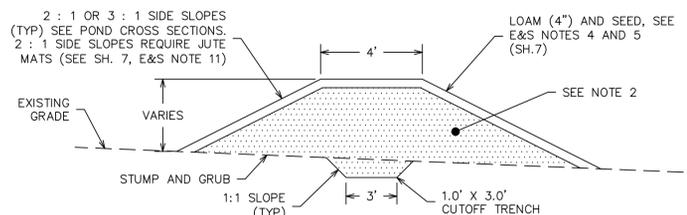
- (j) SEDIMENT BASINS. SEDIMENT BASINS THAT WILL BE USED TO CONTROL SEDIMENT DURING CONSTRUCTION ACTIVITIES MUST BE DESIGNED TO PROVIDE STORAGE FOR EITHER THE CALCULATED RUNOFF FROM A 2-YEAR, 24-HOUR STORM OR PROVIDE FOR 3,600 CUBIC FEET OF CAPACITY PER ACRE DRAINING TO THE BASIN. OUTLET STRUCTURES MUST DISCHARGE WATER FROM THE SURFACE OF THE BASIN WHENEVER POSSIBLE. EROSION CONTROLS AND VELOCITY DISSIPATION DEVICES MUST BE USED IF THE DISCHARGING WATERS ARE LIKELY TO CREATE EROSION. ACCUMULATED SEDIMENT MUST BE REMOVED AS NEEDED FROM THE BASIN TO MAINTAIN AT LEAST HALF OF THE DESIGN CAPACITY OF THE BASIN. CLEARLY VISIBLE STAKING MUST BE INSTALLED WITH MARKS SHOWING THE ELEVATION OF HALF DESIGN CAPACITY FOR EASIER INSPECTION. THE USE OF CATIONIC TREATMENT CHEMICALS IN SEDIMENT BASINS, SUCH AS POLYMERS, FLOCCULANTS, OR OTHER CHEMICALS THAT CONTAIN AN OVERALL POSITIVE CHARGE DESIGNED TO REDUCE TURBIDITY IN STORMWATER MAY ONLY BE USED IF PROOF OF APPROVAL BY MAINE DEP IS PROVIDED.
- (k) PHASING PLAN REQUIREMENTS. NO PHASING PLAN IS REQUIRED IF CONTRACTOR WILL LIMIT DISTURBED AREA TO A MAXIMUM OF 5 ACRES OF DISTURBANCE ACROSS THE SITE AT ANY TIME. IF THE CONSTRUCTION ACTIVITY WILL RESULT IN MORE THAN 5 ACRES OF DISTURBED AREA AT ANY ONE TIME, THE CONTRACTOR SHALL PROVIDE A PHASING PLAN SHOWING:
(1) THE INITIAL 5-ACRE AREA TO BE DISTURBED;
(2) WHICH PORTIONS OF THE INITIAL DISTURBANCE WILL BE STABILIZED, AND WHAT TEMPORARY OR PERMANENT STABILIZATION METHODS WILL BE USED;
(3) WHICH AREAS WILL BE SUBSEQUENTLY DISTURBED AND WHAT TEMPORARY OR PERMANENT STABILIZATION METHODS WILL BE USED; AND
(4) EACH PHASE OF DISTURBANCE AND STABILIZATION MUST BE CLEARLY SHOW THE TOTAL AREAS IN SQUARE FEET OR ACROSS SUCH THAT THE 5-ACRE DISTURBED AREA LIMIT AT ANY ONE TIME IS MET THROUGHOUT THE ENTIRE PROJECT.

- DURING CONSTRUCTION, THE FOLLOWING ARE THE INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION REQUIREMENTS WHICH MUST BE IMPLEMENTED BY THE APPLICANT OR THEIR ON-SITE REPRESENTATIVE:
(l) INSPECTION. DISTURBED AND IMPERVIOUS AREAS, EROSION AND SEDIMENTATION CONTROL BMPs, MATERIALS STORAGE AREAS THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE ARE INSPECTED AT LEAST ONCE A WEEK AS WELL AS BEFORE AND WITHIN 24 HOURS AFTER A STORM EVENT (RAINFALL), AND PRIOR TO COMPLETING PERMANENT STABILIZATION MEASURES. A QUALIFIED EROSION AND SEDIMENTATION CONTROL PROFESSIONAL SHALL CONDUCT THE INSPECTIONS.
(m) MAINTENANCE AND CORRECTIVE ACTION. IF EROSION OR SEDIMENTATION CONTROL BMPs NEED TO BE MAINTAINED, OR REPAIRED OR ENHANCED (CORRECTIVE ACTION), THE WORK SHALL BE INITIATED UPON DISCOVERY OF THE PROBLEM BUT NO LATER THAN THE END OF THE NEXT WORKDAY. IF ADDITIONAL EROSION OR SEDIMENTATION CONTROL BMPs OR SIGNIFICANT REPAIR OF EROSION OR SEDIMENTATION CONTROL BMPs ARE NECESSARY, IMPLEMENTATION MUST BE COMPLETED PRIOR TO ANY STORM EVENT (RAINFALL) AND WITHIN 7 CALENDAR DAYS OF IDENTIFICATION. ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL ALL AREAS ARE PERMANENTLY STABILIZED.
(n) DOCUMENTATION. A LOG (REPORT) SUMMARIZING THE INSPECTIONS AND ANY REPAIRS OR ENHANCEMENTS (CORRECTIVE ACTIONS) ADDED MUST BE MAINTAINED BY THE APPLICANT. 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 PROJECT. MAJOR OBSERVATIONS MUST INCLUDE EROSION AND SEDIMENTATION CONTROL BMPs THAT NEED MAINTENANCE, EROSION AND SEDIMENTATION CONTROL BMPs THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION, AND LOCATION(S) WHERE ADDITIONAL EROSION AND SEDIMENTATION CONTROL BMPs ARE NEEDED. THE LOG MUST DOCUMENT EACH EROSION AND SEDIMENTATION CONTROL BMP REQUIRING MAINTENANCE, EROSION AND SEDIMENTATION CONTROL BMP NEEDING REPLACEMENT, AND LOCATION NEEDING ADDITIONAL EROSION AND SEDIMENTATION CONTROL BMPs, AS WELL AS THE CORRECTIVE ACTION TAKEN AND WHEN IT WAS TAKEN. THE LOG SHALL BE MAINTAINED FOR AT LEAST THREE YEARS FROM THE COMPLETION OF PERMANENT STABILIZATION.

