

**SELECT BOARD MEETING**  
**November 15, 2021 5:30PM**  
**Town Hall/Hybrid**

**Quorum noted**

**5:30 PM:** Meeting called to order by Chairperson Orestis.

**A. Roll Call:** Mr. Orestis, Mr. Donhauser, Mr. McPherson, Mr. Widi, and Ms. Dow.

**B. Public Hearing Arcanna: Tier 3 Marijuana Manufacturing License Renewal**

**5:31 PM Public Hearing Opened**

Mr. (Dana) Brearley (applicant) said that he was here to answer any questions.

There were no public comments or questions.

**5:32 PM Public Hearing closed**

**Mr. Donhauser moved, second by Ms. Dow, that the Select Board approve the renewal license application for a Marijuana Manufacturing Facility and Marijuana Cultivation Facility, Tier III License, for Arcanna, LLC located at 291 Harold L. Dow Highway, Eliot, ME 03903 (Map 37/Lot 2).**

DISCUSSION

Ms. Dow asked if this was different from the previous application from last year.

Mr. Brearley said that the only thing different from last year was the lab report; that it was under construction at the last approval but that first little part of the building and we now have the State approval, so that has been resolved.

DISCUSSION ENDED

**Roll Call Vote:**

**Mr. Orestis – Yes**

**Mr. Donhauser – Yes**

**Mr. McPherson - Yes**

**Mr. Widi – Yes**

**Ms. Dow - Yes**

**Unanimous vote to approve motion.**

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**C. Public Comment:**

**5:34 PM** Attorney Leah Rachin introduced herself, saying that I'm unfamiliar with the process but wonder if now was the time to address an issue that's on your agenda or if you allow comment as your agenda progresses. This is regarding the moratorium. I'm hoping you received the letter I sent out. (It was received.) I'm fully aware that this is not a public hearing and I'm not here to yammer on about it. I just essentially wanted to say, before you do perhaps direct the drafting of a moratorium or put it to a public hearing, the reason I wanted to address it before is because of all the reasons I stated in my letter. We don't believe that a moratorium is actually a legal thing to put forward because there's no necessity. I'm happy to talk about that a little more if you would entertain it, if I should wait until the agenda item comes up. I just put it in your hands.

Mr. Orestis said that that is the next item coming up. So, I will turn it over to the Planner and invite you up to speak in a few minutes.

**D. Approval of Minutes of Previous Meeting(s)**

There were no minutes tonight.

**E. Department Head/Committee Reports**

**5:35 PM 1) Planning Director Report(s)**

Mr. Brubaker said that, on October 14<sup>th</sup>, you heard about the potential for a moratorium on distributed commercial energy facilities or, more specifically, commercial solar energy facilities. He explained the two instances under State law in which a moratorium can be placed. The moratorium would initially be active for 180 days and adopted by the voters of the Town; that the SB can then extend it another 180 days, if warranted. There is an example of a moratorium on commercial solar arrays that South Berwick has. This issue has come up in relation to a project that is currently under review by the PB. We recommend having the next step be myself and the PB work to actually develop land use regulations to govern commercial solar arrays. And try to have that ready for the June ballot. Then, if there is a need to discuss a moratorium, we can, but that would be my recommendation.

Ms. Dow said that I saw that South Berwick had multiple requests for solar arrays and that was the reason they enacted the moratorium for themselves. What is the state of Eliot requests.

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**5:37 PM** Mr. Brubaker said that we have had only one PB application for a larger solar array. We have had other inquiries from groups and individuals but none of those have actually gotten to the point of a formal PB application.

Ms. Dow asked if you agree with the packet that stated that there are only six properties that were able to be built upon.

Mr. Brubaker said that I'm not able to say that that's accurate, as far as I know.

Mr. Donhauser asked if Mr. Brubaker had read the Drummond Woodsum letter sent in to the SB.

Mr. Brubaker said yes.

Mr. Donhauser asked what his thought was about that letter.

**5:38 PM** Mr. Brubaker said that I think the main thing I would react to is, if a moratorium is considered, that it not be retroactive to pending applications. I and the staff agree with that. Mr. Sullivan and I talked about it. If the SB were to entertain putting a moratorium on a future ballot, we would recommend that it only be proactive and not retroactive.

Mr. Donhauser said that this application is on Odiorne Lane and, as I recall about 50 or 60 acres.

Mr. Brubaker said yes and the property is between 65 and 70 acres.

Mr. Donhauser said that it's only affecting 8 or 9 acres.

Mr. Brubaker said that sound close.

Mr. Donhauser said that I found the attorney letter from Drummond Woodsum and our Town attorney actually agrees with it, does he not.

Mr. Sullivan said that we have had a meeting with the Town attorneys and they had advised us that to try to attempt to have this be retroactive would be very difficult and, perhaps, very costly. They advised that we follow Mr. Brubaker's suggestion to have the PB look at land use ordinances and, then, at such a time they can bring it back to have you consider on whether you want to go forward with a moratorium. They were pretty much in agreement that we should take our time, do this right, and do the proper steps.

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Mr. Donhauser said that I read with interest the Drummond Woodman letter. I think the key element is something called ‘necessity’ for a moratorium. I don’t see the necessity for one, myself, and I’m in agreement with that letter. I found the letter pretty compelling. I also listened to the abutter, who is the opponent, and they had conservation issues. I don’t see the conservation issue. I’m inclined to be against a moratorium. Where in the process is the PB with this project. Is it waiting for more information or do you see it being approved. If we didn’t count this superfluous stuff, where is it in the process.

