

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: REMOTE
PLACE: ZOOM ONLINE MEETING

DATE: Tuesday, May 26, 2020
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) May 19, 2020 – If available
- 6) PUBLIC HEARING
 - a) **100 Harold L Dow Highway (Map 23 Lot 12) PB20-2:** Applicant proposes redevelopment of a portion of the parcel for bulk storage propane. Applicant: ENI 100 HLD HWY, LLC
Owner: Toro Properties, LLC
- 7) OLD BUSINESS
 - a) **0 Harold L Dow Highway (Map 29 / Lot 31) PB19-23:** Application for nine new commercial condos with allowable commercial uses and four 30,000-gallon propane tanks
- 8) NEW BUSINESS
- 9) CORRESPONDENCE
- 10) SET AGENDA AND DATE FOR NEXT MEETING
- 11) ADJOURN

POSTED
5/15/20

To view a live remote meeting:

- a) Go to www.eliotme.org
- b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
- c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 7:00
(Please note: streaming a remote meeting can be delayed on average of about a minute)

Instructions to join remote meeting:

- a) To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.
- b) Please call 1-646-558-8656
 1. When prompted enter meeting number: 914 0415 1315 #
 2. When prompted to enter Attendee ID press #
 3. When prompted enter meeting password: 616738 #
- c) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.
- d) You may also submit input via email prior to the meeting by sending it to Kristina Goodwin at kgoodwin@eliotme.org

Dennis Lentz
Dennis Lentz, Chair

1 **ITEM 1 - ROLL CALL**

2
3 Present: Dennis Lentz - Chairman, Christine Bennett, Melissa Horner, Carmela Braun,
4 Bill Olsen – Alternate.

5
6 Also Present: David Galbraith, Planner; Kristina Goodwin, Land Use Administrative
7 Assistant, Shelly Bishop, CEO

8
9 Absent: Ed Cieleuszko (excused), Bill Olsen – Alternate (excused).

10
11 Voting members: Dennis Lentz, Christine Bennett, Melissa Horner and Carmela Braun.

12
13 **ITEM 2 – PLEDGE OF ALLEGIANCE**

14
15 This was deferred.

16
17 **ITEM 3 – MOMENT OF SILENCE**

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

20
21 There was no public input.

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

24
25 Ms. Braun moved, second by Ms. Bennett, to approve the minutes of May 12, 2020, as
26 amended.

27 **VOTE**

28 **4-0**

29 **Motion approved**

30 **ITEM 6 – PUBLIC HEARING(S)**

31
32 **A. 787 Main Street (Map 6/Lot44) PB19-15: Shoreland Zoning Permit Application:**
33 **Application for a 4’X4’ landing, a 4’X30’ accessway, a 6’X100’ fixed pier, a 3’X45’**
34 **gangway, a 6’X35’ landing float, and an 8’X30’ main float. Applicant: Jesse Realty,**
35 **LLC. Owner: Jesse Realty, LLC.**

36
37 **Received: September 3, 2019**

38 **1st Heard: October 29, 2019**

39 **Public Hearing: November 19, 2019**

40 **2nd Hearing: November 19, 2019 (Tabled)**

41 **3rd Hearing: May 5, 2020**

42 **Public Hearing: May 19, 2020**

43 **Site Walk: N/A**

44 **Approval: May 19, 2020**

45

46 Mr. Steve Riker (Ambit Engineering), Kris Glidden (owner), and Ms. Kuerstin Fordham
47 and Mr. Doug Anderson (Riverside & Pickering Marine) were present for this
48 application.

49
50 Mr. Lentz explained the public hearing procedures for the benefit of the public.

51
52 **7:16 PM Public Hearing opened.**

53
54 Mr. Riker gave a summary of the dock proposal, which is for a 4'X30' accessway,
55 6'X100' fixed residential pier, a 3'X45' gangway (seasonal), 6'X35' landing float
56 (seasonal), a 4'X4' landing, and an 8'X30' main' float (seasonal). In addition, also being
57 proposed is 2,914 square feet of rip rap shoreline slope stabilization. These are depicted
58 on the Site Plans dated November 1, 2019. Revisions to the plan included providing
59 reflector locations on the dock, as required by the Town of Eliot Zoning Ordinance and
60 included Note #12 on Sheet C2 regarding adding reflectors for safety to the docking
61 structure. This project has already been approved by the MEDEP as well as the ACE. The
62 applicant has paid the Compensation Fee to the MEDEP of \$11,505.60 and provided a
63 receipt of that payment to Ms. Goodwin. Compensation is required when there is tidal
64 wetland impact that exceeds 500 square feet.

65
66 Mr. Lentz said that we got one email from Ms. (Janet) Saurman (Park Street) who said
67 she was "very much in favor of the docks and building on the river."

68
69 Ms. (Kari) Moore, Eliot Conservation Commission, said that one question was in regard
70 to the time-of-year allowance for the in-water work. There seems to be a conflict between
71 what was on the plan, what the DEP approved, and the Army Corps. The general permit
72 authorizes in-water work but only between November and April but the plan shows the
73 opposite. We would like to know how that was resolved with the Army Corps having
74 different standards. Also, we understand that the two projects that are next to each other
75 (two docks) and we are a little concerned with the cumulative impact, even though
76 somewhat small, given the potential for future development here we're concerned this is
77 not truly a single and complete project. Regarding the trees and vegetation loss, I know
78 the CEO confirmed the tree removal plan met the requirement but we wanted to know if
79 the tree removal included trees that were cut prior to; if those were included and there
80 was reference to some tree replacement, as I didn't see anything in the plans for tree
81 replacement, and we're a little concerned about that. I will send the PB an email
82 regarding these comments.

83
84 Mr. Riker said that the note on our plan is a standard note. If the marine contractor is
85 using an impact hammer to drive piles, the time-of-year restriction has to do with noise.
86 Riverside & Pickering Marine has a vibratory pile driver, which I believe allows them to
87 drive piles outside of time-of-year restrictions. Additionally, I believe, prior to
88 construction, the marine contractor coordinates with the Army Corps of Engineers
89 (ACE). So, while there may be some discrepancy on our plan, and discrepancies between
90 the DEP and ACE, nothing will happen until the contractor coordinates immediately prior
91 to construction to perform any pile driving.

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Mr. Anderson said that that is correct. We use a vibratory driver and there's no impact hammer used. We've always used the vibratory driver outside of that window. We had the ACE on-site with us a week or so ago doing a project with the equipment we will be using on this project and they were totally satisfied with it.

Mr. Riker said, regarding cumulative impact, I believe that is something that the DEP takes a look at. I would add that we have two separate lots. Ms. Moore's third comment was about tree removal. The last sheet in the plans, C3 Tree Score Worksheet, per the Town of Eliot Zoning Ordinance (tree removal along tidal wetlands), which requires that grids along the shoreline maintain a tree score, provides the tree scores for all of those grids along the shoreline where we are proposing work and, even after the tree removal, we still meet the grid scores. Therefore, any replanting isn't required.

Mr. Lentz added that I believe a condition of approval is that there is no additional tree-cutting permitted on the site unless approval is granted, in writing, by the Town's Code Enforcement Officer and/or the ME DEP. That is from the Planner's note. Additionally, there was a compensation fee paid to the ME DEP, which Mr. Riker mentioned.

Ms. Moore clarified that that was for the tidal wetland loss.

Mr. Riker and Mr. Lentz agreed.

7:30 PM Public Hearing closed.

Mr. Lentz said that we agreed that they met most of the issues that were previously raised, with the exception of a couple, which they followed up on. Is there any Board discussion or a motion.

Ms. Bennett moved, second by Ms. Braun, that the Planning Board accept PB19-15, address of 787 Main Street, for a Shoreland Zoning Permit Application subject to the following conditions:

- 1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. Copies of approved permits from Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided to the CEO before construction on this project may begin.**
- 2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit**

- 138 **approval constitute a resolution in favor of the applicant of any issues**
139 **regarding the property boundaries, ownership, or similar title issues. The**
140 **permit holder would be well-advised to resolve any such title problems**
141 **before expending money in reliance on this permit.**
142 **3. The applicant authorizes inspection of premises by the Code Enforcement**
143 **Officer during the term of the permit for the purposes of permit**
144 **compliance.**
145 **4. No additional tree-cutting is permitted on the site unless approval is**
146 **granted, in writing, by the Town’s Code Enforcement Officer and/or the**
147 **Maine Department of Environmental Protection.**
148 **5. A dock permit may be issued for 787 Main Street providing the primary**
149 **structure remains.**
150 **6. Any required tree replanting must be in accordance with the Maine**
151 **Department of Environmental Protection.**

152
153 DISCUSSION

154
155 Mr. Galbraith clarified that, regarding #5, in the future if the owner of that lot wanted to
156 do an addition or demo/rebuild, they would be allowed to do that under the ordinance. I
157 just wanted to clarify that the existing structure would not have to remain for the rest of
158 time.

159
160 DISCUSSION ENDED

161 **VOTE**
162 **4-0**
163 **Motion approved**

164
165 Mr. Lentz said that the application stands approved and there is a 30-day period from
166 which the PB decision can be appealed by an aggrieved person or parties – move forward
167 but move forward cautiously.

168
169 **B. 0 Main Street (Map 6/Lot 154) PB19-17: Shoreland Zoning Permit Application:**
170 **Application for a 4’X24’ accessway, a 6’X100’ fixed pier, a 3’X45’ gangway, a**
171 **6’X35’ landing float, and an 8’X30’ main float. Applicant: CPN Realty, LLC.**
172 **Owner: CPN Realty, LLC.**

173
174 **Received: September 26, 2019**
175 **1st Heard: October 29, 2019**
176 **Public Hearing: November 19, 2019 (Opened to table application.)**
177 **2nd Hearing: November 19, 2019**
178 **3rd Hearing: May 5, 2020**
179 **Public Hearing: May 19, 2020**
180 **Site Walk: N/A**
181 **Approval: May 19, 2020**
182

183 Mr. Steve Riker (Ambit Engineering), David and Laurie Chase, and Mr. Doug Anderson
184 and Ms. Kuerstin Fordham (Riverside & Pickering Marine) were present for this
185 application.
186

187 **7:36 PM Public Hearing opened.**
188

189 Mr. Riker gave a summary of the project, which is for a 4’X24’ accessway, 6’X100’
190 fixed residential pier, a 3’X45’ gangway (seasonal), 6’X35’ landing float (seasonal), and
191 an 8’X30’ main’ float (seasonal) located on 190 feet of shoreline. The proposal also
192 includes rip rap shoreline stabilization. This project is depicted on a plan set date
193 November 1, 2019. Regarding previous comments from the PB and Planner, which
194 included adding reflector locations, for which we added a note on the plan detailing the
195 Town of Eliot Zoning Ordinance regarding reflectors on docks. We revised the abutter
196 list and revised the site address (0 Main Street) on the plan set so that we could separate
197 this project from the last project (787 Main Street). The DEP and ACE have approved the
198 project and our last step is to gain local approval tonight. That’s all I have and I will take
199 any questions.
200

201 Ms. (Stephanie) Kinnett, Main Street, said that, from a previous meeting, there was
202 something where we talked about adding the accessory structure to a lot with no primary
203 structure. Just for our own edification on the Town rules, was that resolved in some way
204 or is it not an issue.
205

206 Mr. Galbraith said that the issue remains that this lot does not currently have a primary
207 structure so I did recommend a condition in the staff report that says “No dock permit
208 (accessory structure) will be issued until a permit has been issued for a primary structure
209 (single-family residence) and has been substantially completed as determined by the
210 Town’s Code Enforcement Officer.” That was the recommendation at the last meeting
211 and we have talked about other ways we might want to revise this. Ms. Bishop (Eliot
212 CEO) is attending this hearing by phone and has talked with the property owner about it.
213 He asked if Ms. Bishop would like to speak to this.
214

215 Ms. Bishop said that the question came up as to what a principal structure is and whether
216 that had to be a single-family home or something else. Anywhere in the Shoreland Zone,
217 a principal structure is defined as a one- or two-family residential structure. It then goes
218 into commercial and other uses and, then, allowed structures accessory to allowed uses
219 and piers, docks, and wharves are accessory, as well. So, certainly in the Shoreland Zone,
220 it does specify that a principal structure would be a single-family structure. Conversation
221 with Mr. Chase was potentially proposing to put a building up, upland, outside of the
222 Shoreland Zone and I’ll have him speak more to that, as far as what the proposed use is
223 of that structure. It really depends on what type of structure is proposed and where it
224 would fall in the Land Use Table.
225

226 Mr. Lentz said that it is our job, here, or judgement is whether it is okay to put a dock in
227 there. It’s not to judge the rest of the lot on this application. I believe, Mr. Galbraith, that

228 it is permissible to push this forward and, yet, there would be no permits issued to build
229 anything, asking if that was correct.

230

231 Mr. Galbraith said that that is correct.

232

233 Mr. Lentz said that it seems our position tonight is to judge the dock and pier and the rest
234 of that. If the PB decides to go forward and approve this, there would be no activity there,
235 anyway, until there is a substantial built-up structure and there would be building permits
236 for those. He clarified that what we do has no impact on the building of the dock. It's
237 when the CEO issues the permit.

238

239 Ms. Bishop said that that couldn't be issued until there's a principal structure.

240

241 Mr. Lentz said exactly; the way I read it anyway.

242

243 Mr. Galbraith said that part of the debate, the last time we discussed this was, the way
244 that I had written it was 'substantially complete'. The PB asked me to go back and
245 discuss this matter with Ms. Bishop and she did render an official decision on it. If you
246 wanted to change what is 'substantially complete', Ms. Bishop's email outlines what she
247 believes is 'substantially complete'. If the PB wanted to go a little more on that, my
248 feeling is to have the building framed and sort of buttoned up, with work still going on in
249 the inside. But, again, it gets back to the primary structure and what 'substantially
250 complete' is but Ms. Bishop has rendered that in an official determination, which is what
251 I would go by. That determination could be challenged, I suppose, to the Board of
252 Appeals (BOA). I see a number of options, here. As we last talked, Ms. Horner raised the
253 question of why we are hearing this case, now, if there is not a primary structure on it.
254 We could table this case until a house is under construction and, again, we get back to the
255 'substantially complete' and Ms. Bishop has rendered that. The PB may want to say at
256 least it's buttoned up – roof is on, windows are up. They could challenge Ms. Bishop's
257 decision to the BOA and, if the BOA overturned that decision, then it would come back
258 to the PB and you could un-table it and vote on it. The zoning ordinance on the
259 determination challenge would really have to argue the case that Ms. Bishop made an
260 error in her determination. I believe the language she pulled out was from a code
261 enforcement source plus they would have to argue against what are considered primary
262 structures and accessory structures in the Shoreland Zone District. It specifically calls out
263 both docks as accessory. We've been trying to move this project along and we sort of
264 need to get to do that. He asked if Ms. Bishop could answer the question of if the PB
265 approved the dock this evening with the proposed conditions, or amended conditions,
266 would this approval be good for the dock for two years and a permit would be good for
267 another year after that.

268

269 Ms. Bishop said she is double-checking on the two years. Permits, once issued, have to
270 start within six months. If the dock was approved, we still couldn't issue that permit until
271 there's a principal structure on the lot. That is the local ordinance. I will continue to look
272 for Shoreland approval time for commencing the building permit.

273

274 There were no other comments from the public.

275

276 **7:50 PM Public Hearing closed.**

277

278 Mr. Lentz said that the easement issue and deed correction issue were taken care of. He
279 asked if Mr. Galbraith could think of anything else.

280

281 Mr. Galbraith said just the four conditions of approval we had recommended.

282

283 Mr. Lentz said that I think everything else has been brought up to date.

284

285 Mr. Chase said that he appreciated Ms. Bishop's return email correspondence. We had
286 reached out for clarification and received an email yesterday that the Town is...we were
287 actually putting a dollar amount on at the last meeting...saying a structure needs to be
288 completed to a point of temporary occupancy permit. We did some research on our end
289 and we do not want to put a dwelling in place right now. We want to put up a structure
290 and get a use permit as a support building. The structure is going to be 24'X24' in a
291 location that is out of any Shoreland Zone, far back up on the lot. We respectfully ask
292 that we get the approval and we would look to get a building permit to start that 24'X24'
293 garage, which is not going to be a dwelling structure.

294

295 Mr. Lentz asked if that would qualify as a primary structure, according to code.

296

297 Ms. Bishop said no, that it would be an accessory.

298

299 Mr. Chase asked if the dock isn't the accessory. The email I received yesterday says "a
300 structure" and it needs to have an occupancy permit in order for it to be approved. It
301 doesn't say anything about a dwelling. We have no anticipation, at this time, to put a
302 house on that property, at this time.

303

304 Mr. Lentz said that that's another whole ballgame. I'm not sure where that puts us.

305

306 Ms. Horner said that I don't think you can have an accessory structure to an accessory
307 structure. That's the problem.

308

309 Mr. Chase said that it's not an accessory, it's a primary, because there's only one
310 structure.

311

312 Ms. Horner said that it's a garage, which is an accessory structure.

313

314 Mr. Chase asked what the PB was calling on the property at 787. Is that a house or a
315 structure or is that a primary residence.

316

317 Ms. Horner said that I believe it's a primary residence, which is why we approved the
318 dock because it's an accessory structure to a primary residence.

319

320 Mr. Lentz said that he was going to back up a few minutes and ask the question, again, or
321 pose it as a question. This application is for a dock system. Along the way we discovered
322 it was supposed to be a primary dwelling, or residence, or structure, whatever you want to
323 call it. That has nothing to do, in my opinion, with being able to move forward on the
324 dock. You can't build a dock until that structure is in place, whatever we're calling it. I
325 don't want to see us tie two or three things together when the request was for only one
326 thing. He asked if there were any opinions.

327
328 Ms. Horner said that I am happy to discuss this further and I am certainly always for
329 working with the people in our Town but it was also just disclosed to us that they are not
330 intending to put a principal structure on that lot. And so, now with that information, I sort
331 of disagree with the Chair on moving forward on this because, if that's the intention,
332 there's no permit that can be asked for.

333
334 Ms. Bennett followed up by saying that we have identified what the condition would be
335 for that dock to go in. That a permit could be issued for them but the condition is that, as
336 we understand our code, you need to have a primary structure, and we put in brackets
337 "single-family home" being a primary structure; so, in a way, I think it can go back to the
338 applicant, If they want to go forward, at this point, and get this dock permit we would
339 make it a condition exactly upon that. Then they have the choice to either go forward
340 with the single-family residence or get a primary structure, as it is defined by our code, or
341 not. And then, this dock permit, I think Ms. Bishop said that applicant would have to start
342 within six months to remain live and valid. I'm inclined to put this back to the applicants
343 on this because, yes, what was asked before us was simply a dock but we have identified
344 that there needs to be more done to the property before that can happen.

345
346 Ms. Braun agreed that a dock is an accessory to a primary dwelling, a single-family
347 home, and if they have no intention of doing that, at this time, I'm uncomfortable issuing
348 a dock permit with those conditions in place.

349
350 Mr. Galbraith said that we consider docks, sheds, detached garages, all accessory
351 structures under the code so I have a hard time making that stretch. Ms. Bishop is
352 obviously the final voice on that, legally. That being said, if this was approved with the
353 conditions, there are a couple of things we've talked about. We've talked about the
354 expiration of the PB case for the dock. That actually has a two-year life window on it; so,
355 the approval is for two years. The building permit has to be started within six months; so,
356 legally speaking in my opinion, they could a year from now apply for a house permit and,
357 then, apply for the dock permit within that two years as long as we follow under that PB
358 decision-making.

