

# TOWN OF ELIOT, MAINE

## PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION

DATE:

Tuesday, May 16, 2023

PLACE: TOWN HALL/ZOOM

TIME:

6:00 P.M.

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

1) **ROLL CALL**

- a) Quorum, Alternate Members, Conflicts of Interest

2) **PLEDGE OF ALLEGIANCE**

3) **MOMENT OF SILENCE**

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

5) **REVIEW AND APPROVE MINUTES**

- a) October 4, 2022 to April 18, 2023 – if available  
April 18, 2023 presented

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

- a) 0 Bolt Hill Rd. Village at Great Brook Subdivision

7) **PUBLIC HEARING**

8) **NEW BUSINESS**

- a) PB23-06: 18 Cole St. (Map 1 Lot 143), PID# 001-143-000: Shoreland Zoning Permit Application – Seasonal Float Expansion  
b) PB23-07: 708 River Rd. (Map 50, Lot 29), PID# 050-029-000: Residential Subdivision (4 lots) – sketch plan

9) **OLD BUSINESS**

- a) PB23-4: 2077 State Road, Raitt Farm Museum (Map 87Lot 1) PID#: 087-001-000 Site Plan Review – Day Nursery, owner Jessica Labbe

10) **OTHER BUSINESS / CORRESPONDENCE**

- a) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Member  
Discussion of By-Laws.

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

- a) June 6, 2023

12) **ADJOURN**

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

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

- a) Go to [www.eliotme.org](http://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: **847 3352 9977**  
2. When prompted to enter Attendee ID  
3. When prompted enter meeting password: **753777**  
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

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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](http://eliotmaine.org/planning-board). Town Hall is accessible for persons with disabilities.**

1 **ITEM 1 - ROLL CALL**

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

5  
6 Also Present: Jeff Brubaker, Town Planner.

7  
8 Absent: Jeff Brubaker, Town Planner (excused)

9  
10 Voting members: Carmela Braun, Jeff Leathe, Christine Bennett, Jim Latter, and Paul  
11 Shiner (appointed).

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

14  
15 **ITEM 3 – MOMENT OF SILENCE**

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

18  
19 There was no public input.

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

22  
23 **Mr. Latter moved, second by Ms. Bennett, to approve the minutes of February 7,**  
24 **2023, as amended.**

25 **VOTE**  
26 **4-0-1 (Mr. Leathe abstained)**  
27 **Motion approved**

28  
29 **ITEM 6 – NOTICE OF DECISION**

30  
31 **a. 0 Bolt Hill Road, Villages at Great Brook (M17/L29), PB22-21: after-the-fact**  
32 **amendment to existing subdivision plan hybrid subdivision review for Village at**  
33 **Great Brook Subdivision.**

34  
35 At this point, Ms. Braun left the podium and Mr. Leathe chaired for this review.

36  
37 Findings of Fact were reviewed:  
38 Dates were added/discussed under #4 Ownership History.

39  
40 Mr. Leathe said that my sense of this, going through it, is that there are going to be  
41 questions that will not be resolved tonight. It’s a very long document. There is a lot of  
42 information in here. I was thinking that we could just go through it tonight as best we  
43 can, find the places that we agree and don’t agree or have questions and note those. We  
44 may have to push those to another meeting because we may not be able to come to an  
45 understanding on every one of these Findings of Fact further on in the document.

46

47 Th PB agreed to go through in the order it was written.

48  
49 #9 (outstanding), #11 (outstanding), #14 (revised), #19 (revised), #20 (revised), #27  
50 (revised), #34 (outstanding).

51  
52 Decision motion was corrected. Permits discussion kept wording as written. Submitted  
53 for March 28, 2023 document list added from Mr. Sudak's cover letter.

54  
55 With further discussion, the PB agreed that review should continue to the next meeting.

56  
57 **Ms. Bennet moved, second by Mr. Latter, that the Planning Board move**  
58 **consideration of the Notice of Decision letter for PB22-21 After-the-Fact**  
59 **Amendment to an Existing Subdivision Plan Hybrid Subdivision Review for the**  
60 **Village at Great Brook Subdivision to our next regular meeting on May 2, 2023.**

61  
62 **VOTE**  
63 **4-0**  
64 **Motion approved**

65  
66 **b. 290 & 291 Harold L. Dow Highway (M37/L20 & 2-1), PB22-18**

67  
68 At this point, Ms. Braun returned to the PB as Chair.

69  
70 **Mr. Latter moved, second by Ms. Bennett, that the Planning Board accept the**  
71 **Notice of Decision for PB22-18 – Amended Site Plan Review/Change of Use at 290**  
72 **Dow Highway/Retention of Manufacturing Use at 291 Dow Highway, as written.**

73  
74 Note: Mr. Leathe said that I met two out of three meetings with this applicant. I have read  
75 the minutes from the meeting that I missed so I am able to vote.

76  
77 **VOTE**  
78 **5-0**  
79 **Motion approved**

80  
81 **ITEM 7 – PUBLIC HEARING**

82  
83 No public hearings.

84  
85 **ITEM 8 – NEW BUSINESS**

86  
87 **A. 2077 State Road (M87/L1), PB23-4: Day Nursery (outdoors) – Site Plan Review**  
88 **Application (sketch plan review).**

89  
90 **Received: March 16, 2023**  
91 **1<sup>st</sup> Heard: April 18, 2023 (sketch plan review)**  
92 **2<sup>nd</sup> Heard: \_\_\_\_\_ 2023**

93 **3<sup>rd</sup> Heard: \_\_\_\_\_, 2023**  
94 **Public Hearing: \_\_\_\_\_, 2023**  
95 **Site Walk: N/A**  
96 **Approval: \_\_\_\_\_, 2023**  
97

98 Ms. (Jessica) Labbe, applicant, was present for this application.  
99

100 Ms. Labbe said that I don't know what happened but it is not a Home Business.  
101 Essentially, we are proposing an additional use to the property of Day Nursery. We do  
102 not use a structure. We are a full outdoor program so we don't fit into a lot of normal  
103 boxes. We are currently in the process of getting licensed by the State of Maine as the  
104 first fully-outdoor program in Maine and we're very excited about that. Part of that  
105 process is that we do need a Zoning letter from the Town so we are requesting an  
106 additional use to the property that we are currently using and renting from Raitt  
107 Homestead Farm Museum.  
108

109 Ms. Bennett said that I would like learn a little bit more about what you're doing. Can  
110 you tell me how many children are participating. What their ages are and how long do  
111 they spend with you in your outdoor school.  
112

113 Ms. Labbe said that, currently, there are 24 students enrolled. We have anywhere  
114 between eight and twenty-four children in the course of a day. Mondays and Fridays are  
115 usually our lighter days where we have between eight and twelve children. They are  
116 between the ages of 2½ and 5 years old. We are outdoors from 7:30 AM to 5 PM,  
117 Monday through Friday.  
118

119 Ms. Bennett asked if those children are outside the whole time.  
120

121 Ms. Labbe said yes, they are.  
122

123 Ms. Bennett said that you mentioned that you are working with the State on licensing.  
124 Have the licensing rules been developed, yet, or are they in process.  
125

126 Ms. Labbe said that we are working with a pilot program. We would be the very first one  
127 in the State of Maine to be a fully outdoor childcare facility.  
128

129 Ms. Braun said that I see that the CEO is here on Zoom and that she could chime in at  
130 any time if she wanted to.  
131

132 Mr. Leathe asked if she was going to have a sign.  
133

134 Ms. Labbe said that we are not going to have a sign.  
135

136 Mr. Leathe said that, in terms of water and sewer, if the children are outside and it  
137 doesn't appear that there are any primary structures, how are you going to handle their  
138 needs.

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Ms. Labbe said that we have a ‘leave no trace’ situation. We pack in and pack out every day, so, we bring the water with us. For handwashing, we use water at the farm from the house and then we bring in bottles of water for the children as additional drinking water.

Mr. Leathe asked about porta-potties.

Ms. Labbe said that we do have a porta-potty for staff and we have little potties for the children that we dump at the end of the night.

Mr. Leathe asked if there are any noise considerations. The neighbors on one side seem to be pretty close to the parcel you are leasing. Otherwise, it didn’t appear to be too close to any other neighbors.

Ms. Labbe said that we have not had any complaints so we haven’t made a noise consideration at this point.

Mr. Shiner said that, given summertime conditions, perhaps an electrical storm, a hail storm, are there any contingencies for sheltering.

Ms. Labbe said yes. If there is an emergency, there is a shelter on the property that we would run into. If there was going to be a thunderstorm, usually we know in advance so we would close early that day.

Mr. Shiner said that someone would call for parents to come collect the kids.

Ms. Labbe said yes. We use an app called ‘brightwheel’ and we would send a message to all of the families, ahead of time, to let them know that we will be closing at an ‘X’ time due to thunderstorms.

Mr. Shiner said that, regarding activities, I guess you are limiting yourselves to a section of the parcel so there will be no interaction or anything close to any of the farm operations or operations of the machines, and so forth.

Ms. Labbe said that we are.

Ms. O’Connor asked if this was going to be 12 months a year or seasonal.

Ms. Labbe said that it is 12 months.

Ms. Braun asked how many instructors do you have.

Ms. Labbe said that we don’t use instructors.

Ms. Braun asked how many staff, and are they vetted.

185 Ms. Labbe said that we have 5 staff and they are vetted. We actually have three  
186 background checks per staff per year.

187  
188 Ms. Braun asked if the applicant is included in the five.

189  
190 Ms. Labbe said yes.

191  
192 Ms. Braun said that you would then have to have five parking spaces and it indicates that  
193 there are ten that are allotted for you.

194  
195 Ms. Labbe said yes.

196  
197 Ms. Braun asked if all the students are there all day.

198  
199 Ms. Labbe said that they are between the hours so it's daycare hours of 7:30 to 5. They're  
200 not there all days. Some of them get dropped off at 7:30 and get picked up at 3. Some of  
201 them get dropped off at 9 and don't get picked up until 5. It depends on their parents'  
202 schedules.

203  
204 Ms. Braun said that there was something on the agreement that I wanted to question. It  
205 says that you have the potential for storage sheds. What would you be using those storage  
206 sheds for.

207  
208 Ms. Labbe said materials. We do nap outside in hammocks so we store our hammocks  
209 and sleeping bags in there. Clothes for the children, if they need it. Our water jugs would  
210 be stored in the shed; art supplies, things like that.

211  
212 Ms. Braun asked if they are currently on the property.

213  
214 Ms. Labbe said yes, they are.

215  
216 Ms. Braun asked how many are there.

217  
218 Ms. Labbe said that there are three.

219  
220 Mr. Latter said that, first of all, I don't know if it's amazing in a good way or bad way  
221 that you're trying to do this.

222  
223 Ms. Labbe said that it came out of a need from the pandemic and the families have really  
224 loved it. So, we've decided to continue on with the program.

225  
226 Mr. Latter addressed safety of custody of the kids. Normally when we go to a pre-school,  
227 doors are locked and you don't usually have to worry about people getting through. It's  
228 'come in this door', 'stop here'. You know that's the parent but 28 kids, five people  
229 outside.

230

231 Ms. Labbe said that there's that whole hill between us and where those parents are  
232 coming to pick up. We have a staff stationed at pick-up time to watch the parents coming  
233 down. If we saw someone, we would move the children deeper into the woods and I  
234 promise you they would not be able to find us out there. This is something we have had  
235 to work through because we did have a concern at one point with a family. We have some  
236 great safety protocols in place to make this work. I am also happy to share our emergency  
237 action plan, as well.

238  
239 Mr. Latter said that a lot of that stuff you will have to present to the State. That was just  
240 one concern that, without a structure, how do you keep the kids safe.

241  
242 Ms. Labbe said absolutely. Safety is our number one concern all the time.

243  
244 Ms. (Lisa) Raitt said that we have cameras everywhere at the farm. So, I know when  
245 someone comes on the property. I see you bike by. WE also have a trail camera that is  
246 pointed directly where parents come up and down the hill.

247  
248 Ms. Bennett said that I'm just sitting here pondering because we've just gone through the  
249 process of changing the definition of day nursery and we put in a whole slew of  
250 categories to replace that definition. I'm looking at what we've proposed and what's  
251 going on the ballot in June. You're a square peg going into a round hole and it looks like  
252 you're going to be falling under our childcare facility. We did create a definition for  
253 outdoor education but we put in that the children wouldn't be there more than 3½ hours.  
254 Do you think you would be able to fit into that definition or is that too narrow for what  
255 you are proposing.

256  
257 Ms. Labbe said that 3½ hours is too narrow for our program.

258  
259 Ms. Bennett asked what was the category. We modeled all our definitions according to  
260 State licensing so what does the State describe what the State licensing is going to be.

261  
262 Ms. Labbe said that we are currently undergoing childcare facility licensing minus a  
263 structure. We bureaucrats want to know how we can fit you into this.

264  
265 Ms. Braun asked if there were any more questions or more information needed, or are we  
266 ready to go for completeness.

267  
268 Ms. Bennett asked if we want to do a site walk.

269  
270 The PB agreed that they would.

271  
272 After some discussion, the site walk was scheduled May 13 at 8AM. Applicant will be  
273 heard at the May 16<sup>th</sup> agenda.

274  
275 NOTE: Mr. Latter may not be in attendance for the May 16<sup>th</sup> meeting.

276

277 **B. Passamaquoddy Lane (M29/L34), PB23-4: Staging & Storage Yard – Site Plan**  
278 **Review Amendment (sketch plan review).**  
279

280 **Received: January 31, 2023**  
281 **1<sup>st</sup> Heard: April 18, 2023 (sketch plan review)**  
282 **2<sup>nd</sup> Heard: \_\_\_\_\_, 2023**  
283 **3<sup>rd</sup> Heard: \_\_\_\_\_, 2023**  
284 **Public Hearing: \_\_\_\_\_, 2023**  
285 **Site Walk: N/A**  
286 **Approval: \_\_\_\_\_, 2023**  
287

288 Mr. (Mike) Sudak, E.I. (Attar Engineering, Inc.) and Mr. (John) Pollard, applicant, were  
289 present for this application.  
290

291 Mr. Sudak said that I am covering for Wiatt Page, also of my office, and Mr. Pollard  
292 might come up to supplement my presentation. The supplement I gave you tonight is my  
293 interpretation for my presentation purposes. There is no new information but just how my  
294 brain interprets it. This is on Passamaquoddy Lane off Route 236 just north of the Beech  
295 Road intersection. This is an 8.5-acre parcel in the C/I Zone. There is an existing gravel  
296 lay-down yard. What you have in front of you in the sheet I provided (magenta  
297 highlighted area) is the existing edge of gravel. What we are proposing to do out there,  
298 which is the dark, transparent hatch, is to expand that existing gravel lay-down area for a  
299 construction lay-down yard. So, with construction material, staging, some construction  
300 vehicles, as well. Regarding the site, all the existing impervious is just in the base zone  
301 (C/I Zone) but a significant portion of the expansion dips into the Limited Commercial  
302 Zone (LCZ), one of your Shoreland overlays. We have some maximums on the amount  
303 of de-vegetated cover that we are allowed to develop with this. We're under that 20%  
304 threshold. The only other item, really, shown in yellow (lighter hatch), is that there is an  
305 existing 40-foot utility easement that goes across the parcel and also, effectively, along  
306 the 'ROW', if you will, for Passamaquoddy Lane, which is for a future utility (sewer)  
307 expansion connecting into the municipal serviced on Route 236. I just wanted to identify  
308 that. Besides that, there was a review memo that was prepares.  
309

310 Ms. Braun said that was done by SMPDC.  
311

312 Mr. Sudak said that there were a couple of comments in there that I would be happy to go  
313 through that but I can take questions from the PB, first, if you have any.  
314

315 Ms. Braun said that my questions are based on the report so, if you want to go through  
316 the report, first, that would be great.  
317

318 Mr. Sudak said that most of the questions brought up is around the use. So, this is an  
319 allowed use within the C/I Zone and then you have Chapter 44, which is a separate table  
320 of allowed uses specifically for Shoreland Zones, and most of her narrative is around  
321 what bucket we fit into within that. I think that there are a couple that we satisfy, or could  
322 satisfy, with this expansion. Vegetation for non-timber harvesting, there is an

323 enumeration for principal use, commercial, not listed elsewhere. All these are site plan  
324 review in the LCZ or subject to Code Enforcement review. Then there is also your super  
325 vague “similar uses to uses requiring site plan review”. The avenue I think you could go  
326 with this is having land use attorneys talk to one another, if an interpretation needs to be  
327 had. I would be interested to hear the PB’s opinion on the matter for what use they feel  
328 most appropriately fits in. So, we have that item. I think that covers the first two pages of  
329 Ms. Bonine’s memo. Moving on to the third one, there is the maximum 20% de-  
330 vegetated area within the Shoreland Zone, which I covered, and we have a calculation  
331 showing our satisfaction of. Then, there are some subsequent **extra** sections of the  
332 ordinance that speak to potential tree study and an aggregate percentage of clearing based  
333 on the overall lot area of shoreland overlay. So, I think we’re open to both of those  
334 things. A tree survey would be pretty comprehensive because it’s 4 inches dbh so that’s  
335 little guys. If the PB needs that, in the Limited Commercial Zones, your Shoreland  
336 overlays are protected for a reason. Everything else looks pretty standard, here, from the  
337 review memo. Stormwater we plan on showing our satisfaction with that with SPR.

338  
339 Mr. Pollard said that the construction outfit that is going to dig the sewer has approached  
340 me and would like to use it as a lay-down yard for their materials and pipes and a few  
341 pieces of equipment. I’ve tentatively told them to go see the CEO.

342  
343 Ms. Braun asked if it’s going to be temporary or a permanently lay-down area.

344  
345 Mr. Pollard said that this would be a permanent lay-down area.

346  
347 Mr. Shiner asked if there was going to be any kind of storage of reclaim or anything else  
348 like that happening on-site.

349  
350 Mr. Sudak said that there is an existing reclaim yard section in the northwest portion of  
351 the existing edge of gravel. He asked Mr. Pollard if there was going to be a section for  
352 construction reclaim.

353  
354 Mr. Pollard said I suppose. I haven’t gone that far into it, yet.

355  
356 Mr. Sudak asked if I could potentially ask where you’re leading.

357  
358 Mr. Shiner said that I’m checking out to make sure the nature of that reclaim, in terms of  
359 being clean, or otherwise. That segues to my second question regarding any kind of  
360 vehicle maintenance on the site in terms of oil changes, solvents, greases, etc. If those  
361 will be present, will there be a storage location as well as is the service going to happen  
362 on a solid, collectible surface.

363  
364 Mr. Pollard said that I have no plans for vehicle maintenance. There is no building on the  
365 property, at this point. It’s just a gravel yard and I hope to maintain it that way.

366  
367 Mr. Shiner said that nobody is going to be doing oil changes, or anything like that, out in  
368 the yard.

369  
370 Mr. Pollard said that I've had people who want to store fuel and I don't want any of that.

371  
372 Mr. Sudak said that, once we get beyond this meeting and into full SPR, we are  
373 generating enough impervious that it would trigger a stormwater management law permit.  
374 That would mean BMPs on-site for treating both quality and quantity for stormwater. So,  
375 even though here's not going to be a mechanic servicing those vehicles, even if there are  
376 just the trips and spills and what have you, the site will be graded and treated in such a  
377 way to accommodate that.

378  
379 Ms. Braun said that I assume, by looking at the darker area of the drawing, it's not going  
380 to impede the easement.

381  
382 Mr. Sudak said right. You have the western edge of proposed gravel that is the eastern  
383 edge of the 40-foot ROW.

384  
385 Ms. Bennett said that everything shaded in gray is proposed to be a gravel yard with no  
386 trees.

387  
388 Mr. Sudak agreed.

389  
390 Mr. Latter that the gist of this is that we're going from the oval to the kind of rectangle  
391 with a diagonal.

392  
393 Mr. Sudak agreed.

394  
395 A site walk was scheduled for 3PM on May 2<sup>nd</sup>. Review on May 2<sup>nd</sup> agenda.

396  
397 Ms. Braun said that maybe we can figure out where you fit in to the Land Use Table.

398  
399 Mr. Sudak asked what the sense of the PB was on that. I would appreciate some  
400 direction. Do we think that the project can fall into one of those. Should I be working  
401 with Ms. Bonine between now and then.

402  
403 Ms. Braun asked how much of the parcel was in the Shoreland Zone.

404  
405 Mr. Sudak said more than half of it. He physically pointed out the different overlays on  
406 the drawing. We are only touching 20% of the Limited Commercial Zone, as required by  
407 ordinance. In the back, probably 60% of the parcel is going to be untouched. The  
408 Resource Protection Zone that runs through the property is Great Creek so you're going  
409 to be able to tell.

410  
411 Ms. Bennett said that I'm running through our table of permitted uses. The one that  
412 seems to fit at first blush is 'equipment storage, trucks three or more'.