**5:41 PM** Mr. Brubaker said that there was a Public Hearing on October 12<sup>th</sup> and there were a lot of speakers at that Public Hearing, with some speaking in support of it; that it was denied by the PB. On November 9<sup>th</sup>, based on legal recommendation, the PB made a motion to Reconsider; that the PB did Reconsider and vacated their denial, and activated their review, again. We are in the process of seeking to hire a technical consultant who can basically help fill in the void where our land use ordinances lack the details and to really dive down to assess the environmental impacts of this application because it is a pretty ecologically sensitive area next to the York River. There has been a lot of documentation as part of the PB review that’s demonstrated how ecologically sensitive and diverse it is. We are seeking to have a technical consultant on-board and that technical consultant is hired at the expense of the applicant. Once on-board, they will inform the PB on the environmental impacts on the project and, at that point, the PB could conduct a new public hearing then decide to take action, one way or the other, based on their review of how it meets our land use ordinances.

Mr. Orestis said that, so, at this point, that technical review side of things, the land use side of things, and the PB is in hand. The issue before us is to discuss if it makes sense for Eliot to put forward ordinances that will further the process in the future for these types of requests. That’s the question. We’re saying, “Hey, Jeff. Work with the PB. Come up with the ordinances for these solar arrays. Right?” I think it’s clear that we don’t have the authority, now, to just say a blanket moratorium. Upon advice from counsel, it doesn’t seem like a good idea to say we are going to have a retroactive moratorium come June. That doesn’t even seem an option for us, at this point. So, from my perspective, I think it makes sense for us to direct Mr. Brubaker to go with the PB and create new ordinances. Then, if we get to a position next year, in March, that this isn’t happening and we have to assess for a moratorium, then we review it at that point. I just feel that, at this point, the process is in place. It’s in the PB’s hands. We are not accountable. We can’t just, today, say that a moratorium is in place and we should just work with what is in place; that it makes sense to do ordinances. That’s my thought on it.

**5:44 PM** Ms. Dow and Mr. Widi agreed.

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Mr. Brubaker said that I concur with that.

Mr. Orestis said that we don't have the authority to say this can't go through. That's why we have the PB that makes those decisions.

Mr. Donhauser said that you're making ordinance changes after-the-fact, in a sense. A person that comes under our current ordinances, it is my understanding, that this is an acceptable use of this property; that the objection is coming from an abutter, and I think there is only one objection from one abutter. Correct?

**5:45 PM** Mr. Brubaker said that there was a public hearing on October 12<sup>th</sup> and there were a lot of speakers at that public hearing. There were a number that spoke against; that there were a number that spoke for. I can't give exact numbers but it was a pretty popular public hearing. To your point, and I want to recognize our esteemed Chair here, the PB has to work with the ordinances that are on the books right now. So, I would summarize it as we (me and the PB) are doing the best we can with the ordinances we have in place right now and, hopefully, with the help of this technical consultant.

Mr. Donhauser said that, apparently, the current ordinances do not address solar arrays.

Mr. Brubaker said yes. The current ordinances don't have any specific performance standards for large solar arrays.

Mr. Donhauser said that there is no ordinance that prohibits it.

Mr. Brubaker said no. I had cleared this with legal counsel that, as long as a public facility like this meets the definition of 'public utility facility' in our land use table, that is a use that is allowable, subject to site plan review. In my opinion, it does, and with our legal counsel it does, because if you read the definition in our §1.2 of our legal code, I think it makes a strong case that it meets that definition. Therefore, the most appropriate land use for it to be reviewed under is 'public utility facility', and we are in the Rural Zoning District, but with the case of 'public utility facility', it's a site plan review use no matter what district. All that to explain that it is something that can go forward if reviewed by the PB as a potentially approvable use.

**5:47 PM** Mr. Donhauser said that the applicant has made application to the PB, the PB denied and, now, it's back for review again. I guess the thought is to direct the PB, and yourself, to review the ordinances to see what changes might need to be made. How does that impact the current application.

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Mr. Brubaker said that it likely wouldn't because the current review would be under the current laws we have on the books right now. Then, the crafting of the specific performance standards would be forward-looking. So, that would go through the usual process. The PB would work on it and would get to public hearing in the March timeframe; that the SB would then decide whether to put those land use amendments on the June ballot. The voters could vote to approve and, then, those would be on the books for any future solar array. We'd have more specific tools in our toolbox to review those but, with the current project, we just have to do the best we can with what is on the books right now. The current project would be reviewed before any ordinance amendments could be put in place.

Mr. Donhauser said that it is a moot point, then; that, with respect to this applicant, as they are going to go forward, anyway.

**5:49 PM** Mr. Brubaker agreed. There is no way in which, at this point, a moratorium could affect this particular review, or even the concept of a moratorium, because we are moving forward with this review. Again, as was pointed out, we wouldn't want a moratorium to be retroactive because of the legal liabilities and this application, if approved, would not be impacted by a moratorium, nor would any future approved amendments. It would just be sharper tools in the toolbox to review the various impacts, pros and cons, of any large solar array.

Mr. Donhauser said that I can see how the current applicant would be concerned in that we would be moving the goal posts but that's not what we're doing.

