

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION

DATE: Tuesday, June 6, 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 May 16, 2023 – if available
November 15, 2023 presented

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

7) **PUBLIC HEARING**

- a) 18 Cole Street (Map 1/Lot 143), PID # 001-143-000, PB 23-06: [Shoreland Zoning Permit] Application – [Seasonal Float Expansion] Applicant: Kenneth & Jacqueline Scarpetti Agent: Riverside & Pickering Marine Contractors, Property Owner: Kenneth & Jacqueline Scarpetti
b) 2077 State Road, Raitt Farm Museum (Map 87/Lot 1), PID # 087-001-000, PB23-05: [Site Plan Review] Application – [Outside Day Nursery] Applicant: Jessica Labbe, Property Owner: Raitt Farm Museum

8) **NEW BUSINESS**

9) **OLD BUSINESS**

10) **OTHER BUSINESS / CORRESPONDENCE**

- a) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Member
Board members will discuss potential Ordinance amendments for the November Ballot.

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

- a) June 27, 2023

12) **ADJOURN**

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

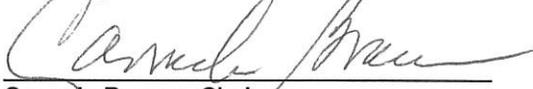
To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)

- a) Go to www.eliotme.org
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: **830 9017 6540 #**
 2. When prompted to enter Attendee ID
 3. When prompted enter meeting password: **440985 #**
- 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 time to allow for input. Please remember to state your name and address for the record.
- c) Press *9 to raise your virtual hand to speak


Carmela Braun – Chair

1 **Note: Meeting started late due to technical issues. (6:11PM)**
2

3 Present: Carmela Braun – Chair, Jeff Leathe – Vice Chair, Christine Bennett – Secretary.
4

5 Also Present: Jeff Brubaker, Town Planner.
6

7 Absent: Jim Latter (excused)
8

9 Voting members: Carmela Braun, Jeff Leathe, and Christine Bennett.
10

11 Note: Ms. Braun will recuse herself from the Villages at Great Brook application as she is
12 a resident. Mr. Leathe will be presiding over that application.
13

14 **ITEM 2 – PLEDGE OF ALLEGIANCE**
15

16 **ITEM 3 – MOMENT OF SILENCE**
17

18 **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**
19

20 There was no public input.
21

22 **ITEM 5 – REVIEW AND APPROVE MINUTES**
23

24 There were no minutes reviewed.
25

26 **ITEM 6 – NOTICE OF DECISION**
27

28 There were no Notices of Decision tonight.
29

30 **ITEM 7 – PUBLIC HEARING**
31

32 Note: The public hearing order was changed to have 7 Maclellan Lane heard first.
33
34

35 **A. 7 Maclellan Lane (Map 37/Lot 19) PB22-15: Site Plan Amendment/Review and**
36 **Change of Use – Marijuana Store, Office, & Retail.**
37

38 **Received: June 28, 2022**

39 **1st Heard: August 16, 2022 (sketch plan review)**

40 **2nd Heard: October 4, 2022 (continued site plan amendment/review/change of use)**

41 **3rd Heard: October 18, 2022 (continued review/waivers/completeness)**

42 **4th Hearing: November 15, 2022**

43 **Public Hearing: November 15, 2022**

44 **Site Walk: November 15, 2022 (rescheduled from October 18)**

45 **Approval: November 15, 2022**
46

47 Mr. Lewis) Chamberlain, Attar Engineering and Mr. (Joel) Pepin, applicant, were present
48 for this application.

49
50 Ms. Braun said that we are going to make a slight change in our format. I have been
51 doing this for the past couple of meetings. I'm going to ask Mr. Brubaker to present first
52 then we will ask the applicant to make his presentation, then we will open it to the public.
53 Once the public is finished speaking, we'll bring it back to the PB.

54
55 **6:15 PM Public Hearing opened.**

56
57 Mr. Brubaker said that, after I'm done, I will want to hear from Mr. Chamberlain, but we
58 will want to summarize today's site walk and take any input from the public. We've
59 covered a lot of ground in our previous reviews. One of the main points is that there has
60 been some talk about the condition of Maclellan Lane from Route 236 to the site
61 driveway. The applicant and I have discussed paving that portion of Maclellan Lane.
62 Jumping ahead, my recommendation, subject to the Public Hearing, is approval with
63 conditions and one of the conditions in the motion template reflects paving. The applicant
64 has since requested a slight change in that. I'm amenable to that. I just need a minute or
65 two, if the PB is agreeable, to type a little bit of a change to that. I think that reducing the
66 lanes from 15 feet to 12 feet does make sense. I think it's good to keep the site driveway
67 as is. With that, there are building renderings in your packet as well as a rendering of the
68 sign. Other than that, I'll end it there unless you have any other questions.

69
70 Mr. Chamberlain said that Mr. Dubin (owner) and Mr. Pepin (applicant) are with us by
71 phone this evening. We're here with a site plan amendment for a 3-acre site at 7
72 Maclellan Lane. As you saw tonight, the site is developed. It was previously approved as
73 a car wash. The building of the car wash is currently approved for a marijuana
74 manufacturing use that is ongoing. The focus of our amendment is Phases #2 and #3 of
75 the project. Phase #2 would add a 40'X50' building with two levels that would be
76 occupied on the first level by an adult use marijuana retail store and a medical marijuana
77 caregiver store, which would be separated. The tenant there would be JAR Cannabis Co.
78 The second level would be office use, the tenant of which is still be worked out but it
79 could be JAR Cannabis. The owner would like to reserve the right to have that be a
80 separate tenant. Phase #3 would be a 40'X80' single-level building of mixed-use
81 retail/office that would be general in nature and not marijuana uses. The plans that we've
82 gone over in the past have a Phase #1, Phase #2, and Phase #3 separate site plan. To
83 address a comment at the site walk, parking for Phase #2, which is detailed, is 34
84 required and 42 provided. For Phase #3, the parking would be 53 required and 57
85 provided. So, we show on the plans that we have adequate parking. Our application
86 includes a number of things that were required – a security plan, an operation plan for the
87 marijuana uses. It includes a traffic study that basically came to the conclusion that there
88 will be minimal impacts for all the things that are being developed. There is also going to
89 be some work done with the septic system and there is a sign plan in the application.
90 With that, that's a brief overview. We'd be glad to answer any questions.

91
92 Ms. Braun asked if he could briefly discuss the change in the road.

93
94 Mr. Chamberlain said that we've discussed improving the road, which we are agreeable
95 to. We have done some research into that road and could not find that it had been built to
96 any standard. It was all part of a subdivision and just kind of got built over the years. We
97 looked at the commercial/industrial standards of today and, if you were building it today,
98 it would need to be a 60-foot-wide ROW and 30 feet of pavement. We looked into doing
99 that and would be a pretty significant cost and amount of work. Basically, we've got 25
100 feet of gravel to work with and, so, we're proposing to pave two lanes of 12 feet in width
101 each direction and 3-foot shoulders. As you could see on the site walk, we'd be able to
102 widen that as we approach Route 236 to enable turning movements. We feel that's the
103 best scenario in lieu of moving the entrance, or anything like that. We'd stabilize that
104 road, put 4" of asphalt down, and leave the entrance where it is, which is a nice, safe
105 distance from Route 236.

106
107 Ms. Braun asked Ms. Bennett to summarize the site walk.

108
109 Ms. Bennett said that we conducted a site walk today at 3 PM, with Ms. Braun, Mr.
110 Leathe, and myself, Mr. Brubaker, Mr. Chamberlain, Mr. Dubin, Mr. Pepin, and Ken
111 Cooperswaithe (former developer). Mr. Chamberlain gave an overview of this 3-phase
112 project, some of which you've just heard. The first phase is complete, permitted in 2019
113 for marijuana manufacturing facility in a portion of the previous car wash structure. The
114 proposal before the PB at this time is to amend the previously-approved site plan with
115 these two additional phases. Phase #2, as described, is a new 2-story structure that has an
116 adult use retail and medical marijuana retail establishments on the first floor and the
117 second floor for office space. Phase #3 proposes a single-story building located
118 approximately in the middle of the property adjacent to the existing marijuana
119 manufacturing building for use as a commercial retail establishment. The location of the
120 Phase #2 building, the septic, and parking were flagged, as was the proposed building for
121 Phase #3. The PB asked questions about the existing septic system that lies underneath
122 the proposed location for the Phase #2 building. Mr. Chamberlain indicated that their soil
123 scientist, Michael Cuomo, has indicated that it may be possible to re-use a portion of this
124 existing system for the Phase #2 and #3 development. Mr. Chamberlain and Mr. Dubin
125 discussed the proposed improvements to Maclellan Lane, which is currently 25 feet wide
126 with travel (gravel?) overlaying old pavement. They propose to improve Maclellan Lane
127 to provide two 12-foot paved lanes with 3-foot shoulders consistent with standards. They
128 have reached out to the other businesses having deeded ROWs to Maclellan Lane. Those
129 being Hisson Redi-Mix and Piscataqua Landscaping to gauge their interest in
130 participating in additional improvements to the subject property and the road. Neither
131 have indicated such a desire at this time. The applicant and their agent indicated that,
132 subject to the cost of the road improvements that are proposed and required, they may
133 wish to move their entrance off Maclellan Lane closer to Route 236 to minimize their
134 costs of improvements. Mr. Cooperswaithe indicated that there exists a culvert under
135 Maclellan Lane within the Route 236 ROW that appears improperly installed and should
136 be fixed by Maine DOT. Ideally, this would happen at the same time as the applicant
137 paves and repairs a portion of Maclellan Lane. The PB asked about the amount of parking

138 required and provided and indicated on the plan. As you've just heard, Mr. Chamberlain
139 has just responded to that.

140
141 Mr. Brubaker added that that was recorded so we will make that recording available.

142
143 Ms. Braun asked if there was any member of the public who wished to speak on this
144 application.

145
146 There was no one.

147
148 **6:22 PM Public Hearing closed.**

149
150 Mr. Leathe said that you have to get two licenses for the marijuana operations – one from
151 the OMP and one for a commercial processing licensing. Where do you stand on those.

152
153 Mr. Pepin said that the medical caregiver retail license is secured and in hand and I
154 believe I've sent a copy of that to Mr. Brubaker. We are in the process of renewing the
155 conditional license for the adult use storefront. We previously had one that expired right
156 at the end of September. We are unable to renew those and we should have that new
157 license anytime within the next week or two. I will supply a copy once received.

158
159 Mr. Brubaker said that my staff report details it but, in my opinion, this application is
160 'pending proceeding' and was 'pending proceeding' when the voters enacted the
161 ordinances. So, this is not subject to the new enacted ordinances. However, since one of
162 the ordinance amendments dealt with marijuana licensing, I do believe this would still be
163 subject to marijuana licensing that was passed, including the establishment of a cap on
164 the number of licenses. Recall that that cap was crafted in a way that essentially
165 accounted for all establishments in operation or even somewhere in the approval pipeline.
166 As I've discussed with the applicant, the idea of the medical marijuana caregiver retail
167 store was a new idea introduced after mid-August when we needed to finalize that
168 amendment. There could be some implications of the new licensing requirements on the
169 medical caregiver side but the cap for adult use marijuana stores did reflect 7 Maclellan's
170 adult use marijuana store location.

171
172 Ms. Braun asked how the PB felt about the change of the width in the road. Are we all
173 amenable to the road change.

174
175 Mr. Leathe said that one change we haven't talked too much about is the culvert and
176 whether that should be included as a condition.

177
178 Ms. Braun said that it probably should be. That would make sense to me, too.

179
180 Ms. Bennett agreed that part of the condition is that the culvert be repaired as well as the
181 improvements, the paving of Maclellan to the entrance.

182

183 Mr. Chamberlain said that survival of the pavement would kind of depend on that so I
184 think we're in agreement. Whether the DOT fixes it or we have to, it would be done.

185
186 The PB was agreeable with the changes.

187
188 Ms. Braun thanked them for being so cooperative and understanding.

189
190 Mr. Brubaker shared the new wording: ...not less than 12 feet wide in each direction, and
191 at least 3-foot gravel shoulders. The pavement shall have at least 4 in. of asphalt depth.
192 The culvert at the Route 236/Maclellan Lane intersection shall also be repaired.

193
194 Ms. Braun asked repaired or replaced.

195
196 Mr. Chamberlain said that, if it's new, it may be able to be reset. The issue is with the
197 cover so I think 'repaired' is probably general enough.

198
199 Ms. Braun said that we'll leave it to your discretion and let us know your final decision.

200
201 Mr. Chamberlain said yes. I'm not sure if it's a brand-new culvert or an old culvert. If it's
202 old, they can put a new one in. If it's brand-new they might reset.

203
204 Ms. Bennett said that I have one question about this amendment. Is it one lane of traffic
205 or two lanes at least 12 feet.

206
207 Mr. Brubaker said that it would be one in each direction.

208
209 Ms. Braun said that, if everyone is amenable to this, the Chair would accept a motion.

210
211 **Ms. Bennett moved, second by Mr. Leathe, that the Planning Board approve PB22-**
212 **15: Site Plan Amendment and Change of Use for the addition of a marijuana store**
213 **and medical marijuana caregiver retail store, office, and retail to the existing**
214 **approved uses at 7 Maclellan Lane (Map 37/Lot 19), with the following conditions of**
215 **approval:**

- 216 **1. The property may be developed and used only in accordance with the plans,**
217 **documents, material submitted, and representations of the applicant made to the**
218 **Planning Board. All elements and features of the use as presented to the**
219 **Planning Board are conditions of approval and no changes in any of those**
220 **elements or features are permitted unless such changes are first submitted to**
221 **and approved by the Eliot Planning Board. Copies of approved permits from**
222 **Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided**
223 **to the CEO before construction on this project may begin.**
224 **2. The permit is approved on the basis of information provided by the applicant in**
225 **the record regarding the ownership of the property and boundary location. The**
226 **applicant has the burden of ensuring that they have the legal right to use the**
227 **property and that they are measuring required setbacks from the legal**
228 **boundary lines of the lot. The approval of this permit in no way relieves the**

- 229 **applicant of this burden. Nor does this permit approval constitute a resolution in**
230 **favor of the applicant of any issues regarding the property boundaries,**
231 **ownership, or similar title issues. The permit holder would be well-advised to**
232 **resolve any such title problems before expending money in reliance on this**
233 **permit.**
- 234 **3. The applicant authorizes inspection of premises by the Code Enforcement**
235 **Officer during the term of the permit for the purposes of permit compliance.**
- 236 **4. Prior to commencing operation, the applicant shall provide to the Code**
237 **Enforcement Officer their approved commercial processing license (or similar,**
238 **as applicable) from the State of Maine.**
- 239 **5. Within 120 days after the marijuana store opens to the public, the applicant**
240 **shall collect turning movement counts for the site driveway for, at a minimum,**
241 **one full weekday and one full weekend day that the marijuana store is open, and**
242 **submit such data to the Town Planner. Such count data shall be disaggregated**
243 **by the hour, or a shorter time period, to show peaking characteristics.**
- 244 **6. To satisfy §45-406 and to adequately accommodate the traffic volume expected**
245 **to be generated, at minimum, by Phase 2 of the development:**
- 246 **a. Maclellan Lane, from Route 236 (Harold L. Dow Highway) to the site**
247 **driveway shall be paved, with one lane of traffic not less than 12 feet wide in**
248 **each direction, and at least 3-foot gravel shoulders. The pavement shall have**
249 **at least 4 inches of asphalt depth. The culvert at the Route 236/Maclellan**
250 **Lane intersection shall also be repaired. This condition shall not be**
251 **interpreted as suspending any State requirements (e.g., MaineDOT) for the**
252 **design of Maclellan Lane. Where there is a conflict between this condition,**
253 **those State requirements, and any applicable Town requirements, the**
254 **stricter requirement shall control. The Code Enforcement Officer may**
255 **permit other design modifications as long as they comply with applicable**
256 **requirements and are not contrary to the identified need for a paved surface**
257 **along this road segment.**
- 258 **b. The Town may require that this condition be addressed by a performance**
259 **guarantee in accordance with §33-132 that shall be finalized prior to building**
260 **permit issuance.**
- 261 **c. Nothing in this condition is intended to prevent the applicant from entering**
262 **into an agreement with other parties to share in the costs or work to satisfy**
263 **these conditions.**
- 264 **d. The above improvements shall be made no later than May 1, 2023, except**
265 **that the Code Enforcement Officer may grant one 30-day extension if the**
266 **applicant presents a hardship that requires additional time.**

267
268 DISCUSSION

269
270 Mr. Brubaker had one point of clarification for discussion on the motion. During the site
271 walk I think it was mentioned that a construction timeline was approximately getting
272 Phase #2 done by the summer.

273
274 Mr. Chamberlain said yes. Open by summer.

275
276 Mr. Brubaker said, wondering, if there were going to be construction trucks going in
277 during the spring, if the applicant and the PB were amenable to push the date back for
278 paving to be required from May 1st, 2023 to September 1st, 2023.
279

280 Ms. Braun said that that makes sense to me.

281
282 The PB agreed.

283
284 DISCUSSION ENDED

285
286 **Ms. Bennett amended her motion, with a second by Mr. Leathe, to amend the**
287 **improvements to be made in d. from May 1, 2023 to no later than September 1,**
288 **2023.**

289 **VOTE**

290 **3-0**

291 **Motion approved**

292 Full amended motion:

293
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297 **approved uses at 7 Maclellan Lane (Map 37/Lot 19), with the following conditions of**
298 **approval:**

- 299 **1. The property may be developed and used only in accordance with the plans,**
300 **documents, material submitted, and representations of the applicant made to the**
301 **Planning Board. All elements and features of the use as presented to the**
302 **Planning Board are conditions of approval and no changes in any of those**
303 **elements or features are permitted unless such changes are first submitted to**
304 **and approved by the Eliot Planning Board. Copies of approved permits from**
305 **Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided**
306 **to the CEO before construction on this project may begin.**
307 **2. The permit is approved on the basis of information provided by the applicant in**
308 **the record regarding the ownership of the property and boundary location. The**
309 **applicant has the burden of ensuring that they have the legal right to use the**
310 **property and that they are measuring required setbacks from the legal**
311 **boundary lines of the lot. The approval of this permit in no way relieves the**
312 **applicant of this burden. Nor does this permit approval constitute a resolution in**
313 **favor of the applicant of any issues regarding the property boundaries,**
314 **ownership, or similar title issues. The permit holder would be well-advised to**
315 **resolve any such title problems before expending money in reliance on this**
316 **permit.**
317 **3. The applicant authorizes inspection of premises by the Code Enforcement**
318 **Officer during the term of the permit for the purposes of permit compliance.**

365 **Site Walk: May 31, 2022**
366 **Approval: July 26, 2022 (Sketch Plan approval)**
367 **Received: August 24, 2022 (Preliminary Plan)**
368 **1st Heard: September 20, 2022 (Preliminary Plan review)**
369 **2nd Heard: October 18, 2022 (continued review/completeness)**
370 **3rd Heard: November 15, 2022 (Public Hearing/continued review/third-party**
371 **modification)**

372
373 Mr. (Michael) Sudak, E.I.T. (Attar Engineering, Inc.), and Mr. Glidden (applicant) were
374 present for this application.

375
376 **6:38 Public Hearing opened.**

377
378 Mr. Brubaker said that this is a public hearing for the preliminary plan. In terms of the
379 effective ordinance amendments just passed, this application isn't, in my opinion,
380 pending proceeding and hasn't met the qualifications for substantive review so I do
381 believe the ordinance just passed does apply to this application. Two that come to mind
382 are the Erosion & Sedimentation Control requirements and the performance guarantee
383 requirements. In my opinion, my recommendation is to continue to the December 13th
384 meeting. Generally, to allow for the preliminary plan to be updated to reflect all of the
385 comments from the third-party stormwater reviewer as well as updates, as needed, to the
386 erosion & sedimentation control plan to comply with Chapter 34. There are a few minor
387 updates, I think, to the sewer details, as well. This application has been pretty thoroughly
388 reviewed by the PB, to-date. We were very fortunate to get a really good third-party
389 review of the stormwater from Sebago Technics. You'll see in the packet that we weren't
390 able to get a consultant to do third-party review for the parks & rec payment-in-lieu so we
391 produced an in-house estimate and that would be \$1,888 per lot. That would be put in a
392 trust to go to the Boat Basin improvements. With that in mind, I'm not sure what else I
393 want to cover right now but I would be happy to answer any questions.