359
360 Ms. Bishop said that my recollection was in Shoreland development with new
361 applications I thought was one year and I thought that was per the State standard. Our
362 local ordinance is saying two years for site plan review. I apologize for my confusion on
363 that and I will further clarify that to make sure it's not just a one-year approval, which
364 would limit it even further. In any event, yes, whatever that approval expiration is, once a

365 permit is issued you have to start within six months and, again, we can't issue a permit
366 until we have that principle structure at least figured out.

367
368 Mr. Lentz said that Mr. Chase has committed to putting up a structure. Call it a garage, a
369 shed, I don't know what the name of it would be. Is that, in your opinion, a primary
370 structure.

371
372 Ms. Bishop said no. The square footage of the pier/ramp/float system comes out to about
373 to 1,200- to 1,300 square feet. So, as an accessory at that square footage and you look at a
374 principal structure, the square footage would be greater than the accessory. Another
375 consideration when you are looking at what that principal structure size is, is that it has to
376 be greater than the accessory structure.

377
378 Mr. Lentz asked which way will the PB go.

379
380 Mr. Galbraith said that I am going to be in the Town Office on Thursday, as is Ms.
381 Bishop. One thing we could do is reach out to the Town's attorney, explain the situation,
382 and have them give us a written opinion if the PB would feel more comfortable with that,
383 unless you want to make the decision now. He reiterated that we have the option to table
384 until we have a primary structure committed to, or what-have-you. You could approve
385 with conditions. You could deny the application. I don't like denying applications if there
386 is a way to keep it alive, which directly applies to tabling it, if you went that route. We
387 could get a Town attorney's opinion on it or Ms. Bishop's opinion could be challenge at
388 the Board of Appeals but I don't think I'd recommend that to our applicants.

389
390 Ms. Braun asked if we could table it until we get a legal opinion. That would make me
391 feel a bit more comfortable because, at this point, I'm not for going forward with this.

392
393 Ms. Horner said that I don't feel we need to spend money on a legal opinion. I think
394 we're all on the same page, as far as the CEO, the Planner and, from what I'm gathering,
395 the majority of the PB that is in attendance this evening.

396
397 Mr. Glidden said that my concern, here, is that we are walking a very fine line legally.
398 What I'm hearing is a lot of opinions of everything from a primary structure to a primary
399 building to a dwelling to a residence, to all these different things, and what I think really
400 needs to be looked at is what does the code say and what is required. If it requires a
401 structure, what is the definition of the structure written as in that code. If Mr. Chase
402 meets that code and does what he's required to do by the Town code and by the law, then
403 that meets the needs to get the other permit he is looking for.

404
405 Ms. Horner asked if Mr. Glidden would like her to read the definition for a primary
406 structure in the Town of Eliot's book.

407
408 Ms. Bennett agreed she should do that, clarifying that it is actually 'principal structure'.
409

410 Mr. Glidden said that that's the problem. We're hearing principal, primary, we're hearing
411 structure, dwelling, residence and the question is what is it.

412
413 Ms. Bennett said that that is because they are all contained within the actual code
414 addressing this subject.

415
416 Ms. Horner read the definition: "*Principal structure* (building) means the *structure* in which
417 the primary use of the lot is conducted. In shoreland zoning, [chapter 44](#): *Principal structure*
418 means a *structure* other than one which is used for purposes wholly incidental or accessory to
419 the use of another *structure* or use on the same lot."

420
421 Mr. Glidden said that Mr. Chase said that it was not in the Shoreland District.

422
423 Ms. Horner said that a garage or barn is an accessory structure. and so is a pier. You can't
424 have an accessory structure to an accessory structure.

425
426 Mr. Glidden said that your definition said for the primary use of the property.

427
428 Ms. Horner said yes but a garage is an accessory structure, as defined within the code of
429 Eliot.

430
431 Mr. Chase asked if it was possible for Mr. Riker or Mr. Anderson to address anything. Is
432 there anything you can shed a light to because obviously I'm hearing what I'm
433 hearing...the Town is basically telling me that the way that the zoning is, is that I have to
434 put a dwelling on 4 ½ acres that we currently own, there, for that use or we cannot put a
435 dock there. That is what I'm hearing. So, I need to build a house in order to put a dock in.

436
437 Ms. Horner said that I think that's what we were told when this application first came
438 before the PB.

439
440 Mr. Lentz agreed that that was the decision then.

441
442 Ms. Bishop said that what the PB has in front of them right now is just a pier application.
443 Part of it being an accessory, part of the requirement of having an accessory approval is
444 having a principal residence so it's kind of difficult. It's almost like a 'what-if' scenario.
445 Is there going to be a dwelling in the Shoreland Zone, outside the Shoreland Zone. If it's
446 in the Shoreland Zone, the code is very pretty clear as it says principal structure is one-
447 and two-family in the Shoreland Zone. It's a principal structure and the accessories are
448 the piers and docks. If you have your accessory structure pier and dock in the Shoreland
449 Zone and you put a principal structure upland, which is I think part of the question, does
450 it have to be within the Shoreland Zone or is it okay to be outside of it and, if it is outside
451 of it, does it have to be a dwelling. So, with the PB only having that dock application in
452 front of them and not a clear proposal of what that principal structure is going to be, it's
453 hard to make a determination when you have to have that principal structure before you
454 can have the accessory structure.

455

456 Mr. Lentz said that's why I said in the beginning this is for a dock permit. If they have
457 met the requirements for the dock permit, the fact that it's ancillary, or secondary, to a
458 structure, is a whole other issue.

459
460 Mr. Anderson said I can't speak to the accessory structure, main structure, or any of that
461 stuff. I do know that we have put many applications, several applications, before boards
462 with new lots without any structures on them. They have approved the applications like
463 we were talking earlier – subject to a permit for a primary or accessory or whatever it
464 would be that you guys approve before he could get his dock building permit. But they do
465 have a certain amount of time, whatever it is, to decide to build their primary structure or
466 not. If they don't do it within that timeframe, then they lose the approval. But, moving
467 forward and getting the approval for this is something that is common practice on these
468 accessory dock structures.

469
470 Mr. Lentz said let's put the issue back where it belongs...back in the Code Enforcement
471 Office. This is not really our issue. Our issue was to look at the application and decide if
472 this dock passes the smell test. We were dragged into this because Mr. Galbraith dug up
473 some stuff, and everything else. I understand all of that. I don't think its fair to the
474 applicant, I don't think it's fair to the Town, to reject this but it's your call.

475
476 Ms. Bennet said that I can make a motion, if the Chair thinks we are at that point.

477
478 Mr. Lentz said that the Chair would accept a motion.

479
480 **Ms. Bennett moved, second by Ms. Braun, that the Planning Board accept the**
481 **application for PB19-17 at 0 Main Street for a Shoreland Zoning Permit Application**
482 **to build a dock with the following conditions of approval:**

- 483 1. **The property may be developed and used only in accordance with the plans,**
484 **documents, material submitted, and representations of the applicant made**
485 **to the Planning Board. All elements and features of the use as presented to**
486 **the Planning Board are conditions of approval and no changes in any of**
487 **those elements or features are permitted unless such changes are first**
488 **submitted to and approved by the Eliot Planning Board. Copies of approved**
489 **permits from Maine DEP, Army Corps of Engineers, if applicable, and State**
490 **shall be provided to the CEO before construction on this project may begin.**
- 491 2. **The permit is approved on the basis of information provided by the**
492 **applicant in the record regarding the ownership of the property and**
493 **boundary location. The applicant has the burden of ensuring that they have**
494 **the legal right to use the property and that they are measuring required**
495 **setbacks from the legal boundary lines of the lot. The approval of this**
496 **permit in no way relieves the applicant of this burden. Nor does this permit**
497 **approval constitute a resolution in favor of the applicant of any issues**
498 **regarding the property boundaries, ownership, or similar title issues. The**
499 **permit holder would be well-advised to resolve any such title problems**
500 **before expending money in reliance on this permit.**

- 501 **3. The applicant authorizes inspection of premises by the Code Enforcement**
502 **Officer during the term of the permit for the purposes of permit**
503 **compliance.**
504 **4. No additional tree-cutting is permitted on the site unless approval is**
505 **granted, in writing, by the Town’s Code Enforcement Officer and/or the**
506 **Maine Department of Environmental Protection.**
507 **5. No dock permit, which is considered an accessory structure, will be issued**
508 **until a permit has been issued for a primary structure and has been**
509 **substantially completed, as determined by the Town’s Code Enforcement**
510 **Officer.**
511 **6. Building permits are required for the proposed dock and structure, calling**
512 **it a residential structure.**
513 **7. Any required tree replanting must be in accordance with the State of Maine**
514 **Department of Environmental Protection.**
515

516 DISCUSSION

517
518 Ms. Lemire said to Ms. Bennett that when you read #2, you did not include in the
519 parentheses (single family residence).

520
521 Ms. Bennett said that I did not. As clarification, I did that because we don’t know where
522 this structure is going to go. It may go in the upland or the Shoreland and that can be
523 determined with the CEO.

524
525 DISCUSSION ENDED

526 **VOTE**

527 **4-0**

528 **Motion approved**

529
530 Mr. Lentz said that the application stands approved and there is a 30-day period from
531 which the PB decision can be appealed by an aggrieved person or parties – move forward
532 but move forward cautiously.

533
534 Mr. Lentz said that I don’t appreciate the fact that I believe we were threatened with
535 legal. I don’t think we were at that point and I think it’s pretty darn uncomfortable to hear
536 those words. Anyway, that’s all for 0 Main Street.

537
538 Mr. Chase said that the Board was not threatened. This is us trying to move forward after
539 two years. We reached out to the Town and I appreciate you moving forward. I
540 understand. I would like to talk to the CEO as far as the dwelling that needs to be put up
541 there. If we can work that out then we will move forward to get a building permit. That is
542 not what our first choice is.

543
544 Mr. Lentz said that I appreciate your patience. It hasn’t been an easy road for us the past
545 few months, either.
546

547 **ITEM 7 – OLD BUSINESS**

548
549 There was no old business.

550
551 **ITEM 8 – NEW BUSINESS**

552
553 There was no new business.

554
555 **ITEM 9 – CORRESPONDENCE**

556
557 There was no correspondence.

558
559 **ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING**

560
561 Mr. Lentz asked if Ms. Goodwin had come up with a date for the Administrative
562 meeting that Mr. Olsen had requested to talk about retail marijuana and refresh
563 ourselves.

564
565 Ms. Goodwin verified that there was nothing scheduled for June 23rd, which is when we
566 were thinking to tentatively schedule that meeting.

567
568 Mr. Lentz suggested the PB pencil that in as we have a couple weeks to think about in
569 case anything changes. We could have review of minutes and Decision Notices at that
570 meeting but let's keep the majority of our time for the review of retail marijuana.

571
572 Ms. Goodwin said that I will send out an invite Zoom for June 23rd to hold that spot.

573
574 May 26th:
575 Public Hearing for 100 Harold Dow Highway – propane storage tanks
576 Site Plan Review for 0 Harold Dow Highway – 9 commercial condos & propane storage

577
578 June 2nd:
579 Public Hearing for 352 River Road – pier

580
581 Mr. Lentz said that Mr. Galbraith owed a few things to Ms. Lemire re: May 12 minutes.
582 I didn't see a Planner Review, yet, for the May 26 applications.

583
584 Mr. Galbraith said that there are some amendments I still need to make to those and I
585 will try to get those to Ms. Goodwin tomorrow and the minutes updated.

586
587
588 The next regular Planning Board Meeting is scheduled for May 26, 2020 at 7PM.

589
590 **ITEM 11 – ADJOURN**

591
592 There was a motion and a second to adjourn the meeting at 8:19 PM.

593
594
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604
605

Dennis Lentz, Chair
Date approved: _____

Respectfully submitted,
Ellen Lemire, Recording Secretary



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
From: David C.M. Galbraith - Planning Consultant, Southern Maine Planning and Development Commission (SMPDC).
CC: Energy North Incorporated (ENI) - Project Applicant
Greenman-Pederson, Inc (GPI) - Project Engineer
Toro Properties, LLC - Property Owner
Kristina Goodwin, Land Use Administrative Assistant
Date: May 26, 2020
Re: 100 Harold Dow Highway (Map 023 / Lot 012): PB 20-2 Energy North Incorporated – Site Plan Review

Application Details/Checklist Documentation	
• Address:	100 Harold Dow Highway
• Map/Lot:	Map 023 Lot 012
• PB Case#:	PB 20-2
• Zoning District:	Commercial Industrial District (CID)
• Shoreland Zoning:	N/A
• Owner Name:	Toro Properties, LLC
• Applicant Name:	Energy North Incorporated (ENI)
• Proposed Project:	Site Plan Review for the construction of four (4) - 30,000-gallon bulk oil fuel tanks on 1.02 acres of leased land on a 3.0-acre parcel.
• Application Received by Staff:	January 22, 2020
• Application Fee Paid and Date:	\$252.00 (check # 46410)* \$25.00 (check # 46429)** Date Paid: January 22, 2020* Date Paid: January 28, 2020**
• Application Sent to Staff Reviewers:	Date: January 28, 2020
Application Heard by PB	Date: February 25, 2020 and March 3, 2020 (Sketch Plan Review)
Found Complete by PB	Date: March 3, 2020
Site Walk	Date: N/A
Public Hearing	Date: May 26, 2020
Public Hearing Publication	Date: May 8, 2020
Deliberation	Date: May 26, 2020
Notice of Decision	Date: June 6, 2020 (anticipated)
• Reason for PB Review:	Site Plan Review / Sketch Plan

Overview:

This application (sketch plan) is for a Site Plan Review located at 100 Harold Dow Highway (Map 023 Lot 012). The subject property is located within the Town's Commercial Industrial District (CID) and is owned by Toro Properties, LLC and the project applicant is Energy North Incorporated (ENI). The property is 3.0 acres in size and the applicant (ENI) is seeking to lease 1.02 acres of the land for the construction of four (4) 30,000 gallon "bulk oil fuel tanks". Bulk oil fuel tanks require Site Plan Review (SPR) within the Commercial Industrial District (CID) and must conform to SPR condition "2" which states "Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only". There currently exists two (2) commercial uses on the property a "boat storage, retail, and repair operation which received Planning Board approval on November 11, 2017. The proposed 1.02 acre leased area is currently graveled being utilized for the storage of boats, storage containers and concrete. The applicant is seeking a waiver request for the submission of a High Intensity Soils Report / Mapping. An overview of this request, prepared by Greenman-Pedersen Inc. includes multiple sheets, prepared by Greenman-Pedersen Inc. (GPI), including the following:

1. Existing Conditions Plan
2. Site Plan
3. Grading, Drainage & Erosion Control Plan
4. Landscape Plan
5. Detail Sheet
6. LPG Tank Piping Diagram
7. Tank Foundation Plan
8. Photometrics Plan
9. Truck Turn Plan

The Site Plan illustrates the proposed lease area, four (4) 30,000 gallon above ground fuel tanks, snow storage area, two (2) fuel fill stations, six (6) 12' x 30' parking stalls, fencing around the utilized area of the site (see Detail Sheet for specifics) and a guard rail surrounding the tanks. In your packets you will find a memo from Fire Chief Jay Muzeroll dated February 13, 2020 outlining his comments and recommendations. If the Planning Board determined that the application was complete on March 3, 2020 and this public hearing was scheduled for May 26, 2020. The applicant is seeking approval of their proposed plans for the installation of four (4) 30,000-gallon, above ground, propane tanks. The site plan further illustrates a snow storage area, two (2) fuel fill stations, six (6) 12' x 30' parking stalls, fencing around the utilized area of the site and a guard rail surrounding the tanks.

Respectfully submitted,

David C.M. Galbraith

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

FROM BOB AND JEAN SREELEY
P.O. BOX 175
ELIOT, ME

5/20/20

TO THE PLANNING BOARD:

CONCERNING THE VIRTUAL PUBLIC HEARING

ON TUESDAY, MAY 26, 2020 AT 7:00 PM

FOR AN APPLICANT PROPOSAL FOR REDEVELOPMENT
OF (MAP 23 LOT 12) PB 20-2 FOR BULK STORAGE PROPANE.

AFTER RECEIVING ONE OF LETTERS THE PLANNING
BOARD SENT TO ABUTTERS WHICH HAD VERY LITTLE
INFORMATION ON IT, AS ONE OF THE ABUTTERS CLOSEST
TO THE LOT I FELT I NEEDED MORE INFORMATION
AND SPENT A DAY CALLING THE APPROPRIATE PEOPLE
TO FIND OUT WHAT "BULK STORAGE PROPANE"
CONSISTED OF, AND THEN FELT I HAD TO INFORM THE ABUTTERS.

I WAS HORRIFIED TO FIND OUT IT WAS
4 TANKS OF 30,000 GALLONS EACH - TOTAL 120,000
GALLONS AND IT WAS PICKUP AND DELIVERY ALSO.

I COULD NOT BELIEVE THAT ANYONE WOULD
LEASE LAND TO A COMPANY THAT HAD NO SECOND
THOUGHTS ABOUT THE POSSIBLE CATASTROPHES THAT
MIGHT OCCUR WITH THAT AMOUNT OF PROPANE SO
CLOSE TO RESIDENTIAL PROPERTY.

THE 4 TANKS WHICH WOULD BE 5 FEET APART,
(WHICH IS ALLOWED BY THE NFPA SAFETY CODE)
ARE GOING TO BE USED BY ONE OF THE LARGER
TRANSPORT TRUCKS, THAT WILL ENTER AND EXIT
ONCE A DAY AND THE BOBTAILS - SMALL DELIVERY
TRUCKS UP TO 4 TIMES DAILY.

THERE WILL BE NO ONE THERE THROUGHOUT
THE DAY TO SUPERVISE THESE PICKUPS AND DELIVERIES
FOR SAFETY. THERE WILL ALSO BE MUCH NOISE EACH
DAY.

FOAM IS NEEDED TO EXTINGUISH A PROPANE
FIRE AND WATER IS NEEDED FOR THE FOAM.
THERE IS ONE FIRE HYDRANT TOO CLOSE TO THE
TANKS. ELIOT WOULD HAVE TO CALL OTHER TOWNS
FOR HELP IF THERE WAS A FIRE AS IT IS A
VOLUNTEER FIRE DEPT. AND MANY OF THE
VOLUNTEERS WORK AT OTHER JOBS. THERE ARE NO
HYDRANTS THAT COULD SERVE THE ABUTTERS
PROPERTY ON HANSCOM ROAD.

PROPERTY VALUES OF ABUTTERS WOULD
DIMINISH, AS NO ONE WOULD BUY A HOUSE
NEAR 120,000 GALLONS OF PROPANE THAT COULD
POSSIBLY EXPLODE.

WOULD ANY ONE OF YOU WANT TO BE AN
ABUTTER TO A LOT WITH 120,000 GALLONS OF
PROPANE NEARBY?