Mr. Brubaker said no; that we're recommending against that. We're really recommending that the question of whether a moratorium needs to be put in place be put off for now and, even if a moratorium is considered, it shouldn't be retroactive. So, under no situation are we recommending that a moratorium is retroactive be considered that would retroactively apply to this current project.

Mr. Donhauser asked why the applicant's attorney feels compelled to send us a letter and say wait a minute. It seems to me that they are trying to defend their position as an applicant going through the PB process.

**5:51 PM** Attorney Rachin said that I am pleased to hear about the retroactivity piece because, while I did see that in the Planner's memo, as far as I know there has been no robust conversation about that. As I'm sure you can appreciate, the notion of retroactivity is something we object strenuously to but we weren't sure how this Board felt about that. So, that's a big issue that we wanted to address. I'm feeling, and I'm sure my client's feeling, quite a bit of relief to hear both your Town attorney and it seems there may be some agreement on this Board that

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retroactivity is not indicated here and is problematic. That is why we're here. Obviously, the 'necessity' piece is critical and I think, as you yourself have said, that we have made a compelling case that the 'necessity' piece isn't actually met under the statutory requirement. One thing that my client, Mr. Kellar, mentioned to me and I thought this was important just on a factual base is that, I think someone had asked how much land and how many pieces of property and the issue of the substation, it is a critical piece; that Mr. Kellar has said to me that he just looked at the CMP engineering study and there is only room for 7 megawatts before the substation needs to be upgraded. Mr. Kellar is telling me that we are now at 5 megawatts, which leaves room for one array not 2 to 3, that I initially misspoke on. So, it is even less of a possibility and I think one of the concerns expressed by folks in the audience, the PB, and Conservation Commission was that the floodgates were opening and we need regulations. And I think understandably, given these solar projects, with the world we live in, are becoming more and more popular. I think you asked a great question about how many people are out there and how many pending applications there are. It's just us. And given the fact that there isn't a line out the door and the fact that even if there were, the infrastructure – the cost of that substation to replace – any developer coming in would have to contribute to that cost, which I'm understanding is quite expensive and would be prohibitive for them to move forward with any other project.

**5:53 PM** Ms. Dow asked who owns the substations.

Mr. Brubaker said CMP. There are two substations in Town. One is called the Three Rivers over by Worster Road and the other is off Bolt Hill Road.

Mr. Donhauser asked, with these substations, if that is where the energy from these solar arrays go.

Attorney Rachin said that I'm just reading from a text but Mr. Kellar is here and could explain that process.

Mr. Kellar introduced himself and said that Attorney Rachin did a great job explaining the details. I'll just take it one step further. The substation, itself, is the bigger infrastructure that could potentially have to be upgraded. So, when these solar projects are built and CMP goes through their engineering procedure, they come back to us (developer) and explain what the utility upgrade is going to cost are going to be at the site and, potentially, anywhere down the streets. If there are some poles that need to be replaced or lines that need to be upgraded, that's all a cost that we bear that ultimately the community gets a small benefit from. You're getting some new equipment that we're paying for that CMP may not have upgraded. Ultimately, as that power moves down the street, CMP has to evaluate

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it to make sure that, if there was any excess power that gets back to this substation, the substation, itself, can support that amount of power coming back to it. CMP reviews the number of megawatts that are coming online as it relates to the transformer size that is inside the substation. That's the pointy that Attorney Rachin helped me out with by clarifying in that the substation size in Eliot that this project will go to is small. Smaller than what you might see in South Berwick and other towns. What we're seeing in that the analysis that we did for the PB is that we looked at some of the parcels in Town just purely from a solar perspective. If you could put solar there, which parcels made sense from a wetland perspective, from a topo, and other physical attributes. Then, from there, those expressed 6 or 7 locations you had referenced earlier in the discussion, that's really great and all, but the cost of a substation upgrade, which we've had another project in another community trigger this, is between \$6.5 and \$7.5 million. That would require a project about 20 times larger than the project we are proposing on Odiorne Lane to support the cost of that project, just purely economics without going down into the details. So, that was the part that was most compelling for us when we did this analysis, that we wanted the Town to understand that you're not a community like South Berwick where there's a lot more infrastructure that can support more projects. You're not an Augusta where there are massive substations that can support many, many projects, where some communities have enacted this type of policy just to make sure that the PB and the town had enough resources. I'll close with that. I hope it was helpful and the handout we provided provides a little bit of color to what I just shared.

**5:57 PM** Mr. Donhauser said to suppose that this solar project is put in place and maxes out the substation facility. If I have a home and I want to put a solar array on my home, does that have an impact.

Mr. Kellar said no. The quick answer to that is that when you put solar on a building or a home and you're building it specifically to offset the power that the building or home uses, it has a different impact, a different engineering exercise. The way that I understand it is that it allows for that power to be consumed on-site in the critical peaks; whereas, these larger community solar projects are meant to help to provide power to the community in lieu of another power plant being built somewhere down the street or far away. What we've found is that those smaller projects, smaller commercial and residential projects, would not be hit with that \$6.5 million upgrade cost. It would just be any large-scale projects that would come onboard, they would have to figure out how to deal with that or the project wouldn't move forward.

Mr. Donhauser said that I have received in the mail a number of requests to join into a solar array somewhere in Vermont, let's say, and I sign up for that and get a 15-cent discount. Is that what you're doing.