394
395 Mr. Sudak said that we had a couple site walks back in sketch plan but some updates
396 since then. This is 11 acres in the Village District right on the riverfront. We're doing an
397 8-lot conventional residential subdivision, exactly as the public saw in the sketch plan.
398 It's going to be serviced by municipal utilities. We're going to have a force main
399 extension of the gravity sewer line and we're going to have a water installation in 2023
400 from the municipal system beneath Main Street. Stormwater is going to be handled on-
401 site and we will go into that in more detail once we get into the staff memo. Really the
402 only changes from the last time the public saw it is that the ROW, itself, is 75 feet for the
403 first probably third of the proposed travelway. That was 50 as the public last saw it. The
404 entire roadway is pushed 25 feet further north. There were some concerns as to how close
405 it is to the southernly abutting property up front so that's been pushed further north. The
406 cul-de-sac is in the same place. Lots are generally in the same place. That is the
407 overview. I'd be happy to entertain any questions.

408
409 Ms. Braun asked if there was any member of the public who wished to speak on this
410 application.

411
412 There were none.

413
414 **6:38 PM Public Hearing closed.**

415
416 Mr. Sudak said that, starting on page 5 Road construction standards, Mr. Brubaker
417 brought this up. I spoke with him last week. There was a discrepancy between the gravel
418 sub-base that we were showing that's been revised to be compliant with the Town
419 standard as opposed to the DOT standard, so, that's no problem. It will be in every plan
420 set iteration moving forward. At the bottom of page 5, I went through the whole drawing
421 today and I couldn't find anything steeper than 3:1. There's one for contour intervals, so
422 that might be the misleading part. The only place where it's steeper than that is the bowl
423 going into the detention pond, itself, but the back slope that goes down and toes 3:1, and
424 it's 3:1 for all the vegetative swales elsewhere in the development.

425
426 Mr. Brubaker said that that's fine. I'm just looking for confirmation, there.

427
428 Mr. Sudak said the bottom of page 7, Mr. Brubaker did bring this one up, a discrepancy,
429 again, between what we provided on our grading utility plan and our details regarding the
430 sewer service to the development. It's going to be a 2" force main, individual grinder
431 pumps for each of the proposed lots and, then, a 2" force main that goes up to the gravity
432 system between Main Street. Our detail showed the typical gravity sewer so that 6" has
433 been removed. So, it will be 2" with everything associated with the development.
434 Regarding the in-lieu fee, Mr. Brubaker discussed this in the middle of page 8. Is there
435 anything that we need to touch on regarding this. We're agreeable to the amount. The
436 only reason I bring it up is because the motion approval about requiring a third-party
437 review for that if that needs to be modified moving forward just because we weren't able
438 to find one. I'm not sure how the process would be handled.

439
440 Mr. Brubaker said that, in my opinion, the rationale for that is endeavoring. We checked
441 with three consultants and I couldn't get one to agree to do it for what I thought was a
442 reasonable price in the timeframe necessary. I think, in terms of process, if the PB would
443 want to make a motion basically reflecting that you agree with the staff-recommended
444 payment-in-lieu and I think that would cover effectively it.

445
446 Ms. Braun agreed. The Chair will accept a motion in that respect.

447
448 **Ms. Bennett moved, second by Mr. Leathe, that the Planning Board modify the**
449 **conditions placed on the preliminary plan for PB22-9 for a third-party review for a**
450 **recommended payment-in-lieu per lot fee to be determined by a third-party**
451 **reviewer and, instead, accept the staff recommendation of \$1,888 per lot.**

452
453 **VOTE**
454 **3-0**
455 **Motion approved**

456

457 Mr. Leathe asked, regarding the paragraph under Stormwater on page 6, if the further
458 recommendations made by Sebago Technics in their November 11 memo had been
459 incorporated tonight.

460
461 Mr. Sudak said that they are not. I received them on the 9th so it would be too soon to get
462 back into your packet. I'd be happy to talk about them though. Where I was going next,
463 skipping over pages 9 & 10 since that's the motions, is getting into page 11, which covers
464 the stormwater standards check. I believe I brought this up at the last PB meeting but the
465 big change is having our stormwater management on-site transition into a closed system.
466 In an earlier iteration of the preliminary plan, you were trying to tackle everything with
467 roadside swales and superficial drainage methods. Mr. Harding rightfully said that that
468 wasn't going to fly so, now, we have a system of catchbasins and culverts beneath the
469 proposed travelway that empty down into the middle of the cul-de-sac then through a
470 culverted crossing into the detention pond where it's been previously located. None of
471 that has changed so the stormwater BMP is exactly where you've seen it. We just have 5
472 catchbasins that collect all the impervious run-off from the north side of the travelway,
473 where our sidewalk is, and route that down to the BMP. The south side of the road is
474 exactly as you've seen it all along. It's just going to run from the crown of the road into a
475 vegetated roadside swale, culverted crossings under Lots 7&8, and then down into the
476 detention pond. That's the overview of the changes that happened from Mr. Harding's
477 memo. There were a couple more additional comments from his second review. He wants
478 some additional narrative on how the development is complying with low-impact
479 development standards since we aren't above the threshold where we would normally
480 have to provide that to the DEP, anyway. We can talk about that one, now, because that
481 was brought up. Just affirming to the Town what Tier Stormwater Permit we are within.
482 It was brought up by Mr. Harding and Mr. Brubaker last week. The correspondence that
483 we provided to you was a conversation with Christine Woodruff of DEP and it was citing
484 subsection 17 of Article 6 within the subjugation and settlement rules from the State of
485 Maine: "Buildings, roads, paved areas, or areas to be stripped or graded and not re-
486 vegetated that are located within lots that are used solely for single-family residential
487 housing are not counted towards the threshold for the purposes of determining
488 jurisdiction." What that means, and this is reflected in the general notes that Mr. Harding
489 recommended I revise, is that we had to break apart our proposed impervious for the
490 purposes of determining stormwater permitting tier. Everything that's within the ROW,
491 so, the travelway, itself, the cul-de-sac, is about 33,000 square feet. That's what
492 contributes to our assertion that we qualify for a Stormwater PBR (permit-by-rule), since
493 that value is less than an acre. All of the driveways, proposed building envelopes, are
494 provided in the plan set just to show you where our clearing limits are going to be, where
495 the utility connections are going to be, how the development is going to look. But those
496 impervious surfaces don't contribute to the threshold for determining what Tier we are in.
497 The remainder of Mr. Harding's revised memo from the 9th: He wants me to add a couple
498 spot grades to the Grading & Utility Plan. He wants me to add a mete and bounds
499 description for the stormwater easement that we're providing on the subdivision plan so it
500 will be part of the plan that gets recorded. We are happy to do that. I think it makes sense
501 to do that. I think that's the end of Mr. Harding's memo. It's nothing that I think is
502 insurmountable or anything close to that. While we're on the subject of easement, I think

503 that segues nicely into the post-construction stormwater maintenance agreement. What
504 we've been asserting all along is that, instead of having a homeowner's association
505 (HOA) for the proposed development, the language that we've used is a road
506 maintenance association. I don't want to speak for the applicants but my understanding of
507 it is that they don't want to provide limitations on the appurtenances of the lots,
508 specifically. What they can, and cannot, have; what building envelop size they can, and
509 cannot, have. They don't want to provide that level of specificity. Everything else that's
510 normally associated with a HOA – there's going to be a road maintenance agreement, the
511 road is going to be private, it will be maintained privately. There are now easements there
512 in place for the management of infrastructure outside of the ROW. So, everything else is
513 going to operate exactly as a HOA. Maybe we call it an infrastructure maintenance
514 association instead. What Mr. Brubaker has recommended in his staff memo (page 12)
515 regarding the last paragraph – "...a similar organization, such as a 'road plus stormwater
516 association'" we are completely agreeable to. I don't want to suggest that we're opposed
517 to an association and all the stormwater maintenance responsibilities therein. We're just
518 calling it something different. He asked if the PB had any questions on that.

519
520 Mr. Leathe asked what is the difference between what you are proposing and a HOA.

521
522 Mr. Sudak said that I think the articles of incorporation, or whatever you would like to
523 call it, would be slightly less extensive. I did a residential subdivision in Sanford recently
524 where we specified the minimum building footprints, or a maximum building footprint
525 size, what you can, and cannot, have. You can't have livestock but maybe you can have a
526 vegetable garden. Just specific enumerations for the prospective homeowners. That level
527 of detail would just drop out of a document like that.

528
529 Mr. Leathe said that everyone who is an owner in that subdivision would then be party to
530 this agreement draft, similar to what Mr. Brubaker came up with – a maintenance
531 agreement for stormwater facilities in the road in there so they wouldn't be talking about
532 their vegetable gardens and livestock and all the other things they could be talking about.

533
534 Mr. Sudak said right.

535
536 Ms. Braun asked if the homeowners be made aware that they are responsible for this at
537 the time of closing.

538
539 Mr. Sudak said that I believe there is language in the deed. The page number escapes me
540 but it's somewhere within the staff memo.

541
542 Mr. Leathe confirmed it is in there. It just has to be recorded with every deed.

543
544 Mr. Sudak agreed.

545
546 Ms. Braun added that they would be responsible if the Town had to go in and do it, as far
547 as cost-wise. The bottom of that paragraph that you're quoting from Mr. Brubaker is that
548 the Town would cover the cost.

549
550 Mr. Brubaker said that I may have been unclear. It should have said that the association
551 would cover the cost but I think we're clear, now.
552
553 Mr. Sudak said that the suggestion of the Town's prospective involvement in the
554 maintenance of these private BMPs and private facilities was an inclusion of the third-
555 party reviewer. Mr. Harding's memo said that this was typical language that other
556 municipalities have just as a fail-safe. The important thing is that the BMP functions
557 properly and, if the Town observes that it might be neglected, this gives them the right,
558 but not the responsibility, to go in and maintain it and charge the actual responsible
559 entity.
560
561 Ms. Bennett said that, while we are discussing this agreement, I think the idea of having
562 an infrastructure agreement for the subdivision is a good one, and I think we should be
563 including the sewer and the water infrastructure in that, as well.
564
565 Mr. Sudak said yes. Those are already within the travelway ROWs, they are all beneath
566 the road.
567
568 Ms. Bennett added to specifically call them out.
569
570 Mr. Sudak agreed. We can specifically enumerate it.
571
572 Ms. Bennett said that each building is going to have a grinder. If one fails, it would
573 become a problem with the whole system.
574
575 Mr. Leathe said that I was just curious where in this documentation does it talk about the
576 Town being reimbursed for any costs it would incur if it had to take action to repair,
577 replace, any of the stormwater-type of things.
578
579 Mr. Sudak said that the way I understood the language is that there wouldn't be an
580 opportunity for reimbursement because whatever cost would be directly billed to the
581 responsible entity.
582
583 Mr. Leathe said that, in cases that we've seen, HOAs tend to shirk their duties,
584 sometimes, when it comes to payment for replacing sewer systems, for instance, private
585 systems. What if something like that happened here. Would there be a way for the Town
586 not to be out-of-pocket.
587
588 Mr. Brubaker said that that is a good question. I would just say that Chapter 35 does
589 provide for a violation scheme for any post-construction stormwater maintenance
590 agreement. So, if there was a deficiency, the CEO would have options laid out in Chapter
591 35 to either assess fines or to require, or make, the repairs and then bill the responsible
592 entity. I think we're all good. I think we're kind of overlapping in terms of the number of
593 protections we have, here. With an offer of dedication of the easement to the Town, that
594 just re-iterates how the Town can come in and make those repairs. But Chapter 35

595 already lays out that the Town has a number of options for violations, one being make the
596 repairs and bill the responsible entity.

597

598 Mr. Leathe asked if there is an ability in Chapter 35 for the Town to place a lien on
599 properties if they renege on their payment duties.

600

601 Mr. Brubaker said that I'd have to look at the language, specifically, or pull it up on
602 screen, here, to answer that question.

603

604 Mr. Leathe said that another HOA I've been involved with for a long time, it's had to
605 come to that with a certain homeowner who just refuses to pay anything at all for sort of
606 egregious defaults. We've had to take legal action and try at least get a lien in the county
607 court so that, when the property sold, we would get paid. I didn't know if we had any of
608 that type of language.

609

610 Mr. Brubaker said that, reading from §35-6, it enumerates a number of different
611 penalties, the process for a notice of violation, etc. If you scroll down, the last part of this
612 is: "(5) *Enforcement measures. If the violation has not been corrected pursuant to the*
613 *requirements set forth in the notice of violation the municipal officers, upon notice from*
614 *the code enforcement officer, are hereby directed to institute any and all actions and*
615 *proceedings, either legal or equitable, including seeking injunctions of violations and*
616 *imposition of fines, that may be appropriate or necessary to enforce the provisions of this*
617 *chapter in the name of the town."* So that's a pretty wide authority granted to the Town to
618 impose what it feels will bring the remedy.

619

620 Mr. Sudak said that that is vague but pretty strong language necessary to enforce.

621

622 Ms. Bennett said that I have one question that relates to the third-party review – point 13
623 in the November 9th letter from Sebago Technics. Mr. Harding noted that there was some
624 incongruity between the length used for maximum length of sheet flows. I was just
625 wondering if you feel that's something you can correct.

626

627 Mr. Sudak said that he brought this up in the first one. This is, in my opinion, a difference
628 in technical professionals. Stormwater is kind of an 'eye of the beholder' kind of thing
629 but, out of respect for him, I thought I changed everything from 50 to 100. There might
630 be some flow paths that are less than that and that may be what he's taking a look at,
631 here. If there's anything left in there that's 50, it's something I've missed.

632

633 Ms. Bennett said okay. So, you're going to go apples-for-apples - 100 pre-construction,
634 100 post-construction.

635

636 Mr. Sudak said yes.

637

638 Ms. Braun asked if there were any more questions or comments.

639

640 Ms. Bennett said that there were some minor things about putting some of the detail
641 about the riprap on the spillway, you know, details onto the sheets. Are you amenable
642 with all those.

643
644 Mr. Sudak said that I am.

645
646 Ms. Braun asked, if everybody is satisfied, are we all in agreement for continuance on
647 this particular application.

648
649 Mr. Sudak said that I note that Mr. Brubaker's packet recommends continuance, as you
650 are about to move. I would like to state my piece.

651
652 Ms. Braun said to go right ahead.

653
654 Mr. Sudak said that this is preliminary subdivision so you're going to get a couple more
655 whacks at this at final. And, at least by the motion template, the reasons for continuance,
656 the majority of them are stormwater-related. We've been over most of those and I can
657 competently handle them for final application submission and by ordinance. I have to
658 provide you my DEP sign-off with my final application submission. So, it's my opinion
659 that that's something that can be a condition of preliminary approval since it's something
660 that I have to give you at the start of final, anyway. The only things outside of what
661 we've just spoken about is that first bullet, there, outstanding Chapter 41 items, which, if
662 there's something that's holding up a preliminary approval, I would be happy to write it
663 down but I can't find one. I would be happy to have them enumerated for me.

664
665 Ms. Bennett said that I appreciate that. For me, the second-to-last bullet about clarifying
666 "how the privately-held stormwater system will be maintained, including, but not
667 necessarily limited to, providing the legal sufficiency documentation required...". I think
668 that's a piece I would like to see, a draft of that agreement before we move beyond
669 preliminary. I appreciate that you have verbally discussed the stormwater, a lot of
670 comments that came from the technical review of the stormwater, but I would like to see
671 the draft legal document of that before.

672
673 Ms. Braun agreed.

674
675 Mr. Sudak said okay.

676
677 Mr. Brubaker said that I think the only other thing would be to note something I talked
678 about with Mr. Brubaker that is another due diligence formality. We would need a
679 modification vote of the sewer main diameter. Technically, our code requires an 8-inch
680 main and I'm not sure that was anticipating the technology of grinder pumps, which I
681 understand allows for that smaller diameter main. I think that would be another reason
682 something we can have writing for the next review.

683
684 Ms. Braun said that I agree with all of that. Should we add the sewer main to the
685 continuance motion.

686
687 Mr. Brubaker said that you can if you want to. I think a continuance motion, it's less
688 necessary to enumerate those exact bullet points because the discussion already covered
689 those things.

690
691 Ms. Braun said that, if we're all in agreement, the Chair will accept a motion.

692
693 **Mr. Leathe moved, second by Ms. Bennett, that the Planning Board to continue**
694 **PB22-9, 771 & 787 Main Street, Clover Farm Subdivision to our next meeting on**
695 **December 13, 2022.**

696 **VOTE**
697 **3-0**
698 **Motion approved**

699
700 **ITEM 8 – NEW BUSINESS**

701
702 Note: At this time, Ms. Braun stepped down from the dais and Mr. Leathe assumed Chair
703 for this application.

704
705 **A. 0 Bolt Hill Road (Map 17/Lot29) PB22-21: Village at Great Brook – Amendment**
706 **to an Existing Subdivision Plan (43 lots).**

707
708 **Received: October 17, 2022**
709 **1st Heard: November 15, 2022 (sketch plan review)**
710 **2nd Heard: _____, 2022**
711 **3rd Heard: _____, 2022**
712 **4th Heard: _____, 2022**
713 **Public Hearing: _____, 2022**
714 **Site Walk: _____, 2022**
715 **Approval: _____, 2022**

716
717 Mr. (Michael) Sudak, E.I.T. (Attar Engineering, Inc.), Attorney (Sandra) Guay
718 (applicant's representative) were present for this application

719
720 Mr. Leathe invited Mr. Brubaker to speak.