Bob and Jean Sreeley

Kristina Goodwin

From: LINDA ANDREWS <linnieskied@gmail.com>
Sent: Monday, May 25, 2020 1:16 PM
To: Kristina Goodwin
Subject: Proposed Bulk Propane Storage Site

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Goodwin:

It has been brought to our attention that an application has been presented to the Planning Board for a 120,000 gallon propane storage facility to be constructed on Rte 236 (Map 23 Lot 12) in Eliot. This would consist of four 30,000 gallon tanks to be used as a filling station for multiple propane delivery trucks with no onsite supervision.

We live on Hanscom Road within a third mile of the proposed site. We are concerned about the safety of this facility being so close to many residences and businesses and we are in empathy with the direct abutters concerns about the lowering of property values . We are opposed to the site being considered and question why such a facility could not be located in a less populated area should some kind of accident occur.

We are voicing our concerns via e-mail as we will be unable to attend the Virtual Meeting on May 26, 2020. A signed hardcopy of this email will be left at the Town Office.

Sincerely,

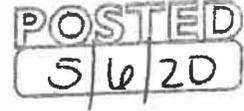
Linda Andrews-Jackson and Don Jackson



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

PUBLIC HEARING NOTICE



AUTHORITY: Eliot, Maine Planning Board
PLACE: Zoom – Online Meeting Platform
DATE OF HEARING: Tuesday, May 26, 2020
TIME: 7:00 PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a virtual public hearing on Tuesday, May 26, 2020 at 7:00 PM for the following applications:

- **100 Harold L Dow Highway (Map 23 Lot 12) PB20-2:** Applicant proposes redevelopment of a portion of the parcel for bulk storage propane.
 - Applicant: ENI 100 HLD HWY, LLC
 - Owner: Toro Properties, LLC

Interested persons may be heard and written communication received regarding this application. Copies of the application may be requested by emailing kgoodwin@eliotme.org. You may submit written comments to the Planning Office via email sent to kgoodwin@eliotme.org.

To view a live virtual meeting:

- a) Go to www.eliotme.org
- b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
- c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 7:00 (Please note: streaming a remote meeting can be delayed on average of about a minute)

Instructions to join virtual meeting:

- a) To participate please call into meeting 5 minutes in advance of meeting start time.
- b) Please call 1-646-558-8656
 1. When prompted enter meeting number: 914 0415 1315 #
 2. When prompted to enter Attendee ID press #
 3. When prompted enter meeting password: 616738 #
- c) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board.
- d) You may enter *9 to raise your hand virtually
- e) Members of the public will be unmuted one at time to allow for input. Please remember to state your name and address for the record.

OBITUARIES & NEWS

Nicole Wanda Michelin

EXETER — Nicole Wanda Michelin (King), age 74, a longtime resident of Trumbull, CT, and Exeter, N.H., died peacefully Monday, April 6, 2020 in St Joseph's Manor in Trumbull after a long battle with Lewy Body Dementia with Parkinson's. Nicole was born on June 19, 1945, in Troyes France where she also met her late husband Thomas R. King. Nicole enjoyed life to the fullest. She loved to travel, meet new people and was adventurous. She mastered tennis, bowling, skeet and trap shooting, as well as sailing. Before opening two successful businesses, one in Conn., and one in N.H., she enjoyed modeling and was featured in the local Trumbull Times.

Yvette Claire Faulkner

PORTSMOUTH — Yvette Claire (Maheir) Faulkner, of Portsmouth, died peacefully Monday, May 4, 2020. Daughter of Victor and Claire (Charbonneau) Maheir, she was born March 26, 1924 in Lowell, Mass., moved with her family to Portsmouth in 1935, and attended St. Patrick's School. A bright student who spoke French, she quickly acclimated herself, learned English, and promptly advanced a grade. She was a graduate of Portsmouth High School, Class of 1941, and received the Haven Award for highest Mathematics Honors. She worked at the Portsmouth Naval Shipyard during World War II, and then worked as a bookkeeper at Diamond Match Co., until her marriage to Raymond S. Faulkner Sr. in 1946. A proud and resourceful homemaker for years, she returned to the Navy Yard in the 1970's where she eventually retired from the Comptroller Department. Yvette was a seamstress, baker and knitter for years and was a member of Boy Scout Troop 158 Mothers' Club, the CYO Adult Council, Library Assistant at St. Pat's, and parishioner of Immaculate Conception. She loved the beach and the White Mountains. Yvette was predeceased by her parents, husband Raymond S. Faulkner, Sr., son David C. Faulkner, brothers Leon and Roger Maheir, sister Solange Lalancette, and partner James Cheneil. She is survived by her son Raymond S. Faulkner, Jr. (Terry) of Eliot, Maine; daughters Carlene Tomazin (Rick) of Portland, Maine; Karen Faulkner (Roger Smith) of Kittery, Maine; Elaine Thorpe (Rich) of Dover, N.H., and Joanne Greig (Warne) of Stratford, N.H.; and daughter-in-law Mary Ellen Fitzpatrick (Tom) of Rollinsford, N.H. Yvette leaves 16 grandchildren, 17 great-grandchildren and many nieces and nephews. **SERVICES:** Private burial services were held at Calvary Cemetery. Arrangements were made by Farrell Funeral Home. A Celebration of her life will be held at a later date. If desired, donations in Yvette's memory may be made to your local food bank. The family extends our heartfelt gratitude to the wonderful staff at Wentworth Senior Living who watched over her the last three years. **SERVICES:** Services and interment will be private. In lieu of flowers contributions can be made to the Michael J. Fox Foundation in her name. For online condolences please visit www.hoytfuneralhome.com.

Margaret MacDonald

PORTSMOUTH — Margaret "Peggy" (Snyder) MacDonald, of New Castle, N.H., passed away peacefully Friday, May 8, 2020 at the Edgewood Centre, in Portsmouth, N.H. The daughter of Harold and Alice (Meloon) Snyder, Peggy was born in Portsmouth, N.H., June 26, 1926.

A proud alumna of Portsmouth High School (Class of '44), Peggy relocated to Washington, DC following graduation, taking employment in the nation's capital as part of the war effort. Following the end of World War II, Peggy returned to New Hampshire, where she wed high school sweetheart, Douglas S. MacDonald.

Family and community were Peggy's greatest loves and she gave selflessly to both. A lifelong resident of New Castle, N.H., Peggy found countless ways to give back to the island she loved so dearly, particularly in her editorship of the Great Island Cookbook, which helped financially support the New Castle Congregational Church for decades. A devoted wife and loving mother, her family will greatly miss her wonderful meals, Irish wit and unconditional love. In addition to her parents,



Peggy is predeceased by her husband of nearly 70 years, Douglas S. MacDonald, sister Mildred (Snyder) McLaughlin and brother William Snyder

and Thomas McKenna. Survivors include sisters Mary Cass and Nancy Cook; brothers George McKenna and Alfred McKenna; daughters Polly Berg and husband Richard and Bonnie Halpin and husband Eugene; son Roderick MacDonald and wife Susan; grandchildren Catherine MacDonald and husband Timothy Smith, Emily (Halpin) Ostlund and husband Brian, Rebecca (Halpin) Brown and husband Elijah, Richard Berg and Abigail Halpin; as well as an ever-growing number of great-grandchildren.

Peggy's family is profoundly grateful for the love and care of the Edgewood Centre community. In lieu of flowers, donations may be made in Peggy's memory to Boston Children's Hospital, 401 Park Drive Suite 602, Boston, MA 02215. For online condolences and to view an extended obituary, visit: www.fjwoodfuneralhome.com. Arrangements are under the direction and care of the J. Verne Wood Funeral Home - Buckminster Chapel.

SHOPPING

From Page A1

also back in operation, returning public transportation to Market Square and around the Seacoast. Several businesses are opting to continue curbside pickup and online ordering, rather than fully reopening at this time. Others were eager and ready to welcome the public back inside, with necessary precautions in place.

Per guidance from Sumner, all retail staff are required to wear cloth face coverings, while patrons are encouraged to do so. Stores are permitted to open at only 50% capacity based on square footage. Other industries given the go-ahead to reopen Monday with restrictions were hair salons and barbershops, golf courses, dental practices and drive-in movie theaters.

At Macro Polo on Market Street, a downtown staple for 40 years now under care of its third owner, reopened Monday with a "no mask, no entry" policy, clearly advertised by a sign out front. If customers do not have a mask, store staff can provide them with one, said owner Jen Sweatt, who noted she received free masks through the state government.

The store's new capacity is 15 customers at a time, and staff have created a path through the store with stickers marking every six feet. "I'm comfortable," said Sweatt. "We closed the store on March 16. I paid two months of rent not being open. We're taking every precaution."

Sweatt said the store will close each day at 5 p.m., and staff will spend until 6 p.m. cleaning and disinfecting. Items that patrons are known to want to touch and feel, she said, have been put in glass cases or behind the counter.

Sweatt successfully obtained a \$25,000 Small Business Administration Paycheck Protection Program loan and was able to cover wages for her staff of seven for eight weeks. They were able to do some remote sales during closure, but Sweatt said Macro Polo's physical location "is an experience."

Other retailers newly opened Monday were Alley Jewelers, Runner's Alley and Atreza Fine Kitchen Accessories. Signs at Ten Thousand Villages and Summerwind Jewelers indicated openings this week and next.

At G. Willikers' Toy Shop, owner Jody Breneman was confident in her decision to keep the store closed and continue with curbside pick-up. The store has a sign in its window stating it's "too soon to open our doors."

"We don't really have evidence the virus is contained," Breneman said. "We got really positive, encouraging, thankful comments on Facebook (regarding our decision to stay closed)."

Breneman noted most of the store's patrons are "kids, grandparents and pregnant moms," and it's a high-touch environment.

She said G. Willikers' has been "well-supported" by curbside pickup, and they'll continue that daily. Orders can be placed via phone or through Facebook messenger.

Breneman said she wasn't ready to pick a "hopeful" date for reopening, and she's even skeptical about June. In the meantime, she said, the toy store will continue to pivot its operations and offerings. RiverRun Bookstore on

Other retailers newly opened Monday were Alley Jewelers, Runner's Alley and Atreza Fine Kitchen Accessories. Signs at Ten Thousand Villages and Summerwind Jewelers indicated openings this week and next.

Daniel Street will remain closed to the public until June 1, said manager Tom Holbrook. The store's transition to online and phone orders has been "keeping the business afloat," he said.

"Every item I have, people want to touch," Holbrook said, noting the store needs to hire back more staff and has not successfully received an SBA loan yet.

Portsmouth City Manager Karen Conard said the city is "cautiously optimistic" about the opportunity for retail businesses to reopen. Conard encouraged "retailers and customers alike" to adhere to guidelines from the Centers for Disease Control and Prevention and Sumner, "so that we do not experience a spike in infections and further jeopardize our community health and challenged economy."

City staff and police will be monitoring the reopening of businesses city-wide, Conard said, and should be seen as resources when it comes to the state's reopening guidelines.

Conard also noted city staff agree on the message of "no shoes, no shirt, no mask, no service."

"I think there's a push to include that kind of language in people's daily thought process," she said.

In nearby Newington, the Mall at Fox Run reopened to the public effective Monday, but on its website, stated tenant hours and operations will vary. "Please be patient as many of our retailers still need time to prepare for reopening," it wrote on Facebook.

The mall's website showed a large majority of stores inside remain closed at this time, including Macy's and JCPenney.

In Dover, Kelly Glennon, chair of the Greater Dover Chamber of Commerce, and her husband, Doug, are co-owners of downtown-based Jewelry Creations.

Jewelry Creations has been open for online ordering and curbside pickup, and on Monday opened to customers by appointment, with no more than four customers in the store at one time.

"The community has been so supportive," Kelly Glennon said. "We and our staff have masks on, customers wear masks, and we provide them with hand sanitizer when they walk in the door and when they leave."

She said the store is booked for much of the week with appointments in 30-minute blocks, though some appointments, such as those for custom wedding bands, are allotted more time. Jewelry Creations has seen demand for wedding rings, Mother's Day gifts and watch batteries, with some people unable to get replacements for a while, Glennon noted.

"I think everyone is being really smart about opening slowly and safely," she said. "Our store doesn't normally have swarms of people, so it's easier to regulate it." She noted some businesses that draw bigger crowds and children are "opting to wait it out a little bit.... Everyone is proceeding with caution and doing what is right for the community."

CORONAVIRUS PANDEMIC

Trump faces virus at White House amid push to 'reopen' US

The Associated Press

WASHINGTON — President Donald Trump insisted Monday his administration has "met the moment" and "prevalled" on coronavirus testing, even as the White House itself became a potential symbol of the risk facing Americans everywhere by belatedly ordering everyone who enters the West Wing to wear a mask. Trump addressed a Rose Garden audience filled with mask-wearing administration officials, some appearing publicly with face coverings for the first time during the pandemic, after two aides tested positive for COVID-19 late last week. The startling sight served only to further highlight

the challenge the president faces in instilling confidence in a nation still reeling from the pandemic. Trump himself, not wearing a mask, sought to emphasize to the American people the steps being taken to ensure their safety — in hopes that will coax them to resume normal activities.

Shortage of coronavirus testing has long been a sore spot for the president, but he insisted anew that everyone who wants a test can get one. The pledge, first issued by Trump more than two months ago, comes as governors across the country continue to call on the federal government to do more to boost supply to meet the requirements needed to begin "reopening" the nation.



Visit our searchable directory on SeacoastOnline.com/HealthResourceGuide for all of your essential, local information and beneficial health care resources. The directory spans from Addictions and Dependency to Transportation Services

Legal Notice
PUBLIC HEARING NOTICE
AUTHORITY: Eliot, Maine Planning Board
PLACE: Zoom - Online Meeting Platform
DATE OF HEARING: May 26, 2020
TIME: 7:00 PM
Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a virtual public hearing on Tuesday, May 26, 2020 at 7:00 PM for the following applications:
• 110 Hamlet I, Dove Highway (Map E3 Lot 12 PB20-2; Applicant proposes redevelopment of a portion of the parcel for bulk storage propane.
• Applicant: EN 100 HLD HWY, LLC
• Owner: Tom Properties, LLC
Interested persons may be heard and written communication received regarding this application. Copies of the application may be requested by emailing kgoodwin@eliotme.org. You may submit written comments to the Planning Office via email sent to kgoodwin@eliotme.org.

To view a live virtual meeting:
a) Go to www.eliotme.org
b) Click on "Meeting Video" - Located in the second column, on the left-hand side of the screen.
c) Click on the meeting under "Live Events" - The broadcasting of the meeting will start at 7:00 (Please note: streaming a remote meeting can be delayed on average of about a minute)

Instructions to join virtual meeting:
a) To participate please call into meeting 5 minutes in advance of meeting start time.
b) Please call 1-848-552-0856
1. When prompted enter meeting number: 814 0415 1315 #
2. When prompted to enter Attendee ID press #
3. When prompted enter meeting password: 81288 #
c) Members of the Public calling in, will be first automatically placed in a virtual waiting room until admitted by one of the members of the Planning Board.
d) You may enter "I" to raise your hand virtually
e) Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

May 6, 2020

To:

Map 23 / Lot 8
PICKETT, TIM A
PO BOX 242
ELIOT, ME 03903

Certified Mail # 7112 4369 4680 2177 4279
Return Receipt Requested

Map 23 / Lot 9
COONEY, ANNETTE L
205 HANSCOM RD
ELIOT, ME 03903

Certified Mail # 7112 4369 4680 2177 4286
Return Receipt Requested

Map 23 / Lot 14
DOW HIGHWAY BUSINESS COND
92 WHIPPLE RD
KITTELY, ME 03904

Certified Mail # 7112 4369 4680 2177 4293
Return Receipt Requested

Map 23 / Lot 11
ENI 114 HLD HWY LLC
2 INTERNATIONAL WAY
LAWRENCE, MA 01843

Certified Mail # 7112 4369 4680 2177 4309
Return Receipt Requested

Map 23 / Lot 14
AMARIAH PROPERTIES LLC
26 RIVERVIEW DR
ELIOT, ME 03903

Certified Mail # 7112 4369 4680 2177 4316
Return Receipt Requested

Map 23 / Lot 35
RIDDLE, CHRISTINE A
CROWLEY, DANIEL J
PO BOX 547
KENNEBUNK, ME 04043

Certified Mail # 7112 4369 4680 2177 4323
Return Receipt Requested

Map 23 / Lot 13
SEELEY, ROBERT
PO BOX 175
ELIOT, ME 03903

Certified Mail # 7112 4369 4680 2177 4330
Return Receipt Requested

You are receiving this notification in conformance with the Town of Eliot's Ordinances, section 33-130. You are listed as the owner of property that has been identified as an abutter to an application for proposed work that was submitted to the Town of Eliot Planning Board for review. The Planning Board has scheduled a public hearing on the application at the date and time listed below for the purpose of receiving comments on the application. If you are interested in the specific details of the application, you may request to review the application and supporting documentation that has been submitted to the Planning Office by emailing Kristina Goodwin Land Use Administrative Assistant at kgoodwin@eliotme.org

Although an overview of the application will be presented at the public hearing, it is your responsibility to inform yourself

as to the specific content and details of the proposal under consideration. During the public hearing, you will be allowed to ask questions, speak in favor of, and/or express concerns. If you cannot virtually attend the public hearing, you may submit written comments to the Planning Office via email sent to kgoodwin@eliotme.org.

This is the only notice you will receive via mail. If the application is continued to a future meeting, you will not be notified again. You may request to attend the Public Hearing remotely by emailing kgoodwin@eliotme.org and a link to access the virtual meeting will be shared with you. Please feel free to contact the Planning Office at 207-439-1813 with any questions.

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Zoom – Virtual Meeting Platform
DATE OF HEARING: Tuesday, May 26, 2020
TIME: 7:00 PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a virtual public hearing on Tuesday, May 26, 2020 at 7:00 PM for the following applications:

- **100 Harold L Dow Highway (Map 23 Lot 12) PB20-2:** Applicant proposes redevelopment of a portion of the parcel for bulk storage propane.
 - Applicant: ENI 100 HLD HWY, LLC
 - Owner: Toro Properties, LLC

Interested persons may be heard and written communication received regarding this application. Copies of the application may be requested by emailing kgoodwin@eliotme.org

To view a live remote meeting:

- a) Go to www.eliotme.org
- b) Click on “Meeting Videos” – Located in the second column, on the left-hand side of the screen.
- c) Click on the meeting under “Live Events” – The broadcasting of the meeting will start at 7:00 (Please note: streaming a remote meeting can be delayed on average of about a minute)

Instructions to join remote meeting:

- a) To participate please call into meeting 5 minutes in advance of meeting start time.
- b) Please call 1-646-558-8656
 1. When prompted enter meeting number: 914 0415 1315 #
 2. When prompted to enter Attendee ID press #
 3. When prompted enter meeting password: 616738 #
- c) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board.
- d) You can raise your hand virtually by pressing *9 on your phone.
- e) Members of the public will be unmuted one at time to allow for input. Please remember to state your name and address for the record.



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Board of Appeals
Select Board
Cc: Town Manager Dana Lee
From: Kristina Goodwin – Land Use Administrative Assistant
Date: May 6, 2020
Re: Public Hearing Notification: 100 Harold L Dow Highway (Map 23 /Lot 12): PB20-2

You are receiving this notification in conformance with section 33-130 of the Town's ordinances.

