

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION
PLACE: TOWN HALL/ZOOM

DATE: Tuesday, May 2, 2023
TIME: 6:00 P.M.

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

- 1) ROLL CALL
 - a) Quorum, Alternate Members, Conflicts of Interest
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) REVIEW AND APPROVE MINUTES
 - a) October 4, 2022 to April 18, 2023 – if available
- 6) NOTICE OF DECISION – if available
 - a) 360 River Rd Shoreland Zoning permit application/ new residential pier, gangway, float, access ramp, and stairway
 - b) 0 Bolt Hill Rd. Village at Great Brook Subdivision
- 7) PUBLIC HEARING
- 8) NEW BUSINESS
- 9) OLD BUSINESS
 - a) Passamaquoddy Lane – Sketch Plan Application for Site Plan Amendment Passamaquoddy Yard (Map 29 / Lot 34), PID #029-034-000 property owner John Pollard
- 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) May 16, 2023
- 12) ADJOURN

All in-person attendees are asked to wear face masks

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

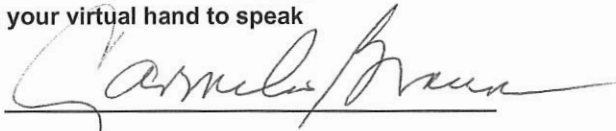
To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)

- 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: **823 2285 2429**
 2. When prompted to enter Attendee ID
 3. When prompted enter meeting password: **410129**
- 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
04/24/2023 KRT

1 **ITEM 1 - ROLL CALL**

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

5
6 Also Present: Jeff Brubaker, Town Planner.

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

9
10 NOTE: Ms. Braun said she would recuse herself from the Village at Great Brook
11 application as she is a resident of the Village. Mr. Leathe will Chair that portion of the
12 meeting. Additionally, we have a change in our agenda as the Village on Great Brook
13 application has been withdrawn this evening so it will not be heard tonight.

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

16
17 **ITEM 3 – MOMENT OF SILENCE**

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

20
21 There was no public input.

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

24
25 No minutes were reviewed.

26
27 **ITEM 6 – NOTICE OF DECISION**

28
29 There were no Notices of Decision reviewed.

30
31 **ITEM 7 – PUBLIC HEARING**

32
33 There were no public hearings.

34
35 **ITEM 8 –NEW BUSINESS**

36
37 **A. 150 Harold L. Dow Highway (Map150 Harold L. Dow Highway (Map 30/Lot 3),**
38 **PB22-19: Site Plan Amendment/Change of Use – Real Estate Office**

39
40 **Received: October 27, 2022**
41 **1st Heard: December 15, 2022 (minor amendment/change of use)**
42 **Public Hearing: N/A**
43 **Site Walk: N/A**
44 **Approval: December 13, 2022**

45
46 Ms. (Lois) Widi was present for this application.

47
48 Ms. Widi said that my mother owns the building. I am just starting my own real estate
49 company and would like to put my own real estate office in there. You have copies of my
50 application, lease, and all that. I clearly put on there that I'm renting only Suites C and D
51 and they are the two commercial units in the building. We're not doing anything to touch
52 the two residential units on the second floor. I want to make that clear as there's been an
53 issue in the past as to what's there. As to that, I would like my approval to state that it is
54 for two units. I'm not looking to combine the two units. I'm not doing any structural
55 modifications. They are still going to have two kitchens, two bathrooms. You go in the
56 front entry and there is a unit on the right and a unit on the left and it will remain that way.
57 I'm just going to open the doors and people can walk back and forth. I would like it to
58 remain two units so that it remains a four-unit building; that we don't change it to a two-
59 or three-unit building.

60
61 Ms. Braun said that the other unit is not going to be rented; that it's going to be part of
62 your office.

63
64 Ms. Widi said that it's going to be part of my office. I'm not going to have any employees
65 because, in the real estate business, everyone who works for you is a sub-contractor.

66
67 Ms. Braun thanked her for clarifying that. I appreciate you putting the residential use as
68 remaining.

69
70 Ms. Widi said correct. So, the building is coming full-circle. My mother bought the
71 building in 1976. It was for us to live upstairs in one of the apartments and for her to have
72 her real estate office there.

73
74 Ms. Bennett said that you mentioned possible sub-contractors working for you. Do you
75 have an idea of how many you would have.

76
77 Ms. Widi said that I presently have two agents that are going to work for me. I'm not
78 looking to get big. That's the reason I left the big, corporate company. I want small,
79 hometown. Alan Newson is one of my agents and has also lived in Eliot forever. I have
80 one other girl, so far. I might have a couple more but the space is not that big so it
81 wouldn't be like I'd have 20 agents there. It's not feasible to do that. It will be minimal
82 traffic, less than most any other business on Route 236.

83
84 Ms. Braun said that you certainly have ample parking.

85
86 Ms. Widi said yes. I've worked to fix up the outside and put new landscaping in front of it.
87 When I apply for my sign permit, I want to put a sign on either side of it because I have
88 two units. And, as you know from the pictures, the big sign is down further on the road.
89 So, at some point, I'll probably want to put up a sign there but not until the springtime.

90
91 Ms. Braun said that, at that point, you will need to talk with the CEO.

92

93 Ms. Widi agreed.

94

95 Ms. Braun asked how PB members felt about this application. I, personally, feel it is a
96 minor change that doesn't require a full site plan.

97

98 PB members agreed.

99

100 Ms. Braun said that, in that case, the Chair would accept a motion.

101

102 **Mr. Leathe moved, second by Ms. Bennett, that the Planning Board approve PB22-**
103 **19, 150 Harold L. Dow Highway, as a Minor Site Plan Amendment/Revision and**
104 **Change of Use to change the use of the first-floor office suites to Real Estate Office.**
105 **No change is being made to the approved residential use on the second floor. The**
106 **Planning Board finds that the proposed revisions are minor and do not result in any**
107 **substantial changes to the approved development or further impact abutters. The**
108 **following are conditions of approval:**

109

110 **1. The property may be developed and used only in accordance with the plans,**
111 **documents, material submitted, and representations of the applicant made**
112 **to the Planning Board are conditions of approval and no changes in any of**
113 **those elements or features are permitted unless such changes are first**
114 **submitted to and approved by the Eliot Planning Board. Copies of approved**
115 **permits from Maine DEP, Army Corps of Engineers, if applicable, and State**
116 **shall be provided to the CEO before construction on this project may begin.**

117

118 **2. The permit is approved on the basis of information provided by the**
119 **applicant in the record regarding the ownership of the property and**
120 **boundary location. The applicant has the burden of ensuring that they have**
121 **the legal right to use the property and that they are measuring required**
122 **setbacks from the legal boundary lines of the lot. The approval of this**
123 **permit in no way relieves the applicant of this burden. Nor does this permit**
124 **approval constitute a resolution in favor of the applicant of any issues**
125 **regarding the property boundaries, ownership, or similar title issues. The**
126 **permit holder would be well-advised to resolve any such title problems**
127 **before expending money in reliance on this permit.**

127

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

130

VOTE

131

4-0

132

Motion approved

133

134 Ms. Braun said that the application stands approved and there is a 30-day period from
135 which the PB decision can be appealed by an aggrieved person or parties – move
136 forward but move forward cautiously.

137

138

139 **ITEM 9 – OLD BUSINESS**

140

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

143

144 **Received: April 12, 2022**

145 **1st Heard: May 17, 2022 (subdivision site plan review/sketch plan)**

146 **2nd Heard: June 21, 2022 (continued sketch plan review)**

147 **3rd Heard: July 26, 2022 (continued review/sketch plan approval)**

148 **4th Heard: August __, 2022 (Demo hearing)**

149 **5th Heard: September 20, 2022**

150 **6th Heard: October 18, 2022**

151 **7th Heard: November 15, 2022 (continued site plan review/public hearing)**

152 **8th Heard: December 13, 2022 (Preliminary Plan approval)**

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

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

155 **Approval: December 13, 2022**

156

157 Mr. (Michael) Sudak, E.I.T. (Attar Engineering, Inc.), was present for this application.

158

159 Mr. Brubaker said that this involves continued preliminary subdivision plan review. A
160 public hearing occurred on November 15th. Since then, Mr. Sudak and his team have
161 provided updates on the stormwater system and maintenance, sedimentation and erosion,
162 and responding to the third-party review comments. There are some notes about DEP
163 permitting. A cover letter presents that this has the jurisdictional exemption from a Site
164 Location of Development Act (SLODA) stormwater permitting tier and with a lower
165 permitting tier of a stormwater PBR. Mr. Sudak, you might want to address in your
166 presentation because I know there's a section in the statutes cited in the packet about
167 subdivisions versus that paragraph 17, which has to do with structure areas. Maybe that is
168 something that can be addressed as we talk about this. There have been low-impact
169 development principles added to the stormwater plan, which is a requirement in Chapter
170 37 for this subdivision. There is more information provided on post-construction
171 maintenance agreement for the stormwater facilities, which would remain in private
172 hands, and the property owner, or organization of residents like a road association, which
173 would be responsible for maintaining those. The road construction specifications have
174 been updated. That specifically regards the sub-base of the road and that meets up with
175 my concurrence. There are other third-party review comments that are addressed in the
176 cover letter, including one thing we might talk a little bit more about, which is the
177 elevation of the cul-de-sac with regard to the seasonal high-water table. Then, the
178 stormwater modelling has been updated in response to the third-party review, including
179 updates to the peak flow reduction. So, those have gone down from previous model
180 iterations. They are still showing a substantial inflow reduction in stormwater run-off.
181 Other notes: we've talked about the payment-in-lieu, Again, that's \$1,888 per lot and
182 that's included in the motion template. Also, we talked about the requirement for a
183 performance guarantee to be entered before any construction can begin. My
184 recommendation is that I believe that the standards have been met, or will be met given

185 the conditions, so I do recommend approval of the Preliminary Plan with the conditions
186 included in the motion template. I think, if the PB feels ready, we would first need to
187 approve one more modification and that would be for the sewer line diameter. It is 2
188 inches with grinder pumps. The Public Works Department has already concurred with
189 this so I feel this is ready to be approved. Also, to consider for approval is erosion &
190 sedimentation control plan. With that. I will turn it back to you.

