

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION

DATE:

Tuesday, March 28, 2023

PLACE: TOWN HALL/ZOOM

TIME:

6:00 P.M.

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

All in-person attendees are asked to wear face masks

1) **ROLL CALL**

a) Quorum, Alternate Members, Conflicts of Interest

2) **PLEDGE OF ALLEGIANCE**

3) **MOMENT OF SILENCE**

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

5) **REVIEW AND APPROVE MINUTES**

a) October 4, 2022 to February 21, 2023 – if available

6) **NOTICE OF DECISION**

a) 290 & 291 Harold L. Dow Highway – if available

7) **PUBLIC HEARING**

a) Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

b) Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care

c) Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards

d) Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors

e) Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges

f) Allocation of maximum growth permits for new residential dwelling units for calendar year 2024

8) **NEW BUSINESS**

a) 416 Main Street (Map 1, Lot 83), PID # 001-083-000, PB23-03: Home Business Application Review Auto Repair & Auto Detailing owner, Nicholas Andrade

9) **OLD BUSINESS**

a) 0 Bolt Hill Road (Map 17/Lot 29), PID #017-029-000, Amendment to Existing Subdivision Plan-Hybrid Review Village at Great Brook

10) **OTHER BUSINESS / CORRESPONDENCE**

a) Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Members

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

a) April 4, 2023

12) **ADJOURN**

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

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

a) Go to www.eliotme.org

b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.

c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 6:00pm (Please note: streaming a remote meeting can be delayed up to a minute)

Instructions to join remote meeting:

To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.

a) Please call **1-646-558-8656**

1. When prompted enter meeting number ID: **814 0280 4878**

2. When prompted to enter Attendee ID

3. When prompted enter meeting password: **513110**

b) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.

c) Press *9 to raise your virtual hand to speak



Carmela Braun – Chair

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

POSTED

3/22/23

1 **ITEM 1 - ROLL CALL**

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

4
5 Absent: Jim Latter (excused).

6
7 Also Present: Jeff Brubaker, Town Planner.

8
9 Voting members: Carmela Braun, Jeff Leathe, and Christine Bennett.

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

12
13 **ITEM 3 – MOMENT OF SILENCE**

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

16
17 There was no public input.

18
19 **ITEM 5 – REVIEW AND APPROVE MINUTES**

20
21 There were no minutes reviewed tonight.

22
23 **ITEM 6 – NOTICE OF DECISION**

24
25 **PB22-17: Home Business – Family Child Care, 151 Beech Road.**

26
27 **Mr. Leathe moved, second by Ms. Bennett, that the Planning Board approve the**
28 **Notice of Decision for PB22-17 Home Business Permit Site Plan Review Application**
29 **Conversion In-home Family Child Care Center, as amended.**

30
31 **VOTE**
32 **3-0**
33 **Motion approved**

34
35 **ITEM 7 – PUBLIC HEARING**

36
37 There was no public hearing.

38
39 **ITEM 8 – NEW BUSINESS**

40
41 **A. 290 Harold L. Dow Highway (Map 37/Lot20), PB22-18: Site Plan**
42 **Review/Amendment and Change of Use – Marijuana Products Manufacturing**
43 **Facility – sketch plan review.**

44
45 **Received: September 20, 2022**

- 46 **1st Heard: November 1, 2022 (Site Plan Amendment & Change of Use/sketch plan**
- 47 **review)**
- 48 **2nd Heard: _____, 2022 (Site Plan Review for new application/completeness)**
- 49 **3rd Heard: _____, 2022 (continued review/Public Hearing)**
- 50 **Public Hearing: _____, 2022**
- 51 **Site Walk: _____, 2022**
- 52 **Approval: _____, 2022**
- 53

54 Mr. (Michael) Sudak, E.I (Attar Engineering, Inc.) and Mr. (Dana) Brearley (applicant)

55 were present for this application.

56

57 Mr. Brubaker said, sharing his screen, that this amendment application was for the

58 addition of a marijuana manufacturing facility use, or kitchen, to approved uses. This is

59 an initial sketch plan review that would involve the re-location of the facility from across

60 the road at 291 H. L. Dow (Northern Pool & Spa). It would be incorporated into the

61 approved, under construction, buildings at 290 H. L. Dow. The OCP conditional license

62 has been provided by the applicant and it is current. The previous approval was PB20-28,

63 which was in February 2021. That approved a marijuana cultivation facility, a bricks-and-

64 mortar store, which are both under construction, and a temporary trailer, which has been

65 in operation. With the current application, the entire building is a similar size (18,560

66 square feet) with the marijuana store being 1,880 square feet. The proposed marijuana

67 kitchen would be approximately 30'X30'. At least that is what I can discern from the

68 floor plan. The remainder of the building would continue to be that previously-approved

69 use of cultivation. He showed an excerpt from the site plan, saying it was a similar

70 orientation and layout as the previous approval. Mr. Sudak can take you more into detail

71 on this. You can see that the 1,880 square-foot rebuilt store is still generally in the same

72 position with a slight change in layout and, then, the larger cultivation facility. Again,

73 these are both buildings under construction now. There is parking around it. One thing

74 I'm interested in is the completion status of the bio-retention filters and asked if Mr.

75 Sudak would speak to that a little and the front buffer, as well. I recall that this front

76 buffer was required to be provided, if I understand correctly, by the completion of the

77 permanent buildings, not as part of the temporary trailer. There are some other buffer

78 areas shown in the other corner of the site plan, as well. In terms of parking, they are

79 using the new, more rigorous parking standard for marijuana stores, one per 100 square

80 feet. So, with all of the uses considered, they show a requirement of 33 spaces and they

81 are providing 44, including 3 ADA spaces. There was a condition in the previous

82 approval that related to removing four of those spaces to create additional vegetative

83 buffering. In my opinion, I think that's still a valid condition to carry forward. The

84 application reports note no changes from the previous approval to impervious cover,

85 stormwater run-off, and these other standards you see up there. My comments are in the

86 staff report but I believe the next review should be a full site plan review application. I

87 think we wanted to clarify what the small kitchen was on the floor plan. I talked about

88 that condition regarding additional vegetative screening. A wastewater plan would be

89 required for a development for a marijuana products manufacturing facility. A

90 commercial processing license is required and we could simply count that as a condition

91 of approval since they can't get that until after the building has been completed. We

92 wanted to clarify odor control measures and clarify that they are meeting OCP's
93 requirements for co-location of the three uses in the same building. I just wanted to close
94 on the Traffic Impact Assessment. We do have a new requirement for traffic impact
95 assessment (TIA) but that applies to new retail stores or existing retail stores seeking site
96 plan amendments involving potential change to trip generation or traffic circulation. In
97 my opinion, I do think that traffic circulation is substantially similar on-site. I think that
98 the trip generation would not change for the greater in this amendment compared to what
99 was previously approved. So, in my opinion, reading that provision I don't think they
100 would automatically be required to provide a TIA. The PB can still require one under
101 §33-153 but that would be up to you. In my opinion, I thought that perhaps a reasonable
102 middle ground would be, and this isn't the only option, perhaps just requiring some
103 estimates of current traffic movements from the site, currently, with operation of the
104 temporary trailer and then, if it's approved, a condition of approval requiring post-
105 construction traffic counts. All that can be debated in this review.

106
107 Mr. Sudak said that Mr. Brearley was here with him tonight. Thank you, Mr. Brubaker,
108 for that. You took care of most of what I was going to say. Giving a quick overview, this
109 is a site plan amendment and change of use to add adult use manufacturing to the facility.
110 Right now, the building at the rear on the Northern Pool & Spa property has an adult use
111 manufacturing space that we're proposing to move across the street to the 290 property. It
112 is being incorporated into the floor plan that we are showing on the screen. The red space
113 in the bottom left is our retail area. I believe the previous approval from the beginning of
114 2021 had approximately 4,000 square feet designated for retail and that number is going
115 way down. 'That's' what the retail space is right now, with just some configuration
116 changes to this interior floor plan that results in 'this' little triangular bump-out 'here' just
117 where our new customer entrance is going to be. It's about 80 square feet coming off of
118 that "L" but it's being done in an area that was already existing concrete sidewalk so
119 there's no change in impervious cover. And just some minor parking changes to
120 accommodate that little bump-out. Our two ADA spaces are right there and we have to
121 change some of the tip-ups for ADA access for that entrance. The big thing that I'd like
122 to strike from this document – the tiny little kitchen space that's just above our retail area.
123 That's not from previous approvals, that was my error. That is manufacturing use that we
124 are proposing with this application. It's just in excess of the square-footage that's coming
125 from across the street. 'This' 30'X30' is what was existing across the street from 291
126 coming over and we're adding a little bit of additional manufacturing adjacent to the
127 retail space.

128
129 Mr. Brearley said that the intent, here, is to have just a show kitchen, so we'll be active
130 most of the time, at peak hours, or whatnot. This is the retail store over 'here'. We're still
131 working with the architects on the countertop; that it would kind of be in 'this' area.
132 There's going to be a glass wall 'here'; that what we're seeing a lot is that customers are
133 really curious about how these products come to fruition because it's so new. So, that will
134 give them line-of-sight a little bit and we can show how molds are poured and do some of
135 the activities in a smaller, less efficient kitchen, if you will, just so they can get line-of-
136 sight as to what a kitchen actually does in cannabis. That's the intent of trying to stuff a
137 little corner 'here'. We'll probably do some mold-pouring in a smaller, less commercial

138 operation just so that they can see what a cannabis kitchen might look like. To answer
139 your next question, that has been vetted by the OCP; that that is allowed as long as
140 customers cannot enter said kitchen.

141
142 Ms. Braun said that we've never had one of those before. I don't know if that falls within
143 our ordinance. It's like a display and you would be doing some processing to show them
144 stuff.

145
146 Mr. Brearley agreed.

147
148 Ms. Braun asked how that qualifies under our current ordinances.

149
150 Mr. Brubaker said that I would say that it would seem, on its face, to be part of the
151 marijuana manufacturing facility. In other words, we wouldn't have any specific
152 regulations on the way it looks or the orientation of it. Obviously, there are some OCP
153 co-location requirements that I have talked about but I would see that as being allowable.

154
155 Ms. Braun said that I'm just concerned that, where it's a display kitchen, that it could
156 cause a lot of comments and stuff like that. I would be concerned, and nothing against
157 you personally, that a product would inadvertently be made in front of them.

158
159 Mr. Brearley asked, out of curiosity, why.

160
161 Ms. Braun said that my concern would be that, while they are displaying some of this,
162 that eventually the end product would be made in front of them, which is not supposed to
163 be the case, as I understand.

164
165 Mr. Brubaker said that I think that, in this case, we would be more concerned about the
166 use and the site plan. I think in this case, primarily this would be an OCP call just on the
167 relation of this show kitchen to the surrounding uses.

168
169 Mr. Brearley said that this is just a normal picture of our kitchen of what we're doing
170 now. This is behind a glass wall. There was no risk of touching products, etc.

171
172 Ms. Braun said that I would like to include that approval in our packet from OCP on this
173 kitchen.

174
175 Mr. Brearley agreed. There are other dispensaries in the State that have this line-of-sight
176 into growers, and stuff like that, so this isn't uncommon.

177
178 Mr. Brubaker added that they would have to ensure they are meeting the commercial
179 building codes.

180
181 Mr. Brearley agreed, saying that everything I'm presenting, here, is legal with the OCP.
182 So, I will get you a copy of that.

183

184 Ms. Bennett said that the square-footage we are looking at right ‘here’, the show kitchen,
185 that’s equal to the square-footage that was approved at 291 for a kitchen.
186

187 Mr. Brearley said no. We’ve learned a lot in the past two years. We have a kitchen at 291
188 with three people working in there and make hard candies, etc. in that kitchen. They just
189 don’t have enough space for pots and pans and hot plates. So those three staff members
190 were trying to get into ‘this’ building, ‘this’ room over here, because they’ll have a lot
191 more storage, vault space, and it’s off the beaten path on its own separate property. So,
192 that’s what we’re trying to do, here; just give them a little more room to maneuver and,
193 every once in a while on a Friday night when we have peak hours in our store, to see
194 some activities that go on in our manufacturing.
195

196 Ms. Bennett asked how many square feet were you approved for at 291.
197

198 Mr. Brearley said that it’s about 20’X20”.
199

200 Ms. Bennett said that I would love to have that as part of the record.
201

202 Mr. Brubaker said that I can look that up.
203

204 Ms. Braun said that we need to make sure to clarify that ‘this’ is a show kitchen. When
205 you do up the revised plan, would you please specify that that is a show kitchen.
206

207 Mr. Sudak agreed. Continuing with Mr. Brubaker’s memo comments, regarding surplus
208 of parking spaces, I was going through the NOD records before this meeting for 20-28. I
209 didn’t specifically see which condition that was. I was trying to figure out what spaces, if
210 you were talking about one specifically. “Need to be removed” for additional buffering.
211 The parking configuration didn’t change much at all from the previous approvals. You
212 don’t have to get that to me right now. I’m happy to consider it. I just want to make sure
213 I’m looking in the right area.
214

215 Mr. Brubaker said that it basically says, “Screening shall be accomplished, prior to a certificate
216 of occupancy being granted for the adult use retail building or cultivation facility, in place of a
217 minimum of 4 of the 11 front parking spaces shown on the site plan closest to Route 236 without
218 negatively impacting the proposed bioretention filters or vehicle circulation.”
219

220 Mr. Sudak said that I don’t see a problem with that. We have a surplus, I think of 11, of
221 the new requirement, even with the space per 100 square feet per your new marijuana
222 ordinance standard. So, that shouldn’t be a problem. Continuing, wastewater plan, we
223 discussed and shouldn’t be a problem. Same with the commercial processing license and
224 odor control. So really, the last thing I just want to touch on is the traffic assessment,
225 again. Correct me if I’m wrong, that’s Chapter 33 and that’s not something we can
226 request a waiver to.
227

228 Ms. Braun said that I don’t think that traffic impact for marijuana can be waived.
229

230 Mr. Sudak said that where I'm going with this is that I agree with basically everything
231 that was presented in Mr. Brubaker's narrative and why a full TIA may not be prudent for
232 the type of use that we're proposing and why I brought up the retail square-footage. I
233 think we were previously approved for close to 4,000 and we're cutting that in half. And
234 really that's the big-ticket item, as far as informing trips coming into the site. We're not
235 changing interior circulation. We're not changing egress. So, just letting you know that
236 I'm probably going to be either recommending that that's something that isn't required
237 with this application or, like Mr. Brubaker said, providing estimates on current trips
238 through the site and maybe providing the same thing post-construction as a condition of
239 approval.

240
241 Mr. Brearley said that, if we move that kitchen across the street, from 291 to 290, that
242 currently we're making a lot of trips to bring edibles from our manufacturing to the retail
243 store, we'd actually be lessening traffic. Those three staff members can take a right into
244 290 as opposed to 291 and those transfers do not need to happen. Regardless of the lesser
245 retail footage and that impact, just on a manufacturing basis (291 vs. 290), we will not
246 have to be delivering across Route 236 as frequently as we will be if that kitchen simply
247 sits in the same building as retail.

248
249 Mr. Brearley said that I was requesting a staged CO (certificate of occupancy). We're
250 running into material issues, specifically with the electrical department for some of the
251 larger equipment we need for cultivation. Probably similar to you, I am eager to get that
252 modular off the site so we can finish construction and actually get into the flagship store.
253 I have enough power there, currently, to power the retail store alone in the new building.
254 So, what I was hoping to get is a staged CO, to get a certificate of occupancy for the retail
255 portion, power that, and get it live. The, after the electrical equipment comes in and we
256 can get into the manufacturing cultivation side of the business, we can have a CO on that,
257 as well, at a different time, keeping that portion inactive and not in use.

258
259 Ms. Bennett clarified that you want to phase this build.

260
261 Mr. Brearley said exactly. I can't get the cultivation portion in manufacturing just
262 because of the power requirements. I can't get electrical panels, and things like that, due
263 to the shortages that are happening in the world. Everything for retail is slated,
264 fortunately, so I was hoping that we would be able to move into retail, get the modular
265 off the space, and actually finish the property site out. Then, when all that electrical
266 equipment lands, we can get the cultivation set up and have that CO later on down the
267 road.

268
269 Ms. Braun said that we will take that under consideration.

270
271 Ms. Bennett said that I would ask, for us to consider it, that you put a proposal forward to
272 show how that would affect the site.

273
274 Mr. Brearley agreed.

275

276 Ms. Bennett said the phasing of all the things we've asked about – bio retention,
277 screening, parking, etc.
278
279 Mr. Brearley said that bio retention is complete. We have sign-offs and can get that over
280 to you.
281
282 Mr. Sudak agreed that we have them and we will provide them to you with the full site
283 plan application.
284
285 Ms. Braun said that we need more information and you know what we need.
286
287 There was discussion regarding scheduling and the heavy load the PB currently has.
288
289 Ms. Bennett suggested listing the exact items we need so that the applicant knows what to
290 come back with or does the applicant feel like you have it.
291
292 Ms. Braun listed the vegetative buffer, the bio retention report, discuss traffic, as the
293 study may not be appropriate but something needs to happen.
294
295 Mr. Brubaker said that I think I and Mr. Brubaker are in lock-step on that; that I'm going
296 to get this application out as soon as I can so that we can have a back-and-forth, if
297 necessary, before it gets to you.
298
299 Ms. Braun said that as much as you can do with Mr. Brubaker before you come to us,
300 that's very helpful for all of us.
301
302 Mr. Leathe asked if you discussed any changes to the odor management plan that this
303 movement of the kitchen over is going to require.
304
305 Mr. Brearley said that, currently, the reason there is no odor at 291 is because we have a
306 plethora of carbon filters that circulate the air every 4 minutes in the rooms and scrub
307 them. That's not for OCP requirement but just to make it so it doesn't stink. I know there
308 was a lot of odor, when we saw you a few years ago, due to what was happening across
309 the street. So, we certainly didn't want to be a contributor of that and, to my knowledge,
310 we haven't been.
311
312 Ms. Braun said that whatever is going on at 291 you're going to transfer the odor
313 management part of it.
314
315 Mr. Brearley said correct.
316
317 Ms. Braun asked as it is now.
318
319 Mr. Brearley said that we're going to build a new one that's bigger just because of the
320 size of the building. These carbon filters are big cans (large cylinders) and there is
321 actually a fan on top of it. The fan pulls air through the cylinder and we just put those in

322 the corner of the rooms. As far as the kitchen is concerned, right now, we barely even
323 have one in it, because when you make edibles with cannabis so you don't use a
324 concentrate _____ (36:38), so there really isn't odor. You are going to smell things like
325 raspberry and lime and lemon, the flavors of edibles. Maybe some chocolate. If those are
326 undesirables, I'm happy to mitigate that odor.

327
328 Mr. Brubaker said that I know the DEP had approved the bio retention filters. Does the
329 DEP need to review this amended site plan.

330
331 Mr. Sudak said that given the impervious footprint isn't changing, at all, my quick
332 response is no. But I can run it by the regional director to see if they want to take a look
333 at it again.

334
335 Mr. Brubaker said that I was more just curious as to what the DEP says.

336
337 Mr. Sudak said that the quick answer is no. Impervious footprint or dramatic change in
338 utility load would be the two that would trip it and neither one of those is happening here.
339 But I will provide a formal declaration.

340
341 Mr. Brearley showed an architectural rendering of the finished project to the PB.

342
343 **B. June 2023 Ordinance Amendments:**

344
345 Mr. Brubaker thanked the Ordinance Subcommittee for getting this going.

346
347 ➤ **Housing**

348
349 Mr. Brubaker said that, regarding LD2003, we've mainly focused on the ADU side of
350 things and I've started to put in some additional definitions – short-term rental, tiny
351 home, transient rental platform – and I've put in brackets what the State definition
352 says. One ADU item we haven't changed yet but need to is "(c) (1) Only one ADU is
353 permitted per lot" because we need to reflect LD2003 for where two are allowed. I'll
354 get to the setback questions in a second. Another easy one is that we needed to strike
355 the 300 square-foot minimum for ADUs and bring it down to 190 square feet, which
356 is a 'tiny home' size. We decided to strike the ADU cap of 12 ADUs per year, which
357 we are required to by LD2003. Then, we needed to strike the requirement that an
358 ADU have a parking space because LD2003 specifically prohibits that. We talked
359 about lot line setbacks. There is 'this' language in LD2003 about it and, so, I've
360 started having this language about limited scenarios where a detached ADU would
361 only have to meet accessory structure setbacks and not primary structure setbacks,
362 which is our current code. We talked about reaching out to Chief Muzeroll and seeing
363 what we wanted to potentially add about emergency responder access. I'll stop there
364 because I just wanted to note the changes we've made on the ADU section.

365
366 The PB agreed that these changes made sense and is good work.

367

368 Ms. Bennett said that we took the approach of going after the low-hanging fruit, first,
369 as we have already, for the most part, satisfied LD2003 by allowing ADUs in all
370 residential zones. So, we just needed to be able to conform. I'll be interested to hear
371 what the Fire Chief has to say about what he wants in signing off on the sighting of
372 ADUs because of some feedback I had heard but also the fact that we are drafting this
373 proposal that would allow an ADU to use accessory structure setbacks, which are less
374 than a primary structure. The rationale behind that is, at least in my mind as I
375 discussed with the committee, that the settled pattern in our community is that there is
376 a primary structure with a barn, or a primary structure with a garage, attached or
377 detached. And many of them were built before zoning, before there were these
378 setbacks. But they are already built so, in fact, they could provide a less expensive
379 way to create a dwelling unit by using that existing structure. So that was part of the
380 rationale. It was also to address this housing crisis that is facing the nation.

381
382 Ms. Lemire asked if the maximum 400 feet for tiny homes was related to LD2003.

383
384 Ms. Bennett said that that was LD1530, the tiny home legislation that passed in 2021.
385 It was a very small piece of legislation that, frankly, should have been longer.

386
387 Mr. Brubaker said that that's why I put this in there. We need to reduce our minimum
388 dwelling unit size from 650 square feet to something less than the maximum for tiny
389 homes because the bill, LD1530, specifies that you have to be able to allow a tiny
390 home potentially as either a principal or accessory structure, even if there is nothing
391 else on the lot.

392
393 Ms. Bennett said that it changes the rules of the game but I can infer some logic in
394 that someone with not a lot of means can either buy or inherit a piece of land and they
395 could say that they could afford a tiny home, now, and start living on the property, as
396 I maybe build something larger.

397
398 Mr. Brubaker said, regarding the density issue, we talked about this at the ordinance
399 subcommittee meeting where LD2003 wants to promote more housing opportunities
400 and has that interplay between allowability and dimensional requirements. We talked
401 about where it makes sense to promote more housing opportunities. The Village
402 District and the 2009 Comp Plan's recommendation for lower minimum lot sizes for
403 lots served by both public water and public sewer. If we went back to that
404 recommendation in the Comp Plan, which is still the Comp Plan in the community
405 until the update is adopted. This is kind of what I think it would look like where we
406 would have this 20,000 square-foot minimum lot size for the Village District only for
407 lots served by public water or sewer. 20,000 is slightly under half an acre so I think if
408 we did just straight half an acre, which is 21,760 we'd be pretty consistent with the
409 Comp Plan. Then, all other lots would retain their same minimum lot size. If you do
410 that, you have to change the minimum acreage per dwelling unit accordingly. That's
411 on the next page and that's what that would look like, at least in draft form, where if
412 you have a lot in the Village District that's served by public water and public sewer,

413 you can build one unit if you have 20,000 square feet, two units if you have 40,000
414 and, then, each additional unit would require another 20,000.