413

414 Mr. Sudak said, for the base, I think we're in agreement on that. I think that some of  
415 where the heartburn within this staff review memo comes from the separate table of land  
416 uses in §44-34. I will see if I can work with Ms. Bonine in the interim and maybe have  
417 some additional information for you at the site walk.  
418

419 **ITEM 9 – OLD BUSINESS**

420  
421 **A. 771/787 Main Street (Map 6/ Lots 43, 44, & 154), PB22-09: Clover Farm**  
422 **Subdivision (8 lots) – Final Plan.**

423  
424 **Received: April 12, 2022**

425 **1<sup>st</sup> Heard: May 17, 2022 (subdivision site plan review/sketch plan)**

426 **Site Walk: May 31, 2022**

427 **2<sup>nd</sup> Heard: June 21, 2022 (continued sketch plan review)**

428 **3<sup>rd</sup> Heard: July 26, 2022 (continued review/sketch plan approval)**

429 **4<sup>th</sup> Heard: August \_\_, 2022 (Demo hearing)**

430 **5<sup>th</sup> Heard: September 20, 2022**

431 **6<sup>th</sup> Heard: October 18, 2022**

432 **7<sup>th</sup> Heard: November 15, 2022 (continued site plan review/public hearing)**

433 **8<sup>th</sup> Heard: December 13, 2022 (Preliminary Plan approval)**

434 **Public Hearing: December 13, 2022**

435

436 **9<sup>th</sup> Heard: April 18, 2023 (continued subdivision review/approval)**

437 **Approval: April 18, 2023 (Final Plan approval)**

438

439 Mr. (Michael) Sudak, E.I.T. (Attar Engineering, Inc.), Tom Howarth, and Kris Glidden  
440 were present for this application.

441

442 Mr. Sudak said I will give a quick overview and then get into what I provided you. This  
443 is our final subdivision review. We received preliminary approval at the December 13<sup>th</sup>  
444 meeting; that it's been a couple months since then but we have been very busy. I'm going  
445 to go over a quick chronological order of what's happened since then and, then, I will get  
446 into the documents that I shared with you. December 13<sup>th</sup> preliminary approval. We  
447 received stormwater sign-off from third-party review engineer Sebago Technics Steve  
448 Harding on December 22<sup>nd</sup>; received the stormwater PBR, which was accepted on  
449 January 4<sup>th</sup>, then their statutory review period lapsed, so January 18<sup>th</sup> that was the  
450 assumed approval of that. We submitted this application January 10<sup>th</sup>. We received a  
451 MEDOT revised entrance permit on February 9<sup>th</sup>. The preliminary approval was  
452 condition on, in part, a performance guarantee for this project being declared as Option  
453 #2, which to summarize is all infrastructure has to be complete prior to lot sales, what  
454 have you, building permits. With our final application that was filed in January, we  
455 declared that we wanted to swap from Option #2 to Option #1, which is the performance  
456 guarantee route. So, the preliminary approval had to be amended, which I believe was  
457 accomplished the second meeting in February and allowed us to engage the SB. Also, the  
458 project adjacent, we had the demolition delay permit for the Clover Farm barn, had the  
459 public hearing for that. The advisory opinion for that was granted in March, I believe.

460 The last leg, we engaged the SB. Steve Harding from Sebago Technics completed his  
461 third-party review with the estimate of costs, which he provided his sign-off for on April  
462 11<sup>th</sup>. Then, last Thursday at the April SB meeting, they approved the performance  
463 guarantee. That concludes the timeline. Regarding the documents I gave you, the first  
464 piece of information is Mr. Brubaker's review memo from the preliminary approval night  
465 on December 13<sup>th</sup>. The only reason I included it was for pages 9 and 10, which were the  
466 approvals that were granted that night. I went back through the minutes to make sure all  
467 three were – modification of the sewer line, the EMS plan, and then the preliminary  
468 approval with conditions. Really, I just wanted to pull your attention to that Item #1 and  
469 it's three subsections; that I reversed the order of 1a (DEP) and 1b (DOT), then 1c is the  
470 sign-off from Steve Harding, just correspondence between him and Mr. Brubaker on the  
471 stormwater review. The last thing in your packets is Steve Harding's sign-off of the  
472 performance guarantee and the estimate of costs.

473  
474 Ms. Braun commented that you got the driveway entrance permit fast.

475  
476 Mr. Sudak said that the final application was conditioned with the preliminary approval  
477 on having three specific things being taken care of – the DEP permit, the DOT permit,  
478 and sign-off of from the stormwater third-party reviewer. That document is just me  
479 showing you that we've accomplished all three of those things. And then, Item #3 from  
480 the preliminary approval motion was regarding the performance guarantee, which we also  
481 have.

482  
483 Ms. Braun asked if it has been executed yet.

484  
485 Mr. Sudak said that where that stands is that a letter of credit has been provided to Mike  
486 Sullivan. I believe he is conferring with the Town's legal counsel on whether or not that's  
487 sufficient. If it isn't then we will iterate but in short order but I don't think that's a barrier.  
488 So yes, something has been provided.

489  
490 Ms. Braun said that it still has to be a condition because it's not executed.

491  
492 Mr. Sudak said yes, that's understood.

493  
494 Ms. Bennett said that it has been a while since we've heard your application but I believe  
495 that the Demolition Delay, with the last Demolition Delay public hearing we had, that  
496 there had been a change of ownership. I had written down that Kris Glidden had  
497 purchased the property from McNally 1/18/2023.

498  
499 Mr. Sudak agreed.

500  
501 Ms. Bennett asked if Mark McNally still an applicant.

502  
503 Mr. Sudak said no.

504  
505 Ms. Bennett asked if you can revise your documents.

506  
507 Mr. Sudak said sure. Well, I'm just procedurally trying to figure out how that would be  
508 reflected in, I don't want to get ahead of myself, a prospective notice. Because this was  
509 filed January 10<sup>th</sup>, he is part, at least of my cover letter for what was filed. But his buy-  
510 out occurred almost immediately after that. Would it be appropriate to say that he is not  
511 an applicant for the final subdivision application. I'm just trying to handle it most  
512 appropriately here.  
513  
514 Ms. Braun said that, if he's no longer the owner then, when you got this new driveway  
515 permit, he is listed as the owner.  
516  
517 Mr. Sudak said right, because that application was submitted two months ago in January.  
518  
519 Mr. Leathe said that I think it comes down to liability/responsibility. If he's no longer an  
520 owner, he's no longer going to want any liability or responsibility, I would think, for the  
521 project. So, whether he needs to come off of the documentation, that is probably a  
522 question for our Town attorney. But I suspect he would not want to be involved with it  
523 anymore. He's been purchased away.  
524  
525 Ms. Braun said that it might be an Attorney Saucier question. If we could get the current  
526 deed to the property and submit it, it will just be an additional piece to the package. This  
527 application is now yours, correct, or is Jesse Realty still part of it.  
528  
529 Mr. Glidden said that I and Mr. Howarth still own this property.  
530  
531 Mr. Sudak clarified that it was three parties and now it's two.  
532  
533 Ms. Bennett said that you could just send along a copy of your deed and we'll change it  
534 so we don't have Mark McNally as a part of this.  
535  
536 Mr. Latter said, just for clarity, there were three parcels. You guys own two of them and  
537 you bought out the third one. So now we're just dealing with two for this whole thing.  
538  
539 Mr. Glidden said exactly.  
540  
541 Mr. Sudak said that the parcel up front, here, which contained the Clover Farm barn, was  
542 the Mark McNally residence and, then, there was effectively a back lot here, with a  
543 division line that went down to the riverfront and these two back lots were Kris Glidden  
544 and Tom Howarth.  
545  
546 Ms. Braun asked if there wasn't another issue you were going to speak to in terms of the  
547 temporary sewer line.  
548  
549 Mr. Sudak said that, subject to the active building permit that's out there on-site, there's  
550 been a modification just where the sewer line connects into the municipal system beneath  
551 Main Street. That's something that's been carried in the plan set for weeks, now, but it

552 wasn't part of this review. It was submitted a while ago but it would be easy enough to  
553 incorporate.

554  
555 Ms. Braun asked him to put it on the plan and maybe put a note that it's temporary and it  
556 will be removed once the permanent sewer line comes in. Is that appropriate.

557  
558 Mr. Sudak said that it's being located exactly where it, should this development be  
559 approved, it's going to go.

560  
561 Mr. Glidden said that the only thing that changed was the actual manhole. The Eliot  
562 Highway Department and Kittery Sewer Department all approved it as did, I believe, Ms.  
563 Bishop. Basically, what they did was move the manhole from the centerline of Main  
564 Street to our entrance. Nobody wanted to dig up Main Street. So, instead of the sewer line  
565 coming in, digging up the road and tying it out there, it's going in here and then going  
566 into the same \_\_\_\_\_. (2:14:42 video)

567  
568 Ms. Braun asked if you can put that on the plan then.

569  
570 Mr. Sudak said yes, absolutely.

571  
572 Ms. Braun said to please put it on the plan for us. She asked if anyone had any questions  
573 for Mr. Sudak.

574  
575 None did.

576  
577 Ms. Braun asked how would we like to proceed. Are we ready to go for approval. I think  
578 they've done their due diligence, myself. How does everyone else feel.

579  
580 The PB members were ready to make a motion.

581  
582 Ms. Braun said that I dug out the letter that Mr. Brubaker sent to Mr. Wood that had the  
583 conditions of approval when we did the preliminary plan. It's all that you highlighted,  
584 pretty much. Now that we have the DEP permit and the driveway entrance permit and  
585 you've addressed all the outstanding issues with the third party, that Section #1 can come  
586 out. We have to leave the Section #2, which is the payment-in-lieu.

587  
588 Mr. Sudak said that I think the benefit of Mr. Brubaker drafting this is that he gave some  
589 relevant timelines. Regarding the payment-in-lieu, I agree with all the structure there. All  
590 of the subsequent conditions I agree with.

591  
592 Ms. Braun said that the following relates to improvements and guarantees - #3. I changed  
593 3a., where we were going to do Option #2 to read: "The subdivider shall provide a  
594 performance guarantee by furnishing to the Select Board a financial guarantee in the form  
595 of cash or a certified check payable to the Town or an irrevocable letter of credit in a  
596 form and from an issuer acceptable to the Eliot Select Board for the proposed street,  
597 utilities, new plantings, and stormwater facilities. The performance guarantee shall be

598 consistent with §33-132, generally, and subsection (b)(1), specifically, reflection Option  
599 #1.” Is that acceptable.

600  
601 Mr. Sudak said yes.

602  
603 Ms. Braun said then #4 would have to stay there.

604  
605 Ms. Bennett said that I would add a condition that a new deed be submitted and update  
606 the plan to reflect that we had moved the new manhole.

- 607  
608 c. Current deed – The applicant shall provide the Town of Eliot an updated, or current,  
609 deed demonstrating ownership of the property  
610 d. The applicant shall update the final plan to reflect approved sewer conditions

611  
612 The PB was in agreement with the additional conditions.

613  
614 Ms. Braun said that the Chair will accept a motion.

615  
616 **Ms. Bennet moved, second by Mr. Latter, that the Planning Board approve the**  
617 **Final Plan for PB22-9: 771 & 787 Main Street – Clover Farm Subdivision (8 lots).**  
618 **Standard conditions of approval:**

- 619 **1. The property may be developed and used only in accordance with the plans,**  
620 **documents, material submitted, and representations of the applicant made**  
621 **to the Planning Board. All elements and features of the use as presented to**  
622 **the Planning Board are conditions of approval and no changes in any of**  
623 **those elements or features are permitted unless such changes are first**  
624 **submitted to and approved by the Eliot Planning Board. Copies of approved**  
625 **permits from Maine DEP, Army Corps of Engineers, if applicable, and State**  
626 **shall be provided to the CEO before construction on this project may begin.**  
627 **2. The permit is approved on the basis of information provided by the**  
628 **applicant in the record regarding the ownership of the property and**  
629 **boundary location. The applicant has the burden of ensuring that they have**  
630 **the legal right to use the property and that they are measuring required**  
631 **setbacks from the legal boundary lines of the lot. The approval of this**  
632 **permit in no way relieves the applicant of this burden. Nor does this permit**  
633 **approval constitute a resolution in favor of the applicant of any issues**  
634 **regarding the property boundaries, ownership, or similar title issues. The**  
635 **permit holder would be well-advised to resolve any such title problems**  
636 **before expending money in reliance on this permit.**  
637 **3. The applicant authorizes inspection of premises by the Code Enforcement**  
638 **Officer during the term of the permit for the purposes of permit**  
639 **compliance.**

640  
641 **In accordance with §§41-146 41-147:**

- 642 **1. The following requirements relate to improvements for which waivers have**  
643 **been requested:**

- 644                   a. **The subdivider shall provide to the Town cash payments-in-lieu of**  
645                   **\$1,888 for each subdivision lot for the development of improvements**  
646                   **at the Eliot Boat Basin. For Lots 5-6, such payments shall be provided**  
647                   **within 30 days of the recording in the Registry of Deeds of the final**  
648                   **plan. For Lots 1-4 and 7-8, such payments shall be provided prior to**  
649                   **the sale of, or issuance of building permits for those lots, whichever**  
650                   **comes first.**
- 651           2. **The following relate to improvements and guarantees that are a prerequisite**  
652           **of approval of the final plan:**
- 653                   a. **The subdivider shall provide a performance guarantee by furnishing**  
654                   **to the Select Board a financial guarantee in the form of cash or a**  
655                   **certified check payable to the Town or an irrevocable letter of credit**  
656                   **in a form and from an issuer acceptable to the Eliot Select Board for**  
657                   **the proposed street, utilities, new plantings, and stormwater facilities.**  
658                   **The performance guarantee shall be consistent with §33-132,**  
659                   **generally, and subsection (b)(1), specifically, reflection Option #1.**
- 660           3. **The following are additional conditions:**
- 661                   a. **Prior to the sale, or issuance of building permits – whichever comes**  
662                   **first – any lot, except for building permits already applied for on Lot**  
663                   **6, the subdivider shall offer for dedication to MaineDOT, or the Town**  
664                   **of Eliot, the proposed easement along Main Street for a future**  
665                   **sidewalk, and shall offer dedication to the Town other easements,**  
666                   **such as those related to access to stormwater facilities and public**  
667                   **access along the subdivision street to the Remick Cemetery (per**  
668                   **preliminary subdivision plan, Sheet 1, Note #13).**
- 669                   b. **After the stormwater facilities are completed and reviewed per §33-**  
670                   **132, the owner of the facilities shall enter into a post-construction**  
671                   **stormwater maintenance agreement with the Town consistent with**  
672                   **Chapter 35, the operations and maintenance plan submitted with the**  
673                   **preliminary subdivision application, and any other applicable State or**  
674                   **local standards. If there is a conflict between any two provisions, the**  
675                   **stricter shall control.**
- 676                   c. **The applicant shall provide the Town of Eliot an updated, or current,**  
677                   **deed demonstrating ownership of the property.**
- 678                   d. **The applicant shall update the final plan to reflect approved sewer**  
679                   **conditions.**

680  
681           DISCUSSION

682  
683           Mr. Sudak said that, within the additional conditions section, preliminary was said for  
684           both a. and b. and I just checked, that they are the same notes.

685  
686           The PB agreed to change the word ‘preliminary’ to ‘final’ in 3. a. and 3. b.  
687

688 Mr. Sudak said that I have one other one and I don't know if this needs to be added –  
689 street name. Do we need to have an additional condition for a street name satisfactory to  
690 E911 addressing.

691  
692 DISCUSSION ENDED

693  
694 **Ms. Bennett amended the motion to include the word change from preliminary to**  
695 **final and add a condition that the street name be satisfactory to E911 addressing.**  
696 **Mr. Latter seconded the amendment.**

697  
698 Complete, amended motion:

699  
700 **Ms. Bennet moved, second by Mr. Latter, that the Planning Board approve the**  
701 **Final Plan for PB22-9: 771 & 787 Main Street – Clover Farm Subdivision (8 lots).**  
702 **Standard conditions of approval:**

- 703 1. **The property may be developed and used only in accordance with the plans,**  
704 **documents, material submitted, and representations of the applicant made**  
705 **to the Planning Board. All elements and features of the use as presented to**  
706 **the Planning Board are conditions of approval and no changes in any of**  
707 **those elements or features are permitted unless such changes are first**  
708 **submitted to and approved by the Eliot Planning Board. Copies of approved**  
709 **permits from Maine DEP, Army Corps of Engineers, if applicable, and State**  
710 **shall be provided to the CEO before construction on this project may begin.**
- 711 2. **The permit is approved on the basis of information provided by the**  
712 **applicant in the record regarding the ownership of the property and**  
713 **boundary location. The applicant has the burden of ensuring that they have**  
714 **the legal right to use the property and that they are measuring required**  
715 **setbacks from the legal boundary lines of the lot. The approval of this**  
716 **permit in no way relieves the applicant of this burden. Nor does this permit**  
717 **approval constitute a resolution in favor of the applicant of any issues**  
718 **regarding the property boundaries, ownership, or similar title issues. The**  
719 **permit holder would be well-advised to resolve any such title problems**  
720 **before expending money in reliance on this permit.**
- 721 3. **The applicant authorizes inspection of premises by the Code Enforcement**  
722 **Officer during the term of the permit for the purposes of permit**  
723 **compliance.**

724  
725 **In accordance with §§41-146 41-147:**

- 726 1. **The following requirements relate to improvements for which waivers have been**  
727 **requested:**
  - 728 a. **The subdivider shall provide to the Town cash payments-in-lieu of \$1,888 for**  
729 **each subdivision lot for the development of improvements at the Eliot Boat**  
730 **Basin. For Lots 5-6, such payments shall be provided within 30 days of the**  
731 **recording in the Registry of Deeds of the final plan. For Lots 1-4 and 7-8,**  
732 **such payments shall be provided prior to the sale of, or issuance of building**  
733 **permits for those lots, whichever comes first.**



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

781

782

**Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Members.**

783

784

785

Ms. Braun said that I think the only other piece we need to talk about is this request for the joint workshop. I think you laid out the draft pretty well. I sat and listened to one of the sessions this morning. I just listened to the various questions. There was a great deal of discussion on ADUs.

786

787

788

789

790

Ms. Bennett said that there's a poster and a link to the Economic and Community Development. They are doing listening sessions on LD2003 and there are about 15 of them. The first one was today and they are running for the next couple of weeks.

791

792

793

794

Ms. Braun said that it was interesting. They were very good with the information. There were also a lot of questions on multiple houses on the same lot. One community requires a very large space for one lot. I think they said 10 acres. It's a rural community. So, in order to accommodate for the four, it's got to have 10 for one, 20 for two, 30 for three, and 40 for four.

795

796

797

798

799

800

Ms. Bennett said that that's what we have.

801

802

Ms. Braun said yes, but I found it interesting that he did clarify that. They were very good.

803

804

805

Mr. Latter said do you still need all toe conditions for frontage, etc. or do you get relief from that as long as you have the acreage you need.

806

807

808

Ms. Bennett said that I think that all you need are the dimensional standards, the actual acreage. We adhere to the rule when it comes to size that you need. We don't ask for, okay, if you're going to build a second house, you're going to need 8 more acres when you only needed three. We don't do that. We have it incrementally apportioned equitably across each of the units. What we do require right now is that, if you put multiple single-family residences on a single lot, it needs to be able to be legally divided. And in order to legally divide, you would need that frontage and enough in setbacks so as not to create a non-conforming lot. That's why I think we will have to allow it but it will have to be a condominium lot.

809

810

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817

818

Ms. Braun said that they both said that we can make adjustments in the conformance if it suits the ordinances. So, we have that flexibility. We still have to meet the idea of LD2003, that section, but if our ordinance says we need to do something else, we can add to it.

819

820

821

822

823

Ms. Bennett said that every community is different, so I would be interested to know whether or not we'll have to make any changes if our requirement would be that you can have an additional dwelling unit but it just needs to be legally divided is too stringent.

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871

Ms. Braun said that the rules have com out; that they went to the Secretary of State and they should be out on their website by the end of this week or the beginning.

Ms. Bennett said that they're not making any changes as far as rule-making.

Ms. Braun said that they said that the rules are already made and they sent them to the Secretary of State.

Ms. Bennett said that that was interesting. So that was just one round. They came up with those rules, we commented, and they made no changes.

Ms. Braun said I guess. But he said that the rules are out there and they should be available by the end of the week or the beginning of next week I believe he said. It was very interesting.

Mr. Shiner asked if there was any mention of a schedule. On the July 1 date.

Ms. Braun said that there was a bill asking them to extend the deadline a year. There was one, he's a real estate lawyer who is a developer who participated, and he berated them for waiting so long to even start rule-making, and stuff like that. He's not for the extension because he's got all these projects. But they did point out, because someone asked what if you don't do anything and you don't conform to LD2003, and they suggested to seek legal counsel on that because something will happen. Either your State funding will be cut or something.

Ms. Bennett said no; that it just means we'll get sued or we will be unable to make decisions that conform. We'll be in a gray zone.

Ms. Bennett said that we send a memo to the SB requesting a workshop.

Ms. Braun said yes. I think this is well-worded to the heart of the issue.

Ms. Bennett said that, after drafting this, I thought the proposal to do it in June was too soft and doesn't give us enough time. It would be better if we could meet with them sooner versus later, maybe the end of May. There will only be one meeting where we can discuss proposed ordinances for our November ballot. It's June 6<sup>th</sup>, so we should try to meet with the SB before that. We have June 6 and then we have public hearing for ordinances August 15th, the drop-dead deadline for us, and we only have one meeting before that.

Ms. O'Connor asked when we go on leave.

Ms. Braun said that we do that I n July. We come back the last week in July and I won't be here for the first meeting in August.

872 There was discussion on available dates.

873

874 Ms. Bennett said that, if you will allow, I will check in with Ms. Tackett, Ms. Rawski to  
875 find out when this space is available, and add some proposed dates to this draft memo.