- DURING CONSTRUCTION, THE FOLLOWING HOUSEKEEPING REQUIREMENTS WHICH MUST BE IMPLEMENTED BY THE APPLICANT OR THEIR ON-SITE REPRESENTATIVE:
(o) SPILL PREVENTION. CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON-SITE FROM ENTERING STORMWATER, WHICH INCLUDES STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER. THE SITE CONTRACTOR OR OPERATOR MUST DEVELOP, AND IMPLEMENT AS NECESSARY, APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING MEASURES.
(p) GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN INFILTRATION AREA IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY, AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL, DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS.

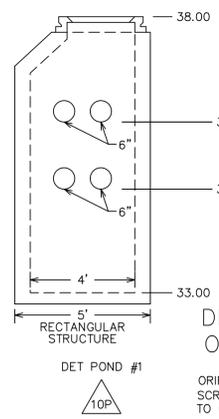
- (q) FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL, BUT OTHER WATER ADJUSTIVES MAY BE CONSIDERED AS NEEDED. A STABILIZED CONSTRUCTION ENTRANCE SHALL BE INCLUDED TO MINIMIZE TRACKING OF MUD AND SEDIMENT. IF OFF-SITE TRACKING OCCURS, PUBLIC ROADS SHALL BE SWEEP IMMEDIATELY AND NO LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS. OPERATIONS DURING DRY MONTHS, THAT EXPERIENCE FUGITIVE DUST PROBLEMS, SHALL WET DOWN UNPAVED ACCESS ROADS ONCE A WEEK OR MORE FREQUENTLY AS NEEDED WITH A WATER ADDITIVE TO SUPPRESS FUGITIVE SEDIMENT AND DUST.
(r) DEBRIS AND OTHER MATERIALS. MINIMIZE THE EXPOSURE OF CONSTRUCTION DEBRIS, BUILDING AND LANDSCAPING MATERIALS, TRASH, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE, AND OTHER MATERIALS TO PRECIPITATION AND STORMWATER RUNOFF. THESE MATERIALS MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE. SEDIMENT GENERATED BY CONCRETE OR MORTAR MIXING, BRICK CUTTING & SAW CUTTING ACTIVITIES MUST BE CONTAINED (E.G., SAUSAGE BOOM, STRAW BALES, ETC.) AND CLEANED UP USING DRY METHODS (I.E., SWEEPING OR VACUUMING) TO PREVENT IT FROM ENTERING DRAINAGE STRUCTURES OR WATER RESOURCES. THESE ACTIVITIES SHALL BE DONE ON VEGETATED AREAS WHENEVER POSSIBLE AND AWAY FROM DRAINAGE STRUCTURES AND WATER RESOURCES.
(s) EXCAVATION DEWATERING. EXCAVATION DEWATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDS, AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR OTHERWISE TREATED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFER DAM SEDIMENTATION OR SEDIMENT FILTER BAG. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. IF THE MAINE DEP HAS APPROVED EQUIVALENT MEASURES, PROVIDE PROOF OF APPROVAL. NOTE THAT DISCHARGE OF EXCAVATION DEWATER FLOUIDS FROM THE SITE MUST BE VISUALLY CLEAR (NO VISIBLE SUSPENDED OR SETTLEABLE SOLIDS).

- (t) WASHOUT FROM CONCRETE, STUCCO, PAINT, CURING COMPOUNDS, OR OTHER CONSTRUCTION MATERIALS. IF WASHOUT/CLEANOUT IS TO BE COMPLETED ON THE SITE, A DESIGNATED AREA(S) SHALL BE ESTABLISHED AND MARKED ON THE EROSION AND SEDIMENTATION CONTROL PLAN. THIS AREA SHALL BE A MINIMUM OF 50 FEET FROM ALL DRAINAGE STRUCTURES, DITCHES, WATERBODIES, AND RESOURCE AREAS, AS WELL AS PROPERTY BOUNDARIES. THE AREA SHALL NOT HAVE AN OUTLET TO DISCHARGE WASTES OR FLOWS. NO DETERGENTS SHALL BE USED OR VEHICLES WASHED IN THIS LOCATION. A LEAK-PROOF PIT OR CONTAINER SHALL BE ESTABLISHED IN THE WASHOUT AREAS(S), TO WHICH WASHINGS SHALL BE DIRECTED. THIS AREA SHALL BE USED FOR WASHOUT CONTAINMENT AND DEWATERING BY EVAPORATION ONLY. THE PIT SHALL NOT ALLOW INFILTRATION TO OCCUR. TO PREVENT CLEAN WATER FROM ENTERING THE PIT, THE WASHOUT AREAS SHALL BE COVERED DURING PRECIPITATION EVENTS. INSPECTIONS OF THE PIT SHALL BE CONDUCTED DAILY TO ENSURE NO LEAKS ARE PRESENT AND NO DISCHARGE IS OCCURRING.