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Zoom – Virtual Meeting Platform
DATE OF HEARING: Tuesday, May 26, 2020
TIME: 7:00 PM

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TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: David C.M. Galbraith - Planning Consultant, Southern Maine Planning and Development Commission (SMPDC).
Cc: M & T Reality, LLC / Michael Estes
Attar Engineering
Kristina Goodwin, Land Use Administrative Assistant
Date: May 26, 2020
Re: 0 Harold Dow Highway (Map 029 / Lot 031): PB19-23 Pine Tree Business Park

Application Details/Checklist Documentation	
✓ Address:	Harold Dow Highway
✓ Map/Lot:	Map 029 Lot 031
✓ PB Case#:	PB19-23
✓ Zoning District:	Commercial Industrial District (CID)
✓ Shoreland Zoning:	N/A
✓ Owner Name:	M & T Reality
✓ Applicant Name:	M & T Reality
✓ Proposed Project:	Site Plan Review for the construction of 6,000 square foot retail store that will be accessed via a new curb opening on Harold Dow Highway (Route 236) and 8 storage buildings which will be accessed via Passamaquoddy Lane.
✓ Application Received by Staff:	December 3 , 2019
✓ Application Fee Paid and Date:	\$400.00 Date Paid: December 3, 2019
✓ Application Sent to Staff Reviewers:	Date: December 6, 2019
Application Scheduled to be Heard by PB	Date: February 18, 2020 (Scheduled by Meeting Canceled due to CIVID19 – Town Office Temporarily Closed)
Application to be Heard by PB	Date: May 26, 2020
Found Complete by PB	Date: May 26, 2020 (anticipated)
Site Walk	Date: N/A
Public Hearing	Date: June 16, 2020 (anticipated)
Public Hearing Publication	Date: TBD
Deliberation	Date: June 16, 2020 (anticipated)
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Site Plan Review / Sketch Plan

Overview:

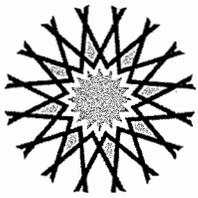
This application is for Site Plan Review for the construction of 6,000 square foot retail store proposed to be accessed via a new curb opening on Harold Dow Highway (Route 236). The proposal also includes eight storage (8) buildings which would be accessed via Passamaquoddy Lane. The eight storage building range in size from 7,200 square feet to 4,800 Square feet. The proposal also includes four (4) 30,000 gallon propane tanks. Jay Muzeroll, Eliot Fire Chief

has reviewed the plans and has provided a memo dated February 13, 2020 outlying his conversation with the applicants and their engineering agents (Attar Engineering, Inc.). Since the initial submittal "building # 5" (3,000 square foot) has been removed from the plans so revised plans should renumber the buildings. The proposal is approximately 11.6 acres in area and the name of the project is Pine Tree Business Park. The application provides an in-depth overview of the proposed project. The applicants are seeking a project completeness determination and is requesting a public hearing be scheduled. Some items that the Planning Board may wish to discuss with the applicants and or their agents may include landscaping / screening, fencing, security and stormwater management.

Respectfully submitted,

David C.M. Galbraith

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



Mr. Dennis Lentz, Chairman, Planning Board
Ms. Kristina Goodwin, Land Use Assistant
Town of Eliot, Maine
1333 State Road
Eliot, Maine 03903

March 12, 2020
Project No. C179-20

**RE: Commercial / Industrial Development
H.L. Dow Highway (Route 236)
Site Plan Application**

Dear Chairman Lentz and Ms. Goodwin:

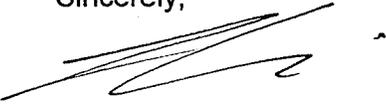
On behalf of M & T Realty, LLC, I have enclosed, for your review and consideration, a revised Site Plan, Grading & Utility Plan and Lighting Plan for the proposed commercial / industrial development. The revised plans include the following revisions in response to input from the Planning Board at the 2/18/20 meeting:

1. Condominium Documents (declaration and bylaws) are attached.
2. The MDEP applications (Minor Revision and Permit Transfer) are included with this submittal.
3. The MDOT entrance permit is included with this submittal. This was also included in the 12/3/19 submittal.
4. An additional fire hydrant is depicted on the plans. There are now two proposed hydrants.
5. The buildings have been renumbered 1-9.
6. A revised lighting plan is included in this submittal.
7. Existing / proposed clearing limits (treelines) have been added to the plans.
8. Building elevations do not yet exist.
9. General Note 1 on Sheet 1.1 has been revised to specify the propane storage use as "Bulk Oil Fuel Tanks". Municipal Code Section 45-290 lists this use as allowed (with site plan review) in the C/I Zone.
10. In regard to Shoreland Zone setbacks, Municipal Code Section 44-35(h) specifies that the setback for *roads and driveways* is 75' from the shoreland resource. The site plan more than meets this requirement; the shoreland zone line (Limited Commercial) depicted on the plan is 250' feet from the shoreland resource (per the Town of Eliot Shoreland Zoning Map). The setback to the edge of gravel is approximately 240'.

Please schedule this project for further review at next available Planning Board meeting. We look forward to further discussing the project at the meeting.

Please contact me for any additional information or clarifications required.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lewis Chamberlain', with a long horizontal stroke extending to the left.

Lewis Chamberlain, P.E.

cc: M & T Realty, LLC

C179-20_Town Application LTR2.doc



Maine Department of Transportation

Janet T. Mills
Governor

Driveway/Entrance Permit

Bruce A. Van Note
Commissioner

Permit Number: 27122 - Entrance ID: 1

OWNER
Name: M&T Realty, LLC
Address: 519 US Route 1
York, ME 03909
Telephone: (207)439-7547

Date Printed: September 05, 2019

LOCATION

Route: 0236X, Harold Dow Highway
Municipality: Eliot
County: York
Tax Map: 29 Lot Number: 31
Culvert Size: inches
Culvert Type: N/R
Culvert Length: feet
Date of Permit: September 05, 2019
Approved Entrance Width: 42 feet

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, **an Entrance to Commercial Industrial** at a point **1149 feet North** from **Beech Road**, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

Conditions of Approval:

This Permittee acknowledges and agrees to comply with the Standard Conditions and Approval attached hereto and to any Specific Conditions of Approval shown here.

(G = GPS Location; W = Waiver; S = Special Condition)

G - THE ENTRANCE SHALL BE LOCATED AT GPS COORDINATES: 43.133640N, -70.775450W.

S - In the town of Eliot on the southwesterly side of Route 236 / Harold Dow Highway, the centerline being approximately 1149 feet northwesterly of the centerline of Beech Road and approximately 52 feet northwesterly of utility pole 26.

S - The entrance shall be constructed in general conformance with a plan titled "Site Plan, Pine Tree Business Park, Route 236, Eliot, Maine" drawn by Attar Engineering, Inc. and revised 8/20/19.

Approved by: Anthony Fontana Date: 9-05-2019



Maine Department of Transportation

Janet T. Mills
Governor

Driveway/Entrance Permit

Bruce A. Van Note
Commissioner

Permit Number: 27121 - Entrance ID: 1		LOCATION	
	OWNER	Route:	0236X, Harold Dow Highway
Name:	M&T Realty, LLC	Municipality:	Eliot
Address:	519 US Route 1	County:	York
	York, ME 03909	Tax Map:	29 Lot Number: 31
Telephone:	(207)439-7547	Culvert Size:	24 inches
		Culvert Type:	plastic
Date Printed:	September 05, 2019	Culvert Length:	feet
		Date of Permit:	September 05, 2019
		Approved Entrance Width:	30 feet

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, **an Entrance to Retail Space** at a point **749 feet North** from **Beech Road**, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

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S - The existing corrugated metal pipe shall be removed and replaced with a HDPE smoothbore plastic pipe. Culvert replacement shall be in general conformance with the site grading and utility plan submitted with the permit application. The Property Owner must contact MaineDOT at (207) 676-9981 prior to entrance and culvert installation to arrange for an inspection.

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Approved by: Anthony Fontaine Date: 9-05-2019

M & T Realty, LLC
519 US Route 1
York, ME 03909

PB19-23

Ms. Christine Woodruff
Department of Environmental Protection
312 Canco Road
Portland, Maine 04103

December 3, 2019

Town of Eliot
Ms. Kristina Goodwin, Land Use Assistant
1333 State Road
Eliot, ME 03903

Dear Ms. Woodruff and Ms. Goodwin,

Please be informed that personnel from Attar Engineering, Inc. (Kenneth A. Wood, P.E.; Lewis Chamberlain, P.E.; Brian Nielsen, E.I.T.) will be acting as my agents for the Maine Department of Environmental Protection permitting and Town of Eliot Site Plan application for the Commercial / Industrial Development on H.L. Dow Highway (Route 236), Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely,



Michael Estes
M & T Realty, LLC

cc: Attar Engineering, Inc.



Maine Department of Transportation

Janet T. Mills
 Governor

Driveway/Entrance Permit

Bruce A. Van Note
 Commissioner

Permit Number: 27122 - Entrance ID: 1

OWNER
 Name: M&T Realty, LLC
 Address: 519 US Route 1
 York, ME 03909
 Telephone: (207)439-7547

Date Printed: September 05, 2019

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 Route: 0236X, Harold Dow Highway
 Municipality: Eliot
 County: York
 Tax Map: 29 Lot Number: 31
 Culvert Size: inches
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Approved by: Anthony Fontana Date: 9-05-2019



Maine Department of Transportation

Janet T. Mills
Governor

Driveway/Entrance Permit

Bruce A. Van Note
Commissioner

Permit Number: 27121 - Entrance ID: 1

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Name: **M&T Realty, LLC**
Address: **519 US Route 1**
York, ME 03909
Telephone: **(207)439-7547**

Date Printed: **September 05, 2019**

LOCATION
Route: **0236X, Harold Dow Highway**
Municipality: **Eliot**
County: **York**
Tax Map: **29 Lot Number: 31**
Culvert Size: **24 inches**
Culvert Type: **plastic**
Culvert Length: **feet**
Date of Permit: **September 05, 2019**
Approved Entrance Width: **30 feet**

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, **an Entrance to Retail Space** at a point **749 feet North from Beech Road**, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

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PB19-23

Maine Department of Transportation

Janet T. Mills
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Approved by: Anthony Fontaine Date: 9-05-2019

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality

FOR DEP USE

#L- _____
ATS # _____
Fees Paid _____
Date Received _____

MINOR REVISION APPLICATION
For Site Location, Natural Resources Protection Act & Stormwater Projects

This form shall be used for minor revisions to a project that has received previous Site Law, NRPA or Stormwater Law approval from the Department, where the revision(s) significantly decreases or eliminates an environmental impact, does not significantly expand the project, does not change the nature of the project or does not modify any Department findings with respect to any licensing criteria. If significant project changes are proposed, then an amendment application will be required by the Department.

Please contact the DEP for current fee schedule information. The fee schedule is updated every November 1. The fee is payable to "Treasurer, State of Maine", and **MUST** accompany the application.

Please type or print in black ink only

1. Name of Applicant:	M & T Realty, LLC	5. Name of Agent:	Lewis Chamberlain, P.E. / Attar Engineering Inc.
2. Applicant's Mailing Address:	PO Box 125, York, ME 03909	6. Agent's Mailing Address:	1284 State Road, Eliot, ME 03903
3. Applicant's Daytime Phone #:	207-363-4172	7. Agent's Daytime Phone #:	207-439-3062
4. Applicant e-mail address (REQUIRED):	mlestesoil@aol.com	8. Agent e-mail address (REQUIRED):	lew@attarengineering.com
LOCATION OF ACTIVITY			
9. Name of Project:	Pine Tree Business Park		
10. Name of Town where project is located:	Eliot	11. County:	York
REQUIRED INFORMATION:			
12. Existing DEP permit number:	L-27840	13. DEP Project Manager for previous application (if known):	C. Woodruff
14. Description of Proposed Change: (Use additional sheet, if necessary)	See cover letter		

Provide all documentation necessary to support the proposed change. This documentation should include, as appropriate, revised site plans, construction drawings, and technical data such as HHE-200 forms. (If you are unsure of what information to include, please contact the original DEP project manager, or the Division of Land Resource Regulation in the appropriate regional office for assistance.)

This completed application form, fee and all supporting documents summarized above shall be sent to the appropriate DEP Office in Augusta, Portland or Bangor.

Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-3901	Bureau of Land and Water Quality 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Bureau of Land and Water Quality 106 Hogan Road Bangor, ME 04401 (207) 941-4570
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CERTIFICATIONS / SIGNATURES on PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

CERTIFICATIONS / SIGNATURES

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by e-mailing the decision to the electronic address located on the front page of this application (see #4 and #8)"

Signed:  Title Agent Date: 3/12/20

Notice of Intent to Comply with Maine Construction General Permit

If over one acre of new disturbance will result as part of the proposed minor revision, please sign here acknowledging that with this minor revision form and signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit. I have read and will comply with all of the MCGP standards.

Signed  Date: 3/12/20

NOTE: If a Notice of Intent is required, you must file a Notice of Termination (NOT form available from the Department) within 20 days of completing permanent stabilization of the project site.

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

CERTIFICATIONS/SIGNATURES

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by e-mailing the decision to the electronic address located on the front page of this application (see #4 and #8)"

Signed:  Title Agent Date: 3/12/20

Notice of Intent to Comply with Maine Construction General Permit

If over one acre of new disturbance will result as part of the proposed minor revision, please sign here acknowledging that with this minor revision form and signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit. I have read and will comply with all of the MCGP standards.

Signed:  Date: 3/12/20

NOTE: If a Notice of Intent is required, you must file a Notice of Termination (NOT form available from the Department) within 20 days of completing permanent stabilization of the project site.

TRANSFER APPLICATION REQUIRED INFORMATION

1. Estimated Costs

Preliminary estimated construction costs for the project are approximately \$12.0 million, consisting of:

Land acquisition:	\$0.0 million (applicant owns land)
Site Development costs:	\$2.0 million
Building construction costs:	<u>\$10.0 million</u>
Total:	\$12.0 million

2. Financing

A letter from Partners Bank, addressing intent to fund and financial capacity of the applicant, is attached. If more specific financial capacity information is required, the applicant respectfully requests consideration of a permit condition allowing the information to be provided prior to construction through a Condition Compliance Application.

3. Technical Ability

Michael Estes, principal of M&T Realty, LLC has more than adequate technical ability to complete the project. Mr. Estes is the owner of Estes Oil and is a member of the Town of York Board of Selectmen.

4. Right, Title or Interest

Evidence of R, T or I for M&T Realty, LLC is attached.

5. Certificate of Good Standing

A certificate of good standing for M&T Realty, LLC is attached.

6. Public Notice

The public notice certification as well as a copy of the newspaper advertisement are included in this application.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality

FOR DEP USE

#L- _____
Fees Paid _____
Date Received _____

TRANSFER APPLICATION

For Site Location and Stormwater Projects

This form shall be used for the transfer of a Site Location permit or a Stormwater permit. All required fees **MUST** be paid when the transfer application is submitted to the Department. Please contact DEP for current fee schedule information. The fee schedule is updated every November 1. The fee is payable to "Treasurer, State of Maine".

Please type or print in black ink only

1. New Applicant Name:	M & T Realty, LLC	4. Name of Agent:	Lewis Chamberlain, P.E
2. New Applicant's Mailing Address:	PO Box 125 York, ME 03909	5. Agent's Mailing Address:	Attar Engineering Inc. 1284 State Rd, Eliot ME 03903
3. New Applicant's Phone # and Fax #:	207-363-4172	6. Agent's Phone # and Fax #:	207-439-3062
4. New Applicant e-mail address (REQUIRED):	mlestesoil@aol.com	7. Agent e-mail address (REQUIRED):	lew@attarengineering.com
CURRENT PERMIT HOLDER			
8. Current Permittee Name:	Lady Slipper Properties, LLC	10. Current Permittee Contact:	N/A
9. Current Permittee Address:	N/A	11. Contact's Telephone Number:	N/A
12. Existing DEP Permit Number:			
LOCATION OF ACTIVITY			
13. Name of Project:	Pine Tree Business Park		
14. Name of Town where project is located:	Eliot	15. County:	York

All supporting documentation, outlined below, must be attached to this form and sent to the appropriate DEP office in Augusta, Portland or Bangor.

Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-3901	Bureau of Land and Water Quality 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Bureau of Land and Water Quality 106 Hogan Road Bangor, ME 04401 (207) 941-4570
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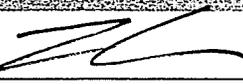
REQUIRED INFORMATION

1. Provide a breakdown of costs for any unfinished construction and for project operation. These must include costs resulting from compliance with the Board or Department Order.
2. Provide evidence of the availability and commitment of funds sufficient to complete any unfinished project construction and to operate the project as approved. Submit one of the following three:
 - a. a letter of commitment from a financial institution or funding agency for a specified amount of funds and their use, or
 - b. the most recent corporate annual report and supporting documents indicating sufficient funds to finance the development, or

- c. copies of bank statements or other evidence indicating availability of the unencumbered funds, when the developer will personally finance the project.
- 3. Provide a narrative describing the new applicant's technical ability to complete or maintain this development.
- 4. Provide a complete copy of the deed, lease, purchase option or other documented evidence of the new applicant's title, right or interest in the development.
- 5. If the new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
- 6. Provide evidence of compliance with all public notice requirements (see attached Public Notice Requirements and Certification of Publication).

CERTIFICATIONS / SIGNATURES

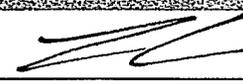
Current Permittee Signature. By signing below the current permittee, certifies that he or she agrees to the transfer of the specified permit(s) to the new applicant named on this form.

Signed:  Title Agent Date: 3/12/20
 Print or Type Name: Lewis Chamberlain

New Applicant Signature. By signing below the new applicant certifies that he or she is familiar with the DEP project file and will comply with the Board or Department Order being transferred, including all existing minor revisions and amendments to the Order and all attached conditions.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by e-mailing the decision to the electronic address located on the front page of this application (see #4 and #7)."

Signed:  Title Agent Date: 3/12/20
 Print or Type Name: Lewis Chamberlain

PUBLIC NOTICE FILING AND CERTIFICATION

The DEP Rules, Chapter 2, require an applicant to provide public notice for all Site Location projects with the exception of minor revisions and condition compliance applications. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and

The Public Informational Meeting was held on _____.

Date

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or authorized agent

Date

Please take notice that M&T Realty, LLC, 519 U.S. Route 1, York, ME 03909, 207-363-4172 is intending to file a Site Location of Development Act permit application pursuant to the provisions of 38 M.R.S.A. Sections 481 through 490 with the Maine Department of Environmental Protection on or about March 4, 2020.

The application is for a permit transfer for a proposed commercial / industrial development at the following location: Harold Dow Highway (Rt. 236), Eliot, ME.

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

The application will be filed for public inspection at the Department of Environmental Protection's office in Portland, during normal working hours. A copy of the application may also be seen at the municipal offices in Eliot, Maine.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333-0017.

OBITUARIES & NEWS

Augustine Rocco Grippo

NOTTINGHAM - Augustine Rocco Grippo, 78 of Nottingham, N.H. died Sunday, Feb. 15, 2020.

Born March 13, 1941 in Scranton, Penn.; the son of Augustine and Ruth Grippo.

Rocky proudly served in the USMC at PNSY. He was married to Lucille Clark for 58 years and they started out on their lifelong journey together.

