

**SELECT BOARD MEETING**  
**February 24, 2022 5:30PM**  
**Town Hall/Hybrid**

**Quorum noted**

**5:35 PM:** Meeting called to order by Chairperson Donhauser.

**NOTE:** Start of meeting had technical difficulties.

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

**Excused:** Ms. Dow

**B. Pledge of Allegiance recited**

**C. Public Comment:**

**5:36 PM** There was no public comment.

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

There were no minutes approved.

**E. Public Hearing: Renewal of License(s) 207 Tavern 811 Harold L. Dow Highway**

**5:37 PM Public Hearing opened.**

There was no one who spoke to this application.

**5:38 PM Public Hearing closed.**

**Mr. Widi moved, second by Mr. McPherson, that the Select Board approve renewal of an on-premise liquor license and special amusement permit for 207 Tavern, 811 Harold L. Dow Highway.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. McPherson - Yes**

**Mr. Widi – Yes**

**Unanimous vote to approve motion.**

**F. Department Head/Committee Reports**

**5:39 PM 1. Planning Board Summary of anticipated zoning ordinance changes**

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Mr. Brubaker said that next Tuesday's PB meeting, if you go to the agenda packet, you can see the latest full draft of all of the ordinances. You have the staff report so I'll just briefly summarize and I'd be happy to answer any questions at the end. The big one we've been working on is **Solar Energy System**. The PB has reviewed two drafts to-date. We've gotten some really good feedback from PB members as well as some citizens, too, so I want to thank the PB and those citizens for their input. We are looking to adopt comprehensive and use-specific standards for solar energy systems, including larger, utility-scale systems. Right now, I think the priority is to bifurcate solar energy systems into the smaller-scale roof-mounted systems that would continue to be just building permit approval by the CEO, which we have on the books today. Then, establishing new standards for those larger-scale rack-mounted systems, making sure that there are thorough environmental standards, decommissioning requirements in place, and things of that nature. I feel we have a pretty good draft right now but it will still go through more iterations. You can see the full draft in the March 1<sup>st</sup> PB packet, as I mentioned. Are there any questions on this item.

Mr. Donhauser said that we currently have a solar array that has been approved, is that right, in Eliot.

**5:40 PM** Mr. Brubaker said yes; that that larger-scale system was approved by the PB on January 18<sup>th</sup>.

Mr. Donhauser asked if this ordinance change will affect them.

Mr. Brubaker said no it wouldn't because that was reviewed before this ordinance potentially gets approved by voters.

There were no more questions.

Mr. Brubaker said that **Erosion & Sedimentation Control** is part of our requirements as an MS4 Permit holder or subject to the MS4 Permit. Again, that's the General Permit for stormwater systems, of which Eliot has a part along with other Southern Maine communities. The focus for this election cycle will be to update our erosion & sedimentation control standards for development projects disturbing one acre and greater just to make sure that, when they are building, they are instituting as all necessary measures to control erosion & sedimentation. For example: things like silt fences and State-licensed construction entrances, hay bales, and things like that; not having exposed piles of dirt and things like that. We do have some basic standards in Chapter 45 zoning but they are definitely in need of an update. In fact, we are required to update the code as an MS4 permitting.

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**5:42 PM** Mr. Widi asked if that acre is turning over the topsoil; that it's not like timber harvesting, as an example. It's just bringing in an excavator and clearing out the topsoil type of thing.

Mr. Brubaker said that our stormwater consultant, who is excellent (Ms. Rabasca), is very aware of what constitutes the definition of disturbed area but, in my understanding, yes. Anything that really disturbs the topsoil, obviously anything that puts impervious surface down but I can't remember exactly the definition she gave me. That's the general gist of it.