876 Then, I will send it out to you. My thought was that I would send it directly to Mr.

877 Donhauser with a cc to Mr. Sullivan.

878

879 The PB agreed.

880

881 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

882

883

884 The next regular Planning Board Meeting is scheduled for May 2, 2022 at 7PM.

885

886 **ITEM 13 – ADJOURN**

887

888 The meeting adjourned at 8:38 PM.

889

890

891

892

893

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896

897 **Respectfully submitted,**

898

899 **Ellen Lemire, Recording Secretary**

900

901

902

\_\_\_\_\_  
**Christine Bennett, Secretary**  
Date approved: \_\_\_\_\_

# TOWN OF ELIOT, MAINE

## PLANNING BOARD NOTICE OF DECISION

CASE #: <b>PB22-21 - AFTER-THE-FACT</b>	MAP/LOT: <b>17/29</b>	DATE OF DECISION: <b>03-28-2023</b>
<b>AMENDMENT TO EXISTING SUBDIVISION</b>	<b>0 BOLT HILL ROAD</b>	
<b>PLAN HYBRID <del>SITE PLAN</del>/SUBDIVISION</b>		
<b>REVIEW FOR VILLAGE AT GREAT BROOK</b>		
<b>SUBDIVISION</b>		

4/15/2023

**DRAFT**

Equity Alliance  
Village on Great Brook, LLC  
c/o Chad Fitton  
7 Rolling Woods Drive  
Bedford, NH 03110

Archipelago Law (legal counsel)  
c/o Attorney Sandra Guay  
1 Dana Street  
Portland, Maine 04101

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

To: Chad Fitton  
Attorney Sandra Guay  
Michael Sudak

This letter is to inform you that the Planning Board has acted on your application **for an after-the-fact amendment to an existing Subdivision Plan (2007) under Hybrid Subdivision Review.**

### **APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED:**

#### **Submitted for November 15, 2022:**

1. Request for Planning Board Action, received October 17, 2022:
  - Cover letter from Ken Wood, PE., Attar Engineering, Inc.
  - Agent authorization letter from Village at Great Brook, LLC (Joel Kahn) authorizing Kenneth Wood, P.E. and Michael Sudak, E.I.T. of Attar Engineering, Inc. as the agents of record for this project.
  - 100-foot Abutters List Report.
  - Quitclaim Deed, B17476/P549, registered at the York County Registry of Deeds, dated May 22, 2017.
  - 101-foot Abutters List Report, dated October 18, 2022.
  - Villages on Great Brook Stormwater Management Study, dated April 23, 2021.
  - Operation and Maintenance Program Stormwater Management BMPs.
  - Form H1-3 Suggested Templates for Stormwater Buffer Deed Restrictions.
  - Erosion and Sedimentation Control Plan.

- Class A High Intensity Soils Survey, prepared for Roaring Brook Consultants by Joel Noel CPSS/SC, dated September 28, 2001.
- Letters from Inland Fisheries and Wildlife regarding potential endangered fish species/habitat.
- Letter from Maine Department of Conservation regarding botanical features.
- Letters from the Maine Historic Preservation Commission regarding potential architectural or archaeological resources.
- Letter from Kittery Water District verifying capacity to supply proposed original project, dated September 29, 2005.
- Letter from the Eliot Select Board reducing the reserved capacity amount from 60,000 GPD to 40,000 GPD, dated April 21, 2005.
- Letter from Eliot Sewer Superintendent stating that there is sufficient capacity to accept domestic wastewater for proposed development, dated October 26, 2020.
- Sewer Connection Agreement between Bolt Hill Associates, LLC and Eliot Commons, LLC, dated June 7, 2007.
- Documentation showing annual average daily vehicle trips (AADT), dated May 5, 2004.
- Maine DEP letter regarding revisions modifying Phase 11 and Phase 111 structures, dated March 18, 2020.
- Maine DEP letter regarding NRPA approval, dated February 15, 2007. NRPA Permit Approval # L-23147-TC-B-N.
- Army Corps of Engineers PGP Permit Approval #NAE-2007-2849, dated October 3, 2006.
- Town of Eliot Location Map.
- Wetland Impact Plan for Villages on Great Brook, done by Attar Engineering, Inc.
- Sheet 1: Phase 1-111 Overall Plan – The Village at Great Brook, drawn by Attar Engineering, Inc for Equity Alliance, LLC, dated October 20, 2022.
- Sheet 2: Phase 1-111 Locus Plan - The Village at Great Brook, drawn by Attar Engineering, Inc for Equity Alliance, LLC, dated October 20, 2022.
- Sheet 3: Phase 1 Grading & Utility Plan - The Village at Great Brook, drawn by Attar Engineering, Inc for Equity Alliance, LLC, dated October 20, 2022.
- Sheet 4: Phase 11 Grading & Utility Plan - The Village at Great Brook, drawn by Attar Engineering, Inc for Equity Alliance, LLC, dated October 20, 2022.
- Sheet 5: Pheasant Lane Grading & Utility Plan - The Village at Great Brook, drawn by Attar Engineering, Inc for Equity Alliance, LLC, dated October 20, 2022.
- Sheet 3 of: Plan and Profile of Village on Great Brook for Bolt Hill Associates, LLC, prepared by Attar Engineering, Inc., revision date August 2, 2007.
- Sheet 4 of: Plan and Profile of Village on Great Brook for Bolt Hill Associates, LLC, prepared by Attar Engineering, Inc., revision date August 2, 2007.
- Sheet 2 of 3: Pheasant Lane Plan & Profile Pt. 1, The Village at Great Brook for Equity Alliance, LLC, dated October 27, 2020.
- Sheet 3 of 3: Pheasant Lane Plan & Profile Pt. 2, The Village at Great Brook for Equity Alliance, LLC, dated October 27, 2020.
- Sheet 6: Phase 1- 111 Site Details, The Village at Great Brook for Equity Alliance, LLC, prepared by Attar Engineering, Inc., dated July 13, 2021.
- Sheet 7: Phase 1- 111 Site Details, The Village at Great Brook for Equity Alliance, LLC, prepared by Attar Engineering, Inc., dated July 13, 2021.
- Sheet 8: Pond Detail Plan for The Village at Great Brook for Equity Alliance, LLC, prepared by Attar Engineering, Inc., dated October 20, 2022.
- Sheet 1 of: Site Plan Villages on Great Brook for Bolt Hill Associates, prepared by Attar Engineering, Inc., revised date April 10, 2007.
- Existing Site Features Plan & Class A High Intensity Soil Map For Ted Long & Ted Long, Inc., prepared by Roaring Brook Consultants, dated June 29, 2001.

- Sheet 1 of 2: Stormwater: Overall Existing Conditions for Equity Alliance, LLC, prepared by Attar Engineering, Inc., dated December 4, 2020.
- Sheet 2 of 2: Stormwater: Overall Developed Conditions for Equity Alliance, LLC, prepared by Attar Engineering, Inc., dated December 4, 2020.
- Email correspondence from Town Planner to applicant regarding subdivision amendment application fees, dated November 15, 2022.
- Letter submitted by James Parent, resident of Village at Great Brook, November 15, 2022.
- USGS Site Location Map.

**Submitted for December 13, 2022:**

1. An email was sent to the Town Planner from Attorney Guay on behalf of the applicant who requested that the application be removed from the December 13 agenda and rescheduled for the January application review meeting. It was read into the record of the minutes.

**Submitted for January 24, 2023:**

1. Memo from Jeff Brubaker, Town Planner, dated January 19, 2023
2. Letter from Ken Wood summarizing development history of the Villages On Great Brook, dated January 9, 2023.
3. Email correspondence between Town Planner and Attorney Guay regarding application fees.
4. Email correspondence between Town Planner and Attorney Saucier regarding appropriate application fees.
5. Letter of concerns from residents of Village at Great Brook, signed by 45 residents, dated January 13, 2023.

**Submitted for February 7, 2023:**

1. Performance Guarantee Statement from applicant, dated February 7, 2023.
2. Letter from Ken Wood regarding waiver requests and responses for the referenced project, dated January 24, 2023.
3. Copy of Sheet 9: Site Details Villages on Great Brook for Bolt Hill Associates, LLC, prepared by Attar Engineering, Inc., revision date June 27, 2006.
4. Supplemental Memo to January 24 meeting from Jeff Brubaker, Town Planner, dated February 1, 2023.
5. Copy of Legal Notice advertised in the Weekly Sentinel, dated February 10, 2023.
6. Copy of Notice of Public Hearing to the Town of Eliot, posted February 10, 2023

**Submitted for February 21, 2023:**

1. Memo from Jeff Brubaker, Town Planner, dated February 16, 2023.
2. Planner Summary document, dated February 21, 2023.
3. Cover Letter from Michael Sudak, E.I. (Attar Engineering, Inc., dated February 13, 2023.
4. Updated Plan Set and associated revisions, dated February 13, 2023.
5. Copies of email correspondence between Attar Engineering and Fire Chief Muzeroll regarding emergency access requirements.
6. Copy of UTS of Massachusetts Soil Testing Results Report, dated July 31, 2019.
7. Copy of UTS of Massachusetts Soil Inspection Report, dated August 8, 2019.
8. Copy of John Turner Consulting Report of Pavement and Gravel Observations, dated September 14, 2019.
  - a. Summary of reports from UTS/John Turner prepared by Ken Wood (Attar Engineering, Inc.).
9. Various email correspondence related to the history of Maine DEP involvement after original 2007 Planning Board approval, dating from October 2013 to October 2021.
10. Revised Plan Set:
  - Sheet 1: Phase 1-111 Overall Plan for Equity Alliance, LLC, prepared by Attar Engineering, Inc., revised date February 13, 2023.
  - Sheet 2: Phase 1 – 111 Locus Plan for Equity Alliance, LLC, prepared by Attar Engineering, Inc., revised date February 13, 2023.

- Sheet 3: Phase 1 Grading & Utility Plan for Equity Alliance, LLC, prepared by Attar Engineering, Inc., revised date February 13, 2023.
  - Sheet 4: Phase 11 Grading & Utility Plan for Equity Alliance, LLC, prepared by Attar Engineering, Inc., revised date February 13, 2023.
  - Sheet 5: Pheasant Lane Grading & Utility Plan for Equity Alliance, LLC, prepared by Attar Engineering, Inc., revised date February 13, 2023.
  - Sheet 6: Phase 1 – 111 Site Details for Equity Alliance, LLC, prepared by Attar Engineering, Inc., revised date February 13, 2023.
  - Sheet 7: Phase 1 – 111 Site Details for Equity Alliance, LLC, prepared by Attar Engineering, Inc., revised date February 13, 2023.
11. Opinion of Costs for Village at Great Brook, to include roadway adjustment, paving of travelways and driveways, landscaping and transportation safety, and post-construction maintenance in the amount of \$250,800.

**Submitted to Select Board for their meeting of February 27, 2023:**

1. Request from applicant for Select Board review of a performance guarantee.
2. Motion by Select Board to hire third-party engineering firm to review proposed performance guarantee.
3. Proposed scope of work amount is \$250,800.00

**Submitted to Select Board for their meeting of March 23, 2023:**

1. Revised performance guarantee submitted by Attorney Guay.
2. Scope of work amount is \$438,523.00.
3. Select Board approved the issuance of a performance bond in the amount of \$450,000.00.

**Submitted for March 28, 2023:**

1. Cover Letter from Michael Sudak, E.I. Attar Engineering, Inc., dated March 14, 2023.
2. Sheet 1 of 1: AutoTURN Routing Plan (Pheasant Lane) for Village at Great Brook, LLC, prepared by Attar Engineering, Inc., dated March 14, 2023.
3. Revised Plan Set Sheets 1 – 5 that address Planning Board comments/public input from February 21 Planning Board meeting, dated March 14, 2023.
4. Select Board-approved performance guarantee.
5. Letter from Sharon Goodwin read into the record, dated March 21, 2023.
6. Summary of Attar Engineering, Inc's involvement with the Maine DEP over the life of this development was submitted in the form of a zip file to include the following documents:
  1. Pre-application meeting from April 2005 with attendants: then-applicant Bill Cullen (Bolt Hill Associates, LLC), Ken Wood of Attar Engineering, and then-MDEP Project Manager Dawn Hallowell.
  2. Site Location of Development (SLODA) Permit Application from July of 2005 for stormwater management.
  3. Natural Resources Protection Act (NRPA) Permit Application from July of 2005 for proposed wetland impacts.
  4. NRPA Permit-by-Rule (PBR) Application from July of 2005 for proposed stream crossing.
  5. Maine Natural Areas Program (MNAP) Ruling from May of 2006.
  6. Maine Historic Preservation Commission (MHPC) Ruling from June of 2006.
  7. Army Corps of Engineers (ACOE) Permit Order #NAE-2006-2849 from October of 2006 for wetland and stream impacts.
  8. MDEP Permit Orders #L-23147-26-A-N & #L-23147-TC-B-N from February of 2007 and recorded at the York County Registry of Deeds in March of 2007 in Book 15009, Page 541 – approval of the SLODA and NRPA applications.
  9. MDEP Permit Orders #L-23147-26-C-T & #L-23147-TC-D-T from November of 2015 for transfer of permits from former Applicant Bolt Hill Associates, LLC to then-Applicant Hodge and Company, LLC.
  10. MDEP Permit Oder #L-23417-26-E-M from December of 2015 for a Minor Revision to reduce total number of overall units and modify type of residential units within the development.

11. MDEP Permit Order #L-23147-26-F-T from November of 2018 for transfer of permits from former Applicant Hodge and Company, LLC to current Applicant Village on Great Brook, LLC.
12. MDEP Notice of Violation, EIS #2019-042-L from June of 2019 summarizing the findings and deficiencies from a MDEP site visit and staff inspection on April 19, 2019.
13. MDEP Permit Order #L-23147-26-H-M from March of 2020 for a Minor Revision to reduce overall number of units in Phases II and III, and provided updated stormwater analysis for said revisions.

## **FINDINGS OF FACT:**

1. The owner of the property is: Equity Alliance (c/o Chad Fitton) (mailing address: 7 Rolling Woods Drive, Bedford, NH 03110).
2. The applicant is: Village on Great Brook, LLC (mailing address: 7 Rolling Woods Drive, Bedford, NH 03110).
3. Engineer of Record: Michael Sudak, E.I.T. (Attar Engineering, Inc.) (mailing address: 1284 State Road, Eliot, ME 03903).
4. Ownership history:
  - Ted Long & Ted Long, Inc. (2005 - 2009)
  - Bolt Hill Associates, LLC (Bill Cullen) (2009 – 2015)
  - Hodge & Company, LLC (2015 – 2019)
  - Village on Great Brook, LLC (Equity Alliance) (2019 to present)
5. The property is located at 0 Village Drive and is in the Commercial/Industrial District and Limited Residential Shoreland District.
6. Property can be identified as Assessor's Map 37, Lot 22 and is 51.46 acres.
7. Warranty Deed: Book 18037, Page 642, registered at the York County Registry of Deeds, dated September 4, 2019.
8. The applicant proposes to amend a previously-approved Subdivision Plan (2007) by revising the type of residential development from a previously-approved 100-unit residential community and 50-unit Life Care Facility to reflect 43 55+ elderly residential units, to be a mix of single-family and duplexes. Additionally, applicant proposes to split off the rear undeveloped portion of the property, which will be Land Retained by Owner ('LRO').
9. **There is currently an active Homeowner's Association at Village at Great Brook.**
10. Amendments to approved Subdivisions are allowed under Chapter 41.
11. The following application fee(s) have been paid by the applicant, in accordance with §1-25:
  - Subdivision Site Review Application Fee (\$200/lot): \$8600.00
  - Public Hearing Fee: \$175.00
  - Consultant Fees: \$2495.00
12. The Planning Board reviewed the application at regular meeting(s) held on:
  - November 15, 2022 (initial review)
  - December 13, 2022 (meeting postponed per applicant request)
  - January 24, 2023 (meeting cancelled due to weather)
  - February 7, 2023 (continued review)
  - February 21, 2023 (continued review/Public Hearing)
  - March 28, 2023 (continued review/Approval)
13. Copies of the application and supporting materials were provided to the Code Enforcement, Public Works, Town Manager, Police and Fire Departments for review and comment. Fire Chief comments attached.
14. The Planning Board determined, with agreement from the applicant, that this would be a hybrid review of the after-the-fact modifications made with Maine DEP review and approval but not Planning Board review and approval. It is not strictly an amendment to a subdivision or a full, new subdivision review. It is to correct, complete, and finalize subdivision approval by the Planning Board.
15. Waiver request action: There were no waivers for this application.
16. Legal notice of the public hearing was posted to the Town of Eliot, dated February 10, 2023.
17. In accordance with §33-129 & 130, a public hearing was advertised in the Weekly Sentinel on February 10, 2023 and held on February 21, 2023. In accordance with §33-129 & 130, abutting land owners were notified via certified mail.
18. Concerns and questions raised at the Public Hearing:

- Access to sewer and utilities.
  - Setback behind Units #41 through #44.
  - Installation of a vegetative buffer between the residential uses and the 'LRO'.
  - Desire to have walking trail/benches for residents
  - Potential access road to reserved land too close to wetlands.
  - Quail Lane only access to reserved land.
  - Suggestion to open Quail Lane to Route 236 for whatever development occurs on reserved land to alleviate traffic through the Village.
  - Large vehicles not able to make the turn between Village Drive and Pheasant Lane.
  - Residents remain optimistic for positive resolution.
19. Original 2007 PB-approved project was for an elderly housing development with an assisted living care facility:
- 50-unit dementia care facility
  - 100 1,200 square-foot residential units in duplexes and quadplexes.
  - Prior developers modified original approval through application and approval of the Maine DEP.
  - Prior developers did not bring requested modifications to the Planning Board for review and approval, required by Eliot ordinance and DEP approvals.
  - All dwellings have been constructed as either single-family or 2,400 square-foot duplex residences. Building permits and occupancy permits have been issued by the Town for these dwellings.
  - Maine DEP notices of permits, transfer of ownership, Findings of Fact and documents have been submitted to bring property file current.
  - Additional documentation has been submitted to create a complete record of this property from its initial approval in 2007 through final hybrid approval.
  - Original project was approved as Phases A, B, C, and D. It was changed to Phases I, II, and III.
  - In 2008, the Board of Appeals granted an amendment to the phasing schedule due to economic hardship.
  - The size of structures, location, and phasing of the development was modified in a series of minor revisions of the original SLODA permit #L-2314-26-A-N/L-23147-TC-B-N with Maine DEP approval.
20. Dimensional standards:
- Side and rear setbacks met with revision to division line between the Village at Great Brook and the Land Retained by Owner ('LRO').
  - 49 Village Drive front yard setback issues will be cured to 14 feet by realignment of Village Drive as identified within the scope of work within the performance agreement., approved BY THE Select Board March 2023.
  - Development is approved as condominium lots. Amended development meets the 3-acre per unit minimum lot size.
  - Non-vegetated surfaces in the Shoreland Zone met for required 20% maximum threshold.
21. Streets:
- §41-221(b)(2) requires streets meet minimum requirements of Chapter 37
  - Under Chapter 37, as-built deficiencies will be met upon completion of scope of work in performance agreement approved March 23, 2023 by the Eliot Select Board:
    - i. §37-70 Streets Design Standards
    - ii. §37-71 street construction standards
    - iii. §37-74 side slopes
  - Amended subdivision is not located in a growth zone. As a result, sidewalks under §37-75 are not required.
  - Applicant was advised that applicants proposing future development of the 'LRO' may be held to §41-221(b)(5).
22. Stormwater management and water quality:
- Majority of installed stormwater management system is similar to the original system by Maine DEP 02/17/2007 under the State of Maine Site Law of Development Act (SLODA), permit #L-2314-26-A-N/L-23147-TC-B-N. Impervious areas have been reduced due to the reduction in units.
  - Water quality treatment is provided for 98% of all impervious areas and 71% of developed areas, resulting in enhanced water quality discharge from the site.
  - Applicant is required to enter into a post-construction stormwater management agreement, per Chapter 35.

- Site is also under Maine DEP jurisdiction for stormwater permitting.
  - All stormwater management elements within the development shall be maintained consistent with the recently updated Chapter 35 for Post-construction Stormwater Management.
23. Erosion and sedimentation control:
- Applicant is required to submit an Erosion and Sedimentation Control Plan for the Land Retained by Owner ('LRO') per Chapter 34, as required by §41-150(10) and §41-214(c).
  - Pertinent notes are on Sheet #6, Phase I - III Site Details, submitted February 21, 2023.
24. Preservation of natural resources:
- Under the performance agreement scope of work, landscaping will be placed along the boundary line between Village at Great Brook and the 'LRO', per §41-215.
25. Preservation of historical and natural features and traditional land use pattern:
- All natural features will be preserved – on-site forested wetlands will be deed restricted per the original MEDEP SLODA permit ##L-2314-26-A-N/L-23147-TC-B-N and depicted on the Final Plan.
  - There are no historical sites on the parcel.
26. Water and sewer service:
- Water is supplied by the Kittery Water District.
    - i. Original approval was for 38,000 GPD.
    - ii. Current expected usage for the 43 lots is 11,610 GPD.
  - Sewer service ultimately provided by the Kittery Sewer Department via a private connection under agreement with Sea Dog Realty, LLC to the Eliot sewer system on Bolt Hill Road.
    - i. Original approval was 40,000 GPD.
    - ii. Current usage is 11,610 GPD.
  - A plan and profile sheet set will be prepared and submitted with the as-built locations of all utilities within the development, prior to the final wearing course of asphalt.
27. Adjustment to lot line for Units #41-44:
- Ownership of the land-behind units #41-44 will be transferred to the Home Owners Association for recreational use. The existing berm will be preserved and a vegetative buffer planted to include Fireman's Maples, Arborvitae.
  - Lot line of the 'LRO' has been adjusted back to accommodate 'recreational area' conveyance.
28. Quail Lane right-of-way:
- Villages at Great Brook shall retain the right to utilize Quail Lane in its present location and condition for emergency access (ingress/egress).
    - i. This is a right of passage for the span of Village Drive and Quail Lane contained within the 'LRO' from the proposed division line to Route 236.
  - A locked gate, with Knox Box, will be installed on the LRO, per Eliot Fire Chief recommendations. The Fire Department, Villages at Great Brook and the owner of the LRO parcel will have access to this gate.
  - If the location of Quail Lane changes, it shall be constructed to Collector Street standards, at a minimum, and the Villages at Great Brook shall have a 50' ingress/egress easement upon Quail Lane, per Conditions of Approval on Sheet 1, Notes #1 & #2.
29. Land Retained by Owner "LRO":
- The Village at Great Brook retains, in perpetuity, a right of passage for the span of Village Drive and Quail Lane contained within the 'LRO' from the proposed division line to Route 236, per Sheet 1 - General Note #19.
  - Chapter 37 waivers granted in 2007 approval will be relinquished by the applicants, per Sheet 1 Conditions of Approval Note #2.
  - Regarding any future prospective development of the 'LRO', any future applicant shall be required to improve the gravel access drive, per Sheet 1, Conditions of Approval Note #2.
  - Should a future developer seek to utilize Village Drive through the Village at Great Brook development as a second means of access, negotiations at that time would presumably take place between said applicant and the Homeowner's Association on potential for removing the gate that will be constructed at the 'LRO' division line.