191
192 Ms. Braun said maybe I read this wrong but I thought they were asking for a waiver a
193 high intensity soils survey. Are you asking for that, as it was in one of the past packets,
194 and we haven't covered that.

195
196 Mr. Sudak said that I can't remember if that has been moved by the PB or not.

197
198 Ms. Braun said, after some discussion, that I would like to get that so the packet is clear.

199
200 Mr. Sudak agreed.

201
202 Ms. Braun said that we then have to do a waiver for a high intensity soils survey. Then, a
203 motion to approve an application for a sewer line and erosion & sedimentation control.
204 Before we do that, Mr. Sudak, you can do your presentation and answer any questions the
205 PB might have.

206
207 Mr. Sudak said that, as Mr. Brubaker stated, most of the changes that have happened
208 since the last time I was before you were satisfying Steve Harding's Sebago Technics
209 comments. I'd be happy to go through those briefly. The first thing that Mr. Brubaker
210 mentioned are permitting **Tiers**. I brought this up last time. It should be pretty close to my
211 cover letter in your packet, the State statute. The way the Site Location of Development
212 Stormwater permitting works is if you create over an acre of impervious cover, you
213 qualify into the lowest Tier Site Location of Development for your Stormwater
214 Management Law Permit. If you have a threshold above that, it's a full SLODA and
215 we're nowhere close to that. The provisions within that statute that allow for exemptions
216 for residential developments that are exclusively single-family residential dwellings,
217 which is what this development is. In that case, the impervious cover that is considered
218 when determining Tier permitting is exclusively within the ROW. In this case, the
219 travelway, the cul-de-sac, and that's it. Obviously, our plan set shows those driveway
220 locations because we needed to have driveway culverts for our stormwater build-out. It
221 shows approximate building footprints, mostly so we could show our satisfaction with the
222 shoreland coverage percentage. But none of those impervious square-footages contribute
223 to our stormwater Tier to determination based on that exemption statute. So, based on
224 that statute, we are around 33,000 to 35,000 square feet of impervious-generated, which
225 would be less than an acre and would put us in Stormwater PBR threshold which is what
226 we have applied for and what I have, in talking intermittently with management and DEP
227 about. You will have that in your hands with the final application. They are very hard to
228 get ahold of sometimes. They have very few staff up there right now. I have added a
229 stormwater narrative to our overall post-construction stormwater maintenance agreement
230 narrative. Just covered low impacts, development principles, updating the PCSMA for the

231 catchbasins and culverts. I don't think it's been updated since we transitioned this into a
232 fully closed system. Some updates to the plan set: details and HydroCAD modelling Mr.
233 Brubaker covered. Now, all of my sheet flow is 100 feet, 50 feet. I know that Ms. Bennett
234 caught that one last time. Steve caught it, too. I missed one on the existing conditions
235 model so we're all squared there, now. That's why there was a small change in the peak
236 run-off reductions, why they technically got lower. The reduction number was lower but
237 it's still overall that the developed condition reduces the peak flow that is received by the
238 river. It's just not as large a number as it was previously but now that those two sheet
239 flow numbers are equal, we're good on that front. I think the only other major change
240 was updating some of the plan set to comply with your new Chapter 34 for erosion and
241 sedimentation control. Most of that was the first sheet of my notes on Sheet #5; that the
242 whole section is basically verbatim in there. It doesn't really say a lot different from what
243 it previously said. It just presents the State information in a slightly different way but it's
244 all in there, now. Other than that, I don't think I have anything else to add. I talked with
245 Mr. Brubaker this afternoon to go over the motion templates. I'm in agreement with
246 them. I like the way they are presented. It gives me milestones for when I have to get
247 information to you, either with the final subdivision application or prior to approval. I can
248 take any questions.

249
250 Ms. Bennett said that I have a question regarding a note in the Planner's memo (page 7)
251 that relates to the preservation of trees. This was identifying large trees to preserve to 24+
252 in. DBH. Would you consider going down to the 10-inch size and preserve those, as well.

253
254 Mr. Sudak said that it's something we can certainly consider. All the 24-inch DBH we
255 filed-located ourselves. I don't know where all the ones between 10" and 24" are on-site.
256 I think we show a developed conditions tree line so, obviously everything behind that
257 we're protecting anyway regardless of size.

258
259 Ms. Bennett said that I only raise the question because it just provides more screening for
260 neighbors, for noise and light pollution. It would be nice if you had a variety of different
261 sizes.

262
263 Mr. Sudak said that the angle I would like to take on that is if we can go out and get that
264 information then present it on the final plan and have a discussion about what can and
265 can't be saved.

266
267 Ms. Bennett was agreeable.

268
269 Mr. Latter said, just to follow up on the 24 inches, there is nothing precluding him from
270 saving more trees, he's just identifying the ones he is saving, right.

271
272 Ms. Bennett said yes. Correct.

273
274 Mr. Sudak agreed.

275

276 Mr. Leathe said that I have a quick question on the re-location of the barn. What is the
277 status.

278
279 Mr. Sudak said that I don't know. I was here just listening in on it. It's a separate process
280 with the CEO. To my knowledge, although it is current, Ms. Duvall was proceeding
281 forward. I think she was going to take the beams from the less old one, which is the one
282 close to the road and, then, the entirety of the rear one, the older one. All of it was going
283 to be tagged, disassembled, then re-built in-kind on her property as an addition to her
284 existing barn. I don't have an update beyond that.

285
286 Ms. Braun said that it's still in the same condition. It hasn't been moved.

287
288 Mr. Brubaker said that I don't have an update with any certainty, yet.

289
290 Ms. Braun said to do the waiver for the high intensity soils survey first.

291
292 **Ms. Bennett moved, second by Mr. Leathe, that the Planning Board waive the**
293 **requirement for a High Intensity Soil Survey on PB22-9.**

294
295 **VOTE**
296 **4-0**
297 **Motion approved**

298
299 Ms. Braun said that, next, we have to have a motion for the modification of the sewer
300 line.

301
302 **Mr. Leathe moved, second by Mr. Latter, that the Planning Board approve a**
303 **modification of Subsection 41-218(a) to allow a sanitary sewer line less than eight**
304 **inches (8") in diameter, with the line being a force main of two inches (2") in**
305 **diameter with each individual lot having a grinder pump. The Planning Board finds**
306 **that:**

- 307 **1. The modification does not have the effect of nullifying the intent and purpose**
308 **of the official map, the Comprehensive Plan, or Chapters 44 or 45, and the**
309 **public health, safety, and welfare will not be compromised by the**
310 **modification.**
311 **2. The provision of an 8" line is not requisite in the interest of public health,**
312 **safety, and general welfare, as the applicant has demonstrated how the 2"**
313 **force main with grinder pumps will effectively serve the subdivision's**
314 **sewerage needs.**
315 **3. The proposed force main is acceptable to the Public Works Department.**

316
317 **VOTE**
318 **4-0**
319 **Motion approved**

320

321 Ms. Brain said that, next, we have to have a motion for the erosion and sedimentation
322 control.

323
324 **Mr. Leathe moved, second by Mr. Latter, that the Planning Board approve the**
325 **Erosion & Sedimentation Control Plan for PB22-9: 771 & 787 Main Street – Clover**
326 **Farm Subdivision (8 lots). The Planning Board finds that the applicant’s submittals,**
327 **including but not limited to the Erosion & Sedimentation Control standards on**
328 **Sheet 5 of the site plan set, with revisions through 12/6/2022, as well as other**
329 **materials submitted by the applicant, collectively comply with §§34-4 and 34-5, as**
330 **well as Appendix 1 of Chapter 34.**

331 **VOTE**
332 **4-0**
333 **Motion approved**

334
335 Ms. Braun asked if the PB was ready to approve the Preliminary Plan.

336
337 The PB was.

338
339 Ms. Braun said that the Chair would accept a motion.

340
341 **Mr. Latter moved, second by Mr. Leathe, that the Planning Board approve the**
342 **Preliminary Plan for PB22-9: 771 & 787 Main Street – Clover Farm Subdivision (8**
343 **lots).**

344 **In accordance with §§ 41-146 and 41-147:**

- 345 **1. The following changes shall be included or reflected in the final subdivision**
346 **plan submittal:**
- 347 **a. The subdivider shall provide to the Town a copy with the approved**
348 **stormwater permit from the Maine Department of Environmental**
349 **Protection (DEP).**
 - 350 **b. The subdivider shall provide to the Town an up-to-date entrance**
351 **permit from the MaineDOT for the subdivision street.**
 - 352 **c. The subdivider shall address outstanding third-party review or**
353 **Planning Board comments (if any).**
- 354 **2. The following requirements relate to improvements for which waivers have**
355 **been requested:**
- 356 **a. The subdivider shall provide to the Town cash payments-in-lieu of**
357 **\$1,888 for each subdivision lot for the development of improvements**
358 **at the Eliot Boat Basin. For Lots 5-6, such payments shall be provided**
359 **within 30 days of the recording in the Registry of Deeds of the final**
360 **plan. For Lots 1-4 and 7-8, such payments shall be provided prior to**
361 **the sale of, or issuance of building permits for, those lots, whichever**
362 **comes first.**
- 363 **3. The following relate to improvements and guarantees that are a prerequisite**
364 **of approval of the final plan:**
- 365 **a. The subdivider shall provide a performance guarantee by entering**
366 **into a written agreement with the Select Board agreeing that no lots**

367 shall be sold and no building permits shall be issued until the
368 proposed street, utilities, new plantings, and stormwater facilities are
369 completed in accordance with the Planning Board’s approval. The
370 performance guarantee shall be consistent with §33-132 generally and
371 subsection (b)(2) specifically, reflecting “Option 2”.