721
722 Mr. Brubaker said that this is the Village at Great Brook amendment to an existing
723 subdivision plan. You can see that it's located near the corner of Route 236 and Bolt Hill
724 Road. The zoning is Commercial/Industrial (C/I) with a small amount of Limited
725 Residential Shoreland Zoning (LRS) close to Bolt Hill Road. It's a little over 50 acres
726 and allowable in the C/I District. This is an amendment to the 2007 plan to reduce the
727 dwelling units from 150 down to 43. The 43 are mostly built and occupied. One of the
728 reasons for this is that there are a couple units left to be completed but the development is
729 subject to a stop-work order violation where the CEO would like to see PB review before
730 the work continues. The amendment includes a lot division from one to two lots. One lot
731 would include the 43 existing dwelling units and the other lot would be the back half

732 retained by the owner (LRO). This development has a long history. It was originally
733 proposed in 2001. In 2005, the sketch plan was accepted. In 2006, the preliminary
734 subdivision plan was approved. In 2007, they received DEP approval. I'll talk more
735 about that in a little bit. Then, in the spring of 2007 specifically, the approved subdivision
736 plan was signed by PB members and recorded in the York County Registry of Deeds. So,
737 this is still the current subdivision plan. This is in your packet, your plan set. As part of
738 that plan, a number of waivers were provided. One waiver allowed the unit size to go up
739 from 1,200 square feet to 1,750 square feet. As you can see there on the right, a number
740 of waivers were given to the road standards essentially to allow, instead of C/I District
741 road standards, either collector road standards or an even lesser standard. So, comparing
742 the 2007 plan to the proposed amendment before you, the 2007 plan proposed 100
743 independent living units and that would be reduced to 43. It also proposed 40 assisted
744 living units and 10 dementia care units in the central building that you can see there in the
745 plan and those have been eliminated. It also proposed off-site/on-site transportation
746 service and that is not apparent in this plan, as well as central dining facilities that are not
747 on the plan. Second access is required for any subdivision with 15, or more, lots. In the
748 2007 plan, a 20-foot paved road was provided but, essentially, it was going to be gated
749 before it got to Route 236 to serve as an emergency access road. In the amended plan,
750 that's still there but that's now within the acreage to be retained by the owner. It is
751 proposed as 16 feet and graveled. Just a note on our code, changes to a final subdivision
752 plan need PB approval and the PB may act upon such changes either by application or by
753 subdivision review. Last year, the applicant did submit an amendment application to
754 reconfigure the number and design of the residential community. Proposed was a 91-unit
755 adult housing residential community with single-family residences and duplexes and, like
756 this one, it focused on seeking approval for what's already been built, Phases 1 – 3 with a
757 supplemental amendment for Phase 4 west of Pheasant Lane to be submitted at a later
758 date, in line with construction activity. That included a cover letter and a request for PB
759 action but it really wasn't a full subdivision application. So, in March I sent a letter to the
760 applicant stating that the subdivision has, so far, been built out in a way that is clearly
761 inconsistent with the April 2007 plan in terms of the number, type, and orientation of the
762 units, and the omission of amenities (central building, transportation, dining). The
763 phasing has also changed if you look at the 2007 plan versus what has been proposed
764 recently. The Maine Municipal Association (MMA) recommends that, in a case like this
765 with an after-the-fact subdivision review, the PB must review the plan as though none of
766 it had been built or conveyed. And so, I cited this in my letter and recommending full
767 subdivision review. Since then, the applicant has worked with Attorney Guay. She and I
768 had a discussion and she made the point that this could be considered a subdivision
769 amendment instead of full subdivision review. The cover letter does not that, despite
770 being built differently from the 2007 plan, previous CEOs have issued building permits to
771 those units that have then been built. We then discussed a kind of hybrid approach of this
772 review, which would be somewhere between full subdivision review and a simple
773 amendment. In my opinion, my priorities were to allow for review, anew, of applicable
774 performance standards, consider third-party reviews and/or performance guarantees
775 where needed. Seek input from DEP, the US Army Corps, and the Town stormwater
776 consultant on stormwater matters. Then, make sure that the public has the chance to
777 provide input through a public hearing. As you know, the by-laws provide that even a

778 non-public hearing review items, like tonight, it's up to the Chair or Acting Chair to
779 allow public input, or not. It's important to note that the PB is not a code enforcement
780 entity so there may be limits on what the PB, itself, can provide in terms of relief to code
781 enforcement issues. That power lies with the CEO. I did have a chance to talk a little bit
782 with our attorney yesterday about this review. I asked him how the PB should review the
783 reduction in the units and he confirmed that the reduction in the units, by itself, is not
784 really a land use review question in terms of the PB being able to stop that reduction. So,
785 if somebody gets approved for a subdivision and they're the property owner that would
786 like to not build a portion of it, that's certainly up to them to do that. However, the
787 reduction in units may have implications for other performance standards in your review.
788 As expected, we don't have a quorum tonight, so we can go through with this review but
789 please do not take any action because there is no quorum to do that. One question I got a
790 lot is how many review meetings will this take and I'd like to steer away from
791 committing a specific number of meetings. I think it's the obligation of every PB,
792 according to the MMA, to not string any applicant along, so avoid unreasonable delays.
793 On the other hand, take the time for a thorough review and that may include a site visit,
794 technical review, or something like that. They say that this is especially true where the
795 meeting is very emotional because of a controversial proposal. I just want to touch on a
796 few aspects of the application. I think we may have the prospective homeowner, here, for
797 this unit. One of the units on Village Drive that was not built in the correct place,
798 according to setbacks, so the proposal it to allow for the proper setback by moving the
799 road in front of that unit. If Ms. Goodwin is on the line, she did have a statement that she
800 wanted to be conveyed to the PB. At the appropriate time, I'm happy to read that into the
801 record. Mr. Wood did reach out to the Fire Chief and the Fire Chief reviewed the
802 proposal to have the back half roadway connecting from Pheasant Drive out to Route
803 236, the portion that would remain undeveloped for now as a gravel road. And he did
804 opine that he generally has no objection to utilizing the 16" gravel road, maintained year-
805 round, as shown on the plans, in terms of emergency access. This is one of the key topics
806 of review, is the **nature of this road, and that's called Quail Lane**. Basically, the length
807 of Pheasant Drive to Route 236. Our subdivision regulations require that safe access be
808 assured, including access points that are designed to pour Chapter 37 standards, ensuring
809 safe interior circulation by separating pedestrian and vehicular traffic. They also require
810 that subdivisions or 15, or more, lots have at least two access points. So, recall that in
811 2007, the road was approved as basically a road designed to Chapter 37 standards, except
812 for the waivers that I previously talked about, and it was emergency only. I think, in this
813 case, the focus of this review would be on the changes included in this application,
814 including narrowing the width and making it gravel instead of paved. I would say that
815 Chapter 37 would require this Quail Lane section be paved and be at least 20 feet in
816 width, unless a waiver is provided. The thing with that is that, as you know from recent
817 experience (a waiver from Chapter 37 standards), we're talking about a new waiver not
818 one already granted, would require a concurring vote of at least four PB members.
819 **Stormwater** has been a big topic for the existing build-out for the developer and the
820 residents. A number of stormwater facilities are shown on the plan and already built.
821 Obviously, there are wetlands surrounding units so that's been an important
822 consideration. The application packet has a stormwater management study generally
823 showing a significant decrease in peak run-off from one of the points of analysis and

824 what they would call a negligible increase at another point of analysis. They also say that
825 the stormwater features provide water quality treatment to allow this quantity. I do think
826 they need to submit an **erosion control plan** that's subject to Chapter 34 review, as well
827 as a **post-construction maintenance agreement** under Chapter 35. There is a **DEP**
828 **order** in place that approved the project, including the stormwater, the 12,000 square feet
829 of wetland alteration, as well as the stream crossing. Then there is a high intensity soil
830 survey in your packet but it's from 2001. DEP reviewed; a permit-by-rule (PBR) was
831 issued in 2006. There was a site log approval of the development in 2007. The total
832 wetlands that are altered are about 12,000 for the access road and 780 square feet for
833 when, at the time, was proposed to be a pedestrian bridge. DEP did approve a revision
834 reducing the number of units and changing the unit types in 2015. There was a notice of
835 violation issued by DEP. I think the US Army Corps (USACOE) was also involved in
836 that, as well, requiring corrective action for stormwater facilities not functioning
837 properly. In March 18, 2020, there was a conditional approval of minor revisions to the
838 impervious area and nature of the stormwater facilities. It required that deed-restricted
839 forested buffer language be recorded. With that, that concludes my review for now but
840 I'd be happy to answer any questions.

841
842 Mr. Leathe said that I have a general question. When I was reading this application, the
843 nature of the action requested is to amend a previously-approved subdivision plan by
844 revising the type of residential development. Previously- approved 100-unit residential
845 community and 50-unit lifecare facility shall be revised to reflect 43 elderly units and
846 dwelling units shall consist of a mixture of single family and duplexes, which of course is
847 not what the original plan called out. I noticed on the diagram that we received that there
848 were 44 units not 43. I was curious to know why there's 44.

849
850 Mr. Brubaker said that I think it's **unit 30** that was **removed** and there was a legal inquiry
851 by one of the neighboring units into that unit in terms of its positioning. In response to
852 that, it was removed.

853
854 Mr. Leathe said that I think another thing that would be helpful in your review, if you
855 wanted to add to it, is a **review of ownership** so we can see who owned this property
856 through this period of time and when it was transferred and what were the understandings
857 at the transfers versus where the development is at today. I'm really trying to appreciate
858 what the buyer when he or she or the organization was closing that sale. And what the
859 buyer has indeed done about any of those issues that were pretty well-known at the time
860 of that closing. I think it would be very helpful to have a better understanding of the
861 ownership and the responsibilities that they should bear if they want to move forward
862 with this.

863
864 Mr. Brubaker said that I can look into that more. Previously, the residents came to the PB
865 in April with some concerns that they had and I have an excerpt of those minutes. We can
866 read from that or hand them out as needed, as well.

867
868 Mr. Leathe said simple things. The applicant is Village on Great Brook, LLC but when I
869 look at the quitclaim deed from Hodge & Company, LLC that was granted to the Village

870 on Great Brook, LLC, it says the property owner is Equity Alliance in care of Chad
871 Fitton. So those are the types of things I would like to understand before we talk about
872 anything else.

873
874 Mr. Brubaker reiterated that I can look into that more.

875
876 Attorney Guay said that Mr. Fitton is here tonight and he can probably fill you in on that
877 if you would like him to come up here and speak first.

878
879 Mr. Fitton asked if he would like more documentation that I could provide for you.

880
881 Mr. Leathe said that I'd like to have a detailed understanding. Obviously, this is one of
882 the most, if not the most troubled, project that I've seen and heard about in Eliot, and it
883 still is. We're talking about potentially making substantive changes by which, in some
884 ways, you can think that it is similar to just asking for forgiveness versus making the
885 corrections that need to be made. So, I just think we all need to take a step back and be
886 careful with this to understand exactly what's going on and who knew what, when and
887 who's responsible. What's reasonable to be responsible for or what's not reasonable to be
888 responsible for and what would be the roadmap forward to try to clear up some of the
889 difficulties that we had here. We have a code enforcement action, now, which frankly is
890 pretty serious stuff in this little town. We don't take that lightly. So, there's issues here.
891 Before, in my view at least, we move forward to try to clarify the developer, the owner,
892 whoever that is, what their desires are at this time for whatever reasons. I think there's a
893 whole bunch of other things that need to be clarified first.

894
895 Ms. Bennett said that I concur with your opinion on that. I think, since this started in
896 2001, got approved in 2007, none of us were on the PB at the time, and it has had a lot of
897 changes. I, for one, need to get up to speed and review previous materials. I really
898 appreciate the Planner's summary for us but I want to be able to review minutes and
899 Notices of Decision and waiver requests and see the history that got us here to-date
900 before we consider any of the review; reviewing any amendments.

901
902 Attorney Guay said that I represent the Village on Great Brook, LLC and Chad Fitton,
903 the current owners.

904
905 Mr. Leathe said that they are not Equity Alliance.

906
907 Attorney Guay said that, if you like, I'm going to have Mr. Fitton come and talk about
908 that relationship. This is an unusual situation, obviously. We've been working closely
909 with the Planner and the Code Officer to try to come to some resolution for everybody.
910 This has been going on for a while and, obviously, it needs to get wrapped up somehow
911 and these things taken care of. I do want to point out that we're talking about the role of
912 the owner, here. So, with this project, the first unit sold in 2015. The last unit was
913 conveyed in 2021. All of those units got building permits from the Town. All of those
914 units got occupancy permits from the Town. Basically, more from the prior code office.
915 We can talk about the history of the prior builders and sort of how things started being

916 built incorrectly. But this problem is more than that. If it was going to be stopped because
917 there were issues, it probably would have been good for everybody if that had happened a
918 long time ago instead of 2022, when this Code Officer started realizing there were some
919 issues there that needed to be taken a closer look at. Ms. Goodwin, who I think Mr.
920 Brubaker is going to read a statement from, has a house that was built, was given a
921 building permit, there were inspections. She sold her house expecting to be able to close
922 on this as all of the other ones had been closed on. She's not able to get an occupancy
923 permit until we're able to work with this Board and revise the plan in a way that's
924 acceptable to the Code Officer and the Planner. One of the things is re-locating that road
925 to move the frontage back. However, until we can get through this process, there are
926 people who have homes there who need finality. There are homes there with people
927 waiting to move in that need finality. I'm here to work with the Board. I'm here to work
928 with the homeowners. I'm here to work with the Town. I'm here to work with the owner.
929 I'm here to try to get some resolution here. I understand the concerns the Board has and
930 there's a long history here. I wasn't prepared that Mr. Brubaker was going to have all that
931 information. I was going to share a lot of information with you. I should have realized
932 that he would be prepared with that. I'm hoping that we can move this along in a
933 reasonable fashion. With the history of it, and Mr. Fitton can explain to you more about
934 the prior builders, prior ownership, how it ended up with the errors that have happened
935 over the course of time. The reality is that it's there today. It is built. My opinion is that
936 it's quite lovely, the homes that are there. We're dealing with something that is there. It's
937 not raw land. We're not starting from scratch. We're moving forward from where it is
938 right now. I'm not questioning what you're asking for. I think that's reasonable. I'm just
939 saying that, in some way in working with the Town and with the owners, we need to
940 bring this to some kind of conclusion. It's been going on a long time and, so, I'm hoping
941 that the Board will work with us on that, whatever form that takes. I did want to say, with
942 respect to that gravel road, the portion of the land that's being retained, at some point that
943 will come back for re-development, something different. It's not even on the radar, right
944 now, but with Mr. Wood speaking with the Fire Chief, the Fire Chief realized that this
945 16-foot-wide road being put in which he is okay with may end up being torn up
946 completely and replaced in a different location when that gets re-developed. Which is
947 why he was accepting a gravel road, instead of paving that, as it might end up being
948 located someplace different in the long run. It just seemed to make sense. I absolutely
949 agree and appreciate the idea of the sort of hybrid review for this. I absolutely agree and
950 appreciate that public comment is necessary. I am wanting to hear from the public and,
951 again, work with everybody involved in this to try to bring this to a conclusion that
952 everybody can live with. Again, the reality is what's on the ground right now is what's on
953 the ground. The difference in what's happened in all of our lives between 2007 and 2022,
954 the differences in developments of all kinds in that time, are obvious. We would like to
955 get this amended in a way that is acceptable to the Town and all.

956
957 Mr. Leathe said that I think we're in total agreement with that and have been for some
958 time.

959
960 Attorney Guay said that, if you want, Mr. Fitton can tell you about the history.

961

962 Mr. Leathe said that I think it would be more helpful if we had it in writing. A true
963 description of who owned what, what they knew and when, what happened after, and
964 what are they going to do about it.

965
966 Attorney Guay wanted to as a question to make sure I get it. If you would like that in
967 writing, is there anything else that you can think of right now that would be helpful to
968 you that we should get to you before.

969
970 Mr. Leathe said that I think there are more questions than answers, right now, but we
971 have to start right at the basics. I know, from my own perspective, I wasn't on the PB
972 way back then. I think we do need to go back to the beginning and really understand how
973 this thing went so far off-stream. So, this is an information-only session.

974
975 Ms. Bennett agreed that we can't make any decisions tonight.

976
977 Mr. Leathe said that, because of that, we will allow a short public participation when this
978 young lady is finished.

979
980 Attorney Guay asked if there are four members of the Board and one is just not here
981 tonight.

982
983 Ms. Bennett said yes.

984
985 Mr. Leathe asked if anyone from the public want to speak for no longer than three
986 minutes.

987
988 Ms. (Victoria) Sullivan, 21 Pheasant Lane, said that we put a deposit on our property in
989 August 2020. We did not close on our property until August of 2021 so we've been in our
990 home since last August. We had quite a few things that should have been picked up when
991 the home was inspected by the Town, and it wasn't. It's still not done. But I have more
992 hope, today, than I did when I noticed that I had these problems, to the extent where I
993 can't use my dishwasher because, when you open the dishwasher door, it hits the stove.
994 So, that means moving the kitchen around, which is expensive. That's been taken care of.
995 We've come to agreements and what have you. What I want to bring to your attention
996 tonight is that road that goes from the corner of Village Drive and Pheasant Lane, that
997 dirt road that goes out.

998
999 Mr. Leathe said that that's Quail.

1000
1001 Ms. Sullivan said that, when you get to that road, whether you're coming up from Village
1002 Drive to turn onto Pheasant Lane, if there is somebody coming up Pheasant Lane that
1003 wants to turn onto Village Drive, only one car at a time can go. That's how narrow that
1004 whole section is. It's very dangerous. The other thing you really have to take into
1005 consideration is the fact that if you do something to that Quail Drive that takes you out to
1006 Route 236, if you do something to that road and you demolish that road, don't make a
1007 road at all. We are closed in with no way out if we ever had a forest fire. We would never

1008 get out. There are 53 cars at one time going to be trying to get out. You can't turn the
1009 corner up there, number 1. So, please keep that in mind.

1010

1011 Mr. Leathe said thank you very much. Is there anyone else that would like to have a few
1012 words for three minutes or less.

1013

1014 Ms. (Sharon) Goodwin said that I am on Zoom and I said I would like Mr. Brubaker to
1015 read my statement but I would like to read my own statement.

1016

1017 Mr. Leathe asked her to go ahead.

1018

1019 Ms. Sullivan said that I wrote this to Ms. Braun, as Chair of the PB. I know she has
1020 recused herself. I wrote: *"I'm writing to you to make you aware of my plight as the*
1021 *potential buyer of 49 Village Drive. As a resident at Village at Great Brook, I know you*
1022 *are aware of the debacle that many residents have had to endure to close on their homes.*
1023 *I put the final deposit down on my house in May 2021, the same month I sold my home of*
1024 *thirty years in Newbury, Mass. I was promised a closing date of September 5, 2021 for 49*
1025 *Village Drive. I rented a room in a house for what was expected to be four to five months.*
1026 *Instead, it has been fourteen months I have not had my home. Many of the issues were*
1027 *due to the builder. However, when the slab of the house was finally poured early in the*
1028 *spring of this year, the Town came out and approved it, without measuring I was*
1029 *informed. Once the builder framed the house and the front porch, the Town shut down the*
1030 *building since the house was too close to the road. This occurred in April 2022. Shelly*
1031 *Bishop told the builder that they needed to redesign the house without a front porch and*
1032 *have the front door set back to the front edge of the slab. She was given a new*
1033 *architectural design, along with the original setback plan, which she informed me and*
1034 *the builder was all she needed to approve the building of the house. You should now that,*
1035 *with this redesign, I lost my front porch as well as one of my garages to accommodate the*
1036 *new front door location. I do believe the house is only two feet under the setback plan,*
1037 *which moving the road can easily resolve. After two months, we never did hear from Ms.*
1038 *Bishop about her decision. Instead, I was informed by Michael Sullivan, when I called*
1039 *him, that Ms. Bishop was not the one to make the decision on my house but instead, he*
1040 *told me, VGB had to go in front of the PB. So Chad Fitton, the developer, hired an*
1041 *attorney last July to try and resolve this, along with all the issues he has with the*
1042 *completion of the Village. Somehow, my house got lumped in to the whole, final project*
1043 *approval. Why, I don't know."* I'm just going to finish with that. Thank you.

1044

1045 Mr. Leathe thanked Ms. Goodwin. He asked if there was anyone else.

1046

1047 Mr. (James) Quigley, 14 Pheasant Lane, said that we also had to wait over two years to
1048 have our house finished even though we had signed up before anybody else. It was a
1049 situation problem with planning out the houses on the land, whether we were going to get
1050 cellars, flat slabs, or crawl spaces, but we wound up with a slab. To get the house done,
1051 we decided to go in that direction. We have a problem with erosion on the back of our
1052 house that we've been trying for three years to work with everybody that's involved with
1053 the construction and management of the property. We have still not come to any

1054 resolution. I don't know why they didn't do this. First of all, they didn't take full
1055 advantage of the land they had in the back. The restricted area is fifteen to twenty feet
1056 into the forest and, if you take the line of all the properties on the left and right side, when
1057 they came to the back door of our house, they came in. Probably because it was finished
1058 in February and they didn't have the ambition or desire to cut down trees and clear the
1059 land. But now that the house is built, the resolution is still not finished. We have no idea.
1060 Because of that, we also have a very, very thin layer of main dirt. They didn't put any top
1061 soil down so, the first year we were living there, we had sink holes. I, myself, got caught
1062 with mud up to my ankles, until I threw dirt in there and fertilized it so that our grass
1063 would grow. The flat land in the back of the house is eroded and, again, nobody has come
1064 up with a decision to take care of it.

1065
1066 Mr. Leathe asked what year this was.

1067
1068 Mr. Quigley said that we've been there four years, now. They are still finishing projects,
1069 painting, you know, they are still working on that. I think the new guy that's managing
1070 things is quite good. He seems to be following up on it. The other issue I have to say in
1071 reference to the road. I had a job at a _____ park that wound up being on a road between
1072 two towns and they never did anything about it. So, every time it was deserted, everyone
1073 went by with a refrigerator, they threw it on that road. If you look at that road, now,
1074 you'll see lots of junk starting to build up. I have one other suggestion about the top of
1075 the road, with the person who said it was hard making a left-hand turn. Some one
1076 suggested putting a small circle there so people could safely drive and go down.

1077
1078 Mr. Leathe thanked him for his comments and said that we'll take a couple more.