**5:43 PM** Mr. Donhauser asked what the amount of impervious surface one could put down on a lot.

Mr. Brubaker said that, with non-Shoreland Zoning, the Maine standard is lot coverage. Lot coverage has to do with the percent of the lot covered by buildings or structures. Within Shoreland Zoning, it adds a non-vegetative surface requirement. So generally, any property that is in Shoreland Zone, you cannot have more than 20% of it be non-vegetative, so, mainly we are talking about any new impervious surface. When it's not Shoreland Zoning, it's the lesser lot coverage standard, which does pick up any buildings or structures but doesn't pick up all impervious surfaces. There may be other provisions that indirectly related to not paving an entire non-Shoreland Zoning lot but, generally, there aren't upper limits on the amount of impervious surface you can have in non-Shoreland situations.

Mr. Donhauser said that, regarding the C/I District, I have had to deal with this and it can restrict the amount of buildings and pavement that you can put on a lot. My question is if you can do something to mitigate, such as a collection pond. I think the purpose of the ordinance is to prevent your run-off from quickly going onto other properties around you. Can you have, say, 80% with a collection pond so that you can actually build out the lot with buildings.

**5:45 PM** Mr. Brubaker said, generally, yes. That is one of the stormwater management facilities that you can have and that is one of many that are encouraged. The idea is to obviously not impact neighboring properties unduly with run-off but also to not increase the peak stormwater run-off onto those other properties. Eliot's standard right now is a 50-year storm. If you have a property in the C/I District, you do generally have the ability to develop a lot of it but, once you start talking about the necessary stormwater facilities that you need to have, front, side, and rear setbacks, and certain buffering standards, inevitably your site is going to be a mix of developed area and area that stays green with stormwater management facilities. That gets calculated with site planning and making sure that the site

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features work together to have the development there but also to have those green spaces and that stormwater management.

There were no more questions.

**5:47 PM** Mr. Brubaker said the third one is **Modification of Performance Standards for Marijuana Uses**. This ordinance amendment would do a number of things to boost performance standards and clarify the performance standards for marijuana uses. First, it would require marijuana cultivation and manufacturing facilities to have a wastewater disposal plan in place and to dispose of wastewater in accordance with applicable laws. Second, it would require adult use marijuana retail stores to conduct a traffic impact assessment as part of their application. The PB already has the authority to require a traffic study for any application it feels would create a significant traffic impact on the adjacent streets but this would basically require it by default for adult use marijuana retail stores. It would also increase the parking space requirement for adult use marijuana retail stores. Currently, retail uses are required to provide one parking space per 150 feet of retail floor area and that would be one space per 100 square feet of retail floor area for adult use marijuana retail stores. The final provision about the 500-foot rule for accessory residential uses on a commercial property, the PB in their initial review was not so keen on that so the latest draft has taken that out. But the PB did want to see, after I submitted this staff report for this meeting, increased odor management rules in our performance standards and, so, the March 1<sup>st</sup> PB meeting draft includes some clarified and strengthened odor management rules for uses to mitigate the affects of odor from these uses on adjacent properties. So that is that in a nutshell and I will pause for questions.

**5:49 PM** Mr. Widi asked what is involved in a traffic assessment.

Mr. Brubaker said that, generally, it starts with trip generation where the applicant estimates the number of trips that their use will create on a daily basis and during peak hours. Then, they would assign those trips to the network. So, they would provide an estimate of how many trips would turn right and how many trips would turn left so you know how much traffic is loading onto each direction, perhaps like near an intersection. Then they would assess the level of service of those adjacent streets to determine if their use is deteriorating traffic conditions enough so as to cause congestion, particularly during peak hours. They would also look at associated things such as whether the facilities that they would be locating there, that their business designs are adequate to handle both the background traffic that already goes by their site plus the trips that they are adding to the system.

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**5:51 PM** Mr. Widi asked if the traffic impact assessment said that they would negatively impact a road at peak hours, then what. Is that grounds for the PB to deny it. We can all clearly see an example of that happening right now where things back up on Route 236 during rush hour, particularly Friday afternoons. I hear a lot about it all the time. So, if there is a traffic impact assessment and it says it's a problem, then what.