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**5:59 PM** Mr. Kellar said exactly. This is considered community solar, so, you're utilizing a location for solar and you're sharing the value of that savings and the power produced to homeowners, businesses, to schools, towns, and our project is like that, too. We usually have that conversation along the way but it could be now. The Town could benefit, the school. I don't know if they have already signed up for a program; that there are lots of solar projects around Maine that have come to towns and businesses and homeowners around the State. This project would be eligible. We like to work with the town we're being hosted in. This the same exact structure that you've seen in some of those mailers.

Mr. Donhauser said that the solar array at the Transfer Station has no impact on this solar array.

Mr. Kellar said no. It's actually part of the study that they already did. If this was to be on the same line as that, and I'm not entirely sure it was, that was part of the study. They have to evaluate what's online. How many projects are actually online now and, then, by adding another project that's adding incrementally more power going toward that substation.

**6:00 PM** Mr. Sullivan said that I was just going to add the point that for those larger solar arrays of 20 acres or so, that's where this study and maybe some ensuing guidelines for an ordinance would be helpful. Not for this project but for larger projects down the road, if they're done right, and I'm sure the study will be done right with Mr. Brubaker overseeing it; that you will probably have some good guidelines to consider whether you want to make ordinances for the future.

Mr. Orestis said that's the challenge. We don't know what we don't know until it comes in and is presented before us and realize we need to enhance our ordinances to support something like this. Maybe there's a benefit from that where others will have to go through a different process. But that's kind of the way things work. It's not for me to decide within the PB guidelines or guardrails that are there now.

Mr. Widi said that I'm happy with the project moving forward. I personally won't support anything retroactive concerning a moratorium. I'm fine with Mr. Brubaker and the PB developing some land use standards. My one question regarding moratoriums, because I'm relatively new, do you know, in Eliot, that a moratorium was either proposed or approved by the voters.

Mr. Brubaker said that that was done for marijuana.

Ms. Lemire added the adult (gentlemen's) club years ago.

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**6:03 PM** Mr. Widi said that I'm a simple man and would put adult clubs and marijuana in a very different category than I would put solar arrays concerning a moratorium regarding 'necessity'.

Mr. McPherson asked if Mr. Kellar knew the name of the substation that that is going to be fed into or out of.

Mr. Kellar said that they call it the Eliot substation and they have a circuit name to it.

Mr. McPherson said that Eliot substation is on Beech Road. Is the circuit number 687D1.

Mr. Kellar said wow, I'm impressed. That's the one.

Mr. McPherson said that that substation is the one on Beech Road and it's very, very small, or undersized. It was brought up in the TIF with people concerned about possibly not having enough power for our Route 236 business corridor. So, I think somehow CMP was dragging their feet with that just to let everybody know the fact that the Eliot substation is that little one. There's a big one on Bolt Hill Road and the other one; that I believe that both of those are owned by public service...

NOTE: Fire alarm went off and the SB waited for a moment.

Mr. Orestis said that I don't think we need a motion on this. It seems it's the consensus of the SB where we can direct you, Mr. Brubaker, per your recommendation, to draft language going forward. Is there anything else, Mr. Brubaker, for the PB to report.

Mr. Sullivan said that Mr. Brubaker had made a request regarding the American Rescue Plan Act (ARPA) and I don't know if you want to suspend the rules to take that out of order; that he also did the Walk/Bike draft report.

NOTE: The SB agreed to take those two items out of order. These two items are under the New Business heading.

**6:08 PM**      **1) American Rescue Plan Act Grant Discussion**

Mr. Brubaker said that this request was made with the recognition that there are many choices with the Town's money that was received through ARPA. I think our Town Manager, last month, presented some initial ideas to you and this was

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just one; that it does three things. One is that it would fund an alternatives analysis for domestic sewer service is Sewer Basin #7, which is generally on Beech Road and State Road in the Village going from about the elementary school, here, then east to the cemetery and then on Beech Road between State Road and Route 236. The second thing it would fund is preliminary engineering, including a Preliminary Design Report (PDR) for active transportation (walking and bicycling) on Beech Road and State Road. Then the third thing was, I was talking with our General Assistance Administrator about a possible mini-grant funding program to fund some wastewater and water upgrades for lower income, which is still in progress. The total would be between \$10,000 and \$15,000.

Ms. Dow said that the first two are engineering. Can you tell me what the mini-grant program means.

**6:10 PM**

Mr. Brubaker explained that the idea is that a lower income community that is having issues with their septic system could come forward to ask for assistance for that.

Mr. Orestis said that it would be a pool, essentially, where those that qualify could get some help; that they could come in and say that they are struggling with this with their income levels and then, based on future recommendations, we could figure out a formula to give 'X' amount of money to help with their project. Someone who has a need to help upgrade their septic not just somebody who wants to upgrade their septic.

Mr. Brubaker agreed.

Ms. Dow Was supportive of this idea.

Mr. Orestis asked if you just need a go-ahead from us to continue to look into these or are these just suggestions. One of the things we need to do, which seems to be an ongoing problem in this Town, is to figure out how to spend some money. What do you need from us in this instance.