1079
1080 Ms. (Kathy) Roberts, 25 Pheasant Lane, said that we made our deposit back in September
1081 2020 on a duplex on Pheasant Lane. We were told we would close in May 2021 and we
1082 didn't close until July. We sold our home and lived in temporary lodging. The attraction
1083 to this development was the six phases. We knew we were at phase 3. Actually, we were
1084 interested in a single and I asked the realtor when a single would be available. He said not
1085 for another year and a half; that we didn't want to wait that long so we went for a duplex.
1086 The prospect of what we thought was going to be 90 homes and 6 phases; we didn't
1087 realize the original plan was for 150, including memory care and assisted living until we
1088 closed. I was a little upset about that. I called the realtor and he said that that was an old
1089 plan. So now, we're seeing this proposed amendment to change the plan to 43. This isn't
1090 what we bought into. If the amendment goes through and there is just us, 43, which is just
1091 lovely, we love where we live. We love our neighbors. But the rest of that land, the
1092 unknown, makes me anxious of what's going to be behind us. I know there's wetland
1093 directly behind us. What is going to be in those other three phases. Is it going to be
1094 commercial, industrial, what are we going to hear. As it is, we can hear Route 236. But
1095 my anxiety is what's going to happen to that land of phases 4 through 6.

1096
1097 Mr. Leathe said thank you and allowed one more.

1098

1099 Mr. (James) Parent, 34 Pheasant Lane, said that we are almost one day to the year that I
1100 spoke with the PB back in November 2021 to identify those issues. I did it, again, with
1101 the SB on the 24th of March. Then Mr. Brubaker mentioned the April PB meeting and I
1102 came in front of them with the same issues. I can't speak for everybody in the room but
1103 the concerns remain the same for me in the Town's published and approved minutes so
1104 please look at those minutes and take a look at the issues. I would ask the PB to consider
1105 two items. The access road, Quail Lane. The concerns I have on that is that the Town
1106 ordinances' impact on our community HOA. If they get rid of that road, whatever they do
1107 in the future with it and that road disappears, are we now liable for that in putting in a
1108 road to support the community in our secondary access. So, I ask you to consider that in
1109 your plan. The second thing is the historical performance – phases 1, 2, 3. Build one
1110 phase, move on to phase 2 and don't complete phase 1 or, years later, finish it. Move on
1111 to phase 3. Phases 2 and 1 are still not finished, and now you're thinking about something
1112 else. So, it's going to divert attention away from our community, again, as they look at
1113 that next (which was 4 and 5) part of the development being changed into something else
1114 to be put in there. So those are the concerns that we have and there are a few more
1115 instances that were just approved by the Town that talk about phasing, Chapter 33
1116 Planning and Development and Chapter 41, under §§33 and 133 for phasing development
1117 that the Town population just approved at the elections. I encourage you to look at those,
1118 as well, because there are words in there that distressed residents. There are things about
1119 plans being decades old. This one is 15 years old, now, so I ask you to look at some of
1120 that wording and please review the minutes. Thank you. I appreciate you listening to me.

1121
1122 Mr. Leathe said thank you and that is it for our public input session here. So, we're going
1123 to go ahead and welcome our Chair back and move into Old Business.

1124
1125 Note: At this time, Ms. Braun came back to the dais.

1126
1127 **ITEM 9 – OLD BUSINESS**

1128
1129 There was no old business.

1130
1131 **ITEM 10 – OTHER BUSINESS/CORRESPONDENCE**

1132
1133 **A. Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town**
1134 **Planner.**

1135
1136 Ms. Braun said that I don't believe we have any correspondence. Are there any updates
1137 from the Ordinance Subcommittee or the Planner.

1138
1139 **Subcommittee update:**

1140
1141 Ms. Bennett said that the world of LD2003 is still very active. In general, there are three
1142 meetings coming up in the near horizon before our December 6 meeting. This Friday
1143 there's going to be a small meeting with our local legislators and Paul Schumacher
1144 (SMRPC). He kind of called it. I believe Mr. Brubaker is going to be participating. I'm

1145 going to participate, with a couple other people, really trying to press for more guidance
1146 from the State on rule-making. The effective deadline is looming large for a lot of people.
1147 I think we are ahead of those people in starting to look at our ordinance and address our
1148 ordinance but a lot of communities haven't even started. The MMA Housing
1149 Subcommittee is going to meet again on the 28th of November for an hour and, then, the
1150 full Maine Municipal Association Legislative Policy Committee (MMALPC) meets on
1151 the 1st of December. They met last week, too. This is sort of the ramp-up to the
1152 legislature coming back into session. That's just to say that, by the time we meet again,
1153 there's probably going to be a lot of things that I can work out on. I would like to, if time
1154 allows on our December 6 meeting, be able to put together a powerpoint and really work
1155 with our Planner to talk about the affordable housing development portion of LD2003.
1156 Mr. Leathe and I had the opportunity to sort of talk through that with Mr. Brubaker
1157 before. Look at our zones, where have we designated growth, where do we have
1158 infrastructure and start to just be able to look at a geographic understanding of where this
1159 is going to have any impacts. If everyone is amenable to that, I would love to give some
1160 time to that.

1161
1162 Ms. Braun said that that will also help with the Comp Plan, the land use section and
1163 housing, I think. The more information we can get, the more it will help us all so, yes,
1164 please.

1165
1166 Ms. Bennett said that I guess the other thing, just to put it out there, is that with the other
1167 non-LD2003 ordinance review pieces, with the passage of our recent ballot questions, I
1168 believe we're going to have to circle back with marijuana and take a look at a lot of
1169 concerns raised that we don't allow licenses to be transferred. I believe that's why the SB
1170 didn't get 100% behind our proposed ordinance. We need to do a quick, little fix on that
1171 to reconcile that.

1172
1173 Ms. Braun agreed that it needed to be clarified.

1174
1175 Ms. Bennett agreed, adding that current licensees could have some piece of mind with
1176 clarification.

1177
1178 Ms. Braun said that we will squeeze it in for June.

1179
1180 **Planner update:**

1181
1182 Mr. Brubaker said that I was really happy with the kick-off meeting of the Comp Plan.
1183 There was a lot of civic energy and ideas in there. So, we're moving forward with that
1184 and the subcommittees starting to meet. We look for the community survey for the Comp
1185 Plan to be released in web form, I'm hoping before Thanksgiving, with a postcard sent
1186 out to every household after Thanksgiving.

1187
1188 Ms. Braun said that I think that's excellent.

1189

1190 Mr. Brubaker said that we will then get going on the existing conditions, inventory, data,
1191 and things like that. SMPDC and I are tag-teaming on that work to provide guidance for
1192 subcommittees.

1193
1194

1195 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

1196
1197
1198
1199

Meetings will be December 6 and December 13, then breaking until after the holiday.

1200 The next regular Planning Board Meeting is scheduled for December 6, 2022 at 7PM.

1201

1202 **ITEM 13 – ADJOURN**

1203

1204 **Ms. Bennett moved, second by Mr. Leathe, that the Planning Board adjourn.**

1205

VOTE

1206

3-0

1207

Motion approved

1208

1209

1210 The meeting adjourned at 7:58 PM.

1211

1212

1213

1214

1215

Christine Bennett, Secretary

1216

Date approved: _____

1217

1218

1219 **Respectfully submitted,**

1220

1221 **Ellen Lemire, Recording Secretary**

1222

1223

1224

1225

1226

1227

1228

1 **ITEM 1 - ROLL CALL**

2
3 Present: Carmela Braun – Chair, Jeff Leathe – Vice Chair, Christine Bennett – Secretary,
4 and Jim Latter.

5
6 Also Present: Jeff Brubaker, Town Planner.

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

9
10 **ITEM 2 – PLEDGE OF ALLEGIANCE**

11
12 **ITEM 3 – MOMENT OF SILENCE**

13
14 **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

15
16 Mr. (Rick) Alleva, Beech Road, said that I have lived there for about 20 years. I’ve had a
17 number of communications with Mr. Brubaker over the last year. Mostly, I’d like to ask
18 how I might have some input into possible ordinance changes or policies regarding
19 ADUs and tiny homes in Eliot. I live in a 3-bedroom house alone. My kids are out on
20 their own and, for some time, I have been interested perhaps in renting out my house and
21 developing an accessory dwelling or perhaps a tiny home on my property. After over a
22 year of looking into it and talking and reading all the policies, it seems there’s not a clear
23 path for me to be able to live in an accessory dwelling and rent out my home as of yet.
24 There are two laws, I guess, in Maine now that kind of pertain but the variance doesn’t
25 allow. My particular situation is this but I really wanted to just ask how I might have
26 some input in policies that might come out in the voting, perhaps, in the spring. Turns out
27 I have a barn at the back of my house. I talked to the Planning person probably a dozen
28 years ago, anticipating that maybe this could be done and, as it turns out, my barn, it has
29 electric but not a bathroom or anything like that, is only about 10 feet from the rear
30 property. So, it doesn’t meet the 30-foot setback. The property is actually owned by the
31 Housing Partnership and they are fine giving me a letter. They have an easement on the
32 property but they can’t build and they have no plans. It’s just woods, woods that abut
33 behind the Elementary School in Post Office Square, so my house comes right up to
34 there. The only current variance, right now, only allows for 50% relief, which would still
35 have me be 6 feet short, and would mean either move the building or cut off 6 feet, which
36 isn’t very practical. It’s in a place that’s furthest from the neighbors. It’s really in the best
37 place for that but there’s not a way for a variance or for me to request relief that I would
38 need to turn that into an accessory dwelling unit. As it does turn out, and I was not able to
39 come to last month’s meeting, I believe you had a presentation and spoke about LD2003.
40 There is a clause in that that says: “a municipality may establish more permissive
41 dimensional and setback requirements in an accessory dwelling unit.” So, the law allows
42 that you could be more permissive. Some towns have also allowed for re-development of
43 use of existing buildings but neither policy is yet clear in Eliot that I can even ask for
44 some kind of consideration to develop that. But I also think there are probably others in
45 Town that this might give some relief for, as well, and we want to encourage ADUs and
46 affordable housing. So that’s one issue. The second issue is that there was a law passed

47 back in 2021 on tiny homes. It's a very simple law that basically states that: "a
48 municipality shall permit a tiny home to be placed or erected on an individual house lot
49 where single-family dwellings are allowed or as an accessory structure." I've asked, and
50 I'm still waiting for a determination that they were going to look into, if I could put a tiny
51 home on my property. Could I bring a tiny home on wheels right next to my house that
52 met all the setbacks; that it seems like the law implies that one could do that. But Eliot
53 hasn't yet developed any policies as to how one would do that. So, those are two areas
54 that might allow for more flexibility for an older person who has just retired and just
55 wants to stay here in Eliot that would create a 3-bedroom house for a nice family or folks
56 that might like to rent my house. So, those are just two policy issues of how to maybe
57 amend or develop policy around ADUs that might not meet setback. The tiny home issue
58 is one I think that really, honestly, should already be in place because the law went into
59 effect over a year ago (April 2021). I'd love to get involved in some way. I've actually
60 been very involved in housing development for homeless young people in a number of
61 states and very active. I'm still involved in a couple projects in New Hampshire, so I have
62 a real interest personally and professionally just in easing opportunities, especially in
63 both young people and old people that are probably the most impacted by the housing
64 crisis that we have here in this country.

65
66 Ms. Braun said that, as a result of the passage of LD2003, we are in the process of re-
67 writing our ordinances and we are going to be doing that to get them on the ballot for
68 June of 2023. We'll be holding various administrative workshops that you can attend,
69 then, after the ordinance is developed and we've approved it, we will have a public
70 hearing to get public comments on it. Then, we would bring it to the SB and they would
71 have to approve it. We are aware of all of these issues, the tiny home in particular, and
72 we are going to be writing the ordinances to, hopefully, accommodate the law. I hope that
73 answers your question.

74
75 Mr. Alleva said yes, that it sort of does. I guess the thing about the tiny home is what
76 would happen today if I rolled a tiny home onto my property. Is that legal or is it not.
77 Obviously, I don't want that.

78
79 Mr. Brubaker said that we, the PB, could not answer that tonight. That would be a CEO
80 question.

81
82 Mr. Alleva said that, hopefully, I can hear something on just how you would deal with
83 the current situation before something went to the voters. But I appreciate that and I don't
84 know if that will just be something that will be announced on the website or could I give
85 my email.

86
87 Ms. Braun said that it will be posted on our agendas when we are going to be having
88 these workshops. You are more than welcome to give your email address to our recording
89 secretary and, hopefully, if there is anything in particular that might apply, we might be
90 able to send it to you.

91
92 Mr. Alleva said thank you very much. I appreciate it.

93
94 Mr. Latter said thank you very much for coming forward. We appreciate this kind of
95 feedback. I don't want to put the burden on you but, if you know of other communities
96 that have specific language in their zoning or their ordinance, feel free to send it in to the
97 Planning Department. They can share that with us.
98

99 Mr. Alleva said that I actually meant to share this before. I've actually met with a CEO of
100 another town in mid-Maine and he was very involved in the drafting of this very simple
101 tiny home law. It's just one sentence. He actually lives in a tiny home and is an advocate
102 for the development of them. I was going to ask just about towns that do have. There are
103 more ADU and tiny home-friendly communities and many of them have already
104 addressed these two issues. So, I would just like to get from him towns that he knows on
105 the language they use and what do they put in their town policies. Sometimes it's good to
106 look at what people have done so that you're not re-inventing the wheel. The thing on the
107 LD2003 is that it is permissible to give more relief. It's not a requirement so I hope that
108 Eliot leans on what is possible to do and not only what we have to.
109

110 Mr. Latter added that we are still wrestling with all the implications of that. Just the
111 process to let you know is that we're looking for stuff that we can make
112 recommendations that would go to the SB. They would decide if that goes on the ballot.
113 Ultimately, the people are the legislative branch and they decide whether yea or nay.
114

115 Ms. Bennett said that I just wanted you to know that the way we structure our meeting
116 schedule is that we meet on the first and third Tuesday of every month. The first Tuesday
117 is when we have administrative meetings. So, as far as looking at when you might come,
118 either watch a meeting online or actually come in person. The first Tuesday of every
119 month is when we should be finding time to do this sort of ordinance work. The third
120 Tuesday is pretty chalk-full of applications. I would echo what others have said. We
121 would welcome you to come and, if you have anything to add to this conversation, we
122 would welcome that.
123

124 Mr. Alleva said that I will continue to do some homework and see if there is anything I
125 can add to it.
126

127 Ms. Braun said that, if you find any sample language from other towns, please send it
128 along, as it would help us to see what others are doing.
129

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

131
132 There were no minutes approved.
133

134 **ITEM 6 – NOTICE OF DECISION**

135
136 There were no Notices of Decision approved.
137

138

139 **ITEM 7 – PUBLIC HEARING**

140

141 **A. 151 Beech Road (M29/L7), PB22-17: Site Plan Review (formerly Home Business)**
142 **Application – In-home Childcare (Day Nursery)**

143

144 **Received: August 15, 2022**

145 **1st Heard: September 6, 2022 (sketch plan review/application change)**

146 **2nd Heard: September 20, 2022 (Site Plan Review for new application/completeness)**

147 **3rd Heard: October 4, 2022 (continued review/Public Hearing)**

148 **Public Hearing: October 4, 2022**

149 **Site Walk: September 19, 2022**

150 **Approval: October 4, 2022**

151

152 Ms. Garland, applicant, was present for this application.

153

154 **6:13 PM Public Hearing opened.**

155

156 Ms. Garland said that we are looking to open up a family childcare program in our
157 garage. I have worked in childcare for the last 15 years. It is something I am very
158 passionate about. I feel the area definitely needs more high-quality childcare and it is
159 something that I would like to offer to the Town. We are looking to have up to twelve
160 (12) kids (ages 0-5) in our care and possibly hiring one or two employees, depending on
161 the timeframe of the baby.

162

163 Ms. Braun said that it's going to be in the garage, primarily on the lower level for the
164 babies.

165

166 Ms. Garland said yes. Ages 0 to 3 would be on the bottom floor. We could then have the
167 4- to 5-year-olds up on the second floor as time goes on.

168

169 There was no public comment.

170

171 **6:15 PM Public Hearing closed.**

172

173 **Mr. Latter moved, second by Ms. Bennett, that the Planning Board approve PB22-**
174 **17 Site Plan Review application for 155 Beech Road with the following conditions:**

- 175 **1. The property may be developed and used only in accordance with the plans,**
176 **documents, material submitted, and representations of the applicant made to**
177 **the Planning Board. All elements and features of the use as presented to the**
178 **Planning Board are conditions of approval and no changes in any of those**
179 **elements or features are permitted unless such changes are first submitted to**
180 **and approved by the Eliot Planning Board. Copies of approved permits from**
181 **Maine DEP, Army Corps of Engineers, if applicable, and State shall be**
182 **provided to the CEO before construction on this project may begin.**
183 **2. The permit is approved on the basis of information provided by the applicant in**
184 **the record regarding the ownership of the property and boundary location. The**

185 **applicant has the burden of ensuring that they have the legal right to use the**
186 **property and that they are measuring required setbacks from the legal**
187 **boundary lines of the lot. The approval of this permit in no way relieves the**
188 **applicant of this burden. Nor does this permit approval constitute a resolution**
189 **in favor of the applicant of any issues regarding the property boundaries,**
190 **ownership, or similar title issues. The permit holder would be well-advised to**
191 **resolve any such title problems before expending money in reliance on this**
192 **permit.**

193 **3. The applicant authorizes inspection of premises by the Code Enforcement**
194 **Officer during the term of the permit for the purposes of permit compliance.**

195 **4. The outdoor area of the daycare shall be fenced consistent with the State’s**
196 **childcare licensing rules and §45-423 of the Town Code.**

197

198 DISCUSSION

199

200 Mr. Brubaker suggested that the PB amend to authorize the Chair to work with the Town
201 Planner to have a letter certifying the PB’s approval to be able to provide to the
202 applicants to get something to them before the Notice of Decision.

203

204 DISCUSSION ENDED

205

206 Mr. Latter and Ms. Bennett agreed to amend their motion. The complete motion is as
207 follows:

208

209 **Mr. Latter moved, second by Ms. Bennett, that the Planning Board approve PB22-**
210 **17 Site Plan Review application for 155 Beech Road with the following conditions:**

211 **1. The property may be developed and used only in accordance with the plans,**
212 **documents, material submitted, and representations of the applicant made to**
213 **the Planning Board. All elements and features of the use as presented to the**
214 **Planning Board are conditions of approval and no changes in any of those**
215 **elements or features are permitted unless such changes are first submitted to**
216 **and approved by the Eliot Planning Board. Copies of approved permits from**
217 **Maine DEP, Army Corps of Engineers, if applicable, and State shall be**
218 **provided to the CEO before construction on this project may begin.**

219 **2. The permit is approved on the basis of information provided by the applicant in**
220 **the record regarding the ownership of the property and boundary location. The**
221 **applicant has the burden of ensuring that they have the legal right to use the**
222 **property and that they are measuring required setbacks from the legal**
223 **boundary lines of the lot. The approval of this permit in no way relieves the**
224 **applicant of this burden. Nor does this permit approval constitute a resolution**
225 **in favor of the applicant of any issues regarding the property boundaries,**
226 **ownership, or similar title issues. The permit holder would be well-advised to**
227 **resolve any such title problems before expending money in reliance on this**
228 **permit.**

229 **3. The applicant authorizes inspection of premises by the Code Enforcement**
230 **Officer during the term of the permit for the purposes of permit compliance.**

277 to understand what the soil may means. That's the bad news. But the soil report should
278 explain things like the geologic current material, which may or may not be of interest to
279 you, that is what the soil formed from. Is it sandy or clayey or is it alluvial soil that forms
280 along the side of a river, those kinds of things. It also tells you what the drainage classes
281 are of the soil, which is an estimation of long-term wetness and how high the
282 groundwater comes to the soil surface or floats to the soil surface or far from the soil
283 surface. It provides certain engineering interpretations which can be used, once again, for
284 those drainage analyses or the calculation of run-off or drainage design or retention pond
285 design, things like that. So unfortunately, there is no way of getting around looking at that
286 soils report.

287
288 Ms. Braun said that it's not looking at it, it's understanding what it's telling me, which is
289 the issue I have. Being able to understand just what it means in terms of the project we're
290 looking at. Is this soil good for the project or not so good for the project.