Mr. Brubaker said that, in a worst-case scenario for the applicant, one option is for the PB to deny it because the application hasn't demonstrated that it's met the performance standards in our code, including Chapter 45, §45-406 Traffic. But, oftentimes in my experience, myself and the PB tends to work with the applicant to discuss potential modifications to their site plan, potential improvements they might contribute to, or conditions of approval that would mitigate those conditions. It could be a smaller-scale use. It could be some other thing that attempts to mitigate the number of peak hour trips generated.

Mr. Widi asked who makes the determination and who is doing the traffic assessment.

Mr. Brubaker said that, in this case, the applicant could hire the consultant and there's a lot of traffic engineers out there that this is their bread and butter. They do these traffic assessments and is a very common tool used in development review. But, the PB is empowered in our code, currently, to hire a third-party reviewer that the applicant pays for but the PB directs. That third-party reviewer, if the PB is suspicious of anything in the applicant's engineer's traffic impact assessment, could offer that third-party perspective on that to guard against any particular biased conclusion.

**5:54 PM** Mr. McPherson asked, regarding the 500-foot rule, if Mr. Brubaker said that the PB wanted to leave it the way that it is.

Mr. Brubaker said that, with the 500-foot rule, I've heard that it is very important to the community and I think it's very important to the PB; that I think it's a very important performance standard. So overall, that would largely stay the same. This was just looking at a very narrow exception to that. To clarify, the 500-foot rule is shorthand to describe the requirement that a marijuana retail store, a medical marijuana dispensary, or caregiver retail store – the actual building be at least 500 feet as the crow flies from certain uses' property lines, including residences, childcare facilities, places of worship, and schools. So, it's important to mitigate those uses' impacts on those properties. What was contemplated with this current amendment, which the PB was lukewarm on, was a situation where you have a commercial property and you have an accessory residential use that is permitted and legally non-conforming on that same property. That would not have

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been considered a sensitive residential use and would not, by itself, trip the 500-foot rule. Although, if there were adjacent residential properties, those would still be included and covered by the 500-foot rule. That is all that change was but, again, it is out of the latest draft and the current sensitive uses rule would stay as is.

**5:56 PM** Mr. McPherson said that the 500-foot measurement is from building to building, right.

Mr. Brubaker clarified that it is from the marijuana building exterior wall to the nearest point of the property line of the sensitive use.

Mr. Donhauser said that, tagging onto that question, the Town has a parcel of land that we own on Route 236 and there was an issue where the marijuana business couldn't put their business next to it because it was a municipality. Is that related to the 500-foot rule.

Mr. Brubaker said that I think a plain reading of the 500-foot rule (§33-190(5)), along with the current definition of public facility in Chapter 11, that language would include those two parcels as a sensitive use as a public facility. Others are welcome to interpret that differently but that's my reading on that.

Mr. Donhauser said that, in that case, it seems sort of unfair to the business owner who is trying to do whatever his business use was because the Town wasn't going to use that land, I believe. Hopefully, that will never come up.

**5:58 PM** Mr. Brubaker said that **sign setbacks** basically seeks to clarify ambiguous setback requirements for signs, particularly commercial signs along Route 236. It would just clarify that there is no front lot line setback for signs along Route 236; that as long as the business located the sign fully on their property and not encroaching on the Route 236 ROW, that would be acceptable. Except for the fact that certain signs we do not want close to the edge of pavement, particularly monument and pole-mounted signs that are anchored by concrete into the ground because we don't want those in the clear zone. We don't want anything that isn't designed to be breakaway within the clear zone for the purposes of avoiding severe run-off-the-road collisions with those signs from motor vehicles.

There were no questions.

