

---

# TOWN OF ELIOT, MAINE

---

## PLANNING BOARD AGENDA

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

DATE: Tuesday Dec. 19, 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. PUBLIC HEARING**

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

**6. NEW BUSINESS**

**7. OLD BUSINESS**

**8. REVIEW AND APPROVE MINUTES**

**9. OTHER BUSINESS / CORRESPONDENCE**

Updates, if available: Ordinance Subcommittee, Comprehensive Plan, Town Planner, Board Member

**SET AGENDA AND DATE FOR NEXT MEETING**

a) January 9, 2024

**10. ADJOURN**

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

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

a) Go to [www.eliotme.org](http://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: **846 8928 4974**

2. When prompted to enter Attendee ID

3. When prompted enter meeting password: **929566**

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.

b) Press \*9 to raise your virtual hand to speak

DRAFT

---

Christine Bennett, Planning Board Chair



**TOWN OF ELIOT MAINE**  
 PLANNING OFFICE  
 1333 State Road  
 Eliot ME, 03903

To: Planning Board  
 From: Jeff Brubaker, AICP, Town Planner  
 Cc: Kenneth Wood, P.E., Attar Engineering, Applicant’s Representative  
 Shelly Bishop, Code Enforcement Officer  
 Kim Tackett, Land Use Administrative Assistant  
 Date: December 14, 2023 (report date)  
 December 19, 2023 (meeting date)  
 Re: PB23-4: Passamaquoddy Lane (Map 29/Lot 34): Site Plan Review – Staging & Storage Yard

Supplement to SMPDC staff report (in previous packets)

<b>Application Details/Checklist Documentation</b>	
✓ 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:	John Pollard (Agent: Attar Engineering, Inc.)
✓ Proposed Project:	Staging & Storage Yard
✓ Application Received by Staff:	January 31, 2023
✓ Application Fee Paid and Date:	\$800 (\$650 – Site Plan Review ~8 ac.; \$150 – Public Hearing); \$25 due to complete public hearing fee January 31, 2023
Application Sent to Staff Reviewers:	Not yet sent
✓ Application Heard by PB	April 18, October 17, and November 14, 2023
✓ Found Complete by PB	November 14, 2023
✓ Site Walk	May 2, 2023
✓ Site Walk Publication	April 21, 2023 (Weekly Sentinel)
Public Hearing	December 19, 2023 (scheduled)
✓ Public Hearing Publication	December 8, 2023
✓ Reason for PB Review:	Site Plan Review

**Tree score plan**

The applicant states in the October 10, 2023, cover letter that “tree clearing needed for the construction of the project does not exceed the 40% 10-year clearing limit of Shoreland Overlay Zones

within the parcel as outlined in §44-35(p)(3) of the Town of Eliot Code of Ordinances as confirmed by a tree survey conducted by Attar Engineering on 5/24/23.”

The applicant surveyed each tree of 4” or greater diameter within the shoreland zone on the parcel and a part of the parcel outside of the shoreland zone. They calculated the basal area of the tree from the diameter. Each tree was included in a designated grid square, as shown on Sheet 3. The basal area for each grid square is included in the “Basal Area Calculations” document, with the total basal area for the shoreland zone calculated as about 25,000 sq. in.

Using 44-35(p)(3), the applicant calculates an allowable clearing of just over 10,000 sq. in. of basal area. The total proposed clearing is shown as 8,591 sq. in., below the 40% level. This is somewhat different than a tree score plan that is done “within a strip extending 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland” [44-35(p)(2)]. Sheet 3 does not appear to show any clearing within 75 ft. of the wetland edge, on the wetland side of the sewer easement, though a break in the treeline is shown that appears to mark an existing gravel drive. Overall, the gravel storage portion falls outside of the shoreland zone.

There is a proposed tree line shown on the Site Plan (Sheet 1). Inside the shoreland overlay, the site plan shows part of the stormwater management pond/area and a site driveway, which would necessitate the selective clearing.