372 4. The following are additional conditions:

- 373 a. Prior to the sale, or issuance of building permits – whichever comes
374 first – any lot, except for building permits already applied for on Lot
375 6, the subdivider shall offer for dedication to MaineDOT, or the
376 Town, the proposed easement along Main Street for a future sidewalk,
377 and shall offer dedication to the Town other easements, such as those
378 related to access to stormwater facilities and public access along the
379 subdivision street to the Remick Cemetery (per preliminary
380 subdivision plan, Sheet 1, Note #13).
- 381 b. After the stormwater facilities are completed and reviewed per §33-
382 132, the owner of the facilities shall enter into a post-construction
383 stormwater maintenance agreement with the Town consistent with
384 Chapter 35, the operations and maintenance plan submitted with the
385 preliminary subdivision application, and any other applicable State or
386 local standards. If there is a conflict between any two provisions, the
387 stricter shall control.

388
389 **VOTE**

390 **4-0**

391 **Motion approved**

392
393 Ms. Braun said that the Preliminary Plan is approved. I want to thank you for all of your
394 hard work. I would love to see this when it’s done.

395
396 Mr. Sudak asked, regarding the modification for the sewer, is that a waiver. I just want to
397 know because I already have the rest of the waivers you’ve granted, including the high
398 intensity soils survey that will go on my recorded plan. Is that also something that has to
399 go on my recorded plan.

400
401 Ms. Braun said that I would think that would have to go not as a waiver but just as a
402 modification.

403
404 Mr. Brubaker said that it’s partially a question of wording. It seems prudent to include
405 that on the plan for good measure.

406
407 Mr. Sudak said okay.

408
409 **B. 0 Bolt Hill Road (Map 17/Lot 29), PB # TBD: Village at Great Brook –**
410 **Amendment to existing Subdivision Plan (43 lots).**

411
412 **Received: October 17, 2022**

413 **1st Heard: November 15, 2022 (sketch plan review)**
414 **2nd Heard: December 13, 2022 (postponed by applicant/rescheduled)**
415 **3rd Heard: _____, 2022**
416 **4th Heard: _____, 2022**
417 **Public Hearing: _____, 2022**
418 **Site Walk: _____, 2022**
419 **Approval: _____, 2022**

420
421 Ms. Braun recused herself and Mr. Leathe presided as Chair for this portion of the
422 meeting.

423
424 Mr. Brubaker said that the applicant has requested that this review be postponed. I just
425 wanted to read into the record Attorney Guay’s email to me (who is attending on Zoom):
426 “Good afternoon, Jeff, As discussed, this email confirms that the applicant is requesting
427 that the Village at Great Brook Subdivision Amendment application be removed from the
428 Planning Board’s December 13, 2022 agenda and rescheduled on the Board’s January
429 application review agenda. Ken Wood will be notifying homeowners that the application
430 is being removed from tomorrow’s agenda. Please confirm by return mail that you have
431 received this email and that the item has been removed. Thank you, Sandy”. I sent a
432 confirmation that I received the email. I just wanted to clarify that because it was the
433 applicant who was voluntarily asking for postponement of this review and there was
434 some indication that some residents may perceive that it was being postponed as an
435 initiative of the Town, and that’s not correct.

436
437 Mr. Leathe thanked Mr. Brubaker.

438
439 **C. 290 & 291 Harold L. Dow Highway (Map 37/Lots 20 & 2-1), PB22-18: Site Plan**
440 **Review/Amendment and Change of Use – Marijuana Products Manufacturing**
441 **Facility**

442
443 **Received: September 20, 2022**
444 **1st Heard: November 1, 2022 (Site Plan Amendment & Change of Use/sketch plan**
445 **review)**
446 **2nd Heard: December 13, 2022 (Site Plan Amendment Review/Change of Use)**
447 **3rd Heard: _____, 2022**
448 **Public Hearing: _____, 2022**
449 **Site Walk: _____, 2022**
450 **Approval: _____, 2022**

451
452 Mr. (Michael) Sudak, E.I (Attar Engineering, Inc.) and Mr. (Dana) Brearley (applicant)
453 were present for this application.

454
455 Mr. Brubaker (showing his screen) said that this includes 291 Dow Highway, and Mr.
456 Brearley is here, just for the fact that some operations are moving from 291 H.L. Dow to
457 290 H.L. Dow. As a formality I think it should be included in the application title. You
458 can see there that they include a phasing plan that would allow for the retail use to

459 operate, first, followed by a phased-in operation of the commercial kitchen use. Since this
460 is a full site plan review application, you may review for completion. I just think that, if
461 you're ready to deem it complete tonight, there are certain waivers that need to be
462 granted. Mr. Sudak and I had a conversation earlier today just to clarify some points for
463 this review. One thing I think would be good to discuss would be the proposal for tree
464 buffers and the tree line for the property, with regard to vegetative screening. With that, I
465 don't have anything further and will turn it back over to you.

466
467 Mr. Sudak said that, regarding 291 H.L. Dow, which is the commercial facility at the
468 back of Northern Pool & Spa, there is an existing adult use manufacturing facility
469 licensed for a commercial kitchen as well as an extraction lab. The commercial kitchen
470 portion of that use and the employees operating that use are coming across the street to
471 the 290 H.L. Dow facility (East Coast Cannabis). They are being located in the
472 previously-approved large building in the more northerly cultivation wing. That use on
473 the 290 facility is going to be split into two different areas. It's going to be an 800-
474 square-foot kitchen space, with the employees coming across the street as well as about a
475 180-square-foot display kitchen, that we talked about last time, right next to the approved
476 retail use. That concludes the overview of it. We've updated all the parking calculations
477 to reflect the employees coming over from across the street. As Mr. Brubaker discussed,
478 a condition of a previous approval, I think it was the last amendment we went through in
479 2021, was to remove four parking spaces in the bottom left corner of the plan, as you're
480 looking at it, and replace that with some vegetative screening that we'd be happy to
481 discuss. The area I believe Mr. Brubaker wanted to bring up to the PB is the bottom right
482 corner (southwest). We provide a lot less detail there, now, and that is something I would
483 be happy to provide a little more clarity on doing a survey on what existing diameter-size
484 trees are out there, existing vegetation, and whether it's sufficient or whether we need to
485 explore that area with some plantings, as well.

486
487 Ms. Braun said that I think that would be a good idea.

488
489 Mr. Sudak said that we'd be happy to do that moving forward. I just wanted to bring up
490 that we did comply with that previous condition of approval regarding those parking
491 spaces. Besides that, I'd be happy to take any questions. I don't know how you want to
492 handle the waivers. I can speak to any or all, as necessary.

493
494 Mr. Leathe said that there are eight waivers and we should probably go through them.

495
496 Ms. Bennett said that I have clarifying question. The manufacturing facility at 291 is
497 going to remain but the kitchen portion...are we modifying 291 or are we not modifying
498 291.

499
500 Mr. Sudak said that the existing manufacturing license at 291 encompasses those two
501 subsections of the use – the commercial kitchen and the extraction lab. He asked if Mr.
502 Brearley wanted to jump in.

503

504 Mr. Brearley said that the Office of Marijuana Policy (OMP) will not allow us to have an
505 extraction lab above retail. So, the extraction lab makes the cannabis concentrate that
506 goes into the edibles that are currently made at 291 and those need a manufacturing
507 license for us to run an extraction lab. That's why we're asking to instead of moving the
508 license, we just need to get another license for 290 because I still need to keep the lab
509 across the street to follow the State OMP laws.

510
511 Ms. Bennett asked how you plan on utilizing the kitchen space at 291.

512
513 Mr. Brearley said that we're actually going to store things in it. One of the things that's
514 happened to us is that, over the last year or so, ~~is that~~ we've really exploded. So, our
515 gummy demand is way more than that little space can produce. We do a lot of that on hot
516 plates, so an 800-foot kitchen versus the small space we have at 291 would let us make a
517 lot more because I'd have a lot more space to do it. Then, at 291, all our goods could be
518 stored in that kitchen space. That still falls under a manufacturing license so we'll be
519 compliant with OCP (formerly OMP). We would really like to get the edibles across the
520 street. We will be getting an additional manufacturing license for 290.

521
522 Mr. Brubaker discussed the waivers (§33-127) requested. This was my assessment of the
523 waivers needed based on the application provided. #5 – Temporary Markers, which has
524 to do with a site walk so, if a site walk is not opted for, that seems like a natural waiver.
525 #7 – Drainage Plan: some history of this site is that, in 2017, it was approved by the PB at
526 the time and included DEP approval for bio-retention filters. So, this waiver would be
527 appropriate if you feel that the stormwater has already been covered by the DEP process
528 for this site. I believe this is proposing no new impervious surface compared to the
529 previous approval.

530
531 Mr. Sudak said correct. All the changes to the additional bump-out that would be revised
532 egress into the retail space was occurring on an area that was already impervious. So,
533 there is no change in impervious cover.

534
535 Ms. Braun commented that, in the ordinance, #7 is Boundaries. #8 has to do with the
536 Drainage Plan.

537
538 The number was corrected to #8 Drainage Plan.

539
540 Mr. Brubaker said that #9 Bridges & Culverts seems like a pretty logical waiver
541 considering that the culvert would just be the culvert for the new driveway once it's
542 expanded. As you can see on the plans there are two egress lanes and one entry lane so I
543 assume that would just have to be built up to DOT's standards.