291
292 Mr. Cuomo said that the soil map is just part of that picture – is 'this' an appropriate
293 place for whatever. We also have the septic system design, for instance, to show that
294 there's an area there that meets the State rules for wastewater disposal. We have the
295 wetland delineation to show that the house is not ending up in the wetland and the
296 driveway is not crossing the wetland. The soil map is more of an aide for the engineers in
297 design of that subdivision than it is particularly useful for an individual planning board
298 member looking at the soil type.

299
300 Mr. Latter said that these soils that are there bear an enormous amount of information to a
301 high degree of specificity and it's wonderful information. What should I care about. I
302 don't need to go into the minutia of the detail of a lot of this stuff. I basically want to
303 know how fast does the water run over it. How fast does the water sink through it, what is
304 potentially being put at jeopardy by whatever the project is before us, and is that within
305 the realms of something we can accept, or not. Trying to understand what I care about is
306 one of the biggest challenges that I've had sitting here.

307
308 Mr. Cuomo suggested we use a residential subdivision as an example. We want to make
309 sure that the house and the driveway and the septic system don't end up in the wetland.
310 We can see that from the wetland delineation. We want to make sure that the septic
311 system has a suitable site. The town has certain rules about septic systems. The State has
312 much more comprehensive rules. So, we can see that from the test pits. Then, the soil
313 map is kind of in the background on the drainage end is really the way to look at that.
314 You need to make sure that the engineers who are presenting the project use the high
315 intensity soils survey to do their drainage calculations. I don't know if the town has a
316 review engineer or have someone review the drainage calculations. How does that work,
317 Mr. Brubaker.

318
319 Mr. Brubaker said that the PB has the ability to authorize third-party review for any
320 particular aspect of a development. The PB can, and does occasionally, have a third-party
321 review the stormwater-related submittals from the applicant. At that point, the third-party
322 reviewer is certainly able to review the Hydro-CAD results, review curb numbers, review

323 the soils reports just to confirm that the model results are correct and the expected
324 drainage or percolation would occur for various soil types.

325
326 Mr. Cuomo said that I think, from the PB's perspective, the important thing is for you to
327 know that the applicant's engineer has used the high intensity soil survey that's been
328 provided for those calculations. Without the high intensity soil survey, we have what we
329 call the county soil survey provided by the Natural Resource Conservation Service
330 (NRCS) and now those are online. Those soil types are very broad. You have 3- or 5-acre
331 minimum size map units as opposed to a high intensity soils survey that I would prepare
332 where you might have a 5,000-square-foot minimum map unit or a 10,000-square-foot
333 minimum map unit. The information provided by the NRCS is much broader and not
334 suitable for site-specific planning when you have lots that are the size we have in Eliot.
335 So, we want to make sure that the engineers don't default to the NRCS delineations –
336 map units – when they're doing their calculations. I'm not sure the regulations require
337 that in Eliot. That would be something that you might want to think about to make it very
338 specific. This doesn't happen in Eliot but I know that on some of the sites I've worked on
339 and made high intensity soils surveys, because the town required it, I give it to the
340 engineers, they say thanks, and then do their calculations based on the NRCS because it's
341 easier and the map units are much broader, the calculations are much simpler. That's not
342 really good engineering. I don't recommend that. I think most of us would agree that's
343 wrong. If you have better site-specific information, we should use that for planning. So,
344 we want to make sure that applicants and engineers use the high intensity soil surveys for
345 their calculations for drainage. A lot of that stuff is happening in the background and I
346 don't understand all of it. So, I provide them with the numbers and then they run them
347 through their models, then, they come up with their drainage numbers. I don't think it's
348 reasonable to expect a PB member, unless they have an engineering background, would
349 be able to follow all that in great a detail. You've seen those drainage reports. They are
350 incredibly long and have lots of numbers and calculations.

351
352 Ms. Braun said that it's all Greek to me.

353
354 Mr. Cuomo said a lot of it's Greek to me, too. But, if they're using one of the models
355 that's published and accepted and using the high intensity soils survey, I think we've got
356 a great start and we should end up with a good product.

357
358 Mr. Leathe said that, often, we have the opportunity to either require a high intensity soils
359 survey, or not, and how would we best know what decision to make.

360
361 Mr. Cuomo said that, as a soil scientist, I think you should always require that. It's like
362 asking a barber if you need a haircut. But seriously, the larger the project is, the more
363 potential there is for run-off towards the abutters. These are red flags. Big projects, lots of
364 impervious surface. You have limits on impervious surface per lot but, if you have a
365 commercial development and they are close to that limit, or they have a lot of impervious
366 surface, then it's reasonable to say that they should have a high intensity soils survey to
367 base your run-off calculations on. So, larger projects, more impervious surface, big roofs,
368 schools. If you were building a new project with that kind of footprint, you definitely

369 want to require a high intensity soils survey to do your calculations on. Smaller projects
370 with a few lots. Particularly if you have a road frontage subdivision with a few lots, let's
371 say three as an example. The only impervious surfaces are the roofs and driveways and is
372 going to be very small in terms of the land area. You may require two or three acres in
373 that zone. So, 2-3 acres, 3 lots, some roofs, driveways, you probably not going to get a lot
374 of impervious area. So, unless there was something downstream or abutting that property
375 that caused you to be concerned, that might be a reasonable waiver. If that was a 30-lot
376 subdivision with a new road, then there's a lot of impervious surface, there, that you are
377 creating and you have to treat that run-off. How fast is that run-off going to be re-
378 introduced into the soil. I know that's a big thing now because you want to get surface
379 run-off back into the ground water after some treatment and you really need to know a lot
380 about the soil for that to happen.

381
382 Ms. Bennett said that I have a follow-up to that. Say that we're looking at a larger
383 development and that they are building a road. Would the high intensity soil survey also
384 feed into consideration of where that road would go given whatever the geological
385 features are, the soil properties.

386
387 Mr. Cuomo said yes. That would be an important consideration. I think that the financial
388 part of the road design usually trumps the soil part. That is to say, if the soils are
389 presenting challenges but it's legal to put the road through that, it's usually the lot lay-out
390 and the cost of the road construction that are driving that road location rather than the
391 soils. But you can look at the soil map and say 'this' is going to be a more expensive road
392 with 'this' 500-foot section and 'this' is going to be an easier road to build or an easier
393 site to drain. You can make those kinds of interpretations, too.

394
395 Ms. Bennett asked if the different soil classes would affect the quality of the road that
396 was built.

397
398 Mr. Cuomo said yes. But the issue, here, is trying to overcome those by designing the
399 road with separate and appropriate material beneath the pavement so, the more you know
400 about the soil, the more you can tell about the design effectiveness. There are some sites
401 where, perhaps, you could put the road in less expensively because the natural, native
402 material is good for drainage. You can, with moderate modification of the soil, use it to
403 put your pavement down and there are other sites where the natural soil is terrible for
404 roads and you need to bring in much more material to get out of that terrible material to
405 provide the drainage.

406
407 Ms. Bennett said that I was wondering if you would describe what is involved with a
408 wetland survey and, perhaps, give us some guidance as to how frequently a wetland
409 survey should be updated.

410
411 Mr. Cuomo said the second question first. 20 years ago is unreasonable. 5, 10, those
412 kinds of numbers are used by different regulatory agencies for how long wetland
413 delineation is good for. And that is important for a few reasons. One is that we change the
414 wetland delineation practices over time with what we learn. So, we hope we get better at

415 what we do, and we learn more about the native, natural systems, and we try to
416 incorporate that into where the boundary is between the wetland and the upland. So those
417 things don't change all the time but those changes do happen. It's important to keep the
418 wetland delineation updated every 5 or 10 years, I think. If it's more than 10 years old, if
419 I were in your seat, I wouldn't accept that as current. And it may be that, when the
420 wetland delineation is done again, it turns out in the exact same location, or it may vary
421 by 10 feet or 20 feet or some modest number. It probably won't be 500 feet of difference
422 but 10 or 20 feet can be important on some projects. The first question.

423
424 Ms. Bennett asked what is involved with you delineating a wetland.

425
426 Mr. Cuomo said that you need to look at the soil and the vegetation. The soil is only
427 examined in the top twenty inches. Everything we need to know about the wetlands is in
428 the top twenty inches of the soil because wetlands have to be at the surface for an
429 extended period of time in order to meet the definition. So, 'to the surface' means we
430 need to see what's happening in that top twenty inches. From the soil colors we can tell
431 how long the groundwater is, how high. And those are the questions we look at to
432 determine the wetland soil. Is the soil a wetlands soil, and we know that by the soil
433 colors. It doesn't matter how dry it is that day or whether it rained last night. We just
434 need to look at the soil colors, which we do with hand tools normally. The second
435 component of the wetland delineation is that there has to be a predominance of plants that
436 are adapted to the life with wet conditions. We would call those hydrophytes. We have a
437 list and it lists all the plants that grow in the northeast. You look at the plants growing on
438 the site, look at the list, and we say that a majority of the plants that grow on this site,
439 most of the time, grow in wetlands and, therefore, this meets the plant criteria for this to
440 be a wetland. It meets the hydrophytic plant criteria. So, if we have an area with a
441 predominance of wetland plants and a predominance of wetland soils, then we have a
442 wetland unless the hydrology, which is the third parameter, has been modified by human
443 activity or natural phenomenon, and changed. You need to have all three of those criteria
444 unless the criteria has been disturbed by human activity or nature – a landslide, an
445 excavator, a bulldozer, those kinds of things. Unless you cut down all the vegetation, you
446 kill all the plants, then we have the criteria that are left, the hydrology is left or the soils
447 are left, to make our determination. So, we go to the site, we make soil observations, we
448 make estimates of plant coverage, the numbers of stems, and things like, that to
449 determine what plants are growing there, whether the predominance of plants are those
450 that grow in wet conditions or in dry conditions. We then put that all together to
451 determine where the wetland boundary is based on the appearance of the surface, the
452 topography, the plants, the soils, the hydrology.

453
454 Mr. Latter said that there are objective metrics to define this.

455
456 Mr. Cuomo said that there are. It's not just if I think it is or I think it's not. There are
457 situations where we actually do plant plots, where we have radial or square plots. We
458 count the stems; we estimate the aerial coverage. We tally the plants. These are the areas
459 that are really important or it's very close. We look at the soil, we describe the soil, and
460 the wetland soils are described in detail in texts that are published by the Army Corps of

461 Engineers (ACOE). They give us guidance as to whether this soil meets this hydric soil
462 criteria, or not. So yes, there are objective criteria for the delineation of where that
463 boundary should be. There is also some interpretation, and some of that is the experience
464 of the delineator, and those kinds of thing. You have to properly identify the plants,
465 which can be tricky some times of the year, but that's what goes into the pot when you
466 are doing wetland delineation.

467
468 Ms. Braun said that that's pretty involved. I didn't know that water color had anything to
469 do with it.

470
471 Mr. Cuomo said yes, that that's part of the whole thing.

472
473 Mr. Leathe said that, if we have a project that comes through that they are putting a road
474 in, should we or do we automatically require a high intensity soils survey to make sure
475 the road is in the right geologic formation.

476
477 Mr. Cuomo said that I think it's already one of your requirements.

478
479 Ms. Braun agreed, that it's part of our current ordinance.

480
481 Mr. Cuomo said that it's a requirement unless you waive it. I also believe you require a
482 wetland delineation in all cases, which is something you should never waive.

483
484 Ms. Bennett said that we have seen some properties that have old wetlands and we've
485 been asked to accept them.

486
487 Mr. Cuomo said that there are some cases where the wetland is so obvious. It's at the
488 bottom of a bank, and someone flagged it twenty years ago, and it's still at the bottom of
489 the bank. But, if you went on a site walk, you would see that. Then you might feel more
490 comfortable about accepting an old wetland delineation in a case like that. But if there's
491 any soil or any sort of topography, there's a gentle slope and there's a wetland line
492 somewhere on that topography, I think having an updated wetland delineation is the way
493 to go. I think the State of New Hampshire requires the wetland plan to be done, the
494 wetland delineation, to be within 5 years of the date of submission. I think the Town of
495 York requires it be within 10 years.

496
497 Ms. Braun said that we appreciate you taking the time to come and answer our questions.
498 Understanding what we're reading is very helpful. You might be called on again.

499
500 Mr. Cuomo said that I could do that again. I'm glad to help out. Just so you are aware, we
501 have professional standards for how soil maps are made that the professional societies
502 promote. We are required to meet those professional standards when we write reports, as
503 well. Soil map reports are required to have certain items within them. So, some of those
504 confusing things that you don't actually care about, which the engineers use, we're
505 required to put in our reports because they may be helpful to engineers when they're

506 doing their project. So, some of that stuff is actually not addressed to the lay audience or
507 to the PB but actually addressed to the engineers that are preparing the plans.

508
509 Ms. Braun said that it makes me feel better that not all of it is geared toward the lay
510 person.

511
512 Mr. Brubaker said that if you're interested in looking at the Natural Resource
513 Conservation Service soil map, there is a layer on GIS. Additionally, remember that 10
514 acres is the enforced threshold, per our Town code. 10 acres or more is our Town code's
515 threshold for a definition of wetlands. Those wetlands, for the most part, show up as
516 protected resources in the Shoreland Zone.

517
518 Ms. Braun said that it was informative the way Mr. Cuomo explained it. I could
519 understand what he was saying. And it's good to know that not all of it is geared to us.

520

521 **ITEM 9 – OLD BUSINESS**

522

523 **A. 276 Harold L. Dow Highway (M37/L9), PB22-14: Site Plan Amendment/Review**
524 **and Change of Use – Marijuana Products Manufacturing Facility.**

525

526 **Received: June 29, 2022**

527 **1st Heard: August 16, 2022 (sketch plan review)**

528 **2nd Heard: October 4, 2022 (site plan review/completeness)**

529 **3rd Heard: _____, 2022**

530 **Public Hearing: _____, 2022**

531 **Site Walk: N/A**

532 **Approval: _____, 2022**

533

534 Mr. (Lew) Chamberlain, P.E. Attar Engineering, and Mr. (Jelal) Jones were present for
535 this application. NOTE: Mr. Chamberlain was here for Ken Wood's presentation at the
536 last meeting. Mr. Wood could not make it tonight.

537

538 Mr. Chamberlain said that we are asking approval for an existing site in an existing
539 building for a commercial kitchen of about 600 square feet to house an operation for
540 marijuana manufacturing products. Since the last meeting, we've had a couple submittals
541 – odor control plan, waste plan, security plan. We resubmitted the lease agreement, the
542 deed for the property, certificates of incorporation information for Black Hawk Holding,
543 LLC (owner) and Blackbeard Farms, LLC (applicant). I think Mr. Jones would welcome
544 a site walk. I know Mr. Wood talked about that, that there were some issues, maybe, with
545 having the public going through the building. If we can do that, we would be glad to.

546

547 Ms. Braun asked if he was open to a site walk.

548

549 Mr. Chamberlain said that I believe we are, as long as it works with Mr. Jones' operating
550 procedures. I think the issue was if the public came.

551

552 Ms. Braun said that, with a site walk, we do have to advertise it as such and the public
553 could come. Are you amenable to the public coming into the building.
554

555 Mr. Jones said no. It's a recreational cultivation facility and there are certain laws about
556 having too many people in there at once. If it was just an empty room you were looking
557 at, if you wanted to come back and see it when I'm applying for the manufacturing
558 license and it's fully set up, which makes more sense, we could do that.
559

560 Ms. Braun said that any site walk would be strictly on the outside.
561

562 Mr. Jones said yes. I believe we did that the last time.
563

564 Ms. Braun agreed. She asked if the PB wished to do a site walk of the outside and view
565 the location.
566

567 The PB did not want to hold a site walk.
568

569 Ms. Bennett said that, as a corollary, the PB has had a lot of conversation about how
570 operations like yours are a complete black box to us. We don't understand what is going
571 on, what the measures are that we can see. We read your submissions but we have
572 expressed a desire to take a tour of one of the cultivation facilities. Not at all relating to
573 this application, if you would entertain, like we had an informational session with our soil
574 scientist, I would love us to have the opportunity to get some information about a
575 cultivation facility.
576

577 Mr. Latter suggested a couple members forming a subcommittee and reporting back to let
578 the rest of the PB know what they saw.
579

580 Ms. Braun said that it would have to be that way; that we wouldn't be able to do it as a
581 PB, with a quorum.
582

583 Mr. Brubaker said that that was correct. You wouldn't be able, as a PB, to go inside the
584 building while excluding the public.
585

586 Ms. Braun said that, if they are agreeable, certainly I would like to see two of you go in
587 and report back to us.
588

589 Mr. Jones said that it is basically an empty room right now, with not much to see. After I
590 apply for the manufacturing license, we'll have the whole kitchen set up and that would
591 be a great time to look. I could certainly explain the process while you are there.
592

593 Ms. Braun said that that sounded much better where it's occupied and we can see what's
594 going on. Thank you for that. We appreciate that.
595

596 Mr. Leathe said that, in your staff report, you mention talking to the Town attorney about
597 this particular issue. Your note mentions that, perhaps, a staff member could come

598 through these facilities, or a facility, then report back to the PB but it didn't mention
599 anything about a PB member or two going into one of these facilities and reporting back
600 to the PB. I don't know if that's the same as one staff member or one PB member, or not.
601 The other thought that I have along these lines is, if we're not able to take a tour of a
602 kitchen facility, or whatever, in these different manufacturing operations, maybe one of
603 the operations could come in sometime to give us a visual of what the process is, what it
604 looks like, etc. We wouldn't have to go inside but could get enough information from
605 watching it on the screen, here, for what goes on there. I'm not sure that would be
606 proprietary but maybe it is.

607
608 Mr. Jones said that I can walk you through this. It's a simple process. I could walk you
609 through it, now, if you like.

610
611 Mr. Leathe said that I think pictures would be a 1,000 words.

612
613 Mr. Brubaker said that I would want to confirm that particular variation with Attorney
614 Saucier regarding a non-quorum of PB members out walking through. I think that would
615 seem to alleviate the issue of the site walk and inviting the public but I think, in terms of
616 essentially ex parte communications, there would be at least some requirement then that
617 if any PB members did go in to tour, they would then have to report back what they saw
618 and what communications they had at a public meeting. I can confirm that with our
619 attorney.

620
621 Ms. Braun said that the OPM license has expired (August). Are you in the process of
622 renewing that license.

623
624 Mr. Jones said that we have a new license issued under Kind Farms Confection (2nd
625 company).

626
627 Mr. Chamberlain said that that is the last page of our September 30 submittal.

628
629 Ms. Braun said the one we got tonight.

630
631 Mr. Chamberlain said yes.

632
633 Ms. Braun asked if that means that the license issued to Blackbeard Farms is no longer
634 valid.

635
636 Mr. Jones said yes; that I let that expire.

637
638 Ms. Bennett said that we received an odor control plan for this. Can you describe the odor
639 that may be needed to be controlled in this manufacturing piece and, also, how it relates
640 to the cultivation.

641
642 Mr. Jones said that, for the odor control in the kitchen, there really isn't any reason we
643 would need that because there is no odor with making chocolate bars. Cultivation is a

644 separate facility. We are going to put the odor control in there, anyway, just because it's
645 something you have asked us to do. It's in a separate room from the facility so it has its
646 own entrance, its own space.

647
648 Ms. Bennett said that the kitchen is ventilated and you have carbon filtration.

649
650 Mr. Jones said yes.

651
652 Ms. Bennett asked how the air is controlled on the exterior entrance.

653
654 Mr. Jones said that the room actually enters into a large hallway inside the cultivation
655 facility and that hallway is also odor controlled.

656
657 The PB was ready to call this application complete.

658
659 Mr. Brubaker said that the PB would need to do waivers first.

660
661 6:53PM - The PB took a 5-minute break while waiver language was prepared.

662
663 Ms. Braun asked if we could get the rationale for the waiver request.

664
665 Mr. Chamberlain said that, with temporary stakes, we aren't putting stakes out in a
666 building that's already existing. With the drainage plan, this is all going to happen inside
667 the building so we're not doing any kind of site work. With preliminary designs of
668 bridges and culverts, there's no site work. With erosion & sedimentation control, there is
669 no site work so no chance for erosion. There is an E&S plan for the site under another
670 section of it but, just for this one, we'll ask for it. With the high intensity soil report, there
671 is no site work.