### **Stormwater**

The applicant has included a Stormwater Plan with HydroCAD modeling of pre- and post-construction stormwater flows (previous packet). The net change in peak runoff for the two analysis points in the 50-year-storm event (Eliot’s standard) shows a decrease at each point:

- AP1: -2.36 cubic feet per second (cfs)
- AP2: -1.21 cfs

An erosion and sedimentation control plan, including a stabilized construction entrance, is included in the plan set. A condition for post-construction stormwater maintenance (Ch. 35) is included in the motion template.

### **Utility easement**

The Town holds a 40-ft.-wide utility easement for the in-progress Water-Sewer Extension Project, with an upcoming contract to be let for the overland portion that would run the sewer line through the locus parcel. The site plan appears to show the utility easement substantially unaffected by the proposed storage yard and driveways.

At the October 17 meeting, the PB inquired about the cumulative impacts of tree clearing for both the proposed storage yard and the sewer line. A sheet (Drawing P5) from the draft 90% plan set for the Water-Sewer Extension Project is in your packet showing the overland sewer line route within the easement. The general depiction is about half of 40 ft. width is shown as cleared. Note that at minimum, there needs to be enough cleared width for the equipment needed to excavate the trench, place the sewer line, and backfill. Another helpful drawing is D1, also in your packet, showing a standard sewer trench section for both paved surface and cross-country, the latter being the installation method for this parcel. The trench width cited in this drawing is generally 36 in. or 24 in. plus the pipe diameter, suggesting that equipment maneuverability needs and not trench width may

control the needed clearing width. However, this is only a planning-level summary of possible tree clearing; the exact clearing width would be determined as this project gets into construction and the contractor begins working on that section. Paragraph 4 of the easement (in packet) requires the restoration of disturbed areas along the length of the sewer.

44-35(p)(8)b exempts from the clearing and vegetation removal standards “The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 44-35(b) are not applicable.” The easement appears to be setback greater than 75 ft. from the protected wetlands. This exemption applies to paragraph (p)(2), which includes the above-discussed 40% rule, however, “the removal of vegetation is limited to that which is necessary”. The Water-Sewer Project is expected to be reviewed again by the PB at a later date; these standards may be discussed further then.

The easement is in a previous packet showing the encumbrances on the property and the rights of the grantee (the Town).

### **Water quality (45-419)**

See Note 4 added to the plans acknowledging conformance to 45-419(a), regarding discharge of pollutants into surface waters or groundwaters. The note also states: “any activities covered in §45-419(b) are prohibited from being carried out in the lot area without proper consultation of the Town Code Enforcement Officer and appropriate modifications to the site”. This pertains to “outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials”. This was discussed during the November 14 review. A condition has been added to the approval motion template.

Also in the cover letter, the applicant states: “Additionally, should the board require it, we shall add an oil and water separator at the outlet of the detention pond marked as 2P in the stormwater management plan to handle any incidental leakage from machinery stored on site.”

### **Lighting and glare (45-410)**

See submitted lighting plan. The illuminance values are shown at or near 0 at the property lines suggesting compliance with 45-410 regarding glare onto town ways or adjacent properties. Lights are shown around the perimeter of the storage area, and lighting specifications are in the applicant’s submittal.

### **Uses**

The proposed uses remain “Equipment storage, trucks, 3 or more”.

### **Shoreland zoning application**

The submittal now includes a shoreland zoning application for the work within the shoreland zone.

### **Japanese knotweed**

Per PB comment, the applicant has thoroughly researched and included in their submittal information on knotweed removal, along with the following statement in their 11/6 cover letter:

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

“Lastly, the at the request of Chairwoman Christine Bennet of the Town of Eliot Planning Board, we are including materials relating to the control methods and prevention of spread of the invasive Japanese Knot Weed plants present on the site. Contractors working on the construction of the site will be following the Best Management Practices outlined therein.”

The removal of non-native invasive vegetation species is also exempt from the tree and vegetation clearing standards [44-35(p)(8)f].