30. Common land within the development will be conveyed to the residents:
- One is behind Units #41-44, called the common 'recreational area'.
    - i. Gate is located approximately 230 feet north from the intersection of Village and Pheasant to give residents adequate means of access.
  - One is east of Unit #41 and across from Unit #27.
  - One is east of Unit #29, where Unit #30 was formerly proposed.
31. Performance Guarantee:
- Performance Guarantee Statement and Scope Of Work submitted, per §41-176 and §33-132.
  - Third-party engineering firm was hired to review original Scope of Work. As a result, Scope of Work was revised.
  - Select Board approval was granted for a \$450,000 performance bond on March 23, 2023.
32. A high intensity soils survey was done in 2001.
33. No wetland fill is proposed. No wetland impact is proposed. Wetland impact is reduced from original approval.
34. No adverse traffic impact will be generated by the development.
- A secondary, emergency access road is available from Dow Highway (Route 236), as shown on the plan.

### CONCLUSIONS:

1. The Planning Board determined, based on Chapter 41, that the proposed amended subdivision will:
  - Preserve and enhance general air quality.
  - Preserve and enhance general water quality.
  - Preserve and enhance soil quality and subterranean resources.
  - Preserve and enhance natural resources and scenic beauty, including access to direct sunlight.
  - Respect and preserve historical features and sites and traditional *land use* patterns.
  - Provide sufficient water for development either from public or private sources.
  - Provide adequate sewer disposal from public or private sources.
  - Provide adequate solid waste disposal from public or private sources.
  - Contribute to or at least not burden government services.
  - Maintain safe roads and prevent traffic congestion.
  - Protect and promote public health and safety.
  - Comply with local, state and federal *land use* and other policies and laws.
  - Provide and maintain adequate financing to accomplish these purposes.
2. 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 3 and Chapter 45, Zoning, Article VIII, Chapter 34 Erosion & Sedimentation Control, Chapter 35 Post-construction Stormwater, Chapter 37 Streets and Sidewalks, and Chapter 44 Shoreland.
3. Elderly Housing (55+) is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review/Subdivision (SPR/SD), per Sec. 45-290.
4. Revisions to approved subdivision plans are allowed under §41-182.

### DECISION:

Based on the above facts and conclusions, on **March 28, 2023** the Planning Board voted to approve your application for an after-the-fact amendment, under hybrid review, to an existing, previously-approved (2007) subdivision named Village at Great Brook.

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. When an application is prepared to develop the land retained by owner (LRO), the applicant shall reserve a right of way of a minimum width of 50' for the travel way proposed to be developed (Village Drive/Quail Lane). Said right-of way shall satisfy the standards outlined in Town of Eliot Code of Ordinances §37-70 "Street Design Standards".
5. When an application is prepared to develop the land retained by owner (LRO), the applicant shall develop the proposed travel ways (Village Drive/Quail Lane) to at least Town of Eliot Collector Standards, having a minimum of 20 feet traveled way width and 3-foot shoulder widths, and a side slope no steeper than 3:1. Until such time, a traveled way with a minimum width of 16 feet shall be maintained for emergency access/egress. All waivers granted from the original 2007 approvals for Town of Eliot Code of Ordinances §37 shall be relinquished for any prospective travel way improvements subject to a new application for development of the LRO.
6. Prior to the wearing course of asphalt being paved on both Village Drive and Pheasant Lane, a Plan and Profile Sheet set shall be prepared with as-built locations of all utilities within the development.
7. All Stormwater Management elements of this development shall be maintained and documented in accordance with the guidelines of Town of Eliot Code of Ordinances §35-4(b) for post-construction stormwater management performance standards including the execution of a post-construction Stormwater Management Agreement per §35-4 (b)(6).
8. Execution of the "Performance Assurance Agreement, Village of Great Brook" accepted by the Eliot Select Board on 3/24/23, which includes a scope of work and technical standards that meet the Town of Eliot Code of Ordinance Chapter 37.
9. Submission of an Erosion and Sedimentation Control Plan for the Land Retained by Owner (LRO) portion of the property consistent with Chapter 34 of the Town of Eliot Ordinances.
10. The deed restricted no-disturbance forested buffer language approved in the Maine Department of Environmental Protection Order #L-23147-26-A-N/L-23147-TC-B-N, including the appropriate wetland and stormwater buffer deed restrictions, shall be executed and recorded in a legal instrument with the York County Registry of Deeds Book\_\_\_\_\_, Page\_\_\_\_\_, depicted on the Final Plan, and transmitted to the Maine Department of Environmental Protection, Bureau of Land Resources for review.

## 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 Subdivision Site Plan approvals that are granted by the Eliot Planning Board have expiration provisions specified in Section 41-36 of the Town of Eliot Code of Ordinances, which states:

*The approval of a subdivision under chapter 41, article I, §36 shall expire if "failure to commence" substantial construction of the subdivision within two years of the date of approval and signing of the plan shall render the plan null and void. For subdivisions that include roads, "substantial construction" shall mean the completion of the road base. For subdivisions without roads the completion of one unit and the issuance of an occupancy permit shall constitute "substantial construction." Before the two years expires, an owner of a subdivision may apply to the*

*board for an additional two-year extension of the approval of a subdivision if he or she has not met the conditions of this paragraph. The board may require that the subdivision meet any new regulations or ordinances.”*

*All road and infrastructure construction shall be completed per the approved plan no later than 36 months after posting the financial guarantee. After that date, the developer shall be considered in default and the town shall, at its discretion, have access to the funds or surety to finish construction.*

The holder of an approved permit should take care to ensure that the approval granted on **March 28, 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 **March 28, 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,

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Jeffrey Leathe, Acting Chair

*This letter reviewed and approved by the Planning Board on \_\_\_\_\_, 2023.*

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

**From:** [Chief Jay Muzeroll](#)  
**To:** [Ken Wood; Planner](#)  
**Subject:** Re: Villages  
**Date:** Monday, October 17, 2022 6:06:20 PM

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Good Afternoon All,

I have looked at the plan as it pertains to Phase IV for the Village at Great Brook. If I understand our conversation the intent may be to break the Phase IV parcel away from the other phases.

The subject of an alternative emergency access road(s) for the initial phases and future use of Phase IV is what I am reviewing.

The previous approval shown on the plan includes a 20' paved roadway beginning at Pheasant Drive and winding through Village Drive, Village Circle and Quail Lane ending at Route 236.

My question to the applicant is, will the same route be utilized for the emergency secondary road request or is a more direct route being considered?

NFPA 1 Chapter 18.2.3.5 requires unobstructed roadways of not less than 20 feet, however it does allow the AHJ to reduce that width. Although I prefer a more direct route, I understand that may not be feasible. I have no objection to utilizing a 16" gravel road maintained year-round as shown on the plan with turning radius' constructed as shown on the plan. If future development of the area of Phase IV comes about, then it will need to be constructed as originally approved.

The use of keyed (KNOX) access gates will not be required but maybe used if the owner desires but shall be placed IAW NFPA 1 Chapter 18.2.4.2 and the Fire Chiefs approval and be freely operated year-round.

As this request for an amended use moves forward, I am more than willing to listen to comments.

Jay P. Muzeroll  
Eliot Fire Chief



# TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board  
 From: Jeff Brubaker, AICP, Town Planner  
 Cc: Kuerstin Fordham, Riverside & Pickering Marine Contractors, Applicant’s Representative  
 Shelly Bishop, Code Enforcement Officer  
 Kim Tackett, Land Use Administrative Assistant  
 Date: April 24, 2023 (report date)  
 May 16, 2023 (meeting date)  
 Re: PB23-06: 18 Cole St. (Map 1, Lot 143): Shoreland Zoning Permit Application – Seasonal Float Expansion

Application Details/Checklist	
✓ Address:	18 Cole St.
✓ Map/Lot:	1/143
✓ PB Case#:	23-06
✓ Zoning:	Village
✓ Shoreland Zoning:	Resource Protection, Limited Residential
✓ Owner Name:	Kenneth & Jacqueline Scarpetti
✓ Applicant/Agent Name:	Kenneth & Jacqueline Scarpetti Agent: Riverside & Pickering Marine Contractors
✓ Application Received by Staff:	March 22, 2023
~Application Fee Paid and Date:	\$150 paid so far; \$225 due - \$50 for shoreland zoning pier and \$175 for public hearing
Application Sent to Staff Reviewers:	Not yet sent
Application Heard by PB	May 16, 2023 (scheduled)
Found Complete by PB	TBD
Site Walk	TBD
Site Walk Notice Publication	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
✓ Reason for PB Review:	Shoreland, Permanent Residential Float (SPR use)

## Overview

Applicants are seeking review and approval of a proposed seasonal float expansion at their residence “to provide the ability to moor the vessel with the current to dramatically increase the safety of the existing structure and vessel” (cover letter). A new 6’ x 24’ extension would be added perpendicularly to the existing float “to allow for the existing 30’ vessel to be moored with the current...to eliminate seasonal damage to the existing float and vessel and the potential of the existing float system breaking free” (application description).

In Attachment 2 to their DEP NRPA application, the applicants discuss how the main float and docked vessel are negatively impacted by the current, wind fetch, and boat wakes, leading to damage

to both the main float and vessel. Orienting the docked vessel differently, along the float extension, will prevent it from pressing up against the main float.

**Dimensions of proposed pier system components**

- Existing pier: 6’ x 30’
- Existing gangway: 3’ x 32’
- Existing main float: 10’ x 30’
- Proposed float, perpendicular extension from main float: 6’ x 24’

**Uses**

Permanent residential piers and other structures and uses extending over or below the normal high-water line or within a wetland are SPR uses in the shoreland zone.

**Type of review needed**

Sketch/initial review: ask questions of the applicant, make comments on code compliance, seek more info as needed; consider completeness determination per 44-44(a) (see motion template below).

**Status of other agency reviews**

- MaineDEP NRPA permit – applied for 3/23/23; application in packet
- US Army Corps of Engineers (ACOE) authorization/permit – at the time of this report, the applicant plans to transmit a copy of their application to the Planning office

**Section 44-35(c) review**

Section 44-35(c) has standards for piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line of a water body or within a wetland. The following table reviews the application under this section. Paragraph numbers under 44-35(c) are in parentheses. For brevity, some standards are summarized.

*\*\* Abridged review as the application only proposes a float extension from the existing pier system*

44-35(c) para. #	Summary of paragraph	Evaluation of application
(2)	Developed on appropriate soils so as to control erosion	<b>Met.</b> Only a float is being installed, along with one piling. The cross-section drawings (site plan sheet 3) show the floats will not touch the bottom at mean low water. From the DEP application, Attachment 8: “It is our feeling that no erosion controls are required. There is nothing in this proposed project that would offer any opportunity for erosion to occur during construction. There will not be any disturbance of the adjacent upland.”
(3)	Location shall not interfere with beach areas	<b>Appears to be met.</b>

PB23-06: 18 Cole St. (Map 1, Lot 143): Shoreland Zoning Permit Application – Seasonal Float Expansion

(4)	Minimize adverse effects on fisheries	<b>No (or minimal) adverse effects are apparent.</b> Impact is limited to 6' x 24' float area, which will not touch the riverbed.
(10b)	Pier (+ temporary float) length restricted to 200 ft. (measured from NHWL), or a length that will provide 6 ft. of water depth for outermost float at mean low water (MLW), whichever is shorter; shall not extend more than halfway to mean low water deep channel centerline	<b>Met.</b> Existing pier + gangway + main float extends 92 ft. Extension would be perpendicular only 24 ft.
(11)	No structure (including temporary ramps/floats and pilings) shall extend more than halfway to the deep channel centerline at mean low water	<b>Appears to be met.</b>
(12)	25 ft. setbacks from riparian lines for neighboring properties (with lesser setback allowed with mutual agreement with neighbor)	<b>Met.</b> Riparian lines and setback lines shown on site plan.
(13)	Temporary/seasonal floats which sit on the bottom at low tide must be built per DEP guidelines to minimize harm to marsh grass/marine life living in the mud	<b>N/A.</b> Per site plan sheet 3, floats will be at about 1.5 ft. depth at mean low water.
(14)	Required reflectors on piers and floats: 3+ in. diameter, not more than 12 in. from each corner. At least 1 per 20 ft. on each side of piers >40 ft.	<b>Proposed to be met.</b> Site plan sheet 3 shows reflectors to be installed on the floats. Applicant plans to update their plan set to fully meet this standard with reflectors on both the pier and floats.

**Recommendation**

Deem application complete per 44-44(a) and set a public hearing; waive site walk.

***Motion templates***

*Completeness determination (recommended)*

Motion to deem the application for PB23-06 complete and set a public hearing for \_\_\_\_\_.

*Incompleteness determination*

Motion to deem the application for PB23-06 incomplete. The following additional information or documents are needed: \_\_\_\_\_.

\* \* \*

Respectfully submitted,

Jeff Brubaker, AICP  
Town Planner



March 22, 2023

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

Re: Shoreland Application: Proposed Seasonal Float  
Kenneth & Jacqueline Scarpetti, 18 Cole Street, Eliot, ME (Tax Map 1 Lot 143)

Dear Mr. Brubaker:

Riverside & Pickering Marine Contractors is pleased to submit the enclosed Shoreland Application on behalf of Kenneth & Jacqueline Scarpetti. The applicant is seeking approval of a proposed seasonal float expansion at their residence on Cole Street in Eliot, Maine (Tax Map 1 Lot 143) to provide the ability to moor the vessel with the current to dramatically increase the safety of the existing structure and vessel.

A Natural Resources Protection Act permit application was submitted to Maine Dept. of Environmental Protection and the U.S. Army Corps of Engineers for review on March 24, 2023. U.S. Army Corps of Engineers and Maine DEP is currently in the process of reviewing the application, however we will submit their approval to the Town once received.

We respectfully request that the review by the Town occur concurrently with U.S. Army Corps of Engineers and Maine DEP's review to expedite the permitting process. To aid in your review, we have enclosed a copy of the application that was submitted to Maine DEP. Please refer to this MDEP application to satisfy the Town's submittal requirements and for more detailed information including, but not limited to, a project description, alternatives analysis, location map, photographs and site condition report.

The following documents are enclosed.

1. Shoreland Zoning Permit Application & Fees
2. Proposed Float Plan dated March 21, 2023
3. US ACOE Maine General Permit Application Submittal
4. MDEP NRPA Permit Application Submittal

Thank you for considering this application. Should you have any questions while reviewing the enclosed documents, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kuerstin Fordham". The signature is written in a cursive, flowing style.

Kuerstin Fordham  
Construction Administrator  
Riverside & Pickering Marine Contractors  
603-427-2824 ext. 1000  
[kuerstin@riversideandpickering.com](mailto:kuerstin@riversideandpickering.com)

Enclosures

cc w/ Enclosures Kenneth & Jacqueline Scarpetti

**FOR OFFICE USE ONLY:**

**PERMIT NO.:** \_\_\_\_\_

**ISSUE DATE:** \_\_\_\_\_

**FEE AMOUNT:** \_\_\_\_\_

**TOWN OF \_\_\_\_\_ ELIOT \_\_\_\_\_  
SHORELAND ZONING PERMIT APPLICATION**

**GENERAL INFORMATION**

1. APPLICANT  Riverside & Pickering Marine Contractors	2. APPLICANT'S ADDRESS  34 Patterson Lane Newington, NH 03901	3. APPLICANT'S TEL. #  603-427-2824 ext. 1000
4. PROPERTY OWNER  Kenneth & Jacqueline Scarpetti	5. OWNER'S ADDRESS  18 Cole Street Eliot, ME 03903	6. OWNER'S TEL. #  See Applicant #
7. CONTRACTOR  Riverside & Pickering Marine Contractors	8. CONTRACTOR'S ADDRESS  34 Patterson Lane Newington, NH 03801	9. CONTRACTOR'S TEL. #  603-4247-2824 ext 1000
10. LOCATION/ADDRESS OF PROPERTY  18 Cole Street Eliot, ME 03903	11. TAX MAP/PAGE & LOT # AND DATE LOT WAS CREATED  Map 1 / Lot 143	12. ZONING DISTRICT  Village District Shoreland Limited Comm
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, (E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS - PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3).  Provide a 6' x 24' main float extension to the existing main float to allow for the existing 30' vessel to be moored with the current ; to eliminate seasonal damage to the existing float and vessel and the potential of the existing float system breaking free.		

14. PROPOSED USE OF PROJECT Residential Pier	15. ESTIMATED COST OF CONSTRUCTION \$6,000
---	---

**SHORELAND AND PROPERTY INFORMATION**

16. LOT AREA (SQ. FT.) .57 Acres (24,700 sq / ft)	17. FRONTAGE ON ROAD (FT.) +/- 112 ft
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES Existing +/- 3,430 sq ft (13.9%)	19. ELEVATION ABOVE 100 YR. FLOOD NA (pier)
20. FRONTAGE ON WATERBODY (FT.) +/- 201 ft	21. HEIGHT OF PROPOSED STRUCTURE NA
22. EXISTING USE OF PROPERTY Residential	23. PROPOSED USE OF PROPERTY Residential

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

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

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

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

**SITE PLAN**

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

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

SEE ATTACHED PLANS

SCALE: \_\_\_\_\_ = \_\_\_\_\_ FT.

**FRONT OR REAR ELEVATION**

SEE ATTACHED PLANS

**SIDE ELEVATION**

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

**ADDITIONAL PERMITS, APPROVALS, AND/OR REVIEWS REQUIRED**

CHECK IF REQUIRED:

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

OTHERS:

---- \_\_\_\_\_

---- \_\_\_\_\_

---- \_\_\_\_\_

---- \_\_\_\_\_

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

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

SEE ATTACHED LOA

3/27/2023

APPLICANT'S SIGNATURE

DATE

*Kristin Latham*

3/27/2023

AGENT'S SIGNATURE (if applicable)

DATE

**APPROVAL OR DENIAL OF APPLICATION**

\_\_\_\_\_ MAP \_\_\_\_ LOT #

**(For Office Use Only)**

THIS APPLICATION IS:      \_\_\_\_\_APPROVED                      \_\_\_\_\_DENIED

IF DENIED, REASON FOR DENIAL:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IF APPROVED, THE FOLLOWING CONDITIONS ARE PRESCRIBED:

\_\_\_\_\_

\_\_\_\_\_

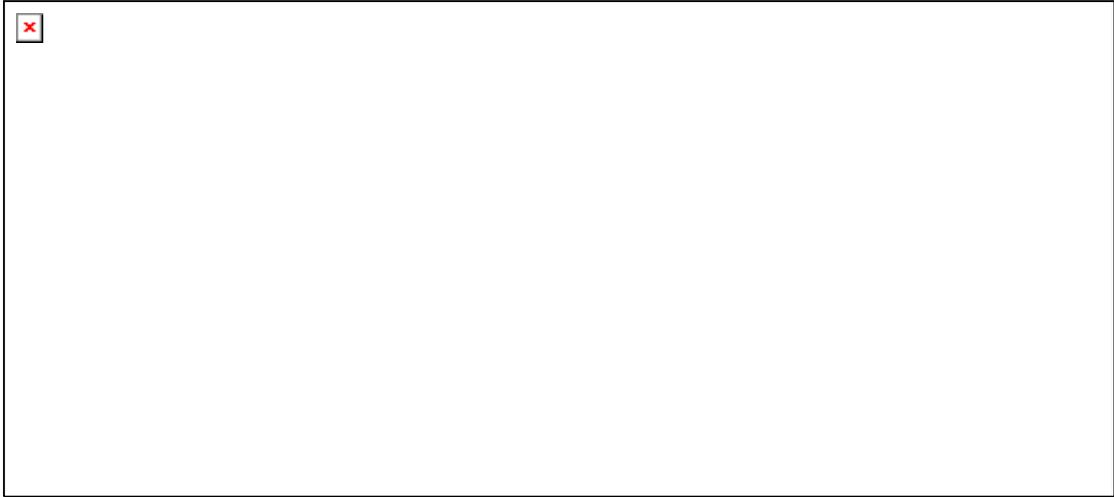
\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

CODE ENFORCEMENT OFFICER DATE



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

**SPECIAL PERMIT**

PROPERTY OWNER	SHORELAND DISTRICT
ADDRESS OF PROPERTY	

**FINDINGS OF FACT AND  
CONDITIONS OF APPROVAL**

BD. OF APPEALS \_\_\_\_\_  
PLANNING BOARD \_\_\_\_\_

CONDITIONS:

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

NOTE:

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

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE TO APPLICANT:**

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

APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

**"Undue Hardship" Criteria for Granting Variances**

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

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

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

**SHORELAND ZONING PERMIT**

**SITE INSPECTION SCHEDULE**

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

## APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

<b>1. Name of Applicant:</b>		<b>5. Name of Agent:</b>		
<b>2. Applicant's Mailing Address:</b>		<b>6. Agent's Mailing Address:</b>		
<b>3. Applicant's Daytime Phone #:</b>		<b>7. Agent's Daytime Phone #:</b>		
<b>4. Applicant's Email Address (Required from either applicant or agent):</b>		<b>8. Agent's Email Address:</b>		
<b>9. Location of Activity: (Nearest Road, Street, Rt.#)</b>		<b>10. Town:</b>	<b>11. County:</b>	
<b>12. Type of Resource: (Check all that apply)</b>	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		<b>13. Name of Resource:</b>	
			<b>14. Amount of Impact: (Sq.Ft.)</b> Fill: Dredging/Veg Removal/Other:	
<b>15. Type of Wetland: (Check all that apply)</b>	<b>FOR FRESHWATER WETLANDS</b>			
	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1
<b>16. Brief Activity Description:</b>	Request a permit to provide for an 6' x 24' float extension attached to the existing pier, gangway and float to allow the 30' vessel to be moored with the current and eliminate damage to the existing float and vessel along their property in Eliot, Maine			
<b>17. Size of Lot or Parcel &amp; UTM Locations:</b>	<input type="checkbox"/> _____ square feet, or <input type="checkbox"/> _____ acres		UTM Northing: _____ UTM Easting: _____	
<b>18. Title, Right or Interest:</b>	<input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement			
<b>19. Deed Reference Numbers:</b>	Book#: 15164 Page: 771	<b>20. Map and Lot Numbers:</b>	Map #: _____ Lot #: _____	
<b>21. DEP Staff Previously Contacted:</b>		<b>22. Part of a larger project:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>After-the-Fact:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>23. Resubmission of Application?:</b>	<input type="checkbox"/> Yes → <input type="checkbox"/> No If yes, previous application # _____	Previous project manager: _____		
<b>24. Written Notice of Violation?:</b>	<input type="checkbox"/> Yes → <input type="checkbox"/> No If yes, name of DEP enforcement staff involved: _____	<b>25. Previous Wetland Alteration:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>26. Detailed Directions to the Project Site:</b>	I-95 South to ME 236 Exit 2, take ME 236 toward Kittery, Enter roundabout and take first exit onto Old Post Rd., Turn right onto ME-103, take first left onto ME-103, turn left onto Woodbine Ave, take first left onto Cole street.			
<b>27. TIER 1</b>		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>		
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required		
<b>28. FEES Amount Enclosed:</b>				

**CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2**

**IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.**

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

**CORPS SIGNATORY REQUIREMENT**

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

**DEP SIGNATORY REQUIREMENT**

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."