415
416 Discussing the number of units that could be on a lot in the Village District, Ms.
417 Bennett said that you could have three units if it was big enough and it was served by
418 sewer and water. If you start with a 20,000 square foot lot (less than a ½ acre), then
419 the next unit would require a ½ acre, then every additional one would require a ½
420 acre; that it's cumulative. It is very conceivable that you could have a 1½-acre lot in
421 the Village District, and even larger.

422
423 Ms. Lemire said that, if there is a garage, you could have one in that and two separate
424 ones out on the property. That would be a minimum of three.

425
426 Mr. Brubaker said potentially. You could propose the portion of the garage as an
427 ADU or, if you have enough space and you met the dimensional requirements, you
428 could propose that as a second principle dwelling unit. It could be either an ADU or
429 primary as long as you have the land.

430
431 Ms. Braun said that this is good work. I'm anxious to see the next draft.

432
433 Ms. Bennett said that density is one of the more complicated pieces to tackle.
434 Though, it feels like we're pretty good by tackling this. We went, in a real intensive
435 way, into the wording of the statute and really felt that our dimensional standards
436 were explicit enough to guide a lot of this increased density coming from LD2003.
437 The big question we started to discuss was the affordable housing developments. So,
438 there's sort of three prongs of LD2003 – ADUs, upzoning, and the affordable housing
439 developments. Those are allowed wherever a town allows multi-family residential
440 units, which for us means the Village and Suburban Zones. We also have a question
441 about the applicability of whether or not we have a growth zone or not.

442
443 Mr. Brubaker said that I saw Paul Schumacher and Reagan, at SMPDC, both said to
444 me that because of the date of our current 2009 Comp Plan, they don't think it would
445 be applicable or qualified to serve as the designated growth area.

446
447 Ms. Bennett clarified that they feel confident that we don't have a designated growth
448 area.

449
450 Mr. Brubaker said that they were talking specifically about the Comp Plan but, I think
451 if you put the logic together, we could say that we don't currently have a designated
452 growth area.

453
454 Ms. Bennett said that I thought to get a little more assurance about that. I'm just
455 playing cautiously with this, that we try, to the best of our ability, to meet the rules of
456 this LD2003 so we're not blindsided on July 2nd when someone comes in and
457 proposes something and then calls us out with their expensive lawyer, saying, "No,
458 you aren't compliant with LD2003. So, i.e., you said you were going to create a

459 growth area in your 2009 Comp Plan and that is still the Comp Plan of the Town. You
460 never implemented it, but that doesn't mean it doesn't exist, because you adopted this
461 Comprehensive Plan." I believe it got State review.

462
463 Ms. Lemire said that it did. It got State approval.

464
465 Ms. Bennett said, therefore, we are allowed to have growth management.

466
467 Ms. Lemire said that we were allowed to. We never did any work to create one,
468 though. And it was my understanding that, when we did the 2009 Comp Plan, that
469 even though all these pieces were in there, they had to be developed before they could
470 actually be applied.

471
472 Ms. Bennett said that I think that that is how we approached the implementation
473 piece, as far as the Comprehensive Plan, but we did adopt the Comprehensive Plan.
474 And the Comprehensive Plan did call for not only the Village to be a designated
475 growth area but the Village Expansion Zone and Suburban Zone up here on Beech
476 Road.

477
478 Ms. Lemire added the General Business District on the Kittery side of Route 236.

479
480 Ms. Bennett said that that's sort of the question in my mind. I want us to know, with
481 certainty, that we are fitting our square peg into their round hole, or vice versa, on
482 this. One of the things that does wake me up early in the morning and gets me on the
483 computer, working on this, is concern about these large-scale affordable housing
484 developments. Not only that but someone putting a lot of dwelling units on a small
485 space, be it a number of smallish buildings, 8-unit buildings, scattered across a 10-
486 acre lot. My concern is that we don't have a lot of sewer and, so, we don't have a lot
487 of ways to manage wastewater. If we allow each building, say it's 8 dwelling units in
488 a building and multiple of them across a property because, in my mind, that's how it
489 would be applied in Eliot. We've got a 35-foot height maximum and we basically
490 have an 8-unit limit within a building. So, we scatter these around. Do each of those
491 buildings pipe to a common septic tank, to a common septic leach field. Do each of
492 those buildings have each of their own tank for settling out the solids that then get
493 piped out to a common leach field. Then, if we are doing this, this is a lot of
494 wastewater that we are relying on the soil to basically filter out some of the
495 pollutants. No leach field ever gets rid of all the pollutants and the reason we have
496 rules and we follow State rules for separation of wells from septic, and we are going
497 with the State minimum. Other towns that have begun to think about putting in, and
498 who don't have sewers because they're not that common in Maine, have started to
499 expand the distance you have to have between a drilled well and a leach field. It
500 would behoove us to get some technical advice about what our local soils are, what
501 would be an advised separation distance between a drilled well and an on-site
502 wastewater treatment. Are there any standards we might consider enacting for some
503 of these what we call a private central system, basically a community septic system. I

504 don't know if we have any money in our budget to bring in our own technical review,
505 not one that is being financed by an applicant.

506

507 Ms. Braun asked if that was something that Mike Cuomo might have after doing all
508 the soil testing within the Town; that he might at least be able to give us some advice
509 on that particular topic.

510

511 Ms. Bennett said that he might. I'm not sure how many community septic systems he
512 puts in. What came to mind was CMA Engineering in Portsmouth and Manchester.
513 They are the contracted technical review for Kittery. Every single application that
514 comes to Kittery gets technically reviewed by CMA and they do build wastewater
515 sewage treatment plants. They do the whole gamut so they might be able to work in
516 concert with soils information from Mike Cuomo. Kittery is also requiring, in some
517 instances, that actual single-family homes in areas where the ground water is close to
518 the surface. Case in point, my own septic system on my main house is, I believe, 8
519 feet from ground water. I believe right now the standards are higher, you're supposed
520 to reach higher anyway. In Kittery, they are requiring advanced pre-treatment in some
521 instances, which ends up removing a lot more of the nitrogen before it even hits your
522 septic tank; thus, eliminating the public health concerns about drinking water. I'm not
523 proposing that we do that, per se, but I would love to get someone.

524

525 Ms. Braun said that we would have to check the budget to see if we can do that, if we
526 can get an outside party to give us a little information.

527

528 Mr. Brubaker said that I can check that. I think I have an idea for that.

529

530 Ms. Braun said that that's good. It makes sense if we're going to allow that kind of
531 stuff.

532

533 Ms. Bennett said that, sometimes, I go deep into the weeds on some of these topics
534 just because of some of my background training on this. I did take two classes in
535 advanced wastewater treatment in graduate school. Also, with my environmental
536 studies, I'm very aware of the fact that septic systems do work and don't fail,
537 necessarily, all that often, as the engineers will tell you, if they are operated properly.
538 But even when they're operating properly, they only remove 30% of the nitrate that
539 comes out into your septic system. It will be filtered through your soil and, therefore,
540 cleaning it out as it goes, but nitrate will actually still be present in your water. I was
541 taught in college that nitrate can build up in groundwater and be deadly to children
542 and toxic to adults, if it gets to high levels. You don't know you have high levels until
543 people start having health problems.

544

545 Ms. Braun said that I agree we should get some professional input on that particular
546 topic. Especially if this is going to be happening in Town, and it sounds like it is. Mr.
547 Brubaker, if you could further pursue that, that would be great.

548

549 Mr. Brubaker agreed he could do that.

550
551 Ms. Lemire asked, when drafting the ordinance, could you incorporate into the
552 ordinance that these affordable housing developments be required to test their water
553 yearly. Can we do something like that.
554

555 Ms. Bennett said that I think we could consider that but we could also consider
556 putting in the requirement that whoever owns or operates the development, or if
557 there's a homeowner's association, that there is a regular pumping and inspection
558 scheduled for the septic system.
559

560 Mr. Brubaker said that you would think for a large affordable housing development,
561 or any housing development, most of them would fall under Chapter 35 – Post-
562 construction Stormwater, which would mean they would at least have to self-certify
563 [operational integrity].
564

565 Ms. Bennett said that, even if it's not necessarily attached to LD2003, I think it's a
566 good thing for us to be looking at because population is going to continue to increase
567 with attendant impacts.
568

569 ➤ **Impact Fees**
570

571 Mr. Brubaker said that I wanted to start the conversation about this, and I'm sure
572 there's been talk of it before. However, this is something I think should be considered
573 as we talk about these ordinance amendments we are making, establishing an impact
574 fee program for the Town. Impact fees are, as MMA puts it, assessed on new
575 residential, commercial, and industrial development to offset the cost of additional
576 new municipal infrastructure made necessary by the development so there's a rational
577 nexus between the fee levied and the impacts that development causes. There are
578 seven statutory uses for impact fees in Maine, including for wastewater, water, solid
579 waste, public safety, equipment and facilities which we have, roads and traffic control
580 devices, parks and other open space for recreational areas, and school facilities. These
581 are the types of improvements that can receive impact fees, revenues. So, that
582 definition I just talked about is similar to what's in the State law definition. The
583 important thing with impact fees is that they should really be used for capital costs.
584 They shouldn't be used for offsetting operations and maintenance costs or managing
585 existing deficiencies or facilities that won't serve the new development that's paying
586 impact fees. In order to establish impact fees, and this is from an MMA info packet
587 where they're basically citing State law, they need to be established by an ordinance
588 that's consistent with the Comprehensive Plan. They need to be reasonable related to
589 the development share of the cost of the infrastructure improvements made necessary
590 by the development. They need to be segregated from the municipality's general
591 revenues in a separate account. They need to be consistent with the capital investment
592 component of the Comprehensive Plan. Then, municipalities are required to refund
593 portions of the fee if the actual capital cost turns out to be lower than they estimated
594 when they assessed the impact fee. So, does the current Comp Plan compliment
595 impact fees. It does a lot. In this community survey, 86% of respondents said the

596 Town should assess impact fees. I don't know if there was significant discussion
597 during that Comp Plan about that.

598
599 Ms. Lemire said that there was a lot of discussion back and forth and a number of
600 people didn't want to do it. There was a very negative feeling about it and I don't
601 think they fully understood it.

602
603 Mr. Brubaker said that I don't know what the context was, given that it was 2009; that
604 there was a fear that impact fees would scare away development in an already
605 precarious time for the economy.

606
607 Ms. Lemire agreed that that was part of it. And they didn't really understand how it
608 applied, either.

609
610 Mr. Brubaker said that that's good to know. The Comp Plan does mention impact fees
611 a lot so the Town should consider impact fees. Talks about conservation acquisition
612 programs with impact fees. I know that the Conservation Commission has been very
613 big on looking into that. Impact fees for economic development purposes,
614 transportation impact fees. Impact fees for open space and recreational facilities, and
615 also for public facilities for government services.

616
617 Ms. Braun asked if they proposed a fee structure.

618
619 Mr. Brubaker said no but that could be developed if we decide to go forward with an
620 impact fee program. I just wanted to give that introductory presentation because I
621 think that's something that we should look into anew.

622
623 Ms. Braun said that I think we ought to have it based on the way we are growing right
624 now and the impact it is having on certain things. It would certainly help our park
625 system.

626
627 Ms. Bennett asked if this is something we should take up, ourselves, or is this
628 something that should be rolled into the Comp Plan update.

629
630 Mr. Brubaker said that I think that the ideal scenario would be if we could budget for
631 a study that could be done to objectively estimate those options for impact fees that
632 we could then consider adopting. I'm not sure this would be something we would
633 adopt in June or I'm not sure this would, itself, be an activity within the Comp Plan
634 update. We certainly should be weary of the capital investment plan that we put in the
635 Comp Plan because the impact fee needs to be related to that capital investment plan.
636 But I think the ideal would be to have a study done to recommend impact fees, what
637 kind of impact fees we'd want, and how much the fee would be per unit of
638 development, whether it's per lot or per square foot of commercial building.

639
640 Ms. Braun asked if that was a study that SMPDC would be willing to do.

641

642 Mr. Brubaker said that I would envision it being done by a consultant who specializes
643 in municipal budgeting. I know there are some out there that excel **at the math**.
644 (1:15:22)

645
646 Ms. Braun said that we should do some investigating and see what we come up with,
647 budgetary-wise, if it's a possibility.

648
649 Mr. Brubaker said that I think it would have to be something that would be in this
650 upcoming municipal budget (FY2024).

651
652 ➤ **Day Nurseries**

653
654 Mr. Brubaker said that this is one that's on the ordinance subcommittee's work plan,
655 primarily with regard to the definition change and syncing it with State definitions,
656 which have more types than just daycare. I will just present here that we know we
657 need to change the definition; that everybody agrees on that.

658
659 Ms. Braun agreed that because we've had so much controversy on that subject that
660 we've got to change it.

661
662 Mr. Brubaker said that I think this is a more sensitive subject as, when we're
663 changing the definition, should we consider changing the zoning. I think there's an
664 argument to be made that there's clearly a heavy demand for daycares and zoning is
665 somewhat restrictive on them. At the same time, I think the way I put it to I think the
666 SB, there's reasons for some zoning restrictions on these uses because larger daycares
667 can have an impact on abutting properties and, so, you wouldn't want to completely
668 open the zoning. And I think that's why, in the Village District and the Suburban
669 District for lots that don't abut Route 236, you basically have Home Business only.
670 With that home childcare business, like the one we recently approved, you get a nice
671 balance of the home being able to provide the childcare but it's also still pretty small.
672 I'm open to ideas on if and how we should change the zoning for daycare. There's not
673 too much in the current Comp Plan that speaks to it one way or the other.

674
675 Ms. Lemire said that there is a daycare out on Route 236 just over the line in Kittery
676 that I think would be a good size for a commercial zone (Great Beginnings).

677
678 Mr. Brubaker said that then there is Sweet Pea on State Road and that's a legally,
679 non-conforming use. That's grandfathered in.

680
681 Ms. Braun added that there's one on Route 236 on the corner of Bolt Hill Road on the
682 other side. It's in the Ford Insurance building in the back.

683
684 Others were located next to the post office and in the former real estate office (across
685 from the self-storage).

686
687 The PB agreed that this should be considered.

688 **C. Planner Board Budget**

689
690 Ms. Braun said that I got from the Town Manager that we are proposed for \$25,000 for
691 the next budgetary year. Postage is going up as of January 1st. Certified mailings are now
692 \$7.50 per envelope. We are having, on average, 25 to 30, or more, abutter lists that go
693 out. And sometimes more than once depending on depending on the application; that one
694 can be for the site walk and one for the public hearing. So, I would like to see it increased
695 by at least \$5,000 more to accommodate the postage, if for no other reason. All of our
696 fees do not take into account the cost of stuff. I also found out, which I didn't know, all of
697 our fees and everybody else's fees all go into a general fund. We also need an increase
698 for the ads in the newspaper. The public hearing fees are astronomical and, if you've got
699 to do them on more than one paper, how are we getting that money back.

700
701 Ms. Bennett asked if the postage isn't supposed to be covered by the applicant.

702
703 Ms. Braun said that that's for another discussion. What we charge for a fee is not enough.

704
705 Ms. Bennett said that after next Tuesday, hopefully, the fee schedule will be removed
706 from the ordinance and put into the purview of the SB. Then, we could go to the SB and
707 ask that they adjust this. Either we are going to be asking for an additional \$5,000 from
708 the general fund, put together a rationale with a bit finer detail on what the dollar figures
709 are – this is how much we spent and this is how much we anticipate spending next year –
710 then make a formal request to the SB that they establish a fee that covers these expenses.

711
712 Ms. Braun said that we have to do something because it's just getting out of hand. And,
713 sometimes, the number of copies that have to be made, the price of paper, ink, Ms.
714 Tackett's time, Mr. Brubaker's time. It doesn't make any sense. We're not getting cost
715 recovery. We're in the red all the time and it just can't continue.

716
717 Ms. Bennett asked if you construct or maintain a budget for the Planning and Land Use
718 Department or does someone do that.

719
720 Mr. Brubaker said that I do. It's more that I provide budget information on specific items
721 to Mr. Sullivan because, ultimately, my budget, the panning function budget, is folded
722 into a larger budget item that Mr. Sullivan takes care of. So, I do provide information to
723 him every year around this time.

724
725 Ms. Bennett said that I recall in years prior that there was an actual PB budget.

726
727 Mr. Brubaker agreed that there is one.

728
729 Ms. Bennett said that it would come to us, we would look at it, and for us it was sort of a
730 pro-forma review. It's definitely an internal staff document. I guess that would be
731 something I could envision us using in some way. In some way, perhaps, drilling in with
732 us maybe volunteering to help to craft out a little more detail in these specific areas to
733 help the budgeting process.

734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779

Ms. Braun said that the suggestion was made that we incorporate, in our ordinances, that all fees, the actual fee, is the responsibility of the applicant; that the applicant would do the abutter mailing and prove to us that they were done. I don't particularly like that situation because that takes the control out of our hands to know whether they actually did it and that they got everybody. So, I'm kind of not for that. I'm more for the lobbying of more money.

Ms. Bennett commented that it could slow down the pace of applications.

Ms. Lemire said that some people wouldn't really know how.

Ms. Braun said that that's another issue. They don't know what to do; whereas we know what to do. It's time-consuming. The post office keeps raising the rates. When you've got 50 abutters at one time times \$7.50. I would imagine they are going to hike \$2 or \$3 onto that so it could go up to \$10 a pop.

Ms. Bennett said that we should budget that. If it's a line item, then we can bring this to the SB and say that this is the proposal to come from general fund or you could raise the fees to cover this expense and it could be removed from that.

Ms. Braun said that I'm sure that we aren't the only ones that do certified mailings.

Ms. Bennett said that we can expect the SB to assess a fee for us without advocating for what that fee should be.

Ms. Braun said that everybody is in agreement that we have to do something about additional funds.

Mr. Leathe said that the fees we are talking about are pre-public hearing fees. So, would it be feasible, when we have a public hearing scheduled and we send out the abutter notices, that we keep track of that cost, and just prior to the public hearing we make sure that the applicant is billed for that cost; that before the public hearing could ultimately go to a Notice of Decision, that cost has to be paid.

Several members agreed that that could be an option.

Mr. Leathe said that then it's very specific. We know there were ten envelopes, they were this much, we have all the information. There would be proof with the certified return. That way it would just say to every applicant that this is just part of the process and we have to pay for it. We wouldn't have to budget it necessarily.

Ms. Braun asked if we would need an ordinance amendment or just do it.

Mr. Brubaker said that I think the key, there, is that we want to try and re-coop all costs related to a public hearing, for example.

780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824

Mr. Leathe said that I would say that the total cost of prepping for a public hearing, which is to the applicant's benefit, should be paid by the applicant.

Ms. Braun said that that's an option.

Ms. Lemire said that I've never seen that fee paid by the town in any town I've ever been in. It's always been paid by the applicant.

Ms. Braun agreed, saying that I was amazed that we're paying for it and it's all for their benefit.

Ms. Bennett asked it was easy for you all to do that.

Mr. Brubaker said that it may be more complex accounting but it's maybe something I would want to check with the Finance Director on. The benefit of the one-size-fits-all fee is that you collect it at the time of the application and then it gets received as payment by the Town. Then, you don't have to think about it. Whereas, if we did all of the work, got all the public hearing notices out, then charged a unique fee to the applicant, it would just be a different kind of accounting, I think. That's not to say that it shouldn't be done. I just think it would be a little bit more nuanced.

Mr. Leathe said that I think it's difficult to charge it in advance because you'd want to charge every applicant. You wouldn't know what to charge them because one applicant, maybe a development, has fifty abutters and one applicant may have two abutters. How much do we charge them, a flat fee.

Mr. Brubaker said that it's \$175 for everybody.

Ms. Braun agreed, saying that that is just not fair, at all.

Mr. Leathe said that I think that what we could say is that the applicant is responsible for 'these' fees related to this application. They would know in advance and we could even estimate what those are going to be. Then, before they get final approval, they've got to pay that fee. I don't think applicants would respond negatively to that because it makes sense.

Mr. Brubaker said that we may just want a standard number of staff hours that would be used.

Mr. Leathe said that you could estimate it. You could say that the fee for each application runs somewhere between \$100 and \$500, just so they have some idea coming in and don't get blindsided. We don't know until we finish the whole process for each applicant. It does add up and we are getting busier as a Town. There's a lot more coming through.

825 Mr. Brubaker said that that would give us a chance to be more exact with our fee. The
826 question would be for like Home Businesses. Would you want to offer some lower rates
827 or would you want to have the same rates for Home Business.

828
829 Ms. Braun said that I think you have to keep it the same rate for all.

830
831 Mr. Leathe said that it just complicates it further to say what type of application is this.

832
833 Ms. Braun agreed, saying that you would have people saying there is favoritism or
834 discrimination. I think it should be the same for all. It is now.

835
836 Ms. Lemire said that the application fees are different, depending on what you're
837 requesting.

838
839 Mr. Leathe said that it would be easy if we knew how much money it was going to be. It
840 would nice to have one flat fee, up front, with all of our other fees, but we don't.

841
842 Ms. Braun said that it's the number of abutters involved that's the cost.

843
844 Mr. Brubaker said that I think what you could see with a public hearing is the cost of,
845 let's say, \$250 for the newspaper ad, another maybe \$100 (could be more than that for the
846 staff time) to \$300 for the certified mailing.

847
848 Mr. Leathe agreed, saying that I think it's \$500 to \$600 for a good size application.

849
850 Ms. Braun said that an additional cost would be if a site walk is involved, which would
851 be an additional certified mailing for the site walk.

852
853 Ms. Lemire added that, if you are having a lot more applications that are more costly than
854 the \$175, the taxpayers are paying for it.

855
856 The PB agreed.

857
858 Ms. Braun added that that's not fair either. We should dig into this. Do we need Attorney
859 Saucier's opinion on this.

860
861 Mr. Brubaker said that I think that, if the voters pass the ordinance amendment, we can
862 then develop any type of fee we want and propose that to the SB.

863
864 Mr. Leathe suggested taking a look at what other towns do. Maybe there's a simpler way
865 to do it that's there.

866
867 Ms. Bennett said that I kept hearing a number of times regarding the fee survey we took
868 several months ago to take this with a grain of salt because we haven't updated our fees
869 in a long time.

870

871 Ms. Braun asked if there were any State guidelines on fees.

872

873 Mr. Brubaker said that there are some. You do see statutory restrictions. Remember the
874 auto graveyard. The State said that ‘this’ is the fee you shall charge in municipalities.
875 Then, for stuff like the marijuana fees, the State statute says that it must be based on cost
876 recovery. Usually, I think that cost recovery is the best way to go because it’s the most
877 defensible.

