

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: REGULAR

DATE:

Tuesday, March 17, 2020

PLACE: ELIOT TOWN HALL - 1333 STATE RD.

TIME:

7:00 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
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) REVIEW AND APPROVE MINUTES
 - a) March 3, 2020
- 6) NOTICE OF DECISIONS
 - a) **43 Harold L Dow Highway (Map 23 /Lot 1) PB19-22:** Request to amend a previously approved Site Plan by converting the garage unit into a Restaurant, Take-out. Applicant: Blakeslee McElroy LLC Owner: Blakeslee McElroy LLC
- 7) OLD BUSINESS
 - a) **787 Main Street (Map 6 Lot 44) PB19-15:** Shoreland Zoning Permit Application: Application for a 4' x 4' Landing, 4' x 30' accessway, a 6' x 100' fixed pier, a 3' x 45' gangway, a 6' x 35' landing float, and a 8' x 30' main float. Applicant: Jesse Realty LLC Owner: Jesse Realty LLC
 - b) **0 Main Street (Map 6 Lot 154) PB19-17:** Shoreland Zoning Permit Application: Application for a 4' x 24' accessway, a 6' x 100' fixed pier, a 3' x 45' gangway, 6' x 35' landing float, and a 8' x 30' main float. Applicant: CPN Realty LLC Owner: CPN Realty LLC
- 8) NEW BUSINESS
 - a) **0 Surrey Lane (Map 37 Lot 22) PB20-4:** Subdivision Sketch Plan for 4 residential lots
 - b) **7 Maclellan Lane (Map 37 Lot 19) PB20-5:** Applicant proposes an 8000 sq. foot retail expansion to an existing 2000.00 sq. structure, along with parking and site improvements
 - c) **Discuss Correspondence received from the Board of Appeals regarding proposed waiver amendments.**
- 9) CORRESPONDENCE
- 10) SET AGENDA AND DATE FOR NEXT MEETING
 - a) Next Planning Board Meeting is Scheduled for April 7, 2020 at 7:00pm
- 11) ADJOURN

Pending Planning Board Chair Signature

Dennis Lentz, Chair

POSTED
3/12/20

Kristina Goodwin

From: Kalinich, Jeffrey C <Jeffrey.C.Kalinich@maine.gov>
Sent: Thursday, March 12, 2020 3:40 PM
To: Steve Riker
Cc: K G; David Galbraith; Kristina Goodwin; Doug Anderson; Kuerstin Fordham; Shelly Bishop
Subject: FW: 787 & 0 Main Street Parcels

Hi Steve,

Below is the email I have sent to Shelly regarding yesterdays inspection. I really appreciate taking the time to meet me.

Let me know if you have any questions.

Jeff

Jeffrey C. Kalinich
Maine Department of Environmental Protection
Assistant Shoreland Zoning Coordinator
Ph. (207) 615-7044
Fax. (207) 822-6303
www.Maine.gov/dep

From: Kalinich, Jeffrey C
Sent: Thursday, March 12, 2020 3:31 PM
To: Shelly Bishop <sbishop@eliotme.org>
Subject: 787 & 0 Main Street Parcels

Hi Shelly,

Thanks for meeting me at the Main Street parcels to review a tree cutting complaint and shoreland zone permitting concerns regarding the proposed shoreline stabilization and pier projects for the parcels.

With regard to the complaint several pine trees have been removed between the 75 foot and 250 foot setbacks. The removal of these trees exceeded the lot area cleared opening standard within the shoreland zone on each parcel, which is 25% or 10,000 square feet whichever is greater. Regardless of the reason for this clearing, since a standard was exceeded replanting is required, and a revegetation plan should be included in any permits for the future development of this area. In order to be in compliance with the Shoreland Zoning Act this replanting plan should replace the crown area of the trees that were removed in the shoreland zone on each parcel. This can be accomplished by planting trees native to Maine, that when mature, will have a crown area equal to or greater than what existed.

With regard to the vegetation removal for the stabilization and pier projects the application includes an existing conditions plan and plot plan assigning points to the trees. The plots currently exceed the minimum number of points (16) required to be retained. As long as 16 points are retained in the manner outlined in the ordinance after the project is completed, replanting of trees is not required. There are of course other standards regarding other natural vegetation and saplings that must be met as well within this zone. All branches in the lower third of the tree may be removed along with any dead branches above that.

Let me know if you have any questions.

Jeffrey C. Kalinich
Maine Department of Environmental Protection
Assistant Shoreland Zoning Coordinator
Ph. (207) 615-7044
Fax. (207) 822-6303
www.Maine.gov/dep

PB19.15

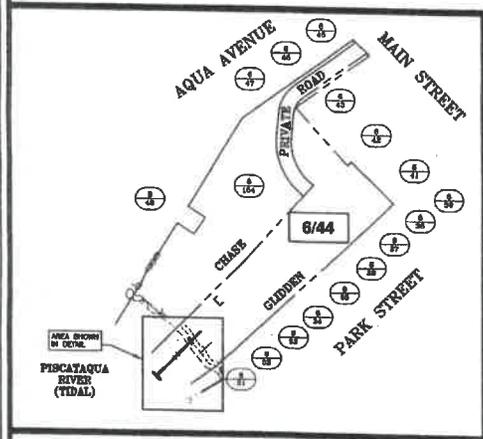


- ABUTTERS**
- 1) SUSAN ANDER REYNOLDS TRUST, ANITA A. CROSBY, SUZAN M. ANDER TRUSTEE, 24 PARK ST, ELIOT, ME 03903
 - 2) CHRIS M. OWEN, 701 MAIN ST, ELIOT, ME 03903
 - 3) JAMES A. SAURMAN, 22 PARK ST, ELIOT, ME 03903
 - 4) DEBRA A. FARWHAH & STEVEN H. FARWHAH, 10 PARK ST, ELIOT, ME 03903
 - 5) JOHN EDWARD LOSSE & JULIANNE MALONEY LOSSE, 787 MAIN ST, ELIOT, ME 03903
 - 6) JOHN C. & ROSEMARY MARSTON, 20 PARK ST, ELIOT, ME 03903
 - 7) CATHLEEN M. REED & MICHAEL M. REED, 8 PARK ST, ELIOT, ME 03903
 - 8) MICHAEL A. BOZCOA TRUST & MICHAEL A. BOZCOA TRUSTEE, 18 PARK ST, ELIOT, ME 03903
 - 9) ALAN R. SIMPSON & NAYAN E. SIMPSON, 18 PARK ST, ELIOT, ME 03903
 - 10) PAMELA M. RICHLAND & FREDERICK L. ROSSIGNOL, 18 PARK ST, ELIOT, ME 03903
 - 11) CPM REALTY, LLC, 787 MAIN STREET, ELIOT, ME 03903
 - 12) BROOKLYN R. BEAUCH, 787 MAIN STREET, ELIOT, ME 03903
 - 13) DONNA L. KELLY, 778 MAIN STREET, ELIOT, ME 03903

PLAN REFERENCES:

- 1) PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE 787 MAIN STREET, ELIOT MAINE. PREPARED BY CIVIL CONSULTANTS. DATE NOV. 6, 2018. Y.C.R.D. BOOK 399 PAGE 9.
- 2) PLAN OF LAND OF CPM REALTY, LLC, 787 MAIN STREET, ELIOT ME. PREPARED BY CIVIL CONSULTANTS. DATE DEC. 12, 2018. Y.C.R.D. BOOK 399 PAGE 10.
- 3) PLAN OF LAND OF JESSE REALTY, LLC, 787 MAIN STREET, ELIOT ME. PREPARED BY CIVIL CONSULTANTS. DATE DEC 12, 2018. Y.C.R.D. BOOK 399 PAGE 11.

- LEGEND:**
- N/T NOW OR FORMERLY
 - Y/D YORDBOOK OF PROBATE
 - Y/CD YORK COUNTY
 - Y/RD RECORDS OF DEEDS
 - MAP 11/LOT 21
 - IRON PIPE FOUND
 - IRON ROD FOUND
 - IRON ROD SET
 - DRILL HOLE SET
 - RAILROAD SPIKE SET
 - BORING WITH DRILL HOLE
 - STAKE BUSHING W/ DRILL HOLE
 - EDGE OF PAVEMENT (EP)
 - MEAN HIGH WATER LINE
 - HIGHEST ANNUAL TIDE LINE
 - MLW MEAN LOWER LOW WATER LINE
 - MLLW MEAN LOW WATER LINE
 - EDGE OF WETLAND
 - CONTOUR
 - WOODS / TREE LINE
 - SITE PHOTO LOCATION/DIRECTION
 - TEMPORARY BENCHMARK
 - TYP



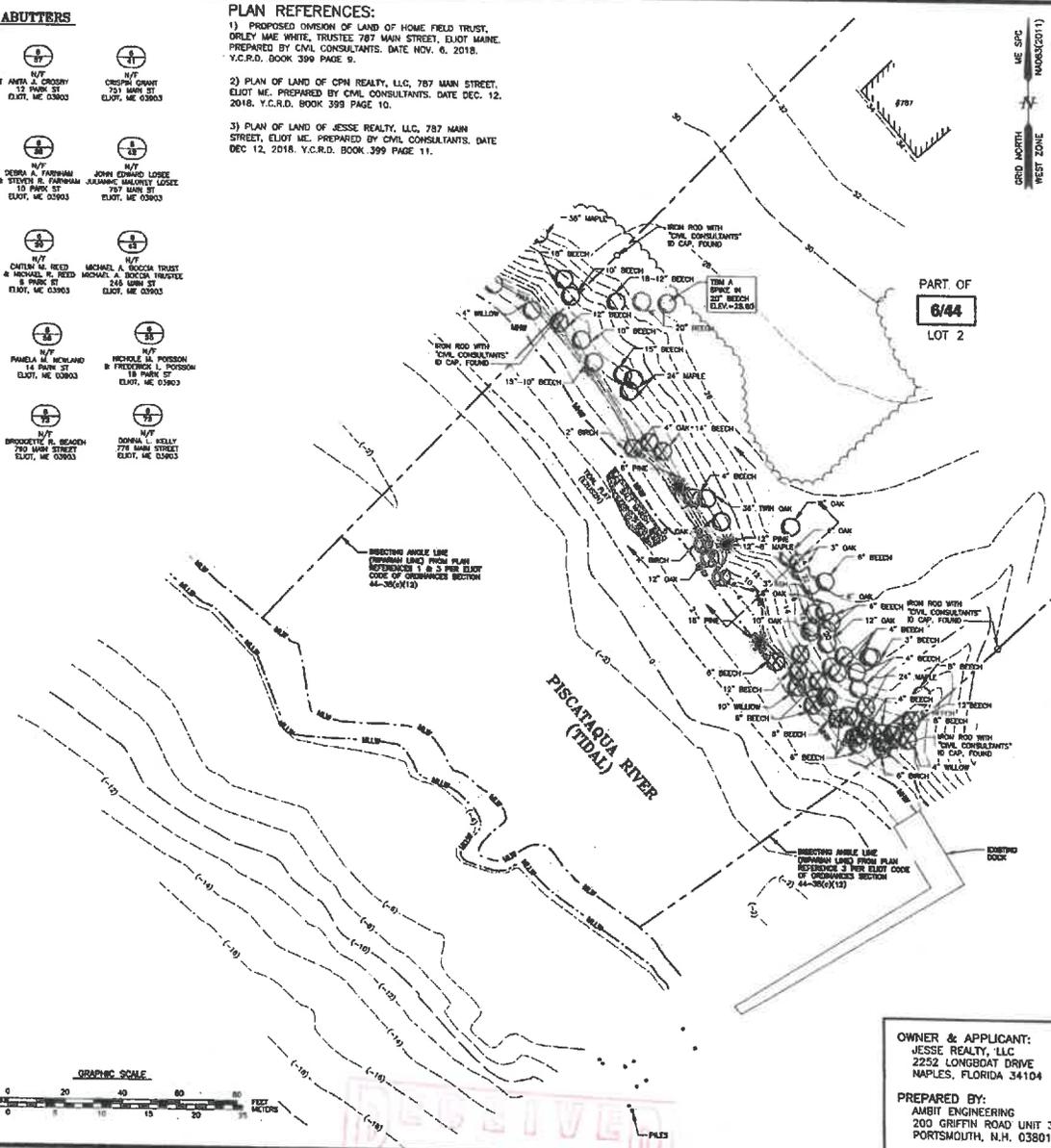
OVERALL PROPERTY VIEW
SCALE: 1"=800'

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

PAUL A. DOBERNSTEIN, PLS #2350

STATE OF MAINE
PAUL A. DOBERNSTEIN
2028

GRAPHIC SCALE
0 10 20 40 60 80 FEET
0 5 10 15 20 METERS



ME SPC
MOON(2011)
GRID NORTH
WEST ZONE

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel: 603-436-2200
Fax: 603-436-2210

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 6 AS LOT 44.
 - 2) OWNER OF RECORD: JESSE REALTY, LLC, 2352 LONGBOAT DRIVE, NAPLES, FL 34104, 17849/583
 - 3) PORTION OF THE PARCEL IS IN A SPECIAL FLOOD HAZARD AREA, ZONE AE (EL-3) AS SHOWN ON FIRM PANEL 23014800100. EFFECTIVE DATE MAY 5, 1989.
 - 4) EXISTING LOT AREA: 206,074 S.F. (TO MHW PER PLAN REFERENCE 3) 4.820 ACRES (TO MHW PER PLAN REFERENCE 3)
 - 5) PARCEL IS LOCATED IN THE VILLAGE ZONING DISTRICT (V).
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 43,660 S.F.
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 30 FEET
SIDE: 20 FEET
REAR: 30 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FT
MAXIMUM STRUCTURE COVERAGE: 20%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF TAX MAP 6 LOT 44 IN THE TOWN OF ELIOT.
 - 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD83, BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (80.2).
 - 9) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 5.7 PER LOCATION DOWER POINT IN MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.
 - 10) MEAN HIGH WATER (MHW) MEAN LOW WATER (MLW), AND MEAN LOWER LOW WATER (MLLW) SHOWN PER NOAA STATION 8420411 DOVER COCHEDO RIVER. MHW SHOWN AT ELEVATION 5.37, MLW AT ELEVATION -3.67, AND MLLW AT ELEVATION -3.53.
 - 11) BOUNDARY LINES SHOWN HEREON ARE BASED SOLELY ON PLAN REFERENCES 1-3. EASEMENTS, RIGHTS OF OTHERS, ETC., HAVE NOT BEEN RESEARCHED OR NOTED HEREON.

GLIDDEN RESIDENCE
787 MAIN ST
ELIOT, ME

NO.	DESCRIPTION	DATE
3	REVISED ABUTTERS	11/1/19
2	REPAIR LINE NOTE	10/23/19
1	ISSUED FOR APPROVAL	7/16/19
0	ISSUED FOR COMMENT	5/28/19

OWNER & APPLICANT:
JESSE REALTY, LLC
2352 LONGBOAT DRIVE
NAPLES, FLORIDA 34104

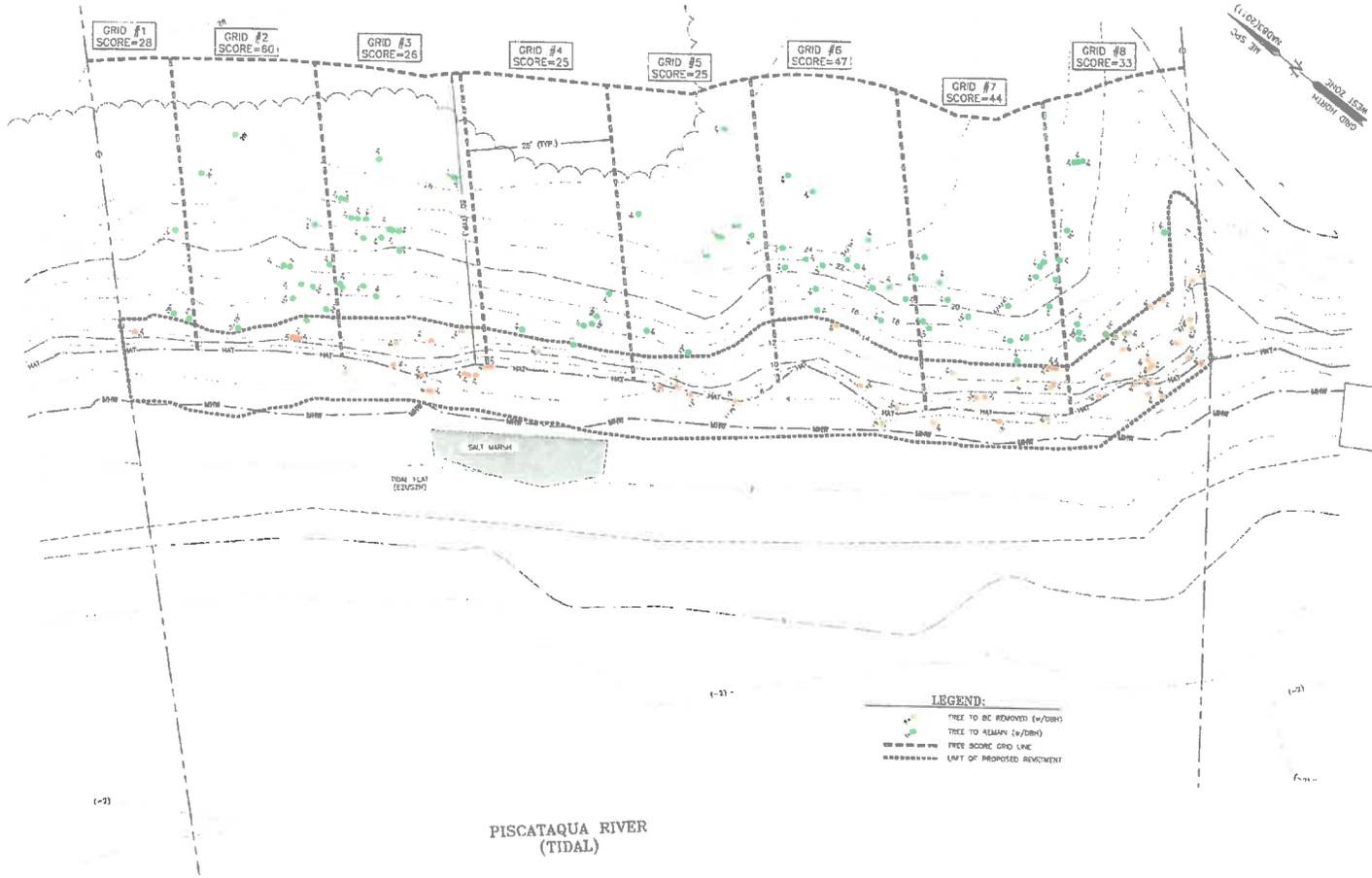
PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

SCALE: 1"=20' MAY 2019

EXISTING CONDITIONS PLAN

C1

RECEIVED
MAR 09 2020



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel: (603) 436-2452
 Fax: (603) 436-2315

NOTES:

- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP AS LOT 44.
- 2) OWNER OF RECORD:
 JESSE REALTY, LLC
 2352 LONGBOAT DRIVE
 NAPLES, FL 34104
 17849/563
- 3) THE PURPOSE OF THIS PLAN IS TO SHOW TREE GRID SCORES RELATED TO A PROPOSED REVETMENT ON TAX MAP 6 LOT 44 IN THE TOWN OF ELIOT.
- 4) VERTICAL DATUM IS MEAN SEA LEVEL WADSWORTH, BAGS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').

**GLIDDEN RESIDENCE
 787 MAIN ST
 ELIOT, ME**

0	ISSUED FOR COMMENT	10/29/19
NO.	DESCRIPTION	DATE
REVISIONS		



SCALE: 1"=10' OCTOBER 2019

**TREE SCORE
 WORKSHEET**

C3

OWNER & APPLICANT:
 JESSE REALTY, LLC
 2352 LONGBOAT DRIVE
 NAPLES, FLORIDA 34104

PREPARED BY:
 AMBIT ENGINEERING
 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801





DEPARTMENT ORDER

IN THE MATTER OF

JESSE REALTY, LLC.) NATURAL RESOURCES PROTECTION ACT
Eliot, York County) COASTAL WETLAND ALTERATION
PIER AND) SIGNIFICANT WILDLIFE HABITAT
SHORELINE STABILIZATION)
L-28374-4P-A-N (approval))
L-28374-TW-B-N (approval)) WATER QUALITY CERTIFICATION
L-28374-4D-C-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection has considered the application of JESSE REALTY, LLC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a residential pier system that will consist of a four-foot square landing, a four-foot wide by 30-foot long set of access stairs, a six-foot wide by 100-foot long permanent pier structure, a three-foot wide by 45-foot long seasonal gangway, a six-foot wide by 35-foot long seasonal landing float, and an eight-foot wide by 30-foot long seasonal main float. The permanent pier structure will be supported by 14 driven piles, with four additional batter piles, while the two seasonal floats will be supported by four driven piles, with two additional batter piles, with U-bars bolted to the float. The larger size of the proposed float system is driven by the need for adequate draft and space for the applicant’s 39-foot boat. The pier system will directly impact 24 square feet of coastal wetland due to the driven piles and indirectly impact 1,185 square feet of coastal wetland due to the shading from the pier, ramp, and floats.