Date: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF AGENT/APPLICANT

**NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.**

**Attachments: Addition of 6' x 24' Float  
Project for: Kenneth Scarpetti**

**Attachment 1:Project Description**

The proposed project consists of adding a 6' x 24' float extension to an existing 10' x 30' on the owners property utilized for private recreational access to the Piscataqua River. A proposed 6' x 15' float extension will be placed at the water ward end of the existing 10' x 30' float to form a "L" float system. The 6' x 24' proposed float will be located by one (1) 12" butt Green Heart float piling. This will continue to be the only dock along the owner's +/- 201 ft of shoreline. The modification results in only +/- 144 sq/ft of additional seasonal impact and +/- 1' of permanent impact. This seasonal impact and minimal permanent impact will provide the owner the ability to moor the 30' vessel with current eliminating seasonal damage to the existing float system from mooring the vessel against the current. In addition, the 6' x 24' float will further prevent the existing float from breaking free due to connection damage.

**Attachment 2:Alternative Analysis**

The proposal adds a float extension of 24' installed with the current to allow a safer more secure structure to moor the existing vessel. This modification will require no change in position or impact of the existing approved structures and should have little to no impact on navigation due to two existing ledge out cropping's (E2RS1) to the east and west of the structure, visible at low tide. The float system will be located approximately 151 ft to the federal navigable channel. The addition of the 6' x 24' float will only increase impacts along the frontage by 144 sq/ft while providing safer accessibility throughout the majority of the tide cycle. The outermost edge of the float structure has been designed to provide approximately +/- 5.5 ft of water at mean low tide and +/- 1.5 ft at the shore-ward edge of the float. The owner should be able to ingress to and egress from the dock even during astronomical low tides with their current vessel while providing the ability to moor the vessel with the current, with minimal increased impact, the safety of the structure is dramatically increased and thus provides better justification for the impact to the resource from the existence of the dock as a whole.

The proposed construction is the least impacting alternative because it provides a modest increase in square foot impact to the resource while meeting the needs of the owner. The alternative would be to make no change to the existing dock which would result in no additional square foot seasonal indirect impact however would result in continued danger of the existing float breaking free due to continued force and impact of the existing vessel as a result of the being moored against the current. The owner has had many years of utilizing the dock and has found that the combination of wave action created from wind fetch and currents combined with what can sometimes be 4ft plus wakes from boat traffic has resulted in his existing 30' vessel applying constant pressure on the existing float. The vessel is also impacting the existing float causing damages to the existing float including loosened connections, damaged deck boards, and damaged joists leading to a situation in which the float system could break free. The owners vessel also sustains damage each season. The proposed design modification will put the vessel in a position that will be with the current eliminating the damage to the existing float and vessel as well as the potential of the existing float breaking free. The small additional SF impact from the new float is a reasonable request to allow for the significant increase in safety and utility for the owner.

The pier's design in relation to the property is such that any negative visual impacts inherent in waterfront development will be minimized. Most of the properties in the area currently have docking structures, many of which are similar in size. This is a minor modification of a previously approved pier, ramp and float and will require only the addition of 145sq/ft. We feel that the scope of the proposed modification of the existing docking facility will not impede navigation or have any substantial impact aesthetically.

**Attachment 3:Project Location Map**

See attached plans

**Attachment 4:Project Site Photos**

Photos attached

**Attachment 5 & 6: Project Plans**

See attached plans

**Attachment 7:Construction Plan**

The scope of this project is relatively small. The substrate within the proposed float location is cobble /gravel substrate (E1UB1). The float will be brought to the site by water (it will be shop built off site). A small barge mounted crane will be brought in to deliver and install the float.

**Attachment 8: Erosion Control Plan**

It is our feeling that no erosion controls are required. There is nothing in this proposed project that would offer any opportunity for erosion to occur during construction. There will not be any disturbance of the adjacent upland.

**Attachment 9: Coastal Wetlands Characterization**

The coastal wetlands characterization field survey checklist is attached, along with photos and plans. Please note; Kuerstin Fordham Riverside & Pickering Marine's Project Planner completed this checklist.

**Attachment 10: Notice of Intent To File**

Copy attached, along with an abutters list and copies of the certified receipts showing that the notice was sent to abutters. The notice was published in the Portsmouth Herald on \_\_\_\_\_.

**Attachment 11: Copy to the Maine Historic Preservation Commission**

A copy of the entire application package has been cc'd to the MHPC and the five recognized Native American tribes simultaneously with filing it with other agencies. Any correspondence will be copied to the Army Corps.

**Attachment 12: Functional Assessment**

Given the small size of the project and the minimal environmental impact it will have, we hope to avoid the cost of a professional functional assessment. Should the Department feel this needs to be done, please contact Kuerstin Fordham at Riverside & Pickering Marine Contractors and it will be arranged.

**Attachment 13: Compensation**

Given the minor nature of this project, no compensation is contemplated. Its impact on the area will be minimal.

RIVERSIDE & PICKERING  
MARINE CONTRACTORS

March 10, 2023

To: Town of Eliot, ME  
Maine DEP  
Maine Bureau of Parks & Lands  
US Army Corps of Engineers

Re: Letter of Agency

To Whom It May Concern:

For the purpose of obtaining permits to provide for a 60x215' float extension attached to my float to allow existing vessel to be moored with the current to to increase the safety and integrity of my existing structure on my property located at 18 Cole Street in Eliot, ME (Map 1, Lot 143) please consider Riverside & Pickering Marine Contractors, my authorized agent.

Sincerely,



Kenneth & Jacqueline Scarpetti and/or Authorized Agent  
18 Cole Street, Eliot, ME

DEED OF SALE BY PERSONAL REPRESENTATIVE

KNOW ALL MEN BY THESE PRESENTS

THAT CYNTHIA C. MILLETT of Kittery, County of York and State of Maine, duly appointed and acting Personal Representative of the Estate of LUCILLE S. COLE, deceased, testate, as shown by the probate records of the County of York, Maine, Docket No. 2006-0569, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid, grants to JACQUELINE SCARPETTI of Manchester, County of Hillsborough and State of New Hampshire, whose mailing address is 16 Sagamore Street, Manchester, NH 03104, the real property in Eliot, County of York and State of Maine, described as follows:

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

Beginning at a hub set in the ground at the easterly corner of the premises herein conveyed at land of Pappas and thence southwesterly by said Pappas land to a hub set in the bank at high water mark of the Piscataqua River; thence continuing same course to low water mark of the Piscataqua River; thence turning and running in a northwesterly direction by said low water mark of said Piscataqua River to a point which is southwesterly from a hub set in the bank at high water mark; thence northeasterly to a hub set in the bank at high water mark; thence continuing same course by land of Geneva Boston and land of Carleton Grover to a hub set in the ground at land of Henry D. Cole; thence turning

MAINE R.E. TRANSFER TAX PAID

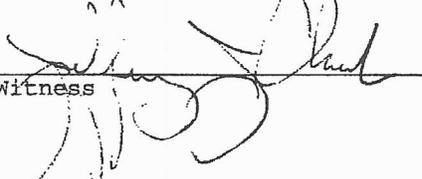
and running southeasterly by land of Henry D. Cole to a hub and the point of beginning.

This conveyance being subject to a right of way as defined in deed given by Clarence E. Cole to Everett Cole et als, dated July 9, 1960 and recorded in York County Registry of Deeds in Book 1430, Page 455.

Together with the right in this Grantee, her heirs and assigns, to pass and repass both on foot and by vehicle on or over a right of way, ten (10) feet in width running from the within conveyed premises to Woodbine Avenue, the northerly and westerly sideline of said right of way being the southerly and easterly sideline of land of Henry D. Cole. Said right of way being known as Cole Street.

Being the same premises conveyed by Everett R. Cole, C. Edison Cole, Henry D. Cole and Marion A. Penney to David A. Cole and Lucille S. Cole, as joint tenants, dated August 21, 1964 and recorded in the York County Registry of Deeds in Book 1614, Page 317. David A. Cole died on March 27, 1995 leaving Lucille S. Cole sole-surviving tenant.

WITNESS my hand and seal this 21<sup>st</sup> day of May, 2007.

  
Witness

  
Cynthia C. Millett, Personal Representative of the Estate of Lucille S. Cole

STATE OF MAINE  
YORK COUNTY, ss.

May 21, 2007

Then personally appeared the above-named Cynthia C. Millett in her said capacity as Personal Representative of the Estate of Lucille S. Cole and acknowledged the foregoing instrument to be her free act and deed,

Before me,

  
Notary Public  
Print Name: John J. Clark  
My commission expires Perpetual

\probate\cole deed of sale  
Est 21100

Return to: Jacqueline Scarpatti 2  
16 Sagamore Street  
299A Manchester, NH 03104

E

END OF DOCUMENT



<b>Photos</b>	
For: Scarpetti 18 Cole Street Eliot, ME 03903 Map 1 Lot 143 Taken 3/20/2023 By: KF	 <b>RIVERSIDE &amp; PICKERING</b> MARINE CONTRACTORS
34 Patterson Lane Newington, NH 03801 Telephone (603) 427 2824 Fax (866) 571 7132	

**PUBLIC NOTICE:  
NOTICE OF INTENT TO FILE**

Please take notice that

Kenneth and Jacqueline Scarpetti

---

16 Sagamore Street, Manchester, NH 03104      Agent Riverside & Pickering  
 (Name, Address and Phone # of Applicant)      603-427-2824

---

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about

3/29/2023

(anticipated filing date)

The application is for

Requesting a permit to provide for a float extension attached to the existinhg float to allow  
 (description of the project)  
 for the existing 30' vessel to be moored with the current

---

at the following location:

18 Cole Street, Eliot, ME

(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta or Bangor)(circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in Eliot, ME, Maine.  
 (town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333  
 MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103  
 MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

(goldenrod)

**PUBLIC NOTICE FILING AND CERTIFICATION**

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

**ATTACH a list of the names and addresses of the owners of abutting property.**

**CERTIFICATION**

By signing below, the applicant or authorized agent certifies that:

A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;

A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;

A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and

Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on NA \_\_\_\_\_  
Date

Approximately NA \_\_\_\_\_ members of the public attended the Public Informational Meeting.



\_\_\_\_\_  
Signature of Applicant or authorized agent

3/23/2023

\_\_\_\_\_  
Date

Kuerstin Fordham, Riverside & Pickering Marine  
Contractors



March 10, 2023

Dear Abutter,

As required by the Maine Department of Environmental Protection, you are being notified of our **intent** to file a Natural Resources Protection Act permit application, requesting a permit to perform work at our clients property which abuts yours. **Should you have any questions or concerns, please do not hesitate to contact this office. As the Owner's agent in this matter, we will be glad to discuss any aspect of the proposed project. A copy of the full application has been sent to the Maine DEP.**

Thank you,

Kuerstin Fordham  
Riverside & Pickering Marine

**Name of property owner (s):** Kenneth & Jacqueline Scarpetti

**Location:** 18 Cole Street, Eliot, ME. Map 1 Lot 143

**Brief description of work:** Requesting a permit to provide for an 6' X 15' float extension attached to the existing pier, gangway and float to allow for the existing float to be moored with the tide and increase in safety for the owner along their property in Eliot, Maine.

Abutter	Certified Mail #
TM# 1 Lot 142 Ann Marie Donegan Revocable Trust Ann Marie Donegan, Trustee 11 Cole Street Eliot, ME 03903	7019 2970 0000 8203 4673
TM# 1 Lot 144 Patrick B. Richardson 81 Punkintown Rd Eliot, ME 03903	7019 2970 0000 8203 4680
TM# 1 Lot 145 Maureen Bunce PO Box 521 Portsmouth, NH 03801	7019 2970 0000 8203 4697
TM#1 Lot 146 John Gagnon 12 Woodbine Ave Eliot, ME 03903	7019 2970 0000 8203 4703
TM#1 Lot 147 Vick & Barbara Contella 11 Woodbine Ave Eliot, ME 03903	7019 2970 0000 8203 4727
TM# 1 Lot 148 Paul Paradis & Judith Morgridge John P REV Trust 13 Woodbine Ave Eliot, ME 03903	7019 2970 0000 8203 4734

**Office: 603-427-2824 Fax: 866-571-7132**  
**34 Patterson Lane, Newington, NH 03801**  
**www.RiversideandPickering.com**

A division of Riverside Marine Construction Inc.



March 10, 2023

Dear Abutter,

As required by the Maine Department of Environmental Protection, you are being notified of our **intent** to file a Natural Resources Protection Act permit application, requesting a permit to perform work at our clients property which abuts yours. **Should you have any questions or concerns, please do not hesitate to contact this office. As the Owner's agent in this matter, we will be glad to discuss any aspect of the proposed project. A copy of the full application has been sent to the Maine DEP.**

Thank you,

Kuerstin Fordham  
Riverside & Pickering Marine

**Name of property owner (s):** Kenneth & Jacqueline Scarpetti

**Location:** 18 Cole Street, Eliot, ME. Map 1 Lot 143

**Brief description of work:** Requesting a permit to provide for an 6' X 15' float extension attached to the existing pier, gangway and float to allow for the existing float to be moored with the tide and increase in safety for the owner along their property in Eliot, Maine.

Abutter	Certified Mail #
TM# 1 Lot 15 John Gagnon 12 Woodbine Ave Eliot, ME 03903	7016 3560 0000 2669 8395

**Office: 603-427-2824 Fax: 866-571-7132**  
**34 Patterson Lane, Newington, NH 03801**  
**[www.RiversideandPickering.com](http://www.RiversideandPickering.com)**

A division of Riverside Marine Construction Inc.

7019 2970 0000 8203 4741

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Eliot, ME 03903  
**OFFICIAL USE**

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$7.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
<b>Total Postage and Fees</b>	<b>\$8.13</b>

Sent To: **John Gagnon**  
 Street and Apt. No., or PO Box No.: **12 Woodbine Ave**  
 City, State, ZIP+4®: **Eliot, ME 03903**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here: 0801 14 MAR 10 2023

7019 2970 0000 8203 4727

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**OFFICIAL USE**

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$7.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
<b>Total Postage and Fees</b>	<b>\$8.13</b>

Sent To: **Vick & Barbara Contella**  
 Street and Apt. No., or PO Box No.: **12 Woodbine Ave**  
 City, State, ZIP+4®: **Eliot, ME 03903**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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**OFFICIAL USE**

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$7.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
<b>Total Postage and Fees</b>	<b>\$8.13</b>

Sent To: **Paul & Sarah Paradis**  
 Street and Apt. No., or PO Box No.: **12 Woodbine Ave**  
 City, State, ZIP+4®: **Eliot, ME 03903**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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7019 2970 0000 8203 4703

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Eliot, ME 03903  
**OFFICIAL USE**

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$3.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
<b>Total Postage and Fees</b>	<b>\$8.13</b>

Sent To: **John Gagnon**  
 Street and Apt. No., or PO Box No.: **12 Woodbine Ave**  
 City, State, ZIP+4®: **Eliot, ME 03903**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here: 0801 14 MAR 10 2023

**Abutter Notifications**

For: Ken Scarpetti  
 18 Cole Street  
 Eliot, ME 03903

**RIVERSIDE & PICKERING**  
 MARINE CONTRACTORS

34 Patterson Lane  
 Newington NH, NH 03801  
 Telephone (603) 427-2824 Fax (207) 703-0354

7019 2970 0000 8203 4697

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Portsmouth, NH 03802

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Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$7.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
<b>Total Postage and Fees</b>	<b>\$8.13</b>

Postmark Here  
MAR 10 2023  
0801

Sent To: Maureen Bance  
Street and Apt. No., or PO Box No. PO Box 501  
City, State, ZIP+4® Portsmouth NH 03801

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2970 0000 8203 4680

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Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$7.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
<b>Total Postage and Fees</b>	<b>\$8.13</b>

Postmark Here  
MAR 10 2023  
0801

Sent To: Patrick B Richardson  
Street and Apt. No., or PO Box No. 81 Franklintown Rd  
City, State, ZIP+4® Eliot, ME 03903

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2970 0000 8203 4673

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Eliot, ME 03903

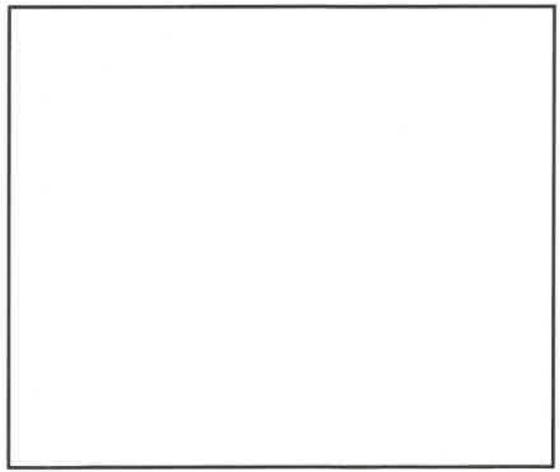
**OFFICIAL USE**

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$7.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
<b>Total Postage and Fees</b>	<b>\$8.13</b>

Postmark Here  
MAR 10 2023  
0801

Sent To: Ann Marie Rev Trust  
Street and Apt. No., or PO Box No. 11 Cole Street  
City, State, ZIP+4® Eliot ME 03903