878

879 Mr. Leathe agreed but said that I think cost recovery makes sense in most cases, but not
880 all, because we all do pay taxes and we do expect a certain level of services from our
881 Town employees. So, I think you can go too far with cost recovery. But, in case like this
882 committee and maybe the Board of Appeals or other committees that have a sizeable
883 individual cost for each applicant that varies, that’s really not fair for the Townspeople to
884 have to pay taxes on it, I don’t think.

885

886 Ms. Braun said to see what happens on Tuesday and, then, we will be discussing this
887 again as to what our options are. We all agree that something has to be done.

888

889 **ITEM 9 – OLD BUSINESS**

890

891 There was no old business.

892

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

894

895 **A. Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town**
896 **Planner.**

897

898 Mr. Brubaker said that, with the full Comp Plan Committee, I’ll see you guys next
899 Wednesday. The meeting will be hard-capped at 1½ hours. So, 7PM to 8:30PM.

900

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

902

903 The next regular Planning Board Meeting is scheduled for November 15, 2022 at 7PM.

904

905 **ITEM 12 – ADJOURN**

906

907 The meeting adjourned unanimously at 7:40 PM.

908

909

910

911

912

913

914

915

916

Respectfully submitted,

Christine Bennett, Secretary
Date approved: _____

917
918 **Ellen Lemire, Recording Secretary**
919
920
921



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: March 28, 2023
TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, March 28, 2023 at 6:00 PM for the ordinance amendments and growth permit warrant articles proposed for the June 2023 Annual Town Meeting Election & Referendum:

- Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units
- Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care
- Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards
- Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors
- Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges
- Allocation of maximum growth permits for new residential dwelling units for calendar year 2024

Interested persons may be heard and written communication received regarding these ordinance amendments and growth permit warrant articles at this public hearing. Copies of the above information are on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Planning Board recommends _____ (#-#)

Select Board recommends _____ (#-#)

DRAFT for March 28, 2023 Planning Board public hearing

Short title

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Ballot question – Town Meeting Election and Referendum, June 13, 2023

ARTICLE #__ : Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These ordinance amendments seek to address the requirements of municipalities in recently-enacted state legislation.

LD1530, codified in state statute in 30-A M.R.S.A. §4363, requires that municipalities “permit a tiny home to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure”. The state law definition of “tiny home” in 29-A M.R.S.A. §101(80-C) refers to what is sometimes called a “tiny home on wheels”. This type of tiny home:

- is designed for use as permanent living quarters,
- is permanently constructed on a frame or chassis,
- is sized so that it can be legally towed on a roadway,
- is deemed a “vehicle without motive power” in the statute,
- complies with plumbing, propane, fire, and life safety standards for recreational vehicles, and
- requires a motor vehicle title.

The ordinance amendments accordingly make tiny homes on wheels allowable in Section 45-290, the table of permitted and prohibited uses in zoning districts, and in Section 44-34, the associated table for shoreland zoning districts, to the same extent that single-family dwellings are allowable in those tables. Proposed new Section 45-137 includes tiny home on wheels regulations, including

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

rules for permanent installation, documentation of motor vehicle title, and temporary occupancy. A tiny home on wheels definition is added to Section 1-2 to reference the state statutory definition.

The Maine Uniform Building and Energy Codes (MUBEC) also provide certain building code exceptions for “tiny houses”, which are built on a foundation and must otherwise comply with the same codes and standards as a larger, more traditional dwelling unit. The ordinance amendments add a definition of a “foundation-built tiny home” to distinguish this type of tiny home from a tiny home on wheels and to reduce the potential for confusion. In accordance with the statute and building code, both types of tiny homes cannot exceed 400 square feet in gross floor area.

LD2003, codified in state statute primarily in 30-A M.R.S.A. §§4364, 4364-A, 4364-B, and 4364-C, requires municipalities to change certain zoning and land use regulations toward increasing housing opportunities. The ordinance amendments begin to address these requirements by focusing on changes to the Town’s current regulations on accessory dwelling units (ADUs). They change the Section 1-2 definition of ADUs to closely resemble state statute. Standards proposed to be removed include the requirement that a dedicated off-street parking space be provided for an ADU, the annual permit maximum for ADUs of 12, and, for the most part, the requirement that detached ADUs meet principal building yard and setback requirements (which are generally 30 ft. to the front and rear lot lines, and 20 ft. to the side lot lines). Most detached ADUs would only be required to meet accessory structure yard and setback requirements, which are generally 30 ft. to the front lot line, and 10 ft. to the side and rear lot lines.

Also proposed to address LD2003 is a lowering of the required minimum gross floor area of an ADU. Here, there is an apparent conflict in state law between LD2003, which mandates a minimum ADU size of 190 square feet, and LD1530, which requires the allowance of tiny homes on wheels as ADUs but does not prescribe any minimum size for them. The ordinance amendments do the best they can to navigate this ambiguity by establishing the LD2003 minimum size of 190 square feet (lowered from the current 300 square feet), but allowing exceptions to that minimum only for tiny homes on wheels and foundation-built tiny homes.

The amendments add short-term rental and transient rental platform definitions to Section 1-2, and they place certain restrictions on the use of tiny homes or ADUs for short-term rentals.

To reflect the above-described changes, the amendments make formatting and organizational changes to the existing dimensional standards table in Section 45-405. Tiny homes are added to the table but not given a minimum dwelling unit size. The dimensional standards for signage is broken out into a separate table for easier readability, and some rows in the table(s) are moved around for better organization. In some cases, footnote information is embedded into the table.

At the time of the Planning Board’s final review of these amendments and recommendation for the June 2023 Town Election, state rulemaking by the Maine Department of Economic and Community Development (DECD) to clarify the requirements of LD2003 is not yet finalized, and DECD technical assistance to help municipalities interpret the legislation and make changes to their codes is not yet available. Accordingly, the Town must defer certain aspects of addressing LD2003 to future elections. These aspects include: potential density changes, affordable housing developments, and requirements for water and sewer connections for those developments. The Chair of the Planning Board’s Ordinance Subcommittee and the Town Planner have submitted written comments to DECD asking for clarification on these items.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

Sec. 1-2. - Definitions and rules of construction.

[abridged to only show changes]

[...]

Accessory dwelling unit means ~~a separated living area which is part of an existing or new single family owner occupied residence, and which is clearly secondary to the existing single family use of the home~~ **self-contained dwelling unit located within, attached to or sharing a wall with, or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must meet** ~~and that meets~~ the requirements of section 45-459.

[...]

Short-term rental means living quarters offered for rental through a transient rental platform for a rental term of 30 days or less.

State law reference—30-A M.R.S.A. §4364-C

[...]

Tiny home, foundation-built means a dwelling unit that:

- (1) does not exceed 400 square feet of gross floor area (excluding lofts);**
- (2) is constructed on a foundation; and,**
- (3) is constructed under the same codes and standards as a larger, more traditional dwelling unit, except as otherwise stated in Chapter 5 of the Maine Uniform Building and Energy Codes, International Residential Code, Appendix V: Tiny Houses.**

Tiny home on wheels means “tiny home” as defined by 29-A M.R.S.A. §101(80-C), as may be amended.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

[...]

***Transient rental platform* means “transient rental platform” as defined by 36 M.R.S.A. §1752(20-C), as may be amended.**

[...]

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Sec. 44-34. – Table of land uses.

[draft table, not yet updated to include November 2022 amendments]

All land use activities, as indicated in table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in section 44-33 and other applicable ordinances. The district designated for a particular site shall be determined from the official zoning map.

Key to table 1:

Yes	-	Allowed (no permit required but the use must comply with all applicable land use standards)
No	-	Prohibited
SPR	-	Allowed with site plan review and approval by the planning board
CEO	-	Allowed with permit issued by the code enforcement officer
LPI	-	Allowed with permit issued by the local plumbing inspector

Abbreviations:

RP	-	Resource protection
LR	-	Limited residential
LC	-	Limited commercial
GD	-	General development
SP	-	Stream protection

The following notes are applicable to the land uses table on the following page:

Note: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and public shorefront parks.

Table 1. Land Uses in the Shoreland Zone

	Districts				
Land Uses	SP	RP	LR	LC	GD
Uses or Activities Without Structures					

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

(1)	Clearing of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO	CEO	CEO
(2)	>Emergency operations	yes	yes	yes	yes	yes
(3)	Fire prevention activities	yes	yes	yes	yes	yes
(4)	Forest management activities, except for timber harvesting and land management roads	yes	yes	yes	yes	yes
(5)	Mineral exploration	no	no	no	yes ²	yes ²
(6)	Mineral extraction, including sand and gravel extraction	no	no	no	SPR	SPR
(7)	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
(8)	Nonintensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
(9)	Soil and water conservation practices	yes	yes	yes	yes	yes
(10)	Surveying and resource analysis	yes	yes	yes	yes	yes
(11)	Wildlife management practices	yes	yes	yes	yes	yes
Principal Structures or Uses						
(12)	Principal structures and uses:					
	a. One- and two-family residential	SPR ⁴	SPR ⁹	CEO	CEO	CEO
	b. <u>Tiny home on wheels</u>	<u>SPR⁴</u>	<u>SPR⁹</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
	b. Multifamily dwelling	no	no	SPR	SPR	SPR
	c.					
	e. <u>d.</u> Commercial (not listed elsewhere)	no ¹³	no ¹³	no ¹³	SPR	SPR ⁵
	d. <u>e.</u> Industrial	no	no	no	no	SPR

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

	e. f.	Governmental and institutional	no	no	no	SPR	SPR
	f. g.	Small nonresidential facilities for educational, scientific or nature interpretation purposes	SPR ⁴	SPR	CEO	CEO	CEO
(13)		Agriculture	CEO	SPR	CEO	CEO	CEO
(14)		Aquaculture	SPR ¹⁰	SPR ¹⁰	SPR ¹⁰	SPR	Yes
(15)		Auto graveyard	no	no	no	no	no
(16)		Auto hobbyist storage area	no	no	no	no	no
(17)		Auto junkyard	no	no	no	no	no
(18)		Auto recycling operation, limited	no	no	no	no	no
(19)		Auto recycling operation, principal	no	no	no	no	no
(20)		Bed and breakfast	no	no	SPR ¹⁰	SPR ¹⁰	SPR
(21)		Boardinghouse	no	no	SPR ¹⁰	SPR	SPR
(22)		Campgrounds	no	no ⁷	no	no	SPR
(23)		Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
(24)		Fireworks sales	no ¹⁷	no ¹⁷	no ¹⁷	no ¹⁷	no ¹⁷
(25)		Gambling Casino	no	no	no	no	no
(26)		Marijuana establishment					
	a.	Marijuana store	no	no	no	SPR	SPR
	b.	Marijuana cultivation facility	no	no	no	SPR	SPR
	c.	Marijuana products manufacturing facility	no	no	no	no	SPR
	d.	Marijuana testing facility	no	no	no	SPR	SPR

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

(27)	Marinas						
	a.	Full service	no	no	no	no	SPR
	b.	Limited	no	no	no	SPR	SPR
(28)	Medical marijuana establishment						
	a.	Medical marijuana dispensary	no	no	no	SPR	SPR
	b.	Medical marijuana cultivation facility	no	no	no	SPR	SPR
	c.	Medical marijuana caregiver retail store	no	no	no	SPR	SPR
	d.	Medical marijuana products manufacturing facility	no	no	no	no	SPR
	e.	Medical marijuana testing facility	no	no	no	SPR	SPR
(29)	Off-site parking		no	no ⁷	no	no	no
(30)	Public and private recreational areas involving minimal structural development		SPR	SPR	SPR	SPR	CEO
(30.5)	Solar energy system; larger-scale		no	no	no	no	no
<p><i>[^This numbering is how it looks in Municode now, but fixing the numbering was accomplished by November 2022 solar energy system ordinance amendments. Municode should be updated soon.]</i></p>							
Accessory Structures or Uses							
(31)	Structures accessory to allowed uses, not otherwise listed		SPR ⁴	SPR	CEO	CEO	CEO
(32)	Essential services		SPR ⁶	SPR ⁶	SPR	SPR	SPR
	a.	Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²
	b.	Non-roadside or cross-country distribution lines	SPR ⁶	SPR ⁶	CEO	CEO	CEO

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

		involving ten poles or less in the shoreland zone					
	c.	Non-roadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	SPR ⁶	SPR ⁶	SPR	SPR	SPR
	d.	Other essential services	SPR ⁶	SPR ⁶	SPR	SPR	SPR
(33)	Fences		yes ^{11A}	yes ^{11A}	yes ^{11A}	yes ^{11A}	yes ^{11A}
(34)	Filling and earthmoving of < 10 cubic yards		CEO	CEO	yes	yes	yes
(35)	Filling and earthmoving of > 10 cubic yards		SPR	SPR	CEO	CEO	CEO
(36)	Home business		no ^{12A}	no ^{12A}	SPR ^{10A}	SPR ^{10A}	no
(37)	Home occupations; regular and water-dependent		no	no	no	no	no
(38)	Home Office		CEO	no	CEO	CEO	CEO
(39)	Individual, private campsites		CEO	CEO	CEO	CEO	CEO
(40)	Piers, docks, wharves, bridges and other structures and uses and extending over or below the normal high-water line or within a wetland:						
	a.	Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
	b.	Permanent residential	SPR	SPR	SPR	SPR	SPR
	c.	Permanent commercial	SPR ¹⁴	SPR ¹⁴	SPR ¹⁴	SPR	SPR
	d.	Limited commercial	SPR ⁵	SPR ⁵	SPR ⁵	SPR	no
(41)	Private sewage disposal systems for allowed uses		LPI	LPI	LPI	LPI	LPI
(42)	Road and driveway construction		SPR	no ⁸	SPR	SPR	SPR
(43)	Service drops, as defined, to allowed uses		yes	yes	yes	yes	yes

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

(44)	Signs.	yes ^{9A}	yes ^{9A}	yes ^{9A}	yes ^{9A}	yes ^{9A}
(45)	Solar energy system, small-scale ground-mounted or roof mounted	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵
(46)	Small wind energy system	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶
(47)	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
(48)	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
(49)	Uses similar to uses requiring a SPR permit	SPR	SPR	SPR	SPR	SPR
(50)	Waste containers	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}

Footnotes:

¹ In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

² Requires permit from the code enforcement officer if more than 100 square feet of surface area, in total, is disturbed.

³ In RP not allowed in areas so designated because of wildlife value.

⁴ Provided that a variance from the setback requirement is obtained from the board of appeals.

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only (see note on previous page).

^{5A} Only as an accessory use to an allowed principal use on the lot. Must conform to the requirements of [section] 45-422, Waste containers.

⁶ See further restrictions in subsection 44-35(1)(2), essential services.

⁷ Except when area is zoned for resource protection due to floodplain criteria in which case a site plan review is required from the planning board.

⁸ Except as provided in subsection 44-35(h).

⁹ Single family residential structures may be allowed by special exception only according to the provisions of subsection 44-44(f), Special exceptions. Two-family residential structures are prohibited.

^{9A} See sign ordinance section.

¹⁰ Except for commercial uses otherwise listed in this table, such as marinas and campgrounds, that are allowed in the respective district.

^{10A} Must conform to the requirements of section 45-456.1, Home business.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

¹¹ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

^{11A} Must conform to the requirements of section 45-423, Fences.

¹² Permit not required, but must file a written "notice of intent to construct" with CEO.

^{12A} "No" except in conjunction with aquaculture, small nonresidential facilities for educational, scientific or nature interpretation purposes or limited commercial piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

¹³ Use is "No" except when permitted under another specific land use entry.

¹⁴ Only commercial aquaculture allowed on piers in this zone, with no other commercial pier uses. Pier must meet the requirements of a residential pier in these zones.

Note: A person performing any of the following activities shall require a permit from the department of environmental protection, pursuant to title 38, M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- b. Draining or otherwise dewatering;
- c. Filling, including adding sand or other material to a sand dune; or
- d. Any construction or alteration of any permanent structure.

¹⁵ Must conform to the requirements of section 45-462.

¹⁶ Must conform to the requirements of section 45-461.

¹⁷ See chapter 12 for additional regulations pertaining to the sale and use of fireworks.

(T.M. of 11-06-2018(3); T.M. of 7-14-2020(4) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(3) , art. 36; T.M. of 6-8-2021(4) , art. 31; T.M. of 6-14-2022(2) , art. 25)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Sec. 45-290. – Table of permitted and prohibited uses.

[additional changes to this section are proposed by other draft ordinance amendments]

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	C/I
Accessory dwelling unit	CEO	CEO	CEO	CEO
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes ¹	12	SPR ^{1&8}	no
Animal husbandry	yes ¹	yes ¹	yes ¹	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR ⁸	no
Assisted living facility	no	SPR/SD	SPR/SD	SPR/SD
Auto graveyards	SPR	no	no	no
Auto hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
Auto recycling operation, limited	9	9	no	SPR
Auto repair garages	14	14	SPR ⁸	SPR
Auto service stations	no	9	no	SPR
Banks	no	no	SPR	SPR
Bathhouse	11	11	no	no
Bathing beach	yes	yes	yes	no
Bed and breakfasts	14	14	SPR ⁸	SPR

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR ²
Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR
Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Day nurseries	SPR	16	SPR ⁸	SPR
Earth material removal, less than 100 cubic yards 100 cubic yards or greater	yes SPR	yes SPR	yes SPR	yes SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD
Emergency operations	yes	yes	yes	yes
Equipment storage, trucks, 3 or more	no	no	no	yes
Essential services	yes	yes	yes	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	CEO
Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹
Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Gardening	yes	yes	yes	yes
Gasoline stations	no	9	no	SPR
Governmental buildings or uses	SPR	SPR	SPR	SPR
Grain or feed stores	SPR	10	no	SPR
Harvesting wild crops	yes	yes	yes	yes
Home business	SPR ⁸	SPR ⁸	SPR ⁸	no
Home occupations	10	10	no	no
Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR
Indoor commercial, recreational and amusement facilities	no	no	no	SPR
Industrial and business research laboratory	no	no	no	SPR
Industrial establishments and uses	no	no	no	SPR
Institutional buildings and uses, indoor	no	9	no	no
Junkyards	no	no	no	no
Landfill, dump	no	no	no	no
Libraries	SPR	SPR	SPR	SPR
Life care facility	no	SPR/SD	SPR/SD	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Marijuana establishment*	no	no	no	SPR ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰
Mobile home parks	SPR/ SD ⁷	SPR/SD ⁷	SPR/SD ⁷	no
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

New construction of telecommunication structure 70 feet and higher	9	9	no	SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR ⁸	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR ⁸	SPR
Public utility facilities	SPR	SPR	SPR	SPR
Recreational facilities, nonintensive	SPR	SPR	SPR	no
Recreational use not requiring structures	SPR	yes	yes	no
Restaurant	9	9	SPR ⁸	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR ⁸	SPR
Road construction	CEO	CEO	CEO	SPR
Schools	SPR	SPR	SPR	SPR
Sewage disposal systems, private	CEO	CEO	CEO	CEO
Signs, 6 square feet	CEO	CEO	CEO	CEO
Signs, other	CEO	CEO	CEO	CEO
Single-family dwellings	CEO	CEO	CEO	no ⁶
Small wind energy system	SPR	SPR	SPR	SPR
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no	SPR ²¹
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
<u>Tiny home on wheels</u>	<u>CEO²²</u>	<u>CEO²²</u>	<u>CEO²²</u>	<u>no²²</u>
Truck terminals and storage	no	no	no	SPR
Two-family dwellings	CEO	CEO	CEO	no ⁶
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO ³	CEO ³	CEO ³	CEO ³
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	SPR
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR	SPR

*Marijuana establishment and medical marijuana establishment are defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.
4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.
5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

8. Must conform to the requirements of section 45-456.1 Home business.
9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.
13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.
18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.

22. May be permitted as a principal residential unit or as an accessory dwelling unit. All tiny homes shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes shall also conform to the requirements of Section 45-459. For tiny homes in the C/I zoning district, reference footnote 6.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 207); T.M. of 12-15-93; Amend. of 3-25-95; T.M. of 3-27-99(1), § 5; Ord. of 3-25-00(1); T.M. of 3-16-02, (art. 3), (art. 4); T.M. of 6-19-01, (art. 6), (art. 7); T.M. of 11-5-02; T.M. of 11-4-03; T.M. of 11-4-03; T.M. of 3-20-04; T.M. of 6-14-08; T.M. of 6-12-2010(3); T.M. of 6-18-2011(6); T.M. of 11-8-2011; T.M. of 6-16-2012(1); T.M. of 6-16-2012(2);

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

T.M. of 11-5-2019(5); T.M. of 7-14-2020(5) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(4) , art. 31; T.M. of 11-2-2021(4) , art. 5; T.M. of 6-14-2022(2) , art. 25)

Cross reference(s)—Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Sec. 45-405. Dimensional standards.

[DRAFT table]

(a) Lots and structures in all districts shall meet or exceed the following minimum requirements:

District	Rural	Suburban	Village	C/I	MHP
Min. lot size (acres or ft.²), <u>acres (ac) or square feet (ft²)</u>	<u>3 ac</u>	<u>2 ac</u>	<u>1 ac</u>	<u>3 ac</u>	6,500 ft ² ⁿ 12,000 ft ² ⁿ 20,000 ft ² ⁿ
<u>Min. street frontage (ft.)^l</u>	<u>200</u>	<u>150</u>	<u>100</u>	<u>300</u>	<u>50/75/100ⁿ</u>
<u>Min. street frontage: back lots</u>	<u>m</u>	<u>m</u>	<u>m</u>		
<u>Min. area per dwelling unit, acres (ac)</u>					
<i>[The below min. area per dwelling unit rows have moved up in the table. Struckthrough rows are near the end of the table.]</i>					
<u>1 unit</u>	<u>3 ac</u>	<u>2 ac</u>	<u>1 ac</u>	<u>=</u>	<u>0</u>
<u>2 units</u>	<u>6 ac</u>	<u>4 ac</u>	<u>2 ac</u>	<u>=</u>	<u>=</u>
<u>Each additional unit</u>	<u>3 ac</u>	<u>1 ac</u>	<u>½ ac^g</u>	<u>=</u>	<u>=</u>
<u>Assisted living facility</u>	<u>=</u>	<u>s</u>	<u>s</u>	<u>s</u>	<u>=</u>
<u>Elderly housing</u>	<u>=</u>	<u>g</u>	<u>g</u>	<u>g</u>	<u>=</u>
<u>Life care facility</u>	<u>=</u>	<u>t</u>	<u>t</u>	<u>t</u>	<u>=</u>
Min. yard dimensions (ft.)					
Front yard	30	30 ^P	30 ^P	50 ^{a,p} 30	20 ^o
Side yards	20	20 ^P	20 ^P	20 ^P 100 ^b	20 ^o
Rear yard	30	30 ^P	30 ^P	20 ^P 100 ^b	10 ^o
Accessory building ^c					

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Front yard setback	30	30	30	50 ^a 30 ^a	5°
Side and rear yard setback	10	10	10	20 100 ^b	5°
Accessory dwelling unit	u	u	u	u	—
Max. height (ft.)	35	35	35	55 ^d	35
Max. lot coverage (%)	10	15 ^q	20 ^q	50 ^q	50°
Setback-normal high water mark (feet) ^e	75	75	75	75	75
Dwelling units:					
<u>Min. size (sq. ft. per unit):</u>					
Min. size (sq. ft. per unit)	650 ^g	650 ^{g,f}	650 ^{g,f}	f	650
<u>Accessory dwelling unit (ADU)</u>	<u>u</u>	<u>u</u>	<u>u</u>	<u>u</u>	<u>—</u>
<u>Assisted living facility</u>	<u>—</u>	<u>300</u>	<u>300</u>	<u>300</u>	<u>—</u>
<u>Federal or state elderly housing, other than assisted living facility</u>	<u>—</u>	<u>No min.</u>	<u>No min.</u>	<u>No min.</u>	<u>—</u>
<u>Mobile home park units</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>650</u>
<u>Tiny home on wheels or foundation-built tiny home</u>	<u>r</u>	<u>r</u>	<u>r</u>	<u>r</u>	<u>—</u>
<u>All other units</u>	<u>650</u>	<u>650</u>	<u>650</u>	<u>650</u>	<u>—</u>
Min. area (acres):					
1 unit	3	2	1	—	e
2 units	6	4	2	—	—
Each additional unit	3	1	½ ^g	—	—
Assisted living facility	—	s	s	s	—
Elderly housing	—	g	g	g	—
Life care facility	—	t	t	t	—
Max. number of principal structures per lot	h	h	h	v	1

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

(b) Signs in all districts shall meet or exceed the following minimum requirements:

[The below rows have been separated out to this separate table. Struckthrough rows are included in the previous table.]