The applicant also proposes 187 linear feet of riprap to stabilize eroding shoreline. The riprap will be approximately 14 feet high, lined with geotextile fabric, and constructed at a 1H:1V slope. The new riprap will directly impact 1,386 square feet of the coastal wetland and 1,528 square feet of adjacent upland. The riprap will extend approximately 7 feet into the coastal wetland. Total new impacts to the coastal wetland from the proposed project is 1,410 square feet.

The proposed project is located in a Tidal Waterfowl and Wading Bird Habitat (TWWH), which is designated as a Significant Wildlife Habitat under the Natural Resources Protection Act (NRPA). The proposed project is shown on a set of plans, the first of which is titled “Glidden Residence, 787 Main St, Eliot, ME,” prepared by Ambit

Engineering, Inc. and dated July 16, 2019. The project site is located at 787 Main Street in the Town of Eliot.

B. Current Use of the Site: The 4.82-acre lot is developed with a residential dwelling. The parcel is identified as Lot 44 on Map 6 of the Town of Eliot's tax maps.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. §480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site and surroundings. Department staff visited the project site on August 6, 2019.

The proposed project is located on the eastern side of the Piscataqua Road, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The applicant has minimized visual impacts by proposing a pier system that is similar in length to surrounding pier systems. The gangway and floats will be removed for part of the year.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application and the visual impact rating and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the coastal wetland.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. §480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

Materials for the construction of the pier and riprap will be transported to the site via crane barge and spud barge. The piles for the pier system will be driven utilizing a crane barge from the water. The gangway and floats will be constructed off site and brought to the site and installed via crane barge. The shoreline will be stabilized with riprap using a crane barge from the water; first shoreline and slope will be graded and prepped and then riprap will be placed to construct the proposed revetment. All stockpiled materials and equipment will be placed upon the barge. The shoreline will be prepared subgrade, with a layer of 1.5-inch crushed stone on top of a geotextile fabric and an armor stone consisting of 24 inches. Erosion controls will include a silt-soxx at the toe of the slope and a turbidity curtain if necessary. There will be no exposed soils or vegetation removal required, and all work will be performed using a crane and spud barge at low tide. Work will take place in accordance with the most recent version of the Maine Erosion and Sediment Control best Management Practices (BMPs) guidelines.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. §480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The proposed project area consists of a well vegetated 20-foot bluff, which slopes steeply down to the high intertidal, consisting of boulders. The mid-intertidal is a mix of coarse and fine sediments, with a section of fringe salt marsh, and then grades to a mudflat in the lower intertidal.

According to the Department's Geographic Information System (GIS) database the project is located in an area mapped as TWWH. The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that the project is expected to have minimal impacts to wildlife, provided construction BMPs are followed and any vegetation removed is replaced with native vegetation.

The Department of Marine Resources (DMR) stated that the project as proposed would not cause any significant adverse impact to marine resource, provided that care is taken to making sure that construction barge is moored away from any existing eelgrass resources. The applicant's agent surveyed the area and found no eelgrass to be present in the project location.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic

or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

Provided that CCA-treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

As discussed in Finding 3, the applicant proposes to use erosion and sediment control during construction to minimize impacts to water quality from siltation.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter 1,410 square feet of coastal wetland to stabilize shoreline with riprap and construct a pier system. Coastal wetlands are wetlands of special significance. The proposed project will result in approximately 1,185 square feet of indirect impacts as a result of shading from the pier, ramp, float, and stairs to the coastal wetland.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. The proposed pier would be over, and the proposed riprap would be in, a wetland of special significance. A pier is a water dependent use and riprap is a

form of shoreline stabilization. Both are among the activities specifically provided for in Chapter 310, § 5(A)(1)(c) and (h). The applicant also submitted an alternatives analysis for the proposed project completed by Ambit Engineering, Inc. The purpose of the project is to prevent further erosion and undermining of the bluff. If left as is, the bluff would continue to erode and become more unstable. The applicant considered stabilizing the slope with only vegetation but determined this would require significant removal of the natural vegetation along the slope and a more significant impacts to the slope. The project purpose is also to provide safe and convenient access to the resource. The applicant considered the use of a public boat ramp, located .82 miles away as an alternative to the pier system, but found it to be very congested during the boating season. The closest privately-owned marina had a waiting list of over one year. The applicant also considered a shorter pier system but found that given the shallow nature of the river, a shorter pier would cause the floats to bottom out at low tide, further impacting the resource. Neither alternative would meet the project purpose and provide convenient access to the coastal resource. The applicant considered stabilizing the slope with only vegetation but determined this would require significant removal of the natural vegetation along the slope and a more significant impacts to the slope.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant has minimized impacts to the coastal wetland to the greatest extent practicable by sizing the floats to their boat, by proposing a seasonal gangway and float system that will be removed and stored in upland area, and by placing riprap at a 1H:1V slope. The applicants also propose to minimize riprap material to only that which is necessary to reduce erosion and continual degradation of the shoreline and vegetated slope.

C. Compensation. In accordance with Chapter 310 §5(C)(6)(b), compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. This project will result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR and MDIFW. For these reasons, the Department determined that compensation is required.

The applicant proposes to make a contribution into the In-Lieu Fee program of the Maine Natural Resource Conservation Program in the amount of \$11,505.60. Prior to the start of construction, the applicant must submit a payment in the amount of \$11,505.60 payable to "Treasurer, State of Maine", and directed to the attention of the In-Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project

provided that prior to project construction, the applicant submits the In-Lieu Fee payment as described above.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that prior to construction the applicant makes a contribution to the In-Lieu Fee program as described in Finding 6.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that CCA (or other type of treatment) treated lumber is cured as described in Finding 5.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of JESSE REALTY, LLC. to construct a pier system and stabilize shoreline as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

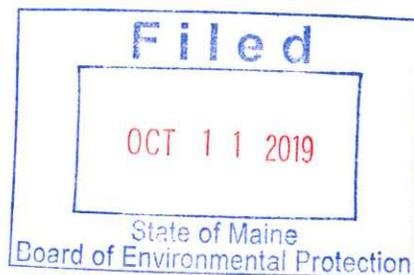
1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.
5. Prior to the start of construction, the applicant shall submit a payment in the amount of \$11,505.60, payable to "Treasurer, State of Maine", to the attention of the In-Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 10th DAY OF October, 2019.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Gerald D. Reid*
For: Gerald D. Reid, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AG/L28374ANBNCN/ATS#84836, 85159, 85160



Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

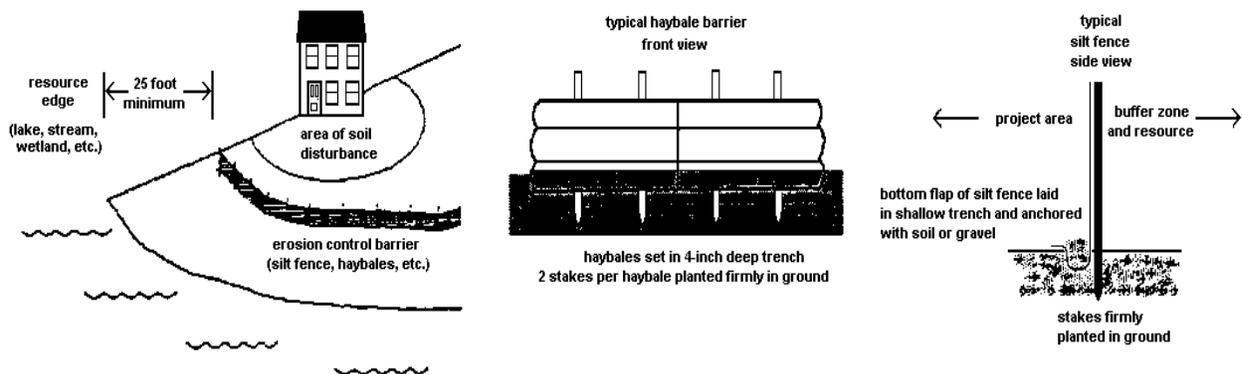


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018

Contact: (207) 287-2452

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status.* The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

KRIS GLIDDEN
JESSE REALTY, LLC
2552 LONGBOAT DRIVE
NAPLES, FLORIDA 34101

CORPS PERMIT # NAE-2019-01985
CORPS GP ID# 19-457
STATE ID# L-28374-4P-A-N

DESCRIPTION OF WORK:

Install and maintain a 100-ft. long x 6-ft. wide pile supported pier with a 45-ft. long x 3-ft. wide ramp leading to a 35-ft. long x 6-ft. wide landing float and 30 ft. x 8 ft. float with 6 associated batter piles and mooring tackle all below the mean high water line of the Piscataqua River off 787 Main Street at Eliot, Maine. In addition, the work also includes the placement of 1,386 s.f. of stone riprap just below the high tide line in order to stabilize approximately 196 linear feet of eroding shoreline.

Project Description Continued on Page 2

LAT/LONG COORDINATES: 43.107363° N -70.787872° W USGS QUAD: PORTSMOUTH, NH

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. **Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permit which can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/>** Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 38 of the GP (page 16) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 13, 2020. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 13, 2021.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. **This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.**

II. STATE ACTIONS: PENDING [], ISSUED [], DENIED [] DATE _____

APPLICATION TYPE: PBR: TIER 1: TIER 2: TIER 3: LURC: DMR LEASE: NA:

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 8/1/19 LEVEL OF REVIEW: CATEGORY 1: _____ CATEGORY 2: X

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 , 404 10/404 _____, 103 _____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE

FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION

DATE



**US Army Corps
of Engineers®**
New England District

Project Description Continued from page 1

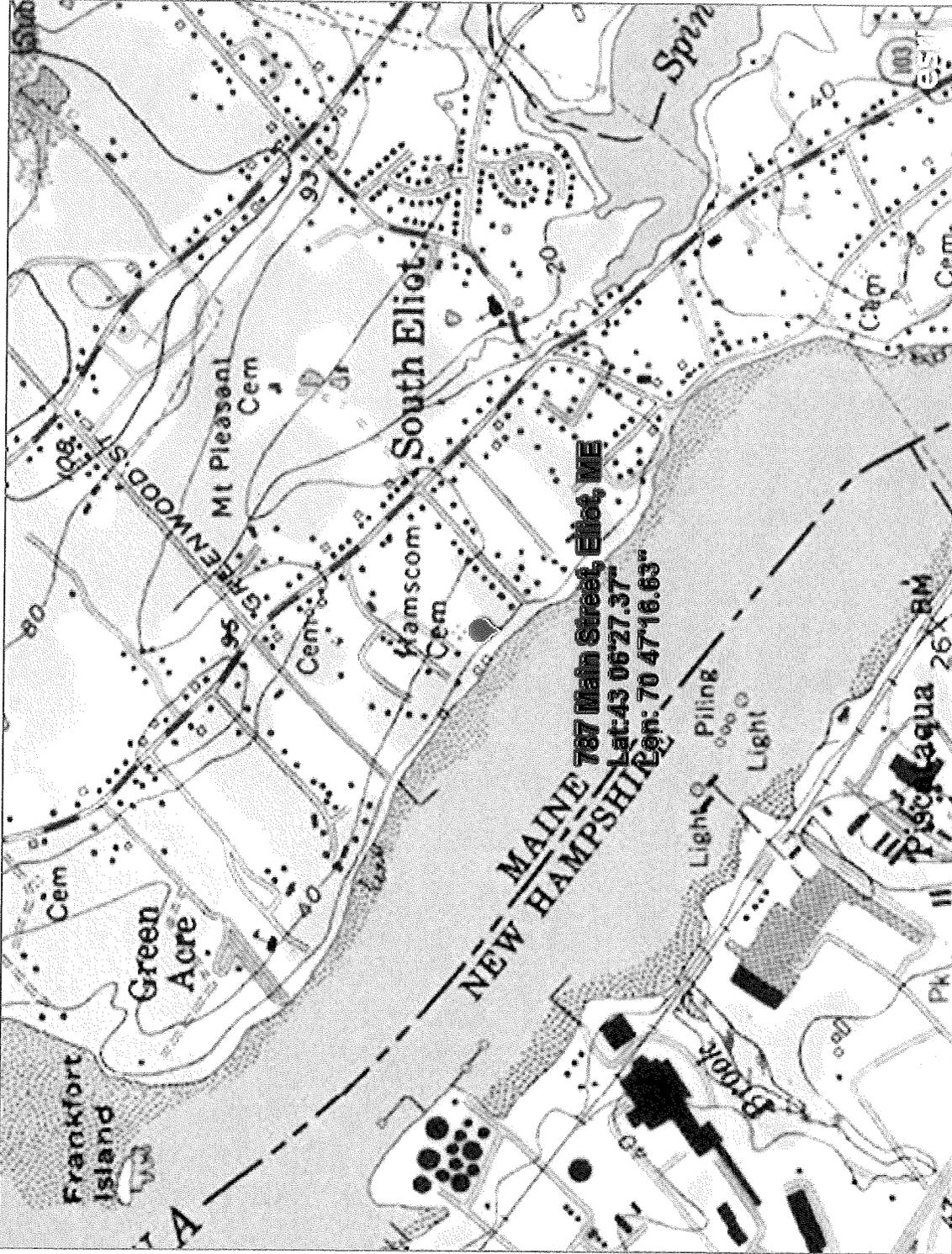
This work is shown on the attached plans entitled "Location Map" in one sheet dated "7/23/2019", "EXISTING CONDITIONS PLAN" in one sheet dated "7/16/19", "ME DEP PERMIT PLAN" in one sheet dated "9/17/19" and "DOCK DETAILS" and "DETAILS" in two sheets dated "7/30/19".

PLEASE NOTE THE FOLLOWING ADDITIONAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMIT NO. NAE-2019-01985

1. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work. **The forms are attached after the plans.**
2. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.
3. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. No temporary or permanent fill shall be placed in salt marsh without the necessary authorization from the Corps.
5. The lowermost part of the floats shall be constructed in such a way as to keep them elevated above the tidal bottom a minimum of 18 in. as practicable. Techniques include but are not limited to float stops, skids, blocks, or other practicable means.
6. Seasonal coastal structures such as ramps and floats that are removed from the waterway for a portion of the year shall be stored in an upland location above the high tide line and not on tidal marsh.
7. Piles to be installed above mean low water shall be driven in-the-dry at low tide in order to minimize potential effects to endangered species.
8. Placement of fill below the high tide line shall be done in-the-dry at low tide in order to minimize potential impacts to Essential Fish Habitat and local water quality.
9. All exposed upland soils resulting from the construction will be promptly seeded and mulched in order to achieve vegetative stabilization.
10. This permit does not eliminate the need to obtain local harbormaster approval or conform to local harbor management plans.

787 Main Street, Eliot, ME

No legend



Copyright: © 2013 National Geographic Society, i-cubed

Location Map
43.107363, -70.787872



**US Army Corps
of Engineers**®
New England District

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Corps of Engineers Permit No: NAE-2019-01985

Name of Permittee: Kris Glidden, Jesse Realty, LLC

Permit Issuance Date: December 16, 2019

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Policy & Technical Support Branch *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

() _____
Telephone Number

PLEASE RETURN TO:

JESSE REALTY, LLC
2552 LONGBOAT DRIVE
NAPLES, FL 03104

DLN:1002040088297

WARRANTY DEED

No Transfer Tax

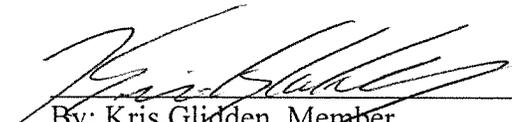
KNOW ALL PERSONS BY THESE PRESENTS, that **JESSE REALTY, LLC**, a Florida limited liability company, with a mailing address of 2552 Longboat Drive, Naples, Florida (34104) and **CPN REALTY, LLC**, a New Hampshire limited liability company, with a mailing address of P.O. Box 657, Eliot, Maine (03903), (hereinafter referred to as "Grantors"), for consideration paid, hereby grant to **JESSE REALTY, LLC**, a Florida limited liability company, (hereinafter referred to as "Grantee"), with a mailing address of 2552 Longboat Drive, Naples, Florida (34104), with WARRANTY COVENANTS, a certain parcel of land situated in the Town of Eliot, County of York, State of Maine, bounded and described as follows:

See attached Exhibit A hereto made a part hereof and incorporated by reference.

This instrument was prepared for the seller without the benefit of an examination of title.

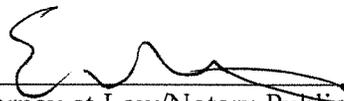
Executed this 21 day of February, 2020.

JESSE REALTY, LLC


By: Kris Glidden, Member

State of Maine
County of Cumberland

Before me this 21 day of February, 2020, personally appeared the above-named Kris Glidden in the capacity as Member of Jesse Realty, LLC, and acknowledged the foregoing instrument to be his/her voluntary act and deed in said capacity.


Attorney at Law/Notary Public
My Commission Expires:
8/4/2022
Erin Marquis



Executed this 24th day of February, 2020.

CPN REALTY, LLC

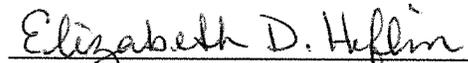


By: David L. Chase, Member

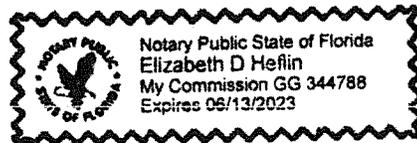
By: Laurie A. Chase, Member

State of Florida
County of Monroe

Before me this 24th day of February, 2020, personally appeared the above-named David L. Chase ~~and Laurie A. Chase~~ in their capacity as Members of CPN Realty, LLC, and acknowledged the foregoing instrument to be their voluntary act and deed in said capacity.



Attorney at Law/Notary Public
My Commission Expires:



Executed this 24 day of February, 2020.

CPN REALTY, LLC

By: David L. Chase, Member

Laurie A. Chase

By: Laurie A. Chase, Member

State of Florida
County of Broward

Before me this 24 day of February, 2020, personally appeared the above-named ~~David L. Chase~~ and Laurie A. Chase in their capacity as Members of CPN Realty, LLC, and acknowledged the foregoing instrument to be their voluntary act and deed in said capacity.



Derrick R. Lasseter
COMMISSION # GG230333
EXPIRES: October 1, 2022
Bonded Thru Aaron Notary

Derrick R. Lasseter

Attorney at Law/Notary Public
My Commission Expires: 10/01/2022

EXHIBIT A

**PARCEL DESCRIPTION
(LOT RECONFIGURATION)
PART OF 787 MAIN STREET
ELIOT, YORK COUNTY, MAINE
LOT 2 – JESSE REALTY, LLC**

A certain unimproved parcel of land, situated in the Town of Eliot, County of York, State of Maine, located on the westerly side of Main Street, containing approximately 5.160 acres of upland, more or less, and the associated tidal flats in the Piscataqua River, being a reconfiguration of two lots:

- 1) A portion of the lands of CPN Realty, LLC described in a deed recorded at the York County Registry of Deeds in Book 17849, Page 559 and shown as LOT 1 on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled “PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME” – project 16-166.00 (SHEET D1), and also as shown on a plan by CIVIL CONSULTANTS, dated December 12, 2018, entitled “PLAN OF LAND OF CPN REALTY, LLC – 787 MAIN STR., ELIOT, YORK COUNTY, ME” – project 16-166.00 (SHEET D2), recorded at the York County Registry of Deeds in Plan Book 399, Page 10, and
- 2) A portion of the lands of Jesse Realty, LLC described in a deed recorded at the York County Registry of Deeds in Book 17849, Page 563 and shown as LOT 2 on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled “PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME” – project 16-166.00, and also as shown on a plan by CIVIL CONSULTANTS, dated December 12, 2018, entitled “PLAN OF LAND OF JESSE REALTY, LLC – 787 MAIN STR., ELIOT, YORK COUNTY, ME” – project 16-166.00 (SHEET D3), recorded at the York County Registry of Deeds in Plan Book 399, Page 11,

(Reference is also made to a plan by CIVIL CONSULTANTS, entitled “BOUNDARY PLAN PREPARED FOR JAMES D. & ORLEY MAE WHITE, Site Location: 139 Main Street, Eliot, Maine”, project number 89-115.01, dated June 21, 2005, recorded at the York County Registry of Deeds in Plan Book 302, Page 6; bearings as shown on the first three referenced plans are based on Grid North, Maine State Plane Coordinate System, West Zone, NAD 83; bearings as shown on the second referenced plan are based on magnetic north; the orientation difference is 14°28’49”)

The reconfigured lot of 5.160 acres, more or less, is show as “RECONFIGURED LOT 2” on a plan by CIVIL CONSULTANTS, dated February 5, 2020, entitled “PROPOSED LOT RECONFIGURATION OF LAND OF JESSE REALTY, LLC & CPN REALTY, LLC – 787 MAIN STR., ELIOT, YORK COUNTY, ME”, project number 16-166.00 (SHEET D4), and is more particularly described as follows:

UPLAND PARCEL

BEGINNING at a flat iron bar in the westerly line of Main Street which marks the southeasterly corner of land now or formerly of the June Remignanti Revocable Trust as described in a deed recorded at the York County Registry of Deeds in Book 15451, Page 115 and the most northeasterly corner of the herein-described parcel;

Thence S 54°21'53" W, by said Remignanti land, 100.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence S 54°21'53" W, by said Remignanti land, 87.49 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence S 54°21'53" W, by land now or formerly of Franklin and Carolyn B. Hutchinson as described in a deed recorded at the York County Registry of Deeds in Book 1888, Page 554, 136.98 feet to a point and the northeasterly corner of "RECONFIGURED LOT 1";

Thence S 59°55'20" E, along "RECONFIGURED LOT 1", 29.48 feet to a point;