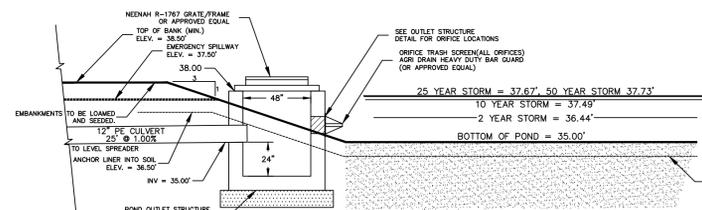
FILTER POND EMBANKMENT AND BERM DETAIL
SCALE: 1" = 5'

- EMBANKMENT CONSTRUCTION NOTES**
- 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.
 - 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.
 - DETENTION BASIN AND ALL EXCAVATIONS SHALL BE KEPT FREE OF WATER DURING CONSTRUCTION.

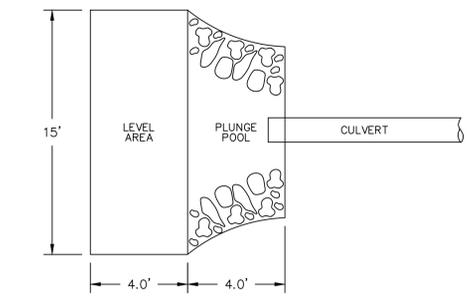
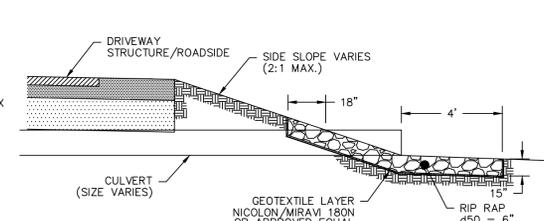
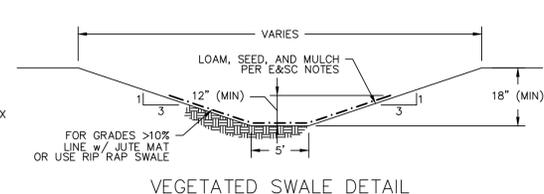
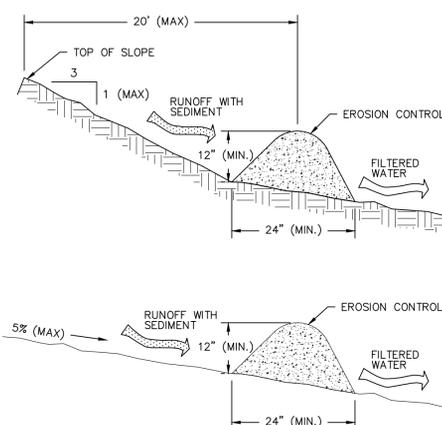


DETENTION POND #1 OUTLET STRUCTURE (NTS)

ORIFICES TO BE PROTECTED WITH TRASH SCREENS (2" MAX. OPENINGS) FASTENED TO OUTLET STRUCTURES WITH SS PARTS.



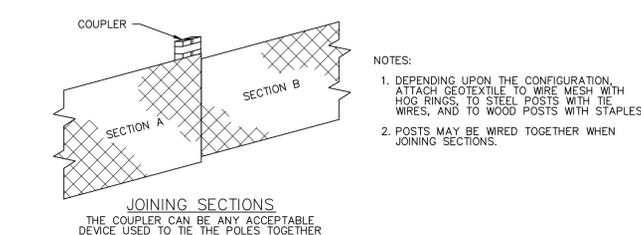
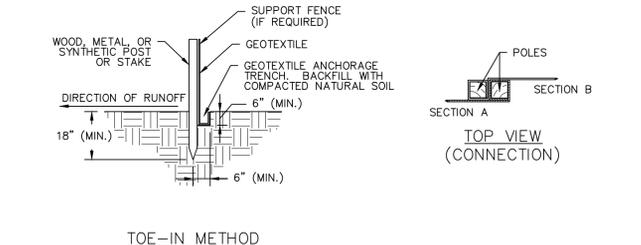
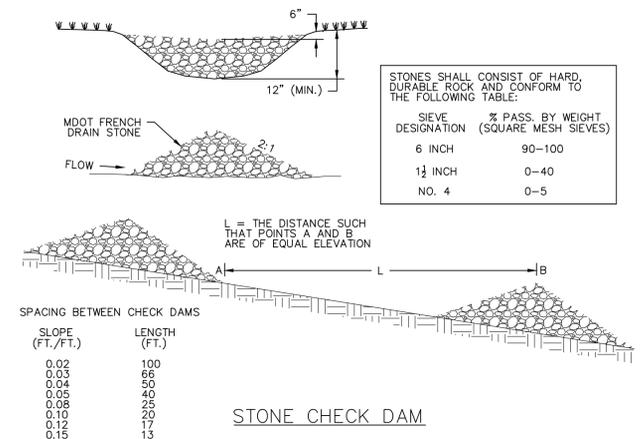
DETENTION POND #1
NOTES: PIPE JOINTS TO BE WATER TIGHT (SCALE: 1" = 5')



EROSION CONTROL MIX COMPOSITION STANDARDS:

- THE ORGANIC MATTER CONTENT SHALL BE BETWEEN 80 AND 100% DRY WEIGHT BASIS.
- PARTICLE SIZE BY WEIGHT SHALL BE 100% PASSING A 6" SCREEN AND A MINIMUM OF 70% MAXIMUM OF 85% PASSING A 0.75" SCREEN.
- THE ORGANIC PORTION NEEDS TO BE FIBROUS AND ELONGATED.
- LARGE PORTIONS OF SILTS, CLAYS, OR FINE SANDS ARE NOT ACCEPTABLE IN THE MIX.
- SOLUBLE SALTS CONTENT SHALL BE < 4.0 mmhos/cm
- THE pH SHOULD FALL BETWEEN 5.0 AND 8.0.