Signs:					
<u>District</u>	<u>Rural</u>	<u>Suburban</u>	<u>Village</u>	<u>C/I</u>	<u>MHP</u>
Max. sign area (sq. ft.)	6	6	6	100	6
Max. sign area (sq. ft.), commercial establishments only	12	12	12	100 ⁱ	12
Max. sign area (sq. ft.), new residential subdivisions	50 ^j	50 ^j	50 ^j		50 ^l
Min. setback (ft.) (front lot line only)	8 ^k	8 ^k	8 ^k	-- ^k	8 ^k
Min. st. frontage (ft.) [†]	200	150	100	300	50/75/100 [#]
Backlots ^m					

Notes:

- a. A front yard abutting a state or town road shall have a minimum depth of 50 feet from the right-of-way line. A front yard abutting an interior street within the proposed site shall have a minimum depth of 30 feet from the right-of-way line. All parking areas shall conform to setback requirements.
- b. All side and rear yards abutting an existing residential use shall have a minimum depth of 100 feet from the side or rear lot lines.
- c. Accessory buildings shall be located no less than 30 feet from any principal buildings on adjacent property.
- d. Rooftop antennas and other telecommunications structures shall conform to the requirements of sections 33-185 and 45-460. Steeples and spires shall be exempt from maximum height requirements.
- e. Setbacks and setback measurements in shoreland zones shall follow requirements of chapter 44.
- f. (Reserved.)
- g. The minimum acreage for elderly housing in all districts, where allowed, shall be one acre for the first dwelling unit and one quarter acre for each additional unit. Minimum acreage requirements shall revert back to dwelling unit requirements if elderly housing is discontinued.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

~~Dwelling unit minimum size (square feet per unit) requirements do not apply to federal or state elderly housing.~~

h. In the rural, suburban and village districts, more than one principal structure may be located on a single lot, provided each such structure is located in such a fashion that it could be separately conveyed on a separate lot in compliance with all dimensional requirements of the district (except that any lawfully existing structure which does not meet all minimum dimensional requirements may continue that nonconformity).

i. See section 45-528(c) for other requirements applicable to two or more commercial or industrial establishments under separate ownership on one parcel within the commercial/industrial district.

j. Signs identifying subdivisions of ten or more lots shall be posted at the entrance of the subdivision and shall be approved by the planning board. Signs shall contain only the name of the subdivision.

k. See section 45-532 for additional sign placement requirements.

l. Street frontage shall be measured along one street. The planning board is authorized to vary frontage requirements for new subdivisions according to section 41-255(g). Such lots shall be treated as conforming lots for the purpose of this chapter.

m. Back lot requirements are contained in section 45-466.

n. Lots within a mobile home park shall be a minimum of:

6,500 feet² if served by public sewer. Minimum lot width is 50 feet.

12,000 feet² if served by central subsurface wastewater disposal approved by the state department of human services. Overall density of park, including road rights-of-way and buffer strips shall be 20,000 feet² per dwelling. Minimum lot width is 75 feet.

20,000 feet² if served by onsite subsurface wastewater disposal. Minimum lot width is 100 feet.

o. See section 41-276 et seq. for specific requirements.

p. Elderly housing, nursing facility, assisted living facility and life care facility shall have setbacks of 50 feet from lot line or 100 feet from residential dwelling unit, whichever is greater.

q. Life care facility shall have a maximum lot coverage of 50 percent. Elderly housing, nursing facility or assisted living facility individually shall have a maximum lot coverage of 35 percent.

~~r. Each dwelling unit in an assisted living facility shall have a minimum of 300 square feet.~~

Tiny homes on wheels shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes on wheels and foundation-built tiny homes shall also conform to the requirements of Section 45-459.

s. One acre for the first dwelling unit and then one-fifteenth acre for each additional dwelling unit provided all other dimensional requirements are met.

t. One acre for the first dwelling unit and then one-fifteenth acre for each additional assisted living facility dwelling unit plus one-fourth acre for each additional elderly housing dwelling

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

unit plus district acreage requirement (1-village, 2-surburban, 3-C/I) for each single family dwelling unit provided all other dimensional requirements are met.

Example: A 15-acre suburban district lot could contain three single family dwelling units (five acres) plus 61 assisted living facility dwelling units (five acres) plus 17 elderly housing dwelling units (five acres) plus a nursing facility (0 acres) provided all dimensional requirements are met.

u. See section 45-459 for requirements.

v. In the C/I district, more than one principal structure may be located on a single lot which meets the minimum lot size and street frontage requirements for the district. Each such structure must maintain required yards adjacent to the front, side, and rear lot lines and must be located no closer than 20 feet (as viewed from the front lot line) to any other such structure on the lot. Such structures need not comply separately with the minimum lot size and frontage requirements, but the aggregate of all the structures on the lot shall not exceed the maximum lot coverage requirement. Nonconforming lots of record, with existing commercial structures, at the time of adoption of this section change may also contain more than one principal structure provided the setback and expansion requirements are met. Separation of structures shall not be less than 20 feet.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 305); T.M. of 12-15-93; Amend. of 3-26-94; Ord. of 3-25-00(1); T.M. of 6-19-01, (art. 8); T.M. of 3-16-02, (art. 4); T.M. of 11-5-02; T.M. of 6-14-05; T.M. of 6-18-2011(5); T.M. of 6-14-2016(1); T.M. of 11-6-2018(5).....)

Cross reference(s)—Requirements unique to mobile home park subdivisions, § 41-276 et seq.; other district regulations, § 45-286 et seq.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

[Add a new section:]

Sec. 45-137. – Tiny homes on wheels

- (a) Tiny homes on wheels:
 - (1) Shall be placed on a set, stable, and level location on the lot;
 - (2) Shall meet applicable standards in Section 45-405 and, if used as an accessory dwelling unit, Section 45-459;
 - (3) Shall be connected to a public water system or well; and
 - (4) Shall be served by a public sewer or a subsurface sewage disposal system.
- (b) In addition to other permitting requirements, tiny home on wheels building permit applications shall:
 - (1) include documentation of motor vehicle title; and
 - (2) indicate whether the tiny home on wheels is proposed to be established as a principal dwelling unit or an accessory dwelling unit.
- (c) A tiny home on wheels established as a principal dwelling unit:
 - (1) shall not be used as a short-term rental; and
 - (2) is subject to the growth management and growth permit requirements of Chapter 29.
- (d) A person who temporarily locates a tiny home on wheels on a lot in the town shall notify the Code Enforcement Officer in writing. This notification shall indicate their intention for the use of the tiny home on wheels, how water and electrical service will be provided, and how sewage will be disposed of. The Code Enforcement Officer may permit a temporary use or occupancy of the tiny home consistent with the Town Code and applicable building codes. However, in no case shall a tiny home be used for temporary residential occupancy on the same lot, or on a contiguous lot under the same ownership, for more than 180 days in a twelve-month period. For the purpose of this section, “temporary residential occupancy” means that the tiny home is being used as living quarters without meeting the requirements of subsection (a) of this section. A tiny home used for temporary residential occupancy, if permitted, shall not be used as a short-term rental.

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

Sec. 45-459 – Accessory dwelling unit

- (a) ~~An accessory dwelling unit (ADU) is a small apartment which is part of an existing or new single family owner-occupied home, and which is clearly secondary to the single family home. The accessory dwelling unit may be rented so that the owner-occupant may benefit from the additional income. The owner may also elect to occupy the accessory dwelling unit and rent the principal dwelling unit.~~
- (b) Owner-occupied means that either the principal dwelling unit or the accessory dwelling unit is occupied by a person who has a legal or equitable ownership interest in the property and bears all or part of the economic risk of decline in value of the property and who receives all or part of the remuneration, if any, derived from the lease or rental of the dwelling unit.
- (c) An accessory dwelling unit may be permitted as an accessory use to a single family home under the following conditions:
- (1) Only one accessory dwelling unit (ADU) is permitted per lot. The accessory dwelling unit shall be located in the same building as the principal dwelling unit, **attached to or sharing a wall with the principal dwelling unit,** or in a building accessory to the principal dwelling unit. ~~Any structure containing an accessory dwelling unit must meet minimum yard and setback requirements for principal structures.~~
 - (2) A building permit for the proposed construction of a new ADU or the creation of a new ADU within an existing building, must be issued by the CEO. Planning board approval is not required for an ADU.
 - (3) A building permit for a new single family home may include an ADU as long as the provisions of this section are met and the building conforms to all of the dimensional requirements for the zone in which it is being built. An ADU may be included in a new home constructed on a lawful nonconforming lot of record which may be built upon pursuant to section 45-194.
 - (4) The property owner must occupy either the principal dwelling unit or the ADU as their principal residence, and at no time receive rent for the owner-occupied unit. Principal residence must be proven by voter registration or other evidence acceptable to the CEO.
 - (5) The maximum gross floor area of an ADU shall be 1,000 square feet or 50 percent of the gross floor area of the principal dwelling unit, whichever is less. The minimum gross floor area of an ADU shall be ~~300~~ **190** square feet., **except that tiny home on wheels ADUs and foundation-built tiny home ADUs are not subject to a minimum gross floor area.** An ADU shall not have more than two bedrooms.

State law reference – 30-A M.R.S.A. §4364-B

- (6) Apartments built prior to November 2, 1982 and existing on March 16, 2002, shall be considered lawful nonconforming uses which may continue pursuant to section 45-191. Any apartments existing on (effective date of section 45-459) and built on or after November 2, 1982 shall not be considered lawful nonconforming uses, unless the property owners applies for a building permit for the ADU and brings the unit up to the health and safety provisions of the minimum housing code standards. A grace period

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

- of one year from the adoption of this article will be allowed for homeowners to modify such unlawful non-conforming units. The CEO will have the authority to waive certain space and setback requirements for such unlawful nonconforming units where full compliance would be impractical. On March 16, 2003, all owners of unlawful nonconforming units who have not brought them up to the health and safety standards of the minimum housing code, will be in violation of this section and subject to fines per subsection 45-6(b).
- (7) When any property containing an accessory dwelling unit is sold or transferred, the new owner must continue to meet the requirements of this Section in order to continue the use of the accessory dwelling unit. Should the new owner not meet the requirements of this section, the use of the unit must be discontinued. However, any lease in effect at the time of transfer may be continued until it expires or up to one year from the date of the transfer, whichever is shorter. This subsection (7) does not apply to an apartment built before November 2, 1982 and existing on March 16, 2002.
- (8) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the county registry of deeds a covenant in a form acceptable to the town attorney that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by a person who owns the property. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section.
- (9) New accessory dwelling units are not subject to the requirements of the growth management ordinance, chapter 29. ~~However, the number of accessory dwelling units that may be issued building permits within a calendar year is limited to a total of 12, to be issued on a first-come, first-served basis in the order in which the code enforcement officer receives completed applications for building permits under section 45-127. If two or more applications are received simultaneously (as in as a single mail delivery), the code enforcement officer shall determine their order by random selection. The provisions of this paragraph are retroactive to January 1, 2003.~~
- (10) This provision shall not prohibit the conversion of a single family dwelling to a multifamily dwelling so long as said conversion complies with all current zoning requirements. However, if such conversion is approved, any accessory dwelling unit previously allowed under this section must be incorporated into and meet all the requirements for one of the units of the multifamily dwelling. Multifamily dwellings shall not include accessory dwelling units as defined in this section.
- (11) Design criteria:
- a. An ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an ADU extends beyond the existing footprint of the main building, such an addition must be consistent with the existing facade, roof pitch, siding, and windows.
 - b. Exterior stairs are restricted to the rear or sides of the structure.
- (12) Occupancy of an ADU shall be limited to the following: No more than two persons per bedroom are allowed, unless otherwise approved by the code enforcement officer

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

and the fire chief or their respective designees. Increased occupancy limits may be granted after application to the code enforcement officer and inspection of the dwelling unit.

~~(13) One off street parking space must be provided for the accessory dwelling unit in addition to the off street parking required for the principal dwelling unit.~~

~~(14)~~**(13)** An occupancy permit must be issued by the CEO prior to occupancy of an accessory dwelling unit created or modified pursuant to this section 45-459.

~~(15)~~**(14)** The CEO shall prepare a biennial report to the planning board on accessory dwelling units which will include:

- a. The number of units established;
- b. The geographic distribution of the units; and
- c. The average size of the units.

~~The planning board shall reassess the provisions of this section allowing accessory dwelling units every five years or sooner if records show that 20 percent of single family homes have ADUs.~~

~~(16)~~**(15)** The code enforcement officer may inspect an accessory dwelling unit, with or without complaint with a minimum of 48 hours of receipt of notice of inspection to the property owner to ensure compliance with the section. Any property owner found in violation of this section shall have 30 days from the date of written notice to correct such violation. Failure to correct the violation shall result in the revocation of the accessory dwelling unit certificate of occupancy, as well as subjecting the property owner to the remedies and penalties provided in sections 45-101 and 45-102.

(d) Lot line setbacks

(1) An ADU located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit shall meet minimum yard and setback requirements for principal structures.

(2) An ADU permitted in an accessory structure as of July 1, 2023, shall continue to meet minimum yard and setback requirements for principal structures, except that, if that ADU was permitted with a yard width or setback distance less than the requirements for principal structures relative to one or more lot lines, then, relative to those lot lines only, the ADU may continue to have its existing yard width or setback distance, but shall not be extended or moved closer to any of those lot lines. In such case, the total gross floor area of the ADU that is less than minimum yard and setback requirements for principal structures shall not be expanded.

(3) An ADU permitted in an accessory structure after July 1, 2023:

- a. Shall meet minimum yard and setback requirements for accessory structures;**
and

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units

b. Shall not be used as a short-term rental unless it meets minimum yard and setback requirements for principal structures.

State law reference – 30-A M.R.S.A. §4364-B

(T.M. of 3-16-02, (art. 4); T.M. of 6-10-03; T.M. of 6-14-05; T.M. of 6-8-2021(1) , art. 34)



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

SITE WALK NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF SITE WALK: March 28, 2023
TIME: 3:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a site walk on Tuesday, March 28, 2023 at 3:00 PM for the following application:

- **857 Main Street (Map 10/Lot 2), PID # 010-002-000, PB23-2:** Site Plan Amendment/Review and Shoreland Zoning Permit Application-Boatyard Expansion
 - **Applicant: Safe Harbors Marinas; Agent: Civil Consultants**
 - **Property Owner: MGX II LLC, c/o Tom Allen**

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



500 feet Abutters List Report

Eliot, ME
March 13, 2023

Subject Property:

Parcel Number: 010-002-000
CAMA Number: 010-002-000
Property Address: 857 MAIN ST

Mailing Address: MGX II LLC
3 BOND RD
KITTERY POINT, ME 03905

Abutters:

Parcel Number: 005-001-000
CAMA Number: 005-001-000
Property Address: 19 CLARK RD

Mailing Address: KONOVALCHIK, PATRICIA
123 STACY LANE
ELIOT, ME 03903

Parcel Number: 005-002-000
CAMA Number: 005-002-000
Property Address: 5 GERRYS LN

Mailing Address: LEVESQUE, PATRICIA A REVOCABLE
TRUST PATRICIA A LEVESQUE
5 GERRYS LN
ELIOT, ME 03903

Parcel Number: 005-003-000
CAMA Number: 005-003-000
Property Address: 7 GERRYS LN

Mailing Address: LAMBERTI, LEONARD J REVOCABLE
TRUST LEONARD J LAMBERTI
TRUSTEE
7 GERRYS LN
ELIOT, ME 03903

Parcel Number: 005-004-000
CAMA Number: 005-004-000
Property Address: 8 GERRYS LN

Mailing Address: THOMPSON, HEIDI THOMPSON,
DOUGLAS
201 WILSHIRE DR
SHARON, MA 02067

Parcel Number: 005-005-000
CAMA Number: 005-005-000
Property Address: 4 GERRYS LN

Mailing Address: DESJARDINS, JANICE/RONALD REV
TRUST JANICE/RONALD DESJARDINS
TRUSTEES
1138 KITTIWAKE DR
VENICE, FL 34285

Parcel Number: 005-006-000
CAMA Number: 005-006-000
Property Address: 31 CLARK RD

Mailing Address: CPN REALTY LLC DAVID L CHASE
31 CLARK RD
ELIOT, ME 03903

Parcel Number: 005-007-000
CAMA Number: 005-007-000
Property Address: 32 CLARK RD

Mailing Address: RMW FAMILY, LLC
GREGORY EGLI PO BOX 8561
WOODCLIFF LAKE, NJ 07677

Parcel Number: 005-009-000
CAMA Number: 005-009-000
Property Address: 26 CLARK RD

Mailing Address: TUCKER, MARK HARPER, JANE E
26 CLARK RD
ELIOT, ME 03903

Parcel Number: 005-010-000
CAMA Number: 005-010-000
Property Address: 22 CLARK RD

Mailing Address: RUTSTEIN, DAVID C RUTSTEIN, GAYLE
H
22 CLARK RD
ELIOT, ME 03903



www.cai-tech.com

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



500 feet Abutters List Report

Eliot, ME

March 13, 2023

Parcel Number: 006-053-000 CAMA Number: 006-053-000 Property Address: 31 ANTHONYS LNDG	Mailing Address: MANERO, ANTHONY T MANERO, CANDACE S 31 ANTHONYS LNDG ELIOT, ME 03903
Parcel Number: 006-054-000 CAMA Number: 006-054-000 Property Address: 32 ANTHONYS LNDG	Mailing Address: MANERO, ANTHONY K MANERO, ELIZABETH T 32 ANTHONYS LNDG ELIOT, ME 03903
Parcel Number: 006-055-000 CAMA Number: 006-055-000 Property Address: 18 ANTHONYS LNDG	Mailing Address: MANERO-EARLEY, MARY ELLEN 18 ANTHONYS LNDG ELIOT, ME 03903
Parcel Number: 006-056-000 CAMA Number: 006-056-000 Property Address: 12 ANTHONYS LNDG	Mailing Address: MANERO, STEPHEN M MANERO, BRITT F 12 ANTHONYS LNDG ELIOT, ME 03903-1705
Parcel Number: 006-057-000 CAMA Number: 006-057-000 Property Address: 20 AQUA AVE	Mailing Address: HANNIGAN, ELINOR C 20 AQUA AVE ELIOT, ME 03903
Parcel Number: 006-059-000 CAMA Number: 006-059-000 Property Address: 803 MAIN ST	Mailing Address: WINTER, LOUIS G WINTER, ELIZABETH A 803 MAIN ST ELIOT, ME 03903
Parcel Number: 006-061-000 CAMA Number: 006-061-000 Property Address: 811 MAIN ST	Mailing Address: MANERO, STEPHEN M MANERO, BRITT F 12 ANTHONY'S LANDING ELIOT, ME 03903
Parcel Number: 006-062-000 CAMA Number: 006-062-000 Property Address: 827 MAIN ST	Mailing Address: CHRISTIAN, JOSEPH J. CHRISTIAN, DARCY 827 MAIN STREET ELIOT, ME 03903
Parcel Number: 006-063-001 CAMA Number: 006-063-001 Property Address: 9 ELIOT SHORES LN	Mailing Address: ROBINSON, RAMONA G VALDEZ, LUIS A PO BOX 518 ELIOT, ME 03903
Parcel Number: 006-063-002 CAMA Number: 006-063-002 Property Address: ELIOT SHORES	Mailing Address: MANERO, STEPHEN M 12 ANTHONYS LANDING ELIOT, ME 03903
Parcel Number: 006-063-003 CAMA Number: 006-063-003 Property Address: MAIN ST	Mailing Address: MANERO, STEPHEN M 12 ANTHONYS LN ELIOT, ME 03903
Parcel Number: 006-064-000 CAMA Number: 006-064-000 Property Address: 11 CLARK RD	Mailing Address: CLARK, ELIZABETH C CLARK, THOMAS S 11 CLARK RD ELIOT, ME 03903