Thence generally southerly, following the arc of a circular curve concave to the east and along "RECONFIGURED LOT 1", an arc length of 44.07 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS", said curve is additionally defined by the following elements: radius=125.00 feet, central angle=20°12'00", chord bearing=S 15°54'14" W, chord length=43.84 feet;

Thence S 05°48'14" W, along "RECONFIGURED LOT 1", 77.39 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 05°48'14" W, along "RECONFIGURED LOT 1", 36.45 feet to a point;

Thence S 84°11'46" E, along "RECONFIGURED LOT 1", 50.00 feet to a point;

Thence generally southerly, following the arc of a circular curve concave to the east and along "RECONFIGURED LOT 1", an arc length of 25.99 feet to a point, said curve is additionally defined by the following elements: radius=75.00 feet, central angle=19°51'20", chord bearing=S 04°07'26" E, chord length=25.86 feet;

Thence S 14°03'06" E, along "RECONFIGURED LOT 1", 67.96 feet to a point;

Thence S 19°06'22" E, along "RECONFIGURED LOT 1", 73.48 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 41°35'50" W, along "RECONFIGURED LOT 1", 294.40 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 1", 270.00 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 1", 29.68 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 1", 5.47 feet to a point at normal high-water line of the Piscataqua River;

Thence southeasterly by the meanders of the normal high water line of said river, approximately 190 feet to a point marked by a 5/8" diameter iron rebar with cap marked "PLS 1302 CIVIL CONSULTS", located at a tie course and distance of S 39°03'15" E, 188.09 feet from the last described point;

Thence N 46°45'56" E, along land now or formerly of Gregory J. and Andrea M. Power as described in a deed recorded at the York County Registry of Deeds in Book 8136, Page 264, 52.70 feet to a 5/8" diameter iron rebar with a cap marked "PLS 2059";

Thence N 46°45'56" E, along said land now or formerly of Gregory J. and Andrea M. Power, 97.36 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1302";

Thence N 46°45'56" E, along said land now or formerly of Gregory J. and Andrea M. Power, 97.36 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1302";

Thence N 46°48'03" E, along land now or formerly of Janet A. and Julia M. Saurman as described in a deed recorded at the York County Registry of Deeds in Book 15517, Page 54, land now or formerly of John E. and Sigred Marston as described in a deed recorded at the York County Registry of Deeds in Book 1985, Page 249, land now or formerly of Barbara B. Wilson and Katherine H. Morin as described in a deed recorded at the York County Registry of Deeds in Book 14551, Page 713, land now or formerly of Nichole M. and Frederick L. Poisson as described in a deed recorded at the York County Registry of Deeds in Book 11980, Page 184, and land now or formerly of Clinton and Pamela M. Newland as described in a deed recorded at the York County Registry of Deeds in Book 2133, Page 887, 349.49 feet to point at the end of a stone wall;

Thence N 46°28'30" E, along said stone wall and land now or formerly of Barbara F. Gauthier as described in a deed recorded at the York County Registry of Deeds in Book 2699, Page 10, land now or formerly of Debra A. and Steven R. Farnham as described in a deed recorded at the York County Registry of Deeds in Book 9954, Page 245, and land now or formerly of Jeanne A. Thorvaldsen and Kenneth Wyman as described in a deed recorded at the York County Registry of Deeds in Book 15863, Page 285, 221.19 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311" in said stone wall;

Thence N 45°22'40" W, along land now or formerly of Kent W. and Deanna L. Davis as described in a deed recorded at the York County Registry of Deeds in Book 16208, Page 514, 99.07 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 45°22'40" W, along land now or formerly of Jason Scott King as described in a deed recorded at the York County Registry of Deeds in Book 15988, Page 824, 99.07 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence S 46°46'42" W, along land now or formerly of the Fred King, Jr. Living Trust and the Beverly J. King Living Trust as described in a deed recorded at the York County Registry of Deeds in Book 8105, Page 151, 18.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 42°17'19" W, along said King land, 258.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 54°21'53" E, along said King land, 305.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311" in the westerly line of Main Street,

Thence N 46°14'14" W, along Main Street, 75.00 feet to the POINT OF BEGINNING;

Together with all of the appurtenant tidal lands in the Piscataqua River; the division line common to "RECONFIGURED LOT 1", across the tidal lands, to extend on a course of S 43°47'23" W from the southwesterly corner of the herein-described upland parcel;

Together with easements of record benefitting the herein-described parcel, but excepting those existing between the parties herein, which are intended to be terminated and replaced by those rights as described herein, and

Subject to easements of record burdening the herein-described parcel, but excepting those existing between the parties herein, which are intended to be terminated and replaced by those rights as described herein;

The subject parcel is conveyed subject to an easement to use the "PROPOSED PRIVATE ACCESS WAY" depicted on the last referenced plan (SHEET D4), to be used in common with the owners of "RECONFIGURED LOT 1" as shown on said plan, for a joint driveway, for ingress and egress from and to Main Street, by foot and by vehicle, and for the construction and maintenance of above ground and below ground utilities;

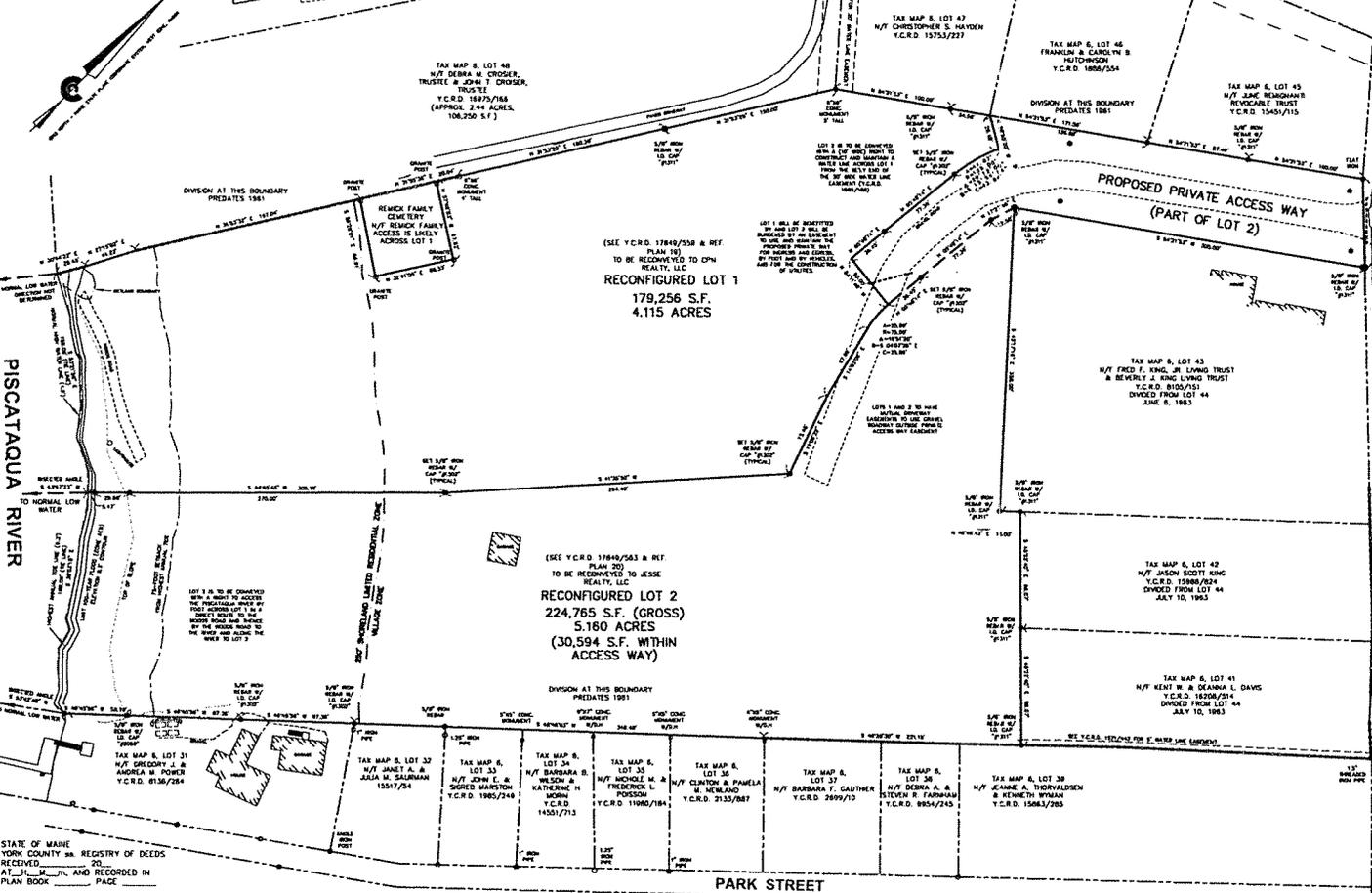
The subject parcel is benefitted by an easement, across "RECONFIGURED LOT 1", 10-feet in width, in a mutually convenient location, to allow for a connection to any existing or future waterlines constructed within the 30-foot water line easement described in deed recorded at the York County Registry of Deeds in Book 1985, Page 188;

The subject parcel is subject to and benefitted by mutually beneficial rights to use, for ingress and egress, the existing gravel road which extends southerly into "RECONFIGURED LOT 1" and "RECONFIGURED LOT 2" beyond the southerly limit of the easement area of the "PROPOSED PRIVATE ACCESS WAY" depicted on the last referenced plan (SHEET D4), in common with owners "RECONFIGURED LOT 2".

CERTIFICATION:

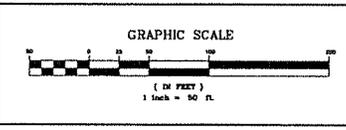
THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS (2013-CR-001) CHAPTER 10-A, PART 1 & PART 2 - SEE NOTES HEREON FOR EXCEPTIONS, IF ANY.

DATE: FEB 5, 2021
 CHRISTOPHER H. HENDE
 MAINE PROFESSIONAL LAND SURVEYOR #1302
 ONE CONDAUNTS
 SOUTH BERKSHIRE, MAINE 03306



STATE OF MAINE
 YORK COUNTY REGISTRY OF DEEDS
 RECEIVED
 AT _____, and RECORDED IN
 PLAN BOOK _____ PAGE _____

ATTEST _____ REGISTER



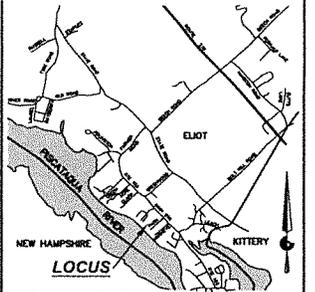
NO.	REVISIONS	INT.	DATE
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

DRAWN CHW
 CALC CHW
 SHEET TITLE
 REVISED BOUNDARY
 TAX MAP 6, LOT 44

PROPOSED LOT RECONFIGURATION OF LAND OF JESSE REALTY, LLC & CPN REALTY, LLC 787 MAIN STR., ELIOT, YORK COUNTY, ME

PREPARED FOR:
 JESSE REALTY, LLC AND CPN REALTY, LLC
 OWNER'S MAILING ADDRESSES:
 JESSE REALTY, LLC, 2552 LONGBOAT DRIVE, NAPLES, FL 34104; CPN REALTY, LLC, PO BOX 657, ELIOT, ME 03903-0657

SHEET NUMBER
D4
 SHEET 1 OF 1
 PROJECT # 16-165.00



NOTES:

- PLANNING DETAIL SHOWN HEREIN IS THE RESULT OF AN ON-THE-GROUND FIELD SURVEY BY CIVIL CONSULTANTS IN FALL OF 2015.
- WORK AS SHOWN HEREON IS REFERENCED TO GRID NORTH, NAD83, MAINE STATE PLANE COORDINATE SYSTEM. HORIZONTAL VALUES AND DIMENSIONS ARE DERIVED FROM A GPS SURVEY COMPUTED UTILIZING THE NAD83 ON-LINE PROCESSING SERVICE. REFERENCE FRAME IS NAD83 (2011) EPOCH 2002.000. THE SURVEY IS TIED TO CORP EXISTING BENCHMARKS CORP AND PVTLS. CORPNS CORP AND PVTLS CORPNS CORP (PVTLS). DISTANCES SHOWN HEREON ARE GROUND TO GROUND TO GROUND DISTANCES TO GROUND BENCHMARKS. ALL DIMENSIONS ARE BASED ON THE MAINE STATE SURVEY AND HORIZONTAL TO CORRECT HORIZONTAL ELEVATIONS, ADD 0.75 FEET.
- UTILITY INFORMATION IS COMPILED FROM PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES SHOWN HEREON ARE NOT NECESSARILY REPRESENT ALL UTILITIES. CONTRACTORS NEED TO CONTACT UTILITIES AND FIELD VERIFY ALL UTILITIES.
- THE LOCAL PROPERTY IS IN THE UNLAWFUL ZONING DISTRICT. DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS: MINIMUM LOT SIZE - 1 ACRE; MINIMUM STREET FRONTAGE - 100'; MINIMUM SETBACK FROM STREET FRONT - 10'; MINIMUM SIDE SETBACK - 10'; MINIMUM REAR SETBACK - 10'; MINIMUM SIDE SETBACK FOR ACCESSORY BUILDINGS - 10'; MINIMUM BUILDING HEIGHT - 35'; MINIMUM LOT COVERAGE - 30%. THE PORTION OF THE LOCAL PROPERTY WITHIN THE ZONE OF THE NORMAL HIGH WATER IS IN THE UNLAWFUL RESIDENTIAL ZONE. FOR COMPLETE ZONING INFORMATION REFER TO THE TOWN OF ELIOT MUNICIPAL CODE.
- THE LOCAL PROPERTY IS LOCATED IN "ZONE V" AND "ZONE A1" ON THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD HAZARD MAP (FIRM) FOR THE TOWN OF ELIOT, MAINE. YORK COUNTY, COMMUNITY PANEL NUMBER 230010. THE ZONE IS EFFECTIVE AS OF JUNE 3, 1996. ZONE V IS DESIGNATED AS AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD PLAIN. ZONE A1 IS DESIGNATED AS "SPECIAL FLOOD HAZARD AREA" INDICATED BY 100-YEAR FLOOD PLAIN. BASIC FLOOD ELEVATIONS (BFE) ARE:
- THE HIGHEST ANNUAL TREE LINE (H.A.T.L.) AS SHOWN IS BASED ON THE 3.3 FOOT CONTOUR FLOOD ELEVATION IS 3.3 FEET GREATER AS THE H.A.T.L. IS A PUBLICATION OF HIGHEST ANNUAL TREES FOR THE YEAR 2014 PUBLISHED BY THE MAINE D.E.P.
- DELETED
- THE SUBJECT PROPERTY MAY BE SUBJECT TO AN EASEMENT FOR ACCESS TO THE REMOVAL FAMILY CEMETERY.

REFERENCE PLANS:

- PLAN OF LOTS OF ANDREW S. BROWN, ELIOT, ME, DATED SEPTEMBER 16, 1948, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 10, PAGE 20.
- PLAN OF FAIRFAX PARK, SOUTH ELIOT, ME, DATED DECEMBER 16, 1943, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 8, PAGE 30. (PLAN 1 AND 2 ARE IDENTICAL WITH REGARD TO BOUNDARY AND LOT BOUNDARY).
- PLAN OF LAND OF LINDSEY S. HOPKINS IN PLAN STREET, ELIOT, MAINE, DATED MAY 27, 1993, RECORDED ASSET 16, 1993, BY JAMES H. WOODS, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 27, PAGE 28.
- PROPERTY OF ANDREW S. BROWN IS INTERESTED IN PLAN STREET, ELIOT, MAINE. TO BE CONVEYED TO ANDREW S. BROWN & SONS, INC. (S.B.S.I.), ELIOT, ME, DATED SEPTEMBER 16, 1948, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 10, PAGE 21.
- DEEDS PLAN FOR PROPERTY AT 24 PARK STREET, ELIOT, YORK COUNTY, MAINE OWNED BY GREGORY J. S. ANDREWS & POWERS, DATED SEPTEMBER 16, 1948, BY GREGORY J. S. ANDREWS & POWERS, INC., UNLAWFUL COPY FORWARDED FROM SURVEYOR.
- DEEDS PLAN FOR LAND OF JESSE REALTY, LLC, ELIOT, ME, DATED JULY 24, 2018, BY ANDREW S. BROWN & SONS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 104, PAGE 38.
- DEEDS PLAN FOR LAND OF JESSE REALTY, LLC, ELIOT, ME, DATED FEBRUARY 13, 2019, BY ANDREW S. BROWN & SONS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 105, PAGE 13.
- PLAN OF LAND OF JESSE REALTY, LLC, ELIOT, ME, DATED FEBRUARY 13, 2019, BY ANDREW S. BROWN & SONS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 105, PAGE 13.
- DEEDS PLAN FOR LAND OF JESSE REALTY, LLC, ELIOT, ME, DATED JULY 24, 2018, BY ANDREW S. BROWN & SONS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 104, PAGE 38.
- PROPERTY PLAN FOR ANDREW S. BROWN, ELIOT, YORK COUNTY, ME, DATED SEPTEMBER 16, 1948, BY G.L. GORDON.
- PLAN OF LAND OF GREGORY J. S. ANDREWS & POWERS, 24 PARK STREET, ELIOT, YORK COUNTY, ME, DATED JANUARY 16, 2014, BY G.L. GORDON, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 104, PAGE 38.
- ELIOT BROWN PLANNED DEVELOPMENT FOR PROPERTY AT 143 MAIN STREET, ELIOT, YORK COUNTY, ME, DATED FEBRUARY 13, 2019, BY ANDREW S. BROWN & SONS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 105, PAGE 13.
- PLAN OF LAND OF JESSE REALTY, LLC, ELIOT, ME, DATED JANUARY 16, 2014, BY GREGORY J. S. ANDREWS & POWERS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 104, PAGE 38.
- PLAN OF PROPOSED PARTITIONING OF LAND OF ANDREW S. BROWN & SONS, INC., ELIOT, ME, DATED FEBRUARY 13, 2019, BY GREGORY J. S. ANDREWS & POWERS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 105, PAGE 13.
- DEEDS PLAN FOR LAND OF JESSE REALTY, LLC, ELIOT, ME, DATED FEBRUARY 13, 2019, BY ANDREW S. BROWN & SONS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 105, PAGE 13.
- PROPOSED BOUNDARY OF LAND OF HOME FIELD TRACT, ONLY HAS BOUNDARY, 100 MAIN STREET, ELIOT, YORK COUNTY, MAINE, BY CIVIL CONSULTANTS (PHILIP) ON-1046, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 104, PAGE 11.
- DEEDS PLAN FOR LAND OF JESSE REALTY, LLC, ELIOT, ME, DATED FEBRUARY 13, 2019, BY ANDREW S. BROWN & SONS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 105, PAGE 13.
- DEEDS PLAN FOR LAND OF JESSE REALTY, LLC, ELIOT, ME, DATED FEBRUARY 13, 2019, BY ANDREW S. BROWN & SONS, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 105, PAGE 13.

PLEASE RETURN TO:

CPN REALTY, LLC
PO Box 657
Eliot, ME 03903

DLN:1002040088295

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that CPN REALTY, LLC, a New Hampshire limited liability company, with a mailing address of P.O. Box 657, Eliot, Maine (03903) and JESSE REALTY, LLC, a Florida limited liability company, with a mailing address of 2552 Longboat Drive, Naples, Florida (34104), (hereinafter referred to as "Grantors"), for consideration paid, hereby grant to CPN REALTY, LLC, a New Hampshire limited liability company (hereinafter referred to as "Grantee"), with a mailing address of P.O. Box 657, Eliot, Maine (03903), with WARRANTY COVENANTS, a certain parcel of land situated in the Town of Eliot, County of York, State of Maine, bounded and described as follows:

See attached Exhibit A hereto made a part hereof and incorporated by reference.

This instrument was prepared for the seller without the benefit of an examination of title.

Executed this 24th day of February, 2020.

CPN REALTY, LLC

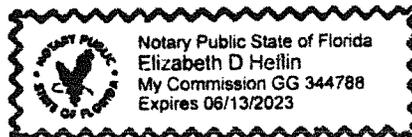
David L. Chase
By: David L. Chase, Member

By: Laurie A. Chase, Member

State of Florida
County of Manatee

Before me this 24th day of February, 2020, personally appeared the above-named David L. Chase and ~~Laurie A. Chase~~ in their capacity as Members of CPN Realty, LLC, and acknowledged the foregoing instrument to be their voluntary act and deed in said capacity.

Elizabeth D. Hefflin
Attorney at Law/Notary Public
My Commission Expires:



No Transfer Tax

PLEASE RETURN TO:

CPN REALTY, LLC

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **CPN REALTY, LLC**, a New Hampshire limited liability company, with a mailing address of P.O. Box 657, Eliot, Maine (03903) and **JESSE REALTY, LLC**, a Florida limited liability company, with a mailing address of 2552 Longboat Drive, Naples, Florida (34104), (hereinafter referred to as "Grantors"), for consideration paid, hereby grant to **CPN REALTY, LLC**, a New Hampshire limited liability company (hereinafter referred to as "Grantee"), with a mailing address of P.O. Box 657, Eliot, Maine (03903), with **WARRANTY COVENANTS**, a certain parcel of land situated in the Town of Eliot, County of York, State of Maine, bounded and described as follows:

See attached Exhibit A hereto made a part hereof and incorporated by reference.

This instrument was prepared for the seller without the benefit of an examination of title.