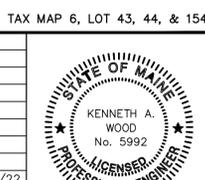
EROSION CONTROL MIX BERM - NTS



SITE DETAILS
CLOVER FARM SUBDIVISION
MAIN STREET, ELIOT, MAINE

FOR: MARK MCNALLY BUILDING MAINTENANCE, LLC.
1381 ELWYN ROAD
PORTSMOUTH, NH 03801

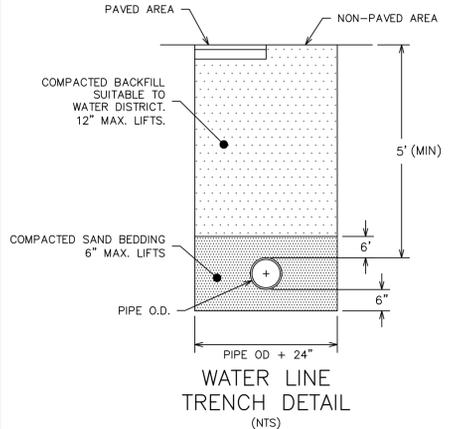
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1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128



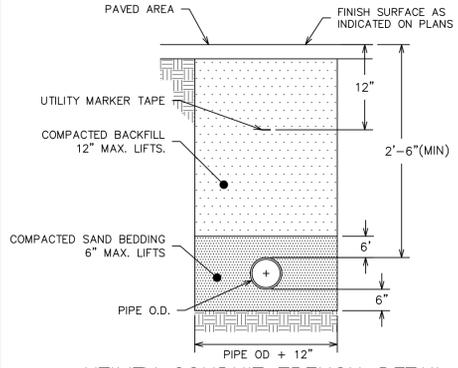
TAX MAP 6, LOT 43, 44, & 154

NO.	DESCRIPTION	DATE
C	THIRD PARTY REVIEW REVISIONS	12/06/22
B	THIRD PARTY REVIEW REVISIONS	11/01/22
A	PRELIMINARY REVIEW REVISIONS	10/04/22
NO.	DESCRIPTION	DATE
REVISIONS		

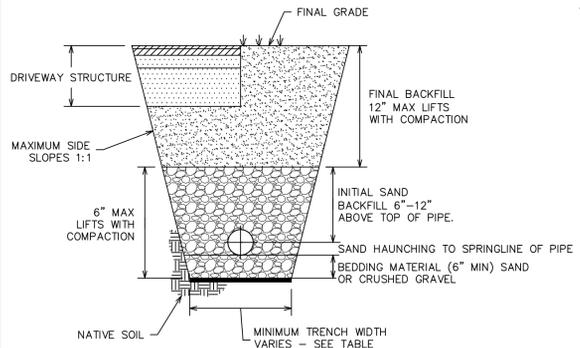
SCALE: 1" = 40'	APPROVED BY:	DRAWN BY: MJS
DATE: 08/23/22		REVISION DATE: C : 12/06/22
JOB NO: C174-21	FILE: MAIN ST REV BASE.DWG	SHEET: 5



WATER LINE TRENCH DETAIL
(NTS)

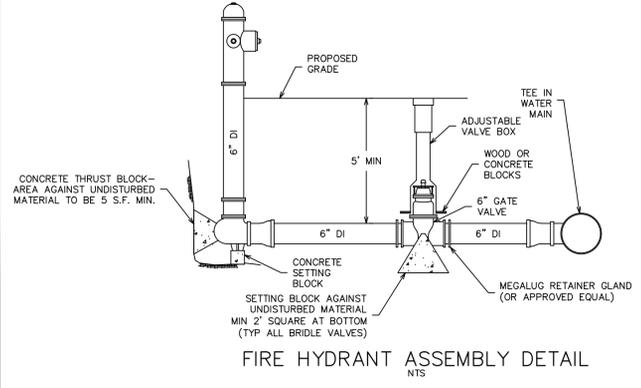


UTILITY CONDUIT TRENCH DETAIL
(NTS)

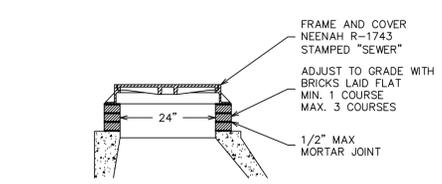


HDPE CULVERT TRENCH DETAIL
(NTS)

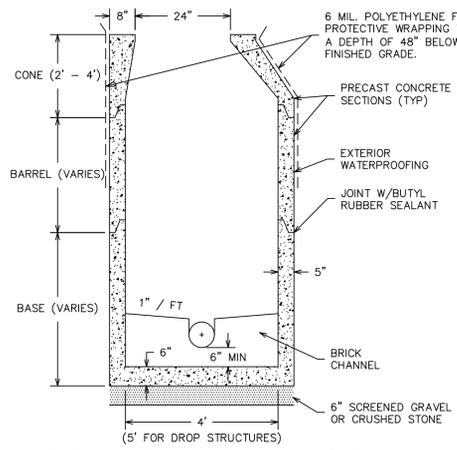
NOMINAL DIAMETER (IN)	MIN. TRENCH WIDTH (IN)
4	21
6	23
8	25
10	28
12	31
15	34
18	39
24	48
30	66
36	78
42	83
48	89
60	102