544
545 Mr. Sudak said that the original included an 18" corrugated metal culvert back when the
546 original bio-retention was approved. We haven't changed it since then.

547
548 Mr. Brubaker discussed #11 – Sedimentation & Erosion Control Plan. On previous
549 reviews, there was a sheet with sedimentation & erosion control notes. Unless you feel

550 that that should be re-visited, I believe those notes should still be fine here at this site
551 because I don't think this amendment is proposing a change.

552
553 Mr. Sudak said right. I think there's an argument to be made that, moving past the
554 meeting tonight, those would likely have to be updated as deemed necessary with your
555 new Chapter 34. But, as far as checking the box for what's been provided, yes, that sheet
556 has erosion & sedimentation control notes that is consistent throughout with the approval
557 that was granted.

558
559 Mr. Brubaker said that #12 is just the High Intensity Soils Survey. #13 is Location of
560 sewers and water mains. This property is not yet abutting the water and sewer lines. This
561 part of Route 236 will be served by water and sewer after the Town Sewer and Water TIF
562 Project is done. For now, it's on a well and septic, and you can see the location of those
563 on the plan.

564
565 Ms. Braun asked if the applicant plans to connect to the water and sewer when it goes by.

566
567 Mr. Brearley said that I'm honestly not sure. At the end of the day, I'd ~~would~~ probably do
568 the ground work for running lines to be ready to be connected to it but I'm honestly not
569 sure what the most cost-effective route is going to be. I haven't really explored it yet. I'm
570 excited to have the opportunity to.

571
572 Mr. Brubaker said that #15 is Connection with existing sanitary sewer system and you
573 can see the leach field proposal that I believe has already been built. The HHE200 was
574 provided with previous reviews. There is nothing new needed there. #16 is just a soil
575 (perc) tests with respect to the septic system and, as with my previous comment, the
576 HHE200 was reviewed previously. In my opinion, these are the waivers that would need
577 to be granted for this section prior to considering a completeness determination.

578
579 Mr. Sudak said that one that was excluded from there is #18 Elevations, which Mr.
580 Brearley was kind enough to provide some and those should be on the thumb drive I
581 provided, if you want to share those with the PB. I know it was mentioned at the last
582 meeting to have some renderings for the exterior and interior. Mr. Brearley was nice
583 enough to provide those.

584
585 Mr. Brubaker brought the renderings up on the screen for the PB to view. The PB was
586 pleased with the renderings of what it will look like finished.

587
588 Mr. Leathe discussed #16 regarding private sewage disposal system: "If a private sewage
589 disposal system is proposed, location and results of tests to ascertain subsurface soil and
590 groundwater conditions, depth to maximum groundwater level, location and results of soils
591 testing." That would be required and I was curious, if you don't hook up, do we have all
592 that information.

593
594 Mr. Sudak said yes. The original proposal, I think in 2017, proposed and HHE200 for a
595 subsurface wastewater disposal system in the rear of the property. In order for that form

596 to be submitted, it has to be located on a valid pit with an adequate depth to seasonal
597 high-water table, or whatever refusal it has. If you hit that, it has to be mounded, which I
598 believe is the case here, as they encountered rather shallow so there is post-grading
599 mounding. All of that has remained through the amendments.
600

601 Mr. Leathe said that, if the applicant abandoned that idea and went with a connector to
602 connect, does that change anything in terms of any information we should require.
603

604 Mr. Sudak said that that is not the intention of this. That's how the applicant presented it
605 because it's the only utility service we have right now. I think, if that municipal service
606 becomes available, I don't know what the process would be, if he'd have to come back
607 before you, again, to connect.
608

609 Ms. Braun asked Mr. Brubaker if he would have to come back to the PB for that.
610

611 Mr. Brubaker said that I can't give a definitive answer on that. I think, to use a past
612 application review as a reference, Mr. Sudak's co-worker verbally mentioned to the PB
613 that they plan to hook up and we accepted that as a conveyance as part of the PB's
614 review. I think, ideally, if the applicant is certain he would want to hook up to water and
615 sewer, having some note to that effect, or some kind of written document for the next
616 review meeting, would be advisable. But, if they don't want to put that note on at this
617 time then they would potentially have to go back to the PB when they do want to hook
618 up, then, and that can be their decision.
619

620 Mr. Sudak said that, if we wanted to go with the phasing plan prior to whatever you were
621 planning to do next, you're welcome to, because I know it will be a lot clearer to see than
622 what you have in your packet.
623

624 The PB agreed.
625

626 Mr. Sudak said that this was brought up at the end of the last meeting, as well, to phase
627 the development, as Mr. Brearley alluded to, ~~as well~~. The principal building is more than
628 well-underway, now. Showing on the screen, 'this' is what we're proposing as three
629 separate phases. First would be the certificate of occupancy. I thought it would be most
630 helpful to present them as the site plan, itself, with notes, etc., on it. This is certificates of
631 occupancy so this isn't building permits. So, the entire dark, transparent hatch, that
632 building is out there right now. You don't see the temporary trailer on here, as that will
633 be gone, and I believe the approval prohibits that trailer from existing with any
634 permanent use so we're honoring that. So, Phase #1 will be the entire 1,880 square-foot
635 retail space in addition to the 180 square-foot small rectangle above it, which is the
636 display kitchen manufacturing use. Off to the right in the Phase #1 notes, there is the
637 calculation for the number of parking spaces required for just that portion of the facility,
638 which is 28 spaces. So, everything you see that is red-lettered, the different parking
639 aisles, we're going to, in addition to having circulation around the entire building for
640 emergency egress, be providing 29 spaces. That is Phase #1 and all those uses will be
641 ~~provided~~ adequately provided for with travel ways and parking. This is Phase #2, which

642 are the two rectangles you see on the screen (northern wing). The larger of the two will
643 be 800 square feet, the other half of the manufacturing use, as well as an employee break
644 room and some office space. Technically, there is one additional parking space required
645 for this but, because we made 29 available in Phase #1, we don't have to build out any
646 more for this. Phase #3 is the full original build-out with full approval. So, all 40 spaces,
647 all uses made available, everything you see on our amended site plan. It's trying to keep
648 the retail space with as little interruption as possible to that since it's something that Mr.
649 Brearley has been fortunate enough to have reached a point of thriving. It also caters to
650 some electrical component issues.

651
652 Mr. Brearley said that this is my first run-around with building 3,000 amps at 40 ___ at a
653 property. From what I understand, all of the subpanel equipment that powers inside of the
654 building is sourced internationally and domestically and, then, it gets manufactured
655 domestically. Then we get it. So, that's one of, not the supply chain shortage, but actually
656 a labor shortage. They're short on all these people that actually build all these subpanels.
657 We actually have all the materials but I'm being told 8 to 10 months before the power to
658 handle the cultivation and manufacturing components is available. We're fortunate that
659 we pulled power for retail to begin with – single phase – and that power is already
660 available on the property. So, moving into retail is not an issue. Unfortunately, we're
661 going to have to bear the expense of buying all these things and then waiting for almost a
662 year for it all to come online. It is what it is and that's why I'm asking to at least get retail
663 online because I can do that with the power I have today. Then, when the big juice
664 comes, Phases #2 & 3 can come.

665
666 Ms. Braun agreed that this way was a good way to do it so you don't have to come back.

667
668 Mr. Brearley said that I want this completed. We didn't expect to run into all the delays
669 that we did and everything that's happened in the world the last couple of years. So, I
670 appreciate the patience of the Town. Trust me, it's not in our best interest to be operating
671 out of a 1,200-foot trailer that used to be a classroom in Brunswick, Maine.

672
673 Mr. Leathe asked when you think the retail will be operational.

674
675 Mr. Brearley said that what I'm hoping is that there is going to be a big cannabis holiday
676 in April – "420". We'll probably have that modular out of there, and switching to the
677 retail store.

678
679 Ms. Braun asked what the cannabis holiday is.

680
681 Mr. Brearley said that, honestly, I don't understand how that started or came to fruition
682 but, as long as cannabis has been a thing, April 20 has been the undisclosed cannabis
683 holiday and now it's like the Fourth of July for the cannabis world.

684
685 Ms. Bennett said that it's supposed to be the number of chemicals in cannabis.

686

687 Mr. Brearley said that the glass is out about 12 weeks and that's a big part of closing up
688 the building. We're going to get it closed off temporarily just so I can get the slab poured
689 and the internal work started. But that's the longest timeline as far as the retail is
690 concerned.

691
692 Ms. Braun said that, if there are no more questions, the Chair will accept a motion for the
693 waivers.

694
695 **Mr. Leathe moved, second by Mr. Latter, that the Planning Board, for PB22-18 290**
696 **& 291 Harold L. Dow Highway Site Plan Amendment Review, that we approve**
697 **eight waivers under §33-127: (5) Temporary Markers; (8) Drainage Plan; (9)**
698 **Bridges & Culverts; (11) Sedimentation and Erosion Control Plan; (12) High**
699 **Intensity Soil Survey; (13) Water/Sewer Main; (15) Septic/Sewerage; (16) Septic Soil**
700 **Tests.**

701 **VOTE**
702 **4-0**
703 **Motion approved**
704

705 Ms. Braun asked if anyone had any questions about the buffering, the phasing part of it,
706 or anything like that.

707
708 Ms. Bennett asked, regarding the phasings, is there supposed to be a completion date for
709 each phase.

710
711 Mr. Brubaker said that that was a good question. Mr. Brearley spoke a little to delivery of
712 Phase #1. If you are talking about when they would need to complete those by, that's
713 subject to the site plan expiration, which has just recently been amended. I think it would
714 be a substantial start within two years of site plan approval and substantial completion
715 within three years.

716
717 Ms. Braun asked if we are ready for completion or is there something else we need.