**6:12 PM**

Mr. Sullivan said that I also did a staff report and made some recommendations, as well. I think that Mr. Brubaker's idea of a fund to allow people to draw out of for sewer or septic systems is admirable. I think we could maybe go a little farther. There's a number of good examples of housing rehab programs for people who qualify. We can take care of other things, such as handicap access to their homes if they are in a situation that warrants it. I think that it's a great start but, between that and my report, we are hoping just to bring some attention to the fact that there's \$729,594 coming to the Town of Eliot. We have already received \$364,797 and wanted to ensure there's some type of blueprint or template in place

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for us to spend it, recognizing that we have four years to do it. Requests are coming fast and furious from a lot of different places and we want to make sure that it has the greatest impact on the largest number of people, particularly with the people who are needing it.

Mr. Orestis said that it doesn't seem like any vote is necessary. I love it. I think that any way we can give back to anyone who needs it is a great way to spend money.

Mr. Widi said that I believe that in the current infrastructure bill there is a plan for water and a plan for broadband, I think. I'm not saying to hold off on those but just, maybe, not spend it all on things like that, as we could be getting more on the back end. I just didn't want to spend money on something we may have a flow of money later for a thing we just spent money on. It's just a thought.

**6:15 PM** Mr. Orestis said that was fair. We have a big chunk of money and that takes up only about a 7<sup>th</sup> of that money. I think ideas like this coming forward are important and they are worthy projects. I think this is a good place to at least start that conversation process, which was really the point of the discussion today.

Mr. Brubaker agreed that this would just be the first step.

Mr. Orestis asked if there was any more discussion on this specific topic. If not, we'll jump right into improving conditions for people to walk and bicycle in Eliot.

**6:16 PM      2) Walk and Bike Draft Report**

Mr. Brubaker shared his screen. This goes back to April guidance from you. The purpose of this report is to prioritize walking and biking transportation corridors and list projects within short-, medium-, and long-term timeframes. Once approved, this list would guide staff in seeking funding and commencing design work for immediate-term projects. It's not a replacement for a full active transportation plan. There is a focus in this report on infrastructure projects whereas a full transportation plan has both infrastructure projects and a little more diving into non-infrastructure strategies. It does try to do is give the Town a chance to develop a consensus prioritized list for walking and biking improvements. Reasons for doing this include more choices in getting around Town, improve safety, make Eliot more age-friendly, more transportation options for kids, promote physical activity, and one of the things we talked about a lot related to COVID was to be able to meet neighbors outside, as well as to address our policies (Comprehensive Plan). The Aging-in-Place Committee (AIP) has been really enthusiastic about this topic. They did an assessment a few years ago and the most dissatisfaction was attributed to 'well-lit, safe streets and

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intersections for all users’ and ‘sidewalks that are in good condition and safe for pedestrians’. The most popular write-in comments were for additional sidewalks, wider shoulders for safer biking and walking, and the need for bike paths and better street lighting. The idea would be to build on Eliot’s sidewalk on State Road. The following graph shows travel times for biking and walking in this area if only the facilities were there that people felt comfortable using:

From	To	Approx. distance		Trip time (min)	
		Feet	Miles	Walking	Bicycling
William Fogg Library	Frost-Tufts Park	2000	0.4	8	2
Town Office	Boat Basin	5280	1.0	20	6
Town Office	Eliot Commons	6600	1.3	25	8
Eliot Elementary School	Frost-Tufts Park	4800	0.9	18	5

We are lucky to be on the Eastern Trail and East Coast Greenway and I would call an important asset to the Town; that walking and bicycling improvements could feed into that. With the window of opportunity, there are the Infrastructure Investment and Jobs Act and State Transportation Bond that voters approved that have monies available. We did a corridor study on Route 236 a couple years ago and we are just completing the second phase of that. You have heard a presentation of that and that’s another window of opportunity that has some walking and biking tie-ins. Of course, we have the water and sewer project, which will include a sewer force main on Beech Road and State Road. After your guidance in April, we went out with a press release seeking input and received 50 comments. We then held four “walking office hours”, which was me literally walking down the road in several locations, assessing conditions and talking with neighbors in their front yards and getting 30 to 40 more interactions with this. Of the most popular corridors, State Road was first, with a huge amount of input especially from here and going east towards Kittery. Main Street/Moses Farmer Gerrish Road was the second most popular, with Beech Road being the third. Not to be forgotten, there was a second tier of roads for residents, to include River Road, Old Road, and Goodwin Road. These included initial comments; that we got more later on. There was one family that won the party. They were on State Road and, when they knew I was walking by, they had out homemade banners in support of this project. We also had ME DOT and SMPDC come along with their assistance. At the end of September, we had a dual public information session

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around both the Route 236 Study and the Walking/Bicycling Project, which was pretty well attended. Since then, we have had various committees and departments review everything. The following are recommended immediate- and short-term projects:

Implementation timeframe	Corridor	From	To	Project
Immediate	Beech	State	Route 236	Sidewalk and paved shoulder
	State	Main/MG Farmer	Bolt Hill	Sidewalk and paved shoulders
Short	Main	Bolt Hill	Pleasant	Sidewalk and crossing improvements
	State	Old	Main/MG Farmer	Crosswalk improvements
	Main/MG Farmer	State	Kittery Line	Town Feasibility study (paired with River Rd.)
	River	Fore/Old	State	Feasibility study (paired with Main/MG Farmer)

The immediate projects are ones we would like to move forward with immediately with the SB's endorsement. Regarding short-term projects, with Main Street (Bolt Hill/Pleasant) we would like to do crossing improvements, including a short sidewalk, as well as potential stormwater upgrades at that intersection. There is a mini grant program run by the ME DOT and the Bicycle Coalition of Maine that actually allows for decorative crosswalks. State Road (Old/Main/MGF) would have crosswalk improvements. Main Street and River Road are together proposed to have a feasibility study to look at options for those roads.