672
673 **Mr. Latter moved, second by Mr. Leathe, that the Planning Board waive the**
674 **following for the 276 Harold L. Dow Highway application: §33-127(5) Temporary**
675 **Markers, §33-127(8) Drainage Plan, §33-127(9) Preliminary design of bridges &**
676 **culverts, §33-127(11) Soil Erosion & Sedimentation Control, §33-127(12) High**
677 **Intensity Soil Report.**

678 **VOTE**
679 **4-0**
680 **Motion approved**

681
682 Ms. Braun said that, if everyone is ready to call this application complete, the Chair will
683 accept a motion.

684
685 **Ms. Bennett moved, second by Mr. Latter, that the Planning Board accept the**
686 **application for 276 Harold L. Dow Highway, PB22-14, as complete.**

687 **VOTE**
688 **4-0**

689 **Motion approved**

690

691 Ms. Braun said that the next step is a public hearing. It is scheduled for October 18, 2022.

692

693 NOTE: Mr. Latter will not be present for the November meetings.

694

695 Mr. Brubaker said that, for co-location, the State requires having a tracking system in
696 place between the cultivation and manufacturing. I want to make sure that's something
697 you can confirm tonight.

698

699 Mr. Jones said yes, definitely. The State law requires it.

700

701 **B. 7 Maclellan Lane (M37/L19), PB22-15: Site Plan Amendment/Review and**
702 **Change of Use – Marijuana Store, Office, and Retail.**

703

704 **Received: June 28, 2022**

705 **1st Heard: August 16, 2022 (sketch plan review)**

706 **2nd Heard: October 4, 2022 (continued site plan amendment/review/change of use)**

707 **3rd Heard: _____, 2022**

708 **4th Hearing: _____, 2022**

709 **Public Hearing: _____, 2022**

710 **Site Walk: _____, 2022**

711 **Approval: _____, 2022**

712

713 Mr. Lewis) Chamberlain, Attar Engineering and Mr. (Joel) Pepin, applicant, were present
714 for this application.

715

716 Mr. Chamberlain said that we've submitted what we believe is a complete application.
717 The plan is very similar to the sketch plan. There are a few less parking spaces due to the
718 fact that we are trying to keep the impervious area low and to a point that would allow us
719 to get a DEP Stormwater Permit by Rule (PBR) with staying under an acre with
720 impervious. There will be plenty of parking for the uses. Since the sketch plan meeting,
721 JAR Cannabis has decided to divide the 2,000 square-foot adult use marijuana retail into
722 1,000 square feet of adult use and 1,000 square feet of medical caregiver retail, which is
723 allowed by the ordinance. They will divide their business in a way that meets the State
724 laws for that. That will require a little less parking; that we didn't really reduce the
725 parking because of that. The application includes a new septic design. We are going to
726 have to alter the existing system that was designed for a car wash; that it's bigger than it
727 needs to be. It falls under the footprint of some of the parking we need to build so we
728 have a new design done actually by Michael Cuomo. There was a lease agreement
729 requested that I have provided to Mr. Brubaker but not to the PB between JAR Cannabis
730 and Potions. There is a very complete traffic study that looked at the intersection of
731 Maclellan Drive and Route 236, as well as the intersection of Route 236 and Beech Road,
732 and came to the conclusion that any impacts that this project are going to cause are
733 minimal. There is no need for a Traffic Movement Permit (TMP) with the DOT. Mr.

734 Brubaker went the extra step to get that confirmed by the DOT. They looked at the plan
735 and agreed that they don't need that permit. There is an odor management plan, a security
736 plan, and a retail operations plan in the application. At this point, I would welcome any
737 questions. Mr. Pepin is here to answer any operations details, as well.
738

739 Mr. Leathe said that there are three different facilities to be placed on this property. One
740 is existing. Could you walk me through the phasing of those and exactly what's going to
741 occur in each of the buildings.
742

743 Mr. Chamberlain said that there are three plans. The Phase 1 plan is the existing
744 conditions. It has the old car wash building, which contains the previously-approved use
745 for another business entity to do marijuana manufacturing, so that's underway. It is
746 operational. It's been approved and they are operating their business. Phase 2 would be
747 the JAR building, which we will be calling Building #2, that will house the marijuana
748 retail uses I described, as well as another 2,000 square-feet of office, which may be for
749 JAR or a third tenant. At this point, they're not sure. They're in the building design.
750 There would be some parking that would be constructed for Building #2. JAR is eager to
751 get going with this.
752

753 Mr. Leathe said that, in Phase #2, you have one retail store on the first floor and then you
754 have room for a commercial tenant, let's say, on the second floor or just office.
755

756 Mr. Chamberlain said just office. And there would be two retail stores on the first floor
757 divided into the medical and the adult use. They are allowed by the State and Mr. Pepin
758 can maybe expand on that if you'd like some detail. The total square footage of the
759 second building is 4,000 square feet.
760

761 Mr. Latter said that you said medical caregiver. Is that different from medical
762 prescription people that show up to get their medical marijuana.
763

764 Mr. Chamberlain said no, that they are the same.
765

766 Ms. Braun said that there is some concern that the caregiver has some ownership in the
767 project. Is that correct.
768

769 Mr. Pepin explained the way the State law reads, there cannot be co-location of medical
770 and adult use, and that would be talking the same commercial unit. So, you can't walk
771 into a retail suite and have both medical and adult use for sale. So, what we're proposing,
772 and what is not allowed under State law, where if you have a large commercial building
773 with multiple units, you cannot have a medical caregiver operating with a medical retail
774 license also have ownership in an adult use retail store in the same larger building. That's
775 in conflict with the State adult use marijuana laws. What we're proposing is Brian Roy
776 would be the medical caregiver operating the storefront and Mr. Roy does not have any
777 ownership in the entity that would operate the adult use marijuana store. We actually are
778 currently operating this way in Windham, Maine. I have a medical caregiver/retail store
779 in Windham, Maine, the same thing we're talking about doing here in Eliot. There is an

780 adult use JAR store next to it that I don't have ownership in. I believe I've sent some
781 correspondence from an OCP official today to Mr. Brubaker that said that there's nothing
782 in State law that would prevent what we're proposing in Eliot, as structured.

783
784 Mr. Brubaker said that, due to the timing of receipt and the fact that I think we should
785 continue review, I have planned to include it for the next packet.

786
787 Mr. Latter asked if that ultimately was our decision to figure out or the State's decision to
788 figure out.

789
790 Mr. Brubaker said that it's in the State program rule but, as with a lot of State-related
791 laws, I think it's pertinent to the PB's review because it affects the site plan. And there is
792 a clause in §33-190, a list of marijuana performance standards, that does reference State
793 law.

794
795 Mr. Latter said that, then, we do care. I'm just trying to figure out where our decision
796 points are.

797
798 Ms. Braun said that, in Mr. Brubaker's report, he raised several concerns in that. Can you
799 address those concerns for me. For instance, you don't have any elevation drawings.

800
801 Mr. Chamberlain said that we did get an email from Mr. Brubaker this afternoon that said
802 he would be looking for some elevation views. We don't have them, currently, but we
803 can provide them.

804
805 Mr. Brubaker said that, as a reminder, we added that as a site plan content requirement.
806 The application hasn't been updated to reference that.

807
808 Mr. Chamberlain asked if that would be required for the existing building that's there.

809
810 Mr. Brubaker said that it says in §33-127(18)b., "Elevation drawings of each proposed
811 building, structure, or addition including dimensions and architectural features."

812
813 Mr. Chamberlain said that we can do the proposed drawings. He clarified that there is not
814 actual architectural review.

815
816 Mr. Brubaker said no. For other zoning districts, there is a very, very general hint at an
817 architectural review but not in the C/I District

818
819 Ms. Braun said that another concern is sign information. We need more information on
820 your proposed sign

821
822 Mr. Chamberlain said that we can provide that.

823
824 Ms. Braun asked if the surveillance cameras were operational 24/7.

825

826 Mr. Pepin said that they are. The State requirement, which I believe is in concert with
827 Eliot ordinance, is 45 days. It's funny you ask. As the client, we set that minimum but,
828 with the security company, we were reviewing saved footage all the way back from
829 February, much longer than 45 days.

830
831 Ms. Braun asked if they are in the process of getting a commercial food license.

832
833 Mr. Pepin said that, to sell edibles, you need a commercial food license, and we are in
834 that process.

835
836 Ms. Braun said that we would require a copy of that when you receive it. My goal is
837 completed files and that would be one of the issues. We are also required, if we're selling
838 vape cartridges or rolling papers, any items that fall under Maine's tobacco law, we need
839 a tobacco license, as well. I will get you a copy of that, as well.

840
841 Ms. Braun said that you are aware that you're going to have to enter into a stormwater
842 agreement with the Town of Eliot.

843
844 Mr. Chamberlain said yes.

845
846 Mr. Pepin agreed we are amenable to that.

847
848 Mr. Leathe asked if the second phase is the next thing you're going to do. Tell me how
849 you go from there.

850
851 Mr. Chamberlain said that Phase #3 is more the other applicant, Potions. They don't have
852 tenants at this point, to my knowledge, so that's kind of a future horizon thing. If they did
853 find the right tenants that had that mix of uses that we're proposing that worked then
854 they'd like to build that. I can see them finding a specific use and coming back before
855 you to give a more specific building and any changes that would be needed. We just
856 wanted to keep the approval for that Building #3 rather than abandon it. The crux of what
857 we're trying to do is get JAR a building to occupy.

858
859 Ms. Braun said that you're going to put this building in the rear of the property.

860
861 Mr. Chamberlain said yes, to meet a 500-foot setback from a Town-owned property
862 across the road. It's a vacant property, but nonetheless, owned by the Town.

863
864 Ms. Braun proposed having a site walk. How does everyone else feel about that.

865
866 The PB agreed.

867
868 Mr. Brubaker said that we could potentially get this applicant back on the agenda October
869 18th but it would be a busy meeting.

870

871 Ms. Braun asked if it was acceptable to everyone to do one long meeting to get this
872 accomplished.

873
874 Ms. Bennett said that I wanted to propose we do the site walk on the day of the meeting.
875 For scheduling purposes, for me it would be nice to do it right before the meeting.

876
877 Everyone agreed. The site walk is scheduled for 3:30 PM on October 18th.

878
879 Mr. Leathe had a couple questions. One is a question on the last phasing. You have
880 received approval for a third building but you don't have a plan at this time.

881
882 Mr. Chamberlain said that that's right.

883
884 Mr. Leathe asked if they are amenable to the road being upgraded to Town standards.

885
886 Mr. Chamberlain said that we are. We are in discussions with the owner and the other
887 users of that road to make sure that everyone is in agreement and that we have the right to
888 do it. Certainly, talking about paving it and making sure it meets private road standards.

889
890 Mr. Pepin said that he talked with Mr. Durbin about where the temperature lies with other
891 owners there and there is consensus from everybody to get that paved, at least a portion
892 of Maclellan, up and beyond the entrance to where we would operate and enter.

893
894 Ms. Bennett said that this was not in the staff report. But it is mentioned that we are
895 making investments in bringing utilities up Route 236 in the future. It isn't going to
896 coincide with the septic system you will be putting in but I just wanted to float the idea
897 that you might at least consider tying in to water when it comes up to Route 236. There
898 has been detection of PFAS in a number of wells along Route 236. You are creating a
899 consumable product. This is just my opinion, that as soon as you can get onto municipal
900 water.

901
902 Mr. Chamberlain said that I think that all us landowners would probably agree right along
903 Route 236. Especially sewer, maybe, for that third building, as it might need a little more
904 sewer.

905
906 Ms. Bennett said that I like that you're thinking in those terms, as far as the future
907 development of the property, keeping that in mind.

908
909 **ITEM 10 – OTHER BUSINESS/CORRESPONDENCE**

910
911 **A. Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town**
912 **Planner.**

913
914 **Town Planner Update:**

915

916 Mr. Brubaker said that our Climate Resilience Project Workshop is scheduled for
917 October 25th at 4:30 PM at Green Acres. You can register online. It's free. We are having
918 a Meet the Town Planner drop-in session at the Fogg Library the previous Saturday from
919 11:30 AM to 3 PM. Just in case anybody can't make the workshop, they can provide their
920 climate change input or input on the Comprehensive Plan.

921
922 Ms. Bennett asked if we are going to get some press on this so that a wider audience can
923 know this is happening.

924
925 Mr. Brubaker said that, so far, we've had it published in the Library's newsletter and,
926 then, it's going to go out on the Town website alerts.

927
928 There was discussion regarding writing a brief notice of this event to publish in the
929 Weekly Sentinel.

930
931 Mr. Brubaker said that I will be sending out availability request for the Comp Plan
932 Committee so we can schedule that later this month. Then, we have officially signed a
933 contract with SMPDC to be our consultant for that. We have also gotten the community
934 survey software that we'll be using. That will allow us to have a very good online survey
935 as well as some visual/mapping elements. What I'm planning to do, given our budget, is
936 not to send out a full printed copy to every household but rather going the postal service
937 direct mail route with a postcard, which will be sent to every household. We will have
938 provisions for full paper surveys available for those that don't want to do it online.

939
940 Ms. Bennett asked what the timeline is for the survey. Are committees going to help craft
941 the survey questions, then get consolidated and deployed.

942
943 Mr. Brubaker said yes; that we will have a draft survey ready for the first committee
944 meeting and the full committee will be able to provide input. We can also seek individual
945 comments from committee members in advance. Once the committee has reviewed it, we
946 plan to finalize it on our online application and then publish the link as well as sending
947 out those postcards. I would say early November for the release of the survey and keep it
948 open for the rest of the year. The application we're using will automatically tabulate the
949 results and create graphics and summaries. Committee assignments pretty much all got
950 appointed at the SB meeting. The Budget Committee and Capital Improvement
951 Committee didn't submit any nominations. We are still taking applications. I just want to
952 say that this is kind of a great all-star team of committee members. A lot of folks really
953 active in the community and I feel like we have a lot of expertise.

954
955 **Ordinance Subcommittee:**

956
957 Ms. Bennett discussed a memo she had written. Since the last time we discussed the
958 ordinance review, specifically LD2003, we had left it with the idea that Mr. Leathe and I
959 would get together with Mr. Brubaker, and start tackling some of what we thought were
960 the low-hanging fruit. Looking at some dimensional requirements and tackling the easy
961 stuff. Right after that meeting, I did submit some questions to the Department of

962 Economic and Community Development (DECD) relating to our code. I believe I
963 included them in my memo. I got no response and got no response and, frankly, got
964 frustrated that there was no response, and the time was ticking. We have only four more
965 opportunities to tackle what's really going to be pretty significant. In my mind, the
966 biggest pieces are these ancillary things, such as the Tiny Homes, which fills in onto
967 Affordable Housing as that is a form of affordable housing and think we should pick it up
968 while we're in this housing frame. Also, short-term rentals, which we identified a while
969 back and something we need to develop an ordinance for. I thought I'd do a calendar
970 mesh with Mr. Leathe and Mr. Brubaker to see when we all can get together to start
971 brainstorming this and divvying up the work. Within hours of sending that memo to you
972 guys, the State came out with interim guidance. I've started reading it and I am a little
973 frustrated with it. It talks about "Well, this is just guidance in case you want...", some
974 crazy vague word. "If you have any interest in making sure your code doesn't conflict
975 with State code", like we would be "That's optional?" Then it went on and listed five
976 different pieces of legislation that resulted from LD2003, some of which was supposed to
977 take place August 22nd of this year. I did take up a little time today to look up those laws.
978 They don't exist yet around short-term rentals. So, with the citations they put down, I
979 went on to the Maine Revised Statutes, annotated, and could not find these things. So,
980 we're going to go out on our own on this and see what happens. The State is lagging on
981 this. The Maine Municipal Association Legislative Policy Committee (MMALPC) spent
982 close to 2 of the 6 hours that we met talking about LD2003, with a wide range of
983 opinions about it. So, there's a whole subcommittee at that level. Short of repealing the
984 law, there's been proposals to say should it be applied to every single town in the State of
985 Maine or should there be a size category - a town of 'X' amount of population. This is
986 just informational. I also want to get your input on it on whether you think this is the right
987 course to take, to tackle the short-term rentals and tiny homes, now, and see if there is
988 any more substantive guidance. They did answer the question about Growth
989 Management, which was one of my questions regarding how we treat the ADUs vis-à-vis
990 our Growth Management permitting system. The other big question for me was whether
991 we will be required to allow affordable housing developments; a multi-unit that Mr.
992 Latter has had experience with, 60 to 100 units is about the threshold to actually get a
993 return from your investment on these things; whether we're going to be forced to allow
994 them in areas that don't have water and sewer. That seems dangerous to me and that was
995 one of my questions. Will we be required to site these on septic and wells and, if so, is
996 there any State guidance on that.

997
998 Mr. Latter said that it would seem that the engineering would work for that.
999

1000 Ms. Lemire said that she didn't think so and the cost would be prohibitive compared to
1001 Town water and sewer.

1002
1003 Ms. Bennett said that there was a time not so long ago where there were a lot of sort of
1004 mass congregate septic systems proposed. Here in Eliot, we've had them. Personally, I
1005 find them very problematic.

1006

1007 Ms. Braun said that I thought that the review we got from SMPDC was much more
1008 informative than the guidance we got from the State. We do have to prioritize, though,
1009 and stick with the LD2003, with the timeframe we have.
1010
1011 Ms. Bennett asked that we be cognizant of that fact that, hopefully, we can get something
1012 for discussion purposes by our first meeting in November.
1013
1014 Mr. Latter asked what our deadline is for a June ballot.
1015
1016 Ms. Bennett said that I think we have to have it through public hearing by March 28th.
1017
1018 Mr. Latter said that we have to be done by the first meeting in March.
1019
1020 Ms. Braun said yes.
1021
1022 It was agreed that it was an aggressive timeline.
1023
1024 Ms. Lemire said that, if you're really tight and you do get a lot of feedback at the second
1025 meeting, you can always hold a special meeting.
1026
1027 Ms. Braun said that I think we do need to have that information. And we do have to have
1028 an information meeting, most likely by the end of January, maybe February, to get all the
1029 feedback. If what this gentleman said tonight is any indication, we'd better get tiny
1030 homes and quantify the ADU section. I think that is going to be the biggest part for us,
1031 the ADU and the Tiny Home.
1032
1033 Ms. Bennett said that I'm recalling a comment that Mr. Brubaker made at one point that
1034 we can go back to these ordinances over time. If we can get something we feel is
1035 satisfactory that moves our goals regarding these, specifically like short-term rentals and
1036 tiny homes, we can meet whatever minimum we need to meet with LD2003. We can go
1037 back to these and refine them as we have with other ordinances.
1038
1039 Ms. Braun agreed. Something on the books is better than nothing and we can always go
1040 back and wordsmith whatever we need to do. I'd really like to see tiny homes and ADUs
1041 come to the forefront. I think that's going to be pretty popular for us. Moreso than
1042 multiple dwellings on a single lot, at this point.
1043
1044 Mr. Brubaker said to recall that setbacks for ADUs are covered in LD2003. The guidance
1045 was very generalized.
1046
1047 The PB agreed with the way forward.
1048
1049 Mr. Brubaker said that we are expecting our new Land Use Assistant to begin on October
1050 11th.
1051

1052 Mr. Leathe said that I've been thinking about something for a while, and it came up
1053 tonight. As a Board, do we have any say in architectural review on some of these
1054 projects. The reason I bring it up is, and I won't point specifically to a development on
1055 Route 236, that there is something that is going on out there that surprised me when I
1056 actually started to see it being built in terms of the size of it, the type of it, color of it, all
1057 kinds of things. It made me start to wonder. We go right up to the point of approving a
1058 project, and moving on. Is there any code or any opportunity to control what actually
1059 happens with the building, itself. It just seems to me that you should have some level of
1060 understanding of what is acceptable and what isn't to keep the whole Town looking a
1061 certain way. It has just started to really intrigue me when I see some of these things going
1062 up. It's not attractive. In talking with 'these' gentlemen tonight, three buildings on one
1063 lot. How are they going to fit together. How are they going to fit within that environment,
1064 within that area. I don't know. Do we just fall off a cliff on that. How does it work.