**Site plan information waivers (33-127) and completeness determination**

(12) High-intensity soils report – approved 11/14/23; application deemed complete

**Recommendation**

Approve with conditions and shoreland findings

**Motion templates**

*Approval with conditions and shoreland zoning findings (recommended)*

Motion to approve PB23-4, Site Plan Review – Staging & Storage Yard with use “Equipment Storage, Trucks, 3 or more” and its associated Shoreland Zoning Permit Application, at 0 Passamaquoddy Lane (Map 29/Lot 34), with the following findings of fact (in addition to other applicable findings of fact to be included in the Notice of Decision):

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

The approval includes the following conditions:

1. [Standard conditions]
2. No later than 20 days after completion of the development, the applicant shall provide to the Code Enforcement Officer postconstruction photographs of the shoreline vegetation and developed site.
3. Before completing construction of the project, the applicant shall enter into a Post-Construction Stormwater Management maintenance agreement with the Town, pursuant to Chapter 35 of the Town Code.

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

4. Removal of invasive species shall be consistent with Conservation Commission review comments and applicant's commitments and representations during site plan review. Prior to removal, applicant shall notify Code Enforcement Officer.
5. Activities covered in Section 45-419(b) shall not occur on the lot.
6. \_\_\_\_\_[other conditions, if any]

*Disapproval*

Motion to disapprove PB23-4 for the following reasons related to noncompliance with applicable standards:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

*Continuance*

Motion to continue PB23-4 to the January 9, 2024, meeting.

\* \* \*

Respectfully submitted,

Jeff Brubaker, AICP  
Town Planner

# TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903



## PUBLIC HEARING NOTICE

**AUTHORITY:** Eliot, Maine Planning Board  
**PLACE:** Town Hall (1333 State Rd.) with Remote Option  
**DATE OF HEARING:** December 19, 2023  
**TIME:** 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, December 19, 2023 at 6:00 PM for the following application:

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

- **Applicant: John Pollard**
- **Property Owner: John Pollard**

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

Advertisement

Saturday, 978-766-4282

THREE PINES CLEANING is seeking new clients in the southern ME/NH area! We specialize in house cleaning and short-term rental turnovers. We offer a high-quality, reliable service with weekly, biweekly, and monthly options. We look forward to hearing from you! www.threepinescleaning.com threepinescleaning@gmail.com 207-389-5008

possible since I need the space. \$500 or best offer for everything. Call Frank: 603-557-3423

ITEMS FOR SALE Clothing (sizes 6 & 7), some furniture, kitchenware, bedding, electric snowblower. Good condition. By appt only. Call 207-752-6136.

The Weekly Sentinel (877) 646-8448 www.TheWeeklySentinel.com

shavings and people can prove challenging.

Take some lessons. Learning the right technique is key, and the U.S. Figure Skating Association recommends working with a trained coach. These early lessons will help new students learn basics like skating on two feet, stopping, performing dips, getting up from falls, and eventually spins and jumps, if desired. Learning proper skills from the start can prevent progress and help prevent injuries. With a little patience, bravery and training, beginners can get started on their figure skating journeys.

Article content provided by MetroCreative. The Weekly Sentinel does not endorse any products, claims, or services suggested by articles from MetroCreative.

ability to track the puck, making it possible for her to make the first save, often being in position to make a second save, and does well at covering the puck when needed.

The Wildcats are a young team this year, so they will have some struggles early on, but team members know as the season progresses they will begin to come together, with the newer players gaining their confidence in due time.

According to head coach Sadie Wright-Ward, "The keys to our success will be how well our young players can adapt to the speed of the high school level, and if we can capitalize on offensive chances to put the puck in the net."

The Wildcats will be play-

by articles from MetroCreative.

... ARROW from page 26

path, Ethan Kramer loves cooking with bold flavors, practiced technique and a wealth of personal experience. After attaining his culinary arts degree at Southern New Hampshire University and beginning his career in Ogunquit, Chef Kramer decided to take his experience on the road. He traveled the Eastern Seaboard working for some of the top names in the food industry. Ethan is now excited to embark on his new culinary venture at Arrowhead Estate, where he can now share his passion for cooking and food with the public.