www.cai-tech.com

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

3/13/2023

Page 2 of 6



500 feet Abutters List Report

Eliot, ME
March 13, 2023

Parcel Number: 006-065-000 CAMA Number: 006-065-000 Property Address: 13 CLARK RD	Mailing Address: KIBERD, BRENDA M KIBERD, CHRISTOPHER D 13 CLARK RD ELIOT, ME 03903
Parcel Number: 006-066-000 CAMA Number: 006-066-000 Property Address: 15 CLARK RD	Mailing Address: LOICHLE, JETHRO A LOICHLE, JENNIFER L 15 CLARK RD ELIOT, ME 03903
Parcel Number: 006-067-000 CAMA Number: 006-067-000 Property Address: 17 CLARK RD	Mailing Address: SANBORN, MICHAEL S 17 CLARK RD ELIOT, ME 03903
Parcel Number: 006-068-000 CAMA Number: 006-068-000 Property Address: 816 MAIN ST	Mailing Address: DOHERTY, JAY MICHAEL 816 MAIN ST ELIOT, ME 03903
Parcel Number: 006-153-000 CAMA Number: 006-153-000 Property Address: ANTHONYS LANDING	Mailing Address: MANERO, CHRISTOPHER K 14 SOUTH BUCKBOARD LN MARLBOROUGH, CT 06447
Parcel Number: 010-001-000 CAMA Number: 010-001-000 Property Address: 851 MAIN ST	Mailing Address: THOMPSON, JUDITH M THOMPSON, MICHAEL S 851 MAIN ST ELIOT, ME 03903
Parcel Number: 010-003-000 CAMA Number: 010-003-000 Property Address: 863 MAIN ST	Mailing Address: MAHONEY, ROBERT W MAHONEY, JANINE Y 863 MAIN ST ELIOT, ME 03903
Parcel Number: 010-004-000 CAMA Number: 010-004-000 Property Address: 871 MAIN ST	Mailing Address: WEBB, HILLARY S REVOCABLE TRUST HILLARY S WEBB TRUSTEE 871 MAIN ST ELIOT, ME 03903
Parcel Number: 010-005-000 CAMA Number: 010-005-000 Property Address: 881 MAIN ST	Mailing Address: GILBERT, BRADLEY J GILBERT, TARA O 881 MAIN ST ELIOT, ME 03903
Parcel Number: 010-006-000 CAMA Number: 010-006-000 Property Address: 1 CLARK RD	Mailing Address: ILARIA CORY D 1 CLARK RD ELIOT, ME 03903
Parcel Number: 010-007-000 CAMA Number: 010-007-000 Property Address: 5 CLARK RD	Mailing Address: GASS FAMILY REVOCABLE TRUST MICHAEL AND KIMBERLY GASS TRUSTEES 120 HILLSIDE DR PORTSMOUTH, NH 03903
Parcel Number: 010-008-000 CAMA Number: 010-008-000 Property Address: 9 CLARK RD	Mailing Address: PHILBRICK, RICHARD S PHILBRICK, HARRIET G 11 CLARK RD ELIOT, ME 03903



www.cai-tech.com

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



500 feet Abutters List Report

Eliot, ME

March 13, 2023

Parcel Number: 010-009-000 CAMA Number: 010-009-000 Property Address: 14 CLARK RD	Mailing Address: SAMBATARO, MONICA REVOCABLE TRUST MONICA SAMBATARO TRUSTEE 14 CLARK RD ELIOT, ME 03903
Parcel Number: 010-010-000 CAMA Number: 010-010-000 Property Address: CLARK RD	Mailing Address: GREEN ACRE BAHA'I SCHOOL 1233 CENTRAL ST EVANSTON, IL 60201
Parcel Number: 010-011-000 CAMA Number: 010-011-000 Property Address: 6 CLARK RD	Mailing Address: HOUDE, MARCIA J HOUDE, PAUL J 6 CLARK RD ELIOT, ME 03903
Parcel Number: 010-012-000 CAMA Number: 010-012-000 Property Address: CLARK RD	Mailing Address: ADUCAT, MARY 289 KRESSON-GIBBSBORO RD VOORHEES, NJ 08043
Parcel Number: 010-013-000 CAMA Number: 010-013-000 Property Address: MAIN ST	Mailing Address: ADUCAT, MARY 298 KRESSON-GIBBSBORO RD VOORHEES, NJ 08043
Parcel Number: 010-014-000 CAMA Number: 010-014-000 Property Address: 913 MAIN ST	Mailing Address: CURTIS, JENNIFER 15 CLARK RD ELIOT, ME 03903
Parcel Number: 010-014-001 CAMA Number: 010-014-001 Property Address: 10 CLARK RD	Mailing Address: CAHILL, KEVIN 10 CLARK RD ELIOT, ME 03903
Parcel Number: 010-014-002 CAMA Number: 010-014-002 Property Address: 12 CLARK RD	Mailing Address: ANDERSON, ERIK N ANDERSON, LINDA LANDRY 12 CLARK RD ELIOT, ME 03903
Parcel Number: 010-016-000 CAMA Number: 010-016-000 Property Address: 925 MAIN ST	Mailing Address: GREEN ACRE BAHA'I SCHOOL 1233 CENTRAL ST EVANTON, IL 60201-1611
Parcel Number: 010-032-000 CAMA Number: 010-032-000 Property Address: 906 MAIN ST	Mailing Address: THOMAS, FRANCIS L THOMAS, LORRAINE T 906 MAIN ST ELIOT, ME 03903
Parcel Number: 010-033-000 CAMA Number: 010-033-000 Property Address: 892 MAIN ST	Mailing Address: DAME, KENNETH E DAME, MEREDITH R PO BOX 324 ELIOT, ME 03903
Parcel Number: 010-034-000 CAMA Number: 010-034-000 Property Address: 884 MAIN ST	Mailing Address: DAME, KENNETH E DAME, MEREDITH PO BOX 324 ELIOT, ME 03903



www.cai-tech.com

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

3/13/2023

Page 4 of 6



500 feet Abutters List Report

Eliot, ME
March 13, 2023

Parcel Number: 010-035-000 CAMA Number: 010-035-000 Property Address: 14 AUTUMN LN	Mailing Address: MCKAY, JEFFREY D MCKAY, WHITNEY B 14 AUTUMN LN ELIOT, ME 03903
Parcel Number: 010-036-000 CAMA Number: 010-036-000 Property Address: 874 MAIN ST	Mailing Address: CRONAUER, GREIG P CRONAUER, ELLEN J 874 MAIN ST ELIOT, ME 03903
Parcel Number: 010-037-000 CAMA Number: 010-037-000 Property Address: 862 MAIN ST	Mailing Address: HORTON, KAREN J HORTON, ROBERT C 862 MAIN ST ELIOT, ME 03903
Parcel Number: 010-038-000 CAMA Number: 010-038-000 Property Address: 15 GREENWOOD ST	Mailing Address: PIPER, MELISSA 15 GREENWOOD ST ELIOT, ME 03903
Parcel Number: 010-039-000 CAMA Number: 010-039-000 Property Address: 19 GREENWOOD ST	Mailing Address: VERDICK, DANIEL J SMITH, AMANDA G 19 GREENWOOD ST ELIOT, ME 03903
Parcel Number: 010-070-000 CAMA Number: 010-070-000 Property Address: 20 GREENWOOD ST	Mailing Address: TITUS, PATRICIA I'ANS ROSS, LINDA LEE 20 GREENWOOD ST ELIOT, ME 03903
Parcel Number: 010-071-000 CAMA Number: 010-071-000 Property Address: 11 HAMILTON LN	Mailing Address: OWENS, NORMAN GLYNN 11 HAMILTON LN ELIOT, ME 03903
Parcel Number: 010-074-000 CAMA Number: 010-074-000 Property Address: 826 MAIN ST	Mailing Address: PRATT, CHARLES JR 826 MAIN ST ELIOT, ME 03903
Parcel Number: 010-075-000 CAMA Number: 010-075-000 Property Address: 834 MAIN ST	Mailing Address: MCKENNEY, RALPH A SIMAMORA, MINARA L 834 MAIN STREET ELIOT, ME 03903
Parcel Number: 010-076-000 CAMA Number: 010-076-000 Property Address: 12 HAMILTON LN	Mailing Address: GSCHEIDLE, JOANNE M 12 HAMILTON LN ELIOT, ME 03903
Parcel Number: 010-077-000 CAMA Number: 010-077-000 Property Address: GREENWOOD ST	Mailing Address: HINDS FAMILY REVOCABLE TRUST HINDS, GEORGE C & IRVA P TRUSTEES 63 GREENWOOD ST ELIOT, ME 03903
Parcel Number: 010-078-000 CAMA Number: 010-078-000 Property Address: 850 MAIN ST	Mailing Address: MORSE, MARGARET ANN 850 MAIN ST ELIOT, ME 03903



www.cai-tech.com

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



500 feet Abutters List Report

Eliot, ME
March 13, 2023

Parcel Number: 010-079-000
CAMA Number: 010-079-000
Property Address: 840 MAIN ST

Mailing Address: MONDSCHNEIN, PAMELA A LIVING TRUST
PAMELA MONDSCHNEIN TRUSTEE
840 MAIN ST
ELIOT, ME 03903

Parcel Number: 010-092-000
CAMA Number: 010-092-000
Property Address: 14 HAMILTON LN

Mailing Address: BERTRAND, BRIAN BERTRAND,
STEPHANIE
14 HAMILTON LN
ELIOT, ME 03903



www.cai-tech.com

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



~ Classifieds & News ~

... ESTHER from page 27

brother William M. Beard of Port Charlotte, FL; late sister June Chapman; and two nephews, Bob and Tom Chapman.

Funeral services will be held Monday, March 20 at 11 a.m. at the Farmer & Dee Funeral Home, 16 Lee Street, Tewksbury, MA. Interment to follow at Tewksbury Cemetery. Per Esther's request, there are no

calling hours. In lieu of flowers, donations in her memory may be made to Tewksbury Community Pantry, 999 Whipple Road, Tewksbury, MA 01876, as well as Londonderry United Methodist Church, 258 Mammoth Road, Londonderry NH 03053. Please earmark "Woman's Jubilee," a dear group of women that support each other and the community. For her guest book, visit www.farmeranddee.com.



Jeanne (Campbell) Roche, 71

KITTERY - Jeanne (Campbell) Roche, 71, passed away on Tuesday, March 7, 2023. She was born the daughter of John and Betty (James) Campbell in Boston, MA, on December 19, 1951.

Jeanne is survived by sons, Jacob Roche of Newburyport, MA, and Daniel Roche of Haverhill, MA, his wife Caitlin, and Jeanne's granddaughter Evelyn; sister Ann LaPan of Cave Creek, AZ; brother Craig Campbell of New Boston, NH; and many nieces and nephews.

Calling hours were held 4-7 p.m. on Wednesday, March 15, at the Lucas & Eaton Funeral Home, 91 Long Sands Road, York. To read her full obituary, visit www.lucaseatonfuneralhome.com.

Eleanor T. Waterman, 97

NORTH BERWICK - Eleanor T. Waterman, 97, passed

away February 11, 2023 at the Gosnell Memorial Hospice in Scarborough.

Eleanor was born April 18, 1925 in Roxbury, MA, the daughter of Arthur and Edith (Allen) Baker. She was a graduate of Roxbury High School. In her younger years, she was an accomplished figure skater earning many awards. Eleanor hung up her figure skates at the age of 87.

In 1945, she married Charles Hamlin Waterman. They lived in Newbury, MA, for 39 years before settling in North Berwick in June of 1984. Over the years she enjoyed making wedding cakes and creating beautiful quilts for her family members.

She was predeceased by her husband of 47 years, Charles Waterman, in 1992. Surviving are her two sons, Gordon Waterman and wife Patricia of Fort Wayne, IA, and Peter Waterman and wife May Ann of North Berwick; daughter Susan Allen of NH; sister Jean Vogel of Dover, NH; six grandchildren and 11 great-grandchildren.

At Eleanor's request, there will be no public services. She will be laid to rest in the Waterman Private Cemetery. Arrangements are entrusted to the Johnson Funeral Home, North Berwick. Condolences may be expressed at www.johnsonfuneralhome.com.

LEGAL & PUBLIC NOTICES

PUBLIC HEARING

To: Marianne Goodine or Michele Stivaletta-Noble, Cindy Appleby, Mark Dupuis, Keeley Lambert, Mike Livingston, resident of the Town of Wells, County of York, and State of Maine; GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Wells that the Board of Selectmen of said town will meet at the Municipal Building, 208 Sanford Road, Wells on the 21st day of March 2023 at 6:00 p.m. in the evening.

The Board will conduct a public hearing on "A Retroactive Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Update the definition of a Registered Medical Marijuana Dispensary, Restrict the number and location of Registered Medical Marijuana Dispensaries, and Change the Performance Standards Requirements for a Registered Medical Marijuana Dispensary".

Given under our hands this 7th day of March 2023.

SELECT BOARD OF THE TOWN OF WELLS

PUBLIC HEARING

To: Marianne Goodine or Michele Stivaletta-Noble, Cindy Appleby, Mark Dupuis, Keeley Lambert, Mike Livingston, resident of the Town of Wells, County of York, and State of Maine; GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Wells that the Board of Selectmen of said town will meet at the Municipal Building, 208 Sanford Road, Wells on the 21st day of March 2023 at 6:00 p.m. in the evening.

The Board will conduct a public hearing on "An Ordinance to Amend Chapter 63 (Planning Board) of the Code of the Town of Wells to Change the Quorum Requirements of the Planning Board and to Eliminate References to Historical Planning Board".

Given under our hands this 7th day of March 2023.

SELECT BOARD OF THE TOWN OF WELLS

Town of Eliot PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: March 28, 2023
TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, March 28, 2023 at 6:00 PM for the ordinance amendments and growth permit warrant articles proposed for the June 2023 Annual Town Meeting Election & Referendum:

- Proposed Town Code Amendments of Chapter 1 - General Provisions, Chapter 44 - Shoreland Zoning, and Chapter 45 - Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units
Proposed Town Code Amendments of Chapter 1 - General Provisions, Chapter 33 - Planning and Development, and Chapter 45 - Zoning, Related to Child Care
Proposed Town Code Amendments of Chapter 11 - Marijuana Establishments, Chapter 33 - Planning and Development, and Chapter 45 - Zoning, Related to Marijuana Licensing and Performance Standards
Proposed Town Code Amendments of Chapter 1 - General Provisions, Chapter 33 - Planning and Development, and Chapter 45 - Zoning, and the Creation of a New Chapter 5 - Business Licensing, Related to Mobile Vendors
Proposed Town Code Amendments of Chapter 31 - Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges
Allocation of maximum growth permits for new residential dwelling units for calendar year 2024

Interested persons may be heard and written communication received regarding these ordinance amendments and growth permit warrant articles at this public hearing. Copies of the above information are on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how to join the remote Zoom meeting will be posted on the web page at ellotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

LEGAL & PUBLIC NOTICES

PUBLIC HEARING

To: Marianne Goodine or Michele Stivaletta-Noble, Cindy Appleby, Mark Dupuis, Keeley Lambert, Mike Livingston, resident of the Town of Wells, County of York, and State of Maine; GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Wells that the Board of Selectmen of said town will meet at the Municipal Building, 208 Sanford Road, Wells on the 21st day of March 2023 at 6:00 p.m. in the evening.

The Board will conduct a public hearing on a Lease Agreement between the Town and Fisherman's Catch.

Given under our hands this 7th day of March 2023.

SELECT BOARD OF THE TOWN OF WELLS

Town of Eliot SITE WALK NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF SITE WALK: March 28, 2023
TIME: 3:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a site walk on Tuesday, March 28, 2023 at 3:00 PM for the following application:

857 Main Street (Map 10 / Lot 2), PID # 010-002-000, PB23-2: Site Plan Amendment / Review and Shoreland Zoning Permit Application - Boatyard Expansion. Applicant: Safe Harbors Marinas. Agent: Civil Consultants. Property Owner: MGX II LLC, c/o Tom Allen.

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

PUBLIC NOTICE: NOTICE OF INTENT TO FILE

Please take notice that Caponera LLC of 406 Main Street, South Berwick, Maine 03908, (207) 619-0892, is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about March 22, 2023.

The application is for removing and placing structures, grading and filling, modifying vegetation, and other landscaping tasks at 406 Main Street, South Berwick, Maine and adjacent to the Driscoll Brook.

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

The application will be filed for public inspection at the Department of Environmental Protection's office at 312 Canco Road, Portland, ME, 04103, during normal working hours. A copy of the application may also be seen at the South Berwick Town Hall at 180 Main Street, South Berwick, Maine.

Written public comments may be sent to the Department of Environmental Protection's Southern Maine Regional Office at 312 Canco Road, Portland, ME 04103.

Students Receive Recognition

Worcester Polytechnic Institute, Worcester, MA

The following students were named to the dean's list for fall 2022: Seth Boyea of Arundel, majoring in mechanical engineering (BS), class of 2026; Evan Dapsis of York, majoring in biochemistry (BS), class of 2025; Julia Durling of Kittery, majoring in biomedical engineering (BS), class of 2026; Bo Floretta of York Harbor, majoring in biochemistry (BS), class of 2025; Evelyn Kellum of Arundel, majoring in chemical engineering, class of 2024; Keegan Kuhn of York, majoring in Electrical and Computer Engineering (BS), class of 2025; Mary Lombardi of Kittery, majoring in BE, class of 2025; Alana Moretti of Eliot, majoring in mechanical engineering (BS), class of 2026; Jack Parker of Eliot, majoring in mechanical engineering (BS), class of 2024; Mitchell Sirois of Lebanon, majoring in mathematical sciences (BS), class of 2023; and Oliver Van Campen of Berwick, majoring in robotics engineering (BS), class of 2026. The criteria for the WPI dean's list differs from that of other universities as WPI does not compute a GPA, but instead defines the dean's list by the amount of work completed at the A level.

York College of Pennsylvania, York, PA

Morgan Clayton of Ogunquit, class of 2025, majoring in nursing, was named to the fall 2022 dean's list at York College of Pennsylvania. Student must be registered for at least 12 academic credit hours and earn a semester GPA of 3.60 or higher.

Seacoastonline

Govt Public Notices

Originally published at seacoastonline.com on 03/13/2023

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board

PLACE: Town Hall (1333 State Rd.) with Remote Option

DATE OF HEARING: March 28, 2023

TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, March 28, 2023 at 6:00 PM for the ordinance amendments and growth permit warrant articles proposed for the June 2023 Annual Town Meeting Election & Referendum:

- Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Housing, Tiny Homes, and Accessory Dwelling Units
- Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Child Care
- Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, Related to Marijuana Licensing and Performance Standards
- Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, and Chapter 45 – Zoning, and the Creation of a New Chapter 5 – Business Licensing, Related to Mobile Vendors
- Proposed Town Code Amendments of Chapter 31 – Non-Stormwater Discharges, Related to Enforcement of Non-Stormwater Discharges
- Allocation of maximum growth permits for new residential dwelling units for calendar year 2024

Interested persons may be heard and written communication received regarding these ordinance amendments and growth permit warrant articles at this public hearing. Copies of the above information are on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.



HOME BUSINESS APPLICATION

- Date Submitted 2/2/23
- Applicant Name(s) Nicholas Andrade
- Mailing Address 416 Main St Phone 781-850-5042
- If you prefer to receive meeting notices and other communications via email please provide your email below:
Email address _____ @ _____ .com

- Property Owner(s) Nicholas Andrade
- Mailing Address 416 Main St Phone 781-850-5042
- Property Location/Address 416 Main St
- Map 1 Lot 83 Size (acres) .33

- Zoning District? (circle all that apply) Village Rural Suburban
- Is any portion of the property in a Shoreland zoning district? YES NO
- If yes, which Shoreland zoning district? (check all that apply)

- Limited Commercial
- Limited Residential
- Stream Protection
- General Development
- Resource Protection



- Non-conforming lot? YES NO
- Home business located in a non-conforming structure? YES NO



Establish your legal interest in the property by attaching a copy of the deed, purchase and sales agreement, tax records, or signed lease.

Describe the business and its operation (nature of business, hours of operation, etc.))
Auto detailing. By Appointment only and weather pending

What permitted use as listed in the Table of Land Use (Sec. 45-290) are you applying for? (note: cannot be "home business" or "home occupation") If your proposed use is not listed, which one is it most similar to?
Auto Repair Garage

Complete the attached checklist to see if your application complies with the ordinance and return to the Planning Assistant with ten (10) copies of application and plans plus a fee of \$200.00 (\$25 application fee + \$175 for advertising and public hearing expenses).

- Applicant Signature [Signature] Date _____
- Property owner Signature (if different) _____ Date _____
- Application received by PA _____ Date _____



TOWN OF ELIOT, MAINE

Case# _____

7.	<p>g. A Home Business may engage in selling of merchandise and products as follows:</p> <ul style="list-style-type: none">(1) On-site sales of merchandise and products that are created, grown, built, or substantially altered as part of the Home Business.(2) On-site sales of merchandise and products that are customarily incidental to the services or products provided by a Home Business.(3) Off-site, phone, mail, and internet, or similar sales of merchandise and products.(4) On-site wholesale distribution of merchandise and products to dealer/sales representatives who sell the merchandise and products off site.	<p>Will you be selling merchandise or products as part of the Home Business? If so, describe the merchandise and products and how they will be sold.</p> <p>N/A</p>
8.	<p>h. Parking shall not exceed four spaces in addition to the spaces required for parking by occupants of the dwelling unit. Parking must meet setback requirements with the exception of two spaces that may be allowed within the front setback only.</p>	<p>How many parking places will you have in addition to those needed by persons residing at the dwelling unit? (Show it on the sketch)</p> <p>2 Proposed Parking SPACES</p>



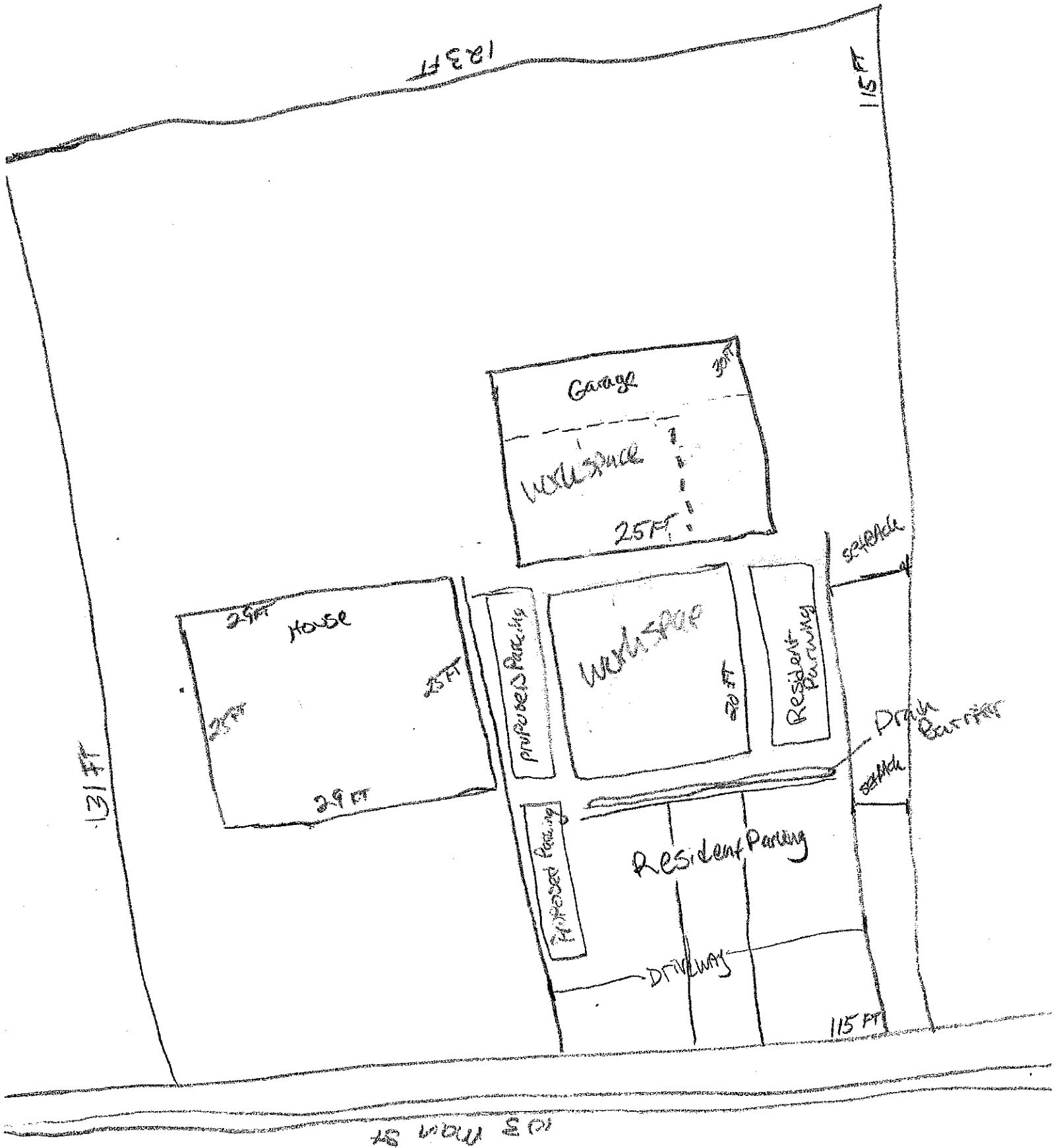
TOWN OF ELIOT, MAINE

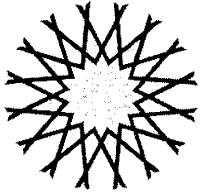
Case# _____

9.	i. Sign dimensions must meet Sec. 45-405 residential (non-commercial) requirement and shall be a maximum of 6 sq. ft. in area.	Are you going to have a sign? If so, how big will it be? N/A
10.	j. Storage of material associated with the Home Business use and any other external evidence of the business, must be located or screened such that it is not visible from the street or neighboring residences. Signage, lobster traps, boat storage (in accordance with Home Businesses, Water Dependent) and one business related van, pickup truck, or passenger car shall be exempt from screening requirements.	Describe how all external (outside) evidence of the business will be screened from the street and neighboring residences. Describe all business-related vehicles. All evidence of Business and storage of tools for this Business will be inside of a garage, out of sight.
11.	k. Application must identify how all fluids, solids, and gases unique to the business are going to be used and stored. Location and quantity of highly flammable or explosive liquids, solids, or gases shall be identified on the application and referred to the Eliot Fire Chief for review and comment. Material Safety Data Sheets (MSDS) shall be provided by the applicant as required by the Planning Board.	Provide a list of all fluids, solids, and gases that will be used in conducting your business. Describe how these materials will be used, where they will be stored, and the expected quantity. All Purpose cleaner Car Wash Soap Car Wash Wax All over the counter products, stored inside garage building



TOWN OF ELIOT, MAINE





ATTAR

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

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

March 14th, 2023
Project No. C173-21

**RE: Amendment to Existing Subdivision Plan – Hybrid Review
The Village at Great Brook (Tax Map 17, Lot 29)
Bolt Hill Road, Eliot, Maine**

Dear Mr. Brubaker:

On behalf of Village on Great Brook, LLC., I have enclosed for your review and consideration an updated Plan Set and associated attachments for the above-referenced project. Revisions have been made to satisfy comments from the February 21st Planning Board meeting and Public Hearing.