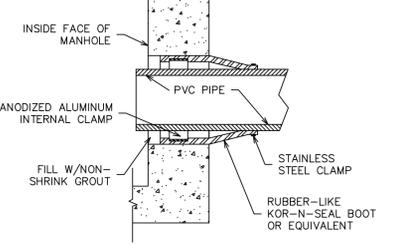
FIRE HYDRANT ASSEMBLY DETAIL
(NTS)



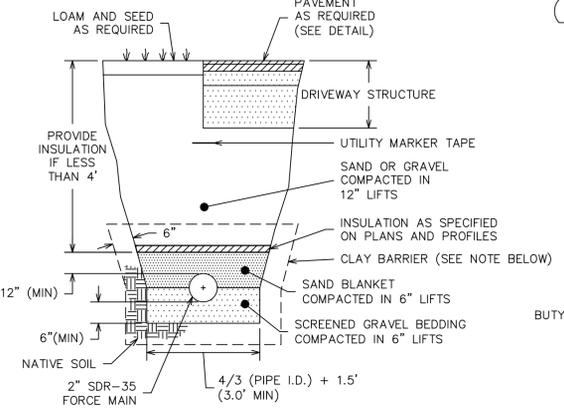
STANDARD COVER AND FRAME
(NTS)



TYPICAL SANITARY MANHOLE
(NTS)



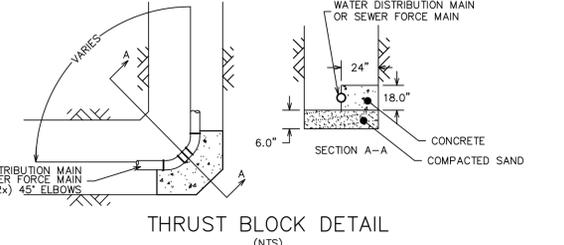
TYPICAL BOOT GASKET
(NTS)



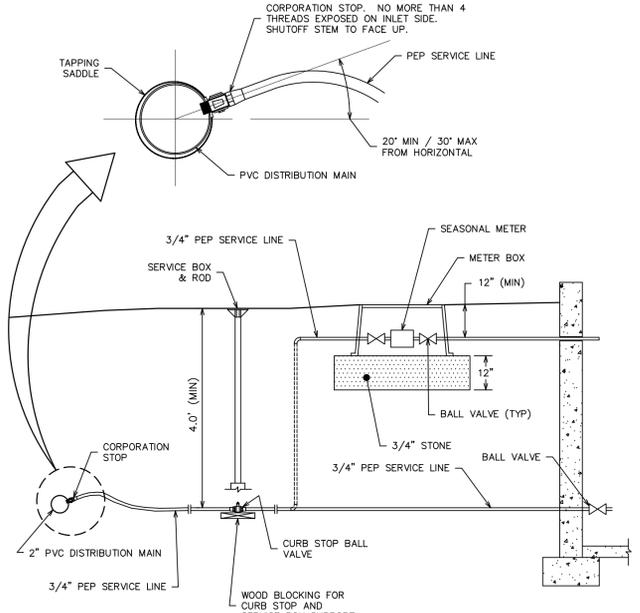
SEWER PIPE TRENCH DETAIL
FORCE MAIN TRENCH DETAIL
(NTS)

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

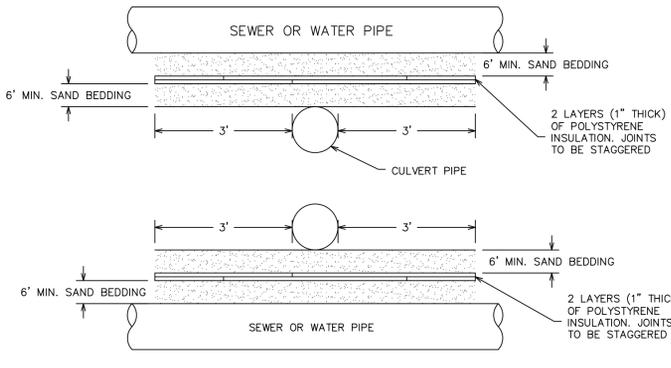
CLAY BARRIERS (12" THICK, APPROX. 100' INTERVALS) ALONG THE PIPE BEDDING SHALL BE INSTALLED IN AREAS OF HIGH GROUNDWATER OR AS DIRECTED BY THE INSPECTING ENGINEER.



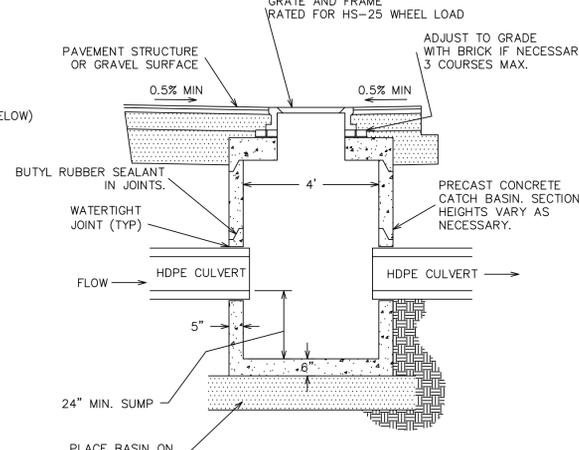
THRUST BLOCK DETAIL
(NTS)



WATER SERVICE DETAIL
(NTS)