**6:26 PM**

Mr. Donhauser said that, when you talk about sidewalks, using Main Street as an example, is there a right-of-way (ROW) all along that corridor where we would not have to buy a ROW.

Mr. Brubaker said that most corridors have a little bit of access after the end of the travelway. The idea here would be to have as little ROW acquisition as possible and work within the existing ROW as much as possible. If there is ROW acquisition, it would have to be done collaboratively and with mutual terms with the property owner.

Mr. Donhauser asked if this would be on one side of the road, or both.

Mr. Brubaker said that, although it would be ideal to have them on both sides, right now we are focusing on just one side. The full report is now available. This isn't to approve the report tonight but it is to get any comments you have and ask

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for permission to release this as a draft for final public comment and, then, get back to you for final endorsement.

The SB was very supportive of this project.

**Mr. Donhauser moved, second by Mr. McPherson, that the Select Board release this report.**

**Roll Call Vote:**

**Mr. Orestis – Yes**

**Mr. Donhauser – Yes**

**Mr. McPherson - Yes**

**Mr. Widi – Yes**

**Ms. Dow - Yes**

**Unanimous vote to approve motion.**

NOTE: The SB agreed to take this third and last item under New Business.

**6:31 PM      3) Agriculture Committee Discussion**

Ms. Leslie Stevens said that I own Sturgeon Creek Farm. I approached Mr. Widi this spring about looking into the possibility of some kind of agricultural commission, or something like that. We raise poultry, and lamb, and grow fruit and vegetables. We have neighbors all around who have been very, very supportive. We've been embraced by this community in terms of the agricultural piece of it. We now have a little farm store out of the barn and everybody loves it. We just felt so welcome here; that agriculture has a real history here, which is exciting. As a local farmer, I would love to see more conversation about it and more protections for it in some ways. Maine, as you probably know, is a 'right-to-farm' state so there are, already, state-wide protections for farms in terms of noise and smell and things like that, which is great. Maine is pretty pro-active about that. I would love for Eliot to just kind of recognize that; that a lot of people talk about the rural character here and, while our place isn't technically rural, it still is fairly rural for this part of the area. Having that great big field that's open there is really nice. I would love to work together with Mr. Widi and anybody else who is interested about the possibility of doing something like that. With Mr. Brubaker, we talked today about the possibility of having a map of all the farmstands and all of the producers in Town, and things like that. I've had 10 years of local government in Portsmouth on the school board there and also being pretty involved in the town. It would be exciting to have something new like that in Town. I guess I'm bringing this to you to say that I would love to work with Mr.

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Widi and anybody else who is interested. I have lots of ideas about how to do that; protecting agriculture in the Town, protecting the rural nature of it. There are so many reasons why we want to conserve and protect our rural land. I'm just here bringing it to you. I think it's a great idea. I would love to be a part of it. I looked up some stuff about the agricultural commission in Lee, NH and Durham, NH. I know those are pretty active communities that have a lot of agricultural stuff going on there. I don't know if you have any questions or any thoughts, if there's anything else you want me to share. One of the things I would love to do is be involved with Eliot Festival Day. There's always something in there that says we're going to have a farmer's market and we really don't have anything. One year there were a couple of booths but we want to have a really robust farmer's market at the Eliot Festival. Some of you may actually have attended the farmer's market that was in our barn last year this past winter and that was pretty fun. We have one every other weekend. We have one coming up December 12<sup>th</sup>. So anyway, there is just a lot that we could be doing to encourage agricultural businesses, to encourage tourism, to encourage people to be coming to Town for those kinds of activities. To be buying from our farmers, our producers, visiting agri-tourism businesses, and all that.

**6:35 PM** Mr. Orestis said that, with all the committees in Town, I'm shocked that there isn't an agricultural committee in the Town of Eliot. With everything that's come up over the past couple of years, I think it makes a lot of sense. We have an agri-tourism ordinance, a rooster ordinance, etc., so, I think it would make sense to have a committee to further discuss and flush these things out.

Ms. Dow was very supportive of this.

Ms. Stevens said that we have the new Maine State law. Adding roosters to the noise ordinance didn't pass and it didn't pass by quite a lot. A lot of people contacted me about that to get my thoughts because we do raise poultry and we need roosters on our property to keep doing that. It seems to me that there is a real appetite for farming here and for the producers to support them.

Mr. Orestis said that I think, for us, it would be to continue the process. By-laws are big.

**6:36 PM** Mr. Sullivan said that, initially, it would be an ad hoc committee run by the SB. I can gather some different designs, with anyone who is interested, to put some suggestions together – who would be on it, what types of background. One of the things I hope to talk with the SB about is that I really think that food security should be blended in to it. I think it's important to have that part of the food chain to be represented. If it pleases the SB, I'll put together a couple models and do a little research and bring that in.