**6:00 PM** Mr. Brubaker said that the **site plan content requirements** just clarifies what documents are needed for an applicant to show ownership standing. In other words, if they propose to develop the site, we want to know they have the authority to develop it as potentially approved by the PB. It seems self-evident but

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it's important because you wouldn't want a situation where the PB imposes reasonable conditions of approval and the applicant doesn't have a legal ability to implement those conditions. It also just clarified that when the PB reviews Home Business applications, that the typical content requirements for a site plan are assumed to not be required of that applicant. An extreme example is a home hair salon doesn't need to do a high intensity soils survey on their property. It also requires applicants to provide two-dimensional building elevations sketches so that the PB can actually see what the building will look like; that we actually don't have that in our code although a lot of applicants voluntarily provide that. Some don't. This gets toward a better aesthetic review by the PB. The last two are **barn event venues or event centers**. This is not something we are considering for June but we are engaging SMPDC to begin thinking about whether it makes sense, the pros and cons, to look at allowing some event centers in zoning districts other than the C/I District. For example, barns that get converted into occasional, for-rent wedding venues. It's a very sensitive issue and there's a lot of potential neighbor impact and so what we're doing now is an internal discussion among staff, including the Fire Chief, the CEO, the Town Manager, and others as to what are the pros and cons, sensitivities, and considerations. We have gotten some requests from residents, for sure, and so we at least want to look into it. But there are no guarantees on where this will go and certainly, if the SB, either now or in the future, has some thoughts. I just wanted to mention that this isn't something for June. This is something we are assessing internally and we welcome any input. With the last one, I just wanted to note that we are starting to look into some **zoning possibilities for Route 236** as we are, right now, about a week away from bid advertising for Contract #1 for the Route 236 Water & Sewer Project. So, we are beginning to engage with SMPDC to think about what potential zoning changes could be considered in conjunction with the eventual completion and beginning of operation of the extended water and sewer lines.

**6:04 PM**

Mr. Donhauser asked if that could affect lot size.

Mr. Brubaker said that that is kind of a key assumption; that that will unlock the ability to have smaller minimum lot sizes as lots have the option of getting off septic and going onto the municipal sewer system.

Mr. Widi said that I read a version, I think an SMPDC draft a couple years ago, that they had kind of suggested between Depot Road and Beech Road, I believe was the example they put. As you're doing it, I would be in favor of it going from Depot Road to Bolt Hill Road, since that is where the sewer is going to be going anyway.

Mr. Brubaker said that I will make a note of that. That's all I've got unless you have any questions.

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**6:07 PM** Mr. Sullivan said that I was going to ask, as Mr. Brubaker is here, if the SB would suspend the necessary rules and take Item G4 out of order. Basically, it's just requesting that you see the final version, accept it, and allow the Chair to sign it.

Mr. Donhauser said that there is no objection and we will move down to G4, which is acceptance of the PB by-law revision.

**G4. Acceptance of Planning Board By-law Revisions**

**Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board accept the revised by-laws as presented this evening and authorize Chair Donhauser to endorse the revisions on behalf of the Select Board on this matter.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. McPherson - Yes**

**Mr. Widi – Yes**

**Unanimous vote to approve motion.**

**F2. Town Manager's Report**

Mr. Sullivan said that I think the report is pretty self-explanatory. We're pretty excited about the Route 236 Project. Mr. Brubaker has certainly put in a great effort and helped out a lot. We have our portion of the SRF funding to our partner at Underwood this week. We are in the final stages of choosing a payroll system to implement, which will save time and money and allow us to re-focus the staff time to other pressing issues. The record storage people have asked about that. It is adaptable if you were to build a new building sometime. We'll go from having to use five different rooms, presently, to four rooms and still have more space by adapting this system and I think this system is relatively inexpensive.

Mr. Donhauser said that, in auditing the Town for a number of years, locating records was an arduous task; that we didn't know what box they were in, etc., so I think this is a great move and an important thing to do.