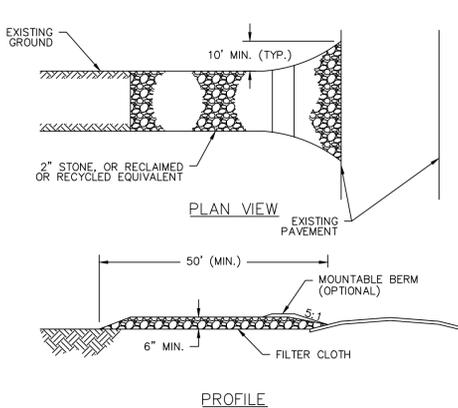
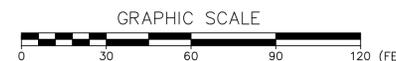


CULVERT CROSSING
(NTS)



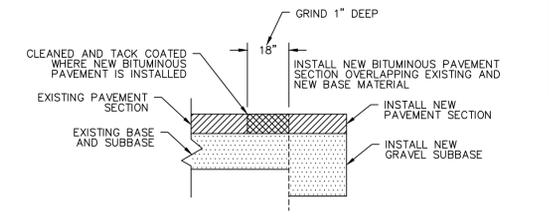
TYPICAL CATCH BASIN DETAIL
(NTS)

STRUCTURE SHALL BE INSPECTED QUARTERLY WITH SEDIMENTS/FLOATABLES REMOVED AND LEGALLY DISPOSED OF AS NEEDED (MINIMUM ONCE PER YEAR).

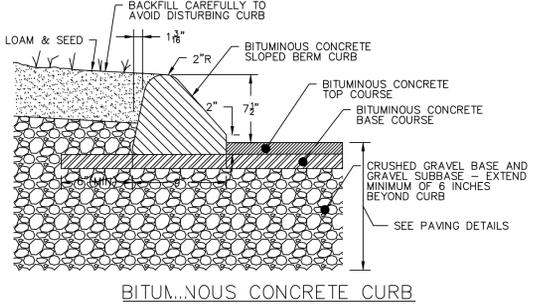


STABILIZED CONSTRUCTION ENTRANCE
(NTS)

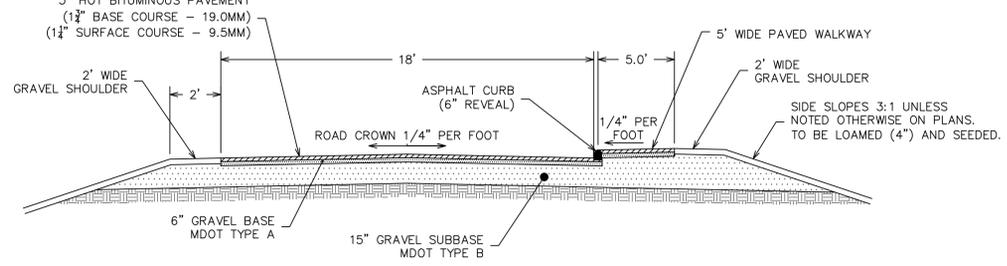
NOTES:
1. GEOTEXTILE: PLACE FILTER CLOTH OVER ENTIRE AREA TO BE COVERED WITH AGGREGATE. FILTER CLOTH WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENTIAL LOT.
2. PIPING OF SURFACE WATER UNDER ENTRANCE SHALL BE PROVIDED AS REQUIRED. IF PIPING IS IMPOSSIBLE, A MOUNTABLE BERM WITH A 5:1 SLOPE WILL BE PERMITTED.



PAVEMENT JOINT CROSS SECTION
NEW PAVEMENT ABUTTING EXISTING PAVEMENT

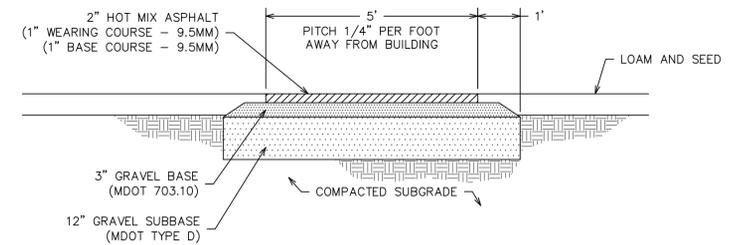


BITUMINOUS CONCRETE CURB
(NTS)



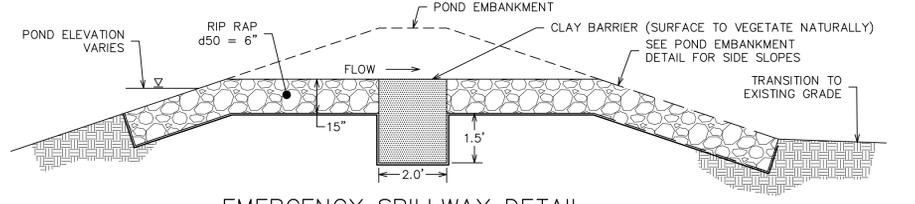
ROAD CROSS SECTION
(SIDEWALK ONE SIDE - ADJACENT TO ROAD)
(NTS)

GRAVEL FILL TO BE COMPACTED TO 95% MODIFIED PROCTOR



ASPHALT SIDEWALK DETAIL
(NTS)

GRAVEL FILL TO BE COMPACTED TO 95% MODIFIED PROCTOR



EMERGENCY SPILLWAY DETAIL
(NTS)

TAX MAP 6, LOT 43, 44, & 154

SITE DETAILS
CLOVER FARM SUBDIVISION
MAIN STREET, ELIOT, MAINE

FOR: MARK MCNALLY BUILDING MAINTENANCE, LLC.
1381 ELWYN ROAD
PORTSMOUTH, NH 03801

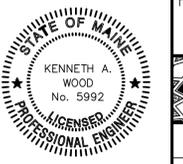
ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • MARINE
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: AS NOTED
DATE: 08/23/22
JOB NO: C174-21