Executed this 24 day of February, 2020.

CPN REALTY, LLC

By: David L. Chase, Member

Laurie A Chase

By: Laurie A. Chase, Member

State of Florida
County of Broward

Before me this 24 day of February, 2020, personally appeared the above-named ~~David L. Chase~~ and Laurie A. Chase in their capacity as Members of CPN Realty, LLC, and acknowledged the foregoing instrument to be their voluntary act and deed in said capacity.



Derrick R. Lasseter
COMMISSION # GG230333
EXPIRES: October 1, 2022
Bonded Thru Aaron Notary

Derrick R. Lasseter

Attorney at Law/Notary Public

My Commission Expires: 10/01/2022

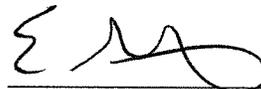
Executed this 21 day of February, 2020.

JESSE REALTY, LLC


By: Kris Glidden, Member

State of Maine
County of Cumberland

Before me this 21st day of February, 2020, personally appeared the above-named Kris Glidden in the capacity as Member of Jesse Realty, LLC, and acknowledged the foregoing instrument to be his/her voluntary act and deed in said capacity.



Attorney at Law/Notary Public
My Commission Expires:
Erin Marguis
8/4/2022

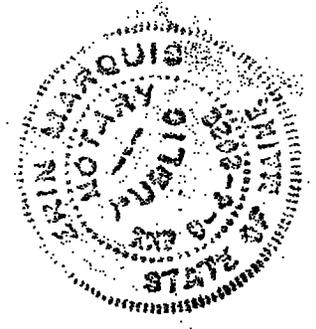


EXHIBIT A

**PARCEL DESCRIPTION
(LOT RECONFIGURATION)
PART OF 787 MAIN STREET
ELIOT, YORK COUNTY, MAINE
LOT 1 – CPN REALTY, LLC**

A certain unimproved parcel of land, situated in the Town of Eliot, County of York, State of Maine, located on the westerly side of Main Street, containing approximately 4.115 acres of upland, more or less, and the associated tidal flats in the Piscataqua River, being a reconfiguration of two lots:

- 1) A portion of the lands of CPN Realty, LLC described in a deed recorded at the York County Registry of Deeds in Book 17849, Page 559 and shown as LOT 1 on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled “PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME” – project 16-166.00 (SHEET D1), and also as shown on a plan by CIVIL CONSULTANTS, dated December 12, 2018, entitled “PLAN OF LAND OF CPN REALTY, LLC – 787 MAIN STR., ELIOT, YORK COUNTY, ME” – project 16-166.00 (SHEET D2), recorded at the York County Registry of Deeds in Plan Book 399, Page 10, and
- 2) A portion of the lands of Jesse Realty, LLC described in a deed recorded at the York County Registry of Deeds in Book 17849, Page 563 and shown as LOT 2 on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled “PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME” – project 16-166.00, and also as shown on a plan by CIVIL CONSULTANTS, dated December 12, 2018, entitled “PLAN OF LAND OF JESSE REALTY, LLC – 787 MAIN STR., ELIOT, YORK COUNTY, ME” – project 16-166.00 (SHEET D3), recorded at the York County Registry of Deeds in Plan Book 399, Page 11,

(Reference is also made to a plan by CIVIL CONSULTANTS, entitled “BOUNDARY PLAN PREPARED FOR JAMES D. & ORLEY MAE WHITE, Site Location: 139 Main Street, Eliot, Maine”, project number 89-115.01, dated June 21, 2005, recorded at the York County Registry of Deeds in Plan Book 302, Page 6; bearings as shown on the first three referenced plans are based on Grid North, Maine State Plane Coordinate System, West Zone, NAD 83; bearings as shown on the second referenced plan are based on magnetic north; the orientation difference is 14°28’49”)

The reconfigured lot of 4.115 acres, more or less, is show as “RECONFIGURED LOT 1” on a plan by CIVIL CONSULTANTS, dated February 5, 2020, entitled “PROPOSED LOT RECONFIGURATION OF LAND OF JESSE REALTY, LLC & CPN REALTY, LLC – 787

MAIN STR., ELIOT, YORK COUNTY, ME”, project number 16-166.00 (SHEET D4), and is more particularly described as follows:

UPLAND PARCEL

BEGINNING at the northeasterly corner of the herein described parcel, a point near the southerly common corner of land now or formerly of Franklin and Carolyn B. Hutchinson described in a deed recorded at the York County Registry of Deeds in Book 1888, Page 554 and land now or formerly of Christopher S. Hayden described in a deed recorded at the York County Registry of Deeds in Book 15753, Page 227, located at a tie course of S 54°21'53" W, 324.47 feet from a flat iron bar in the westerly line of Main Street which marks the southeasterly corner of land now or formerly of the June Remignanti Revocable Trust as described in a deed recorded at the York County Registry of Deeds in Book 15451, Page 115 and the most northeasterly corner of “RECONFIGURED LOT 2” shown on the last referenced plan (SHEET D4);

Thence S 59°55'20" E, along “RECONFIGURED LOT 2”, 29.48 feet to a point;

Thence generally southerly, following the arc of a circular curve concave to the east and along “RECONFIGURED LOT 2”, an arc length of 44.07 feet to a point marked by a 5/8” diameter rebar with a cap marked “PLS 1302 CIVIL CONSULTS”, said curve is additionally defined by the following elements: radius=125.00 feet, central angle=20°12'00”, chord bearing=S 15°54'14” W, chord length=43.84 feet;

Thence S 05°48'14” W, along “RECONFIGURED LOT 2”, 77.39 feet to a point marked by a 5/8” diameter rebar with a cap marked “PLS 1302 CIVIL CONSULTS”;

Thence S 05°48'14” W, along “RECONFIGURED LOT 2”, 36.45 feet to a point;

Thence S 84°11'46” E, along “RECONFIGURED LOT 2”, 50.00 feet to a point;

Thence generally southerly, following the arc of a circular curve concave to the east and along “RECONFIGURED LOT 2”, an arc length of 25.99 feet to a point, said curve is additionally defined by the following elements: radius=75.00 feet, central angle=19°51'20”, chord bearing=S 04°07'26” E, chord length=25.86 feet;

Thence S 14°03'06” E, along “RECONFIGURED LOT 2”, 67.96 feet to a point;

Thence S 19°06'22” E, along “RECONFIGURED LOT 2”, 73.48 feet to a point marked by a 5/8” diameter rebar with a cap marked “PLS 1302 CIVIL CONSULTS”;

Thence S 41°35'50” W, along “RECONFIGURED LOT 2”, 294.40 feet to a point marked by a 5/8” diameter rebar with a cap marked “PLS 1302 CIVIL CONSULTS”;

Thence S 44°45'45” W, along “RECONFIGURED LOT 2”, 270.00 feet to a point marked by a 5/8” diameter rebar with a cap marked “PLS 1302 CIVIL CONSULTS”;

Thence S 44°45'45" W, along "RECONFIGURED LOT 2", 29.68 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 2", 5.47 feet to a point at normal high-water line of the Piscataqua River;

Thence northwesterly by the meanders of the normal high-water line of said river, approximately 190 feet to a point at the westerly end of a stone wall, said point being located at a tie course and distance of N 53°21'59" W, 188.06 feet from the last described point;

Thence N 30°44'22" E, along a stone wall and land now or formerly of Debra M. and John T. Croiser, trustees as described in a deed recorded at the York County Registry of Deeds in Book 16975, Page 166, 25.45 feet to the end of said wall;

Thence N 27°15'02" E, by said Crosier land, 44.22 feet to the end of another stone wall;

Thence N 31°53'32" E, along said Crosier land, 197.04 feet to a point in said wall and the northwesterly corner of the Remick Family Burial Ground;

Thence the following three courses and distances around said Burial Ground as defined by granite posts:

S 56°28'01" E, 66.91 feet;

N 32°41'05" E, 68.33 feet;

N 57°48'03" W, 67.82 feet to a point in the last prior-referenced stone wall and said land of Crosier;

Thence N 31°55'36" E, along said wall and land of Crosier, 20.04 feet to a 6" by 6", 4-foot-tall concrete post at the end of said wall;

Thence N 31°53'25" E, by said Crosier land, 180.28 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 31°53'25" E, by said Crosier land, 150.00 feet to a 6" by 6", 5-foot tall concrete post;

Thence N 54°21'53" E, by land now or formerly of Christopher S. Hayden as described in a deed recorded at the York County Registry of Deeds in Book 15753, Page 227, 100.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 54°21'53" E, by said Hayden land, 34.58 feet to the POINT OF BEGINNING;

Together with all of the appurtenant tidal lands in the Piscataqua River; the division line common to "RECONFIGURED LOT 2", across the tidal lands, to extend on a course of S 43°47'23" W from the southwesterly corner of the herein-described upland parcel;

Together with easements of record benefitting the herein-described parcel, but excepting those existing between the parties herein, which are intended to be terminated and replaced by those rights as described herein, and

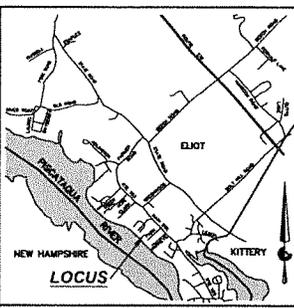
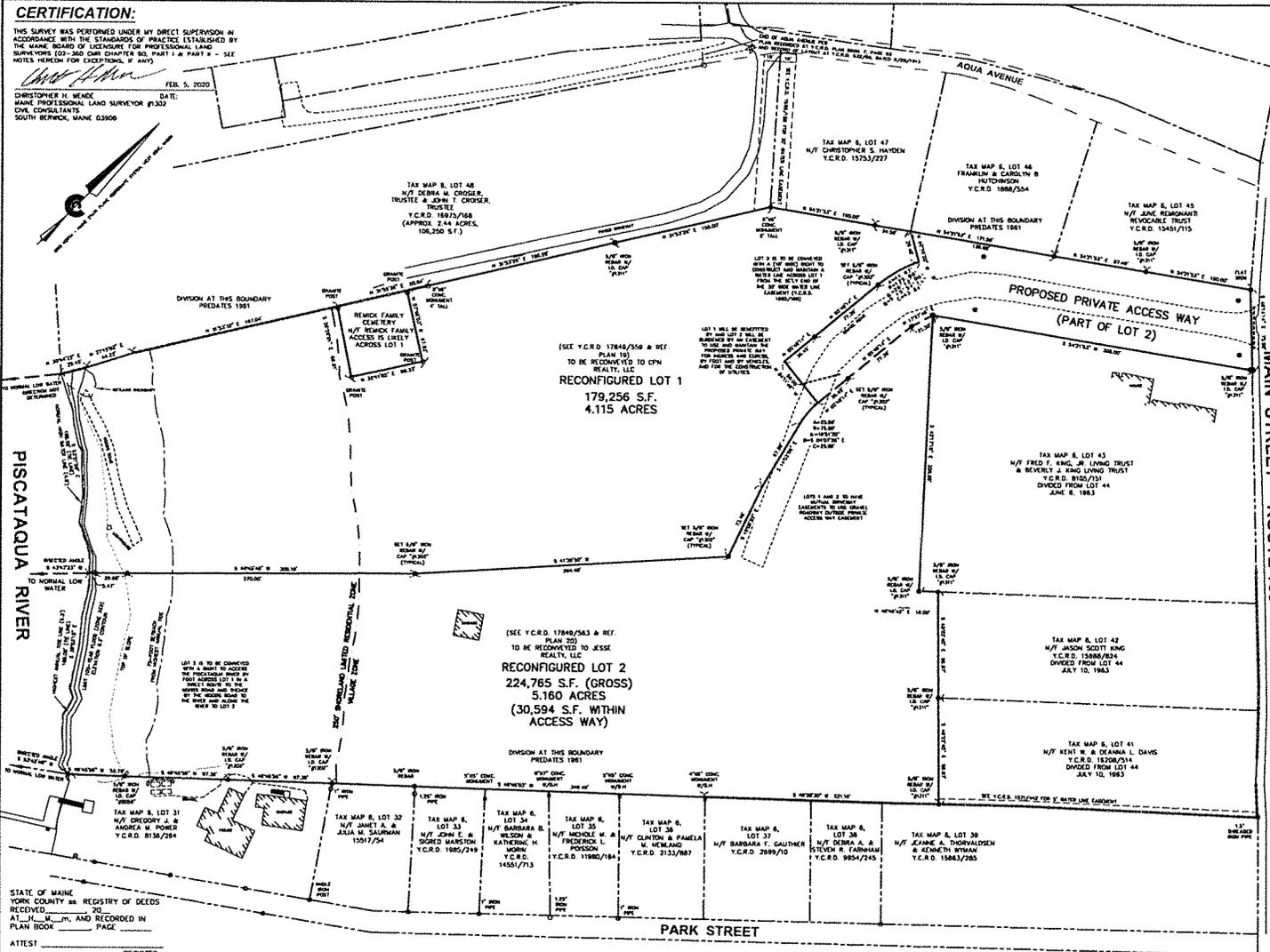
Subject to easements of record burdening the herein-described parcel, but excepting those existing between the parties herein, which are intended to be terminated and replaced by those rights as described herein;

The subject parcel is conveyed together with an easement to use the "PROPOSED PRIVATE ACCESS WAY" depicted on the last referenced plan (SHEET D4), in common with the owners of "RECONFIGURED LOT 2" as shown on said plan, for a joint driveway, for ingress and egress from and to Main Street, by foot and by vehicle, and for the construction and maintenance of above ground and below ground utilities;

The subject parcel is burdened by an easement to benefit the owners of "RECONFIGURED LOT 2", 10-feet in width, in a mutually convenient location, to allow for a connection to any existing or future waterlines constructed within the 30-foot water line easement described in deed recorded at the York County Registry of Deeds in Book 1985, Page 188;

The subject parcel is subject to and benefitted by mutually beneficial rights to use, for ingress and egress, the existing gravel road which extends southerly into "RECONFIGURED LOT 1" and "RECONFIGURED LOT 2" beyond the southerly limit of the easement area of the "PROPOSED PRIVATE ACCESS WAY" depicted on the last referenced plan (SHEET D4), in common with owners "RECONFIGURED LOT 2".

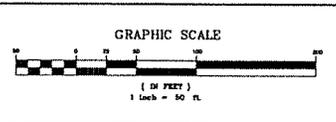
CERTIFICATION:
 THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED BY THE BOARD OF LICENSURE FOR PROFESSIONAL SURVEYORS (202-360 CHM CHAPTER 603, PART 1 & PART 2 - SEE NOTES HEREON FOR EXCEPTIONS, IF ANY).
 FEB. 5, 2020
 CHRISTOPHER H. HENCK
 MAINE PROFESSIONAL LAND SURVEYOR #1332
 CIVIL CONSULTANTS
 SOUTH BERRICK, MAINE 03906



- NOTES:**
- PLANNING DETAIL SHOWN HEREON IS THE RESULT OF AN ON-TO-ON-GROUND FIELD SURVEY BY ONE CORNER STAKE IN JULY 2019. METERS AS SHOWN HEREON WERE OBTAINED BY JOSEPH WILLIAMS, SOIL SCIENTIST IN FALL OF 2018.
 - NOTES AS SPECIFIED HEREON IS INTENDED TO GIVE NOTICE, NAME STATE PLANE COORDINATE SYSTEM, WEST ZONE. COORDINATE VALUES AND ORIENTATION ARE DERIVED FROM A GPS SURVEY COMPUTED USING THE NAD 83 ON-LAND SURVEYING SYSTEM. DISTANCE FROM A KNOWN POINT TO ANY POINT IS OBTAINED BY THE SURVEY IS PLOTTED TO CORP STATION DATA/COORDINATE CORP APP (P718). COORDINATE CORP APP PLOTTED AND IMPROVED CORP APP (P718). DISTANCES SHOWN HEREON ARE GROUND TO GROUND SAID DISTANCES TO GROUND DISTANCES. METERS IS THE GROUND DISTANCE BY APPROXIMATE AVERAGE CORRECTED SAID FACTOR FOR THE STATE. DISTANCES FROM KNOWN TO KNOWN ARE GROUND TO GROUND AND AS SHOWN ON PLAN 100% IS 1:200". ELEVATIONS AS SHOWN ARE BASED ON THE SAME GPS SURVEY AND METERS. TO CONVERT METERS TO FEET, MULTIPLY BY 3.28084. ELEVATIONS AS SHOWN ARE BASED ON THE SAME GPS SURVEY AND METERS. TO CONVERT METERS TO FEET, MULTIPLY BY 3.28084.
 - UTILITY INFORMATION SHOWN HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES SHOWN HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS NEED TO CONTACT BUREAU AND FIELD VISIT ALL UTILITIES PRIOR TO CONSTRUCTION.
 - THE LOCUS PROPERTY IS IN THE VILLAGE ZONING DISTRICT. DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS: MINIMUM LOT SIZE: 1 AC. MINIMUM STREET FRONTAGE: 100 FEET. MINIMUM STREET FRONT SETBACK: 10 FEET. MINIMUM SIDE SETBACK: 10 FEET. MINIMUM REAR SETBACK: 10 FEET. MINIMUM REAR SETBACK FOR ACCESSORY BUILDINGS: 10 FEET. MINIMUM REAR SETBACK FOR ACCESSORY BUILDINGS: 10 FEET. THE BOUNDARY OF THE LOCUS PROPERTY WITHIN THE ZONE OF THE NORMAL HIGH WATER LINE OF THE PISCATAQUA RIVER IS IN THE LIMITED RESIDENTIAL ZONE. FOR COMPLETE ZONING INFORMATION REFER TO THE TOWN OF ELIOT MUNICIPAL CODE.
 - THE LOCUS PROPERTY IS LOCATED IN ZONE "A" AND "ZONE B" AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF ELIOT, MAINE, YORK COUNTY, COMMUNITY PANEL NUMBER 23046-C-000-B, EFFECTIVE DATE JUNE 15, 1999. ZONE "A" IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD PLAIN". ZONE "B" IS DEFINED AS "SPECIAL FLOOD HAZARD AREAS DETERMINED BY 100-YEAR FLOOD, BASE FLOOD ELEVATIONS DETERMINED".
 - THE PROJECT ANNUAL INDE LINE (A.I.L.) AS SHOWN IS BASED ON THE 4.3 FOOT CORNER (METERS) ELEVATION 43.00 (FEET) AS SHOWN ON THE A.I.L. IN A PUBLICATION OF PROJECT AREA, TRACES FOR THE YEAR 2044.
 - LOCUS
 - THE SUBJECT PROPERTY MAY BE SUBJECT TO AN EASEMENT FOR ACCESS TO THE HENCK FAMILY CEMETERY.
 - NO DETERMINATION WAS MADE WITH REGARD TO OWNERSHIP OF THE INTER-TOWN ZONE ADJACENT TO THE SUBJECT UPLAND. THE PARCEL AREAS SHOWN HEREON ARE BASED ON THE NORMAL HIGH WATER LINE.

- REFERENCE PLANS:**
- PLAN OF LOTS OF HENCK, BERRICK, ELIOT, ME, DATED SEPTEMBER 16, 1948, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PLAN OF LOTS OF HENCK, BERRICK, ELIOT, ME, DATED SEPTEMBER 16, 1948, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PLAN OF LOTS OF HENCK, BERRICK, ELIOT, ME, DATED SEPTEMBER 16, 1948, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PROPERTY OF HENCK IN A STREET IN HENCK'S HOLLOW, DATED SEPTEMBER 16, 1948, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - SECTION PLAN FOR PROPERTY AT 34 PARK STREET, ELIOT, YORK COUNTY, MAINE, OWNED BY GREGORY A. HENCK, ME, POWER OF ATTORNEY, DATED SEPTEMBER 16, 1948, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PLAN OF LAND FOR JOE HENCK IN ELIOT, ME, DATED JULY 20, 1948, BY MCGLOTT ENGINEERING ASSOCIATES, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - BOUNDARY PLAN OF LAND - HENCK'S HOLLOW, DATED FEBRUARY 25, 1988, BY HENCK'S HOLLOW ENGINEERING COMPANY, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PLAN OF LAND - ELIOT, MAINE - BERRICK'S HOLLOW, DATED JULY 20, 1948, BY MCGLOTT ENGINEERING ASSOCIATES, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PLAN OF LAND OF HENCK'S HOLLOW, DATED FEBRUARY 25, 1988, BY HENCK'S HOLLOW ENGINEERING COMPANY, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - BOUNDARY PLAN FOR HENCK'S HOLLOW, DATED JULY 20, 1948, BY MCGLOTT ENGINEERING ASSOCIATES, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
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 - BOUNDARY PLAN FOR HENCK'S HOLLOW, DATED JULY 20, 1948, BY MCGLOTT ENGINEERING ASSOCIATES, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PROPOSED SPUR OF LAND OF HENCK'S HOLLOW, DATED JULY 20, 1948, BY MCGLOTT ENGINEERING ASSOCIATES, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PLAN OF LAND OF HENCK'S HOLLOW, DATED JULY 20, 1948, BY MCGLOTT ENGINEERING ASSOCIATES, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.
 - PLAN OF LAND OF HENCK'S HOLLOW, DATED JULY 20, 1948, BY MCGLOTT ENGINEERING ASSOCIATES, INC., RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 712, PAGE 42.