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



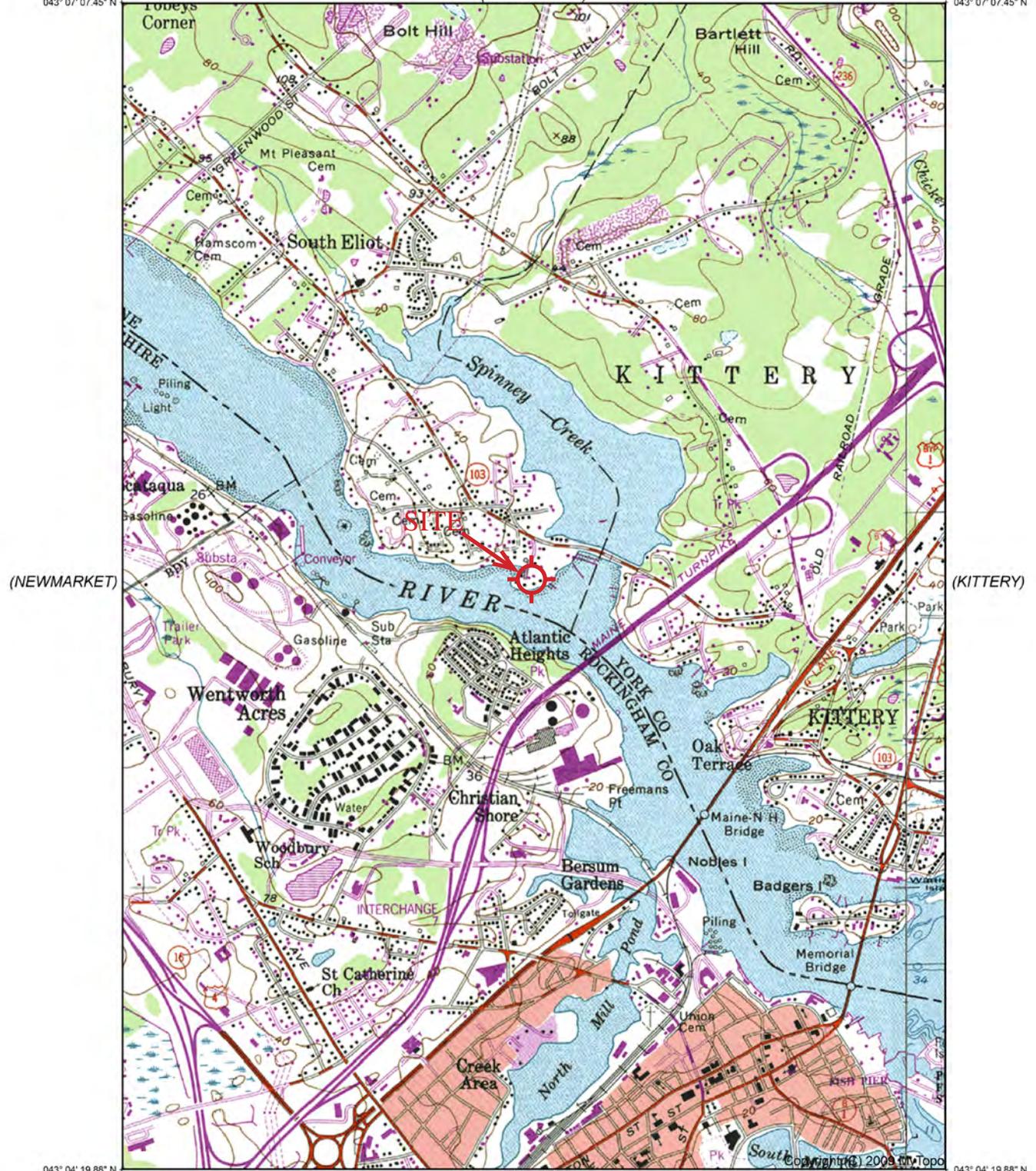
**Abutter Notifications**

For:

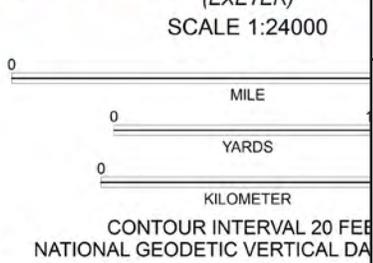
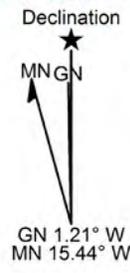
Ken Scarpetti  
18 Cole Street  
Eliot, ME 03903

**RIVERSIDE & PICKERING**  
MARINE CONTRACTORS

34 Patterson Lane  
Newington NH, NH 03801  
Telephone (603) 427-2824 Fax (207) 703-0354



(NEWMARKET)  
 (KITTERY)  
 (EXETER)  
 043° 04' 19.86" N  
 070° 47' 32.55" W



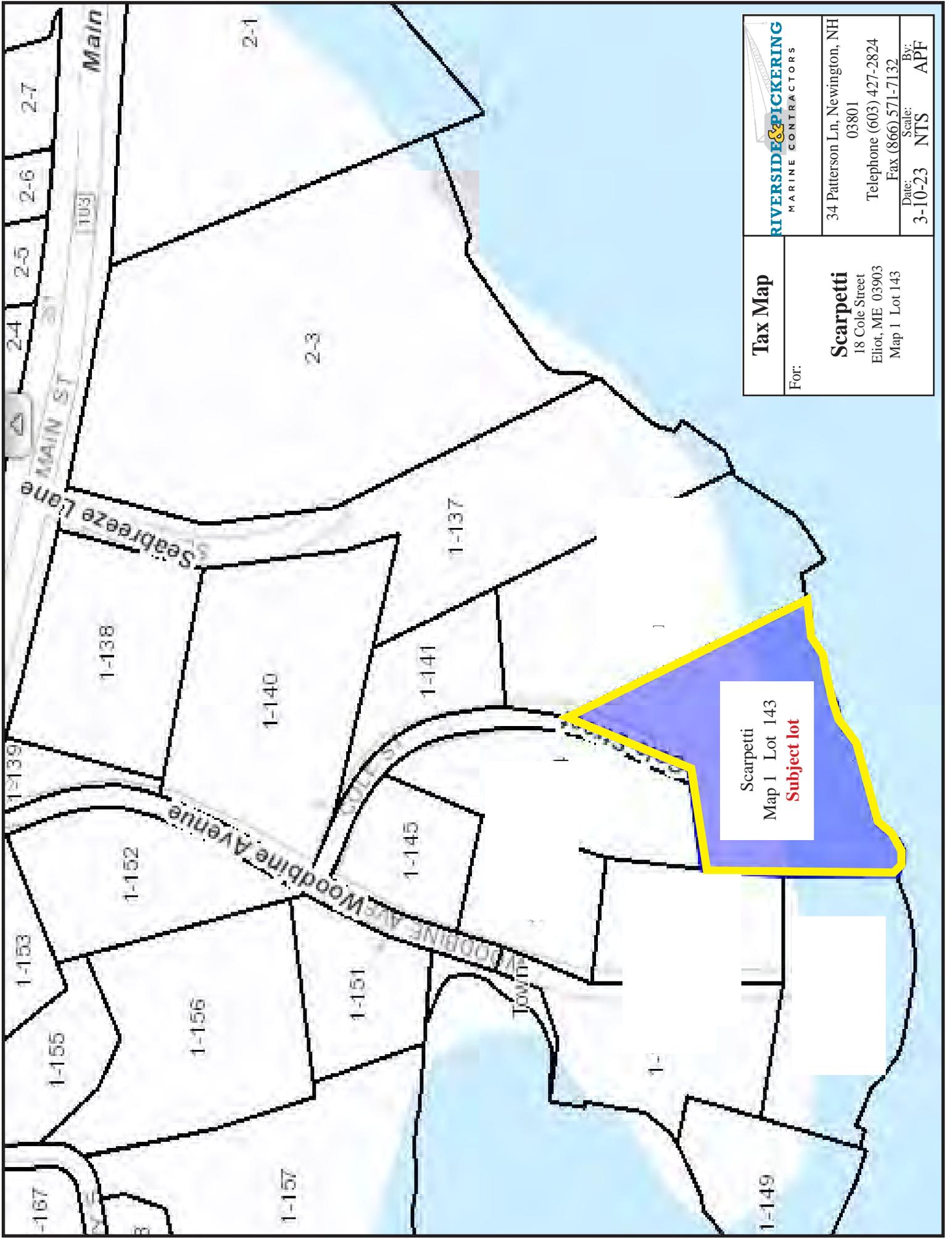
Produced by MyTopo Terrain Navigator  
 Topography based on USGS 1:24,000  
 Maps  
 North American 1983 Datum (NAD83)  
 Transverse Mercator Projection  
 To place on the predicted North American  
 1927 move the projection lines 10M N and  
 41M E

**Site Map**  
 For:  
**Scarpetti**  
 18 Cole Street  
 Eliot, ME 03903  
 Map 1 Lot 143

**RIVERSIDE & PICKERING**  
 MARINE CONTRACTORS

34 Patterson Ln, Newington, NH  
 03801  
 Telephone (603) 427-2824  
 Fax (866) 571-7132

Date: 3-10-23      Scale: NTS      By: APF



Scarpetti  
 Map 1 Lot 143  
**Subject lot**

<b>Tax Map</b>  For:	<b>Scarpetti</b> 18 Cole Street Eliot, ME 03903 Map 1 Lot 143
34 Patterson Ln, Newington, NH 03801 Telephone (603) 427-2824 Fax (866) 571-7132	
Date: 3-10-23 Scale: NTS By: APF	



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Maine Ecological Services Field Office  
P. O. Box A  
East Orland, ME 04431  
Phone: (207) 469-7300 Fax: (207) 902-1588

In Reply Refer To:  
Project Code: 2023-0059028  
Project Name: Kenneth & Jacqueline Scarpetti

March 22, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

---

Attachment(s):

- Official Species List

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Maine Ecological Services Field Office**

P. O. Box A

East Orland, ME 04431

(207) 469-7300

---

## PROJECT SUMMARY

Project Code: 2023-0059028  
Project Name: Kenneth & Jacqueline Scarpetti  
Project Type: Boatlift/Boathouse/Dock/Pier/Piles - Maintenance/Modificaton  
Project Description: Installation of a 6' x 24' seasonal float  
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.09540535,-70.76980850000001,14z>



Counties: York County, Maine

---

## ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## BIRDS

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Endangered

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

## **IPAC USER CONTACT INFORMATION**

Agency: Riverside & Pickering Marine Contractors

Name: Kuerstin Fordham

Address: 34 Patterson Lane

City: Newington

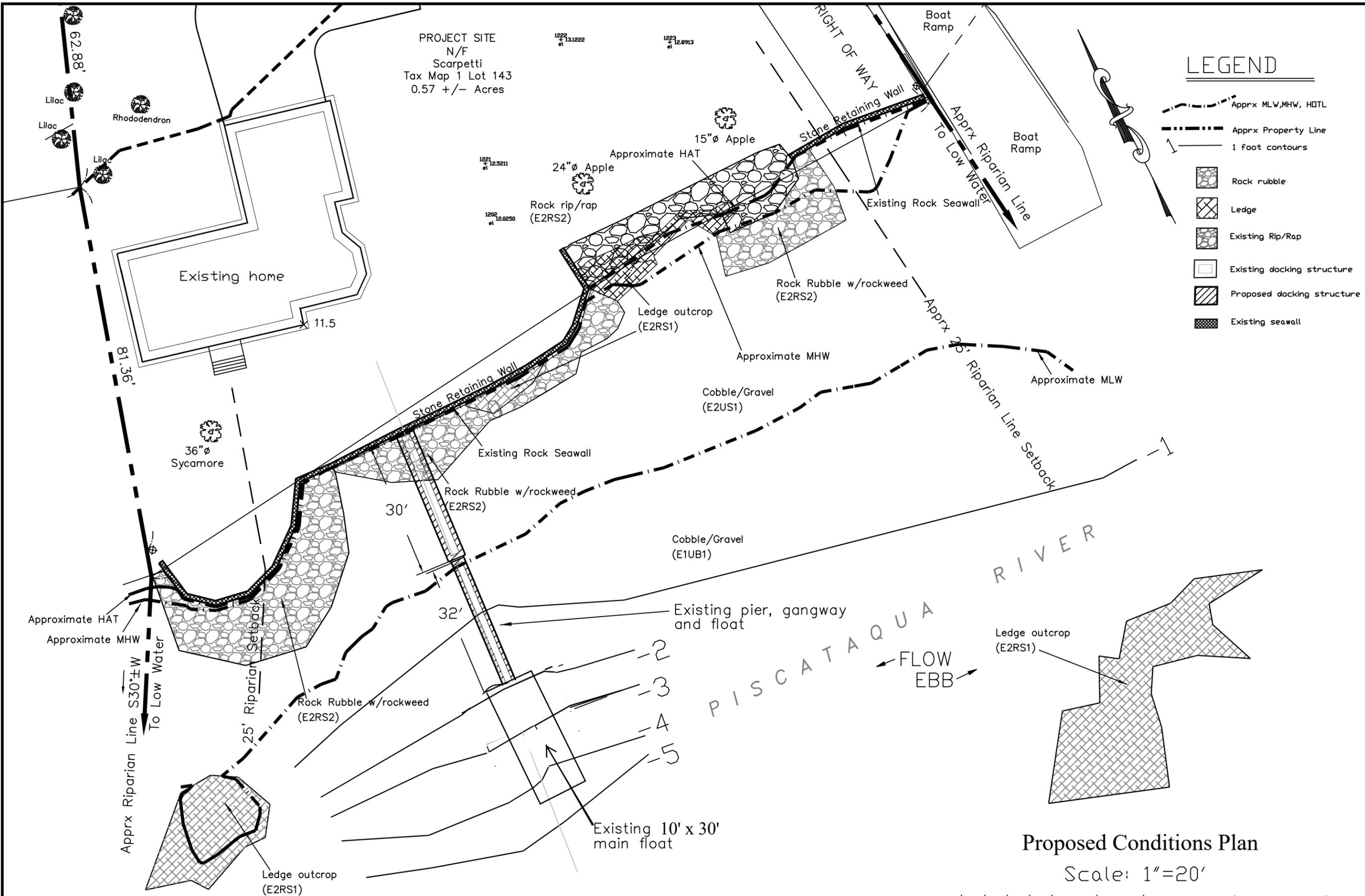
State: NH

Zip: 03801

Email: [kuerstin@riversideandpickering.com](mailto:kuerstin@riversideandpickering.com)

Phone: 6034272824

---



**LEGEND**

- Apprx MLW, MHW, HDTL
- Apprx Property Line
- 1 foot contours
- Rock rubble
- Ledge
- Existing Rip/Rap
- Existing docking structure
- Proposed docking structure
- Existing seawall

Date: 3/21/2023  
 Drawn By: KF  
 Checked By: DA

**Kenneth Scarpetti**  
**Float expansion**

Address: 18 Cole Street City: Eliot, ME  
 Map & Lot #: Map 1 Lot 143 Drawing Scale: 1"=20'



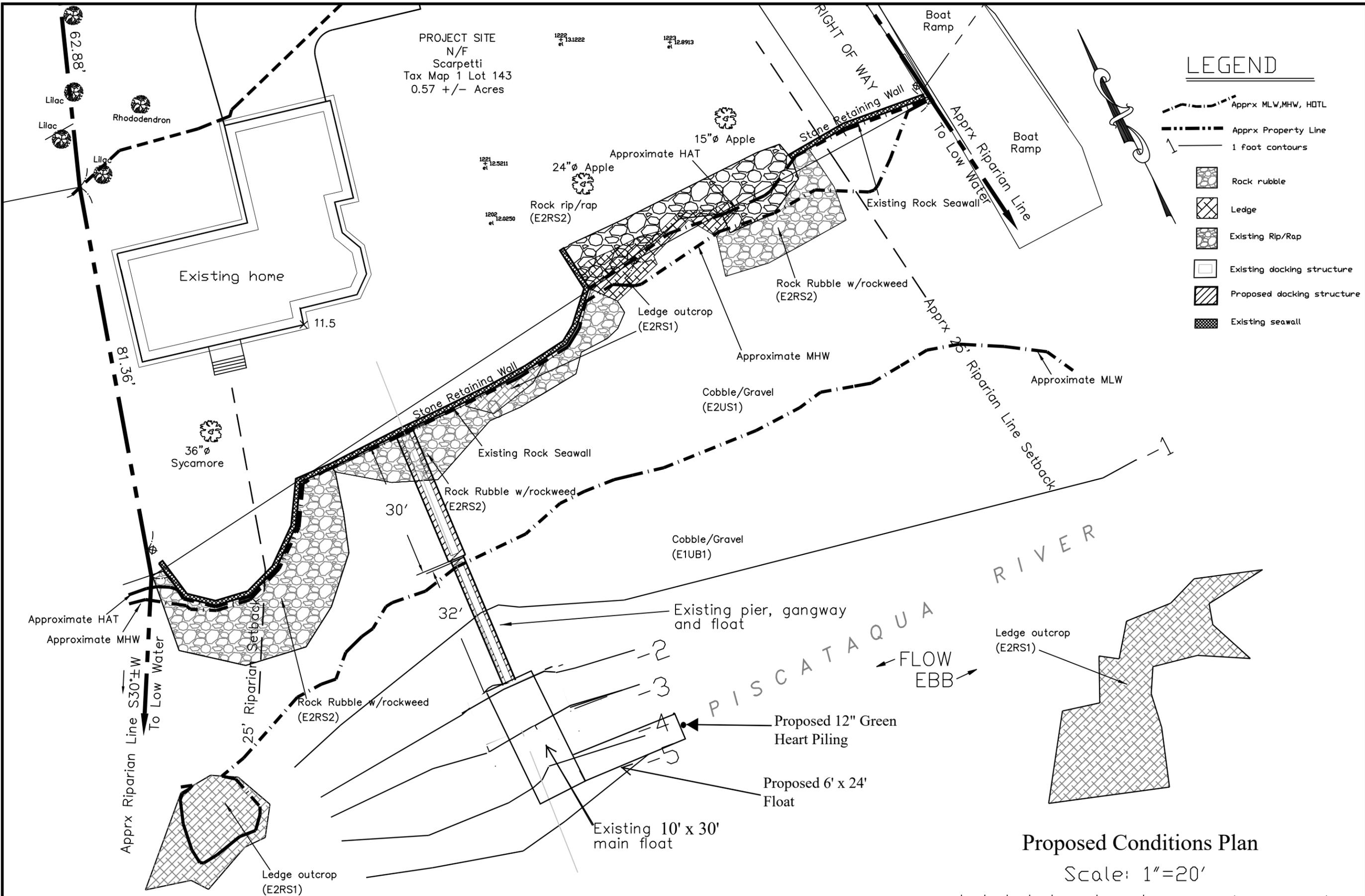
84 Patterson Lane, Newington, NH  
 Office: (603) 427-2824 Fax: (866) 571-7132

REVISIONS	
Date	Description

**References:**  
 1. Plan entitled "Proposed Site Plan" for property at 18 Cole Street, Eliot, York County, Maine for Jacqueline Scarpetti dated 7/3/14 with a revision date of 8/25/14 by Easterly Surveying, Inc. Kittery, ME  
 2. Plan entitled "Kenneth Scarpetti Rework shoreline wall" by Riverside and Pickering Marine last revised 12-16-15.

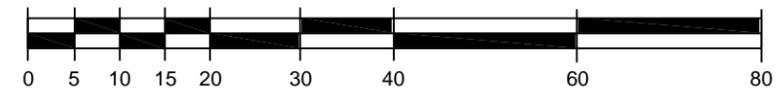


**Proposed Conditions Plan**  
 Scale: 1"=20'



Date: 3/21/2023		Drawn By: KF		Checked By: DA									
<b>Kenneth Scarpetti</b> Float expansion		Approved: _____		Date: _____									
		City: Eliot, ME		Title: _____									
Address: 18 Cole Street		Map & Lot #: Map 1 Lot 143		Drawing Scale: 1"=20'									
		84 Patterson Lane, Newington, NH Office: (603) 427-2824 Fax: (866) 571-7132											
<table border="1"> <thead> <tr> <th>REVISIONS</th> <th>Date</th> <th>Description</th> <th>Approved</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		REVISIONS	Date	Description	Approved					File #: _____			
REVISIONS	Date	Description	Approved										
1 of 3													

**Proposed Conditions Plan**  
Scale: 1"=20'



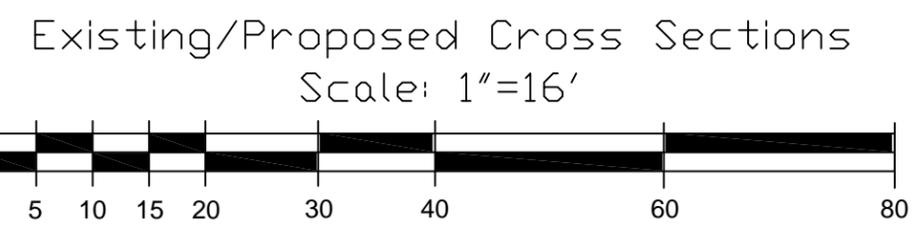
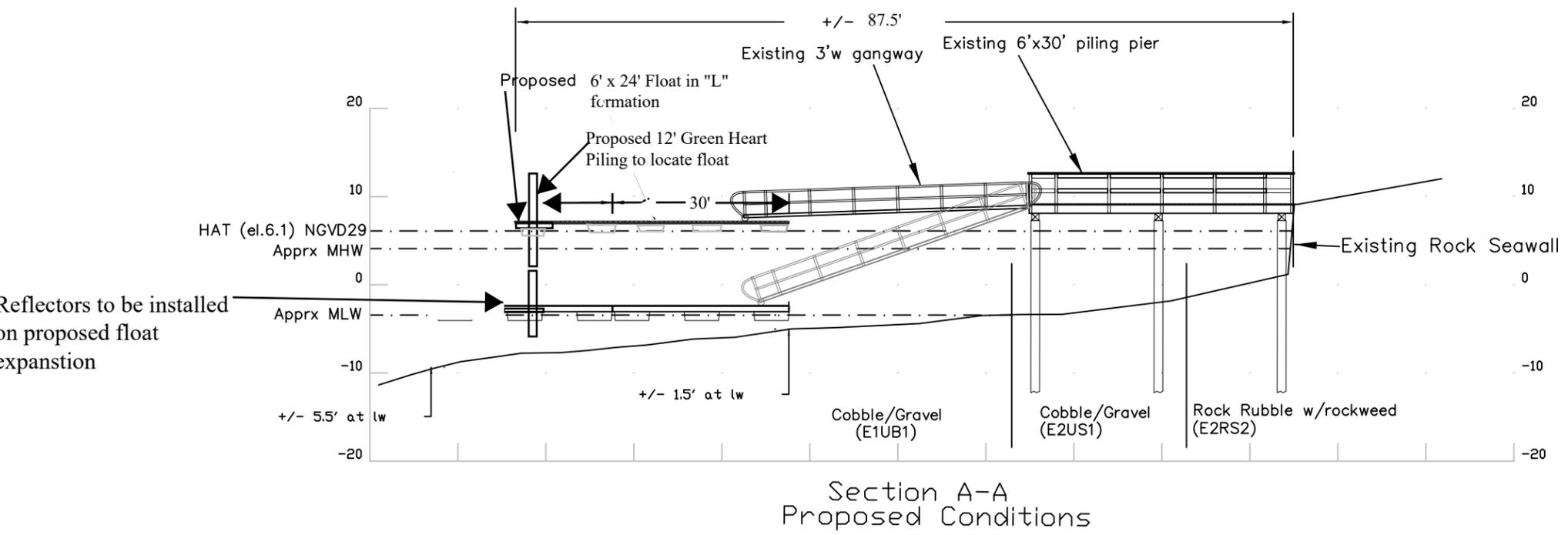
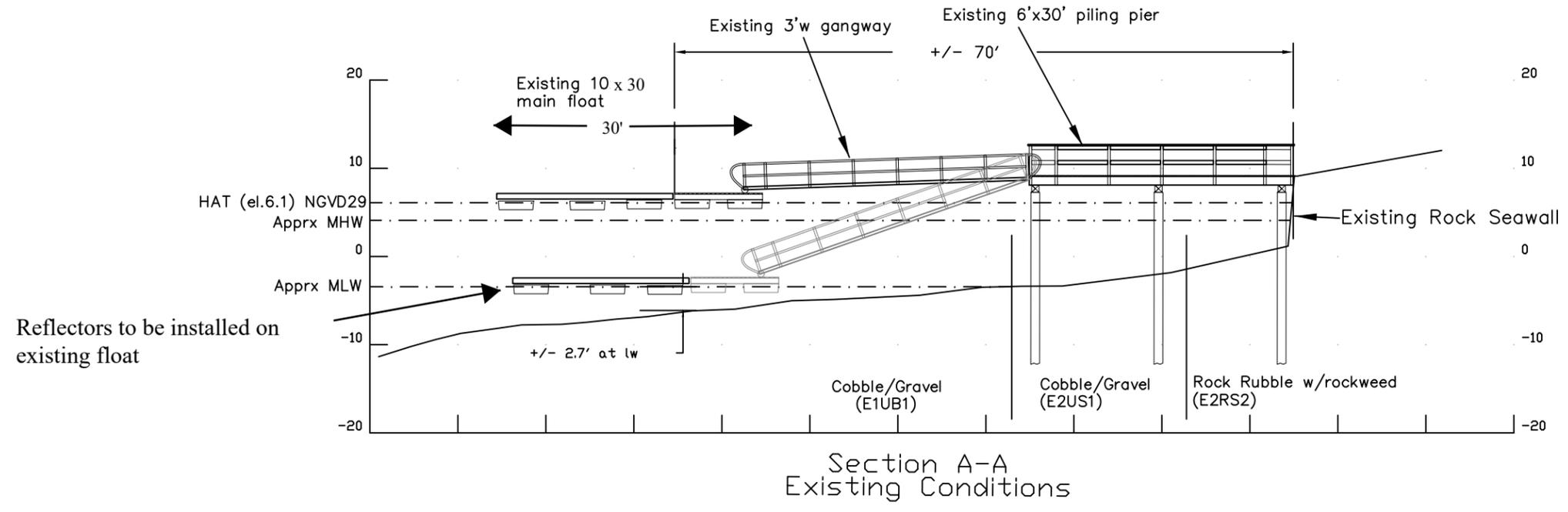
Date: 3/21/2023  
 Drawn By: KF  
 Checked By: DA