Rocky worked for the Portsmouth Housing Authority when he was sent to the flood damaged area of Wilkes Barre, Penn. in 1972 where he received an accommodation for his service in the disaster area. He then went to work for PSNH Schiller Station and retired after 25 years of service. While holding down his job, he and the family built the home with everyone pitching in.

Rocky wore many hats during his lifetime working or volunteering on various committees. He was a talented man, "a jack of all trades" and gave his all to his projects. He met many wonderful people along his journey, but could relate best to the ones in the stroke support groups he attended at WDH and UNH because they could relate to his many daily challenges.

He leaves behind his wife, Lucille; beloved sons, James of Northwood, Dean of



Rochester and daughter, Cora Grippo,

in-law Greg Guilmette and two much loved grandsons, Tucker and Cooper Guilmette all of Somersworth. Also a special brother-in-law Arthur Clark and three sisters Phyllis, Eileen and Linda of Pennsylvania. He was a predeceased by two sisters, Patricia and Barbara of Pennsylvania. He also leaves behind numerous nieces and nephews who thought lovingly of him; his good friends Cindi and Donny and his dog Hunter.

The gates of heaven are secure, one Marine reporting for duty. Sweet dreams my love, our hero Papa. Celebration of life will be held at a later date. Arrangements are under the direction of Purdy Memorial Chapel, 2 Concord Rd., Rt. 4, Lee, NH. To sign our online guestbook, please go to www.purdyfuneralservice.com

IN BRIEF

McDonald's will be giving away McDonald's Monday

McDonald's has created a new food holiday for its Egg

McMuffin and will celebrate by giving away free breakfast sandwiches. Almost 50 years after the sandwich debuted in 1971, McDonald's is marking its first-ever National Egg McMuffin Day on March 2.

Marice Barzal

ELIOT - Marice Clare Foss Barzal, 95 of Eliot, died on Thursday, Feb. 27, 2020 in Portsmouth, N.H.

A daughter of Maurice Colby Foss and Clara Louise Haskell Foss she is survived by her loving family daughters, Jean Paulanton, Louisa Evans (Rich), Ellen Walker (Alvin), Edward Everhart (Beth), and Michele Barzal-BonEnfant (Thomas Jr.), eight grandchildren, six greats and a sister Jean Katsonis.

A full obituary and online condolences may be made by visiting www.jpelkey-funeralhome.com.

SERVICES: A graveside service will be held



on April 11, 2020 at 1 p.m. in the Mt. Pleasant Cemetery in Eliot with time of refreshment and sharing to follow in the parish hall at the First Congregational Church of Eliot, UCC. Care for the Barzal family has been entrusted to the JS Pelkey and Son Funeral Home.

SEATTLE

From Page A1

Fire Fighters said 25 members who responded to calls for help at the nursing facility are being quarantined. The first U.S. case was a Washington state man who had visited China, where the virus first emerged, but several recent cases in the U.S. have had no known connection to travelers. In California, two health care workers in the San Francisco Bay area who cared for an earlier coronavirus patient were diagnosed with the virus on Sunday, the Alameda and Solano counties said in a joint statement.

The health care workers are both employed at NorthBay VacaValley Hospital in Vacaville, California, and had exposed to a patient treated there before being transferred to UC Davis Medical Center in Sacramento, the statement said. That patient was the first person in the U.S. discovered to have contracted the coronavirus with no known overseas travel.

Alameda County declared a state of emergency on Sunday following the news. Elsewhere, authorities announced Sunday a third case in Illinois and Rhode Island and New York's first cases as worried Americans swarmed stores to stock up on basic goods such as bottled water, canned foods and toilet paper.

The hospitalized patient in Rhode Island is a man in his 40s who had traveled

to Italy in February. New York confirmed on Sunday that a woman in her late 30s contracted the virus while traveling in Iran. The patient is not in serious condition. She has respiratory symptoms and has been in a controlled situation since arriving in New York, according to a statement from the governor's office.

As that rollout continued, Vice President Mike Pence and Health and Human Services Secretary Alex Azar sought to reassure the American public that the federal government is working to make sure state and local authorities are able to test for the virus. Both said during a round of TV talk show appearances Sunday that thousands more testing kits had been distributed to state and local officials, with thousands more to come.

"They should know we have the best public health system in the world looking out for them," Azar said, adding that additional cases will be reported and the overall risk to Americans is low.

As the cases ticked up, some Americans stocked up on basic supplies — particularly in areas with diagnosed cases — and began to take note of the impact on daily life. Stores such as Costco sold out of toilet paper, bottled water and hand sanitizer outside Portland, Oregon, where a case was announced Friday. Sports games and practices in the area were canceled, leading to the coming school week. Some churches said they would not offer communion because of fears of viral spread.

LEGAL NOTICE
HISTORIC DISTRICT COMMISSION
PORTSMOUTH, NEW HAMPSHIRE

NOTICE IS HEREBY GIVEN that the Historic District Commission will hold a Public Hearing on applications and conduct Work Sessions A through E on Wednesday, March 11, 2020. The meeting will begin at 6:30 p.m. and will be held in the Eileen Donders Foley Council Chambers, Municipal Complex, 1 Juniors Avenue, Portsmouth, New Hampshire.

PUBLIC HEARINGS:

1. Petition of Irington Place Condominium Association, owner, and Stephen Landok, applicant, for property located at 369 Irington Street, Unit B, wherein permission is requested to allow renovations to an existing structure (remove rear porch and replace with sunroom and expand kitchen bay) as per plans on file in the Planning Department. Said property is shown on Assessor Map 101, Lot 42 and lies within the General Residence B (GRB) and Historic Districts.

WORK SESSIONS:

A. Work Session requested by Jeffrey L. and Dolores P. Hess, owners, for property located at 44 Gendine Street, wherein permission is requested to allow new construction to an existing structure (remove rear porch and replace with sunroom and expand kitchen bay) as per plans on file in the Planning Department. Said property is shown on Assessor Map 101, Lot 42 and lies within the General Residence B (GRB) and Historic Districts.
B. Work Session requested by 132 Middle Street LLC and 134 Middle Street, LLC, owners, for property located at 132-134 Middle Street, wherein permission is requested to allow exterior renovations to an existing structure (re-paving brick, roof replacement, add ADA accessible entry, and front entrance renovations) as per plans on file in the Planning Department. Said property is shown on Assessor Map 127, Lots 11 and 12 and lies within the Character District 4-L1 (CD 4-L1) and Historic Districts.

C. Work Session requested by GBK Portsmouth, LLC, owner, for property located at 134 South Street, wherein permission is requested to allow new construction to an existing structure (update rear facade, entrances, decks, and exterior lighting) as per plans on file in the Planning Department. Said property is shown on Assessor Map 101, Lot 64 and lies within the General Residence B (GRB) and Historic Districts.
D. Work Session requested by KWA, LLC, owner, for property located at 165 Court Street, wherein permission is requested to allow renovations to an existing structure (remove stone tower with new glazing and new canopy system) as per plans on file in the Planning Department. Said property is shown on Assessor Map 116 at Lot 27 and lies within the Character District 4-L1 (CD 4-L1), Downtown Overlay, and Historic Districts.

E. Work Session requested by Bow Street Theatre Trust, owners, for property located at 125 Bow Street, wherein permission is requested to allow new construction to an existing structure (replace roof, add insulated cladding on two walls) as per plans on file in the Planning Department. Said property is shown on Assessor Map 101, Lot 11 and lies within the Character District 4 (CD 4), Downtown Overlay, and Historic Districts.

Juliet Walker,
Planning Director

Buttigieg drops out of presidential race

By Amy B Wang and Chelsea Jones
The Washington Post



Pete Buttigieg, the 38-year-old former mayor of South Bend, Indiana, who saw a meteoric rise from virtual unknown to top-tier contender and became the first gay candidate to make a high-profile presidential run, is ending his campaign.

The development marks an abrupt end to what was briefly an ascent candidacy, as Buttigieg won the Iowa caucuses and came in second in New Hampshire. But despite attracting enormous attention, significant support and sometimes enthusiastic crowds, there was no clear path toward the nomination.

Buttigieg's decision comes shortly before Super Tuesday, the biggest primary day of the year, at a time when the Democratic race shows signs of becoming a race between Sen. Bernie Sanders, I-Vt., and former vice president Joe Biden, with Biden occupying a centrist position that Buttigieg had hoped to make his own.

If there was one vulnerability that felled him, it was his inability to win trust or support from black voters, a key pillar of the Democratic coalition.

After a fourth-place finish in South Carolina on Saturday — and results showing that he achieved abysmal levels of support with black voters — Buttigieg consulted with his team Saturday night before flying to Georgia to meet with former President Jimmy Carter on Sunday. His campaign scheduled a Sunday night call for donors and did not provide a subject.

Earlier that day, his campaign held a call with reporters in which senior adviser Michael Halle and deputy campaign manager Hari Sevugan made the case that while Buttigieg likely wouldn't win any of the 14 states that vote still accumulate enough delegates to keep Sanders' lead to a minimum.

But Buttigieg's campaign has also been realistic about its poll numbers, which allowed him to declare victory in Iowa before official results came in. His Sunday exit suggests his campaign's internal numbers showed Buttigieg would not be able to stay within striking distance of Sanders on Super Tuesday. Buttigieg made history by becoming the first openly gay candidate to earn delegates for the presidential nomination in a major political party. He also broke barriers by making his marriage to his husband Chasten a major part of his campaign.

Also the youngest

Democratic presidential candidate and former South Bend, Ind. Mayor Pete Buttigieg prepares to address members of the media, Sunday, in Plains, Ga. (MATT ROUSKIE/THE ASSOCIATED PRESS)

candidate in the Democratic race, he formally launched his campaign in April from a formerly shuttered Studebaker plant in South Bend. His pitch from the get-go was that his youth and lack of Washington political experience were assets, not drawbacks.

In early interviews and campaign speeches, Buttigieg was fond of saying he was the only "left-handed, Maltese-American, Episcopalian, gay millennial-war veteran" in the race — a tongue-in-cheek way of condensing his biography but also of introducing himself to the public. Outside of winning two terms as mayor of South Bend, his highest-profile elections had been a failed 2017 bid for the chair of the Democratic National Committee and running for Indiana state treasurer in 2010, when he lost to the Republican incumbent by more than 20 points.

Nevertheless, with an aggressive media exposure strategy, Buttigieg managed to rise in the public consciousness over 2019 and soon began raising more money and polling higher than many of his opponents who were governors or sitting members of Congress. Buttigieg's intelligence and eloquence excited many Democratic voters looking for a powerful counter-force to President Donald Trump.

He promised to usher in "generational change" to the White House and deliberately avoided releasing detailed plans at first, though he spoke of big ideas such as abolishing the electoral college and restructuring the Supreme Court.

Along the way, his use of South Bend as the backbone of his experience were both a boon to his candidacy and a threat to undo his campaign at times. After a white police officer shot a black South Bend resident in June, Buttigieg was widely criticized for his handling of the matter — as well as his general relationship with the South Bend Police Department and the city's minority residents. The shooting set off weeks of protests, briefly taking Buttigieg off the campaign trail.

Legal Notice
Notice of Public Hearing
Board of Selectmen
Monday, March 2, 2020
7:00 PM
York Public Library

The Board of Selectmen will conduct a Public Hearing regarding a proposed ordinance amendment to be potentially considered at the May 15, 2020 Special General Referendum as follows:

1. Expansion of York Village Center Local Historic District
Printed copies of the proposed amendments (draft document dated February 25, 2020) and associated maps are available with the Town Clerk at the Town Hall, and digital copies are available on the Town's web page (www.yorkmaine.org).

Legal Notice
Please take notice that MAT Realty, LLC, 519 U.S. Route 1, York, ME 03909, 2027-363-4172 is intending to file a Site Location of Development Act permit application pursuant to the provisions of 38 M.R.S. Sections 441 through 490 with the Maine Department of Environmental Protection on or about March 4, 2020.

The application is for a permit transfer for a proposed commercial/industrial development at the following location: Harold Dow Highway, Rt. 259, Eliot, ME.

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

The application will be filed for public inspection at the Department of Environmental Protection's office in Portland, during normal working hours. A copy of the application may also be seen at the municipal offices in Eliot, Maine.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333-0017.

Legal Notice
NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE
Pursuant to RSA 479:25 and the Power of Sale contained in a certain Mortgage and Security Agreement given by Marianne Hampton Bay Revocable Realty Trust, with an address of P.O. Box 561, Hampton, NH 03843-0561 (the "Mortgage") to Mohamed Shafiq Malek, Managing Member of SNS, LLC, of 64 Revere Road, Woburn, MA 01890, dated August 30, 2019 and amended with the Rockingham County Register of Deeds as Book 6034, Page 615, the Mortgagee will sell the premises mortgaged thereby, which are described with particularity in the Mortgage (the "Mortgaged Premises"), for breach of condition and for the purpose of foreclosing the Mortgage.
AT PUBLIC AUCTION AS FOLLOWS:
A. DATE, TIME AND PLACE OF SALE:
The Sale will be held on the Mortgaged Premises, 224 Lafayette Road, North Hampton, New Hampshire, on April 2, 2020 at 11:00 am.
B. LOCATION AND STREET ADDRESS OF MORTGAGED PREMISES:
The Mortgage Premises have an address of 224 Lafayette Road, North Hampton, New Hampshire and are described in the Mortgage. Other New Hampshire and are described in particularity in the Mortgage.
C. TERMS OF SALE:
The Mortgaged Premises will be sold as is, where is and with all faults, subject to all unpaid taxes and liens thereon, and subject to all other liens, easements, rights, tenancies and encumbrances of any and every nature whatsoever which are or may be entitled to precedence over the Mortgage.
Except for warranties implied by law the Mortgagee Premises will be conveyed by the Mortgagee and accepted by the successful bidder without any warranties, express or implied.
Prior to the commencement of the sale, each bidder must qualify by paying as a deposit in cash or by Certified or Bank check or other form satisfactory to Mortgagee ("Satisfactory Funds") Ten Thousand Dollars (\$10,000.00). The successful bidder must execute the Mortgagee's Sale Memorandum prepared by the Mortgagee immediately after the conclusion of the sale. A payment equal to Ten Percent (10%) of the full price shall be paid by in Satisfactory Funds to the Mortgagee within Three (3) days of the sale. The balance of the bid price must be paid in full in Satisfactory Funds upon delivery of the Mortgagee's statutory Foreclosure Deed, on or before the twentieth (20th) day after the date of the sale. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee reserves the right to retain the deposit as full liquidated damages.
D. RESERVATIONS OF RIGHTS:
The Mortgagee reserves the right to (i) continue the foreclosure sale to such subsequent date or dates as the Mortgagee deems necessary or desirable, (ii) bid upon and purchase the mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises, (iv) accept written bids delivered to the Mortgagee or its Attorney either prior to or at the time of the foreclosure sale (v) amend or change the Terms of Sale set forth herein by announcement, written or oral, made before or during the foreclosure sale and such changes (vi) amend or change the Terms of Sale set forth herein by announcement, written or oral, made before or during the foreclosure sale and such changes (vii) sell the Mortgaged Premises to the second highest bidder at the foreclosure sale in the event the highest bidder fails to complete the purchase of the Mortgaged Premises in accordance with the terms hereof.
E. NOTICE:
YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY OF ROCKINGHAM IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE FORECLOSURE SALE, FAILURE TO INSTITUTE SUCH A PETITION AND COMPLETE SERVICE UPON THE FORECLOSING PARTY, OR HIS AGENT, CONDUCTING THE SALE PRIOR TO THE SALE SHALL THEREAFTER BAR ANY ACTION OR RIGHT OF ACTION OF THE MORTGAGOR BASED ON THE VALIDITY OF THE FORECLOSURE.
DATED this 12th day of February, 2020.
SNS, LLC
By Its Attorney,
s/Andrew J. Bowers
By: Mae C. Bradshaw, Esq.
One Park Avenue, Unit 4G
Hampton, NH 03842
(603) 776-1865

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PORTSMOUTH, NEW HAMPSHIRE
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Juliet Walker,
Planning Director

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February 24, 2020

Christine Woodruff
Project Manager
Maine Department of Environmental Protection
312 Canco Road
Portland, Maine 04103

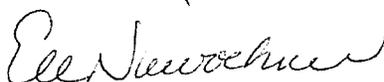
RE: Estes Commercial Subdivision, Route 236, Eliot, Maine

Dear Ms. Woodruff:

Michael Estes and his family have a longstanding comprehensive banking relationship with Partners Bank of New England. Mike has a proven track record in operating Estes Oil Burner Service, Inc. as well as in developing and investing in commercial real estate. Partners Bank looks forward to supporting Mike Estes with the financing necessary to develop the commercial project on Route 236 in Eliot, Maine.

Please feel free to call me directly at (207) 608-4344 should you have any questions

Sincerely,



Ellen Niewoehner
Vice President and Commercial Banker

Caroline D. Rose, President
James E. Golter, Treasurer

Julia H. O'Connell, Secretary
Michael S. Rogers, Superintendent

OFFICE OF

KITTERY WATER DISTRICT

17 State Road
Kittery, ME 03904-1565
TEL: 207-439-1128
FAX: 207-439-8549
E-Mail: kitterywater@comcast.net

Christine Woodruff
Maine Department of Environmental Protection
312 Canco Road
Portland, ME 04103

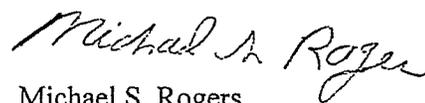
February 27, 2020

Re: Pine Tree Business Park, Route 236, Eliot

Dear Ms. Woodruff,

This letter is to verify that the Kittery Water District does have sufficient capacity to supply the proposed Pine Tree Business Park on Route 236 in Eliot with both domestic water and fire protection. The applicant is Michael Estes and is represented by Attar Engineering, Inc.

Sincerely,



Michael S. Rogers
Superintendent

cc: Lew Chamberlain, P.E. Attar Engineering
Kate Cavanagh, Service Manager, Estes Oil & Propane

NANCY E HAMMOND, REGISTER OF DEEDS
Bk 17884 PG 137
 Instr # 2019002766
 01/25/2019 10:40:46 AM
 Pages 3 YORK CO



After recording return to:
 Bergen & Parkinson, LLC
 62 Portland Road, Suite 25
 Kennebunk, ME 04043

Space Above This Line For Recording Data

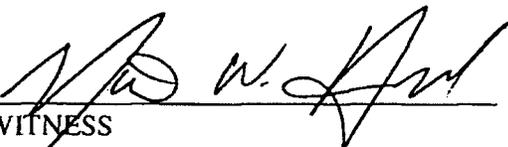
QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **LADY SLIPPER PROPERTIES, LLC**, a Maine limited liability company, FOR CONSIDERATION PAID, hereby grants to **ESTES OIL BURNER SERVICE, INC.**, a Maine corporation whose mailing address is 519 US Route 1, York, Maine 03909, with **QUITCLAIM COVENANT**, a certain lot or parcel of land, located in the Town of Eliot, York County, Maine; being more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND
 INCORPORATED HEREIN BY REFERENCE

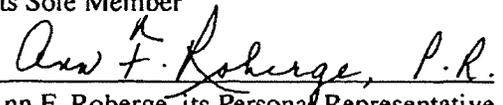
IN WITNESS WHEREOF, Lady Slipper Properties, LLC has caused this instrument to be executed by Ann F. Roberge, Personal Representative of the Estate of Richard D. Johnson (York County Probate Court Docket #2018-0808), its sole Member, thereunto duly authorized as of this 24 day of January, 2019.