718
719 **Mr. Leathe moved, second by Mr. Latter, that the Planning Board, for PB22-18 290**
720 **& 291 Harold L. Dow Highway (Map 37/Lot 20) Site Plan Amendment/Review and**
721 **Change of Use – Marijuana Products Manufacturing Facility Application is**
722 **complete.**

723 **VOTE**
724 **4-0**
725 **Motion approved**
726

727 With applicant agreement, the Public Hearing is scheduled for January 24, 2023.

728
729 **ITEM 10 – OTHER BUSINESS/CORRESPONDENCE**

730
731 **A. Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town**
732 **Planner**

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Ms. Braun said that I want to change the dates for the January meetings where the first meeting would be right after the new year, suggesting the 2nd and 4th Tuesdays in January (January 10th and January 24th). If everyone is in agreement with that, the Chair would take a motion to change the dates.

Mr. Leathe moved, second by Ms. Bennett, that the Planning Board change the meeting dates for the Eliot Planning Board for January 2023 to the 10th and the 24th.

VOTE
4-0
Motion approved

Ms. Braun asked if Mr. Brubaker had any **updates**.

Mr. Brubaker said that, regarding the **Comp Plan**, we're excited to tomorrow, maybe Thursday, release the online version of the survey. Shortly thereafter we'll get the postcards printed off and get them mailed to every Eliot household. Then we will have printed copies available for those that want a paper survey. I want to acknowledge the Comp Plan Committee's good efforts and the subcommittees who have met or are about to meet. We're glad that's going forward. We have SMPDC ready to go on beginning to actually collect data for the inventory so an important first step in the Comp Plan moving forward. I do think that, for my sake, I will be starting to think about the first community public meeting, which would be like a visioning-type of meeting. This would be so that the community could come in and more directly voice some of the things they are looking for in the future. I think that meeting would probably happen mid-wintertime.

There was some discussion on potential venues available for accommodating larger groups of the community.

Regarding **Climate Resiliency**, Mr. Brubaker said that Thursday the SB will be meeting to consider a resolution for Eliot to join in the Climate Resiliency Partnership and take action on climate change. The other thing on Thursday is that we will be seeking approval for the design contract for the Beech and State sidewalk and bike facility project. That's the very first phase of the design and I'm excited about that.

Ms. Bennett said that, regarding the **ordinance subcommittee**, I would just put out to the whole PB to perhaps ask for some direction. We have a lot of things on the plate for ordinance review. If there are any thoughts as to which pieces we should be tackling at this January meeting. We only have three meetings before we have to have all ordinances proposed. I spoke at length at the last administrative meeting on LD2003 and affordable housing developments. What came from that is that we have more questions we need to pose to the Department of Community Development. We aim to have those questions drafted by our next meeting, review them, and see if there are other things you've thought of. Outside of that, we have Tiny Homes that we need to work on. We need to have a conversation about that. We've already collected a bunch of information and, obviously,

779 Mr. Alleva has, too, and is personally invested in this. So, I think we should prioritize
780 that. Then, we have event centers percolating back there with SMPDC.

781
782 Ms. Braun said that I think I would like to push that back, for now. I think LD2003 has to
783 take precedence.

784
785 Mr. Brubaker said, regarding event centers, there is some good language being developed
786 on that. I actually owe Mr. Galbraith a call back about the status on that. He's been
787 working on the ordinance language but I'm kind of realizing that it's probably best,
788 before we finalize event centers ordinance, we update our mass gathering ordinance.
789 That's something that I'm disinclined to do myself because of my workload. It's
790 less of a plain language regulation type of thing. I think what I'd like to see is that
791 updated and then the event center ordinance be able to reference that. But the mass
792 gathering ordinance hasn't been updated since the Carter administration.

793
794 Ms. Bennett said that the mass gathering is under the SB purview.

795
796 Mr. Brubaker said that I know there are some residents out there that really want an event
797 center ordinance adopted but I just want to remind any citizen that the PB has to prioritize
798 and can only do so much per ordinance cycle, as you all know. Any citizen who wants to
799 try to speed up an ordinance change can propose through a petition. It's incumbent on
800 any citizen that wants faster results to put a petition into the process.

801
802 Ms. Lemire discussed her concern about unintended consequences in writing petitions.
803 Our citizen petition for the Citizen's Option Meeting had to go through several iterations
804 to improve language.

805
806 Mr. Brubaker said that with something like event centers, there's a whole lot of issues.

807
808 Ms. Braun said that there could be a lot of unintended consequences with that.

809
810 Ms. Bennett asked if Mr. Brubaker felt like he had gotten to a good point, though. If a
811 citizen petitioned to amend the mass gathering ordinance, would we, the PB, be in a good
812 place to respond.

813
814 Mr. Brubaker said that I think we could. Obviously, it's getting kind of tight for June but
815 I think a November timeframe would be doable for an event center, a polished draft going
816 before voters with assuming a mass gathering.

817
818 Ms. Bennett said that I appreciate the option for citizens to do this, to put a question
819 before the voters. But I get nervous about it because it takes so long and so many
820 iterations in looking at these ordinances to try to determine those unintended
821 consequences, to run the 'what ifs' and it feels like the citizen petitions don't do that.
822 They come fully baked. They go onto the ballot and then we can get an ordinance that
823 does conflict with the rest of our code.

824

825 Mr. Latter asked if a citizen petition came before either the PB or SB for a
826 recommendation before it goes on the ballot.

827
828 Ms. Braun said that when Mr. Widi came before us with the Agri petition, he asked for
829 guidance, then he decided to go citizen petition. But he did come to us and we had quite a
830 bit of a discussion for guidance.

831
832 Mr. Latter asked if that petition, as it exists to go on the ballot, do any of the multiple-
833 member bodies have an option to make a recommendation to the voter on whether it
834 should be accepted or not like the stuff that we do does.

835
836 Ms. Braun said that I don't think so. I think it's strictly a citizen's initiative question.

837
838 Ms. Bennett said that you write it out, you get enough signatures, you present it to the SB
839 by a deadline, and it goes on the ballot. Regarding day nurseries, we need to make some
840 space for that on the January meeting agenda.

841
842 All agreed that they needed to do that.

843
844 Mr. Brubaker said that my thinking for day nurseries is to definitely update the
845 definitions. Then, the question is do we want to keep the zoning the same

846
847 Ms. Bennett said that we should take that up on January 10th and that would move that
848 piece to getting it onto the ballot. So, maybe we talk about tiny homes and day nurseries.

849
850 Ms. Braun said that I think the ADU piece is all set.

851
852 Ms. Bennett said that, at that point, we may have some more clarification. As I mentioned
853 before, there is discussion of doing an extension of the LD2003. It looks very promising
854 that that could happen. Mr. Brubaker did a great job with the ADUs. We've already
855 figured out how to comply with LD2003 with our ADUs. We have questions that need to
856 be answered by the Department of Economic and Community Development (DECD) for
857 affordable housing developments. The density, overall, that may actually be more of a
858 quagmire to wade through for us and every other community. But there have already
859 been some good questions about needing clarification from other communities about that.
860 Regarding day nurseries, that may take up some time. We have four different categories,
861 now, for this so we would need to look at each zone and think about where we want them
862 or whether there would be conditions, and stuff like that. I think that is a substantive
863 conversation.

864
865 Ms. Lemire said that, when I lived on Goodwin Road, I had a day care next to me and it
866 worked very well. She was a great neighbor and she only had a few kids. She was very
867 good with them and paid attention to them.

868
869 Ms. Bennett said that I used to have a day care next to me. It's something we need in our
870 community.

871
872 Mr. Brubaker suggested a brief discussion of the marijuana ordinance, as well.

873
874 Ms. Braun said yes. We can do that, as well.

875
876 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

877
878 Ordinance work.

879
880
881
882 The next regular Planning Board Meeting is scheduled for January 10, 2023 at 6PM.

883
884 **ITEM 13 – ADJOURN**

885
886 **Ms. Bennett moved, second by Mr. Leathe, that the Planning Board adjourn.**

887 **VOTE**
888 **4-0**
889 **Motion approved**

890
891
892 The meeting adjourned at 7:26 PM.

893
894
895
896
897 **Christine Bennett, Secretary**
898 **Date approved: _____**

899
900
901 **Respectfully submitted,**
902
903 **Ellen Lemire, Recording Secretary**

904
905
906

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: PB22-22 – SHORELAND ZONING	MAP/LOT: 25/11	DATE OF DECISION: MARCH 7,
PERMIT APPLICATION/ NEW RESIDENTIAL	360 RIVER ROAD	2023
PIER, GANGWAY, FLOAT, ACCESS RAMP,		
AND STAIRWAY		

4/15/2023

DRAFT

Tidewater Engineering, Inc.
ATTN: Ryan McCarthy, P.E., P.L.S.
1021 Goodwin Road, Unit 1
Eliot, Maine 03903

Riverside and Pickering Marine, Inc.
34 Patterson Lane
Newington, NH 03801

Robert C. Holderith
360 River Road
Eliot, Maine 03903

To: Ryan McCarthy
Robert C. Holderith
Riverside & Pickering Marine, Inc.