**G. New Business:**

**6:10 PM 1. Fiscal Year 2003 Budget Update (verbal)**



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Mr. Sullivan said that I did give you a copy of questions I have answered for the Budget Committee, and they are posted on the website. I would encourage citizens to look at them. I don't know if there is anything on there that you would like me to address more or put more time into. Again, we're talking about the training, which I think is a good investment for the Town that will pay dividends in the future. There are some questions about Workmen's Comp going all into one administrative fund. I think that is because we just want to control from the Workmen's Comp from Administration and, certainly, we're willing to break it out as it comes to fruition but you don't know what department is going to need and how much until, and hopefully no department needs any Workmen's Comp claims, but we think there will be a long-term savings and we'll be able to have better coordination of that. The Public Works computer repair, since it's an 8-year-old system, I think I addressed that. The \$1,500 in advertising for the Town of Eliot I think is a modest amount that really doesn't impact the budget that much. It will give us the opportunity when we want to promote and tell people how proud we are of Eliot outside of our sphere, it will give us a small amount of money to do so. One great example is, if we had some of that money when we recently had the Wreaths Across America event; that we may have been able to focus and add some additional advertising to that. Unfortunately, on some websites Kittery got credit for it and it was right here in Eliot. We can thank the Chief for that and the elementary school for all that they did on it. We've all seen major cities and states increasing their advertising budgets and there's a reason. It's a return on investment and, whether you're advertising on Facebook or group ads, the opportunity might present itself. On the other hand, if we don't have those opportunities and they don't present themselves, we return that money to the general fund. Like so many of the things we're asking for, the question is if we have the opportunity, we're going to make those investments. We're hoping that the public sees the importance of investing in Eliot. If we don't need those dollars during the budget year, then they're returned to the general fund. We don't spend it, which is often the case in the Town of Eliot.

**6:12 PM** Mr. Donhauser said that, in my discussions with you on the budget, there's a focus on employees and training and cross-training, depending on what they actually do and how they do it. I think that's proper because payroll compensation, and all the associated expenses related to payroll, payroll taxes, retirement, health insurance, is very expensive and is a very significant part of our budget. I think you're focusing on that and I commend you for doing it. O appreciate that.

**6:15 PM**      **2. Request for Appointment to EAFSC, Tim Johnson**

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Mr. Donhauser said that I read your letter, Mr. Johnson, and it's great that you want to be on the committee. It's a great committee.

Mr. Johnson said that I think so, too.

Mr. Widi commented that it has a very diverse group of people.

Mr. Donhauser said that Eliot is a great farming community, actually, so a motion would be in order.

**Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board appoint Tim Johnson to the Eliot Agriculture and Food Security Commission to a term ending June 2024.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. McPherson - Yes**

**Mr. Widi – Yes**

**Unanimous vote to approve motion.**

Mr. Donhauser let Mr. Johnson know that he would need to see the Town Clerk to get sworn in.

Mr. Sullivan said that we actually made arrangements that the first meeting will be March 3<sup>rd</sup> at 4:30 PM and the Clerk is going to attend so she can swear in all the committee members.

**6:17 PM      3. Discussion Pease Air Cargo Project, Cathy Goodwin**

Mr. Donhauser invited Cathy Goodwin to speak to this.

Ms. Goodwin, Cedar Road, and I really appreciate having some time tonight to fill you in on the past history with Pease and our Town and the potential of what may be happening there in the future, as we've all read in the paper, and I think you have some things added to your packets tonight. First, I want to say I'm not anti-business. I was the Chamber Executive in York for 15 years so I support business and actually applaud the PDA (Pease Development Authority) for the tremendous development that they have done at Pease and brought so many high-quality jobs. It is exactly what all of us wanted back in the day when it was being discussed and planned after the Air Force left. We'd like to see that continue, of course. The concern is about the freight side of this and let me give you a little