APPROVED BY: MJS
REVISION DATE: 12/06/22
FILE: MAIN ST REV BASE.DWG
SHEET: 6

REVISIONS

B	THIRD PARTY REVIEW REVISIONS	12/06/22
A	THIRD PARTY REVIEW REVISIONS	11/01/22
NO.	DESCRIPTION	DATE





SOILS LEGEND

SYMBOL	SOIL SERIES NAME	HSG	SLOPES
AdB	ADAMS LOAMY SAND	A	0-8%
AIB	ALLAGASH VERY FINE SANDY LOAM	B	3-8%
MaB	MADAWASKA FINE SANDY LOAM	B	0-8%
PeB	PERU FINE SANDY LOAM	C	3-8%
SeC	SCIO SILT LOAM	C	8-15%
W	WATER BODIES	N/A	N/A

FLOW TYPES

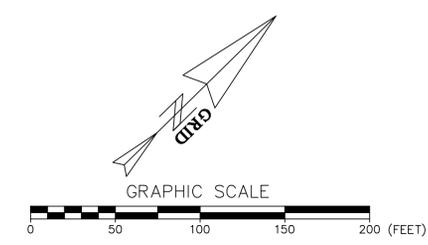
SF SHEET FLOW
 SCF SHALLOW CONCENTRATED FLOW
 CF CHANNEL FLOW

NOTE: SOILS INFORMATION IS TAKEN FROM CUSTOM SOIL RESOURCE REPORT FOR YORK COUNTY, MAINE, MEDIUM INTENSITY, INFORMATION GATHERED FROM THE NATIONAL RESOURCES CONSERVATION SERVICE (NRCS). SURVEY AREA DATA IS VERSION 20, DATED 08/31/2021.

- 1S SUBCATCHMENT
- 1R REACH
- 1P POND (LEVEL SPREADER)
- AP1 ANALYSIS POINT

LEGEND

PROPERTY LINE	
EXT. ABUTTER LINE	
EXT. GRAVEL	
EXT. PAVEMENT	
EXT. BUILDING	
EXT. BLDG. TO BE DEMO'D	
EXT. MAJOR CONTOUR	XXX
EXT. MINOR CONTOUR	XXX
EXT. TREELINE	
EXT. TREE >24" DBH	
EXT. SUBCATCHMENT	
EXT. To FLOW LINE	
EXT. To GRADE CALC	
SOIL TYPE BOUNDARY	



NO.	DESCRIPTION	DATE
A	THIRD PARTY REVIEW REVISIONS	12/06/22

TAX MAP 6, LOT 43, 44, & 154

STORMWATER: EXISTING CONDITIONS
 CLOVER FARM SUBDIVISION
 MAIN STREET, ELIOT, MAINE

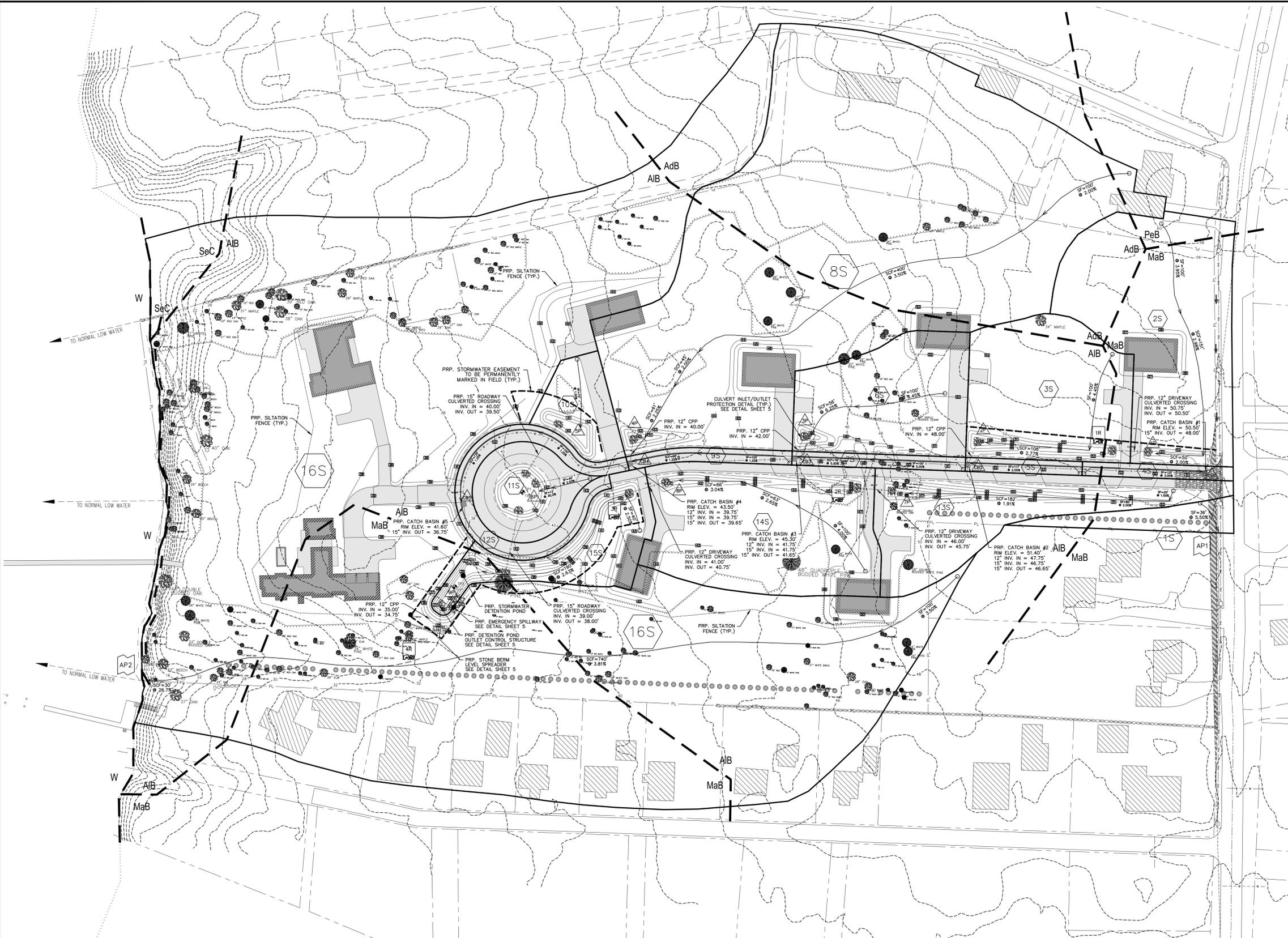
FOR: MARK MCNALLY BUILDING MAINTENANCE, LLC.
 1381 ELWYN ROAD
 PORTSMOUTH, NH 03801