This is to inform you that the Planning Board has acted on your Shoreland Zoning application for a **new residential fixed pier, landing, seasonal gangway, seasonal main float, permanent timber stairway (pier), and access ramp** as follows:

APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED BY THE APPLICANT AND/OR THEIR REPRESENTATIVES:

SUBMITTED FOR FEBRUARY 7, 2023:

1. Shoreland Zoning permit application received December 7, 2022, with the following documentation:
 - a. Cover letter from Ryan McCarthy, P.E., P.L.S., Tidewater Engineering & Surveying, Inc.
 - b. Application for a Natural Resources Protection Act Permit (NRPA), dated September 7, 2022.
 - c. Army Corps of Engineers General Permit Authorization Letter, #NAE-2022-02076.
 - d. Agent letter of authorization from Robert C. Holderith, authorizing Riverside & Pickering Marine Contractors, Inc. and Tidewater Engineering & Surveying, Inc. as their representatives for this project, dated April 29, 2022.
 - e. Public Notice: Notice of Intent to File & Certification, dated January 11, 2022.
 - f. Proposed Pier & Float Site Plan prepared by Tidewater Engineering & Surveying, Inc., dated September 9, 2022.
 - g. Tax Map showing abutters.
 - h. Property Deed: Book 18509, Page 656, registered at the York County Registry of Deeds, dated December 31, 2020.
 - i. Project Description
 - j. Alternatives Analysis
 - k. Location Maps – USGS/Town GIS

- l. Project Site Photos
 - m. Proposed Pier & Float Plan
 - n. Construction Plan
 - o. Erosion Control Plan
 - p. Site Condition Report
 - q. Project Summary
 - r. Notice of Intent to File, Certification & Abutter Notices
 - s. Letter from US Department of the Interior. Re: List of threatened and endangered species, dated May 31, 2022.
 - t. ACOE: USFWS IPAC Official Species List
 - u. ACOE: USFWS Verification Letter
 - v. Notice of Intent sent to the Maine Historic Preservation Commission and the Five Indian Tribes.
 - w. Appendix A: NRPA Field Survey Checklist.
 - x. Appendix B: Intertidal & Shallow Subtidal Field Survey Checklist
 - y. Appendix D: NRPA Project Description Worksheet.
 - z. Letter from Great Cove Boat Club stating that all slips and moorings are leased for the 2022 season, with a wait list of 100 individuals requesting slips and moorings, dated September 1, 2022.
 - aa. Letter from Great Bay Marine stating that all slips and moorings are leased for the 2022 season, with a wait list of 190 individuals requesting slips and moorings, dated September 1, 2022.
2. Memo from Jeff Brubaker, Town Planner, dated January 12, 2022.

SUBMITTED FOR MARCH 7, 2023:

- 1. Memo from Jeff Brubaker, Town Planner, dated March 3, 2023.
- 2. 500-foot Abutters List Report.
- 3. Public Hearing Notice to Town of Eliot, dated February 27 2023.
- 4. Legal Public Hearing Notice published in the Portsmouth Herald, dated February 28, 2023.

FINDINGS OF FACT:

- 1. The owner of the property is: Robert C. Holderith (mailing address: 360 River Road, Eliot, Maine 03903).
- 2. The Agents of Record are: Ryan McCarthy, P.E./P.L.S., Tidewater Engineering & Surveying, Inc. (mailing address: 1021 Goodwin Road, Unit 1, Eliot, Maine 03903) and Construction Contractor, Riverside & Pickering Marine, Inc. (mailing address: 34 Patterson Lane, Newington, NH 03801).
- 3. The property is located at 360 River Road in the Suburban Zoning District and Resource Protection and Limited Residential Shoreland Zone (shoreland overlay), identified as Assessor's Map 25, Lot 11, and containing 0.2 acres.
- 4. The applicant proposes to construct a permanent timber pier structure to consist of a 6' x 60' permanent fixed timber residential pier, a 3' x 30' gangway (seasonal), a 10'X30' main float (seasonal), a 4'X4' landing with float skids, 4'X16' access ramp accessing the pier system, and 4'X14' timber stairway accessing the beach.
- 5. Property is bisected by River Road. Larger inland parcel, single-family residence with outbuilding, is 2.1 acres. Smaller, riverside parcel (0.2 acres) is the location of the proposed pier system.
- 6. The use of the proposed structure will be "*Permanent, residential pier*", as listed in the Table of Land Uses (Sec. 44-34(34)(b)).
- 7. The applicant submitted the proposal to the DEP, AOCE, Maine Historic Preservation Commission, and the Five Indian Tribes.
- 8. Applicant received a full Maine DEP NRPA Permit #L-30049-4P-A-N & #L-30049-TW-B-N, approved December 29, 2022.
- 9. Applicant received a US ACOE (Army Corp of Engineers) Maine General Authorization/Permit # NAE-2022-02076, dated September 15, 2022.
- 10. Copies of the application and supporting materials were provided to the Code Enforcement, Public Works, Police and Fire Departments, Conservation Commission, and Harbor Master. There were no comments.
- 11. The following fees have been paid by the applicant:
 - Shoreland Zoning Permit Application (Residential Pier): \$50.00.

- Public Hearing Fee: \$175.00.
12. The Planning Board reviewed the application at the following regular meetings:
 - January 24, 2023 (cancelled due to weather)
 - February 7, 2023 (site plan review/completeness)
 - March 7, 2023 (site plan review/public hearing/approval)
 13. A site walk was not held.
 14. The Planning Board found the application complete February 7, 2023.
 15. In accordance with Sec. 33-128 & 129, a public hearing was advertised in The Portsmouth Herald on February 28, 2023 and held on March 7, 2023. There were no public comments.
 16. Legal notice of the public hearing was posted to the Town of Eliot February 27, 2023.
 17. The following fees have been paid by the applicant:
 - Shoreland Zoning Permit Application, Residential Pier: \$50.00.
 - Public Hearing Fee: \$175.00.
 18. Shoreline frontage of 225 +/- feet for this legally, non-conforming lot of record. Requirement has been met, per §44-32(e)(1).
 19. The total length of the pier structure is approximately 120 feet, which meets the requirement of §44-35(c)(10b).
 20. Pier does not extend beyond the mean low water mark.
 - The Pier will be 21" above the 100-year flood elevation.
 - Pier alignment chosen to avoid tree removal and to avoid direct/indirect impacts to existing salt marsh vegetation.
 - Pier will be supported by ten (10) 12" diameter timber piles, located below the HAT line.
 - Piles will be installed during periods of low water when site is in-the-dry to prevent potential effects to endangered marine species and minimize potential effects to Essential Fish Habitat and local water quality.
 - Main float will be secured by 40' lengths of marine grade chain attached to four (4) 8" diameter helical piles driven below the intertidal surface. Float skids will minimize impacts to marine resources and habitat when resting on the mudflat at low tide.
 - Access by timber stairs provides a safe means of ingress/egress for safety & emergency situations.
 - Stairway extends below mean high water/highest annual tide lines but is permitted by the Maine DEP.
 - Transition from River Road to access ramp will be graded, gated, and stabilized, per the site plan. No additional shoreline stabilization is proposed.
 21. Pier is centrally located on the parcel. There is no impact to riparian lines.
 22. Per DEP requirement, applicant requested slip and mooring availability in the area. All slips and moorings are leased for 2023 with large (100+) waiting lists.
 23. Slopes along this part of the Piscataqua River are considered potentially stable coastal bluffs by the Maine Geologic Survey Bluff Map. However, per the applicant under existing conditions erosion and undermining of embankment is evident. Building access ramp will likely lessen erosion potential.
 24. Regarding Erosion and Sedimentation Control Plan, proposed activity does not include grading, bulldozing, digging, scraping the earth, or filling so erosion control measures are not necessary.
 - No open excavation is proposed or necessary within the resource or below the highest annual tide.
 - A barge will be primarily used or staged on top of the driven pier piles for installation, which limits foot traffic along the shoreline.
 - Minimal sedimentation or suspension of sediments will result from installation.
 - Installation of erosion control measures, themselves, will exceed the disturbance from installing the pilings.
 - Soil disturbance will be minimized and vegetated buffer will be maintained.
 25. In the off season, gangway will be stored on the fixed pier and float will be stored either off-site or on adjacent uplands by a third-party company.
 26. The uplands adjacent to the proposed pier are developed as lawn area. No trees will be removed during the construction of this project.

27. Per Maine Department of Inland Fisheries & Wildlife, planking will have $\frac{3}{4}$ inch spacing to allow for future marsh grass growth.
28. There is no impact to the Northern Long-eared Bat pups.
29. This project is designed to have minimal impact to the tidal wetland resources and avoidance of any navigational interference.
30. Reflectors will be installed, per §44-35(c)(14).

CONCLUSIONS:

1. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have or will be met.
2. Based on the information presented by the applicant and in accordance with Sec. 44-44, the Planning Board finds that the proposed use:
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewater;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will avoid problems associated with floodplain development and use; and
 - h. Is in conformance with the provisions of section 44-35, land use standards.
3. Permanent residential piers extending over or below the normal high-water line or within a wetland are SPR uses in the Shoreland Zone.

DECISION:

Based on the above facts and conclusions, on **March 7, 2023** the Planning Board voted to approve your application to construct a pier structure to consist of a 6' x 60' permanent fixed timber residential pier, a 3' x 30' gangway (seasonal), a 10'X30' main float (seasonal), a 4'X4' landing with float skids, 4'X16' access ramp accessing the pier system, and 4'X13' timber stairway accessing the beach, as detailed in the plans and materials submitted.

CONDITIONS OF APPROVAL:

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the Eliot Zoning Ordinance, the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. If needed prior to, or along with, their building permit application, the applicant shall provide to the Code Enforcement Officer an approved Department of Environmental Protection (DEP) Natural Resource Protection Act (NRPA) Permit for the project.
5. Per §44-35(b)(6), the portion of the stairway leading from the pier to the beach, over the normal high-water line, may only be built if the DEP approves it.

6. No later than 20 days after the completion of the development, the applicant shall provide to the Code Enforcement Officer post-construction photographs of the shoreline vegetation and developed site.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals for Shoreland Zoning permits granted by the Eliot Planning Board have expiration provisions specified in Section 44-45 of the Town of Eliot Code of Ordinances, which states:

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

The holder of an approved permit should take care to ensure that the approval granted on **March 7, 2023** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **March 7, 2023** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Carmela Braun, Chair
Eliot Planning Board

This letter reviewed and approved by the Planning Board on _____, 2023.