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history about what we did. Back in the day I was the Chair of the Comprehensive Planning Committee (late 80's and early 90's) and part of the charge to us was to look at a 10-mile radius at impacts that other towns' activities would cause potential impacts for us and, of course, Pease became the big issue because it's one nautical mile from here. So, if the river wasn't where it is, we would be potential abutters to the development. We would have been treated like abutters. But as we know, they have refused to include anyone from Maine on that Authority. We have no standing to this day. So, it is a New Hampshire-focused project that could have potentially tremendous impact on us because of what kinds of planes will fly, when they'll fly, how frequently they'll fly, and so on. A second group was formed out of the Comprehensive Planning Committee, a subcommittee. We call ourselves the Eliot Regional Development Authority, although we have no authority to do a lot. We had a charter – Bruce Trott, Jack Murphy, so there were about ten of us on the committee at that time. We attended all the meetings. We met the congressional delegation. We partnered up, eventually, with the Town of Newington, and those folks were very concerned about the potential of, for instance, a “Logan North”. And, so, we did a lot of studying and one of the documents we studied very closely was the Air Force Environmental Impact Study. In that study, if I remember correctly, it was determined that freight is used in the oldest, dirtiest, noisiest planes and they fly at night. So, Logan flies primarily commercial planes, very low freight. They operate from about 7AM or 8AM, when flights start, then end at 10PM or 11PM and there are no more flights at night. It doesn't work for freight to be in Boston. So, given the expansion possibilities of what could be happening next at Pease, if it's still determined that the kinds of freight planes are still the noisiest, dirtiest, and so on, we have a problem because that will definitely impact our property values. That's what we learned when we did the study of DIS. We looked at Heathrow, we looked at Houston, we looked at Revere, we looked at all of the places where flights happen on a regular basis – every five minutes for a takeoff or landing - and property values diminished pretty massively. So far there's not been any mention of Maine and any impact in Maine and I think that's what I'm most concerned about for all of us. I think it's very important that we pay attention to this. I don't know that it's a red flag kind-of-thing but I think we can't sit back on our laurels and just assume that the PDA is going to do what we would like them to do, which is not go with the freight if it is all those things. I think there should be an updated study. I think that the Select Board, here, ought to write to the PDA and asked to be included in any meetings where this is discussed. That we potentially form a committee at some point. I'm not sure that's necessary right now because it is all very preliminary. For those of you who don't know what I'm addressing, it's the development of a 450,000 square-foot warehouse at Pease that will be a warehouse for all of our great packages from Amazon or Walmart or another. We're not sure who they're actually talking with, yet, but we're assuming it's got to be one of the big players to make that kind of a

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massive investment. So, we're not talking about a small industrial addition out there. We're talking about a major, major development. Thousands of jobs. The other interesting thing from the Air Force Study was that they determined that for every single job created at Pease, Maine would see an additional four residents. That proved to be true because our growth spurt happened when they really started adding jobs primarily because New Hampshire doesn't have a lot of room left. The Portsmouth area is very limited now on new development, and so on, so you're seeing these big high-rises going up now over there. Instead of what we have here, which is one-, two-, three-acre zoning, and it's very different. I guess I'll close with that and if you have questions. I don't want to belabor the issue. I know I did ask Mr. Sullivan if he would bring it up at the Town Manager's Meeting last month and he did. I think we should be talking with our partner towns – the KEYS community (Kittery, Eliot, York, South Berwick), at least, to make sure they are all paying attention. And I think we need to let the PDA know we're paying attention. Even if we don't have an official voting voice in what they choose to do, we were able, as communities, to come together last time and to say these are the things we would like to have, these are the things we're not so crazy about, and they went with the things that we now have, which is great. They listened to us and they did a great job in the end. But it went on for a couple of years. They would come out to public hearings, or public meetings, and they'd listen to everybody then they would go back into executive session because they were negotiating with all of these businesses and nobody knew what was going on. So, it was kind of a cliffhanger for a while and then, eventually, came forward with what their plan was going to be. As I said, it has turned out very well. I would be surprised if the businesses out at Pease would want the kind of noise and kind of impact that's there and it's hard to tell what they're not saying – if they embrace the idea or not.

**6:20 PM**

Mr. Donhauser said that it would also impact the ground transportation, too. You have that freight house moving out of the terminal on the ground. I see a massive amount of trucks over the road, both in Maine coming up 95.

Ms. Goodwin agreed. We are the bottleneck. I call us the hour glass. We're right here and we talk about the back up on Route 236. So, I don't know where we're going to put all these new employees, for one thing. There's no housing available right now. There's lots of potential impact.

Mr. Donhauser said that I'm looking down through this article. It's like 3,000 flights, or something, a year. I read in this article that there was the possibility of 3,000 additional flights in addition to the flights that are currently happening. There are some communities that actually ban that; that they make it so they can't fly between those hours.