For more information, visit www.arrowheadsestate.com.

PUBLIC & LEGAL NOTICES

TOWN OF WELLS INVITATION FOR BIDS

Sealed bids will be received in the Office of the Town Manager, 208 Sanford Road, Wells, ME 04090 until Thursday, January 4, 2024 at 2:00 p.m. when they will be publicly opened and read for:

Eastern Shore Pier Stringer and Decking Replacement

Bid packages are available from the Town Manager's Office, 207-646-5113, ext. 300 or at www.wellstown.org.

Michael W. Pardo, Town Manager

Town of Eliot PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board PLACE: Town Hall, 1333 State Rd. with Remote Option DATE OF HEARING: December 19, 2023 TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, December 19, 2023 at 6:00 PM for the following application:

Passamaquoddy Lane (Map 29 / Lot 34): PB23-4 Site Plan Review - Staging & Storage Yard. Applicant: John Pollard. Property Owner: John Pollard.

Interested persons may be heard and written communication received regarding the proposed application at this public hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how 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.

Town of Eliot SITE WALK NOTICE

AUTHORITY: Eliot, Maine Planning Board PLACE: Town Hall, 1333 State Rd. with Remote Option DATE OF SITE WALK: December 18, 2023 TIME: 2:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a site walk on Monday, December 18, 2023 at 2:00 PM for the following application:

PB23-11: 419 River Road (Map 29, Lot 7): Shoreland Zoning Permit Application - Building Expansion and Retaining Wall. Applicant: Anthony Warren. Property Owner: Anthony Warren.

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

PUBLIC & LEGAL NOTICES

REAL ESTATE WANTED

WANTED TO BUY a camp, cottage, or seasonal home: Liveable or repairable. On a lake or pond within 1 hour of Portland. Cash sale. No brokers. Please call (207) 749-1718 or email us at realvalue92@gmail.com.

HOME WANTED

First floor bedroom needed. Most conditions acceptable. Flexible on price. Compassionate buyer. Replies confidential. No commission. (207) 650-7297 or mainebuyers@gmail.com

~ Classifieds ~

DON'T GET RIPPED DANA HUR or email dhurrell@keya

WE NEED LATE PAYING CASH



Call or Email: v

YARD CARE

EAGLE LAWN SERVICE Fall & Storm Clean Ups Removal, Tree Limb Removal, Lawn Repair & Seed Mowing, Trimming, Blowing, Moss Control & Removal Call 207-351-2887

GUNSMITHING

GUNSMITHING SERVICE Expert cleaning and restock alterations, recoil Over 50 years experience reasonable rates. 207-45

Maine

Interested in joining Full time, year round available for our full time experience, but

Apply in person 60 Mile Road, W



MORIARTY, MARIE  
23 LANDING DR  
METHUEN, MA 01844-5825

CANTRELL, PETER B  
CANTRELL, ANNETTE M  
11 GALWAY LN  
ELIOT, ME 03903

ORACLE INDUSTRIES, LLC  
13 ELDREDGE ROAD  
ELIOT, ME 03903

CHURCHILL, EVAN A/ROSALIE  
EVAN A AND ROSALIE B CHUR  
1288 STATE RD  
ELIOT, ME 03903

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

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

PRIME ELIOT LLC  
83-85 RAILROAD PLACE  
SARATOGA SPRINGS, NY 12866

DG STRATEGIC II LLC  
ATTN: TAX DEPT STORE #159  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072

PROCACCINI, NICHOLE M  
151 BEECH RD  
ELIOT, ME 03903

GORANSSON, PAUL  
GORANSSON HELEN  
255 DEPOT RD  
ELIOT, ME 03903

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

GORANSSON, PAUL  
GORANSSON, HLEN  
255 DEPOT RD  
ELIOT, ME 03903

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

HO BOUCHARD INC  
349 COLDBROOK RD  
HAMPDEN, ME 04444

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

M & T REALTY LLC  
C/O ESTES OIL BURNER SERVICE  
INC  
519 US ROUTE 1  
YORK, ME 03909