STATE OF MAINE
 YORK COUNTY ss. REGISTRY OF DEEDS
 RECEIVED: _____
 AT _____, AND RECORDED IN
 PLAN BOOK _____ PAGE _____
 ATTEST



NO.	REVISIONS	INT.	DATE
1			
2			
3			
4			
5			
6			
7			
8			

DRAWN CHM
 DATE FEB 5, 2020
 CHECKED MPP
 APPROVED CHM
 SCALE 1"=80'
 FIELD BOOK DATA COLLECTION FILE

PROPOSED LOT RECONFIGURATION OF LAND OF JESSE REALTY, LLC & CPN REALTY, LLC
 787 MAIN STR., ELIOT, YORK COUNTY, ME
 PREPARED FOR:
 JESSE REALTY, LLC AND CPN REALTY, LLC
 OWNER'S MAILING ADDRESSES:
 JESSE REALTY, LLC, 2592 LONGBOAT DRIVE, NAPLES, FL 34106; CPN REALTY, LLC, PO BOX 657, ELIOT, ME 03903-0657

SHEET TITLE: REVISED BOUNDARY
 TAX MAP 6, LOT 44

SHEET NUMBER: D4
 SHEET 1 OF 1
 PROJECT # 16-165-00



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From: David C.M. Galbraith, Planning Consultant / Town Planner, Southern Maine Planning and Development Commission (SMPDC).
 Cc: LAMS, LLC, Applicant
 North Easterly Surveying, Inc. - Applicant's project consultant
 Kristina Goodwin, Land Use Administrative Assistant
 Date: March 12, 2020
 Re: 0 Surrey Lane (Map 37 / Lot 22): PB 20-4

Application Details/Checklist Documentation	
✓ Address:	0 Surrey Lane
✓ Map/Lot:	Map 37 / Lot 22
✓ PB Case#:	PB 20-4
✓ Zoning District:	Suburban District
✓ Shoreland Zoning:	N/A
✓ Owner Name:	LAMS, LLC, Applicant
✓ Applicant Name:	LAMS, LLC, Applicant
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none"> ● Sketch Plan Review four lot residential subdivision
✓ Application Received by Staff:	January 28, 2020
✓ Application Fee Paid and Date:	\$200 (per lot) = \$800.00 \$175 public hearing fee \$2,500.00 technical consultants deposit Total paid \$3,475.00 Date Paid: January 28, 2020 (Ck# 1079)
✓ Application Sent to Staff Reviewers:	Date: March 12, 2020
Application Heard by PB	Date: March 17, 2020 (Sketch Plan)
Found Complete by PB	Date: TBD
Site Walk	Date: TBD
Public Hearing	Date: TBD
Public Hearing Publication	Date: TBD
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	<ul style="list-style-type: none"> ● Four lot residential subdivision

Memo: 0 Surrey Lane (Map 37 / Lot 22): PB 20-4

Overview: This application is for a four (4) lot residential subdivision on Surrey Lane which is an existing 45-foot-wide private right of way which currently serves two (2) existing house lots. The entire property is approximately 9.66 acres and 8.19 acres less the right-of-way and 40-foot-wide easement area. The proposed lots vary in size from 87,628 square feet (2.012 acres) to 101,281 gross square feet (2.325 acres). All four (4) of the proposed lots will have vehicle access off Surrey Lane which is a dead-end roadway but will feature a cul-de-sac.

Town Planner's Review Notes: I believe the relevant issues for the Planning Board to consider and discuss include, but are not limited to, the following:

1. Wetlands have been identified on each of the four lots. This matter has been discussed with the Town's Code Enforcement Officer (CEO) who determined that a 75-foot setback is required. The setbacks should be illustrated on revised plans.
2. Three test pits have been located on each of the lots to accommodate septic systems.
3. A Homeowner's Association should be created for the maintenance of the roadway. Details on the roadway construction should be illustrated on the plans. It should be noted that Surrey Lane will remain a private right-of-way and will not be maintained by the Town. During winter months the roadway shall be kept clear of snow and debris for emergency access.
4. A neighbor who stopped in the Town Office also mentioned that there has already been a large amount of "fill" brought onto lot # 4 and estimated that it was between fifteen feet and twenty feet in depth.
5. Following a meeting with a concerned neighbor Ms. Bishop visited the site and found that it did indeed have the vast majority of trees removed (see below photos). "Buffers and screening" is discussed in the Eliot Town Ordinances (Section 45-417) and "preservation of natural resources and scenic beauty" (Section 41-215). Copies of these sections are provided in your packets. Neighbors have expressed a great deal of concern and believe a new buffer should be required of the applicant.



Surrey Lane – Beginning of Right of Way on right

Memo: 0 Surrey Lane (Map 37 / Lot 22); PB 20-4



Left side of Surrey Lane



Surrey Lane – Rear left side

Memo: 0 Surrey Lane (Map 37 / Lot 22): PB 20-4

6. Item number seven in the submittal application states "a distance of at least 200' is maintained between centerlines of offsetting streets. The application states "not applicable" but Surrey Lane and Hanscom Road centerlines are only about 150 feet apart. It should be noted that both roadways are existing.
7. Any waivers being sought should be clearly stated in the application.

Respectfully submitted

David C.M. Galbraith

David C.M. Galbraith
Eliot Town Planner
Planning Consultant - Southern Maine Planning and Development Commission (SMPDC).

Sec. 45-417. - Buffers and screening.

- (a) Buffers and screening shall be provided for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties, visual quality, or any type of nuisance affecting the health, safety, welfare, and property values of the residents and landowners of the town.
- (b) To ensure that abutting uses are compatible and to improve visual quality along roads, all loading and unloading operations, storage areas, vehicle parking, waste disposal and collection areas, sand and gravel extraction operations, and other uses as the code enforcement officer and board may determine shall have buffers and screening. To achieve this result, the following requirements shall apply:
 - (1) Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.
 - (2) When natural features such as gullies, stands of trees, shrubbery, and rock outcrops do not exist or are insufficient to provide a buffer, the applicant shall submit for approval a landscape plan which may provide fencing or screening.
 - (3) The property owner shall properly maintain buffers, fencing, and screening at all times.
 - (4) Buffers, fencing and screening shall be so located within the owner's property line to allow access for maintenance on both sides without intruding upon abutting properties.
 - (5) Fencing must conform to the requirements of section 45-423.

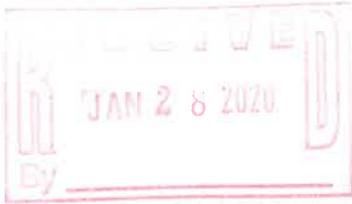
(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 318); T.M. of 3-20-04)

Sec. 41-215. - Preservation of natural resources and scenic beauty.

- (a) The planning board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (ten inches or more in diameter), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
- (b) The planning board may require the subdivider to plant shade trees or establish and maintain some other form of buffer on the property of the subdivision. The trees shall be planted 40 feet apart within five feet of rights-of-way or in such other arrangement that the planning board may require. The planning board shall also determine what trees or buffer the subdivider shall provide. The planning board, as an alternative, may require the subdivider to provide an easement upon which the town may establish a similar buffer. The planning board may withhold recommendation of approval for dedication of streets until the subdivider has complied with all conditions. For additional requirements unique to mobile home park subdivisions see division 2 of article V of this chapter.
- (c) To ensure access to direct sunlight, the subdivider shall properly site development or may ensure such access through restrictive covenants, height restrictions, stricter setbacks or other appropriate measures.

(T.M. of 11-2-82; T.M. of 3-19-88; T.M. of 12-20-89, (§ 804))





CASE NO. PB20-4

**TOWN OF ELIOT
PLANNING BOARD
SUBDIVISION APPLICATION**

This application shall conform in all respects to the Land Subdivision Standards of Chapter 41 of the Planning Board of the Town of Eliot code of ordinances. Ten (10) copies of application and sketch plan shall be submitted.

- Application for Sketch plan
 Preliminary plan for major subdivision
 Final plan for minor subdivision

1. Proposed name of subdivision LAMS, LLC
2. Location of property Surrey Lane
3. Tax Map 37 Lot # 22 Size (acres) 9.56
4. Zoning District (circle one) Commercial/Industrial ~~RPA~~ Suburban ~~Village~~
5. Name of record owner LAMS, LLC
Mailing address 6 York Pond Road, York, ME 03909 Phone #
6. Name of applicant LAMS, LLC
Mailing address 6 York Pond Road, York, ME 03909 Phone # 207 363 4532
If corporation, name of agent Michael Cuomo, Manager
7. A complete statement of any easements relating to the property is attached hereto
(if none, so state) Subject to easement and right-of-way as shown on survey
8. Deed or deeds recorded at County Registry of Deeds
Date 4 September 2019 Book # 18037 Page # 642
Date Book # Page #
Date Book # Page #

CASE NO. _____

9. Do the owner and/or applicant have an interest in an abutting property as stated on the attached sheet? No
10. Name, address and license # of Engineer, Land Surveyor, Architect, or Planner
Northeasterly Surveying, 191 State Road, Kittery, 03904
11. Preliminary plan covers Minor subdivision creating 4 residential lots
12. If applicable, has the owner and/or applicant been approved for a MaineDOT driveway permit for the installation, physical change or change of use a driveway located on a State highway? not applicable
13. Does owner propose to submit Final Subdivision Plan to cover the entire Preliminary Plan, or to file same in sections? Entire
If so, how many? _____
14. Does the preliminary plan cover the entire contiguous holdings of the applicant?
Yes
15. Entrances onto existing or proposed collector streets do not exceed a frequency of one per 400' of street frontage? Yes No No new entrance proposed
16. Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage? Yes No No new entrance proposed
17. A distance of at least 200' is maintained between centerlines of offset intersecting streets? Yes No Not applicable
18. Does the applicant propose to dedicate to the public all streets, highways and parks shown on the plan? no

CASE NO. _____

19. Give the number of acres which the applicant proposes to dedicate to public to use for park, playground and/or other purposes 0

20. If any waivers of requirements are to be requested, list them on a separate sheet, referencing the Sections in Chapter 41 and give reasons why such requirements should be waived . To be determined

21. Is the property located in a flood zone? No

If yes, please complete the attached Flood Hazard Development Application and return it with your application.

Subdivider shall submit fees as specified in Sections 1-25 in the amount of \$200/lot prior to the second meeting with the Planning Board. Fees are not refundable.

Applicant signature Manager, LAMS, LLC Date 28 January 2019

Owner signature Manager, LAMS, LLC Date 28 January 2019

Planning Assistant _____ Date _____

FEES:	
Major subdivision	\$200 per lot
Minor subdivision	\$200 per lot

CASE NO. _____

Town of Eliot Planning Board
CHECKLIST FOR A SUBDIVISION APPLICATION
(All items will be reviewed unless otherwise noted or NA)

- The owner of the property is _____
- The applicant is _____ who has demonstrated a legal interest in the property by providing: _____
- Agents for the applicant are: _____
- The property is located at _____, in the _____ zoning district, identified as Assessor's Map __, Lot __, and containing __ acres
- Application is for establishment of (new) (modification to existing) Major/Minor Subdivision.
- Existing Subdivision was approved by the Planning Board on _____.
- The name of the proposed subdivision is _____ and it will contain _____ lots which range in size from _____ acres to _____ acres and are shown on Plan No. _____, dated _____
- Easements and/or Rights of Way affected by or within the proposed subdivision are as follows:
a. _____
b. _____
c. _____
- Entrances onto existing or proposed collector streets do not exceed a frequency of one per 400' of street frontage? Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage?
- Owner/applicant has been approved for a driveway permit from MaineDOT for the installation, change or change of use on any State highway, if applicable?
- Lots within the proposed Subdivision will have (private) (public) water supply and (private) (public) (private central) sewage disposal systems.
- Sketch Plan was accepted by the Planning Board on _____
- Preliminary Plan approved by Planning Board on _____
- A Site visit was conducted on _____
- A public hearing was held on _____
- _____ abutters spoke or submitted written correspondence at the Public Hearing or submitted written correspondence by mail.

CASE NO. _____

_____ members of the public spoke or submitted written correspondence at the Public Hearing or submitted written correspondence by mail.

The application was discussed by the Planning Board on _____, _____, _____, _____.

Plan for minimizing surface water drainage (Section 41-213) submitted: (Yes) (No) (Waiver requested).

Soil Erosion and Sediment Control Plan (Section 41-214) submitted: (Yes) (No) (Waiver requested).

(Optional for Minor Subdivision) Statement or plan showing effect upon air quality (Section 41-212) submitted: (Yes) (No) (Waiver requested).

(Optional for Minor Subdivision) Soils Report and High Intensity Soils Survey [Section 41-150(11)] submitted: (Yes) (No) (Waiver requested)

(Optional for Minor Subdivision) Location of all natural features or site elements to be preserved (Section 41-215) identified: (Yes) (No) (Waiver requested).

(Optional for Minor Subdivision) Statement or plan concerning historical sites and land use patterns (Section 41-216) submitted: (Yes) (No) (Waiver requested).

Means of providing water supply to the proposed subdivision (Section 41-217) identified: (Yes) (No) (Waiver requested).

Sanitary sewerage system (Section 41-218) identified: (Yes) (No) (Waiver requested).

(Optional for Minor Subdivision) Community services and impact statement (Section 41-220) submitted: (Yes) (No) (Waiver requested).

(Optional for Minor Subdivision) Traffic congestion and safety plan (Section 41-221) submitted: (Yes) (No) (Waiver requested).

(Optional for Minor Subdivision) Public health and safety statement (Section 41-222) submitted: (Yes) (No) (Waiver requested).

Compliance with Federal, State, and Local land use laws (Section 41-223) demonstrated: (Yes) (No).

(Optional for Minor Subdivision) Estimated Progress schedule [Section 41-150(21)] submitted: (Yes) (No) (Waiver requested).

Adequate financing (Section 41-224) demonstrated: (Yes) (No) (Waiver requested).

(Optional for Minor Subdivision) Water Department approval provided for public water service [Section 41-174 (1)]

(Optional for Minor Subdivision) State of Maine, Department of Human Services approval for central water supply system provided [Section 41-174 (2)]

CASE NO. _____

- Soil Scientist approval for individual wells provided [Section 41-174 (3)]: (Yes) (No)
- Proposed subdivision Plan reviewed by the Department of Environmental Protection: (Yes) (No) (Waiver requested).
- Proposed subdivision Plan reviewed by the Department of the Army, Corps of Engineers: (Yes) (No) (Waiver requested).
- Proposed subdivision Plan reviewed by the York County Soil and Water Conservation District: (Yes) (No) (Waiver requested)
- Other _____

Subdivision Application Fees,
LAMS, LLC
Map 37, Lot 22

\$200 per lot, 4 lots = \$800
\$175 public hearing fee
\$2500 technical consultants deposit

Attached check #1079 for \$3475

1079

LAMS' LLC
6 YORK POND RD
YORK, ME 03909-5373

DATE 28 JAN 2020 52-7450/2112

PAY TO THE ORDER OF TOWN OF ELIST, ME \$ 3475.⁰⁰

Three thousand Four Hundred Seventy five Dollars DOLLARS

FOR Kennebunk Savings Michael Cersono  MP
WGR.

⑈001079⑈ ⑆211274502⑆ 44 007093⑈



WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, That DEBORAH ROY, as TRUSTEE OF THE JEANNE C. ROY IRREVOCABLE TRUST DATED JULY 25, 2011, as the Successor Trust to THE ROLAND J. AND JEANNE C. ROY JOINT LIVING TRUST DATED JANUARY 15, 1997, for consideration paid, grant to LAMS, LLC, a limited liability company duly organized and existing under the laws of the State of Maine with a place of business at York, County of York and State of Maine, whose mailing address is 6 York Pond Road, York, Maine 03909, with WARRANTY COVENANTS, a certain lot or parcel of land, together with any improvements located thereon, situated on Surrey Lane, in the Town of Eliot, County of York and State of Maine, and being more specifically bounded and described as follows:

See attached EXHIBIT A for a more specific description of the premises herein conveyed, which description is hereby incorporated herein by this reference.

I hereby covenant that said Trust is duly organized under the laws of the State of Rhode Island; that I am Trustee pursuant to said Declaration of Trust; that said Trust is still in full force and effect; that I have the power thereunder to convey as aforesaid; and that, in making this conveyance, I have in all respects acted pursuant to the authority vested in and granted to me therein.

Meaning and intending to convey and hereby conveying the remaining portion of the premises conveyed to Roland J. Roy and Jeanne C. Roy as Trustees of The Roland J. and Jeanne Roy Joint Living Trust by warranty deed from Roland J. Roy and Jeanne C. Roy dated February 27, 1997 and recorded in the York County Registry of Deeds at Book 8172, Page 143.

IN WITNESS WHEREOF, Deborah Roy, in her capacity as Trustee of The Jeanne C. Roy Irrevocable Trust, has hereunder set her hand and seal as of this 4th day of September 2019.

THE JEANNE C. ROY IRREVOCABLE TRUST

Dean Bosford
Witness

By: Deborah Roy
Deborah Roy, Trustee, thereunto duly authorized

MAINE R.E. TRANSFER TAX PAID

4/18/19 → Dean Bosford

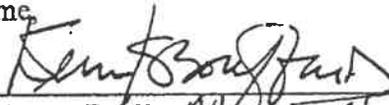
STATE OF MAINE

COUNTY OF YORK

September 4, 2019

Personally appeared the above-named **Deborah Roy** and acknowledged the foregoing instrument to be her voluntary act and deed in her said capacity.

Before me,


Notary Public *Attorney-at-law*

Print Name: Dean K. Bouffard

EXHIBIT A

A certain lot or parcel of land with the improvements thereon situate on Beech Road, so-called, in the Town of Eliot, County of York, and State of Maine bounded and described as follows:

BEGINNING at an iron hub located on the northerly sideline of Beech Road so-called which hub is located one hundred (100) feet westerly of the southwesterly corner of land now or formerly of Mark L. Sylvester, said point also marking the southeasterly corner of the parcel of land conveyed by Wilbur H. Place and Harriet L. Place to John V. Sofarelli and Joan F. Sofarelli which deed is duly recorded in the York County Registry of Deeds; thence turning and proceeding in a general northwesterly direction along the land now or formerly of said Sofarelli's to a hub at the land now or formerly of the United Methodist Church of Eliot; thence turning and proceeding in a general easterly direction along said United Methodist Church of Eliot land, a distance of one hundred (100) feet to other land now or formerly of Wilbur H. Place and Harriet L. Place; thence turning and proceeding in a general southeasterly direction along the other land now or formerly of Wilbur H. Place and Harriet L. Place to land now or formerly of Mark L. Sylvester to the Beech Road, so-called; thence turning and proceeding in a general southwesterly direction along the northerly sideline of Beech Road, so-called, a distance of one hundred (100) feet to the point begun.

The portion of the above-described premises is subject to a right-of-way given by Alice Chamberlain to the United Methodist Church of Eliot duly recorded in the York County Registry of Deeds in Book 3129, Page 260.

Also a second lot or parcel of land described as a certain lot of pasture and woodland situate in Eliot and called the "Upper Pasture". Said parcel is bounded and described as follows:

BEGINNING on Beech Road at the southwesterly corner of the land now or formerly of Pelkey and formerly of Kenneth Morse, being the same premises acquired by Morse from Myron A. Hanscom dated April 4, 1975, recorded in Book 2072, Page 225 of the York County Registry of Deeds; thence running in a general westerly direction by land now or formerly of said Pelkey 140 feet to a hub; thence turning and running in a general northerly direction by land now or formerly of said Pelkey 150 feet to a point of the land formerly of Roland Morse now or formerly Marchand; thence turning and proceeding in a general westerly direction along the land now or formerly of Marchand, Cochoran and others to the land now formerly of Seaward Realty Trust a distance of 960 feet more or less, thence turning and proceeding in a general southerly direction along land now or formerly of Seaward Realty Trust approximately 600 feet to the land now or formerly of the United Methodist Church of Eliot; thence turning and proceeding in a general easterly direction along the land now or formerly of the United Methodist Church of Eliot and land

described in parcel one of this conveyance to the northwesterly corner of land now or formerly of Mark Sylvester, which point is also approximately 107 feet from Beech Road; thence turning in a general northeasterly direction and proceeding along the land now or formerly of Sylvester 220 feet to a hub; thence turning and proceeding in a general southerly direction along said land now or formerly of Sylvester, a distance of 95 feet to Beech Road; thence turning and proceeding in a general easterly direction along Beech Road, a distance of 201 feet more or less to the land now of formerly of Pelkey and point of beginning.

Said second parcel containing approximately 13.4 acres more or less.

EXPRESSLY EXCEPTING from the above-described parcels of land the following premises:

1. That portion of the property conveyed by Roland J. Roy and Jeanne C. Roy to James G. Roy and Tammy C. Roy as joint tenants by warranty deed from Roland J. Roy and Jeanne C. Roy dated August 16, 1993 and recorded at Book 6679, Page 216 in the York County Registry of Deeds; and,
2. That portion of the property conveyed to James G. Roy and Heather A. Muzeroll-Roy as joint tenants by warranty deed from Deborah Roy, as Trustee of The Jeanne C. Roy Irrevocable Trust dated July 25, 2011, as the Successor Trust to The Roland J. and Jeanne C. Roy Joint Living Trust dated January 15, 1997, dated December 30, 2013 and recorded at Book 16757, Page 527 at said Registry.

The above-described premises are conveyed subject to an easement to Central Maine Power Company and New England Tel & Tel Co. dated September 10, 1986 and recorded at Book 4050, Page 180.

The above-described premises are also conveyed subject to a certain Road Maintenance Agreement dated May 13, 2002 and recorded in said Registry at Book 11633, Page 208.