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Ms. Goodwin said that that would also be a possibility, that the fly during the day, but I still think we need to be certain of the kind of planes that fly.

Mr. Donhauser added that there would be flights taking off every five minutes.

**6:22 PM** Ms. Goodwin said that I would say that, when the study came out, freight died very quickly. It was determined pretty quickly that nobody wanted the dirtiest, noisiest planes. So, it was eliminated as one of the potential outcomes for re-development at the air base.

Mr. Donhauser asked if our congressional senators and representatives have an impact. Do they have any pull in New Hampshire.

Ms. Goodwin said that's the FAA. They did at the time. As a matter of fact, one of our congressmen asked the FAA to meet with him to discuss the project and the FAA refused; that he said to us that you don't refuse a congressman's request to meet. You just don't. We were not loved by the FAA. They refused to bring their noise machine to Maine. And so, our committee, we had bright engineers. They created their own noise machine, a replica, and we brought it up to meetings so that we could say to people this is what this kind of plane sounds like at this height. So, the FAA wasn't happy about it. But yet, that was the beginning of our having conversations, meeting several of the House members. They do have impact with the FAA.

**6:26 PM** Mr. Donhauser asked, as a Town, what would be our initial move.

Ms. Goodwin said that I think the first thing we should do is send a letter to the PDA saying that we have concerns about potential impacts. Request an updated environmental impact study in that letter. And then, potentially, send maybe our Planner to their meetings so that there is a presence. It made a difference showing up, for sure. Start with that. I do think it's a little premature for a committee. Potentially a committee, depending upon how this starts to roll out, to fall in because this did take ten of us meeting and studying and trying to figure out the pieces.

Mr. Donhauser asked if she and Michael would be interested in participating.

Ms. Goodwin said Michael, no.

**6:28 PM** Mr. McPherson asked if there is a timeline on this.

Ms. Goodwin said that it's going to be a couple of years. They don't have a timeline yet. The proposal came, as I understand it, came before the PDA Board

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just at the end of January so they haven't really delved into it too much. I will say that Peggy Lamson (Margaret Lamson) served on the PDA Board. She is a former Selectman in Newington and she was one of the ones we partnered with at the time. She raised some of these same concerns. I haven't talked with her. I haven't approached anybody. I have felt sort of that it's really not my place and I think there is much more weight if the Town does that just to let them know that we have an interest in an updated study of what the impact will be. At the time they determined "Logan North" would not be at Pease, Manchester wanted to be "Logan North" but, in that interim period, the flight paths changed. I don't know if any of you remember, but the planes started coming over the beach, coming right over us, and then landing. They stopped that when those flights ended up going to Manchester. So, I think we saw a little bit of the impact. There were contrails in the sky. If you were at the beach on sunny days, they were very frequent.

Mr. Donhauser said that the Air National Guard flies out of Pease today and what always amazes me is that the way the runway is, they have to get to that end and come pretty close over my house, and they're pretty darn low. It doesn't happen very frequently but I always look up and watch because they're massive. They definitely fly over Eliot, that's for sure.

**6:30 PM**

Mr. Widi said that there has been a definite change in the last year; that I'm out almost every day and they are 400 or 500 feet up. It doesn't bother me that much but I totally appreciate the concerns and I think the best thing is probably to try to cooperative towns together to send a letter. If the PDA is all people from New Hampshire and they say well, let's just let it happen, and that's over us. I think we have more power with numbers. I don't know if Mr. Sullivan would want to reach out to Kittery, York, South Berwick and do a joint letter and say we want some voice, even if it's not in an official capacity, so we have someone sitting there looking out for the interests of Maine.

Mr. Sullivan said that Mr. Brubaker had mentioned it and I knew this was a subject matter we should bring forward and start a discussion with; that I did bring it to the February meeting of the York County Manager's Association. I also spoke to SMPDC about it. They are a regional planning voice and they need to have a part of this. The Management group agreed that, at a future meeting, they would allow a presentation and I'm planning on working with SMPDC to do that. Like Ms. Goodwin, I'm hoping that a letter from the SB, if you are so inclined, would help me to present that to other communities to say my SB is behind this; that we're not anti-business. We just want to make sure that it is fair with our residents when you talk about changing flight patterns. I know they can be adjusted and we would like them to be adjusted that impacts Eliot in the least possible way. Environmental concerns are important, as well.