Maine R. E. Transfer Tax Paid


 WITNESS

LADY SLIPPER PROPERTIES, LLC

By: ESTATE OF RICHARD D. JOHNSON
 Its Sole Member

By: 
 Ann F. Roberge, its Personal Representative
 Thereunto duly authorized

STATE OF MAINE
 York County, ss.

January 24, 2019

Personally appeared the above-named Ann F. Roberge, Personal Representative of the Estate of Richard D. Johnson, sole Member of Lady Slipper Properties, LLC and acknowledged the foregoing instrument to be her free act and deed duly authorized in said capacity.

Before me,

Seal


 Attorney at Law/Notary Public

VICTORIA M. TIBBETTS
 Notary Public
 State of Maine
 My Commission Expires
 August 19, 2023



Estes Oil Burner Service, Inc.

Exhibit A

A certain tract or parcel of land situate on the westerly side of the Harold L. Dow Highway, also known as Route 236, so-called, in the Town of Eliot, County of York and State of Maine and depicted on a plan entitled "Boundary Survey & Topographic Plan, Pine Tree Business Park, Route 236, Eliot, Maine For: Lady Slipper Properties, LLC" prepared by Attar Engineering, Inc. dated February 15, 2018 and more particularly bounded and described as follows:

Beginning at a 1 ¼" iron pipe found 12" above ground, said point being the northeasterly corner of the premises herein described and being the southeasterly corner of land now or formerly of Prime Eliot, LLC as shown on the above-referenced plan;

Thence running South 25° 54' 19" East along the southwesterly sideline of Harold L. Dow Highway, also known as Route 236, a distance of 300.00 feet to a granite or concrete monument to be set;

Thence turning and running South 59° 08' 55" West along land now or formerly of Anthony C. Denault and Michelle K. Denault and land now or formerly of Peter B. and Annette M. Cantrell a distance of 992.09 feet to a point;

Thence turning and running North 40° 36' 41" West along land now or formerly of Nichole M. Pracaccini a distance of 31.56 feet to a 1 ¼" iron pipe found 22" above ground;

Thence turning and running North 26° 24' 50" West along said land now or formerly of Pracaccini a distance of 199.37 feet to a 2" iron pipe found 12" above ground;

Thence turning and running North 29° 25' 45" West along said land now or formerly of Pracaccini a distance of 70.80 feet to a 1 ¼" iron pipe found 18" above ground;

Thence turning and running South 60° 39' 07" West along said land now or formerly of Pracaccini a distance of 197.21 feet to a 1" iron rod found 10" above ground;

Thence turning and running North 27° 31' 11" West along land now or formerly of John E. Pollard a distance of 138.82 feet to a point;

Thence turning and running North 30° 10' 48" West along said land now or formerly of Pollard a distance of 51.81 feet to a 5/8" rebar found 5" above ground with cap #1322;

Thence continuing North 30° 10' 48" West along said land now or formerly of Lena L. Grover a distance of 125.00 feet to a drill hole found;

Thence turning and running North 60° 34' 30" East along said land now or formerly of Grover a distance of 391.12 feet to a point;

Thence continuing North 60° 34' 30" East along said land now or formerly of Grover a distance of 378.91 feet to a 1 ¼" iron rod found;

Thence turning and running South 25° 46' 29" East along said land now or formerly of Prime Eliot, LLC a distance of 300.00 feet to a rebar with cap to be set;

Thence turning and running North 59° 26' 48" East along said land now or formerly of Prime Eliot, LLC a distance of 450.00 feet to the point of beginning.

Containing 509,428 square feet (11.69 acres), more or less.

Also conveying, with quitclaim covenant, all of the grantor's right, title and interest in a certain forty (40) foot wide right of way as set forth in a certain Easement Deed from Ray K. Grover and Lena L. Grover to Wilbur H. Place and Harriet L. Place dated May 19, 1998 and recorded in the York County Registry of Deeds in Book 8831, Page 345.

Together with an easement for the installation and maintenance of a sign reserved by William C. Morgridge and Raymah M. Morgridge in a deed to Dover Industrial, L.L.C. dated January 14, 2000 and recorded in the York County Registry of Deeds in Book 9868, Page 346.

Subject to an easement for a parking lot described in a Deed from William C. Morgridge and Raymah M. Morgridge in a deed to Dover Industrial, L.L.C. dated January 14, 2000 and recorded in the York County Registry of Deeds in Book 9868, Page 346.

Also conveying, with quitclaim covenant, all of the grantor's right, title and interest in a certain forty (40) foot wide right of way as set forth in a certain Easement Deed from Raymond D. and Ruth O. Grover to William C. and Raymah M. Morgridge dated March 8, 2002 and recorded in Book 11723, Page 158 in the York County Registry of Deeds.

Also conveying, with quitclaim covenant, all of the grantor's right, title and interest in a certain access easement over a triangular parcel of property located on the westerly sideline of Route 236 as set forth in a certain Easement Deed from Ray N. Grover and Lena L. Grover to William C. Morgridge, Raymah M. Morgridge, Raymond D. Grover and Ruth O. Grover dated March 8, 2002 and recorded in Book 11723, Page 162 in the York County Registry of Deeds.

Title reference is made to a Warranty Deed from Richard D. Johnson to Lady Slipper Properties, LLC dated May 23, 2012 and recorded in Book 16333, Page 486 with the York County Registry of Deeds.

E
3 pgs

Return to
Estes Oil Burner Services Inc
519 US Route 1
York, ME 03909



QUIT-CLAIM DEED
WITH COVENANT

Know All By These Present that ESTES OIL BURNER SERVICE, INC., a Maine corporation, with a mailing address of 519 US Route 1, York, Maine 03909, for consideration paid, Grants to M & T REALTY, LLC, a Maine limited liability company with a mailing address of 519 US Route 1, York, Maine 03909 with *Quit-Claim Covenant*, a certain parcel of land situate on the westerly side of the Harold L. Dow Highway, also known as Route 236, in the Town of Eliot, County of York and State of Maine and depicted on a plan entitled, "**Boundary Survey & Topographic Plan, Pine Tree Business Park, Route 236, Eliot, Maine For: Lady Slipper Properties, LLC**" prepared by Attar Engineering, Inc. dated February 15, 2018 and more particularly bounded and described as follows:

Beginning at a 1 1/4" iron pipe found 12" above ground, said point being the northeasterly corner of the premises herein described and being the southeasterly corner of land now or formerly of Prime Eliot, LLC as shown on the above-referenced plan;

Thence running South 25° 54' 19" East along the southwesterly sideline of Harold L. Dow Highway, also known as Route 236, a distance of 300.00 feet to a granite or concrete monument to be set;

Thence turning and running South 59° 08' 55" West along land now or formerly of Anthony C. Denault and Michelle K. Denault and land now or formerly of Peter B. and Annette M. Cantrell a distance of 992.09 feet to a point;

Thence turning and running North 40° 36' 41" West along land now or formerly of Nichole M. Pracaccini a distance of 3156 feet to a 1 1/4" iron pipe found 22" above ground;

Thence turning and running North 26° 24' 50" West along said land now or formerly of Pracaccini a distance of 199.37 feet to a 2" iron pipe found 12" above ground;

Thence turning and running North 29° 25' 45" West along said land now or formerly of Pracaccini a distance of 70.80 feet to a 1 1/4" iron pipe found 18" above ground;

Thence turning and running South 60° 39' 07" West along said land now or formerly of Pracaccini a distance of 197.21 feet to a 1" iron rod found 10" above ground;

Thence turning and running North 27° 31' 11" West along land now or formerly of John E. Pollard a distance of 138.82 feet to a point;

Thence turning and running North 30° 10' 48" West along said land now or formerly of Pollard a distance of 51.81 feet to a 5/8" rebar found 5" above ground with cap #1322;

No R/E Transfer Tax Paid

Thence continuing North 30° 10' 48" West along said land now or formerly of Lena L. Grover a distance of 125.00 feet to a drill hole found;

Thence turning and running North 60° 34' 30" East along said land now or formerly of Grover a distance of 391.12 feet to a point;

Thence continuing North 60° 34' 30" East along said land now or formerly of Grover a distance of 378.91 feet to a 1 1/4" iron rod found;

Thence turning and running South 25° 46' 29" East along said land now or formerly of Prime Eliot, LLC a distance of 300.00 feet to a rebar with cap to be set;

Thence turning and running North 59° 26' 48" East along said land now or formerly of Prime Eliot, LLC a distance of 450.00 feet to the point of beginning.

Containing 509,428 square feet (11.69 acres), more or less.

Also conveying, with quitclaim covenant, all of the grantor's right, title and interest in a certain forty (40) foot wide right of way as set forth in a certain Easement Deed from Ray K. Grover and Lena L. Grover to Wilbur H. Place and Harriet L. Place dated May 19, 1998 and recorded in the York County Registry of Deeds in Book 8831, Page 345.

Together with an easement for the installation and maintenance of a sign reserved by William C. Morgridge and Raymah M. Morgridge in a deed to Dover Industrial, L.L.C. dated January 14, 2000 and recorded in the York County Registry of Deeds in Book 9868, Page 346.

Subject to an easement for a parking lot described in a Deed from William C. Morgridge and Raymah M. Morgridge in a deed to Dover Industrial, L.L.C. dated January 14, 2000 and recorded in the York County Registry of Deeds in Book 9868, Page 346.

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Also conveying, with quitclaim covenant, all of the grantor's right, title and interest in a certain access easement over a triangular parcel of property located on the westerly sideline of Route 236 as set forth in a certain Easement Deed from Ray N. Grover and Lena L. Grover to William C. Morgridge, Raymah M. Morgridge, Raymond D. Grover and Ruth O. Grover dated March 8, 2002 and recorded in Book 11723, Page 162 in the York County Registry of Deeds.

Meaning and intending to convey to same premises conveyed to the Grantor by deed Lady Slipper Properties, LLC dated January 24, 2019 and recorded in York County Registry of Deeds Book 17884, Page 137.

WITNESS my hand this 6 day of February, 2019

ESTES OIL BURNER SERVICE, INC.

[Signature]
Witness

By: *[Signature]*
Michael Estes
Its: President

STATE OF MAINE
County of York

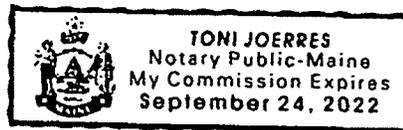
February 6, 2019

Then personally appeared the above-named, Michael Estes, President of ESTES OIL BURNER SERVICE, INC, and acknowledged the foregoing instrument to be his free act and deed,

Before me,

[Signature]
Notary Public

Toni Joerres
Print Name



SEAL

CLARK & HOWELL
16A Woodbridge Road
P.O. Box 545
York, Maine 03909

3 →

EASEMENT DEED

KNOW ALL By THESE PRESENT that JOHN E. POLLARD with a mailing address of P.O. Box 61, Eliot, Maine 03903 for consideration paid, *Grants* to M & T REALTY, LLC, a Maine limited liability company with a place of business at 519 US RT 1, York, Maine 03909, an easement for the purpose of ingress and egress over the Grantor's property situated on the southwesterly side of the Harold L. Dow Highway (a/k/a, Route 236), but not adjacent thereto, in the Town of Eliot, County of York and State of Maine. Said easement to be located along the southerly sideline of the Grantor's property and is further identified as the 40' wide right-of-way known as Passamaquaddy Lane and shown and delineated on the attached Exhibit. Said right-of-way is to be used in common with the Grantor, his heirs, successors and assigns.

By acceptance of this easement, the Grantee, its successors and assigns agree as follows:

1. To indemnify and hold-harmless the Grantor, his heirs and assigns from and against all causes-of-action, damages and costs (including reasonable legal fees) of any nature resulting from the installation, maintenance, repair or use of the easement.
2. To assume any and all responsibility for the initial cost and liability of installation and subsequent costs and liability of maintenance and repair of the easement.

IN WITNESS WHEREOF, JOHN E. POLLARD have caused this instrument to be signed this ___ day of December, 2019.

Michael h. Ete
Witness

John E. Pollard
JOHN E. POLLARD

STATE OF MAINE

County of YORK

December 11, 2019

Then personally appeared the above-named, JOHN E. POLLARD and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Samantha

Notary Public

Print Name: Samantha Wilson

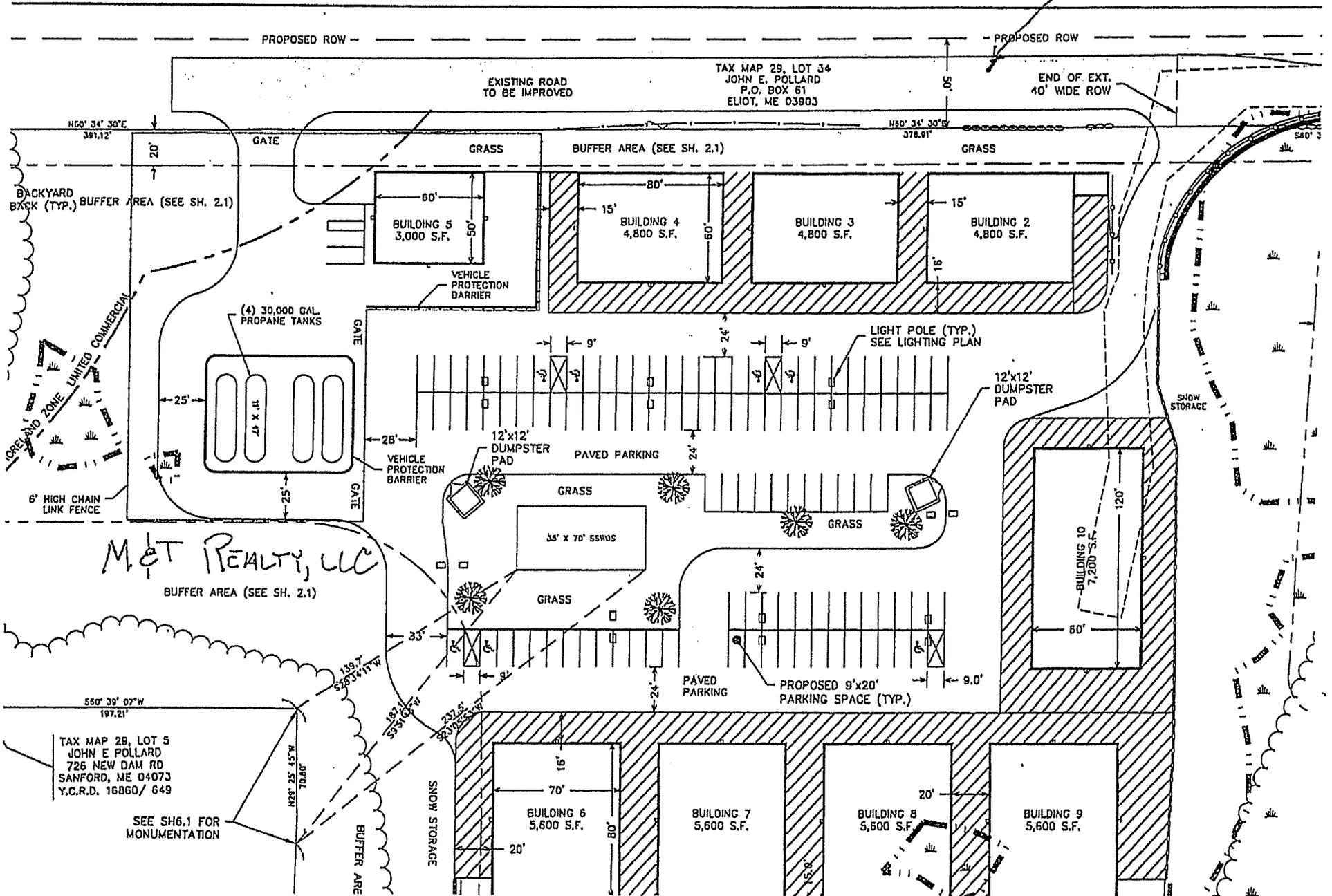
STATE OF MAINE - COUNTY OF YORK
The foregoing instrument was acknowledged before me this 11th day of DEC, 2019
by Samantha Wilson
Personally Known OR Produced Identification
Type of Identification

SAMANTHA JODY WILSON
NOTARY PUBLIC
State of Maine
My Commission Expires
September 27, 2026

EXHIBIT

Land of POLLARD

Rt of Way





STATE OF MAINE
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

LADY SLIPPER PROPERTIES LLC) SITE LOCATION OF DEVELOPMENT ACT
Eliot, York County) NATURAL RESOURCES PROTECTION ACT
PINE TREE BUSINESS PARK) FRESHWATER WETLAND ALTERATION
L-27840-26-A-N (approval)) WATER QUALITY CERTIFICATION
L-27840-TC-B-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E and §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U. S. C. § 1341), and Chapters 310, 375, and 500 of Department rules, the Department of Environmental Protection has considered the application of LADY SLIPPER PROPERTIES 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 owns an 11.7-acre lot with frontage on Harold L. Dow Highway (Route 236) and Passamaquoddy Lane. The applicant proposes to construct a 6,000-square foot retail and commercial building with a parking lot with 24 spaces and an access drive off Route 236. The applicant also proposes to construct an 8,000-square foot building, three 10,000-square foot buildings, and a 20,000-square foot building for industrial and commercial uses with approximately 134 parking spaces and a driveway off Passamaquoddy Lane. The project is shown on a set of plans, the first of which is titled “Site Plan, Pine Tree Business Park, Route 236, Eliot, Maine for Lady Slipper Properties LLC, 37 Route 236, Suite 105, Kittery, Maine 03904,” prepared by Attar Engineering, and dated February 15, 2018, with a last revision date on any of the plans of July 23, 2018. The project site is located on the west side of Harold Dow Highway in the Town of Eliot.

The applicant is also seeking approval under the Natural Resources Protection Act to alter 14,035 square feet of forested wetland. The Department accepted a Natural Resources Protection Act (NRPA) Permit by Rule Notification Form (PBR #65358) on February 27, 2018, for a utility crossing associated with the proposed project that will be constructed in accordance with Chapter 305, Permit by Rule Section 9 Standards.

B. Current Use of Site: The approximate west half of the lot was forested and was clear cut circa 2002; this area has regrown and is now vegetated with saplings. Approximately 0.60 acres of the middle of the site was cleared and grubbed and is being used for storage of a variety of waste materials including scrap metal, appliances, concrete, plastics, several 55-gallon drums, demolition debris, scrap wood, and a wooden boat. Adjacent to Route 236 there is an area of approximately 0.36 acres that has been

stripped, graded, and partially paved that appears to be used for a storage using storage containers. The middle of the site is forested wetland.

2. FINANCIAL CAPACITY:

The cost of the project site work is estimated to be \$1.5 million. The applicant submitted a letter from Kennebunk Savings Bank, dated February 15, 2018 that states that Richard Johnson of Lady Slipper Properties has a proven track record through many of commercial and residential projects with the bank and the letter included a short list of completed projects. The letter serves to confirm that Kennebunk Savings Bank desires to provide financing for the Pine Tree Business Park in Eliot Maine. Prior to the start of construction, the applicant must submit evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of any other form of financial assurance determined by Department Rules, Chapter 373(1), to be adequate to the Bureau of Land Resources for review and approval.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards provided that the applicant must submit evidence of financial capacity to the Department prior to the start of construction for review and approval.