1065
1066 Mr. Brubaker said there are no specific design tools in your toolkit for Rural and
1067 Commercial/Industrial Districts besides the dimensional requirements. Those do,
1068 somewhat, affect how a building looks. Height limitations, lot coverage, and so forth. A
1069 not-often cited section in our performance standards is §45-414 Relation of buildings to
1070 the environment. That says: "In the village and suburban districts, the planning board may
1071 require new commercial construction to utilize exterior building materials which harmonize with
1072 surrounding properties, and to be designed so as not to be architecturally incompatible in terms
1073 of scale, height, window size and roof pitch."

1074
1075 Ms. Bennett said for just for that fine, little sub-species, there, for commercial in Village
1076 and Suburban.

1077
1078 Mr. Latter said that you envision an office with a stone and glass façade and then you get
1079 a metal building.

1080
1081 Mr. Leathe said that I don't know if it would help but, if buildings are presented to us in
1082 terms of height and location on the site and parking, that really doesn't tell me the visual
1083 impact it's going to be. Are we allowed to require sort of an extension of the application
1084 process where they would actually show us a rendering of what it's going to look like.

1085
1086 Mr. Brubaker said that that's now required. You'll notice that that came up with 7
1087 Maclellan. That was last June's ordinance amendment.

1088
1089 Ms. Braun said that Mr. Sudak brought us a rendering for the pods on Quail Lane.

1090
1091 Mr. Brubaker said that some applicants do voluntarily provide those.

1092
1093 Mr. Leathe said that they're not required to, necessarily, and we don't have any
1094 judgement call on whether we like that particular rendering. If I had seen that project the
1095 way it has come out, I would have said whoa, time out.

1096

1097 Mr. Brubaker said it is yes to the first part of your question. They are now required.
1098 There's two dimensional building elevations, including architectural details. To your
1099 second question, no. In C/I and Rural Districts can't really require any kind of an
1100 aesthetic features. You can certainly encourage or suggest that buildings look a certain
1101 way but the applicant would be able to push back to say it's not an explicit requirement.
1102

1103 Mr. Leathe asked if that is common in larger communities, like Portland. We had to do
1104 some projects over the years in Portsmouth and, because we were in the historic district,
1105 we've always had to go in front of ARB all the time. I learned some words I never knew
1106 existed when I was dealing with them. But you know, there's a purpose to what they do
1107 and I'm not sure we have that same level of thought here in terms of future development.
1108 It concerns me that we're going to be left with, at some point, an even uglier Route 236
1109 than we started with.
1110

1111 Mr. Brubaker said that those are the typically tools that other communities, particularly
1112 larger ones or ones with historic districts, use; an architectural review board, historic
1113 district review boards, specific design guidelines for buildings and building facades.
1114 Then, communities large and small also have form-based codes. One of the things that
1115 SMPDC did a few years ago, which I thought was great, is that they basically said that
1116 once we have water and sewer on Route 236, we can look at changing the zoning,
1117 including potentially creating some commercial village zoning. SMPDC actually
1118 recommended that that zoning district have design controls in it. But we can't really
1119 move forward, yet, until we get closer to having the water and sewer done on Route 236.
1120 But certainly, the PB can suggest the we introduce design controls and craft ordinance
1121 amendments around that.
1122

1123 Ms. Braun agreed.
1124

1125 Mr. Leathe said that it's a suggestion. So, they can say fine, thanks. No thank you.
1126

1127 Mr. Brubaker said that, if you say to them that they have to meet the height requirement
1128 in the district, they have to do that. If you say to them, can they have this color trim or
1129 that color wall, I think they would be able to say that they are not required to have that.
1130

1131 Ms. Braun said that we would have to write an ordinance to get them to do that.
1132

1133 Mr. Brubaker said that that is correct. It's an excellent point. In summary, on Route 236
1134 in the C/I District, you really don't have design controls.
1135

1136 Mr. Leathe said that anything we could do within our scope, I think we should try to do to
1137 the extent that we can. I've always thought that Route 236, even before I lived in Eliot,
1138 was kind of less than attractive and I'm not convinced that it's getting a whole lot better.
1139

1140 There was a brief discussion regarding anything in the 2009 Comp Plan around design
1141 controls would be good for the Comp Plan Update Committee to consider carrying

1142 forward so that, when we do establish design controls, it's consistent with our Comp
1143 Plan.

1144
1145 Mr. Leathe said that, at a minimum in the interim, can we suggest to these presenters that
1146 they show us a rendition of what the buildings are going to look like.

1147
1148 Mr. Brubaker said yes. To be perfectly honest, that section that I recommended that we
1149 add to the Site Plan Content requirements requiring elevation drawings, I saw as kind of
1150 planting a seed for future design controls. The first step is now we can require the
1151 applicant to at least show us what the building will look like for reference purposes. And
1152 to help us verify height compliance, etc.

1153
1154 Mr. Latter asked if that then gives us any enforcement if the building, even if it conforms
1155 with the dimensions. If it doesn't look like what they gave us, does that give us a leg to
1156 stand on to say that's not what they showed us.

1157
1158 Mr. Brubaker said yes. They have to do lot development consistent with their site plan.
1159 So, we have that great standard condition that says the site shall be developed in
1160 accordance with all representation of the applicant. That would give us the ability to give
1161 our CEO the ability to deem a development inconsistent with the site plan approval if
1162 they build a totally different building. We get that sometimes where an applicant says that
1163 they know their site plan says 'this' but can we add this kind of little niche or bump-out
1164 to the building. We can say no.

1165
1166 Mr. Leathe said that I think another thing it would do to help us, if they gave us a
1167 rendering, we could also look at the vegetation. We'd have a sense of, instead of little
1168 stars on the plot plan, we'd actually have a picture in our package that shows us what the
1169 building is going to look like, what the vegetation around it is going to look like.

1170
1171 Mr. Latter said that's where the dead, brown bushes go.

1172
1173 Mr. Brubaker said that that's an important point. You do have that tool in your toolbox.
1174 The vegetative buffer and, remember, the partial foundation plantings. That's for Route
1175 236 properties. So, that can be used to require an applicant to beautify through vegetative
1176 plantings.

1177
1178 Ms. Braun said that, sometimes, they only put the minimum they need to put, the smallest
1179 ones they can find, instead. So, we have to put a height requirement for the vegetation

1180

1181

1182 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

1183

1184 A site walk is scheduled for the afternoon of the 18th.

1185

1186

1187 The next regular Planning Board Meeting is scheduled for October 18, 2022 at 7PM.

1188
1189
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1205

ITEM 13 – ADJOURN

The meeting unanimously adjourned at 8:06 PM.

Christine Bennett, Secretary
Date approved: _____

Respectfully submitted,
Ellen Lemire, Recording Secretary



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: May 24, 2023 (report date)
 June 6, 2023 (meeting date)
 Re: PB23-06: 18 Cole St. (Map 1, Lot 143): Shoreland Zoning Permit Application – Seasonal Float Expansion – **Public Hearing**

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 and June 6 (scheduled), 2023
Found Complete by PB	May 16, 2023
Site Walk	None
Site Walk Notice Publication	N/A
Public Hearing	June 6, 2023 (scheduled)
Public Hearing Publication	May 26, 2023 (Weekly Sentinel)
✓ 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

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

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

Public hearing; take verbal/written public comments, if any, before deliberation and overall action on the application. See recommendation and motion templates below.

Status of other agency reviews

- MaineDEP NRPA permit – applied for 3/23/23, in review as of 5/16/23
 - Request for More Information – applicant submitted more information and supporting statements to DEP on the pile driving process, noting this at the PB's 5/16/23 review. At the end of the proposed float there would be a 12" green heart piling. The additional information is in this packet.
- US Army Corps of Engineers (ACOE) authorization/permit – accepted as complete as of 5/16/23

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*

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

44-35(c) para. #	Summary of paragraph	Evaluation of application
(2)	Developed on appropriate soils so as to control erosion	Met. 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	Appears to be met.
(4)	Minimize adverse effects on fisheries	No (or minimal) adverse effects are apparent. 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	Met. 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	Appears to be met.
(12)	25 ft. setbacks from riparian lines for neighboring properties (with lesser setback allowed with mutual agreement with neighbor)	Met. 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	N/A. 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.	Proposed to be met. 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

Approval with conditions – see motion templates below.

Motion templates

Approval with shoreland zoning findings and conditions (recommended)

Motion to approve the Shoreland Zoning Permit Application for PB23-06 for a Seasonal Float Expansion at 18 Cole St., with the following findings of fact (in addition to other applicable findings of fact to be included in the Notice of Decision):

1. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have been or will be met.
2. Based on the information presented by the applicant and in accordance with Sec. 44-44, the Planning Board finds that the proposed use:

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

- a. Will maintain safe and healthful conditions;
- b. Will not result in water pollution, erosion, or sedimentation to surface waters;
- c. Will adequately provide for the disposal of all wastewater;
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;
- g. Will avoid problems associated with floodplain development and use;
- h. Is in conformance with the provisions of section 44-35, land use standards.

The approval includes the following conditions:

1. [Standard conditions]
2. No later than 20 days after completion of the development, the applicant shall provide to the Code Enforcement Officer postconstruction photographs of the shoreline vegetation and developed site.
3. Prior to commencing construction, the applicant shall provide the Code Enforcement Officer with copies of Maine DEP and US Army Corps of Engineer permits and-or approvals for the project.
4. _____[other conditions, if any]

Denial

Motion to deny the Shoreland Zoning Permit Application for PB23-06, for the following reasons:

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

Continuance

Motion to continue PB23-06 to the June 27, 2023, meeting.

Section 33-131 continuance timelines

- 30 days after public hearing: July 6
- 75 days after May 16 completeness determination: July 30
- Timelines may be extended if applicant agrees

Section 44-44 continuance timelines

- 35 days after public hearing (waiting list of applications): July 11
- Timelines may be extended if applicant agrees

* * *

Respectfully submitted,
Jeff Brubaker, AICP
Town Planner



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Jessica Labbe, Applicant
 Shelly Bishop, Code Enforcement Officer
 Kim Tackett, Land Use Administrative Assistant
 Date: May 31, 2023 (report date)
 June 6, 2023 (meeting date)
 Re: PB23-5: 2077 State Road (Map 87/Lot 1): Site Plan Review – Day Nursery – **Public Hearing**

Application Details/Checklist	
✓ Address:	2077 State Rd.
✓ Map/Lot:	87/1
✓ Zoning:	Rural
✓ Shoreland Zoning:	None
✓ Owner Name:	Raitt Homestead Farm Museum
✓ Applicant/Agent Name:	Jessica Labbe, Village Nest Cooperative
✓ Application Received by Staff:	March 16, 2023
✓ Application Fee Paid and Date:	April 13, 2023
Application Sent to Staff Reviewers:	Not yet sent
✓ Application Heard by PB	April 18, May 16, and June 6 (scheduled), 2023
✓ Found Complete by PB	May 16, 2023
✓ Site Walk	May 13, 2023
✓ Site Walk Notice Publication	May 4, 2023 (Weekly Sentinel)
✓ Public Hearing	June 6, 2023 (scheduled)
✓ Public Hearing Publication	May 26, 2023 (Weekly Sentinel)
✓ Reason for PB Review:	Day Nursery (SPR use)

Overview

This is the public hearing for the application for an outdoor day nursery at 2077 State Road on the Raitt Farm. For more details, refer to the SMPDC staff report prepared for the April 18, 2023, meeting. The PB is also familiar with the proposal from the April 18 and May 16 reviews and May 13 site walk.

At the May 16 meeting, the PB heard from the applicant and abutters, who had some questions and concerns with the application that the applicant responded to. In summary, topics covered by public comments included clarifying the boundaries of the day care operation, liability if children were to go onto a neighbor's property, and portable bathrooms and waste disposal. A few comments were also supportive of the application.

Motion templates

Approval with conditions

Motion to approve PB23-5, a Site Plan Review Application and Change of Use to allow the operation of an outdoor day nursery at 2077 State Road, with the following conditions:

1. [Standard conditions]
2. _____ [other conditions, if any]

Denial

Motion to deny the Site Plan Review Application for PB23-5, for the following reasons:

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

Continuance

Motion to continue PB23-5 to the June 27, 2023, meeting.

Section 33-131 continuance timelines

- 30 days after public hearing: July 6
- 75 days after May 16 completeness determination: July 30
- Timelines may be extended if applicant agrees

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903



PUBLIC HEARING NOTICE

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

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

- **2077 State Road (Map 87/Lot 1), PID # 087-001-000, PB23-05: Site Plan Review/Amendment – Day Nursery**
 - **Applicant: Jessica Labbe**
 - **Property Owner: Raitt Homestead Farm Museum**

- **18 Cole Street (Map 1/Lot 143), PID # 001-143-000, PB 23-06: Shoreland Zoning Permit Application – Seasonal Float Expansion**
 - **Applicant: Kenneth & Jacqueline Scarpetti**
 - **Property Owner: Kenneth & Jacqueline Scarpetti**

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



500 feet Abutters List Report

Eliot, ME
May 30, 2023

Subject Property:

Parcel Number: 001-143-000
CAMA Number: 001-143-000
Property Address: 18 COLE ST

Mailing Address: 18 COLE STREET LLC
16 SAGAMORE ST
MANCHESTER, NH 03104

Abutters:

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

Mailing Address:

Parcel Number: 001-127-000
CAMA Number: 001-127-000
Property Address: 104 PLEASANT ST

Mailing Address: AUGER, VICTORIA E
104 PLEASANT ST
ELIOT, ME 03903

Parcel Number: 001-137-000
CAMA Number: 001-137-000
Property Address: 10 SEA BREEZE LN

Mailing Address: NELSON, GEORGE M II TRUST GEORGE
M/SHARON F NELSON TRUSTEES
10 SEA BREEZE LN
ELIOT, ME 03903

Parcel Number: 001-138-000
CAMA Number: 001-138-000
Property Address: 267 MAIN ST

Mailing Address: SOUCY, ALEO JOHN SOUCY, JUDITH L
267 MAIN ST
ELIOT, ME 03903

Parcel Number: 001-139-000
CAMA Number: 001-139-000
Property Address: MAIN ST

Mailing Address: SOUCY, ALEO JOHN SOUCY, JUDITH L
267 MAIN ST
ELIOT, ME 03903

Parcel Number: 001-140-000
CAMA Number: 001-140-000
Property Address: 5 WOODBINE AVE

Mailing Address: BECKER, GERALD F BECKER, BRENDA
5 WOODBINE AVE
ELIOT, ME 03903

Parcel Number: 001-141-000
CAMA Number: 001-141-000
Property Address: 7 COLE ST

Mailing Address: CODAIR, JAMES J JR CODAIR, JANET
7 COLE ST
ELIOT, ME 03903

Parcel Number: 001-142-000
CAMA Number: 001-142-000
Property Address: 11 COLE ST

Mailing Address: DONEGAN, ANN MARIE REVOCABLE
TRUST ANN MARIE DONEGAN
TRUSTEE
110 BREWERY LN STE 502
PORTSMOUTH, NH 03801

Parcel Number: 001-144-000
CAMA Number: 001-144-000
Property Address: 14 COLE ST

Mailing Address: RICHARDSON, PATRICK B
81 PUNKINTOWN RD
ELIOT, ME 03903

Parcel Number: 001-145-000
CAMA Number: 001-145-000
Property Address: 7 WOODBINE AVE

Mailing Address: BUNCE, MAUREEN T
PO BOX 521
PORTSMOUTH, NH 03802-0521



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500 feet Abutters List Report

Eliot, ME
May 30, 2023

Parcel Number: 001-146-000
CAMA Number: 001-146-000
Property Address: WOODBINE AVE

Mailing Address: GAGNON, JOHN R
12 WOODBINE AVE
ELIOT, ME 03903

Parcel Number: 001-147-000
CAMA Number: 001-147-000
Property Address: 11 WOODBINE AVE

Mailing Address: CONTELLA, VICK P CONTELLA,
BARBARA M
11 WOODBINE AVE
ELIOT, ME 03903

Parcel Number: 001-148-000
CAMA Number: 001-148-000
Property Address: 13 WOODBINE AVE

Mailing Address: PARADIS, PAUL H & JUDITH M
MORGRIDGE, JOHN P REVOCABLE
TRUST
13 WOODBINE AVE
ELIOT, ME 03903

Parcel Number: 001-149-000
CAMA Number: 001-149-000
Property Address: 15 WOODBINE AVE

Mailing Address: CUMMINGS, SKYE
15 WOODBINE AVE
ELIOT, ME 03903

Parcel Number: 001-150-000
CAMA Number: 001-150-000
Property Address: 12 WOODBINE AVE

Mailing Address: GAGNON, JOHN R
12 WOODBINE AVE
ELIOT, ME 03903

Parcel Number: 001-151-000
CAMA Number: 001-151-000
Property Address: 8 WOODBINE AVE

Mailing Address: LECOMPTE, CHARLES
53 GREENOUNG ST
BROOKLINE, MA 02445

Parcel Number: 001-152-000
CAMA Number: 001-152-000
Property Address: 4 WOODBINE AVE

Mailing Address: PELKEY, JULIA H
4 WOODBINE AVE
ELIOT, ME 03903

Parcel Number: 001-153-000
CAMA Number: 001-153-000
Property Address: 2 WOODBINE AVE

Mailing Address: D'ALFONSO, GIUSEPPE D'ALFONSO,
HEATHER M
2 WOODBINE AVE
ELIOT, ME 03903

Parcel Number: 001-155-000
CAMA Number: 001-155-000
Property Address: 3 KINGS HIGHWAY SOUTH

Mailing Address: ASMUND, JONATHAN C ASMUND,
PATRICIA M
3 KINGS HIGHWAY SOUTH
ELIOT, ME 03903

Parcel Number: 001-156-000
CAMA Number: 001-156-000
Property Address: 5 KINGS HIGHWAY SOUTH

Mailing Address: SPINNEY, NORMA J
8 HICKORY LANE
ELIOT, ME 03903

Parcel Number: 001-157-000
CAMA Number: 001-157-000
Property Address: 7 KINGS HIGHWAY SOUTH

Mailing Address: MASTRANGELO, FRANCESCA
7 KINGS HIGHWAY SOUTH
ELIOT, ME 03903

Parcel Number: 001-158-000
CAMA Number: 001-158-000
Property Address: 9 KINGS HIGHWAY SOUTH

Mailing Address: HOOPER, ROBERT JR HOOPER,
BEVERLY
9 KINGS HIGHWAY SOUTH
ELIOT, ME 03903



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500 feet Abutters List Report

Eliot, ME
May 30, 2023

Parcel Number: 001-159-000 CAMA Number: 001-159-000 Property Address: 11 KINGS HIGHWAY SOUTH	Mailing Address: BUTLER, SARAH K REVOCABLE TRUST SARAH K BUTLER TRUSTEE 11 KINGS HIGHWAY SOUTH ELIOT, ME 03903
Parcel Number: 001-160-000 CAMA Number: 001-160-000 Property Address: 13 KINGS HIGHWAY SOUTH	Mailing Address: HOWELL, LORI HOWELL, THOMAS 13 KINGS HIGHWAY SOUTH ELIOT, ME 03903
Parcel Number: 001-167-000 CAMA Number: 001-167-000 Property Address: 2 KINGS HIGHWAY SOUTH	Mailing Address: KIDD, BARRE N FLECKENSTEIN, DANEE A 2 KINGS HIGHWAY SOUTH ELIOT, ME 03903
Parcel Number: 002-001-000 CAMA Number: 002-001-000 Property Address: 225 MAIN ST	Mailing Address: GREAT COVE BOAT CLUB PO BOX 272 ELIOT, ME 03903
Parcel Number: 002-003-000 CAMA Number: 002-003-000 Property Address: 7 SEA BREEZE LN	Mailing Address: GREAT COVE BOAT CLUB PO BOX 272 ELIOT, ME 03903
Parcel Number: 002-004-000 CAMA Number: 002-004-000 Property Address: 256 MAIN ST	Mailing Address: DJAFARIAN, MOHAMMAD H K 256 MAIN ST ELIOT, ME 03903
Parcel Number: 002-005-000 CAMA Number: 002-005-000 Property Address: 252 MAIN ST	Mailing Address: BOCCIA, M A & LUONG, V H T LIVING TRUST M A BOCCIA & V H T LUONG TRUSTEES 16926 VISTA BRIAR DRIVE SAN ANTONIO, TX 78247