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**6:37 PM** Mr. Orestis said that, with an ad hoc committee, we would have to provide some direction, anyway. I am thinking back with the adult use cannabis committee, which was very specific to determine whether it's something that was appropriate for the Town, I believe. I think, with that in mind, you would have to come up with a directive, what the purpose is of the agricultural committee. This would be great to do.

The SB agreed.

Mr. Orestis said that we will figure out how many individuals we want and then put out the applications and a call to the Town for people to join.

Mr. Sullivan said that we would probably go for around seven because it's difficult to get a quorum. The other thing is that some of the agri-committees call for members to be active and working farmers. I think we need a balance of people who are admirers of farms and people that are farmers.

Ms. Stevens agreed, adding that I think the point about food security is pretty important, as well, because if you look at what happened during the pandemic, farms stepped up and provided all kinds of stuff; that you could go and get almost everything you needed. That would be awesome. Thank you for considering this. She gave the SB flyers showing all the farms around the Seacoast area as an example of what could be used here.

**6:40 PM E2) James Latter Capital Improvement Committee**

Mr. Orestis said that I don't know if it matters but, in my packet, there is no direct application, there was just a letter. The letter speaks pretty clearly that he is well-qualified. As far as process, do we want to approve without it.

After a brief discussion, with agreement that Mr. Latter could submit the application after approval, the Chair said that he would entertain a motion to approve.

**Mr. McPherson moved, second by Mr. Widi, that the Select Board appoint Jim Latter as a regular member to the Capital Improvement Committee for a term to expire June 2024.**

**Roll Call Vote:**

**Mr. Orestis – Yes**

**Mr. Donhauser – Yes**

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**Mr. McPherson - Yes**

**Mr. Widi – Yes**

**Ms. Dow - Yes**

**Unanimous vote to approve motion.**

**6:43 PM      E3) Town Manager Report**

Mr. Orestis welcomed the new Town Manager aboard and invited him to share his report.

Mr. Sullivan said thank you very much. I feel very welcomed in Eliot. I think I'm really going to enjoy being here. It's exciting to learn a lot of the different ways that you approach issues and problems and I can really appreciate all the effort and time that you're putting in as leaders. I hope to help you with that. I'm very lucky to work with some very talented people. The Planner here tonight and working with so many talented people in a small town. I consider myself lucky and I'm sure you appreciate all the work done on your behalf, as well. With the report. I tried to speak to the thing I try to get involved with. Last Thursday I met with the Director of the York County Chamber of Commerce to try to talk about some way that we might use strategies to have Eliot mentioned in the larger context with different things. We talked about festivals. We talked about the agricultural commission. What a wonderful thing to have Eliot be considered the breadbasket of York County. Getting ready for the budget. Had a meeting this afternoon with Underwood Engineers and, also, State officials from ME DOT. I appreciated meeting with them and learning more about the Route 236 Project, the re-paving and how that's going to be coordinated with some of the sewer and water projects along Route 236. It's very exciting and presents a great opportunity for Eliot. Hopefully, I'll be an asset to those. I've gotten to meet some great people. Orland McPherson came by the first day and it was great to meet people like that in the community. You have a great community here and I'm proud to be here.

**6:46 PM      Mr. Orestis said that I hear you got to hear your first fire call siren.**

Mr. Sullivan said that the first one was in the middle of the day. I said to Mr. Miles that my ride's here.

**F.      New Business:**

These items were already addressed.

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**G. Old Business:**

**6:47 PM** Mr. Donhauser said that I'm not sure we handled this at a previous meeting. Remember the **Citizen's Option Meeting** where there was an issue where a group, with respect to the Library, there was a group that came out who supported the Library that came to the Citizen's Option. The problem that happened at that meeting was that they made a motion to advance the Library item up on the agenda. Then they voted to actually have a Citizen's Option that was different from the SB and Budget Committee. Then, the problematic part of that was that, after that was approved, everyone got up and left. The problem with that is that it preempts anyone else from doing the Citizen's Option Meeting because you have to have a quorum or the necessary number of people. My point in bringing this up is that I think we need to come up with a solution and one solution that was mentioned through an email was that, if in fact, those individuals leave right after their vote...first of all, they advance it on the agenda, then they leave, and then all of a sudden that's no longer a valid Citizen's Option Meeting but falls back to a budget hearing. That would mean that they need to stay until the end of the budget hearing because, as soon as they leave, no one else can make a Citizen's Option. This could be problematic in the future. So, I'm not sure how we do it but I think we need to set up some ground rules for Citizen's Option.

**6:49 PM** Mr. Widi suggested we might split it. We'll have our informational meeting in here for people who want the budgetary things because there's only going to be enough to fill this room, maybe. Then, we have a designated Citizen's Option Meeting just for Citizen's Options so that it's not holding those not interested captive through the whole thing. At a Citizen's Option Meeting, specific things could be addressed, such as the Library, and more might likely attend knowing that they won't be stuck there for endless hours.

Ms. Dow said that I like that.

Mr. Orestis said, in trying to work this logistically out that we would have to change the rules to ask if there is anyone who is going to challenge any specific thing with the Citizen's Option, previously, so that we know we will have these three, for example.

Mr. Widi said that I think we mentioned doing it like a citizen's petition that include signatures. For example, the Library could put something out saying that they disagree with what the SB and Budget Committee recommends and the Library gets the needed signatures so that we know there are enough people to hold that meeting, then roll from there. Does that make sense.