MAINE

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

Corporate Name Search

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Tue Jan 28 2020 06:58:27. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
LAMS, LLC	20165568DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
05/31/2016	N/A	MAINE

Other Names (A=Assumed ; F=Former)
NONE

Clerk/Registered Agent

MICHAEL CUOMO
6 YORK POND ROAD
YORK, ME 03909

[Back to previous screen](#)

[New Search](#)

Click on a link to obtain additional information.

List of Filings

[View list of filings](#)

Obtain additional information:

Certificate of Existence ([more info](#))

[Short Form without amendments](#)
(\$30.00)

[Long Form with amendments](#)
(\$30.00)

You will need Adobe Acrobat version 3.0 or higher in order to view PDF files.
If you encounter problems, visit the [troubleshooting page](#).



If you encounter technical difficulties while using these services, please contact the [Webmaster](#). If you are unable to find the information you need through the resources provided on this web site,

**STANDARD LAND
PURCHASE AND SALE AGREEMENT
(With Contingencies)**

The parties make this Agreement this 18 day of October, 2019. This Agreement supersedes and replaces all obligations made in any prior Contract To Purchase or agreement for sale entered into by the parties.

1. **Parties.** Gary and Linda Lockart, 213 Beech Road, Elliot, Maine
the "SELLER," agrees to sell and LAMS, LLC, Michael Cuomo, Mgr., 6 York Pond Road, York, ME [insert name].

[insert name], the "BUYER," agrees to buy, the premises described in paragraph 2 on the terms set forth below. BUYER may require the conveyance to be made to another person or entity ("Nominee") upon notification in writing to SELLER at least five business days prior to the date for performance set forth in paragraph 5. Designation of a Nominee shall not discharge the BUYER from any obligation under this Agreement and BUYER hereby agrees to guarantee performance by the Nominee.

2. **Description Of Premises.** The premises (the "Premises") consist of the land containing approximately 1/10th acres, more or less, described as See attachment. Portion of 213 Beech Road along eastern property line.
Land only.
as more specifically described in a deed recorded in the York County Registry of Deeds at Book 8427, Page 017, [Certificate No. _____] a copy of which is is not [choose one] attached.

3. **Purchase Price.** The purchase price for the Premises is \$
dollars of which
\$ were paid as a deposit with Contract To Purchase; and
\$ are paid with this Agreement; and
\$ are to be paid at the time for performance by bank, cashier's or certified check or by wire.
\$ Total

4. **Escrow.** All funds deposited or paid by the BUYER shall be held in a non-interest bearing escrow account, by Dean Bouffard, 74 State Road, suite 201, Kittery, ME, as agent for the SELLER, subject to the terms of this Agreement and shall be paid or otherwise duly accounted for at the time for performance. If a dispute arises between the BUYER and SELLER concerning to whom escrowed funds should be paid, the escrow agent may retain all escrowed funds pending written instructions mutually given by the BUYER and the SELLER. The escrow agent shall abide by any Court decision concerning to whom the funds shall be paid and shall not be made a party to a lawsuit solely as a result of holding escrowed funds. Should the escrow agent be made a party in violation of this paragraph, the escrow agent shall be dismissed and the party asserting a claim against the escrow agent shall pay the agent's reasonable attorneys' fees and costs.

5. **Time For Performance.** The SELLER shall deliver the deed and the BUYER shall pay the balance of the purchase price at 10 o'clock a. m. on the 19 day of December, 2019, at the Office of Dean Bouffard Registry of Deeds, or at such other time and place as is mutually agreed.

TIME IS OF THE ESSENCE AS TO EACH PROVISION OF THIS AGREEMENT. Unless the deed and other documents required by this Agreement are recorded at the time for performance, all documents and funds are to be held in escrow, pending prompt rundown of the title and recording (or registration in the case of registered land) SELLER'S attorney or other escrow agent may disburse funds after 5:00 p.m. of the next business day.

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The time for performance is hereby extended to on or before February 19, 2020.

Michael Cuomo, MGR., LAMS, LLC

Gary Lockart
Linda G. Lockart



following the date for performance, provided that the recording attorney has not reported a problem outside the recording attorney's control.

6. **Title/Plans.** The SELLER shall convey the Premises by a good and sufficient quitclaim deed running to the BUYER or to the BUYER'S nominee, conveying good and clear record and marketable title to the Premises, free from liens and encumbrances, except:

- (a) Real estate taxes assessed on the Premises which are not yet due and payable;
- (b) Betterment assessments, if any, which are not a recorded lien on the date of this Agreement;
- (c) Federal, state and local laws, ordinances, bylaws, rules and regulations regulating use of land, including building codes, zoning bylaws, health and environmental laws;
- (d) Any easement, restriction or agreement of record presently in force which does not interfere with the reasonable use of the Premises for _____;
- (e) Utility easements in the adjoining ways;
- (f) Matters that would be disclosed by an accurate survey of the Premises; and
- (g) _____

(insert in (g) references to any other easement, restriction, lease or encumbrance which may continue after title is transferred)
If the deed refers to a plan needed to be recorded with it, at the time for performance the SELLER shall deliver the plan with the deed in proper form for recording or registration.

7. **Title Insurance.** BUYER'S obligations are contingent upon the availability (at normal premium rates) of an owner's title insurance policy insuring BUYER'S title to the premises without exceptions other than the standard exclusions from coverage printed in the current American Land Title Association ("ALTA") policy cover, the standard printed exceptions contained in the ALTA form currently in use for survey matters and real estate taxes (which shall only except real estate taxes not yet due and payable) and those exceptions permitted by paragraph 6 of this Agreement.

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8. **Closing Certifications and Documents.** The SELLER shall execute and deliver simultaneously with the delivery of the deed such certifications and documents as may customarily and reasonably be required by the BUYER'S attorney, BUYER'S lender, BUYER'S lender's attorney or any title insurance company insuring the BUYER'S title to the Premises, including, without limitation, certifications and documents relating to: (a) parties in possession of the Premises; (b) the creation of mechanics' or materialmen's liens; (c) the underlying financial terms of the purchase and sale; (d) the citizenship and residency of SELLER; and (e) information required to permit the closing agent to report the transaction to the Internal Revenue Service. At the time of delivery of the deed, the SELLER may use monies from the purchase to clear the title, provided that all documents related thereto are recorded with the deed or within a reasonable time thereafter acceptable to the BUYER and, provided further, that discharges of mortgages from banks, credit unions, insurance companies and other institutional lenders may be recorded within a reasonable time after recording of the deed in accordance with usual conveyancing practices. The SELLER'S spouse hereby agrees to release all statutory, common law or other rights or interest in the Premises and to execute the deed, if necessary.

9. **Possession And Condition Of Premises.** At the time for performance the Premises also shall comply with the requirements of paragraph 6 and there shall be no outstanding notices of violation of any zoning, health, environmental or other law, bylaw, code or regulation, except as agreed. The BUYER shall have the right to examine the Premises within forty-eight (48) hours prior to the time for performance or such other time as may be agreed and upon reasonable notice to SELLER for the purpose of determining compliance with this paragraph.

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² [Signature] [Signature]
SELLER'S Initials SELLER'S Initials SELLER'S Initials

10. **Extension Of Time For Performance.** If the SELLER cannot convey title as required by this Agreement or cannot deliver possession of the Premises as agreed, or if at the time of the delivery of the deed the Premises do not conform with the requirements set forth in this Agreement, upon written notice given no later than the time for performance from either party to the other, the time for performance shall be automatically extended for thirty (30) days, except that if BUYER'S mortgage commitment expires or the terms will materially and adversely change in fewer than thirty (30) days, the time for performance set forth in paragraph 5 shall be extended to one business day before expiration of the mortgage commitment. SELLER shall use reasonable efforts to make title conform or to deliver possession as agreed, or to make the Premises conform to the requirements of this Agreement. Excluding discharge of mortgages and liens, about which the SELLER has actual knowledge at the time of signing this Agreement, the SELLER shall not be required to incur costs or expenses totaling in excess of zero (\$ 0) to make the title or the Premises conform or to deliver possession as agreed. If at the expiration of the time for performance, or if there has been an extension, at the expiration of the time for performance as extended, the SELLER, despite reasonable efforts, cannot make the title or Premises conform, as agreed, or cannot deliver possession, as agreed, then, at the BUYER'S election, any payments made by the BUYER pursuant to this Agreement shall be immediately returned. Upon return of all such funds, all obligations of the BUYER and SELLER shall terminate and this Agreement shall automatically become void and neither the BUYER nor SELLER shall have further recourse or remedy against the other.

11. **Acceptance Of Deed.** The BUYER shall have the right to accept such title to the Premises as the SELLER can deliver at the time for performance and if extended, shall have such right at the time for performance, as extended. The BUYER shall also have the right to accept the Premises in the then current condition and to pay the purchase price without reduction of price. Upon notice in writing of BUYER'S decision to accept the Premises and title, the SELLER shall convey title and deliver possession. Acceptance of a deed by the BUYER or BUYER'S nominee, if any, shall constitute full performance by the SELLER and shall be deemed to release and discharge the SELLER from every duty and obligation set forth in this Agreement, except any duty or obligation of the SELLER that the SELLER has agreed to perform after the time for performance. Notwithstanding the foregoing, all warranties made by the SELLER shall survive delivery of the deed.

12. **Adjustments.** At the time for performance of this Agreement adjustments shall be made as of the date of performance for current real estate taxes. The net total of such adjustments shall be added to or deducted from the purchase price payable by the BUYER at the time for performance. If the real estate tax rate or assessment has not been established at the time for performance, apportionment of real estate taxes shall be made on the basis of the tax for the most recent tax year with either party having the right to request apportionment within twelve months of the date that the amount of the current year's tax is established.

13. **Acknowledgment Of Fee Due Broker.** The SELLER and BUYER acknowledge that a fee of zero (0) for professional services shall be paid by the SELLER to n/a, the "BROKER", at the time for performance. In the event of a conflict between the terms of this Agreement and a prior fee agreement with BROKER, the terms of the prior fee agreement shall control unless BROKER has expressly agreed to a change in writing. The BUYER and SELLER acknowledge receipt of a notice from BROKER, pursuant to 254 of the Code of Massachusetts Regulations Section 3.0 (13), regarding any agency relationship of the BROKER with the BUYER and/or the SELLER. The BUYER and SELLER understand that n/a [insert name], a real estate agent, is seeking a fee from n/a [name of listing agent, seller or buyer, if applicable] for services rendered as a seller's subagent buyer's agent [choose one]. The BUYER further represents and warrants that there is no other broker with whom BUYER has dealt in connection with the purchase of the Premises.

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[Handwritten signatures]

SELLER'S Initials SELLER'S Initials SELLER'S Initials

14. **Buyer's Default.** If the BUYER or BUYER'S nominee breaches this Agreement, all escrowed funds paid or deposited by the BUYER shall be paid to the SELLER as liquidated damages. Receipt of such payment shall constitute the SELLER'S sole remedy, at law, in equity or otherwise, for BUYER'S default. The BUYER and SELLER agree that in the event of default by the BUYER the amount of damages suffered by the SELLER will not be easy to ascertain with certainty and, therefore, BUYER and SELLER agree that the amount of the BUYER'S deposit represents a reasonable estimate of the damages likely to be suffered.

15. **Buyer's Financing.** (*Delete if Waived*) The BUYER'S obligation to purchase is conditioned upon obtaining mortgage financing in the amount of \$ 0 at prevailing rates and terms by n/a. If, despite reasonable efforts, the BUYER has been unable to obtain such financing the BUYER may terminate this Agreement by giving written notice that is received by SELLER or SELLER'S agent by 5:00 p.m. on the calendar day after the date set forth above. In the event that notice has not been actually or constructively received, this condition is deemed waived. In the event that due notice has been received, all monies deposited or paid by the BUYER shall be returned and all obligations of the BUYER and SELLER pursuant to this Agreement shall cease and this Agreement shall become void. In no event shall the BUYER be deemed to have used reasonable efforts to obtain financing unless the BUYER has submitted at least one (1) application to a licensed mortgage lender by n/a and acted reasonably promptly in providing any additional information requested by the mortgage lender.

16. **Tests/Survey.** (*Delete If Waived*) The BUYER'S obligations under this Agreement are subject to BUYER'S right to obtain test(s), inspection(s) and a survey of the Premises or any aspect thereof, including, but not limited to, percolation, deep hole, septic/sewer, water quality, and water drainage by consultant(s) regularly in the business of conducting said test(s), inspections and surveys, of BUYER'S own choosing, and at BUYER'S sole cost within n/a days after SELLER'S acceptance of this agreement. If the results are not satisfactory to BUYER, in BUYER'S sole discretion, BUYER shall have the right to give written notice received by the SELLER or SELLER'S agent by 5:00 p.m. on the calendar day after the date set forth above, terminating this agreement. Upon receipt of such notice this agreement shall be void and all monies deposited by the BUYER shall be returned. Failure to provide timely notice of termination shall constitute a waiver. In the event that the BUYER does not exercise the right to have such test(s), inspection(s) and survey or to so terminate, the SELLER and the listing broker are each released from claims relating to the size suitability or condition of the Premises that the BUYER or the BUYER'S consultants could reasonably have discovered.

17. **Warranties And Representations.** The SELLER further represents and warrants that SELLER has full authority to enter into this Agreement. The BUYER acknowledges that BUYER has not relied upon any warranties or representations other than those incorporated in this Agreement, except for the following additional warranties and representations, if any, made by either the SELLER or any real estate agent none

[If none, state "none"; if any listed, indicate by whom the warranty or representation was made.]

18. **Notices.** All notices required or permitted to be made under this Agreement shall be in writing and delivered in hand, sent by certified mail, return receipt requested or sent by United States Postal Service overnight Express Mail or other overnight delivery service, addressed to the BUYER or SELLER or their authorized representative at the address set forth in this paragraph. Such notice shall be deemed to have been given upon delivery or, if sent by certified mail on the date of delivery set forth in the receipt or in the absence of a receipt three business days after deposited or, if sent by overnight mail or delivery, the next business day after deposit with the

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overnight mail or delivery service, whether or not a signature is required. Acceptance of any notice, whether by delivery or mail, shall be sufficient if accepted or signed by a person having express or implied authority to receive same. Notice shall also be deemed adequate if given in any other form permitted by law.

BUYER	LAMS, LLC	SELLER	Gary and Linda Lockart
	Michael Cuomo, Mgr.		213 Beech Road
	6 York Pond Road		Eliot, ME 03903
	York, ME 03909		

19. Counterparts / Facsimiles / Construction Of Agreement. This Agreement may be executed in counterparts. Signatures transmitted by facsimile shall have the effect of original signatures. This Agreement shall be construed as a ~~Massachusetts~~ contract; is to take effect as a sealed instrument; sets forth the entire agreement between the parties; is binding upon and is intended to benefit the BUYER and SELLER and each of their respective heirs, devisees, executors, administrators, successors and assigns; and may be canceled, modified or amended only by a written agreement executed by both the SELLER and the BUYER. If two or more persons are named as BUYER their obligations are joint and several. If the SELLER or BUYER is a trust, corporation, limited liability company or entity whose representative executes this Agreement in a representative or fiduciary capacity, only the principal or the trust or estate represented shall be bound, and neither the trustee, officer, shareholder or beneficiary shall be personally liable for any obligation, express or implied. The captions and any notes are used only as a matter of convenience and are not to be considered a part of this Agreement and are not to be used in determining the intent of the parties. ~~Any matter or practice which has not been addressed in this Agreement and which is the subject of a Title Standard or Practice Standard of the Massachusetts Conveyancers Association at the time for performance shall be governed by the Standards and Practices of the Massachusetts Conveyancers Association.~~

20. Additional Provisions. All closing, legal, and survey costs to be paid by buyer, except seller's taxes.
 Buyer shall place a tree cutting restriction on portion of abutting land shown on attachment.
 Buyer shall obtain release from sellers mortgage holder allowing sale, at buyer's expense.

UPON SIGNING, THIS DOCUMENT WILL BECOME A LEGALLY BINDING AGREEMENT. IF NOT UNDERSTOOD, SEEK ADVICE FROM AN ATTORNEY.

<u>Michael Cuomo, MGR.</u>	<u>15 Oct 19</u>	<u>[Signature]</u>	<u>13 Oct 19</u>
BUYER LAMS, LLC	Date	SELLER	Date

_____	Date	<u>Linda J. Lockart</u>	<u>10/18/19</u>
BUYER	Date	SELLER, or spouse	Date

_____	Date	_____	Date
BUYER	Date	SELLER, or spouse	Date

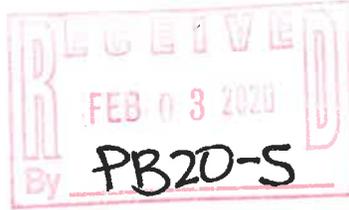
Escrow Agent. By signing below, the escrow agent agrees to perform in accordance with paragraph 4, but does not otherwise become a party to this Agreement.

<u>MC</u>	_____	_____	_____	_____	_____	_____	_____
BUYER'S Initials	BUYER'S Initials	BUYER'S Initials	SELLER'S Initials				



LETTER OF TRANSMITTAL

TO: Town of Eliot
1333 State Road
Eliot, ME
03903



FROM:
AMBIT ENGINEERING, INC.
Civil Engineers and Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

DATE: 2/3/2020	JOB NO. 3152
ATTENTION: Planning Department	
RE: Sketch Plan Permit Application- Amended site plan 7 Maclellan Lane	

- WE ARE SENDING YOU**
- | | | |
|---|--|---|
| <input type="checkbox"/> SHOP DRAWING | <input checked="" type="checkbox"/> ATTACHED | <input type="checkbox"/> UNDER SEPARATE COVER VIA |
| <input checked="" type="checkbox"/> PLANS | <input checked="" type="checkbox"/> COPY OF LETTER | <input type="checkbox"/> PRINTS |
| <input type="checkbox"/> SAMPLES | <input type="checkbox"/> CHANGE ORDER | <input type="checkbox"/> SPECIFICATIONS |
| | <input type="checkbox"/> OTHER | |

COPIES	DATE	REVISION	DESCRIPTION
1	2/4/20		Cover letter & Applications
10	2/4/20		Site Plans (full size)
1	2/4/20		Site Plans (11 x 17)
10	2/4/20		Abutter List & Supplemental information
1	2/4/20	10901	Check for \$ 100 - Fee

THESE ARE TRANSMITTED AS CHECKED BELOW

- FOR YOUR APPROVAL
 FOR YOUR USE
 AS REQUESTED
 FOR BIDS DUE
 FOR REVIEW AND COMMENT
 RETURNED AFTER LOAN TO US

REMARKS

Please schedule us for the next available Planning Board Meeting.

COPY TO Blake Dubin

If enclosures are not as noted, kindly notify us at once.

AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

3 February 2020

Town of Eliot
1333 State Road
Eliot, ME 03903

RE: Request for Sketch Plan Review for Amended Site Plan Approval at 7 MacLellan Lane, Tax Map 37 / Lot 19

On behalf of Blake Dubin (Owner and Applicant) we hereby submit the attached and enclosed Site Plans for Sketch Plan Review at your next Planning Board meeting. The project consists of the addition of an 8,000 SF +/- building at the site with the associated site improvements.

We look forward to the Planning Board's review of this submission. If there are any questions or comments please feel free to reach out to me.

Sincerely,

John Chagnon

John R. Chagnon, PE

CC: Blake Dubin

STATEMENT OF AUTHORIZATION

The undersigned, Blake Dubin, Owner of property at 7 MacLellan Lane, Eliot, ME, Applicant does hereby authorize Ambit Engineering, Inc. as Project Manager to prepare and file any and all applications for the Town of Eliot Planning Board or any other boards, jurisdictions, or entities, and further authorizes John Chagnon and Steve Riker of Ambit Engineering to represent my interests before the Town of Eliot with regard to the Site Plan Application for property located at 7 MacLellan Lane.

Dated: February 1 , 2020

by:



Blake Dubin

Case No. _____
Site review? Yes No

**APPLICATION FOR SITE PLAN REVIEW
TOWN OF ELIOT PLANNING BOARD**

Step 1. (Fill in all blocks below - See the Planning Assistant if you don't understand.)

Tax Map 37 Lot# 19 Lot Size 3.0959 Ac. Zoning District: Commercial Industrial

Your Name John Chagnon-Ambit (Agent) Your mailing address 200 Griffin Road, Unit 3

City/Town Portsmouth State: NH Zip: 03801 Telephone: 603-430-9282

Who owns the property now? Blake Dubin, 336 Miller Ave, Portsmouth, NH 03801

Address (Location) of the property 7 MacLellan Lane, Eliot, Maine

Property located in a flood zone? Yes No

(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

Step 2 (establish your legal interest in the property)

Attach a copy of the Purchase and Sales Agreement, Deed, Tax records, Signed Lease, or other documents to the satisfaction of the Planning Assistant. If you are representing a corporation, provide documentation that you have authority to speak for the corporation.

Step 3 (Go to the Zoning Ordinance Section 45-290, Table of Land uses)

What SPECIFIC land use are you applying for? Retail
(You *MUST* make this selection from Section 45-290 of the Zoning Ordinance)

Having entered the SPECIFIC land use above now provide a more detailed description of what you want to do:

The applicant proposes an 8,000 +/- square foot retail expansion to an existing 2,000 square foot structure; as well as associated parking and site improvements.