**SELECT BOARD MEETING**  
**February 24, 2022 5:30PM (continued)**  
**Town Hall/Hybrid**

**6:35 PM** Mr. Donhauser said that I'm hearing that we, as a group, want to move forward with this, like a letter to the PDA Board, as Ms. Goodwin suggested, have municipalities help, and get some representation. And now is the time to get involved. I appreciate what you brought forth.

Ms. Goodwin said that a great thing that came out of it for us was that working with the Town of Newington turned out to be very...it was fun, for one thing...but they realized that they had been doing to us, what the PDA was doing to them, which is any development that they have along the river, they never considered the impact on us. And so, at least for a few years after the whole thing settled down, Newington would invite our planning committee, our Planning Board, to appear as if we were abutters whenever they were planning something along the waterfront. So, good things do come and not everyone in New Hampshire is wanting to just say let's take advantage of Maine. But we are in a weak position; that we have no official say. So, we have to join voices with our other towns and with New Hampshire towns, as well, that might not want it, either.

**6:37 PM** Mr. Donhauser said that I think you pointed out very properly that we are an abutter if it wasn't for the river, and we should have a voice in what goes on as an abutter.

Mr. Widi said that this is also not the first encroachment of New Hampshire industry on us. We had the smell issue in South Eliot so it's not unique to this issue. I think we need to be more proactive about it.

**Mr. Widi moved, second by Mr. McPherson, that the Eliot Select Board direct the Town Manager to prepare a letter to be sent to Southern Maine Planning and Development Corporation and/or Pease Development Corporation expressing the concerns of the Eliot Select Board as to the Pease Air Cargo Plan with copies to our state and federal delegation and any abutting towns willing to co-sign.**

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. McPherson - Yes**

**Mr. Widi – Yes**

**Unanimous vote to approve motion.**

**H. Old Business:**

**SELECT BOARD MEETING**  
**February 24, 2022 5:30PM (continued)**  
**Town Hall/Hybrid**

There was no old business.

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

**6:40 PM** Mr. Donhauser moved, second by Mr. Widi, that the Select Board approve A/P Warrant #67 in the amount of \$926,059.48, dated February 12, 2022. A/P Warrant #69 in the amount of \$23,899.49, dated February 12, 2022.

**Roll Call Vote:**

**Mr. Donhauser – Yes**  
**Mr. McPherson - Yes**  
**Mr. Widi – Yes**

**Unanimous vote to approve motion.**

**J. Selectmen's Report:**

**6:42 PM** Mr. Donhauser said that we are always seeking committee members for various committees of the Town

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Mr. McPherson said that I would like to state for the record that Mike Grogan, Eliot Police Officer, retired yesterday after 33 years in service to the Town of Eliot. I would just like to acknowledge that. Being a police officer for 33 years is quite a commitment and give a big thank-you for everything he did. He is a pretty dedicated Town employee.

Mr. Sullivan added that he had a very classy send-off yesterday.

There was praise for a well-done celebration by Chief Moya and the Eliot Police Officers. South Berwick and Kittery and York had policemen there and he got an escort home.

**K. Executive Session (not called for)**

There was no executive session.



**SELECT BOARD MEETING**  
**February 24, 2022 5:30PM (continued)**  
**Town Hall/Hybrid**

**L. Adjourn**

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

**Roll Call Vote:**

**Mr. Donhauser – Yes**

**Mr. McPherson - Yes**

**Mr. Widi – Yes**

**Unanimous vote to approve motion.**

The meeting adjourned at 6:43 PM.

**Respectfully submitted,**

**Ellen Lemire, Recording Secretary**

**S/ Robert McPherson, Secretary**

**Date approved: 05/26/2022**