Kenneth Scarpetti  
 Float expansion  
 Address: 18 Cale Street City: Elliot, ME  
 Map & Lot #: Map 1 Lot 143 Drawing Scale: noted Title:

**RIVERSIDE & PICKERING**  
 MARINE CONTRACTORS  
 84 Patterson Lane, Newington, NH  
 Office: (603) 427-2824 Fax: (866) 571-7132

REVISIONS		Approved
Date	Description	

File #: 3 of 3





# TOWN OF ELIOT MAINE

PLANNING OFFICE  
 1333 State Road  
 Eliot ME, 03903

To: Planning Board  
 From: Jeff Brubaker, AICP, Town Planner  
 Cc: Kenneth A. Wood, PE, Attar Engineering, Applicant’s Representative  
 Shelly Bishop, Code Enforcement Officer  
 Date: May 1, 2023 (report date)  
 May 16, 2023 (meeting date)  
 Re: PB23-07: 708 River Rd. (Map 50, Lot 29) – Residential Subdivision (4 lots) – **sketch plan**

<b>Application Details/Checklist Documentation</b>	
Address	708 River Rd.
Map/Lot	50/29
PB Case#	23-07
Zoning District(s)	Suburban
Shoreland Zoning District(s)	None
Property Owner(s)	Alan and Frances Newson
Applicant Name(s)	Alan and Frances Newson Agent: Attar Engineering, Inc.
Proposed Project	4-lot conventional residential subdivision
<b>Sketch Plan</b>	
✓ Application Received by Staff	March 16, 2023
Application Sent to Staff Reviewers	Not yet sent
Application Reviewed By PB	May 16, 2023 (scheduled)
Site Walk	
Site Walk Publication	
Sketch Plan Approval	
<b>Preliminary Plan</b>	
Application Received by Staff	
Fee Paid and Date	
Application Sent to Staff Reviewers	
Notice Mailed to Abutters	
Application Reviewed by PB	
Application Found Complete by PB	
Public Hearing	
Public Hearing Publication	
Preliminary Plan Approval	

<b>Final Plan</b>	
Application Received by Staff	
Fee Paid and Date	
Application Reviewed by PB	
Public Hearing (if any)	
Public Hearing Publication	

**Overview**

Applicants seek to subdivide the 17.1-acre parcel at the subject address into four (4) residential lots. As noted in the 3/14/23 cover letter, one lot will contain “the existing dwelling and barn, and the remaining three will have proposed single[-]family houses and accompanying driveways and features”. The existing parcel is located on the inside of the curve of River Rd. as it turns eastward to State Rd.

Although the sketch plan shows four residential lots, it also shows the creation of a ~1.7-acre open space lot and the remainder of the land representing a sixth resultant lot.

**Affidavit of ownership**

Warranty deed from Patsy White to Frances Newson, dated 9/1/22 (in 5/16/23 packet)

**Zoning**

Suburban; no shoreland zoning

**Dimensional requirements**

<b>Standard</b>	<b>Planner review</b>
Min. lot size: 2 acres [41-255; 41-218(e); 45-405]	<b>Met for proposed residential lots.</b> Lot 1 is ~4.3 ac. and Lots 2-4 are ~3.7 ac. Open space lot is <2 ac. and would not be buildable.
Min. street frontage: 150 ft.	<b>Met.</b> Lot 1: 215 ft. Lots 2-4: 150 ft.
Min. street frontage waiver/modification	N/A
Setbacks: appropriate for location of subdivision and type of development/use contemplated [41-255]. 45-405 setbacks: 30’ front/20’ side/30’ rear	<b>Met.</b> Setback lines and dimensions shown on sketch plan.

**Ch. 41, Art. IV – General Requirements**

<b>Section</b>	<b>Standard/ summary</b>	<b>Planner review</b>
41-212	Air quality	No comments currently
41-213	Water quality	No comments currently
41-214	Soil quality and erosion-sedimentation control	Soil test pit results in 5/16/23 packet. No other comments currently. Erosion & sedimentation control information expected with preliminary plan.

41-215	Preservation of natural resources and scenic beauty	Lot is largely wooded with forested wetlands delineated on the plan. The 3 new house lots appear to need some tree clearing for the new houses/driveways. However, the lots are larger than the min. lot size, and trees and open space appear to be preserved for most of the rear of the lots, with a designated open space lot shown in the rear.
41-216	Preservation of historical features and traditional land use pattern	No comments currently
41-217	Water supply	No comments currently
41-218	Sewage disposal	New lots will need to be served by septic systems located in appropriate soils. Soils report in 5/16/23 packet shows Class C and D soils with groundwater depth between 10 and 24” for 13 test pits. Test pit locations and delineated wetlands shown on sketch plan. PB may want to ask the applicant further about soil suitability during sketch plan review.
41-220	Relationship of subdivision to community services	Sketch plan shows 10% open space being provided via open space lot (74,730 sf), per 41-220(c).
41-221	Traffic and streets	No comments currently, as the subdivision does not propose any new streets but rather 3 additional driveways onto River Rd.
41-222	Public health and safety	No comments currently
41-223	Local/state/federal land use policies	No comments currently

### Subdivision Design Standards

#### *Section 41-255 – Lots*

Subsection (a) states:

The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall conform to the requirements of section 41-218(e).

The proposed lots are larger than the minimum lot size, addressing 41-218(e), which pertains to lots with private septic systems. The lots are narrow and deep, not unlike some other lots in the vicinity. It is possible that this configuration will promote more conserved land than other possible configurations.

#### *Section 41-256 – Reservation of land*

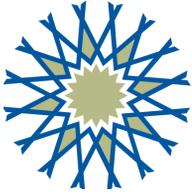
The PB may require reservation of land for parks and/or recreational purposes, or may waive the requirement. If the latter, the PB may require a cash payment-in-lieu (PIL). One public park, William Murray-Rowe Park, is within a half-mile of the lot to be subdivided. Due to the small size of the subdivision and proximity of Murray-Rowe Park, the PB may wish to consider the payment-in-lieu

PB23-07: 708 River Rd. (Map 50, Lot 29) – Residential Subdivision (4 lots) – **sketch plan**

(PIL) option. A PIL analysis was done by Town staff for 771-787 Main St. – Clover Farm Subdivision (PB22-09) and might serve as a model for this review.

**Other notes**

- Property is not in a flood zone



# ATTAR

ENGINEERING, INC

CIVIL ♦ STRUCTURAL ♦ MARINE

---

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

March 14<sup>th</sup>, 2023  
Project No. C368-22

**RE: Sketch Plan Application for Site Plan Amendment  
705 River Road (Tax Map 50, Lot 29)**

Dear Mr. Brubaker:

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

The 17.1-acre parcel is located on River Road and currently has a single-family dwelling and barn in the suburban district.

The plan proposes to subdivide the existing residential parcel into four smaller lots. One containing the existing dwelling and barn, and the remaining three will have proposed single-family houses and accompanying driveways and features.

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 50    Lot# 29    Lot Size 17.1    Zoning District: Suburban

Your Name Alan and Frances Newson    Your mailing address 705 River Road

City/Town Eliot    State: ME    Zip: 03903    Telephone: 207-252-4050

Who owns the property now? Alan and Frances Newson

Address (Location) of the property 708 River Road

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? Single-Family Dwellings  
(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:

Subdivide an existing residential parcel into four smaller lots, one will contain the existing dwelling and barn,  
the remaining three will have proposed single-family houses and accompanying driveways and  
features.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

	Case No. _____
	Site review?    Yes    No

- Step 4    Attach ten (10) copies of a sketch plan, showing in approximate dimensions the following:**
- All zoning districts
  - The location of all existing and/or proposed buildings
  - The setbacks of all existing and proposed structures or uses.
  
  - The location of proposed signs, their size, and direction of illumination.
  
  - The location of all existing and/or proposed entrances and exits.
  
  - All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
  
  - Plans of buildings, sewage disposal facilities, and location of water supply.

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

Applicant	<u><i>Tracy Newson</i></u>	Date	<u>3-13-2023</u> <u>3/13/2023</u>
Property Owner	<u><i>Tracy Newson</i></u>	Date	<u>3-13-2023</u> <u>3/13/2023</u>

**Step 6    Application received by Planning Assistant**

Date received by the PA \_\_\_\_\_ PA initials \_\_\_\_\_

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

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

**PART 1 - THE PROCEDURE**

Case No. \_\_\_\_\_

Site review?    Yes    No

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

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

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

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

**(STEP 5)** Board visits site with applicant.

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

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

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

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

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

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

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

## **PART 2**

Case No. \_\_\_\_\_

Site review?    Yes    No

**DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT**

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

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

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

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

If other Local, State or Federal agencies or officers (Section 33-102) should review Sketch Plan.

If applicable, MaineDOT driveway permit is **required** prior to local approval for anyone installing, physically changing or changing the use of a driveway on state highway.

If review by Eliot Fire Chief \_\_\_\_, Police Chief \_\_\_\_, or Road Commissioner \_\_\_\_ is required.

Case No. \_\_\_\_\_

Site review?    Yes    No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. \_\_\_\_\_

Site review?    Yes    No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

- 4.9. Dimensional Standards (Section 45-405)
- 4.10. Traffic (Section 45-406)
- 4.11. Noise (Section 45-407)
- 4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
- 4.13. Odor (Section 45-409)
- 4.14. Glare (Section 45-410)
- 4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
- 4.16. Erosion Control (Section 45-412)
- 4.18. Preservation of Landscape (Section 45-413)
- 4.19. Relation of Buildings to Environment (Section 45-414)
- 4.20. Soil Suitability for Construction (Section 45-415)
- 4.21. Sanitary Standards for Sewage (Section 45-416)
- 4.22. Buffers and Screening (Section 45-417)
- 4.23. Explosive Materials (Section 45-418)
- 4.24. Water Quality (Section 45-419)
- 4.25. Refuse Disposal (Section 45-421)
  
- 4.26. Specific Activities (Article IX) which include:
  - 4.26.1. Accessory Use or Structure (Section 45-452)
  - 4.26.2. Home Occupation (Section 45-455)
  - 4.26.3. Mobile Homes (Section 45-457)
  - 4.26.4. Off-street Parking and Loading (Article X)
  - 4.26.5. Signs (Article XI)
  
- 4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

Case No. \_\_\_\_\_

Site review?    Yes    No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

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

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



# Lot 50-29 Location Map

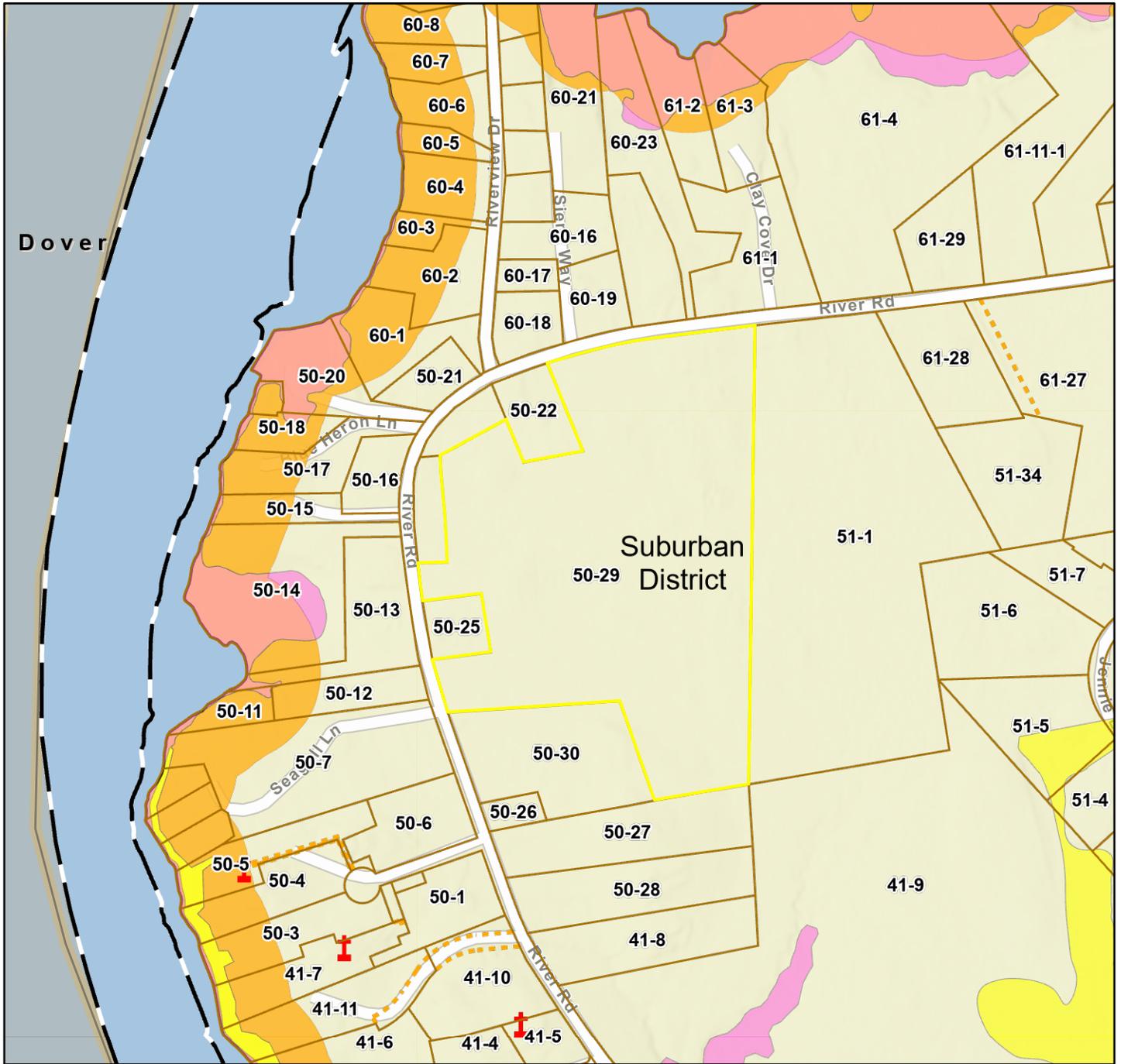
Town of Eliot, ME

1 inch = 500 Feet



www.cai-tech.com

March 8, 2023



	Large Scale		Street Names		Town Rights-of-Way		Zoning
	CAI Town Line		Parcel Lines - No Ortho		Water Bodies		Resource Protection
	Mask - New Hampshire		Rights-of-Way		A		Limited Residential
	Parcel - Poly		Cemetery Centroids		AE		Tidal Areas

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.

**Alan Newson**  
705 River Road  
Eliot, ME 03903

February 24<sup>th</sup>, 2023  
Project No.: C368-22

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

Dear Mr. Brubaker:

Please be informed that Kenneth A. Wood, P.E. and other assigned staff at Attar Engineering, Inc. will be acting as my agents for the applications and permitting of my project on River Road in Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely,



Alan Newson

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

**DLN: 1002240208458**

NANCY E HAMMOND, REGISTER OF DEEDS  
E-RECORDED **Bk 19104 PG 932**  
Instr # 2022037923  
09/01/2022 12:55:57 PM  
Pages 2 YORK CO

After recording return to:

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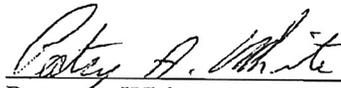
**WARRANTY DEED**

**PATSY A. WHITE**, with a mailing address of P.O. Box 423, Lebanon, ME 04027, for consideration paid, hereby grants to **FRANCES NEWSON**, with a mailing address of 705 River Road, Eliot, ME 03903, with **WARRANTY COVENANTS**, a certain lot or parcel of land, together with any improvements thereon and all rights appurtenant thereto, in the Town of Eliot, York County, Maine, being more particularly described as follows:

**SEE EXHIBIT A ATTACHED HERETO AND  
INCORPORATED HEREIN BY REFERENCE.**

Witness my hand this 1<sup>st</sup> day of September, 2022.

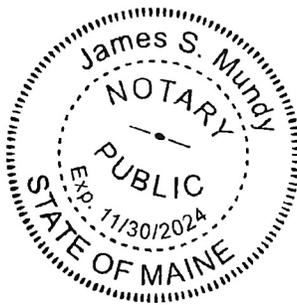
  
\_\_\_\_\_  
WITNESS

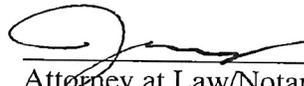
  
\_\_\_\_\_  
Patsy A. White

STATE OF MAINE  
County of York, ss.

September 1, 2022

Personally appeared the above-named Patsy A. White, before me, and acknowledged the foregoing instrument to be her free act and deed.



  
\_\_\_\_\_  
Attorney at Law/Notary Public  
Print Name:

Maine R.E. Transfer Tax Paid

After recording return to:

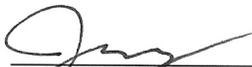
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Space Above This Line For Recording Data\_\_\_\_\_

**WARRANTY DEED**

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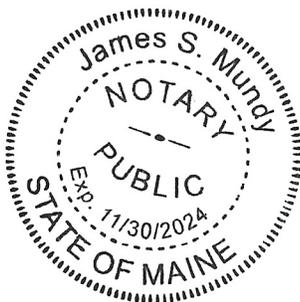
  
\_\_\_\_\_  
WITNESS

  
\_\_\_\_\_  
Patsy A. White

STATE OF MAINE  
County of York, ss.

September 1, 2022

Personally appeared the above-named Patsy A. White, before me, and acknowledged the foregoing instrument to be her free act and deed.



  
\_\_\_\_\_  
Attorney at Law/Notary Public  
Print Name:

## EXHIBIT A

Beginning at an iron pipe on the East side of said River Road, being the northeast corner of the locus property, thence running S 14° 53' 27" W 1,545.97 feet along property now or formerly of Elwin R. White to an iron pin; thence turning and running N 83° 39' 34" W 693.18 feet along property now or formerly of David Pregent to an iron pipe; thence turning and running N 1° 26' 18" W 100 feet along property now or formerly of Denise LaPointe to an iron pipe; thence turning and running N 84° 52' 14" W 200 feet along property now or formerly of said LaPointe to an iron pipe on the easterly side of said River Road; thence turning and running N 2° 53' 55" W 504.24 feet along said River Road to an iron pipe; thence turning and running S 88° 56' 34" E 200 feet along property now or formerly of Sylvia R. Paul to a point; thence turning and running N 8° 03' 26" E 208 feet along property of said Paul to a point; thence turning and running N 88° 56' 34" W 200 feet along property of said Paul to an iron pipe on the easterly side of said River Road; thence turning and running N 6° 03' 40" E 118.29 feet along said River Road to a pipe, this section being reserved for a right of way to the back property; thence turning and running S 80° 40' 28" E 99.26 feet along property now or formerly of Paul M. Endicott to an iron pin; thence turning and running N 12° 33' 18" E 360.28 feet along property of said Endicott to an iron pin; thence turning and running N 77° 48' 57" E 253.60 feet along property now or formerly of Daniel D. Smith to a pipe; thence turning and running S 5° 48' 27" E 156 feet along property now or formerly of Gerald McDaniels to a point; thence turning and running S 85° 31' 23" E 200 feet along property of said McDaniels to an iron pin; thence turning and running N 5° 18' 4" 319.50 feet along property of said McDaniels to an iron pin and easterly side of said River Road; thence turning and running S 84° 90' 00" E 665.05 feet along said River Road to the point of beginning.