Case No. _____

Site review? Yes No

(STEP 1) Meet with the Planning Assistant to assure that Site Review is required. Obtain application forms and assemble data for submission.

(STEP 2) Sketch Plan Stage Application submission. Include 10 copies of the sketch plan, survey map, location map, and affidavit of ownership or legal interest. (Section 33-63)

(STEP 3) Applicant attends first meeting with Planning Board, describes project, and answers questions (*Board may review checklist for the Site Plan at this time or act on waivers requested for submission of data*)

(STEP 4) Board sets up site visit with applicant (Section 33-64).

(STEP 5) Board visits site with applicant.

(STEP 6) Applicant attends succeeding meetings. Board does preliminary review of the Ordinance requirements for applicability to the Site Plan. Board and notifies applicant of changes required to Sketch Plan after site inspection (Section 33-103).

(STEP 7) Applicant revises the "Sketch Plan" as needed, submits the Site Plan, and pays non-refundable fees prior to the second Planning Board meeting. (Sections 33-126 & 33-128).

(STEP 8) Site Plan Stage Applicant attends succeeding meetings with Planning Board and discusses Site Plan (Section 33-129) until Board votes to accept the Site Plan (Section 33-126) *Board schedules public hearing for future meeting when all requirements have been or will be met.*

(STEP 9) Board conducts Public Hearing (Section 33-130).

(STEP 10) Approval stage Board approves / approves with conditions / disapproves applicants application within 30 days of the close of the final Public Hearing or 75 days from date Board accepted completed application and Site Plan (Section 33-131). If more than one public hearing is held, the 30-day period begins after the last public hearing.

(STEP 11) Board issues a Notice of Decision, which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131). The Notice of decision and signing of the final plan is for documentation purposes and does not determine the beginning of the appeal period.

(STEP 12) Appeal Period A 30-day appeal period begins from the date the Board makes a decision on the application. (Section 45-50) The applicant may begin work on the project during this period, but does so at his or her own risk.

PART 2

Case No. _____

Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

1. Submit application. (Section 33-63) Include 10 copies of all submissions that show:

- Sketch Plan- (See Section 33-105) showing:
 - All zoning districts
 - Existing and proposed structures
 - Existing and proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
 - Existing and proposed Streets and entrances
 - Existing and proposed setbacks
 - Other site dimensions and area
 - Site and public improvements and facilities
 - Areas of excavation and grading
 - Any other site changes
 - Location Map-This is to be submitted along with or as part of the Sketch Plan (See Section 33-104) and includes:
 - Scale of 500 ft to the inch
 - Show all area within 2000 ft of property lines
 - All surrounding existing streets within 500 ft
 - Abutters lots and names within 500 ft of property boundary
 - Zoning districts within 500 ft
 - Outline of proposed development showing internal streets and entrances

2. Site inspection (Section 33-64) The Board and Applicant conduct site inspection. Applicant shall stake the lot corners, the location of all proposed structures, parking and the centerlines of all proposed streets and entrances in development. Verify that parking meets applicable setbacks

3. Board notifies applicant of changes required to Sketch Plan after site inspection such as contour interval, street classification, etc. (Section 33-103) and determines:

- If other Local, State or Federal agencies or officers (Section 33-102) should review Sketch Plan.
- If applicable, MaineDOT driveway permit is **required** prior to local approval for anyone installing, physically changing or changing the use of a driveway on state highway.
- If review by Eliot Fire Chief ____, Police Chief ____, or Road Commissioner ____ is required.

Case No. _____

Site review? Yes No

4. Applicant converts Sketch Plan into a "Site Plan" (Sections 33-126). The following requirements are considered by the Planning Board

Chapter 33 required information

4.1. Applicant shall provide one original and 10 copies of Site Plan drawn at a scale not smaller than 1-inch equals 20 feet showing the following information:

- 4.1.1. Development name, owner, developer, designer name and address and names and addresses of all abutters and abutters land use.
- 4.1.2. Certified perimeter survey showing a north arrow, graphic scale, corners of parcel, total acreage, etc. This means a survey of the property using the standards of practice established by the State of Maine Board of Licensure for Professional Land surveyors, MRSA Chapter 121.
- 4.1.3. Temporary markers.
- 4.1.4. Contour lines at 5-ft intervals or as Board decides.
- 4.1.5. A list of the provisions of Chapter 45 (Zoning) which are applicable to this area and identification of any zoning district boundaries affecting the development.
- 4.1.6. Storm water Drainage Plan. (50 year storm)
- 4.1.7. Required bridges or culverts.
- 4.1.8. Location of natural features or site elements to be preserved.
- 4.1.9. Soil Erosion and Sediment Control Plan.
- 4.1.10. High Intensity Soils Report.
- 4.1.11. Locations of sewers, water mains, culverts and drains.
- 4.1.12. Water supply information.
- 4.1.13. Sewerage System Plan.
- 4.1.14. Septic System Survey.
- 4.1.15. Estimated progress schedule.
- 4.1.16. Construction drawings for CEO which show floor areas, ground coverage, location of all structures, setbacks, lighting, signs, incineration devices, noise generating machinery likely to generate appreciable noise beyond the lot lines, waste materials, curbs, sidewalks, driveways, fences, retaining walls, etc.
- 4.1.17. Telecommunication tower details as required.

4.2. Additional requirements made by Board (Section 33-126).

Other Chapter 33 Site Review Ordinance Requirements.

- 4.4. Traffic data if applicable (Section 33-153)
- 4.5. Campground requirements if applicable (33-172)
- 4.6. Commercial Industrial requirements if applicable
 - 4.6.1. Landscaping (Section 33-175)

Case No. _____

Site review? Yes No

- 4.6.2. Vibration (33-176)
- 4.6.3. Site Improvements (33-177)
- 4.6.4. Electromagnetic Interference (33-178)
- 4.6.5. Parking and Loading Areas (33-179, 45-487, 45-495)
- 4.6.6. Glare (33-180)

- 4.7. Motel requirements if applicable (Section 33-182)
- 4.8. Multi-family dwelling requirements if applicable (Section 33-183)

Chapter 35 Post-Construction Stormwater Management

Disturbance of more than one acre of land or less than one acre if the development is part of a larger common plan for development must comply with Chapter 35 Post – Construction Stormwater Management.

Chapter 45 Zoning Ordinance Requirements. compliance includes the following Article VIII Performance Standards:

- 4.9. Dimensional Standards (Section 45-405)
- 4.10. Traffic (Section 45-406)
- 4.11. Noise (Section 45-407)
- 4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
- 4.13. Odor (Section 45-409)
- 4.14. Glare (Section 45-410)
- 4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
- 4.16. Erosion Control (Section 45-412)
- 4.18. Preservation of Landscape (Section 45-413)
- 4.19. Relation of Buildings to Environment (Section 45-414)
- 4.20. Soil Suitability for Construction (Section 45-415)
- 4.21. Sanitary Standards for Sewage (Section 45-416)
- 4.22. Buffers and Screening (Section 45-417)
- 4.23. Explosive Materials (Section 45-418)
- 4.24. Water Quality (Section 45-419)
- 4.25. Refuse Disposal (Section 45-421)

- 4.26. Specific Activities (Article IX) which include:
 - 4.26.1. Accessory Use or Structure (Section 45-452)
 - 4.26.2. Home Occupation (Section 45-455)
 - 4.26.3. Mobile Homes (Section 45-457)
 - 4.26.4. Off-street Parking and Loading (Article X)
 - 4.26.5. Signs (Article XI)

- 4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

Case No. _____

Site review? Yes No

5. Board discussion of Site Plan (Section 33-126).

5.1. Board discusses Site Plan with applicant.

6. Public Hearing (Section 33-129 & 130).

6.1. Conducted within 30 days of Boards acceptance of Site Plan.

6.2. Three notices posted 10 days prior to the Public Hearing.

6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.

6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.

6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. \$150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)

6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

7. Board approves / approves with conditions / disapproves applicants Application within 30 days of Public Hearing or 75 days from date Board accepted completed Application and Site Plan (Section 33-131).

Note: Computation of time shall be in accordance with Section 1-2 as follows:

"In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation."

8. Notice of Decision issued which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131).

Site Plan Review Submissions Checklist

Applicant Name: **Blake Dubin**

Address & Map/Lot: **7 MacLellan Lane, Eliot, Maine - Tax Map 37/Lot 19**

This is a working document, to be used with applicants and staff to ensure information provided is consistent and complete. It should be used as a guide in assembling the information necessary for a site plan review. Once the checklist is completed, applicable waivers indicated, and the information provided, it should be submitted with the application materials.

Instructions for Applicants:

1. Indicate if the information has been submitted by checking the appropriate box in column 1.
2. The Planner and Board will use this checklist with the applicant to determine if the application presented is complete.
3. If you believe that a required submission is not applicable to your proposed project, please discuss this matter with the Planner. If the staff agrees the submission to be not applicable, the staff member will check the appropriate category and indicate the reason the item is not applicable.
4. If a staff member denies a waiver request, that staff member will check the box in column 4 and the Planning Board will make the determination at the meeting.
5. The developer shall submit two originals of a site plan, drawn at a scale of not smaller than one inch equals 20 feet, and ten copies reduced to 11 inches by 17 inches, and showing the following information unless the Planning Board waives these requirements, upon written request of the applicant.

Section Number of Ordinances	Item Description from Ordinances	1 Submitted by the Applicant	2 Submission Determined to be Sufficient by the Planning Board	3 Submission Determined Not Applicable by the Planner	4 Applicant Requests Waiver of Submission Requirement
33-127(1)	Development name or identifying title and name of the Town	Cover Sheet			
33-127(2)	Name & Address of Record Owners, Developer and Designer	Cover Sheet			
33-127(3)	Names & Addresses of All Abutters and Their Present Land Use	Cover Sheet			
33-127(4)	Perimeter Survey of the Parcel Made and Certified by a State-Registered Land Surveyor, Relating to Reference Points, Showing True North Point, Graphic Scale, Corners of the Parcel, Date of Survey, Total	Boundary Plan			

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features	Boundary Plan			
33-127(5)	The Location of Temporary Markers Adequate to Enable the Planning Board to locate readily and appraise the basic layout in the field	On Site			
33-127(6)	Contour lines at intervals of not more than five feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more	Boundary Plan			
33-127(7)	Provisions of Chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development	Site Layout			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan				
33-127(9)	Preliminary designs of any bridges or culverts which may be required	N/A			
33-127(10)	The location of all natural features or site elements to be preserved	Site Layout			
33-127(11)	A soil erosion and sediment control plan				
33-127(12)	A high intensity soils report identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon				

	compliance with any recommendations included in such report				
33-127(13)	The locations & size of any existing sewers & water mains, culverts & drains on the property to be developed				
33-127(14)	Connection with existing water supply or alternative means of providing water supply to the proposed development	Well on Lot			
33-127(15)	Connection with existing sanitary sewerage system or alternative means of treatment & disposal proposed	Existing Septic to be Modified			
33-127(16)	If a private sewage disposal system is proposed, location & results of tests to ascertain subsurface soil & groundwater conditions, depth to maximum groundwater level, location & results of soil testing	Approved			
33-127(17)	An estimated progress schedule				
33-127(18)	Construction drawings sufficient to enable the Code Enforcement Officer to verify the following information:				
a.	Total floor area, ground coverage & location of each proposed building, structure or addition	Site Layout Plan			
b.	All existing & proposed setback dimensions	Site Layout Plan			
c.	The size, location, direction & intensity of illumination of all major outdoor lighting apparatus & signs				
d.	The type, size & location of all incineration devices	N/A			
e.	The type, size & location of all machinery likely to generate appreciable noise beyond the lot lines	N/A			
f.	The amount & type of any raw, finished or waste	N/A			

	materials to be stored outside of roofed buildings, including their physical & chemical properties, if appropriate				
g.	The location, type & size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas & the layouts together with all dimensions	Site Layout			
h.	All landscaped areas, fencing & size & type of plant material proposed to be retained or replanted				
i.	A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.	N/A			
j.	Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this code. If these submission requirements conflict with the requirements of chapter 41, the stricter standards shall apply.	N/A			
33-127(19)	Site plans and construction drawings for new and existing structures listed as SPR in section 45-290 shall				

	be submitted to the Eliot Fire Chief for review and comment prior to final approval by the Planning Board				
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In addition to the above, when applicable, the Planning Board may require detailed interior plans including dimensional measurements and uses of all interior spaces, placement of equipment, counters, etc. and when applicable, seating charts indicating table/chair arrangements and the number of requested tables and seats.

The Planner will work with the applicant to ensure this checklist is complete before a Site Plan Review application is scheduled for review by the Planning Board.

Town Planner

Date

Staff Section Only:

Address:	
Map/Lot:	
PB Case #:	
Zoning District:	
Shoreland Zoning:	
Owner Name:	
Applicant Name:	
Proposed Project:	
Application Received by Staff:	
Application Fee Paid and Date:	
Application Received/Found Complete by PB:	
Site Walk Date:	
Public Hearing Date:	
Public Hearing Publication Date:	
Reason for PB Review:	

EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, located on the northeasterly sideline of Route 236, also known as the Dow Highway, in the Town of Eliot, County of York and State of Maine, and being bounded and described as follows:

Beginning at a rebar set on the northeasterly sideline of Route 236, which rebar is set at the southwesterly corner of the premises herein described and on the northwesterly sideline of a private right of way easement; thence running North 25° 35' 12" West along Route 236 for a distance of three hundred nineteen and 37/100 (319.37) feet to a rebar; thence turning and running North 61° 17' 22" East along land now or formerly of Gary D. Findley, for a distance of three hundred three and 25/100 (303.25) feet to a rebar; thence running North 61° 17' 17" East along land now or formerly of Hans D. Baumann and others, for a distance of three hundred ten and 59/100 (310.59) feet to a rebar; thence running South 28° 42' 39" East along land now or formerly of Allan C. McClellan, Jr. and others, for a distance of three hundred thirty (330) feet to a rebar set on the northwesterly sideline of a private right of way easement; thence running South 62° 33' 49" West along said right of way, for a distance of one hundred thirty-six and 42/100 (136.42) feet; thence running South 62° 13' 25" West along said right of way, for a distance of four hundred ninety-four and 89/100 (494.89) feet to a rebar set on the northeasterly sideline of Route 236 and the point of beginning.

Excepting from the above-described premises, a certain lot or parcel of land conveyed by Fource, LLC to Booth R. Hemingway by deed dated July 20, 2007 and recorded in the York County Registry of Deeds in Book 15216, Page 652, being more particularly bounded and described as follows:

Commencing at a rebar set on the northwesterly sideline of a private way known as MacLellan Drive, said point lies North 62° 13' 25" East a distance of 427.47 feet from a rebar found at the intersection of MacLellan Drive and the northeasterly sideline of Route 236; thence running North 28° 42' 39" West a distance of three hundred twenty-five and 86/100 (325.86) feet along remaining land now or formerly of Fource, LLC to a rebar set at the land now or formerly of Gary D. Finley and Maureen Finley; thence running North 61° 17' 13" East a distance of two hundred three and 79/100 (203.79) feet along land now or formerly of said Finley to a rebar; thence running South 28° 42' 39" East a distance of three hundred thirty (330) feet along land now or formerly of Booth R. Hemingway to a rebar found at MacLellan Drive; thence running South 62° 27' 04" West a distance of two hundred three and 83/100 (203.83) feet along MacLellan Drive to the point of beginning.

The above described premises are conveyed together with and appurtenant easement to be used as a right of way to gain access to and exit from the northeasterly sideline of Route 236 and the above described premises. Said right of way is more particularly described in the deed of Allan Q. McClellan, Jr. et al to Han Baumann, et al dated January 17, 2005 and recorded in the York County Registry of Deeds in Book 14352, Page 1.

ABUTTER'S LIST

JN 3152

Client: Blake Dubin

Address: 336 Miller Ave, Portsmouth, NH 03801

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
36	8	Gary D. & Maureen Finley		10 Wyman Ave.	Kittery, ME 03904
36	10	Steven R. Thompson		335 Harold L. Dow Hwy	Eliot, ME 03908
36	13	Town of Eliot		1333 State Road	Eliot, ME 03908
37	3	Ralph J & Katherine A. Cresta		295 West Road	Portsmouth, NH 03801
37	4	Heritage Operating LP Amerigas Propane LP C/O The Albano Group	1240		Manchester, NH 03105
37	5	Brown Dog Properties Maine LLC		396 Beech Road	Eliot, ME 03903
46	7	Hissong Ready-Mix Aggregates		48 York Street, Suite 2	Kennebunk, ME 04043
46	10	Brown Dog Properties Maine LLC		396 Beech Road	Eliot, ME 03903
Engineer		Ambit Engineering, Inc. Civil Engineers & Land Surveyors		200 Griffin Road, Unit 3	Portsmouth, NH 03801
Applicant/Owner		Blake Dubin		336 Miller Ave.	Portsmouth, NH 03801
Other Consultant		Northeast Kind Assets, LLC		987 Harold L. Dow Hwy	Eliot, ME 03903



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

TECHNICAL REPORT OF WETLAND DELINEATION, CLASSIFICATION & IDENTIFICATION

Ambit Engineering Project No.:3152 **Date(s) of Delineation:** 1/7/20 **Date of Report:** 1/17/20

Field Delineator: Steven D. Riker

Compiled by: Steven D. Riker

Project Location/Tax Map & Lot: 7 MacLellan Lane, Eliot, ME. Tax Map 37, Lot 519

Prepared for: Blake Dubin, 336 Miller Avenue, Portsmouth, NH, 03801.

Site Area Observed: Entire lot to establish wetland buffer.

Site Conditions: Lot with uplands adjacent to freshwater wetlands

Weather/Seasonal Conditions: 30 snow, winter conditions, minimal snow cover.

Site Disturbance: Historic filling around previously developed area.

Wetlands Present: Yes. Property contains freshwater wetlands.

Wetland conditions/atypical situation/problem area: Wetlands are not considered atypical or a problem area.

Hydric Soil Criterion: A11. Field Indicators of Hydric Soils in the United States, Version 8.2, USDA-NRCS, 2018.

Delineation Standards Utilized:

1. *US Army Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (Jan 1987). **AND** Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January 2012.
2. Field Indicators of Hydric Soils in the United States, Version 8.2, USDA-NRCS, 2018 **AND (for disturbed sites)** *Field Indicators for Identifying Hydric Soils in New England*, Version 4. NEIWGCC Wetlands Work Group (April 2019).
3. *National List of Plant Species That Occur in Wetlands: Northeast (Region 1)*. USFWS (May 1988).

Ambit Engineering, Inc. flagged wetlands present utilizing fluorescent pink flagging tape, labeled alpha-numerically for aid in survey location and identification. Wetland flags were survey located immediately following the delineation.

Notes: A1-A12 stop is a poorly drained palustrine emergent persistent wetland system that is seasonally flooded and or saturated (PSS1E).