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500 feet Abutters List Report

Eliot, ME
May 30, 2023

Subject Property:

Parcel Number: 087-001-000
CAMA Number: 087-001-000
Property Address: 2077 STATE RD

Mailing Address: RAITT HOMESTEAD FARM MUSEUM
140 WORSTER RD
ELIOT, ME 03903

Abutters:

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

Mailing Address:

Parcel Number: 078-076-001
CAMA Number: 078-076-001
Property Address: 9 STACY LN

Mailing Address: ALBERT, KENNETH S ALBERT, SUSAN
9 STACY LN
ELIOT, ME 03903

Parcel Number: 079-008-000
CAMA Number: 079-008-000
Property Address: 2039 STATE RD

Mailing Address: KENTER, ANDREA WARREN
2039 STATE RD
ELIOT, ME 03903

Parcel Number: 079-008-001
CAMA Number: 079-008-001
Property Address: 29 WORSTER RD

Mailing Address: WHITESELL, A DAVIS WHITESELL,
HEATHER H
29 WORSTER RD
ELIOT, ME 03903

Parcel Number: 079-009-000
CAMA Number: 079-009-000
Property Address: 9 WORSTER RD

Mailing Address: LIZOTTE, LORI L LIZOTTE, DENIS A
9 WORSTER RD
ELIOT, ME 03903

Parcel Number: 079-010-000
CAMA Number: 079-010-000
Property Address: 31 WORSTER RD

Mailing Address: BRENNNA, ROBERT N BRENNNA, RUTH
31 WORSTER RD
ELIOT, ME 03903

Parcel Number: 079-011-000
CAMA Number: 079-011-000
Property Address: 2054 STATE RD

Mailing Address: DUNHAM, THOMAS E
2054 STATE RD
ELIOT, ME 03903

Parcel Number: 079-012-000
CAMA Number: 079-012-000
Property Address: 2046 STATE RD

Mailing Address: HICKORY HILL PROPERTY
MANAGEMENT, LLC
7 LINSKOTT ROAD NORTH
YORK, ME 03909

Parcel Number: 079-013-000
CAMA Number: 079-013-000
Property Address: 2040 STATE RD

Mailing Address: WOLSTENHULME, CYNTHIA M
2040 STATE RD
ELIOT, ME 03903

Parcel Number: 079-026-000
CAMA Number: 079-026-000
Property Address: 811 HAROLD L DOW HWY

Mailing Address: DOW HIGHWAY PROPERTIES LLC
385 6TH ST
DOVER, NH 03820



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500 feet Abutters List Report

Eliot, ME
May 30, 2023

Parcel Number: 079-026-051
CAMA Number: 079-026-051
Property Address: 51 MARSHWOOD DR

Mailing Address: JUTRAS, ROGER JUTRAS, DENISE
51 MARSHWOOD DR
ELIOT, ME 03903

Parcel Number: 079-026-067
CAMA Number: 079-026-067
Property Address: 50 MARSHWOOD DR

Mailing Address: HUBBARD, DAVID HUBBARD, CYNTHIA
50 MARSHWOOD DR
ELIOT, ME 03903

Parcel Number: 079-026-068
CAMA Number: 079-026-068
Property Address: 52 MARSHWOOD DR

Mailing Address: RICKER, ROLAND
52 MARSHWOOD DR
ELIOT, ME 03903

Parcel Number: 079-026-069
CAMA Number: 079-026-069
Property Address: 56 MARSHWOOD DR

Mailing Address: YOUNG FAMILY REVOCABLE TRUST
DAVID C & LYNNE M YOUNG TRUSTEES
56 MARSHWOOD DR
ELIOT, ME 03903

Parcel Number: 079-026-070
CAMA Number: 079-026-070
Property Address: 58 MARSHWOOD DR

Mailing Address: GAMBETTA, JEANNINE M
58 MARSHWOOD DR
ELIOT, ME 03903

Parcel Number: 079-026-071
CAMA Number: 079-026-071
Property Address: 61 IMPERIAL DR

Mailing Address: DARRINGTON, JONATHAN
DARRINGTON, EDWARD
61 IMPERIAL DRIVE
ELIOT, ME 03903

Parcel Number: 079-026-072
CAMA Number: 079-026-072
Property Address: 59 IMPERIAL DR

Mailing Address: DIMON, CHARLES L
59 IMPERIAL DR
ELIOT, ME 03903

Parcel Number: 079-026-073
CAMA Number: 079-026-073
Property Address: 55 IMPERIAL DR

Mailing Address: SHAW, ERIN
55 IMPERIAL DR
ELIOT, ME 03903

Parcel Number: 079-026-074
CAMA Number: 079-026-074
Property Address: 53 IMPERIAL DR

Mailing Address: BUNKER, ROBERT D
53 IMPERIAL DR
ELIOT, ME 03903

Parcel Number: 079-026-075
CAMA Number: 079-026-075
Property Address: 51 IMPERIAL DR

Mailing Address: FINCH, DARREN M
51 IMPERIAL DR
ELIOT, ME 03903

Parcel Number: 086-040-000
CAMA Number: 086-040-000
Property Address: 86 WORSTER RD

Mailing Address: ROMOSER, VALERIE MANCHESTER,
JOHN I
86 WORSTER RD
ELIOT, ME 03903

Parcel Number: 086-041-000
CAMA Number: 086-041-000
Property Address: 54 WORSTER RD

Mailing Address: MOSS, ALFRED T MOSS, MARY E
54 WORSTER RD
ELIOT, ME 03903



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500 feet Abutters List Report

Eliot, ME
May 30, 2023

Parcel Number: 087-001-001
CAMA Number: 087-001-001
Property Address: 140 WORSTER RD

Mailing Address: RAITT, THOMAS R RAITT, LISA A
140 WORSTER RD
ELIOT, ME 03903

Parcel Number: 087-002-000
CAMA Number: 087-002-000
Property Address: 2134 STATE RD

Mailing Address: HOLMAN, PAUL J HOLMAN, WENDI C
2134 STATE RD
ELIOT, ME 03903

Parcel Number: 087-002-001
CAMA Number: 087-002-001
Property Address: 2126 STATE RD

Mailing Address: LEARY, ADAM M
2126 STATE RD
ELIOT, ME 03903

Parcel Number: 087-003-000
CAMA Number: 087-003-000
Property Address: 2112 STATE RD

Mailing Address: LAVALLEY, MICHAEL LAVALLEY,
HEATHER L
2112 STATE RD
ELIOT, ME 03903

Parcel Number: 087-005-000
CAMA Number: 087-005-000
Property Address: 2102 STATE RD

Mailing Address: SALVATORE, GARY R SALVATORE,
ELLEN M
2102 STATE RD
ELIOT, ME 03903

Parcel Number: 087-006-000
CAMA Number: 087-006-000
Property Address: 2098 STATE RD

Mailing Address: BARBEE, MICHAEL KLOSS, CLAUDIA
1885 DOUBLE TREE DR
PIEDMONT, SD 57769-5050

Parcel Number: 087-007-000
CAMA Number: 087-007-000
Property Address: 2088 STATE RD

Mailing Address: TROMBETTO, LAURIE
2088 STATE RD
ELIOT, ME 03903

Parcel Number: 087-008-000
CAMA Number: 087-008-000
Property Address: 2084 STATE RD

Mailing Address: TUTTLE, WILLIAM H
2084 STATE RD
ELIOT, ME 03903

Parcel Number: 087-009-000
CAMA Number: 087-009-000
Property Address: 2078 STATE RD

Mailing Address: HICHENS, JARED C SR
513 COREA RD
COREA, ME 04624

Parcel Number: 087-012-000
CAMA Number: 087-012-000
Property Address: 861 HAROLD L DOW HWY

Mailing Address: LEVESQUE, MARK
861 HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 087-013-000
CAMA Number: 087-013-000
Property Address: 873 HAROLD L DOW HWY

Mailing Address: MACKIE, DOUGLAS R
PO BOX 196
ELIOT, ME 03903

Parcel Number: 087-014-000
CAMA Number: 087-014-000
Property Address: 887 HAROLD L DOW HWY

Mailing Address: WELCH, JEANETTE C
887 HAROLD L DOW HWY
ELIOT, ME 03903



www.cai-tech.com

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500 feet Abutters List Report

Eliot, ME
May 30, 2023

Parcel Number: 087-016-000 CAMA Number: 087-016-000 Property Address: 897 GOODWIN RD	Mailing Address: SCHULTZE, FREDERICK SCHULTZE, ANTOINETTE 897 GOODWIN RD ELIOT, ME 03903
Parcel Number: 087-017-000 CAMA Number: 087-017-000 Property Address: 26 WORSTER RD	Mailing Address: STELLING, CRAIG W STELLING, LYNN T 26 WORSTER RD ELIOT, ME 03903
Parcel Number: 087-018-000 CAMA Number: 087-018-000 Property Address: 44 WORSTER RD	Mailing Address: BLANEY, PARKER REPKO, SUSAN 44 WORSTER RD ELIOT, ME 03903
Parcel Number: 094-001-000 CAMA Number: 094-001-000 Property Address: 2135 STATE RD	Mailing Address: RAITT, ADAM T 2135 STATE RD ELIOT, ME 03903
Parcel Number: 094-002-000 CAMA Number: 094-002-000 Property Address: HAROLD L DOW HWY	Mailing Address: FOSTER LIVING TRUST DEIRDRE L FOSTER TRUSTEE DODGE, JULIANA 134 SUMMER ST KENNEBUNK, ME 04043
Parcel Number: 094-020-000 CAMA Number: 094-020-000 Property Address: 912 GOODWIN RD	Mailing Address: ELIOT BAPTIST CHURCH 912 HAROLD L DOW HWY ELIOT, ME 03903
Parcel Number: 094-024-000 CAMA Number: 094-024-000 Property Address: 196 WORSTER RD	Mailing Address: FIGUEROA, JUAN J 196 WORSTER RD ELIOT, ME 03903
Parcel Number: 094-030-000 CAMA Number: 094-030-000 Property Address: WORSTER RD	Mailing Address: RAITT, RICHARD L RAITT, DENISE 162 WITCHTROT RD SOUTH BERWICK, ME 03903
Parcel Number: 094-032-000 CAMA Number: 094-032-000 Property Address: 148 WORSTER RD	Mailing Address: LYTTLE, PHILIP N., JR FLETCHER, GRETCHEN L 148 WORSTER RD ELIOT, ME 03903
Parcel Number: 094-034-000 CAMA Number: 094-034-000 Property Address: 2131 STATE RD	Mailing Address: RAITT ALBERT W RAITT CAROLINE A 196 WORSTER RD ELIOT, ME 03903
Parcel Number: 094-038-000 CAMA Number: 094-038-000 Property Address: 154 WORSTER RD	Mailing Address: RAITT, LEON J HORVATH-RAITT, ANNE L 154 WORSTER RD ELIOT, ME 03903



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~ Classifieds & Sports ~



Rip Tides Prevail at The Links at Outlook

BERWICK -

Eighteen two-man teams competed in a Six-Point Nassau match on a cold and windy day at The Links at Outlook. Ed McDonough and Steve Williams led the Rip Tides to a first place in the tournament. The pair earned 5.75 out of a possible 6 points in the modified Four Ball Nassau format. Collectively, the Tides earned 67.5% of their possible points and easily beat the other three teams. The overall performance of the ten Rip Tide

golfers helped the team jump to second place in the current Seacoast Cup standings. Trade Winds finished in second place with 54.2%, followed by third place Nautical Charts (43.3%) and fourth place Ocean Currents (32.3%). The pair of Jeff Goodman and Tony Sallise, Sr. from the Nautical Charts grabbed all of their available six points from an Ocean Currents golfer who was forced to "fly solo" on the backnine due to a weather-related withdrawal. The Trade Winds

pair of Peter Kuchinsky and Dan Garvey earned 5.5 points and helped their team hold on to first place in the team standings.

Despite wind chill temperatures in the low 30s due to a sustained 25 mile-per-hour wind, Dan Soule, Jr., played from the 6,004 yard Blue tees and posted

an impressive gross score of 79. Soule, Jr. finished in first place in the Premium Quota game (-1) followed by Paul Haseltine and Steve Williams who tied for second, one point back. Goodman led all golfers playing from the 5,492 yard White tees with a gross score of 85. He also finished in first place in the Premium Plus "Tough 9" game with a net score

of 3 under par on the 9 most challenging holes at Outlook. Second place Brian McNulty (-1) was the only other golfer to finish in the red on those demanding holes.

The next Seacoast Golf event is at The Oaks in Somersworth, NH, on Wednesday, May 31. The format will be Individual Stableford, Birdies, and Easy 9.

CNCC Men's Twilight League

CAPE NEDDICK -

The Cape Neddick Country Club (CNCC) Men's Twilight League kicked off their 2023 season with 22 four ball matches over seven flights. The top net scores in each flight were as follows: Joe Colwell Flight (-3) - Tie Justin Pollard and Nick Saulnier, and Pete Kuchinsky and Sam Morse; Armand Davy Flight (-1) - Tie

Greg Telge and Tyler Crowder, and Bob Kaufman and Dave DiBona; Rocky Galante Flight (-5) - Tie Jory Fieder and Tom Small, Michael Gauthier and David Yarian, and Jay Liposky and Ben Murphy; Marty Levine Flight (-6) - Chris Brown and Steve Williams; Tom McNeelce Flight (-5) - Jay Langill and Bob Stephenson; Robert Boston Flight (-3) - Bob Bragg and Jerry

McCaffery; and Al Spohrer Flight (-2) - Gene McSweeney and Bill Sawyer.

Super Team 9 (Greg Telge, Tyler Crowder, Jory Fieder, Tom Small, Ed McDonough, Dave Fogel, Mike Lynch, and Keith O'Connot) tallied 19.5 points and leads second place Super Team 1 (Ray Pike, Tom Caray, Chris Brown, Steve Williams, Bryan Larson, Chuck Rockwood, Gene McSweeney, and Bill Sawyer) by one-half point.

LEGAL & PUBLIC NOTICES

Town of Elliot PUBLIC HEARING NOTICE

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

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

2077 State Road (Map 87 / Lot 1), PID # 087-001-000, PB23-05: Site Plan Review/Amendment - Day Nursery. Applicant: Jessica Labbe. Property Owner: Raitt Homestead Farm Museum.

18 Cole Street (Map 1 / Lot 143), PID # 003-143-000, PB 23-06: Shoreland Zoning Permit Application - Seasonal Float Expansion. Applicant: Kenneth & Jacqueline Scarpetti. Property Owner: Kenneth & Jacqueline Scarpetti.

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

1st Annual Pickleball Classic

KENNEBUNKPORT -

Registration is now ongoing for the Kennebunkport Heritage Housing Trust's (KHHT) 1st Annual Pickleball Classic! The event will take place on Saturday, June 24 and Sunday, June 25 in Kennebunkport. Interested parties can register online now for men's, mixed doubles, and women's tournaments. Registration is open through Wednesday, May 31. Participating teams can

look forward to having a great day of Pickleball! Come spend a weekend in the beautiful town of Kennebunkport, play some great Pickleball matches, and know that sponsor donations and team registration fees are helping to bring affordable homes to working families and seniors in the area.

KHHT sends a heartfelt "Thank you!" to Bangor Savings Bank, and Kennebunk Outfitters for their Colonial

level sponsorships. Additional thanks go to Julie Grady / Kennebunkport Real Estate Broker, The Leach Team, Julie Barros, Realtor, and Cole Harrison Insurance for their Cape level sponsorships. And finally, a "Thank you" goes out to Hodsdon and Ayer and BEMER Group USA for their Cottage level sponsorship. The generous support of area sponsors helped make this tournament possible!

For more information and to sign up, visit <https://bit.ly/KHHTPickleball>.

~ Puzzles ~

CLUES ACROSS

1. Wear away by friction
7. Insecticide
10. Elicited a secret vote
12. Beef
13. Disagreement
14. ___ Crawford, supermodel
15. Jeweled headdress
16. Digits
17. Trillion hertz
18. Snap up

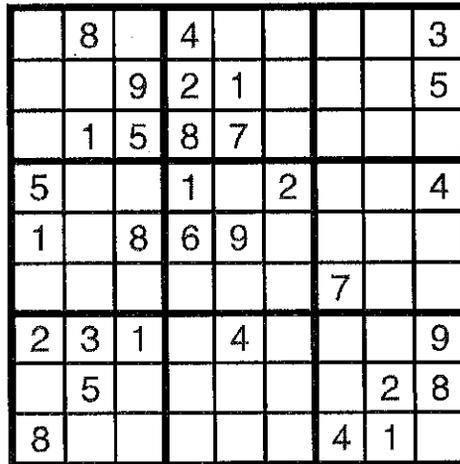
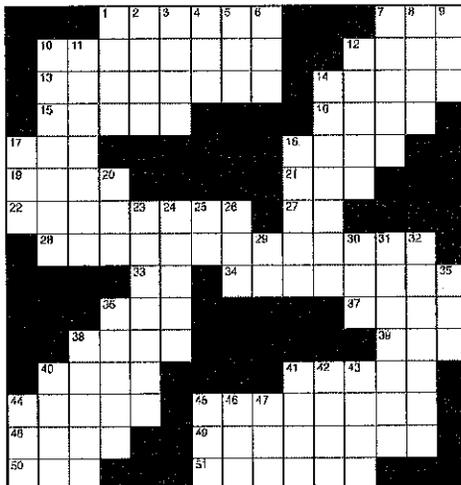
19. Classical portico
21. Residue after burning
22. Large integers
27. Free agent
28. Where ballplayers work
33. Blood type
34. Scottish city
36. Google certification (abbr.)
37. Serbian monetary unit
38. Make a sudden surprise attack on

39. Wood or metal bolt
40. Relaxing attire
41. Famed neurologist
44. Dullish brown fabrics
45. Member of ancient Jewish sect
48. Griffith, Rooney
49. Lawmakers
50. Government lawyers
51. The arch of the foot

CLUES DOWN

1. Nonflowering aquatic plant
2. Britpop rockers
3. National capital
4. Consumed
5. The habitat of wild animals
6. Sun up in New York
7. Cygnus star
8. Male parents
9. Talk to you (abbr.)
10. A place to clean oneself

11. Southwestern US state
12. South Korean idol singer
14. Pirate
17. Pituitary hormone (abbr.)
18. Mistake
20. Promotions
23. Prepares
24. Partner to flowed
25. State lawyer
26. Patti Hearst's captors
29. Pound
30. Electronic data processing
31. Sports player
32. Treats with contempt
35. Apprehend
36. Excessively talkative
38. Highways
40. Ribosomal ribonucleic acid
41. College organization for males
42. Any customary observance or practice
43. Employee stock ownership plan
44. Male parent
45. The 23rd letter of the Greek alphabet
46. Female bird
47. Autonomic nervous system



ANSWERS TO THIS WEEK'S PUZZLES ARE ON PAGE 9

Level: Beginner

5/21/23 LD 2003 Ordinance Change Outline:

- Density overall (Section 4364-A):
 - Additional dwellings on lots not capable of being legally divided [OPTIONAL per DECD communication 5/24/23]
 - Condo Lot:
 - Shared utilities:
 - Roads
 - Septic
 - Wells
 - Considerations:
 - Building separation
 - ? Parking
 - ADU vs SFR [need to create guidance section]
 - ADU 1 attached + 1 within
 - ADU 1 attached + 1 detached
 - SFR 1 attached or 1 detached (? Duplex)
- Affordable Housing Developments (Section 4364):
 - Density Bonus = 8/building --→ 20/building
 - Parking = 2 spaces per 3 units
 - Road width to accommodate parking on shoulder [Uncertain that we can do this]
 - Designated no parking areas to accommodate emergency access [Allowable]
 - Safety:
 - Fire suppression [need to consult with CEO and NFPA standards]
 - Onsite water storage (can this be part of Stormwater management?)
 - Waste storage
 - Septic (Engineered Systems)
 - 3rd party technical review
 - Management agreement
 - 3rd party agreement and enforcement (tbd....no guidance about this yet)
 - “atleast 50%”..... Go to 100%? [can require all units to be affordable per DECD communication 5/24/23]
 - Architectural style (can be delineated)
 - Landscaping
 - Additional features eg. Common space/open space