Excepting those parcels conveyed to Judith Mae French and Leon Everett French, Jr. by deed dated October 21, 2003 and recorded in the York County Registry of Deeds (YCRD) in Book 13623, Page 141 and to Leon A. Cole, Trustee of the Cole Family 2020 Trust by deed dated February 8, 2021 and recorded in the YCRD in Book 18558, Page 143.

Meaning to describe and intending to convey a portion of the premises described in the deed of Elwin R. White to Allan R. White and Patsy A. White dated October 7, 1988 and recorded in the YCRD in Book 4868, Page 171. Allan R. White died on July 16, 2021, leaving Patsy R. White as sole owner by operation of law.



# 101 feet Abutters List Report

Eliot, ME  
February 24, 2023

## Subject Property:

Parcel Number: 050-029-000  
CAMA Number: 050-029-000  
Property Address: 708 RIVER RD

Mailing Address: WHITE, ALLAN R WHITE, PATSY  
708 RIVER RD  
ELIOT, ME 03903

---

## Abutters:

Parcel Number: 041-009-000  
CAMA Number: 041-009-000  
Property Address: RIVER RD

Mailing Address: LILLIS, BART  
33 BRANNEN LN  
ELIOT, ME 03903

Parcel Number: 050-007-000  
CAMA Number: 050-007-000  
Property Address: 30 SEAGULL LN

Mailing Address: COMPAGNA, KILLEEN M  
30 SEAGULL LN  
ELIOT, ME 03903

Parcel Number: 050-012-000  
CAMA Number: 050-012-000  
Property Address: 635 RIVER RD

Mailing Address: LEE, DUSTIN D LEE, LINDA M  
635 RIVER RD  
ELIOT, ME 03903

Parcel Number: 050-013-000  
CAMA Number: 050-013-000  
Property Address: 651 RIVER RD

Mailing Address: LONGSTAFF, JAMES E  
651 RIVER RD  
ELIOT, ME 03903

Parcel Number: 050-022-000  
CAMA Number: 050-022-000  
Property Address: 682 RIVER RD

Mailing Address: GILMORE, BONNIE GILMORE, DAVID  
682 RIVER RD  
ELIOT, ME 03903

Parcel Number: 050-023-000  
CAMA Number: 050-023-000  
Property Address: RIVER RD

Mailing Address: SMITH, DANIEL  
673 RIVER RD  
ELIOT, ME 03903

Parcel Number: 050-025-000  
CAMA Number: 050-025-000  
Property Address: 644 RIVER RD

Mailing Address: CARSON-FERNANDES, GAIL P  
644 RIVER RD  
ELIOT, ME 03903

Parcel Number: 050-027-000  
CAMA Number: 050-027-000  
Property Address: RIVER RD

Mailing Address: LEDLOW, E LEE LEDLOW, COLLETTE L  
4 LEIGHTON LN  
ELIOT, ME 03903

Parcel Number: 050-030-000  
CAMA Number: 050-030-000  
Property Address: 632 RIVER RD

Mailing Address: FRENCH, LEON E/JUDITH M FAMILY  
TRUST LEON E/JUDITH M FRENCH  
TRUSTEES  
632 RIVER RD  
ELIOT, ME 03903

Parcel Number: 051-001-000  
CAMA Number: 051-001-000  
Property Address: 720 RIVER RD

Mailing Address: LEWIS, CARTER H., III  
105 WILLOWBROOK AVE  
STRATHAM, NH 03885



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.



# 101 feet Abutters List Report

Eliot, ME  
February 24, 2023

Parcel Number: 060-018-000  
CAMA Number: 060-018-000  
Property Address: 685 RIVER RD

Mailing Address: DERBY, PETER B DERBY, ELIZABETH H  
685 RIVER RD  
ELIOT, ME 03903

Parcel Number: 060-019-000  
CAMA Number: 060-019-000  
Property Address: 8 SIENA WAY

Mailing Address: BILLINGS, BRAD E BILLINGS, SUZANNE  
M  
8 SIENA WAY  
ELIOT, ME 03903

Parcel Number: 060-023-000  
CAMA Number: 060-023-000  
Property Address: 705 RIVER RD

Mailing Address: NEWSON, ALAN P NEWSON, FRANCES  
L  
705 RIVER RD  
ELIOT, ME 03903

Parcel Number: 060-024-000  
CAMA Number: 060-024-000  
Property Address: 701 RIVER RD

Mailing Address: JOLIE, THOMAS M JOLIE, ALLISON L  
PO BOX 581  
ELIOT, ME 03903

Parcel Number: 061-001-000  
CAMA Number: 061-001-000  
Property Address: 709 RIVER RD

Mailing Address: GOODWIN, WARREN K  
709 RIVER RD  
ELIOT, ME 03903



[www.cai-tech.com](http://www.cai-tech.com)

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# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services  
 Division of Environmental Health  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

Eliot

708 River Road

Alan Newson

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole one  Test Pit  Boring  
3 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			dark	
			brown	
10	fine sandy loam	friable	yellowish	yes
			brown	
20			light	
			yellowish brown	
30				no
		firm	olive brown	
40				
50				

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile <u>C</u> Condition	<u>3-8</u> %	<u>18</u> "	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Observation Hole Two  Test Pit  Boring  
1 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			dark	
	silt loam	friable	brown	no
			yellowish	
10			brown	
			Lt.Ol.Br.	
20				
	silty clay loam	firm	olive gray	yes
30				
40				
50				

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>9</u> Profile <u>D</u> Condition	<u>3-8</u> %	<u>12</u> "	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole Three  Test Pit  Boring  
1 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			dark	
	silt loam	friable	brown	no
10			Yl.Br.	
			Lt.Yl.Br.	
20				
	stratified fine sand and silt	firm	light	yes
30			olive brown	
40				
50			Possible Bedrock	

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>8</u> Profile <u>D/AI</u> Condition	<u>3-8</u> %	<u>14</u> "	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Observation Hole Four  Test Pit  Boring  
2 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			dark brown	
	silt loam	friable	Yl.Br.	no
10			Lt.Ol.Br.	
20				
	silty clay loam	firm	olive	yes
30				
40				
50				

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>9</u> Profile <u>D</u> Condition	<u>3-8</u> %	<u>10</u> "	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

*Michael Crown*

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7 November 2022

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Site Evaluator Signature

SE #

Date

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services  
 Division of Environmental Health  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

Eliot

708 River Road

Alan Newson

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole Five  Test Pit  Boring  
3 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0	loamy sand		dark brown	
10		friable	yellowish brown	no
20	fine sand		Lt. Yl. Br.	
30				yes
40	fine sandy loam	firm	olive brown	
50				

Soil Classification Profile <u>3</u>	Slope <u>3-8%</u>	Limiting Factor <u>24</u>	<input checked="" type="checkbox"/> Ground Water Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
Condition <u>C</u>		"	

Observation Hole Six  Test Pit  Boring  
2 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0	loamy sand		dark brown	
10		friable	yellowish brown	no
20	silt loam		Lt. Yl. Br. Lt. Ol. Br.	
30				yes
40	silty clay loam	firm	olive brown	
50				

Soil Classification Profile <u>7</u>	Slope <u>3-8%</u>	Limiting Factor <u>15</u>	<input checked="" type="checkbox"/> Ground Water Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
Condition <u>C</u>		"	

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole Seven  Test Pit  Boring  
3 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			dark brown	
10	loamy sand	friable	yellowish brown	no
20			Lt. Yl. Br.	
30				yes
40	silty clay loam	firm	olive gray	
50				

Soil Classification Profile <u>7</u>	Slope <u>3-8%</u>	Limiting Factor <u>22</u>	<input checked="" type="checkbox"/> Ground Water Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
Condition <u>C</u>		"	

Observation Hole Eight  Test Pit  Boring  
2 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0	fine sandy loam		dark brown	no
10		friable	Yl. Br.	
20			Lt. Yl. Br.	
30			Ol. Br.	yes
40	silty clay loam	firm	olive gray	
50				

Soil Classification Profile <u>7</u>	Slope <u>3-8%</u>	Limiting Factor <u>11</u>	<input checked="" type="checkbox"/> Ground Water Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
Condition <u>D</u>		"	

*Michael Crown*

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7 November 2022

Page 2 of 4  
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Site Evaluator Signature

SE #

Date



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services  
 Division of Environmental Health  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation  
**Eliot**

Street, Road, Subdivision  
**708 River Road**

Owner's Name  
**Alan Newson**

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole Thirteen  Test Pit  Boring  
1 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0	fine		dark	
5	sandy		brown	
10	loam			
15				no
20	loamy	friable	yellowish brown	
25	sand		dark	
30			yellowish brown	
35				
40	silt loam	firm	light gray	yes
45	silty clay		olive gray	
50	loam			

Soil Classification <b>7</b> <b>C</b> Profile Condition	Slope <b>3-8</b> %	Limiting Factor <b>20</b> "	<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
---	-----------------------	--------------------------------	--

Observation Hole \_\_\_\_\_  Test Pit  Boring  
 \_\_\_\_\_ " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification ____ Profile ____ Condition	Slope ____ %	Limiting Factor ____ "	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
--	-----------------	---------------------------	---

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole \_\_\_\_\_  Test Pit  Boring  
 \_\_\_\_\_ " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification ____ Profile ____ Condition	Slope ____ %	Limiting Factor ____ "	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
--	-----------------	---------------------------	---

Observation Hole \_\_\_\_\_  Test Pit  Boring  
 \_\_\_\_\_ " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification ____ Profile ____ Condition	Slope ____ %	Limiting Factor ____ "	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
--	-----------------	---------------------------	---

*Michael Crown*

211

31 January 2023

Page 4 of 4  
 HHE-200 Rev. 05/08

Site Evaluator Signature

SE #

Date

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 River Road Subdivision
2. Location of property 708 River Road
3. Tax Map 50 Lot # 29 Size (acres) 17.1
4. Zoning District (circle one) Commercial/Industrial Rural  Suburban Village
5. Name of record owner Alan & Frances Newson  
Mailing address 705 River Road, Eliot ME 03903 Phone # 207-252-4050
6. Name of applicant Alan & Frances Newson  
Mailing address 705 River Road, Eliot ME 03903 Phone # 207-252-4050  
If corporation, name of agent Kenneth A. Wood, Attar Engineering, Inc.
7. A complete statement of any easements relating to the property is attached hereto  
(if none, so state) None
8. Deed or deeds recorded at County Registry of Deeds  
Date 9/1/2022 Book # 19104 Page # 932  
Date \_\_\_\_\_ Book # \_\_\_\_\_ Page # \_\_\_\_\_  
Date \_\_\_\_\_ Book # \_\_\_\_\_ Page # \_\_\_\_\_

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, Attar Engineering, Inc. 1284 State Road Eliot ME License #5992
11. Preliminary plan covers 4 Lot subdivision
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? N/A
13. Does owner propose to submit Final Subdivision Plan to cover the entire Preliminary Plan, or to file same in sections? Plan to cover the 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
16. Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage? Yes No
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? N/A

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 N/A

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 [Signature], Agent Date 4/27/2023

Owner signature [Signature], Agent Date 4/27/2023

Planning Assistant \_\_\_\_\_ Date \_\_\_\_\_

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



**DRAFT with proposed revisions – May 16, 2023**

**1) GENERAL PROVISIONS**

- a) Business of the Board shall be conducted in accordance with Maine State Statues, the most recent edition of The Town of Eliot Charter, Town Ordinances, as well as such Planning Board Standards or Policies as may be adopted by the Board.
- b) The Planning Board pledges to maintain professional conduct in the review of all proposals before it, and all other business deliberations.
  - i) All proposals shall be examined equally and equitably.
- c) Any question of whether a Member shall be disqualified from voting on a particular matter due to bias or conflict of interest must be decided by a majority vote of the Members present except the Member who is being challenged.
  - i) Any Member of the Planning Board who has a conflict of interest or bias with an application may voluntarily step down.
  - ii) If there is a question of a conflict of interest or bias brought by another Member of the Board, the applicant, or the public, that Member may be asked to step down after discussion and a majority vote by all Members, except the Member whose potential conflict or bias is under consideration.
- d) Those Board Members in attendance at meetings shall be expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.
- e) The most current edition of Robert’s Rules of Order shall be the authority for making parliamentary decisions.
- f) The Minutes of Meetings and all writings required to be made by the Board may be kept by a professional secretary who is not a Member of the Board.
  - i) The Board reviews and approves minutes before submitted to the Town Clerk’s Office.
  - ii) Originals of all Minutes of Meetings shall be filed with the Town Clerk.
- g) All records shall be deemed public and may be inspected at reasonable times.

**2) MEMBERSHIP**

- a) Appointments
  - i) Appointments to the Board shall be made by the Select Board of the Town of Eliot.
  - ii) Appointees to the Board shall be at least eighteen (18) years of age and legal residents of Eliot.
  - iii) The Board shall consist of five (5) Regular Members and two (2) Alternative Members.
  - iv) When there is permanent vacancy, the Select Board shall appoint a person to serve for the remainder of the term pursuant to the Eliot Charter.
  - v) The full term is five (5) years. The terms are staggered, but each full-term slot expires ~~at Town Meeting~~ **at the end of the Town’s fiscal year (June 30<sup>th</sup>).**
  - vi) Any resignation by a Board member must be submitted in writing to the Select Board, and becomes effective when accepted by the Select Board at its next regularly scheduled meeting.

- b) A quorum of the Board, as defined by Ordinance Governing Boards, Commission, and Committees shall be a majority of the full voting board, or three (3) Members.
- c) Attendance and Participation
  - i) All Members are expected to attend all meetings and participate fully in the general conduct of the Board.
  - ii) A Member who expects to be absent from any meetings must notify the Chair of the absence in advance and state a reason for the absence. The Board has the discretion to deem it an excused or unexcused absence.
    - (1) Any Member who was absent during any meeting that the Member is being asked to vote on must state publicly for the record that the Member has read the minutes and reviewed any documents received and discussed at the missed meeting(s).
  - iii) If any Member has demonstrated excessive absence from the Board, as defined by Section 2-104(d) of the Town Code, where the sum of their unexcused absences amounts to more than 25 percent of all meetings held over any 12-month period, the Chair shall report such excessive absence to the Select Board in a timely manner and shall be responsible for submitting a written request to the Select Board to remove the member from the Board for the just cause of “excessive absence”.

### **3) OFFICER MEMBERS AND THEIR DUTIES**

- a) Officers of the Planning Board shall consist of The Chair, Vice Chair, and Secretary.
  - i) All officers shall be Regular Members of the Board.
  - ii) In the extraordinary circumstances of absence of all officers at a meeting, a quorum of the Board may elect a Chair pro tempore for that meeting.
- b) The Chair shall:
  - i) Preside at all meetings and hearings of the Board.
  - ii) Has the authority to appoint all committees, call special meetings, and call work sessions.
  - iii) Responsible for any communication or requests to or from another Town Board.
  - iv) Must be informed of and will coordinate all requests for information from the Board to any source inside or outside the Town of Eliot.
  - v) Will prepare the agenda for meetings.
- c) The Vice Chair shall:
  - i) Act for the Chair in the Chair’s absence.
- d) The Secretary shall:
  - i) Act for the Chair and the Vice Chair in their absence.
  - ii) Attendance, alternate member voting rotation shall be kept.
  - iii) Review of draft minutes.
- e) Alternate Board Members
  - i) Shall attend all meetings and participate in the proceedings.
  - ii) May propose motions and vote only when designated by the Chair to sit for a Regular Member.
  - iii) Shall be designated to vote on a rotating basis.
  - iv) Shall not hold office.

### **4) ADMINISTRATION DUTIES**

- a) Duties and jobs may be assigned or performed by any Board member or staff as the Board sees fit.
  - (1) Keep a record of: resolutions, transactions, correspondence, findings and determinations, and minutes for meetings of all kinds.

(2) Provide notice of meetings to Board Members, arrange proper and legal notice of hearings, prepare correspondences, and any other duties the Board may find necessary.

b) Election of Officers

- i) Nominations for office shall be made from regular voting members of the Board at the annual organizational meeting which shall be held on the first regular scheduled meeting ~~after the annual Town meeting and the election shall follow immediately after.~~ **after the Select Board has appointed members to positions with terms starting in the new fiscal year starting July 1<sup>st</sup>.**
- ii) A candidate receiving a majority vote of the regular voting membership of the Planning Board shall be declared elected and shall serve for one year or until their successor shall take office.
- iii) Vacancies of officers shall be immediately filled by Board election process.

**5) MEETINGS**

a) Organization

- i) All meetings in which official action is taken shall be open to the public.
- ii) Video streaming of all meetings shall be in accordance with the Eliot Charter.
- iii) The Chair may set time limits on public comment that will be applicable for the entire meeting
  - (1) Can be limited to a specific time overall, per individual, or both.
  - (2) The Chair will use discretion on time limits in order to promote good relations between The Board and the public.
- iv) Those providing input at public meetings and hearings are advised to observe general rules of decorum and address only the issues before the Board. Persons disrupting the proceedings may be asked to leave the room by the Chair.

b) Regular Meeting

- i) Meetings will be held on the first and third Tuesday of the month at Eliot Town Hall at the time specified on the Town calendar.
  - (1) Meetings may be rotated to various locations to enable better citizen rapport.
    - 1. There must be special attention paid to the responsibility of the notification to the Public if the meeting is to be held at other than the normal time and place.
- ii) Materials received from applicants and other interested parties will be handled in the following manner:
  - (1) The Chair will read written public comment after the application presentation but before the attending public speaks.
- iii) Public comment will be handled in the following manner at Regular Meetings:
  - (1) The Chair will recognize public comment as a specific agenda item that is open to particular concerns regarding general Board functions.
  - (2) The Chair will recognize public comment during applications before the Board that are open to particular concerns regarding the functions germane to the Board on the applications.
    - 1. Public comment on applications will be opened by the Chair after the initial presentation from the applicant but before the Chair closes public comment so the Board can deliberate directly with the applicant. Public's comment must be made to the Chair, and all questions and discussions between citizens and Board Members must be through the Chair.

c) Special Meeting

- i) The Chair or other presiding officer, upon majority of approval of the Board, may call a Special Meeting at any appropriate time, to conduct necessary Board business.

- d) Emergency Meeting
  - i) Shall be run in accordance with the Eliot Charter upon majority approval of the Board, and public notice shall be given as soon as possible using all means of available communication to the public and local media.
- e) Site Walks
  - i) The purpose of the site walk is for collecting information related to physical factors of a site under consideration of the Board.
  - ii) Shall be conducted like a regular meeting and decisions shall not be made during the site walk.
  - iii) The public may attend site walks but there will be no public comment or input allowed regarding the application during the site walk to any Board Member unless allowed by the Chair.
  - iv) Chair shall give verbal summary of the site walk for the record at the following meeting.
- f) Executive Sessions
  - i) Upon a concurring vote of at least three (3) members present and voting, the Board may call for an Executive Session, from which the public shall be barred. Such sessions shall be held in accordance with: MRS-Title 1, Section 405.
  - ii) Within Executive Session it shall be the Chair's responsibility to ensure that only business for which the Session was called will be discussed. The Chair shall conduct the Executive Session to ensure that compliance with the rules for Executive Session occurs.

## **6) PUBLIC HEARINGS**

- a) When an application requires a Public Hearing, the Board shall specifically schedule a Public Hearing before a final decision is made.
- b) Notice of hearings will be provided to applicants and the public in order for them to review and prepare.
- c) Notices of hearings will be provided according to applicable ordinance requirements.
- d) The Planning Board will strive to conduct public hearings in a fair and efficient manner that permits a thorough exploration of the issues to be considered.
- e) The Chair will read written public comment that has been submitted before the attending public speaks.
- f) The Chair shall recognize individuals wanting to speak, generally beginning with the abutters and ending with any other attending member of the public. The Chair shall close the Public Hearing after all have spoken, and the Board may then resume deliberations.
- g) During the Public Hearing, all statements must be made through the Chair, and all questions and discussion between citizens and Board Members must be through the Chair.

## **7) WORK SESSIONS**

- a) The Chair, or any presiding officer, may, with the approval of the majority of the Board, call a work session for the purpose of:
  - i) Implementing the Comprehensive Plan, addressing or amending Subdivision Regulations, addressing or amending Zoning Ordinances, addressing or amending Planning Board Bylaws, and any other work items as necessary.
- b) These sessions are open to the public.
  - i) Since the work sessions are for Board discussion, input from the public is generally limited although

input from staff, Boards, the public, and groups is permitted at the discretion of the Chair, or consensus of the Board.

**8) BYLAW AMENDMENTS**

- a) These By-laws may be amended by a four (4) Member vote of the entire voting Membership of the Planning Board.

**9) SEVERABILITY**

- a) The invalidity of any section or provision of these By-laws shall not be help to invalidate any other section or provision of these By-laws.

Adopted by the vote of the Planning Board  
June 10, 1980; May 1, 2018; September 4, 2018; December 7, 2021

\_\_\_\_\_  
Carmela Braun, Planning Board Chair                      Date

\_\_\_\_\_  
Richard Donhauser, Select Board Chair                      Date