- General Note #19 has been added to Sheet 1 (Phase I-III Overall Plan) to declare the retention of passage rights by Village at Great Brook residents for the span of Village Drive & Quail Lane contained within the L.R.O. from the proposed division line through to Route 236.
- Note #3 has been added to the Conditions of Approval notes package on Sheet 1, which includes the requirement of as-built Plan & Profile sheets for the constructed utility systems within the development. These additional sheets were a request by Planning Board members at the February 21st Planning Board meeting, and the Applicant feels that this is the most efficient solution for ensuring all the utility systems are properly located and documented in their as-built state.
- Sheet 5 (Phase III Grading & Utility Plan) has been revised to provide greater detail on the approximate common land that shall be available to be utilized by the VGB residents. Dimensioned areas east of Unit #41 (across the street from Unit #27) as well as east of Unit #29 (where Unit #30 formerly was proposed) have been depicted as requested by public comment during the last Planning Board meeting.
- A request was made at a prior Planning Board meeting for a comprehensive summary of Attar Engineering's involvement with the Maine Department of Environmental Protection over the life of this development, for which a compilation of emails was submitted prior to the February 21st Public Hearing. In an attempt to complete the Town's record of MDEP's history with the project, the Applicant has attached a zip folder which includes the following documents:
 1. Pre-Application Meeting from April of 2005 with attendants: then-Applicant Bill Cullen (Bolt Hill Associates, LLC.), Ken Wood of Attar Engineering, and then-MDEP Project Manager Dawn Hollowell.
 2. Site Location of Development (SLODA) Permit Application from July of 2005 for stormwater management.

3. Natural Resources Protection Act (NRPA) Permit Application from July of 2005 for proposed wetland impacts.
 4. NRPA Permit-by-Rule (PBR) Application from July of 2005 for proposed stream crossing.
 5. Maine Natural Areas Program (MNAP) Ruling from May of 2006.
 6. Maine Historic Preservation Commission (MHPC) Ruling from June of 2006.
 7. Army Corps of Engineers (ACOE) Permit Order #NAE-2006-2849 from October of 2006 for wetland and stream impacts.
 8. MDEP Permit Orders #L-23147-26-A-N & #L-23147-TC-B-N from February of 2007 and recorded at the York County Registry of Deeds in March of 2007 in Book 15099, Page 541 – approval of the SLODA and NRPA applications.
 9. MDEP Permit Orders #L-23147-26-C-T & #L-23147-TC-D-T from November of 2015 for transfer of permits from former Applicant Bolt Hill Associates, LLC. to then-Applicant Hodge and Company, LLC.
 10. MDEP Permit Order #L-23147-26-E-M from December of 2015 for a Minor Revision to reduce total number of overall units and modify type of residential units within the development.
 11. MDEP Permit Order #L-23147-26-F-T from November of 2018 for transfer of permits from former Applicant Hodge and Company, LLC. to current Applicant Village on Great Brook, LLC.
 12. MDEP Notice of Violation, EIS #2019-042-L from June of 2019 summarizing the findings and deficiencies from a MDEP site visit and staff inspection on April 19th, 2019.
 13. MDEP Permit Order #L-23147-26-H-M from March of 2020 for a Minor Revision to reduce total number of overall units in Phases II and III, and provided updated stormwater analysis for said revisions.
- Conditions of Approval Note #2 on Sheet 1 has been revised to include suggested changes made by the Eliot Town Planner, including travelway road standards and the relinquishing of Chapter 37 waivers from the 2007 approvals for any prospective development of the LRO.
 - Note #4 has been added to the Conditions of Approval notes package on Sheet 1, which declares that all stormwater management elements within the development shall be maintained consistent with the recently-updated Chapter 35 of Eliot's Code of Ordinances for Post-Construction Stormwater Management.
 - Regarding the location, entry type, and language associated with the access by the Residents through the proposed gate and onto the emergency gravel access drive, the Applicant maintains that the Eliot Fire Chief should provide input and signoff on the specifics therein. The Town will be kept up to date on all communications as they occur.
 - At the February 21st Planning Board meeting a request was made to comment on the potential traffic expectations for the emergency gravel access drive, as well as any future development of the L.R.O. by a prospective future applicant. As was discussed at the meeting, the intent of the gravel access drive with this amendment is to serve the development for emergency purposes only. Even though access through the gate onto the gravel drive will be facilitated for the residents with Fire Chief approval, the gravel access drive is to remain designated as an emergency access drive until a future point in time outlined in the Conditions of Approval notes package, where a prospective future developer will be required to improve said drive to at least Town of Eliot Collector Street standards. The drive as it is currently proposed with this amendment shall not receive a consistent enough flow of traffic to warrant any generation of Average Daily Trips (ADT).

Regarding any future prospective development of the L.R.O., any future Applicant shall be required to improve the gravel access drive as outlined above. Should a future developer seek to utilize Village Drive (through the VGB development) as a second means of access, then negotiations at that time would presumably take place between said Applicant and the Association on the potential for removing the gate that will be constructed at the L.R.O. division line.

- A request was made by a resident during the February 21st Public Hearing for an analysis of the existing intersection between Village Drive and Pheasant Lane, as there was concern that the corner was too tight for larger vehicles to safely maneuver through. Attached is a newly-prepared AutoTurn Routing Plan, which depicts the largest emergency response vehicle in the AASHTO 2011 database (E-ONE Combination Fire Ladder) entering and exiting the intersection. A specification sheet of the depicted unit is also attached.

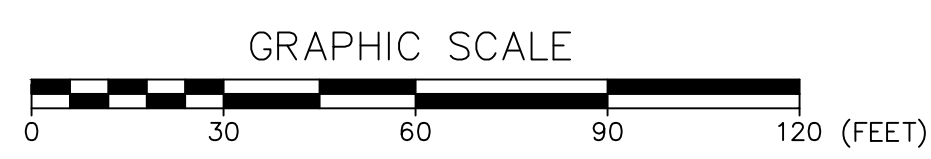
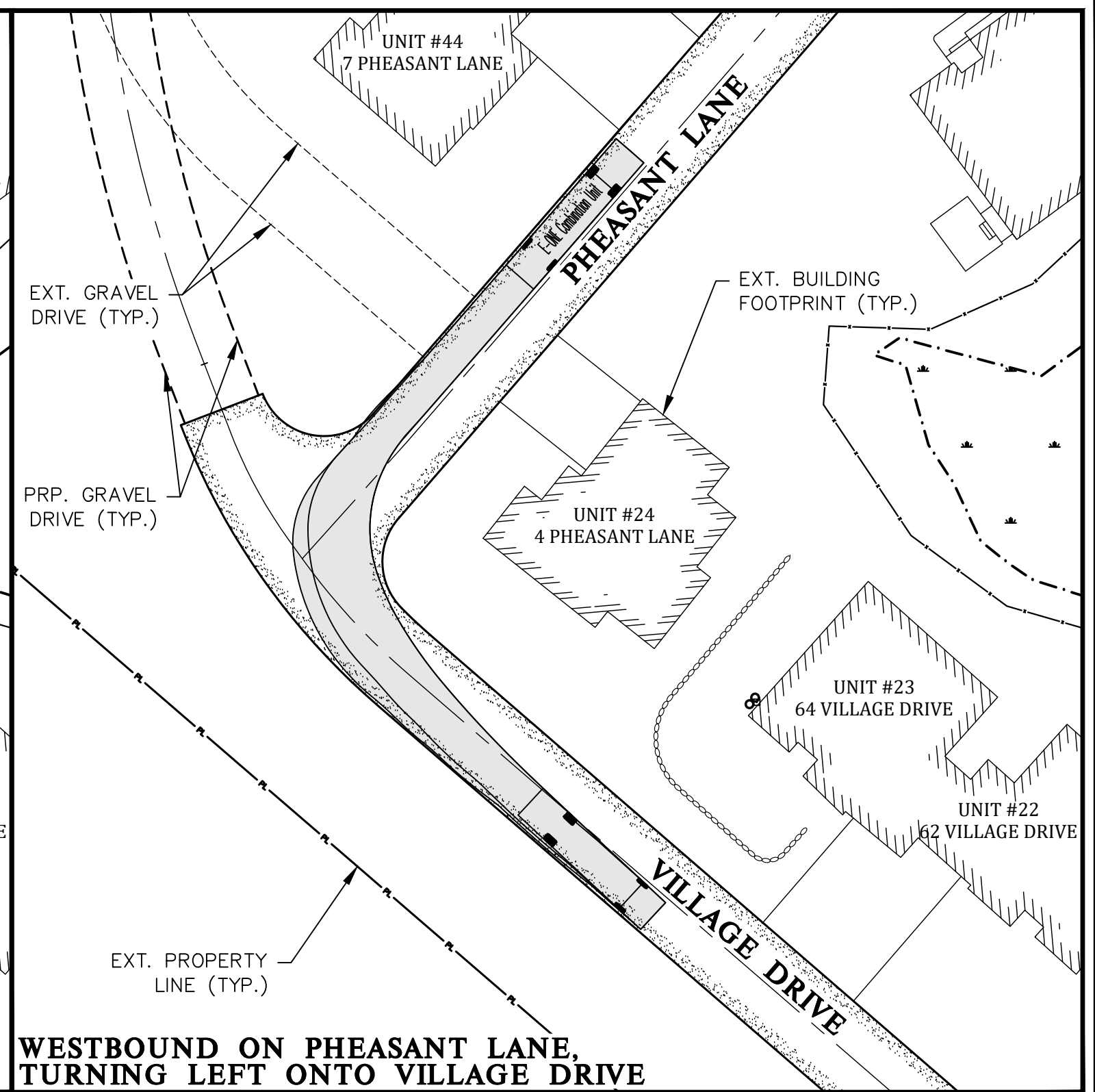
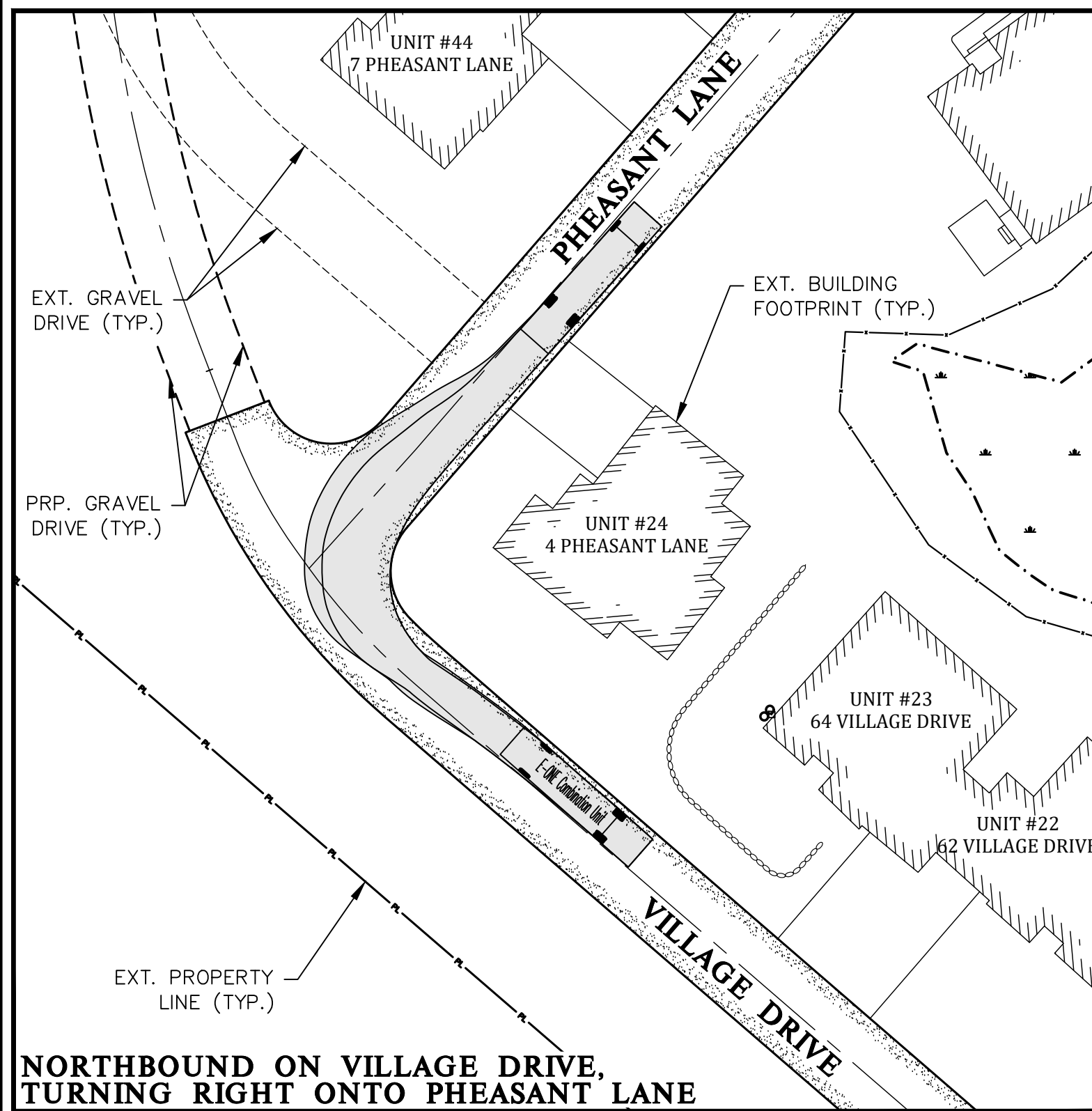
We look forward to discussing the project with the Planning Board at the March 28th Planning Board meeting. Please contact me for any additional information or clarifications required.

Sincerely;

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

Michael J. Sudak, E.I.
Staff Engineer

cc: Village on Great Brook, LLC.



NO.	DESCRIPTION	DATE



TAX MAP 17, LOT 29

AUTOTURN ROUTING PLAN
THE VILLAGE AT GREAT BROOK
BOLT HILL ROAD, ELIOT, MAINE

FOR: VILLAGE AT GREAT BROOK, LLC.
7 ROLLING WOODS DRIVE
BEDFORD, NH 03110

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

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: MJS
DATE: 03/14/23		REVISION DATE: - : -
JOB NO: C173-20	FILE: VGB BASE 2022.DWG	SHEET: 1 OF 1

Unit Name: E-ONE Combination Unit Tractor
Type: Tractor (with driver controlled steering)
Body style: Fire Tender
Classification: (Unspecified)

Source: No data

Description: No data

Notes: No data

Datum: Front Primary Axle

Front Axle(s): 1 Ackerman (axles fixed, wheels turn)
 Primary Front Axle Offset: 0.000ft
 Effective Front Axle Offset: 0.000ft (Auto Calculated)
 Maximum Wheel Angle: 45.000deg (Any Front Wheel)
 Status: Active Non Self-Steered
 Track Width: 8.333ft
 Total Wheels: 2 (positioned at the ends of the axle)
 Tire Width: 0.833ft (Auto Calculated - proportion of Track Width)
 Tire Diameter: 2.917ft (Auto Calculated - proportion of Track Width)

Rear Axle(s): 1 Fixed
 Primary Rear Axle Offset: 22.167ft (Innermost Axle behind Front Primary Axle)
 Effective Rear Axle Offset: 22.167ft (Auto Calculated)
 Maximum Wheel Angle: Unlimited
 Status: Active Non Self-Steered
 Track Width: 8.333ft
 Total Wheels: 4 (positioned at the ends of the axle)
 Tire Width: 0.833ft (Auto Calculated - proportion of Track Width)
 Tire Diameter: 2.917ft (Auto Calculated - proportion of Track Width)

Steering: Front Axle(s):
 Maximum Wheel Angle: See Front Axles: Maximum Wheel Angle
 Calculated Maximum Wheel Angle: 45.000deg
 Lock-to-Lock Time (Fwd/Rev): 6.0sec / 6.0sec
 Driver / Pilot
 Driver Offset Longitudinally: -1.912ft (in front of Front Primary Axle)
 Driver / Pilot Offset Laterally: -1.969ft (Right of Centerline)
 Driver Height: 8.202ft (Above ground level)

Front Coupling: None

Rear Coupling: None

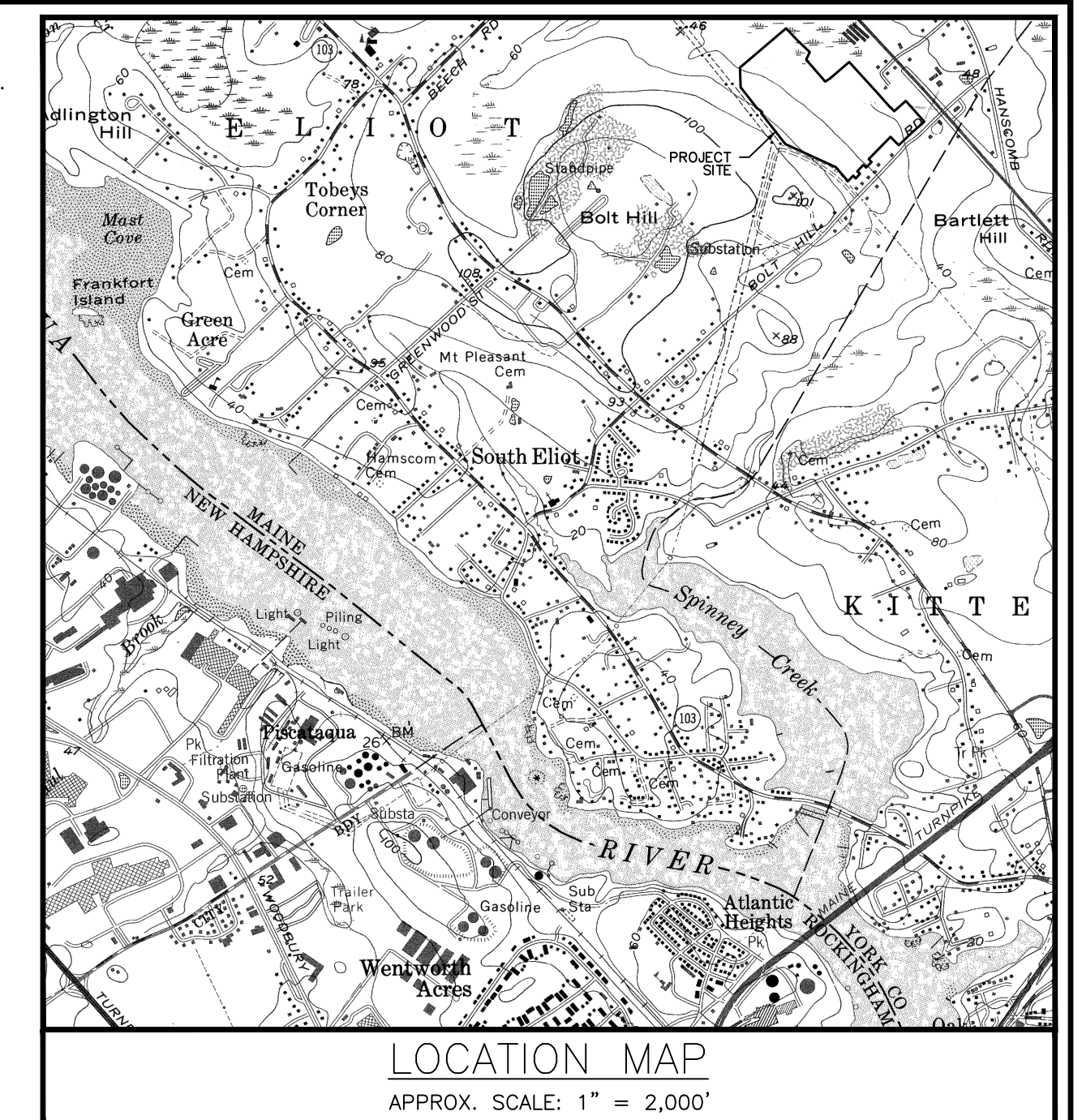
Body outline (plan):
 Outline Type: Rectangle
 Offset (X,Y): -6.833ft, 0.000ft
 Length / Width: 38.250ft / 8.333ft

CONDITIONS OF APPROVAL:

- 1.) WHEN AN APPLICATION IS PREPARED TO DEVELOP THE LAND RETAINED BY OWNER (LRO), THE APPLICANT SHALL RESERVE A RIGHT-OF-WAY OF A MINIMUM WIDTH OF 50' FOR THE TRAVELWAY PROPOSED TO BE DEVELOPED (VILLAGE DRIVE/QUAIL LANE). SAID RIGHT-OF-WAY SHALL SATISFY THE STANDARDS OUTLINED IN TOWN OF ELIOT CODE OF ORDINANCES §37-70 "STREET DESIGN STANDARDS".
- 2.) WHEN AN APPLICATION IS PREPARED TO DEVELOP THE LAND RETAINED BY OWNER (LRO), THE APPLICANT SHALL DEVELOP THE PROPOSED TRAVELWAYS (VILLAGE DRIVE/QUAIL LANE) TO AT LEAST TOWN OF ELIOT COLLECTOR STREET STANDARDS, HAVING A MINIMUM OF 20 FEET TRAVELED WAY WIDTH AND 3 FOOT SHOULDER WIDTHS. UNTIL SUCH TIME, A TRAVELED WAY WITH A MINIMUM WIDTH OF 15 FEET SHALL BE MAINTAINED FOR EMERGENCY ACCESS/EGRESS. ALL WAIVERS GRANTED FROM THE ORIGINAL 2007 APPROVALS FOR TOWN OF ELIOT CODE OF ORDINANCES §37 SHALL BE RELINQUISHED FOR ANY PROSPECTIVE TRAVELWAY IMPROVEMENTS SUBJECT TO A NEW APPLICATION FOR DEVELOPMENT OF THE LRO.
- 3.) PRIOR TO THE WEARING COURSE OF ASPHALT BEING PAVED ON BOTH VILLAGE DRIVE AND PHEASANT LANE, A PLAN & PROFILE SHEET SET SHALL BE PREPARED WITH THE AS-BUILT LOCATIONS ALL UTILITIES WITHIN THE DEVELOPMENT.
- 4.) ALL STORMWATER MANAGEMENT ELEMENTS OF THIS DEVELOPMENT SHALL BE MAINTAINED AND DOCUMENTED IN ACCORDANCE WITH THE GUIDELINES OF TOWN OF ELIOT CODE OF ORDINANCES §35-4(b) FOR POST-CONSTRUCTION STORMWATER MANAGEMENT PERFORMANCE STANDARDS.