CC: Thomas Phillips, Harbormaster
Assessor
Shelly Bishop, Code Enforcement Officer
Jay Muzeroll, Fire Chief
Jim Roy, Acting Public Works Director
Elliott Moya, Police Chief

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: PB22-21 - AFTER-THE-FACT AMENDMENT TO EXISTING SUBDIVISION PLAN HYBRID SITE PLAN/SUBDIVISION REVIEW FOR VILLAGE AT GREAT BROOK SUBDIVISION	MAP/LOT: 17/29 0 BOLT HILL ROAD	DATE OF DECISION: 03-28-2023
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4/15/2023

DRAFT

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

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

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

To: Chad Fitton
Attorney Sandra Guay
Michael Sudak

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

APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED:

Submitted for November 15, 2022:

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

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

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

Submitted for December 13, 2022:

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

Submitted for January 24, 2023:

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

Submitted for February 7, 2023:

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

Submitted for February 21, 2023:

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

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

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

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

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

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

Submitted for March 28, 2023:

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

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

FINDINGS OF FACT:

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

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

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

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

CONCLUSIONS:

1. The Planning Board determined, based on Chapter 41, that the proposed amended subdivision will:
 - Preserve and enhance general air quality.
 - Preserve and enhance general water quality.
 - Preserve and enhance soil quality and subterranean resources.
 - Preserve and enhance natural resources and scenic beauty, including access to direct sunlight.
 - Respect and preserve historical features and sites and traditional *land use* patterns.
 - Provide sufficient water for development either from public or private sources.
 - Provide adequate sewer disposal from public or private sources.
 - Provide adequate solid waste disposal from public or private sources.
 - Contribute to or at least not burden government services.
 - Maintain safe roads and prevent traffic congestion.
 - Protect and promote public health and safety.
 - Comply with local, state and federal *land use* and other policies and laws.
 - Provide and maintain adequate financing to accomplish these purposes.
2. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Planning & Development, Article III, Division 3 and Chapter 45, Zoning, Article VIII, Chapter 34 Erosion & Sedimentation Control, Chapter 35 Post-construction Stormwater, Chapter 37 Streets and Sidewalks, and Chapter 44 Shoreland.
3. Elderly Housing (55+) is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review/Subdivision (SPR/SD), per Sec. 45-290.
4. Revisions to approved subdivision plans are allowed under §41-182.

DECISION:

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

The applicant must comply with all requirements of the Town of Eliot Land Use Ordinances. In addition, to further promote the purposes of the (Eliot Zoning Ordinances), the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to

the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.

2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. When an application is prepared to develop the land retained by owner (LRO), the applicant shall reserve a right of way of a minimum width of 50' for the travel way proposed to be developed (Village Drive/Quail Lane). Said right-of way shall satisfy the standards outlined in Town of Eliot Code of Ordinances §37-70 "Street Design Standards".
5. When an application is prepared to develop the land retained by owner (LRO), the applicant shall develop the proposed travel ways (Village Drive/Quail Lane) to at least Town of Eliot Collector Standards, having a minimum of 20 feet traveled way width and 3-foot shoulder widths, and a side slope no steeper than 3:1. Until such time, a traveled way with a minimum width of 16 feet shall be maintained for emergency access/egress. All waivers granted from the original 2007 approvals for Town of Eliot Code of Ordinances §37 shall be relinquished for any prospective travel way improvements subject to a new application for development of the LRO.
6. Prior to the wearing course of asphalt being paved on both Village Drive and Pheasant Lane, a Plan and Profile Sheet set shall be prepared with as-built locations of all utilities within the development.
7. All Stormwater Management elements of this development shall be maintained and documented in accordance with the guidelines of Town of Eliot Code of Ordinances §35-4(b) for post-construction stormwater management performance standards including the execution of a post-construction Stormwater Management Agreement per §35-4 (b)(6).
8. Execution of the "Performance Assurance Agreement, Village of Great Brook" accepted by the Eliot Select Board on 3/24/23, which includes a scope of work and technical standards that meet the Town of Eliot Code of Ordinance Chapter 37.
9. Submission of an Erosion and Sedimentation Control Plan for the Land Retained by Owner (LRO) portion of the property consistent with Chapter 34 of the Town of Eliot Ordinances.
10. The deed restricted no-disturbance forested buffer language approved in the Maine Department of Environmental Protection Order #L-23147-26-A-N/L-23147-TC-B-N, including the appropriate wetland and stormwater buffer deed restrictions, shall be executed and recorded in a legal instrument with the York County Registry of Deeds Book____, Page____, depicted on the Final Plan, and transmitted to the Maine Department of Environmental Protection, Bureau of Land Resources for review.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Subdivision Site Plan approvals that are granted by the Eliot Planning Board have expiration provisions specified in Section 41-36 of the Town of Eliot Code of Ordinances, which states:

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

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

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

The holder of an approved permit should take care to ensure that the approval granted on **March 28, 2023** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **March 28, 2023** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Jeffrey Leathe, Acting Chair

This letter reviewed and approved by the Planning Board on _____, 2023.

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

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

Good Afternoon All,

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

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

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

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

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

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

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

Jay P. Muzeroll
Eliot Fire Chief



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board

From:

Cc: Kenneth Wood, P.E., Attar Engineering, Applicant's Representative
Shelly Bishop, Code Enforcement Officer
Kim Tackett, Land Use Administrative Assistant

Date: March 2, 2023 (report date)
April 18, 2023 (meeting date)

Re: PB23-4: Passamaquoddy Lane (Map 29/Lot 34): Site Plan Review – Staging & Storage Yard
– Sketch Plan Review

Application Details/Checklist Documentation	
✓ Address:	Passamaquoddy Lane
✓ Map/Lot:	29/34
✓ Zoning:	Commercial/Industrial (C/I) district
✓ Shoreland Zoning:	Areas of Limited Residential, Resource Protection, Freshwater Wetlands, and Limited Commercial
✓ Owner Name:	John Pollard
✓ Applicant Name:	Agent: Attar Engineering, Inc. / Kenneth Wood, P.E.
✓ Proposed Project:	Staging & Storage Yard
✓ Application Received by Staff:	January 31, 2023
Application Fee Paid and Date:	January 31, 2023 (sketch plan review)
Application Sent to Staff Reviewers:	January 31, 2023
Application Heard by PB Found Complete by PB	April 18, 2023
Site Walk	TBD
Site Walk Publication	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
✓ Reason for PB Review:	Site Plan Review

Overview

The applicant seeks review and approval to expand an existing gravel lot used for staging and storage of construction equipment and vehicles; no buildings are proposed at this time. The site of the proposed development is an 8.2-acre parcel along Passamaquoddy Lane, off of Route 236. A portion of the lot is crossed by Great Creek and adjacent freshwater wetlands. As such, while the site is within the Commercial / Industrial (C/I) zoning district, it is also subject to shoreland zoning. As indicated

on the applicant's sketch plan, the existing gravel lot is entirely within the non-shoreland, C/I district. The proposed enlargement would expand into the Limited Commercial shoreland zoning district.

Please note that there is also a 40-foot utility easement across areas of the site for the Town's Route 236 water and sewer project, intended for an overland gravity sewer line.

Type of review needed

Sketch plan review: ask questions of the applicant, seek more information, and comment on Town Code compliance.

Use (44-34, 45-225, and 45-290)

"Equipment storage, trucks, 3 or more" (which the applicant selected as closest to the proposed use of construction equipment and vehicle staging and storage) is a use allowed in the C/I zoning district. It is recommended that the applicant clarify, and Planning Board review, the proposed use and storage capacity of the land. "Truck terminals and storage" is also an allowed use in the C/I zone with Site Plan Review; please note, however, that "off-site parking" is not allowed.

Section 45-225 (c) of the Town's zoning ordinances specifies that "where a shoreland district shares a boundary with any other district, the requirements for either district shall extend to the common boundary and shall not overlap on either side." The proposed enlargement of the existing gravel lot would occur largely in the Limited Commercial shoreland zoning district.

Within that zoning district, "clearing of vegetation for activities other than timber harvesting" is an allowable use with Code Enforcement Officer review. However, there are restrictions on this use that may apply and are acknowledged below (relevant requirements for shoreland zone). Equipment storage and truck terminals are not included in the uses list, and "off-site parking" is specified as not allowed.

Additionally, the Town's shoreland zoning ordinance states that:

"It is the intent of this chapter to promote land use conformities, except that nonconforming conditions that existed before the effective date of this chapter shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this chapter, a nonconforming condition shall not be permitted to become more nonconforming."

The Planning Board is encouraged to consider which use is most applicable to the proposed project, and whether such use is permitted in the Limited Commercial shoreland zoning district as proposed.

Right, title, and interest (33-106)

A warranty deed is provided with the application materials.

The applicant's sketch plan acknowledges a 40' wide public utility access easement that appears to overlap with the proposed gravel lot expansion. The easement is intended for a future sewer line; whether or not storage of equipment and vehicles might impede that easement should be examined and clarified by the applicant.

Dimensional requirements for Commercial / Industrial Zone (45-405)

Dimension	Standard	Met?
Min lot size	3 acres	Met
Lot line setbacks (ft): Front: Side: Rear:	30' (on interior, non-town roads) 20' 20'	Met
Building height (ft)	55'	Met / not applicable
Lot coverage	50%	Met / not applicable
Min. street frontage (ft)	300'	Met along Passamaquoddy Lane
Max sign area (sf)	100 sf	Not applicable
Building separation (C/I district)	Min. 20' for multiple principal structures on a single lot	Not applicable

Relevant requirements for Shoreland Zone (44-35)

Per the Town's shoreland zoning ordinance (44-35 (b) (4):

"The total footprint area of all structures, driveways, parking areas and other nonvegetated surfaces, within the shoreland zone shall not exceed 20 percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the general development district, adjacent to tidal waters and rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed 70 percent."