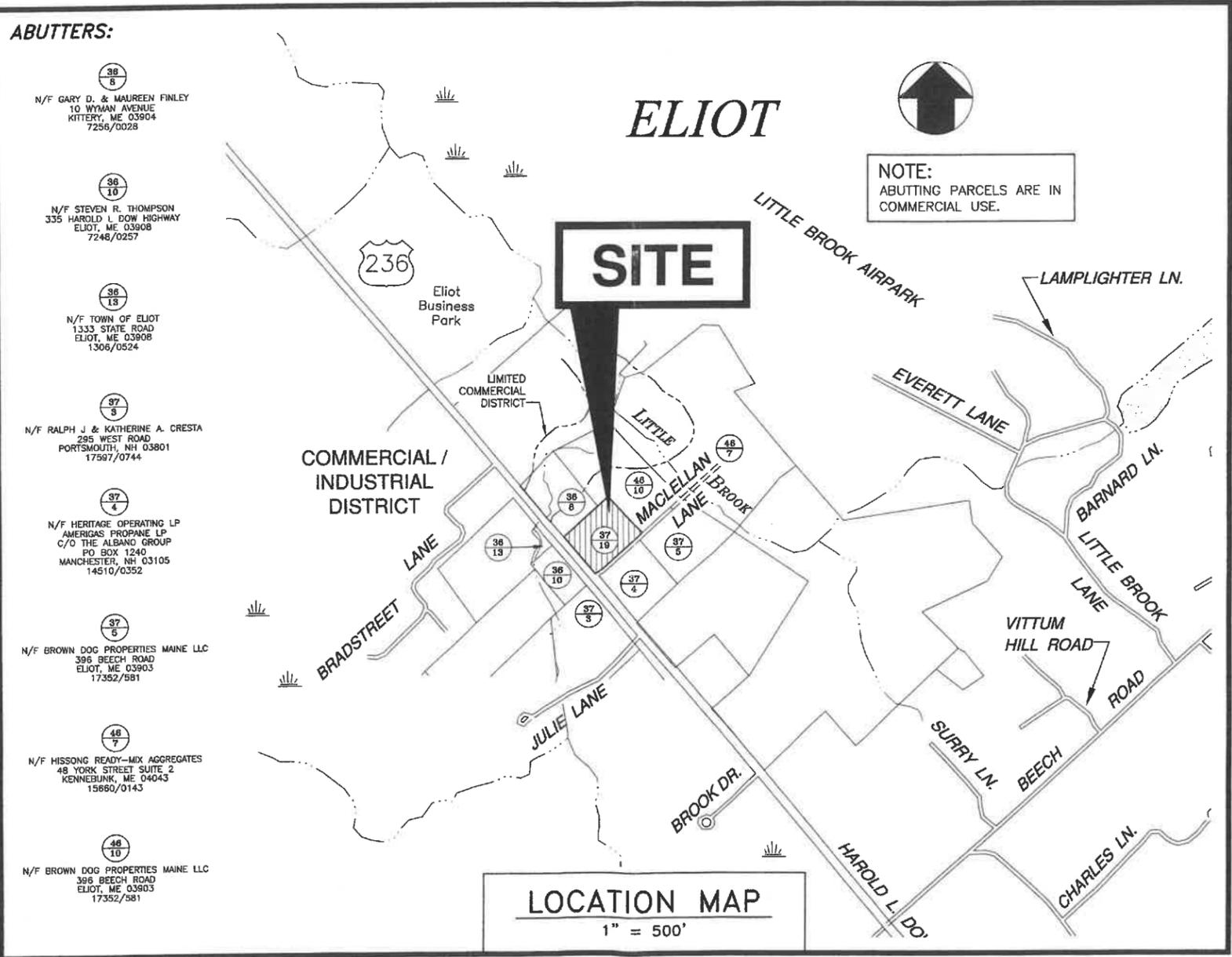
PROPOSED MIXED USE BUILDING MANUFACTURING & RETAIL 7 MACLELLAN LANE, ELIOT, MAINE AMENDED SITE PLAN

OWNER & APPLICANT:

BLAKE DUBIN
336 MILLER AVENUE
PORTSMOUTH, NH 03801

LAND SURVEYOR & CIVIL ENGINEER:

AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, N.H. 03801-7114
TEL: (603) 430-9282
FAX: (603) 436-2315



LEGEND:

N/F	NOW OR FORMERLY	
RP	RECORD OF PROBATE	
YCRD	YORK COUNTY REGISTRY	
	OF DEEDS	
(11/21)	MAP 11/LOT 21	
RR SPK FND	RAILROAD SPIKE FOUND / SET	
IR FND	IRON ROD FOUND / SET	
IP FND	IRON PIPE FOUND / SET	
DH FND	DRILL HOLE FOUND	
BND w/DH	BOUND WITH DRILL HOLE	
ST BND w/DH	STONE BOUND WITH DRILL HOLE	
RR SPK SET	RAILROAD SPIKE FOUND / SET	
IR SET	IRON ROD FOUND / SET	
IP SET	IRON PIPE FOUND / SET	
DH SET	DRILL HOLE FOUND	
BND w/DH	BOUND WITH DRILL HOLE	
ST BND w/DH	STONE BOUND WITH DRILL HOLE	
EXISTING	PROPOSED	
FM	FM	FORCE MAIN
S	S	SEWER LINE
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
UE	UE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
		EDGE/1/4 OF WATER BODY
		EDGE OF WETLAND
		EDGE OF RESOURCE PROTECTION AREA
		AREA OF WETLAND DISTURBANCE
		CENTER LINE OF DITCH/SWALE
100	100	CONTOUR
97x3	98x0	SPOT ELEVATION
		EDGE OF PAVEMENT (EP)
		WOODS / TREE LINE
		SECURITY FENCE
		WETLANDS
		SOIL SERIES
BuB		UTILITY POLE
		WATER SHUT OFF/CURB STOP
		GAS SHUT OFF
		GATE VALVE
		HYDRANT
		CATCH BASIN
		TELEPHONE MANHOLE
		SEWER MANHOLE
		DRAIN MANHOLE
		WELL
AC	AC	ASBESTOS CEMENT PIPE
CI	CI	CENTERLINE
CMP	CMP	CAST IRON PIPE
COP	COP	CORRUGATED METAL PIPE
CPP	CPP	COPPER PIPE
DI	DI	CORRUGATED PLASTIC PIPE
EL	EL	DUCTILE IRON PIPE
EP	EP	ELEVATION
FF	FF	EDGE OF PAVEMENT
INV	INV	FINISHED FLOOR
PVC	PVC	INVERT
RCP	RCP	POLYVINYL CHLORIDE PIPE
TBD	TBD	REINFORCED CONCRETE PIPE
TBM	TBM	TO BE DETERMINED
TYP	TYP	TEMPORARY BENCH MARK
VC	VC	TYPICAL
		VITRIFIED CLAY PIPE

SKETCH PLAN
TAX MAP 37, LOT 19
BLAKE DUBIN
7 MACLELLAN LANE
ELIOT, MAINE

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

J:\09853\JUN 3100's\3150's\3152\2019 Site Plan\Plans & Specs\Site\3152 COVER 2020.dwg, COVER SHEET

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 37 AS LOT 19.
 - 2) OWNERS OF RECORD:
 BLAKE DUBIN
 336 MILLER AVENUE
 PORTSMOUTH, NH 03801
 17923/335
 - 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 2301490010B. JUNE 5, 1989.
 - 4) EXISTING LOT AREA:
 134,859 S.F.
 3.0959 ACRES
 - 5) PARCEL IS LOCATED IN THE COMMERCIAL INDUSTRIAL DISTRICT, LIMITED COMMERCIAL DISTRICT, AND RESOURCE PROTECTION DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 3 ACRES
 FRONTAGE: 300 FEET
 SETBACKS:
 FRONT: 50 FEET ABUTTING A STATE OR TOWN ROAD, 30 FEET FROM AN INTERIOR STREET WITHIN THE PROPOSED SITE.
 SIDE: 20 FEET, 100 FEET FROM AN EXISTING RESIDENTIAL USE.
 REAR: 20 FEET, 100 FEET FROM AN EXISTING RESIDENTIAL USE.
 MAXIMUM STRUCTURE HEIGHT: 55 FEET
 MAXIMUM LOT COVERAGE: 50 %
 - 7) DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. ($\pm 0.2'$)
 - 8) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY.
 - 9) EXISTING BUILDING USE: MANUFACTURING

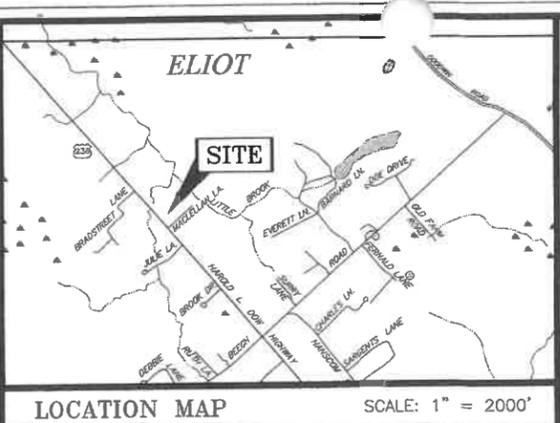
Half Size

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	1/21/20
REVISIONS		

**STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY
 TAX MAP 37 - LOT 19**

FOR
BLAKE DUBIN
 4 MACLELLAN LANE
 TOWN OF ELIOT
 COUNTY OF YORK
 STATE OF MAINE

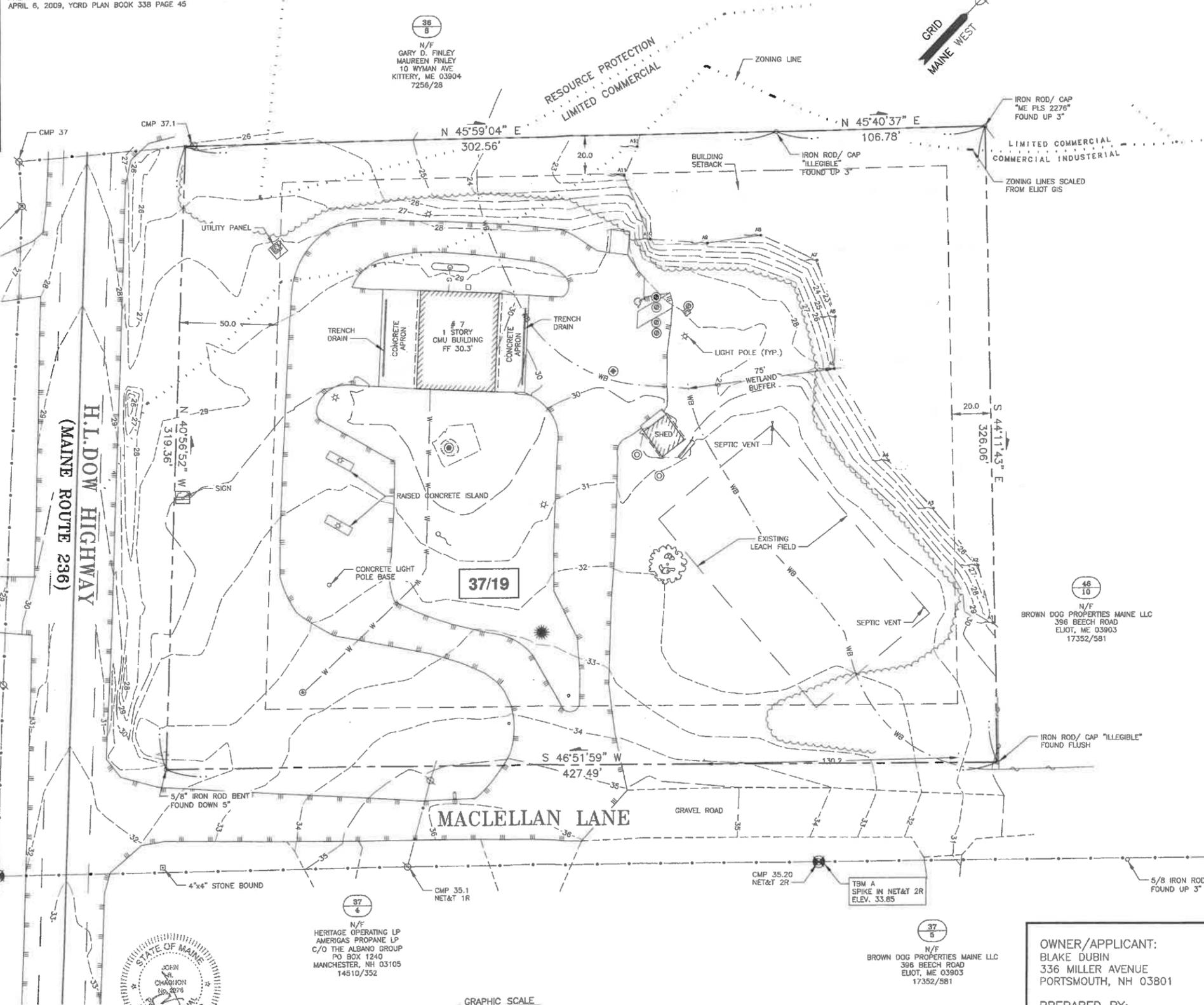
- REFERENCE PLANS:**
- 1) DIVISION OF LAND FOR HANS BAUMANN ROUTE 236 ELIOT, MAINE, SCALE 1 IN. = 100 FT., PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC., DATED SEPTEMBER 1998, YCRD PLAN BOOK 245 PAGE 46
 - 2) REVISION TO PLAN BOOK 337 PAGE 39 HISSONG DEVELOPMENT CORP. 48 YORK STREET, SUITE 2, KENNEBUNK, MAINE 04043 OF PROPERTY LOCATED ON STATE ROUTE 236 IN ELIOT, MAINE, SCALE 1 IN. = 100 FT., PREPARED BY CORNER POST LAND SURVEYING, INC., DATED APRIL 6, 2009, YCRD PLAN BOOK 338 PAGE 45



LEGEND:

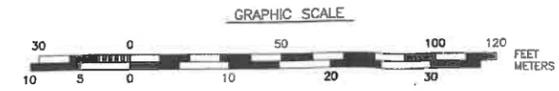
N/F	NOW OR FORMERLY RECORD OF PROBATE
RP	RECORD OF PROBATE
YCRD	YORK COUNTY REGISTRY OF DEEDS
MAP 11 / LOT 21	MAP 11 / LOT 21
BOUNDARY	
---	SETBACK
○ RR SPK FND	RAILROAD SPIKE FOUND/SET
○ IR FND	IRON ROD FOUND/SET
○ IP FND	IRON PIPE FOUND/SET
○ DH FND	DRILL HOLE FOUND/SET
○ BND W/DH	BOUND W/ DRILL HOLE
---	STORM DRAIN
---	WATER LINE
---	UNDERGROUND ELECTRIC
---	OVERHEAD ELECTRIC/WIRES
---	CONTOUR
---	SPOT ELEVATION
---	EDGE OF PAVEMENT (EP)
---	WOODS / TREE LINE
---	UTILITY POLE (W/ GUY)
---	WATER SHUT OFF/CURB STOP
---	GATE VALVE
---	HYDRANT
---	METER (GAS, WATER, ELECTRIC)
---	CATCH BASIN
---	SIGNS
---	EDGE OF WETLAND FLAGGING
---	SWAMP / MARSH
---	TEMPORARY BENCHMARK
---	TYPICAL

- WETLAND NOTES:**
- 1) WETLAND LINE DELINEATED BY STEVEN D. RIKER, CWS ON 01/07/20 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWIPCC WETLANDS WORK GROUP (2019).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFWS MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
 - 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.



THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

JOHN R. CHAGNON, PLS #2276
 DATE 1/21/20



J:_JOB3\IN 3100's\3152\2019 Site Plan\Plans & Specs\Site\3152 Survey 2020.dwg, BINARY MAINE



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-2822
Fax (603) 436-2315

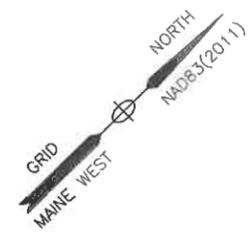
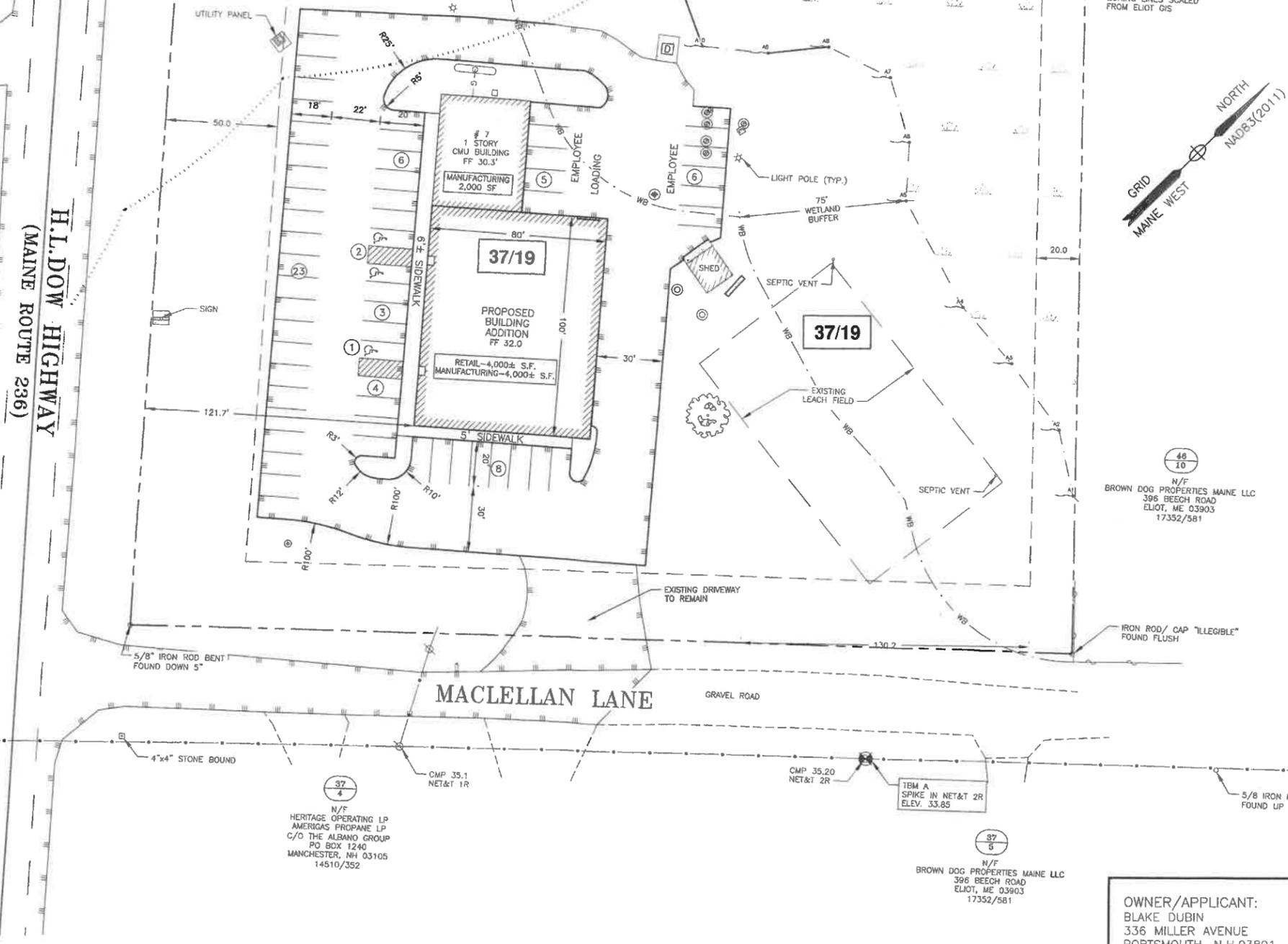
IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)		
STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
STRUCTURE	2,000	10,000
PAVEMENT	23,967	31,566
CONCRETE	1,983	1,924
RETAINING WALL	21	21
GRAVEL	62	0
SHED	280	280
TOTAL	28,313	43,791
LOT SIZE	134,859	134,859
% LOT COVERAGE	21.0%	32.5%

NOTES:

- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 37 AS LOT 19.
- 2) OWNER OF RECORD & APPLICANT:
BLAKE DUBIN
336 MILLER AVENUE
PORTSMOUTH, NH 03801
17923/335
- 3) PARKING CALCULATIONS:
PROPOSED USES:
6,000 S.F. MANUFACTURING: 1 SPACE/EMPLOYEE
15 EMPLOYEES = 15 SPACES
4,000 S.F. RETAIL: 1 SPACE/150 S.F.
8,000 S.F./150 S.F. = 27 SPACES
TOTAL REQUIRED SPACES = 42 SPACES
PROPOSED PARKING:
44 REGULAR SPACES
3 ADA SPACES
11 DESIGNATED EMPLOYEE SPACES
58 TOTAL SPACES

H.L. DOW HIGHWAY
(MAINE ROUTE 236)

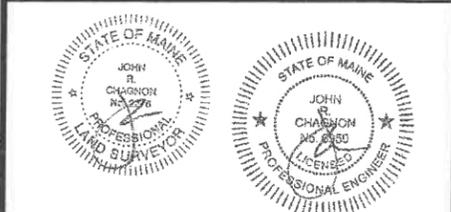
MACLELLAN LANE



Half Size

**SITE DEVELOPMENT
7 MACLELLAN LANE
ELIOT, MAINE**

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	2/4/20
0	ISSUED FOR COMMENT	1/21/20



OWNER/APPLICANT:
BLAKE DUBIN
336 MILLER AVENUE
PORTSMOUTH, N.H. 03801

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

SCALE 1"=30' JANUARY 2020

SITE LAYOUT PLAN **C2**

APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____



Kristina Goodwin

From: Philip Saucier <psaucier@bernsteinshur.com>
Sent: Wednesday, March 11, 2020 12:00 PM
To: Kristina Goodwin
Cc: Bill Hamilton (phineasgraphics2@gmail.com); Town Manager; Shelly Bishop; Denny Lentz; David Galbraith
Subject: RE: BOA amendment recommendations regarding waivers

Good morning Kristina,

The letter looks fine from my perspective, and will align with state law as it relates to the Board of Appeals' jurisdiction to grant variances from dimensional standards. State law also does allow a municipality to limit the application of the practical difficulty variance, so it is acceptable to limit it to nonconforming lots of record and only for a 50% reduction in frontage, setback or yard requirements. One recommendation I have is to include the practical difficulty and disability variances standards in the Powers section of the Board of appeals provision in 45-49, by adding two new subsections for practical difficulty variance (with a clarification on its limited application) and disability variance to keep all three in the same place – and simply add a reference to the practical difficulty variance in Section 45-194. I would be happy to review any proposed amendment to the zoning ordinance if the Town decides to move forward with the proposal.

Take care,
Phil

Philip Saucier

Shareholder

Municipal & Governmental Services Practice Group Leader

207 228-7160 direct

207 774-1200 main

[My Bio](#) | [LinkedIn](#) | [Twitter](#)

BERNSTEIN SHUR

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From: Kristina Goodwin <kgoodwin@eliotme.org>
Sent: Tuesday, March 10, 2020 1:53 PM
To: Philip Saucier <psaucier@bernsteinshur.com>
Cc: Bill Hamilton (phineasgraphics2@gmail.com) <phineasgraphics2@gmail.com>; Town Manager <townmanager@eliotme.org>; Shelly Bishop <sbishop@eliotme.org>; Denny Lentz <mainelentz@comcast.net>; David Galbraith <dcmgalbraith@gmail.com>
Subject: BOA amendment recommendations regarding waivers
Importance: High

EXTERNAL EMAIL

Phil,

Please see the attached letter regarding amendment recommendations from the BOA to the Planning Board regarding the Town of Eliot's waiver ordinance. Could you please review the attached recommendations. Thank you in advance.

Best,

Kristina M Goodwin

Land Use Administrative Assistant

Town of Eliot

1333 State Road

Eliot Maine 03903

(207) 439-1813 x 109

kgoodwin@eliotme.org

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