PLAN REFERENCES:

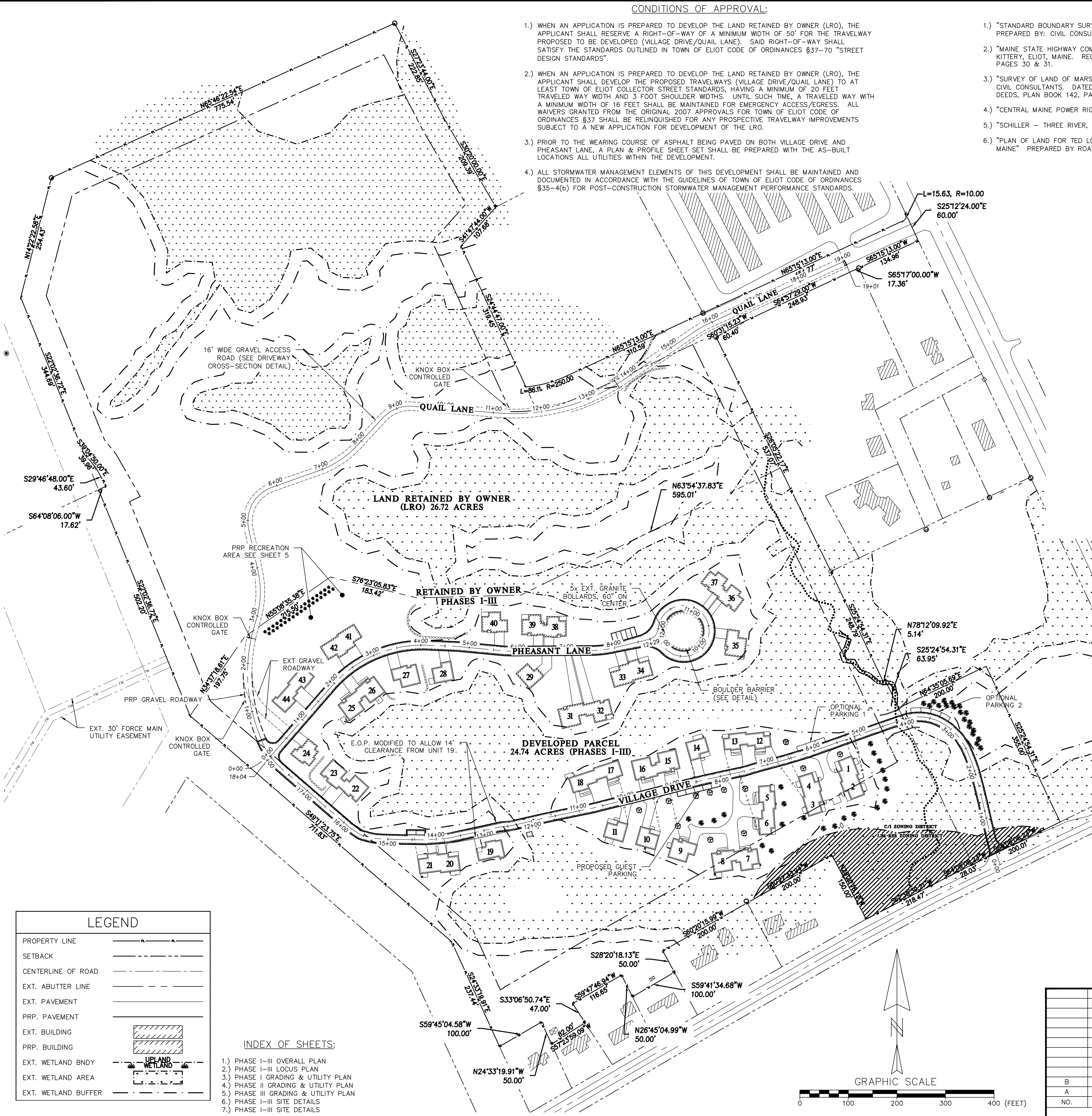
- 1.) "STANDARD BOUNDARY SURVEY PLAN" PREPARED FOR ROBERT HANSEN, RTE. 236, ELIOT, MAINE. PREPARED BY: CIVIL CONSULTANTS, DATED 03/28/1990.
- 2.) "MAINE STATE HIGHWAY COMMISSION RIGHT-OF-WAY MAP", FILE NO. 16-112 SHEETS 4 & 5, KITTERY, ELIOT, MAINE. RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS, PLAN BOOK 29, PAGES 30 & 31.
- 3.) "SURVEY OF LAND OF MARSHWOOD OFFICE GROUP, RTE. 236 & SUNRISE ST. ELIOT, MAINE" BY CIVIL CONSULTANTS. DATED 12/18/1985 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS, PLAN BOOK 142, PAGE 44.
- 4.) "CENTRAL MAINE POWER RIGHT-OF-WAY DRAWING, SECTION 177, 'BOLT HILL' - ARICO.
- 5.) "SCHILLER - THREE RIVER, 115 K.V." PUBLIC SERVICE CO. OF NEW HAMPSHIRE
- 6.) "PLAN OF LAND FOR TED LONG AND TED LONG INC., ROUTE 236 AND BOLT HILL ROAD, ELIOT, MAINE" PREPARED BY ROARING BROOK CONSULTANTS, DATED 06/28/2000.



LOCATION MAP
APPROX. SCALE: 1" = 2,000'

GENERAL NOTES:

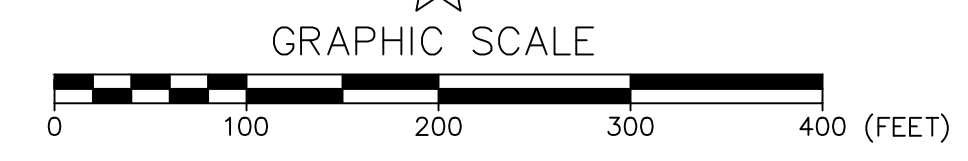
- 1.) THIS PLAN IS AN AMENDMENT TO AN APPROVED 150 UNIT ELDERLY HOUSING SUBDIVISION AND PROVIDES THE DETAILS OF THE VILAGE AT GREAT BROOK PHASES I THRU III, A 43 UNIT ELDERLY RESIDENTIAL COMMUNITY. THIS PLAN SET REFLECTS TOPOGRAPHY FROM ON-SITE SURVEY BY MILLENNIUM ENGINEERING, INC. ACCOMPLISHED ON 04/05/2019.
- 2.) TOWN OF ELIOT APPROVAL OF THE PREVIOUS PLAN SET WAS GRANTED ON 04/18/2007 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS (YCRD), DEED BOOK 319, PAGE 2. THE FORMER APPROVAL WAS ALSO SUBJECT TO THE FOLLOWING APPROVED PERMITS:
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION:
SITE LOCATION OF DEVELOPMENT & NATURAL RESOURCES PROTECTION ACT
L-23147-26-A-N & L-23147-TC-B-N
ARMY CORPS OF ENGINEERS:
NAE-2006-2849
- 3.) THE PARCEL IS IDENTIFIED AS LOT 29 ON TAX MAP 17 IN THE TOWN OF ELIOT, MAINE.
- 4.) THE PARCEL IS DESCRIBED IN THE FOLLOWING DEEDS RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS:
FORMER PARCEL 17-31:
DEED BOOK 9903, PAGES 262-263
DEED BOOK 9995, PAGE 177
DEED BOOK 15284, PAGE 151
DEED BOOK 16065, PAGE 519
PROJECT PARCEL 17-29:
DEED BOOK 15985, PAGE 525
- 5.) THE BOUNDARY LINES SHOWN ARE BASED ON PLAN REFERENCE 6.
- 6.) WETLANDS WERE FLAGGED BY JOSEPH NOEL; FLAGS LOCATED BY ROARING BROOK CONSULTANTS, USING TRIMBLE PRO XR GPS RECEIVER.
- 7.) PROPOSED PARKING AREAS SHALL BE 9'-WIDE BY 20'-LONG, EXCEPT PARALLEL PARKING SPACES, WHICH SHALL BE 9'-WIDE BY 22'-LONG.
- 8.) PARCEL IS LOCATED IN THE COMMERCIAL INDUSTRIAL (C/I) ZONE, THE RESOURCE PROTECTION OVERLAY DISTRICT, AND THE FLOOD HAZARD ZONE. DIGITIZED FROM RESPECTIVE BASEMAPS.
- 9.) SETBACKS ARE 50', EXCEPT ALONG EXISTING RESIDENTIAL USES, WHERE THEY ARE 100'.
- 10.) PARKING REQUIREMENTS ARE AS FOLLOWS:
INDEPENDENT LIVING = 1 SPACE/UNIT (43 UNITS => 43 SPACES)
TOTAL PARKING REQUIRED = 43 SPACES (93 PROVIDED)
- 11.) MAINTENANCE OF THE FACILITY AND GROUNDS SHALL BE PROVIDED BY CONTRACT WITH FIRMS SPECIALIZING IN LANDSCAPING AND SNOW REMOVAL. ON-SITE PERSONNEL MAY ACCOMPLISH SOME OF THESE TASKS.
- 12.) LOT COVERAGE:
91,500 SQ. FT. BUILDING FOOTPRINT (3.65 AC.)
1,035,536 SQ. FT. PARCEL AREA (23.77 AC.)
[91,500 / 1,035,536] = 8.84% < 50% MAX. (C/I DISTRICT) => OKAY
- 13.) THE MAXIMUM SPEED LIMIT SHALL BE 15 MPH THROUGHOUT THE COMPLEX.
- 14.) ANY COMMUNITY AREA TO BE UTILIZED BY RESIDENTS OF THE COMMUNITY SHALL HAVE A SLOPE NO GREATER THAN 8%.
- 15.) WATER SERVICE SHALL BE PROVIDED TO THE SITE BY KITTERY WATER DISTRICT (KWD). SEWER SERVICE SHALL BE PROVIDED TO THE SITE BY KITTERY SEWER DEPARTMENT (KSD). WATER AND SEWER IMPROVEMENTS SHALL BE INSTALLED IN ACCORDANCE WITH RESPECTIVE DISTRICT/DEPARTMENT REQUIREMENTS. THE CONTRACTOR SHALL COORDINATE CONNECTIONS TO EXISTING WATER AND SEWER MAINS WITH KWD AND KSD, RESPECTIVELY.
- 16.) THE PROPOSED DEVELOPMENT (PHASES II THRU III) HAS BEEN REVIEWED BY THE MAINE DEP AND HAS BEEN GRANTED MINOR MODIFICATION APPROVALS TO THE ABOVE-MENTIONED PERMITS IN GENERAL NOTE #2, AS WELL AS AN AFTER-THE-FACT APPROVAL FOR REVISIONS TO THE SITE LOCATION OF DEVELOPMENT ACT, #L-23147-26-H-M, APPROVED ON 19 MARCH 2020.
- 17.) DENSITY CALCUS:
AVAILABLE NET AREA [23.77 AC - (8.16 AC WETLAND + 1.32 AC R.O.W. + 1.10 AC LIM. RES.)]
= 13.19 AC
NET ACREAGE REQUIRED [1 AC (1ST DWELLING) + (1/4 AC X 42 IL UNITS)]
= 11.5 AC REQUIRED WITH 13.19 PROVIDED
- 18.) LOT 30 WAS REMOVED AND REMAINING UNITS NUMBER 1-44 WITH UNIT 30 BEING ABSENT.
- 19.) VILLAGE AT GREAT BROOK RESIDENTS RETAIN LEGAL RIGHTS OF PASSAGE OVER VILLAGE DRIVE/QUAIL LANE THROUGH THE L.R.O., BOTH AS THE PROPOSED GRAVEL DRIVE AND IN ANY FUTURE STATE OF DEVELOPMENT, FOR THE SPAN OF TRAVELWAY FROM THE PROPOSED DIVISION LINE TO ROUTE 236.



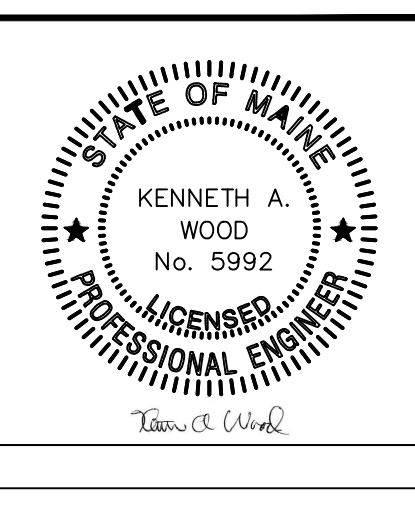
LEGEND

PROPERTY LINE	---
SETBACK	---
CENTERLINE OF ROAD	---
EXT. ABUTTER LINE	---
EXT. PAVEMENT	---
PRP. PAVEMENT	---
EXT. BUILDING	---
PRP. BUILDING	---
EXT. WETLAND BNDY	---
EXT. WETLAND AREA	---
EXT. WETLAND BUFFER	---

- INDEX OF SHEETS:**
- 1.) PHASE I-III OVERALL PLAN
 - 2.) PHASE I-III LOCUS PLAN
 - 3.) PHASE I GRADING & UTILITY PLAN
 - 4.) PHASE II GRADING & UTILITY PLAN
 - 5.) PHASE III GRADING & UTILITY PLAN
 - 6.) PHASE I-III SITE DETAILS
 - 7.) PHASE I-III SITE DETAILS



NO.	DESCRIPTION	DATE
B	TOWN PLANNER REVISIONS	03/14/23
A	AMENDMENT PUBLIC HEARING REVISIONS	02/13/23
	DESCRIPTION	DATE
	REVISIONS	



TAX MAP 17, LOT 29

PHASE I-III OVERALL PLAN
THE VILLAGE AT GREAT BROOK
BOLT HILL ROAD, ELIOT, MAINE

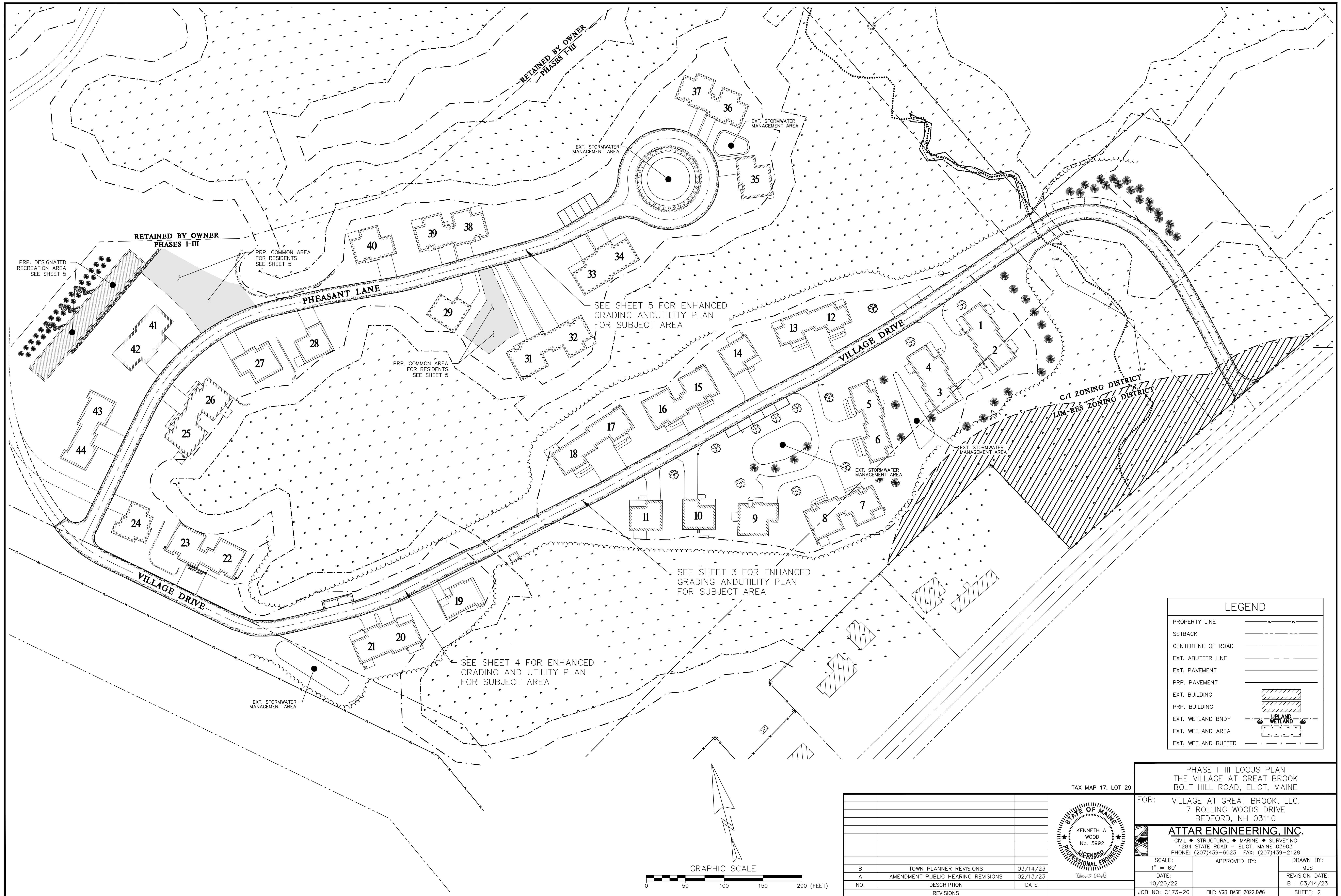
FOR: VILLAGE AT GREAT BROOK, LLC.
7 ROLLING WOODS DRIVE
BEDFORD, NH 03110

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

SCALE: 1" = 100'
DATE: 10/20/22
JOB NO: C173-20

APPROVED BY: _____
FILE: VGB BASE 2022.DWG

DRAWN BY: MJS
REVISION DATE: B : 03/14/23
SHEET: 1



LEGEND	
PROPERTY LINE	— — — — —
SETBACK	— — — — —
CENTERLINE OF ROAD	— — — — —
EXT. ABUTTER LINE	— — — — —
EXT. PAVEMENT	— — — — —
PRP. PAVEMENT	— — — — —
EXT. BUILDING	
PRP. BUILDING	
EXT. WETLAND BNDY	
EXT. WETLAND AREA	
EXT. WETLAND BUFFER	

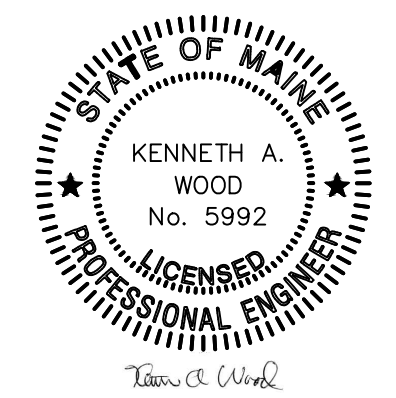
PHASE I-III LOCUS PLAN
 THE VILLAGE AT GREAT BROOK
 BOLT HILL ROAD, ELIOT, MAINE