**6:51 PM** Mr. Orestis said that it makes perfect sense. The question is whether it is legal.

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Mr. Donhauser said that I think it's how you interpret the ordinance, and I haven't read it. I like Mr. Widi's idea where you have a Citizen's Option Meeting just for that, and have a separate budget night. Whether we can do that or not, I don't know, since it's an ordinance. I think we need to explore what we can do so we don't get caught up that way. There were some people who were very annoyed when some people all of a sudden got up and left and then there was no meeting.

Mr. Orestis said that, typically, there are a couple – conservation and the library – but in any given year there could be something else.

**6:53 PM**

Mr. McPherson said that it's being used. It's not the intention of the Citizen's Option. The way that meeting was conducted, and I don't blame people that were made when they walked out, because I don't believe that was the intention when they came up with the Citizen's Option but that's what it's being used for. In my opinion, if it continues to be used in that way, then it should be eliminated, because you actually have a quorum here. Everyone can come into this room and do what they want in this room. So, corrections need to be made, in my opinion, and of not, it could be eliminated and come back into this room. Figuring in the cost, what does it cost us to put that Citizen's Option Meeting on.

Mr. Orestis said that it would be interesting to change the format, as Mr. Widi said. And I don't know if it's an ordinance change or what but, if we are presented a budget that we like, and if people have issues with that, they get a signature sheet and say 'we' want the budget to be 'this' and get signatures for that.

Mr. Widi said that we could do that for not necessarily for a specific issue. I agree with Mr. McPherson. I just want to be fair. That the Library turns out their people and they get their people to vote so I want to be very fair to everybody, and I understand that we can't keep going the same way. So, what my suggestion is that the signature sheet is just to initiate the Citizen's Option. Not necessarily about a specific issue but just to initiate the Citizen's Option Meeting. Once we go into, we have it. So, instead of doing the 'you need 50 people to show up' thing, I say let's get the signature sheet to initiate, then people will know that they can go in and propose what they want.

**6:55 PM**

Mr. Donhauser said that I recommend we give this to the Town Manager to find out what actually happened.

Mr. Sullivan said that I haven't heard about this specific one but I have seen this before. Some communities use a clock for 30 minutes to take a vote of reconsideration or you could have a block for reconsideration. Sometimes that keeps people in the room.

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Mr. Donhauser said that that was actually brought up in the email I read. By those people leaving, it prohibited any reconsideration of that.

Mr. Orestis said that this has become a standing issue so I think that it is something that should be addressed.

Mr. Donhauser said that it doesn't have to be immediate because we won't have another one until next May, anyway.

Mr. Orestis said that, if it is an ordinance change, that wouldn't happen until a year from now.

Mr. Donhauser added that there may be a way to interpret that ordinance to allow for something like this. I am not trying to preempt the Library from having a Citizen's Option. More power to them. I think that the way that meeting went was really not well.

**6:57 PM** Mr. Sullivan said that I can gather some ideas for you.

Mr. Widi said that, while we're on the list, I have a question concerning the **shooting range**. I haven't heard anything.

Mr. Donhauser said that it's constant noise. It hasn't really improved. I just don't see any solution, to be honest with you. That's been there since forever and Rollingwood, which is the subdivision that abuts it, has been there for about 40 years; that the shooting range has been there for 70 to 80 years. I don't think there's anything we can do except to keep asking them to recognize they are right beside a residential area. That often on weekends it's like a war going on down there. I still get complaints. And I am close to it and can hear it just as well as them. It's like an airplane going overhead, you kind of get used to it.

Mr. Widi said I only asked because the last thing I heard was that they were potentially trying to make the berms larger. I guess the berms are made out of clay so they can stop bullets and it's a little hard to get clay trucked in. My understanding is that they went to contractors who might have clay and said they could truck it in but I don't know what the end result of that was.

**H. Approval of Warrant(s):**

**6:59 PM** Mr. Donhauser moved, second by Mr. Mr. Widi, that the Select Board approve A/P Warrant #36 in the amount of \$380,811.44, dated October 28,

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**2021; A/P Warrant #38 in the amount of \$126,758.82, dated November 4, 2021.**

**Roll Call Vote:**

**Mr. Orestis – Yes**  
**Mr. Donhauser – Yes**  
**Mr. McPherson - Yes**  
**Mr. Widi – Yes**  
**Ms. Dow - Yes**

**Unanimous vote to approve motion.**

**I. Selectmen's Report:**

**7:00 PM Seeking Committee Members Listing**

Mr. Orestis said that there are several openings on committees: one alternate member for Aging-in-Place, two regular members for Capital Improvement, one regular and two alternate members for Conservation Commission, and two alternate members for the Planning Board. So, if there is anyone out there listening, feel free to come on down and fill out an application.

There were no Selectmen's reports tonight.

**J. Executive Session**

There was no executive session.

**K. Adjourn**

**Mr. McPherson moved, second by Mr. Mr. Donhauser, that the Select Board adjourn.**

**Roll Call Vote:**

**Mr. Orestis – Yes**  
**Mr. Donhauser – Yes**  
**Mr. McPherson - Yes**  
**Mr. Widi – Yes**  
**Ms. Dow - Yes**

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**Unanimous vote to approve motion.**

The meeting adjourned at 7:01 PM.

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

**S/ Robert McPherson, Secretary**

**Date approved: January 27, 2022**