According to the applicant's sketch plan, the total portion of the lot area within the Limited Commercial zone is 130,526 sf and the total proposed nonvegetated area is 25,758 sf, yielding 19.7% coverage. At the site plan review level, the applicant should provide greater detail regarding conformance with the relevant 20% threshold.

Another section of the shoreland zoning ordinance raises potential concern. Regarding "clearing or removal of vegetation for activities other than timber harvesting" (44-35 (p) (3)) the shoreland zoning ordinance states:

"At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40 percent of the volume of trees four inches or more in diameter, measured four and one-half feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40 percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area."

"In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25 percent of the lot area or 10,000 square feet, whichever is greater, including land previously developed."

Planning Board members are encouraged to consider whether the areas proposed for a gravel lot can conform to the above standards. The applicant may also be required to provide a tree survey.

Stormwater

According to the applicant's sketch plan, approximately 50,000 sf of gravel lot already exists onsite, and approximately 25,000 sf of additional gravel lot is proposed – yielding a total proposed yard area of 1.7 acres. A stormwater/ drainage plan will be required at full site plan review, and the applicant will need to enter into a Chapter 35 post-construction stormwater agreement if the proposed project is approved. Additionally, the shoreland zoning ordinance specifies (44-35 (j) (1 - 2)) that:

“(1) All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.”

“(2) Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.”

Parking

Parking requirements are not anticipated at the current time, as the site is proposed for use as an equipment and vehicle staging and storage area.

Traffic (45-406)

According to the applicant's sketch plan, the site is served by two gravel driveways onto Passamaquoddy Lane (which connects to Route 236). The first is 15' wide and proposed for widening to 24.' The second is 20' wide and proposed for widening to 24.' The need for this proposed widening is not currently provided; at the site plan review stage, the applicant will be expected to evidence compliance with relevant traffic requirements (45-406).

Wetlands

The site is impacted by shoreland zoning as described above. Additionally, the applicant's sketch plan acknowledges an inland wetland area at the site's east end. The sketch plan provided does not indicate expansion of the proposed gravel lot into the additional easterly wetland; Planning Board members are encouraged to consider its location during their site visit.

Water and sewer

The current proposed development is only for storage and staging; water and sewer are not anticipated as necessary at this time.

* * *

Respectfully submitted,



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

SITE WALK NOTICE

AUTHORITY: Eliot Planning Board

PLACE: Passamaquoddy Lane

DATE OF SITE WALK: May 2, 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, May 2, 2023 at 3:00 PM for the following application:

Passamaquoddy Lane (Map 29 /Lot 34) PID #029-034-000 PB23-4 Site Plan Review - Staging & Storage Yard- Sketch Plan Review

Applicant: Attar Engineering, Inc./ Agent Kenneth Wood, P.E.

Property Owner: John Pollard

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.

POSTED

4/24/2023

KRT



500 feet Abutters List Report

Eliot, ME
April 26, 2023

Subject Property:

Parcel Number: 029-034-000
CAMA Number: 029-034-000
Property Address: PASSAMAQUODDY LN

Mailing Address: POLLARD, JOHN E ARCHER, CARL
LEONARD
PO BOX 61
ELIOT, ME 03903

Abutters:

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

Mailing Address:

Parcel Number: 011-038-000
CAMA Number: 011-038-000
Property Address: 299 BOLT HILL RD

Mailing Address: PUBLIC SERVICE CO OF NH DBA
EVERSOURCE ENERGY
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 020-054-000
CAMA Number: 020-054-000
Property Address: STATE RD

Mailing Address: GORANSSON, PAUL GORANSSON
HELEN
255 DEPOT RD
ELIOT, ME 03903

Parcel Number: 028-006-000
CAMA Number: 028-006-000
Property Address: 40 DEBBIE LN

Mailing Address: PALLEO, MICHAEL J PALLEO, ALLYSON
A
40 DEBBIE LN
ELIOT, ME 03903

Parcel Number: 028-007-000
CAMA Number: 028-007-000
Property Address: 36 DEBBIE LN

Mailing Address: HOPWOOD, CASEY S HOPWOOD,
TREVOR W
36 DEBBIE LN
ELIOT, ME 03903

Parcel Number: 029-001-000
CAMA Number: 029-001-000
Property Address: 34 DEBBIE LN

Mailing Address: COSTA, PAULO
34 DEBBIE LN PO BOX 415
ELIOT, ME 03903

Parcel Number: 029-002-000
CAMA Number: 029-002-000
Property Address: 20 DEBBIE LN

Mailing Address: UNITIL NORTHERN UTILITIES INC
6 LIBERTY LANE WEST
HAMPTON, NH 03842-1720

Parcel Number: 029-005-000
CAMA Number: 029-005-000
Property Address: 149 BEECH RD

Mailing Address: HO BOUCHARD INC
349 COLDBROOK RD
HAMPDEN, ME 04444

Parcel Number: 029-005-001
CAMA Number: 029-005-001
Property Address: 257 HAROLD L DOW HWY

Mailing Address: DG STRATEGIC II LLC ATTN: TAX DEPT
STORE #15940
100 MISSION RIDGE
GOODLETTSVILLE, TN 37072

Parcel Number: 029-007-000
CAMA Number: 029-007-000
Property Address: 151 BEECH RD

Mailing Address: PROCACCINI, NICHOLE M
151 BEECH RD
ELIOT, ME 03903



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500 feet Abutters List Report

Eliot, ME
April 26, 2023

Parcel Number: 029-030-000 CAMA Number: 029-030-000 Property Address: 249 HAROLD L DOW HWY	Mailing Address: PRIME ELIOT LLC 83-85 RAILROAD PLACE SARATOGA SPRINGS, NY 12866
Parcel Number: 029-031-000 CAMA Number: 029-031-000 Property Address: 25 PASSAMAQUODDY LN	Mailing Address: M & T REALTY LLC C/O ESTES OIL BURNER SERVICE INC 519 US ROUTE 1 YORK, ME 03909
Parcel Number: 029-033-000 CAMA Number: 029-033-000 Property Address: 11 GALWAY LN	Mailing Address: CANTRELL, PETER B CANTRELL, ANNETTE M 11 GALWAY LN ELIOT, ME 03903
Parcel Number: 037-001-000 CAMA Number: 037-001-000 Property Address: 265 HAROLD L DOW HWY	Mailing Address: CHURCHILL, EVAN A/ROSALIE B REVOCABLE TR EVAN A AND ROSALIE B CHURCHILL TRUSTEES 1288 STATE RD ELIOT, ME 03903
Parcel Number: 037-002-002 CAMA Number: 037-002-002 Property Address: 4 BROOK DR	Mailing Address: MORIARTY, MARIE 23 LANDING DR METHUEN, MA 01844-5825
Parcel Number: 037-002-003 CAMA Number: 037-002-003 Property Address: 28 BROOK DR	Mailing Address: ORACLE INDUSTRIES, LLC 13 ELDREDGE ROAD ELIOT, ME 03903
Parcel Number: 037-002-004 CAMA Number: 037-002-004 Property Address: BROOK DR	Mailing Address: GORANSSON, PAUL GORANSSON, HLEN 255 DEPOT RD ELIOT, ME 03903



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 or Email: villagemotors@comcast.net

LEGAL & PUBLIC NOTICES

Town of Eliot
SITE WALK NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Passamaquoddy Lane
DATE OF SITE WALK: May 2, 2023
TIME: 3:00PM

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damaged by shovels and rock salt. And so much more! Let us help you freshen up for spring. Give us a call to see what we CAN DO for you! • John & Kate 603-380-6708 • Cape Neddick

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 41 Brown Lane, Wells.
 Furnished. \$300 per week. All utilities included. 207-251-1018

HOUSEMATE WANTED IN SALEM, NH. Professional adult female seeks same in housemate for a furnished, private BR in a house with AC, W/D, shared BA & kitchen, off-street parking, internet & cable. \$220 per week includes all utilities! No pets, no smoking, no drugs, no children, no couples. Please text 978-423-7777 with name, age & employment.

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From: [Wyatt](#)
To: [Kim Tackett](#)
Cc: [Sammie Rogers](#)
Subject: RE: Passamaquoddy Yard revisions
Date: Wednesday, April 26, 2023 12:41:19 PM
Attachments: [image001.png](#)
[2023-04-26 Passamaquoddy Yard Sketch Revised.pdf](#)

Hi Kim,

Upon further inspection, area calcs and notes will remain as is for now, but linework has changed slightly.

Thanks,
-Wyatt

From: Kim Tackett <ktackett@eliotme.org>
Sent: Wednesday, April 26, 2023 9:54 AM
To: Wyatt <wyatt@attarengineering.com>
Cc: Sammie Rogers <sammie@attarengineering.com>
Subject: RE: Passamaquoddy Yard revisions

Hey Wyatt,

Please send over a PDF as usual so I can add to the online agenda.

Thank you,
Kim



Kim Tackett

Land Use Administrative Assistant
Town of Eliot
1333 State Road
Eliot Maine 03903
(207) 439-1813 x 109
ktackett@eliotme.org

Office Hours: Mon-Thurs 8:30am to 3:30pm
Appointments before/after above times available as needed

From: Wyatt <wyatt@attarengineering.com>

Sent: Wednesday, April 26, 2023 8:48 AM
To: Kim Tackett <ktackett@eliotme.org>
Cc: Sammie Rogers <sammie@attarengineering.com>
Subject: Passamaquoddy Yard revisions

Good morning Kim,

I just spoke with Sammie and will be sending some revisions to Passamaquoddy Yard your way by noon today. Particularly in reference to the notes as they address area calcs and use.

Thanks,
-Wyatt Page
Project Engineer



1284 State Road
Eliot, ME 03903
Tel. 207-439-6023

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