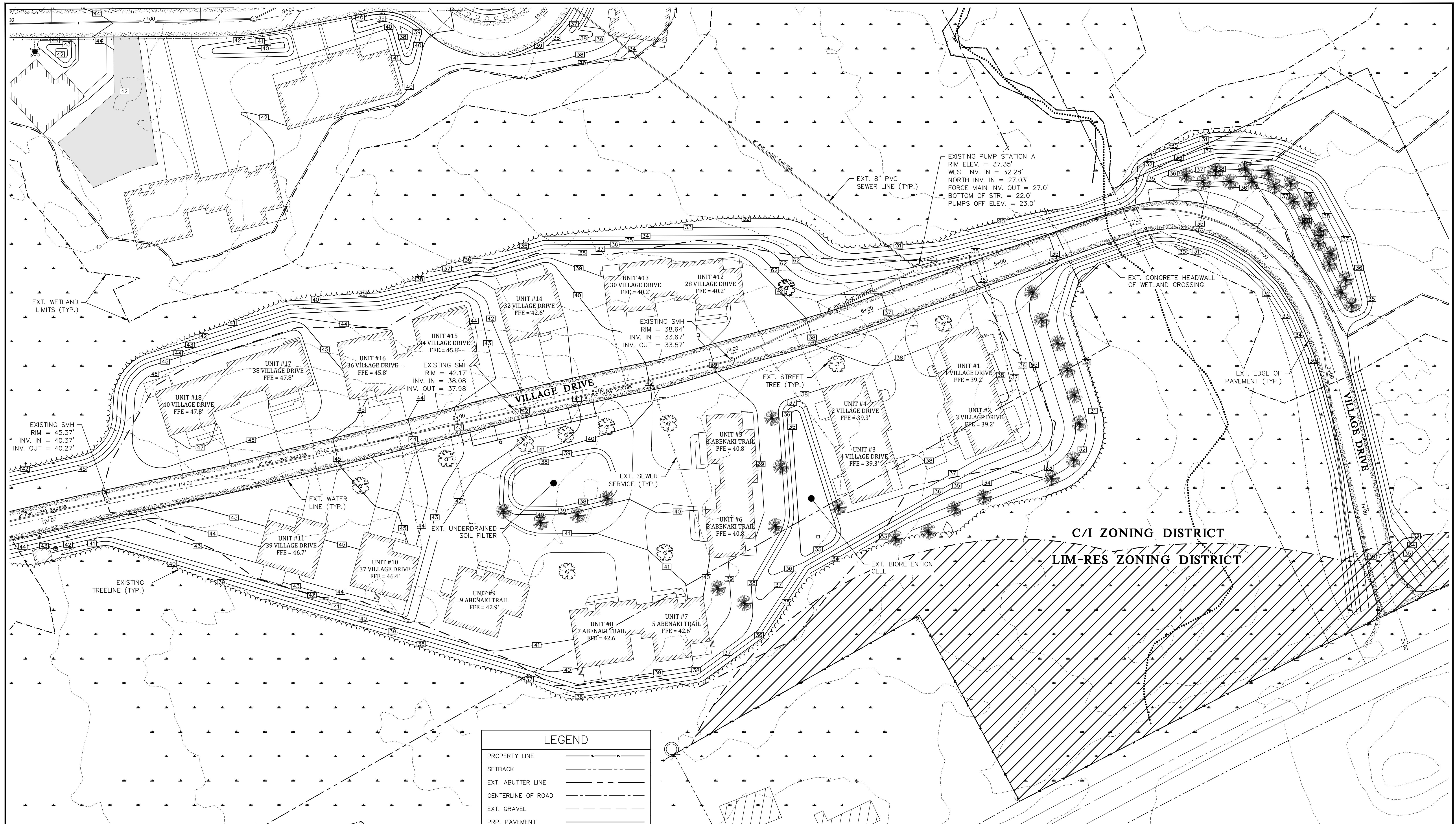
FOR: VILLAGE AT GREAT BROOK, LLC.
 7 ROLLING WOODS DRIVE
 BEDFORD, NH 03110

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

SCALE: 1" = 60'	APPROVED BY:	DRAWN BY: MJS
DATE: 10/20/22		REVISION DATE: B : 03/14/23
JOB NO: C173-20	FILE: VGB BASE 2022.DWG	SHEET: 2

NO.	DESCRIPTION	DATE
B	TOWN PLANNER REVISIONS	03/14/23
A	AMENDMENT PUBLIC HEARING REVISIONS	02/13/23
	REVISIONS	





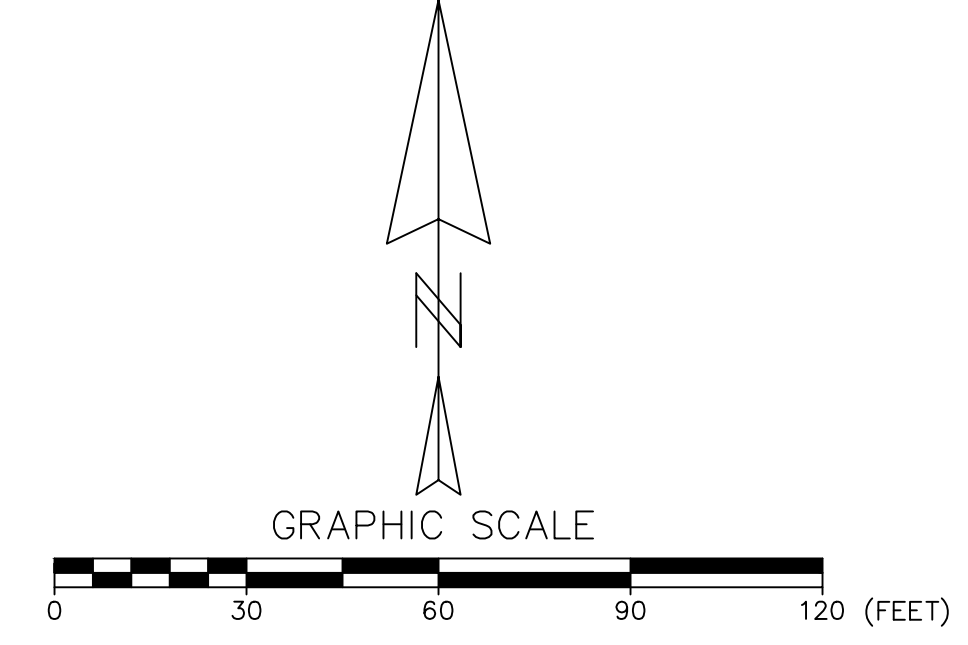
EXISTING PUMP STATION A
 RIM ELEV. = 37.35'
 WEST INV. IN = 32.28'
 NORTH INV. IN = 27.03'
 FORCE MAIN INV. OUT = 27.0'
 BOTTOM OF STR. = 22.0'
 PUMPS OFF ELEV. = 23.0'

EXISTING SMH
 RIM = 38.64'
 INV. IN = 33.67'
 INV. OUT = 33.57'

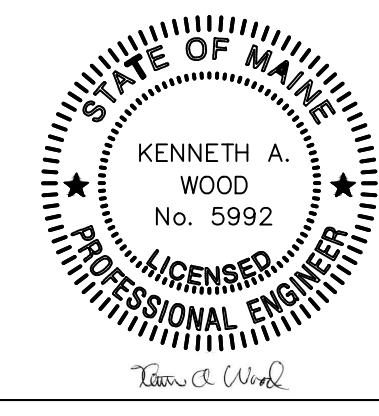
EXISTING SMH
 RIM = 45.37'
 INV. IN = 40.37'
 INV. OUT = 40.27'

C/I ZONING DISTRICT
 LIM-RES ZONING DISTRICT

LEGEND	
PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
CENTERLINE OF ROAD	---
EXT. GRAVEL	---
PRP. PAVEMENT	---
PRP. GRAVEL	---
PRP. BUILDING	▨
EXT. MAJOR CONTOUR	---XXX---
EXT. MINOR CONTOUR	---XXX---
PRP. MAJOR CONTOUR	---XXX---
PRP. MINOR CONTOUR	---XXX---
EXT. WETLAND BNDY	WETLAND
EXT. WETLAND AREA	WETLAND
EXT. WETLAND BUFFER	WETLAND
PRP. STORM LINE	D



NO.	DESCRIPTION	DATE
B	TOWN PLANNER REVISIONS	03/14/23
A	AMENDMENT PUBLIC HEARING REVISIONS	02/13/23
	REVISIONS	



TAX MAP 17, LOT 29

PHASE I GRADING & UTILITY PLAN
 THE VILLAGE AT GREAT BROOK
 BOLT HILL ROAD, ELIOT, MAINE

FOR: VILLAGE AT GREAT BROOK, LLC.
 7 ROLLING WOODS DRIVE
 BEDFORD, NH 03110

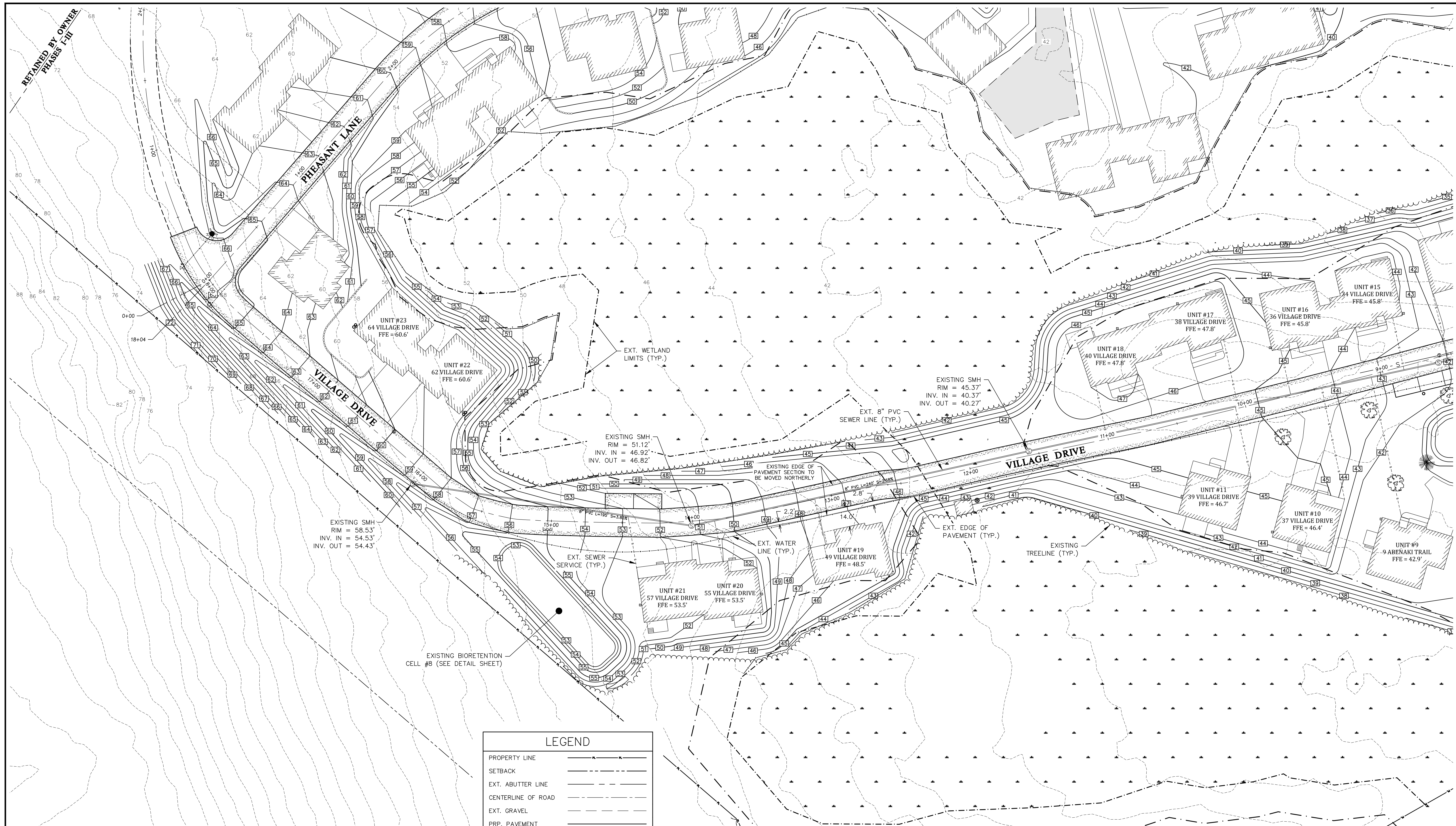
ATTAR ENGINEERING, INC.
 CIVIL • STRUCTURAL • MARINE • SURVEYING
 1284 STATE ROAD - ELIOT, MAINE 03903
 PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 30'
 DATE: 10/20/22

APPROVED BY: _____
 DRAWN BY: MJS
 REVISION DATE: B : 03/14/23

JOB NO: C173-20 FILE: VGB BASE 2022.DWG SHEET: 3

RETAINED BY OWNER
PHASES I-III

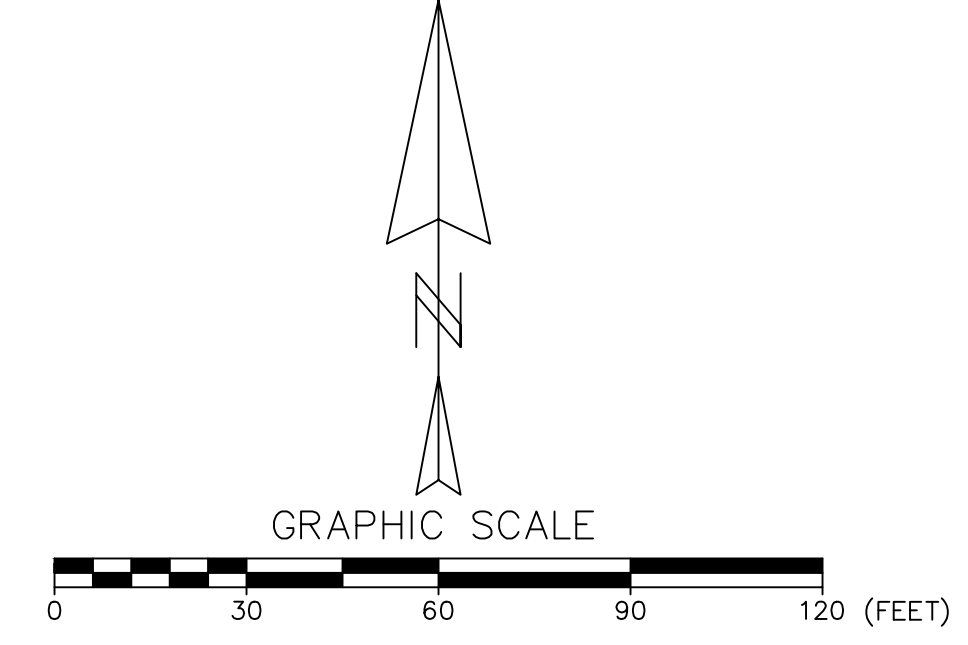


EXISTING SMH
RIM = 58.53'
INV. IN = 54.53'
INV. OUT = 54.43'

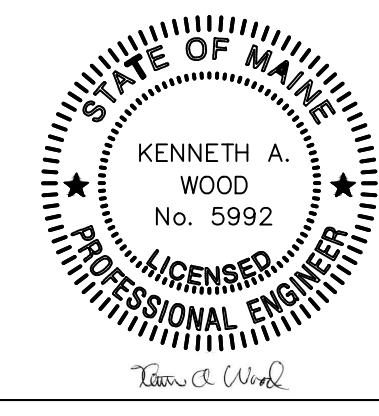
EXISTING SMH
RIM = 51.12'
INV. IN = 46.92'
INV. OUT = 46.82'

EXISTING SMH
RIM = 45.37'
INV. IN = 40.37'
INV. OUT = 40.27'

LEGEND	
PROPERTY LINE	— — — — —
SETBACK	— — — — —
EXT. ABUTTER LINE	— — — — —
CENTERLINE OF ROAD	— — — — —
EXT. GRAVEL	— — — — —
PRP. PAVEMENT	— — — — —
PRP. GRAVEL	— — — — —
PRP. BUILDING	
EXT. MAJOR CONTOUR	— — — — —
EXT. MINOR CONTOUR	— — — — —
PRP. MAJOR CONTOUR	— — — — —
PRP. MINOR CONTOUR	— — — — —
EXT. WETLAND BNDY	
EXT. WETLAND AREA	
EXT. WETLAND BUFFER	
PRP. STORM LINE	D



NO.	DESCRIPTION	DATE
B	TOWN PLANNER REVISIONS	03/14/23
A	AMENDMENT PUBLIC HEARING REVISIONS	02/13/23
	REVISIONS	



TAX MAP 17, LOT 29

PHASE II GRADING & UTILITY PLAN
THE VILLAGE AT GREAT BROOK
BOLT HILL ROAD, ELIOT, MAINE

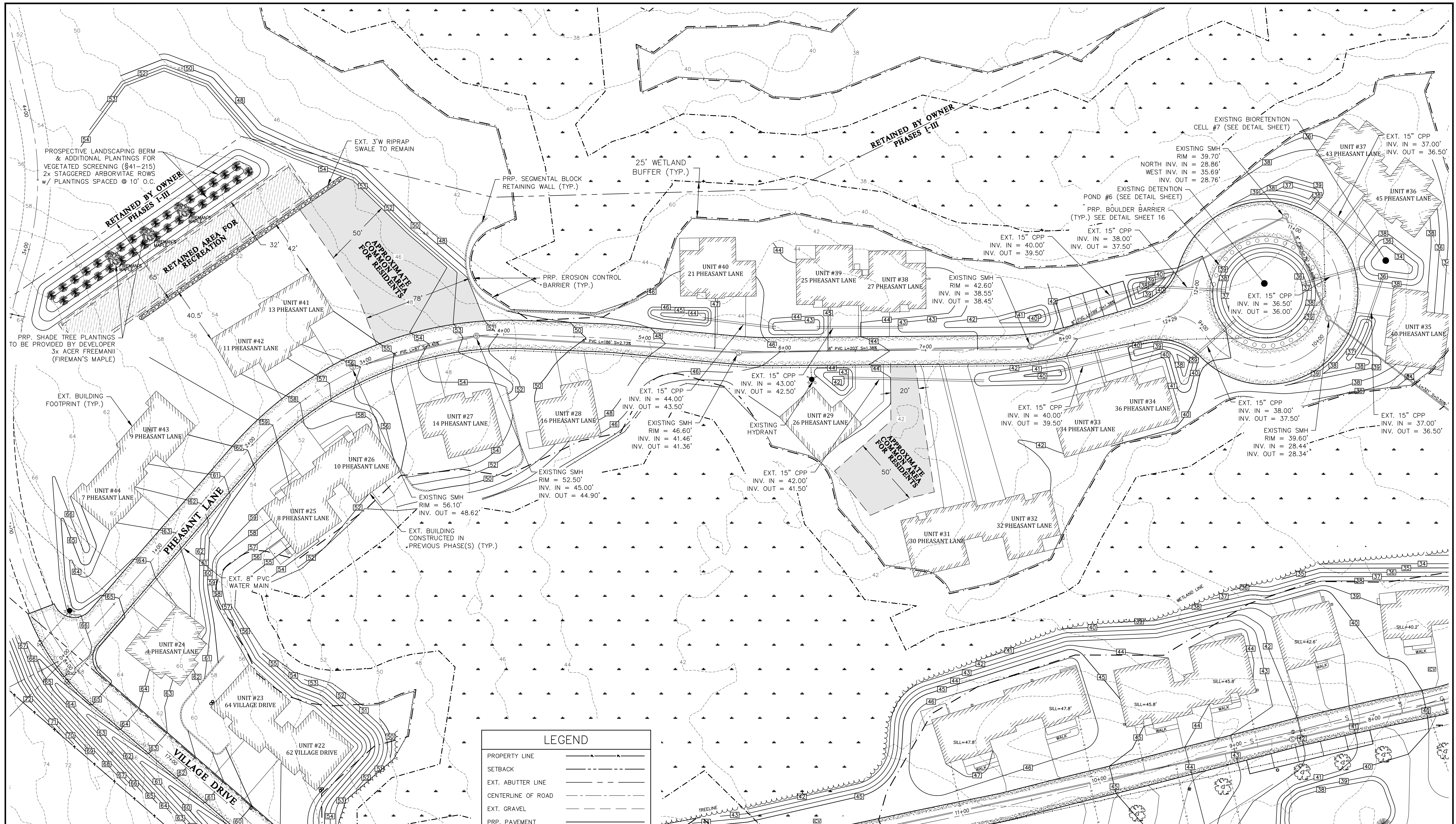
FOR: VILLAGE AT GREAT BROOK, LLC.
7 ROLLING WOODS DRIVE
BEDFORD, NH 03110

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

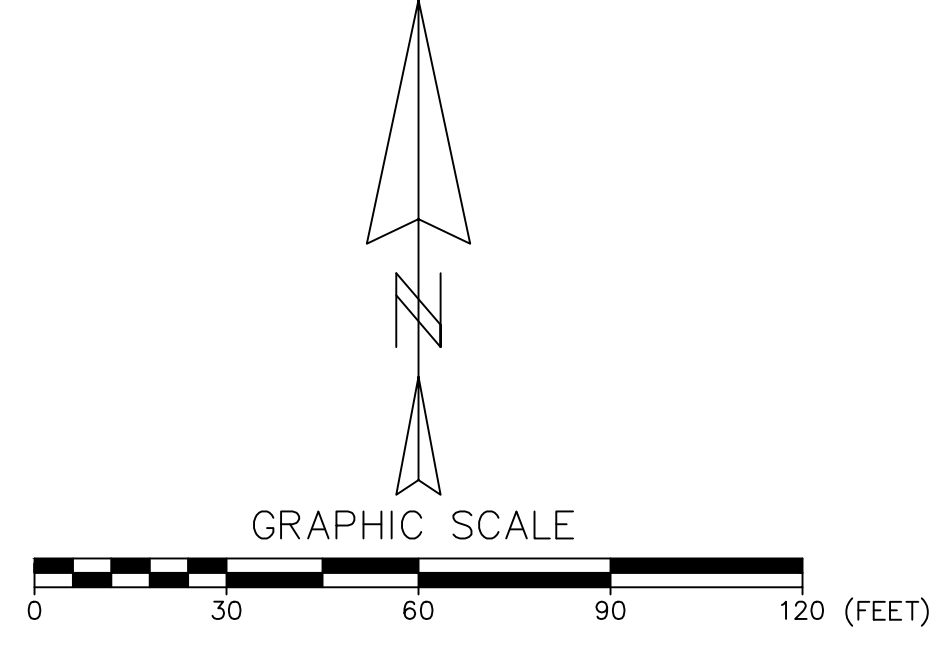
SCALE: 1" = 30'
DATE: 10/20/22

APPROVED BY: _____
DRAWN BY: MJS
REVISION DATE: B : 03/14/23

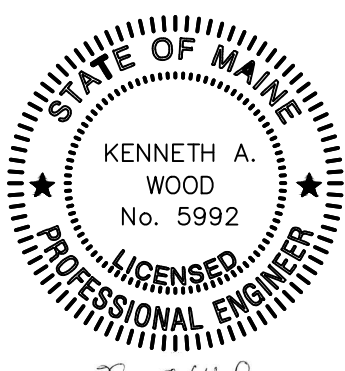
JOB NO: C173-20 FILE: VGB BASE 2022.DWG SHEET: 4



LEGEND	
PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
CENTERLINE OF ROAD	---
EXT. GRAVEL	---
PRP. PAVEMENT	---
PRP. GRAVEL	---
PRP. BUILDING	▨
EXT. MAJOR CONTOUR	---XXX---
EXT. MINOR CONTOUR	---XXX---
PRP. MAJOR CONTOUR	---XXX---
PRP. MINOR CONTOUR	---XXX---
EXT. WETLAND BNDY	---WETLAND---
EXT. WETLAND AREA	---WETLAND---
EXT. WETLAND BUFFER	---WETLAND---
PRP. STORM LINE	D



NO.	DESCRIPTION	DATE
B	TOWN PLANNER REVISIONS	03/14/23
A	AMENDMENT PUBLIC HEARING REVISIONS	02/13/23



TAX MAP 17, LOT 29

PHEASANT LANE GRADING & UTILITY PLAN
THE VILLAGE AT GREAT BROOK
BOLT HILL ROAD, ELIOT, MAINE

FOR: VILLAGE AT GREAT BROOK, LLC.
7 ROLLING WOODS DRIVE
BEDFORD, NH 03110

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

SCALE: 1" = 30'
DATE: 10/20/22

APPROVED BY: _____
DRAWN BY: MJS
REVISION DATE: B : 03/14/23

JOB NO: C173-20 FILE: VGB BASE 2022.DWG SHEET: 5