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

SCALE: 1" = 50'
 DATE: 08/23/22

APPROVED BY: _____
 DRAWN BY: MJS
 REVISION DATE: A : 12/06/22

JOB NO: C174-21 FILE: MAIN ST REV BASE.DWG SHEET: 7



Analysis Point	2 Year Storm (cfs)	10 Year Storm (cfs)	25 Year Storm (cfs)	50 Year Storm (cfs)
AP1	0.67	2.07	3.42	4.67
AP2	2.70	10.94	19.74	28.06

Analysis Point	2 Year Storm (cfs)	10 Year Storm (cfs)	25 Year Storm (cfs)	50 Year Storm (cfs)
AP1	0.06	0.17	0.29	0.39
AP2	2.59	8.31	15.97	23.07

Analysis Point	2 Year Storm (cfs)	10 Year Storm (cfs)	25 Year Storm (cfs)	50 Year Storm (cfs)
AP1	-0.61	-1.90	-3.13	-4.28
AP2	-0.11	-2.63	-3.77	-4.99

Event	Total (in.)
2-Year	3.30
10-Year	4.90
25-Year	6.20
50-Year	7.30

SYMBOL	SOIL SERIES NAME	HSG	SLOPES
AdB	ADAMS LOAMY SAND	A	0-8%
AIB	ALLAGASH VERY FINE SANDY LOAM	B	3-8%
MaB	MADAWASKA FINE SANDY LOAM	B	0-8%
PeB	PERU FINE SANDY LOAM	C	3-8%
SeC	SCIO SILT LOAM	C	8-15%
W	WATER BODIES	N/A	N/A

FLOW TYPES

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

NOTE: SOILS INFORMATION IS TAKEN FROM CUSTOM SOIL RESOURCE REPORT FOR YORK COUNTY, MAINE, MEDIUM INTENSITY, INFORMATION GATHERED FROM THE NATIONAL RESOURCES CONSERVATION SERVICE (NRCS). SURVEY AREA DATA IS VERSION 20, DATED 08/31/2021.

- 1S SUBCATCHMENT
- 1R REACH
- 1P POND (LEVEL SPREADER)
- AP1 ANALYSIS POINT

PROPERTY LINE	---
EXT. ABUTTER LINE	---
EXT. GRAVEL	---
EXT. PAVEMENT	---
PRP. GRAVEL	---
EXT. BUILDING	▨
PRP. BUILDING	▨
PRP. STORM LINE	D
PRP. RIP RAP	⊘
EXT. MAJOR CONTOUR	XXX
EXT. MINOR CONTOUR	XXX
PRP. MAJOR CONTOUR	XXX
PRP. MINOR CONTOUR	XXX
PRP. SPOT GRADE	102.0' x
EXT. TREELINE	~
EXT. TREE >24" DBH	●
PRP. VEG. SCREENING	●
PRP. SUBCATCHMENT	---
PRP. Tc FLOW LINE	○
PRP. Tc GRADE CALC	SF=XXX' x.XXX'
SOIL TYPE BOUNDARY	---
PRP. SILTING FENCE	---

TAX MAP 6, LOT 43, 44, & 154

STORMWATER: DEVELOPED CONDITIONS
CLOVER FARM SUBDIVISION
MAIN STREET, ELIOT, MAINE

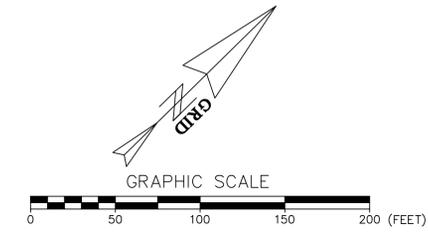
FOR: MARK MCNALLY BUILDING MAINTENANCE, LLC.
1381 ELWYN ROAD
PORTSMOUTH, NH 03801

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



SCALE: 1" = 50'
DATE: 08/23/22
APPROVED BY: MJS
DRAWN BY: MJS
REVISION DATE: D : 01/09/23

NO.	DESCRIPTION	DATE
D	FINAL PLAN SUBMISSION	01/09/23
C	THIRD PARTY REVIEW REVISIONS	12/06/22
B	THIRD PARTY REVIEW REVISIONS	11/01/22
A	PRELIMINARY REVIEW REVISIONS	10/04/22
NO.	DESCRIPTION	DATE



JOB NO: C174-21 FILE: MAIN ST REV BASE.DWG SHEET: 8