3. TECHNICAL ABILITY:

The applicant provided a list of projects successfully constructed by the applicant. The applicant also retained the services of Attar Engineering, a professional engineering firm, to assist in the design and engineering of the project.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

The commercial and industrial activities will be contained within the proposed buildings. The tenants of the building are unknown at this time. The tenants of the project are required to operate within the sound level limits of the Town of Eliot's Land Use Ordinance (section 45-407). This section has sound pressure level limits that are more restrictive than the Department's. The applicant proposes to limit construction to between the hours of 7 a.m. and 7 p.m. or until 8 p.m. if it is still light outside.

The Department finds that the applicant has made adequate provision for the control of excessive environmental noise from the proposed project.

5. SCENIC CHARACTER:

The project is bordered on the east side by an existing self-storage facility and Route 236. The existing use across Route 236 is the Eliot United Methodist Church. Existing uses to

the south are residential lots; the applicant proposes to maintain an 80-foot-wide forested buffer along this side of the project. The project is bordered on the west by residential uses: a forested buffer and meadow between thirty and sixty feet wide will be maintained along this side of the project. On the north side of the project is a gravel road and across that road is forested area and also a cleared and regraded lot that appears to be used for processing land clearing debris; this side of the project will have a twenty-foot-wide area that will be planted with grass.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. WILDLIFE AND FISHERIES:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project. In its comments, MDIFW stated that occurrences of New England Cottontail, a State Endangered species, have been documented within the search area for the project. A biologist from the MDIFW visited the site in May of 2016 to assess the presence of New England Cottontail. The site walk resulted in recommendations to provide undeveloped corridors within the site. An eighty-foot-wide forested buffer will remain along the southern property line. An approximately fifty-foot-wide forested and meadow buffer will remain along the western property line; the meadow portion of this area will be limited to mowing once per year to a minimum height of twelve inches. No fisheries concerns were identified. A field survey by wetland scientist Joseph Noel did not find any vernal pools.

The Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission reviewed the proposed project and stated that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project site.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas either on or near the development site.

8. BUFFER STRIPS:

The applicant proposes to maintain an 80-foot-wide forested buffer along the south property line of the project. The applicant proposes to maintain a forested buffer and

meadow between thirty and sixty feet wide along the west side of the project; the meadow portion of this area will be limited to mowing once per year to a minimum height of twelve inches. A forested wetland in the center of the property will remain and will provide a visual buffer between Route 236 and the proposed commercial and industrial buildings. The 6,000-square foot retail and commercial building will be located adjacent to Route 236 and will be landscaped along the Route 236 frontage.

The Department finds that the applicant has made adequate provision for buffer strips.

9. SOILS:

The applicant submitted a Class A high intensity soil survey map and report based on the soils found at the project site. This report was prepared by certified soils scientist Michael Cuomo and reviewed by staff from the Division of Environmental Assessment (DEA) of the Bureau of Water Quality (BWQ).

The Department finds that, based on this report, and DEA's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

10. STORMWATER MANAGEMENT:

The proposed project includes approximately 6.8 acres of developed area of which 4.0 acres is impervious area. It lies within the watershed of Great Creek which is a tributary to the Piscataqua River. The applicant submitted a stormwater management plan based on the Basic, General, and Flooding Standards contained in Chapter 500 Stormwater Management rules (06-096 C.M.R. Chapter 500, effective August 12, 2015). The proposed stormwater management system consists of a wet pond and an underdrained soil filter.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Bureau of Land Resources (BLR).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed

by, and revised in response to the comments of the BLR. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

Grit and sediment materials removed from stormwater structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B) provided that grit and sediment materials that are removed from the stormwater structures during maintenance activities is disposed of in compliance with the Maine Solid Waste Management Rules.

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential thermal impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from 96% of the impervious area and 86% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500(4)(C) and recommended that the design engineer or other qualified professional oversees the construction of the stormwater management structures in accordance with the details and notes specified on the approved plans. Within 30 days of completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicants shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500(4)(C) provided that construction of the stormwater management system is overseen, documented, and reported as described above.

C. Flooding Standard:

The applicant is proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20 from the U.S.D.A. Soil Conservation Service and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency in the wet pond and the underdrained soil filter. The post-development peak flow from the site will not exceed the pre-development peak flow from the site and the peak flow of the receiving waters will not be increased as a result of stormwater runoff from the development site.

BLR commented that the proposed system is designed in accordance with the Flooding Standard contained in Chapter 500(4)(F).

Based on the system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500(4)(F) for peak flow from the project site, and channel limits and runoff areas.

11. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. Water for the proposed project will be withdrawn from the groundwater. Wastewater will be disposed of using a subsurface wastewater disposal system. The tenants for the proposed buildings are unknown at this time. If any of the tenants will store or handle hazardous materials, solvents, cleaners, or other chemicals on-site in amounts greater than normal household quantities that could contaminate groundwater then a groundwater protection plan shall be submitted to the Department for review and approval with a condition compliance application. The buildings should be designed with containment areas and no floor drains so that any spilled materials are not released outside of the building.

The Department finds that the proposed project will not have an unreasonable adverse effect on ground water quality provided that any tenant that will store or handle hazardous materials, solvents, cleaners, or other chemicals on-site in amounts greater than normal household quantities that could contaminate groundwater must submit a groundwater protection plan to the Department for review and approval.

12. WATER SUPPLY:

Water for the development will be supplied by a well for each building. Each well is anticipated to serve less than 25 people therefore the wells are not considered public water supplies. The estimated water usage for the entire project is 1,945 gallons per day. The applicant submitted an assessment of groundwater supplies that are available on the project site. This assessment was prepared by a certified geologist and was reviewed by, and revised in response to comments from, the DEA.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply.

13. WASTEWATER DISPOSAL:

Wastewater will be disposed of by a common subsurface wastewater disposal system to be located in the approximate middle of the industrial and commercial buildings with a design flow of 1,920 gallons per day based on 160 employees at a rate of 12 gallons per person per day. The applicant submitted the soil survey map and report discussed in Finding 9. The applicant submitted a Subsurface Wastewater Disposal System Application (HHE-200 form) that was completed and signed by a site evaluator. This information was reviewed by, and revised in response to comments from, DEA.

Based on DEA's comments, the Department finds that the proposed wastewater disposal system will be built on suitable soil types.

14. SOLID WASTE:

The property currently contains a variety of wastes including scrap metal, appliances, concrete, plastics, several 55-gallon drums, demolition wood (including untreated and pressure treated wood), and a wooden boat. The applicant states that these wastes will be removed prior to the start of construction or disposed of as construction waste. Department staff have been in contact with Mike Lewis of York Woods Tree; Mr. Lewis indicated he would be hauling this material to scrap metal recyclers or to a facility that accepts construction and demolition debris such as Aggregate Recycling Corp in Eliot. This method of disposal is acceptable to the Department provided that the debris is removed prior to the start of construction of the site, and provided that the waste hauler is licensed as a Maine non-hazardous waste transporter. As of July 31, 2018, York Woods Tree does not hold a transporter license, and must obtain one prior to waste hauling.

When completed, the proposed project is estimated to generate approximately five cubic yards of office waste and ten cubic yards of commercial waste per week, but this amount will be dependent on the occupation of the eventual tenants. The applicant stated that the commercial solid wastes from the proposed project will be either taken to the Eliot transfer station or be picked up by a private hauler. This method of disposal is acceptable provided that the hauler of the waste is either exempt from or licensed in accordance with Chapter 411 of the Department's Rules.

The proposed project will clear approximately six acres that had been cleared of trees circa 2002 and is currently vegetated with small diameter trees. This will create a small amount of land clearing woody debris that will be chipped and used on site for mulch or in erosion control mix. This type of disposal is in compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 660 cubic yards of construction debris. The construction debris will be hauled by a licensed non-hazardous waste transporter such as Oceanside Rubbish of Wells, Maine. This material will be hauled to either Jeffrey Simpson in Sanford or Aggregate Recycling Corp in Eliot. This method of disposal is currently in substantial compliance with the Maine Solid Waste Management Rules.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal provided that the existing waste on the site must be removed prior to the start of construction and the hauler of that waste must be licensed as a Maine non-hazardous waste transporter, and provided that the commercial waste hauler for the project must be either exempt from or licensed in accordance with Chapter 411 of the Department's Rules.

15. FLOODING:

The proposed project is not located within the 100-year flood plain of any river or stream.

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

16. WETLAND IMPACTS:

The applicant proposes to alter 14,035 square feet of forested wetland to construct the retail and commercial building, the entrance driveway to the business park, the 8,000-square foot industrial and commercial building, and the 20,000-square foot industrial and commercial building. The applicant avoided wetland impacts by focusing the development layout on the uplands and by constructing the access to the business park via Passamaquoddy Lane. The applicant minimized wetland impacts to the extent practicable by designing the project to avoid the large wetland in the middle of the property and by using a vertical retaining wall adjacent to wetland fill areas instead of two to one side slopes to reduce wetland impacts caused by filled slope extensions.

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

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 harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.

- B. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.

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. §§ 481–489-E:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards provided that the applicant submits evidence of financial capacity to the Department prior to the start of construction for review and approval.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C provided that grit and sediment materials that are removed from the stormwater structures during maintenance activities is disposed of in compliance with the Maine Solid Waste Management Rules, provided that construction of the stormwater management system is overseen, documented, and reported as described in Finding 10.B
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided that any tenant that will store or handle hazardous materials, solvents, cleaners, or other chemicals on-site in amounts greater than normal household quantities that could contaminate groundwater shall submit a groundwater protection plan to the Department for review and approval.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services provided that the existing waste on the site is removed prior to the start of construction and the hauler of that waste is licensed as a Maine non-hazardous waste transporter, and provided that the commercial waste hauler for the project is either exempt from or licensed in accordance with Chapter 411 of the Department's Rules.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of LADY SLIPPER PROPERTIES LLC to construct a project known as Pine Tree Business Park and alter wetlands as described herein, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation 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. Prior to the start of construction, the applicant shall submit evidence of financial capacity to the Bureau of Land Resources for review and approval.
5. The existing waste on the site shall be removed prior to the start of construction and the hauler of that waste shall be licensed as a Maine non-hazardous waste transporter. The commercial waste transporter for the project shall be either exempt from, or licensed in accordance with, Chapter 411 of the Department's Rules.
6. Any tenant that will store or handle hazardous materials, solvents, cleaners, or other chemicals on-site in amounts greater than normal household quantities that could contaminate groundwater shall submit a groundwater protection plan to the Department for review and approval.
7. Grit and sediment materials that are removed from the stormwater structures during maintenance activities shall be disposed of in compliance with the Maine Solid Waste Management Rules.

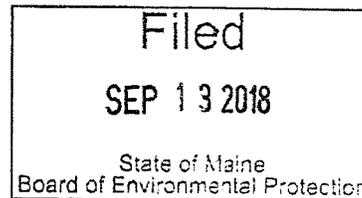
- 8. The applicant shall retain the design engineer, or other qualified professional, to oversee the construction of the stormwater management structures in accordance with the details and notes specified on the approved plans. Within 30 days of completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.

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 13TH DAY OF SEPTEMBER, 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Paul Mercer*
For: Paul Mercer, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

CGW/L27840ANBN/ATS#82825, 82828

Department of Environmental Protection
SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

- A. Approval of Variations from Plans.** The granting of this approval 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. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- 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. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval 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.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised December 27, 2011



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.

STORMWATER STANDARD CONDITIONS**STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL**

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval 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.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.
 - (c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.
 - (d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.
 - (e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.
- (9) Transfer of property subject to the license. If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.
- (10) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

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) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in 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.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 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.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE 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 after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal 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.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
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 arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

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, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide 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 questions regarding applicable requirements.
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. 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, including 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, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. 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, a 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.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & 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. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

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.A. § 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.



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: Thu Feb 13 2020 14:36:25. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
M & T REALTY, LLC	20053908DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
06/27/2005	N/A	MAINE

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

Clerk/Registered Agent

JEFFERY J. CLARK
 PO BOX 545
 YORK, ME 03909

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

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 (\$30.00)

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 (\$30.00)

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100 foot Abutters List Report

Eliot, ME
February 24, 2020

PB19-23

Subject Property:

Parcel Number: 029-031-000
CAMA Number: 029-031-000
Property Address: HAROLD L DOW HWY

Mailing Address: M & T REALTY LLC
519 US ROUTE 1
YORK, ME 03909

Abutters:

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

Mailing Address: POLLARD, JOHN E
726 NEW DAM RD
SANFORD, ME 04073

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

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

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

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

Parcel Number: 029-013-000
CAMA Number: 029-013-000
Property Address: 10 GALWAY LN

Mailing Address: DENAULT, ANTHONY C DENAULT,
MICHELLE K
10 GALWAY LN
ELIOT, ME 03903

Parcel Number: 029-014-000
CAMA Number: 029-014-000
Property Address: 238 HAROLD L DOW HWY

Mailing Address: UNITED METHODIST CHURCH
238 HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 029-030-000
CAMA Number: 029-030-000
Property Address: 249 HAROLD L DOW HWY

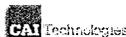
Mailing Address: PRIME ELIOT LLC
83-85 RAILROAD PLACE
SARATOGA SPRINGS, NY 12866

Parcel Number: 029-033-000
CAMA Number: 029-033-000
Property Address: 11 GALWAY LN

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

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

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



www.cai-tech.com

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

BY-LAWS

Pine Tree Business Park Condominium Association

CONDOMINIUM: Pine Tree Business Park Condominium

DECLARANTS: M & T Realty, LLC

ASSOCIATION: Pine Tree Business Park Condominium Association

PREMISES: U. S. Route 236, Eliot, York County, Maine

PREPARED BY: CLARK & HOWELL, LLC
16A WOODBRIDGE ROAD
YORK, MAINE 03909

BY-LAWS

OF

Pine Tree Business Park Condominium Association

ARTICLE I

Introductory Provisions

- 1.1 **Unit Ownership.** The land located U. S. Route 236, Eliot, York County, Maine know or to be known as **Pine Tree Business Park Condominium**, together with all improvements to be constructed thereon, as described in the Declaration of **Pine Tree Business Park Condominium**(the "Declaration"), recorded or to be recorded in the York County Registry of Deeds has been or will be submitted to the provisions of the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes of 1964, as amended (the "Act"), by said Declaration and declared as a condominium to be known as **Pine Tree Business Park Condominium**(hereinafter called the "Condominium"). These By-Laws have been adopted as required by Section 1603-106 of the Act to govern this Unit Owner's Association of the Condominium (hereinafter called the "Association").
- 1.2 **Name.** The name of this Association is **Pine Tree Business Park Condominium Association.**
- 1.3 **Applicability of By-Laws.** The provisions of these By-Laws are applicable to the Property of the Condominium and to the use and occupancy thereof. All present and future Unit Owners, Mortgagees, lessees and occupants of the Units and their employees and any other persons who may use the facilities of the Condominium in any manner are subject to these By-Laws, the Declaration and to the rules and regulations established by the Executive Board of the Association as hereinafter set forth.
- 1.4 **Office.** The principal office of the Association and the Executive Board shall be located at the Condominium, or at such other location as the Executive Board may designate from time to time.
- 1.5 **Corporation Law.** Except as otherwise expressly provided herein, in the Declaration, or in the Act, the Association shall be governed by the provisions of the Maine Nonprofit Corporation Act, Title 13-B of the Maine Revised Statutes of 1964, as amended (the "Nonprofit Corporation Act"), and the "Board of Directors" described therein shall be referred to herein and in the Declaration as the "Executive Board".
- 1.6 **Nonprofit Status.** The Association is not organized for profit and no property or profit thereof shall inure to the benefit of any person except in furtherance of the nonprofit making purposes of the Association or in the course of acquiring, constructing or providing management, maintenance or care of the Condominium.
- 1.7 **Definitions.** Capitalized terms used herein without definition shall have the meanings specified for such terms in said Declaration to which these By-Laws pertain or, if not defined herein, the meanings specified or used for such terms in the Act.

ARTICLE II

The Association

- 2.1 Composition. The Association has been organized prior to the date hereof as a nonprofit corporation pursuant to the Nonprofit Corporation Act. The Association shall consist of all of the Unit Owners acting as a group in accordance with the Act, the Declaration, and these By-Laws. The membership of the Association shall consist of all the Unit Owners (including Declarant so long as it is Owner of any Unit) of the Condominium, or, following any termination of the Condominium as provided in Section 1602-118 of the Act of all former Unit Owners entitled to distributions of proceeds under said Section 1602-118, or their heirs, successors or assigns, but shall not include persons having an interest in a Unit solely as security for an obligation. The terms "member" and "Unit Owner" appearing in these By-Laws are interchangeable.
- 2.2 Nontransferrability of Interests. Except as provided herein or in the Declaration, membership shall not be transferable. The membership of each Unit Owner shall terminate upon a sale, transfer or other disposition, other than by mortgage, of the ownership interest of such Unit Owner in the Property, accomplished in accordance with the provisions of the Declaration, and thereupon the membership and any interest in the Reserve Fund and other common funds shall automatically transfer to and be vested in the next Owner or Owners succeeding to such ownership interest. The Association may, but shall not be required to, issue certificates or other evidence of membership therein.
- 2.3 Powers and Duties. The Association shall have the following purposes, duties and powers:
- 2.3.1 Adopt and amend By-Laws and rules and regulations for the operation of the Association and Condominium, provided that the initial Executive Board named in the Articles of incorporation shall have the power to adopt these By-Laws.
- 2.3.2 Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for Common Expenses from Unit Owners.
- 2.3.3 Hire and terminate managing agents and other employees, agents and independent contractors.
- 2.3.4 Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more Unit Owners on matters affecting the Condominium.
- 2.3.5 Make contracts and incur liabilities relating to the purposes of the Association stated in these By-Laws and the Declaration.
- 2.3.6 Regulate the use, maintenance, repair, replacement and modification of the Common Elements.
- 2.3.7 Cause additional improvements to be made as a part of the Common Elements.
- 2.3.8 Acquire, hold, encumber and convey in its own name any right, title or interest to real or personal property, provided that Common Elements may be conveyed or subjected to a

security interest only pursuant to Section 1603-112 of the Act and subject to the prior approval of Eligible Mortgage Holders as provided in the Declaration.

2.3.9 Grant easements, leases, licenses and concessions through or over the Common Elements.

2.3.10 Impose and receive any payments, fees or charges for the use, rental or operation of the Common Elements (other than Limited Common Elements) and for services provided to Unit Owners.

2.3.11 Impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the Declaration and of these By-Laws and rules and regulations of the Association.

2.3.12 Impose reasonable charges for the preparation and recordation of amendments to the Declaration, resale certificates required by Section 1604-108 of the Act and statements of unpaid assessments.

2.3.13 Provide for the indemnification of its officers and Executive Board and maintain directors and officers liability insurance.

2.3.14 Assign its right to future income.

2.3.15 Exercise any other powers conferred to it by the Declaration.

2.3.16 Exercise all other powers that may be exercised in the State of Maine by corporations organized pursuant to the Nonprofit Corporation Act, as the same or its equivalent may be amended or modified from time to time.

2.3.17 Exercise any other powers necessary and proper for the governance and operation of the Condominium by the Association.

The foregoing responsibilities shall be performed by the Executive Board or managing agent as more particularly set forth in these By-Laws.

2.4 Meeting of Members. Meetings of the membership shall be held at the principal office of the Association or at such other place as may be specified in the notice of the meeting.

2.5 Annual Meetings. The annual meetings of the members shall be held each year on or around June 1st, unless so changes by the Executive Board. In the event that the day for which an annual meeting is scheduled is a legal holiday, then the meeting shall be held on the first day thereafter which is not a legal holiday. At such meetings there shall be elected by ballot of the members an Executive Board in accordance with the provisions of Article III. The members shall also transact such other business as may properly come before them.

2.6 Special Meetings: The Secretary, shall call a special meeting of the Association if so directed by resolution of the Executive Board or upon a petition signed and presented to the Secretary by Unit Owners of the Units to which are allocated not less than fifty percent (50%) of the Votes in the Association. The notice of any special meeting shall be held no earlier than ten days (10) and no later than forty-five days (45) after receipt by the President of said resolution or petition; provided, however, if the purpose includes the possible rejection of a budget or

capital expenditure pursuant to subparagraph 5.2.2 or Paragraphs 5.6 or 5.9, such meeting must be held within fifteen (15) days after receipt of such resolution or petition. No business shall be transacted at a special meeting except as stated in the said notice unless with the consent of one hundred per cent (100%) of the members present, either in person or by proxy.

- 2.7 Notice of Meeting. It shall be the duty of the Secretary, or upon her failure or neglect then of any other officer, to give notice of each annual or special meeting, the time and place of the meeting, and the items on the agenda for that meeting, including the general nature of any proposed amendment to the Declaration or these By-Laws, any budget changes and any proposal to remove a member of the Executive Board or officer, to each member of record including the Declarant as long as it is the Owner of record of a Unit and to each Eligible Mortgage Holder as long as it the record holder of a first Mortgage of a Unit. With respect to any annual or special meeting such notice shall be so mailed at least ten (10) days but no more than forty-five days (45) prior to the date so set for the meeting.
- 2.8 Quorum. The presence, either in person or by proxy, of both of the Owners of the Units shall be requisite for and shall constitute a quorum for the transaction of business at all meetings of members.
- 2.9 Adjournment of Meetings. If at any meetings of members a quorum shall not be in attendance, those members who are present may adjourn the meeting to a time not less than forty-eight (48) hours from the time at which the original meeting was called.
- 2.10 Votes in Association. The Vote in the Association allocated to each Unit is listed on Schedule B of the condominium Declaration.
- 2.11 Voting. If a Unit is owned of record by one person, that Unit Owner's right to cast all the Votes allocated to that Unit shall be established by the record title to the Unit. If ownership of a Unit is in more than one person, the person who shall be entitled to cast all the Votes allocated to that Unit shall be the person named in a certificate executed by all of the Owners of such Unit and filed with the Secretary of the Association.
- 2.12 Unanimous Vote Required. *Each question presented at a meeting shall be determined by a unanimous vote of the Unit Owners.* In the event the members cannot reach a unanimous decision on any issue, then the members shall retain the services of a third-party Arbitrator who is a member of the American Arbitration Association to break the stalemate. The Arbitrator shall be chosen by mutual consent of the parties, and the decision of the Arbitrator shall be final. Any arbitration shall be in accordance with the rules of the American Arbitration Association. Any decision or judgment of the Arbitrator may be entered in any court having jurisdiction thereof.
- 2.13 Informal Action. Any action required or permitted to be taken at any meeting of the members may be taken without a meeting if a written consent thereto is signed by all the members. The Secretary shall file such written consent with the records of the meetings of the members and such consent shall be treated as a unanimous vote of members for all purposes.
- 2.14 Proxies. A vote may be cast in person or by proxy. If a Unit is owned by more than one person, each Owner of the Unit may vote or register protest to the casting of votes by the other Owners of the Unit through a duly executed proxy. Proxies shall be duly executed in writing and must be filed with the Secretary before the appointed time of the meeting. Such proxy

shall be deemed revoked only upon actual receipt by the person presiding over the meeting of written notice of revocation from the grantor(s) of the proxy.

2.15 Order of Business. The order of business at all meetings of the members shall be as follows:

- a) Roll call
- b) Proof of notice of meeting
- c) Reading of minutes of preceding meeting for approval of same
- d) Reports of Executive Board or of officers or of the manager
- e) Reports of committees, if any.
- f) Election of inspectors of election (when so required)
- g) Election of members of the Board of Directors (when so required)
- h) Unfinished business
- i) New business

At all meetings of the Association or of the Executive Board, Robert's Rules of Order, as then amended, shall be followed, except in the event of conflict in which these By-Laws or the Declaration, as the case may be, shall prevail.

ARTICLE III

Executive Board

3.1 Number and Qualification. The affairs of the Association shall be governed by an Executive Board composed of three (3) natural persons.

3.2 Election and Term of Office. The members of the Executive Board shall be elected as follows: Each Unit Owner shall be entitled to elect one member of the Executive Board. The two Board members so elected shall chose a third Board member by mutual agreement. Executive Board members so elected may not be removed except by the Unit Owner who elected that Member. Such Executive Board member shall hold office until such time as he resigns or is removed by the Unit Owner(s) so electing him. An Executive Board Member chosen by the agreement of both Unit Owners may not be removed without the consent of both Unit Owners.

3.3 Powers and Duties. The Executive Board shall have the powers and duties necessary for the administration of the affairs of the Association and shall have all powers and duties referred to in the Declaration and the statutes of the State of Maine pertaining to corporations without capital stock, as amended from time to time, and may do all such other acts and things provided from time to time by the Act to be done by an Executive Board or by the Unit Owners collectively except such acts or things as are by law or by these By-Laws or by the Declaration directed to be exercised and done by the Unit Owners individually. The powers and duties of the Executive Board shall include but not be limited to the following:

3.3.1 The power and duty to determine the Common Expenses of the Condominium and the assessments to each Unit for the Common Expenses.

3.3.2 The power and duty to make assessments against Unit Owners to defray the costs and expenses of the Condominium, establish the means and methods of collecting such

assessments from the Unit Owners and establish the period of the installment payment of annual assessments for Common Expenses.

3.3.3 The power and duty to provide for the operation, care, upkeep and maintenance of all of the Property and services of the Condominium.

3.3.4 The power and duty to designate, hire and dismiss the personnel necessary for the maintenance, operation, repair and replacement of the Common Elements and provide services for the Property and, where appropriate, provide for the compensation of such personnel and for the purchase of equipment, supplies and material to be used by such personnel in the performance of their duties.

3.3.5 The power and duty to collect the assessments for Common Expenses against the Unit Owners, deposit the proceeds thereof in any bank depositories or money market funds designated by the Executive Board and use the proceeds to carry out the administration of the Property.

3.3.6 The power to make and amend rules and regulations covering the details of the operation and use of the Property.

3.3.7 The power to open bank accounts on behalf of the Association and designate the signatories thereon.

3.3.8 The power and duty to make, or contract for the making of, repairs, additions and improvements to or alterations of the Property, and repairs to and restoration of the Property, in accordance with the Declaration, after damage or destruction by fire or other casualty, or as a result of condemnation or eminent domain proceedings.

3.3.9 The power to enforce by legal means the provisions of the Declaration, these By-Laws and the rules and regulations and duty and power to act on behalf of the Unit Owners with respect to all matters arising out of any eminent domain proceeding.

3.3.10 The power and duty to obtain and carry insurance against casualties and liabilities, as provided in the Declaration, pay the premiums therefor and adjust and settle any claims thereunder.

3.3.11 The power and duty to pay the cost of all authorized services rendered to the Association and not billed to Unit Owners of individual Units.

3.3.12 The power to notify an Eligible Mortgage Holder of any default hereunder by the Unit Owner of the Unit subject to the Mortgage of such Holder, in the event such default continues for a period exceeding thirty (30) days.

3.3.13 The power to borrow money on behalf of the Condominium when required in connection with any one instance relating to the operation, care, upkeep, and maintenance of the Common Elements; provided, however, that the consent of the Owners of Units to which, a unanimous vote of the Unit Owners is obtained either at a meeting duly called and held for such purpose in accordance with the provisions of the By-Laws or by unanimous written consent of the Unit Owners, shall be required to borrow any sum in excess of One Thousand Dollars (\$1,000.00).

3.3.14 The power to designate from time to time certain Common Elements as Reserved Common Elements and impose such restrictions and conditions on the use thereof as the Executive Board deems appropriate.

3.3.15 The power and duty to furnish statements as required by Section 1603-116 (h) of the Act, and certificates as required by Section 1604-108(b) of the Act.

3.3.16 The power to do such other things and acts not inconsistent with the Act or the Declaration which the Executive Board may be authorized to do by a resolution of the Association.

3.3.17 The power to suspend the Unit owners, guests, tenants, invitees, and similarly situated persons from using any and all Common Area, and have their rights and privileges suspended for failure to pay any Common Expenses, Limited Common Expenses, special assessments, Service Charges, interest, fees, penalties and/or costs of collection, so long as it does not deny a Unit owner or other occupant access to the Unit, nor does it enable it to withhold services if the effect of withholding the service would be to endanger the health, safety, or property of any person.

3.5 Delegation of Powers; Managing Agent. The Executive Board may employ for the Condominium a "Managing Agent" or "Manager" at a compensation established by the Executive Board. The managing agent shall perform such duties and services as the Executive Board shall authorize, including, but not limited to, all of the duties listed in the Act, the Declaration and these By-Laws; provided, however, where a Managing Agent does not have the power to act under the Act, the Declaration or these By-Laws, such duties shall be performed as advisory to the Executive Board. The Executive Board may delegate to the Managing Agent all of the powers granted to the Executive Board by the Act, the Declaration and these By-Laws other than the following powers:

3.5.1 To adopt the annual budget and any amendment thereto or to assess any Common Expenses

3.5.2 To adopt, repeal or amend rules and regulations of the Association

3.5.3 To designate signatories on Association bank accounts

3.5.4 To borrow money on behalf of the Association

3.5.5 To acquire and mortgage Units

3.5.6 To designate Reserved Common Elements

3.5.7 To allocate Limited Common Elements

Any employment contract between the Managing Agent and the Association must provide that it may be terminated with cause on no more than thirty (30) days written notice and without cause on no more than ninety (90) days written notice.

3.6 Regular Meetings. Regular meetings of the Executive Board may be held at such time and place as shall be determined from time to time by a majority of the members, but such meetings shall be held at least once every six (6) months during each fiscal year. Notice of

regular meetings of the Executive Board shall be given to each member and Eligible Mortgage Holder by the Secretary in the manner provided in the Declaration for service of notice upon Unit Owners and Eligible Mortgage Holders, at least ten (10) business days prior to the day named for such meeting.

- 3.7 Special Meetings. Special meetings of the Executive Board may be called by the President on at least three (3) business days' notice by the Secretary to each member and Eligible Mortgage Holder, given by mail, telegraph or hand delivery, securing a receipt therefor, which notice shall state the time, place and purpose of the meeting. Special meetings of the Executive Board shall be called by the President or Secretary in like manner and on like notice on the written request of either Unit Owner.
- 3.8 Waiver of Notice. Any member may at any time, in writing, waive notice of any meeting of the Executive Board, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a member at any meeting of the Executive Board shall constitute a waiver of notice by her of the time, place and purpose of such meeting unless the sole purpose of the member's attendance is to protest the holding of the meeting. If all members are present at any meeting of the Executive Board, no notice shall be required and any business may be transacted at such meeting.
- 3.9 Quorum of the Executive Board. At all meetings of the Executive Board a majority of the members shall constitute a quorum for the transaction of business, and *the vote of a majority of the members present at a meeting at which a quorum is present shall constitute the decision of the Executive Board.* If at any meeting of the Executive Board there shall be less than a quorum present, a majority of those present may adjourn the meeting from time to time. At any such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called may be transacted without further notice. One or more members of the Executive Board may participate in and be counted for quorum purposes at any meeting by means of conference telephone or similar communication equipment by means of which all persons participating in the meeting can hear each other.
- 3.10 Conduct of Meetings. The President shall preside over all meetings of the Executive Board and the Secretary shall keep a minute book of the Executive Board meetings, recording therein all resolutions adopted by the Executive Board and a record of all transactions and proceedings occurring at such meetings. The then current edition of Robert's Rules of Order shall govern the conduct of the meetings of the Executive Board if and to the extent not in conflict with the Declaration, these By-Laws or the Act.
- 3.11 Action Without Meeting. Any action by the Executive Board required or permitted to be taken at any meeting may be taken without a meeting if all of the members of the Executive Board shall individually or collectively consent in writing to such action. Any such written consent shall be filed with the minutes of the proceedings of the Executive Board.

ARTICLE IV

Officers

- 4.1 Designation. Principal Officers of the Association shall be the President, the Secretary and the Treasurer, all of whom shall be elected by the Executive Board. The Executive Board may

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appoint an assistant treasurer, an assistant secretary and such other officers as in its judgment may be necessary. The President shall be a Unit Owner and a member of the Executive Board. Any other officers may, but need not, be Unit Owners or members of the Executive Board. An officer may hold more than one office.

- 4.2 Election of Officers. During the Declarant Control Period, the Declarant shall have the right to appoint, remove and replace from time to time any and all officers of the Association without the necessity of obtaining resignations. After the expiration of the Declarant Control Period, or if, and to the extent that, the Declarant has surrendered prior to the expiration of the Declarant Control Period the right to appoint, remove and replace the officers of the Association, then the officers of the Association shall be appointed every three (3) years by the Executive Board at the annual meeting of the Board as follows: the office of the President shall rotate between the two (2) Unit owners every three (3) years. The Owner of Unit 1 shall be the President and Secretary for the initial three (3) year term; the owner of Unit 2 shall be the Vice-President and Treasurer for the initial three (3) year term.
- 4.3 Removal of Officers. Upon the affirmative vote of a majority of all members of the Executive Board, any officer may be removed, either with or without cause, and a successor may be elected at any meeting of the Executive Board called for such purpose.
- 4.4 President. The President shall be the chief executive officer of the Association, preside at all meetings of the Association and of the Executive Board and have all of the general powers and duties which are incident to the office of president of a nonprofit corporation organized under the laws of the State of Maine including without limitation the power to appoint committees from among the Unit Owners from time to time as the President may in her discretion decide is appropriate to assist in the conduct of the affairs of the Association. The President shall cease holding such office at such time as he ceases to be a member of the Executive Board.
- 4.5 Secretary. The Secretary shall keep the minutes of all meetings of the Association and of the Executive Board, have charge of such books and papers as the Executive Board may direct, maintain a register setting forth the place to which all notices to Unit Owners and Eligible Mortgage Holders hereunder and pursuant to this Declaration shall be delivered and, in general, perform all the duties incident to the office of secretary of a nonprofit corporation organized under the laws of the State of Maine. The Secretary shall, within ten (10) days after receipt of request, provide any person, or cause to be provided to any person, entitled thereto at the expense of the person requesting the same a written statement or certification of the information required to be provided by the Association pursuant to Sections 1603-116(h) and 1604-108(b) of the Act and Paragraph 5.18.
- 4.6 Treasurer. The Treasurer shall have the responsibility for the safekeeping of Association funds and securities, be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of all required financial data, be responsible for providing to the Secretary the financial and budgetary information necessary for the Secretary to provide the certifications required by Paragraph 4.5, and be responsible for the deposit of all monies in the name of the Executive Board, the Association or the managing agent, in such depositories as may from time to time be designated by the Executive Board and, in general, perform all the duties incident to the office of treasurer of a nonprofit corporation organized under the laws of the State of Maine.

- 4.7 Execution of Documents. Except as provided in Paragraph 8.6, all agreements, contracts, deeds, leases, checks and other instruments of the Association for expenditures or obligations in excess of Five Hundred Dollars (\$500.00) shall be executed by the President or the Secretary and the Treasurer of the Association. All such instruments for expenditures or obligations of Five Hundred Dollars (\$500.00) or less may be executed by any one officer of the Association or such other person or employee as the Executive Board may designate in writing.
- 4.8 Compensation of Officers. No officer who is also a member of the Executive Board shall receive any compensation from the Association for acting as such officer, but may be reimbursed for any out-of-pocket expenses incurred in performing her duties; provided, however, the Secretary and Treasurer may be compensated for their services if the Executive Board determines such compensation to be appropriate.

ARTICLE V

Operation of the Property

- 5.1 Fiscal Year. The fiscal year of the Association shall begin on such date as shall be established by the Executive Board, except for the first fiscal year of the Association which shall begin at the date of incorporation of the Association. The commencement date of the fiscal year so established shall be subject to change by the Executive Board.

- 5.2 Preparation and Approval of Budget:

5.2.1 On or before thirty (30) days before the beginning of the fiscal year for which a Common Expense assessment is made, the Executive Board shall adopt an annual budget for the Association containing an estimate of the total amount considered necessary to pay the cost of maintenance, management, operation, repair and replacement of the Common Elements and the cost of wages, materials, insurance premiums, services, supplies and other expenses that may be declared to be Common Expenses by the Act, the Condominium Documents or a resolution of the Association and which will be required during the ensuing fiscal year for the administration, operation, maintenance and repair of the Property and the rendering to the Unit Owners of all related services. The budget shall provide working capital, a general operating reserve fund for current Common Expenses, and a reserve fund for contingencies, replacements, capital improvements, and other items which cannot be expected to occur on a regular basis. The budget shall also reflect the separate assessment of Limited Common Expenses.

5.2.2 On or before twenty (20) days before the beginning of the fiscal year for which a Common Expense assessment is made, the Executive shall provide to the Unit Owners and Eligible Mortgage Holders a summary of that budget in reasonably itemized form setting forth the separate amounts of the Common Expenses and Limited Common Expenses and shall set a date for a special meeting of the Unit Owners and Eligible Mortgage Holders to consider ratification of such budget not less than fourteen (14) days nor more than thirty (30) days after mailing of such summary of budget accompanied by notice of the special meeting to each Unit Owner and Eligible Mortgage Holder. Unless at the meeting a majority in voting interest of all the Unit Owners reject the proposed budget or revised budget, that budget is ratified irrespective of whether a quorum is present at said meeting. In the event such budget shall be rejected at the meeting, the budget last ratified with respect to the period covered by the

proposed budget shall be continued as the budget for the Condominium until such time as the Unit Owners ratify a subsequent budget proposed by the Executive Board upon the same conditions as are provided in this subparagraph with respect to the original budget.

5.2.3 Subject to subparagraph 5.2.2, the budget adopted pursuant to this Paragraph shall constitute the basis for determining each Unit Owner's assessments for Common Expenses and Limited Common Expenses and shall automatically take effect at the beginning of the fiscal year for which it is adopted.

- 5.3 Assessment of Common Expenses. The total amount of the estimated funds required from assessments for the operation of the Property as described in subparagraph 5.2.1 and set forth in the budget adopted by the Executive Board shall be assessed by the Association on an annual basis against each Unit Owner in proportion to her respective Allocated Interests as provided in subparagraph 8.1.1 of the Declaration, except for Limited Common Expenses which shall be assessed on an annual basis against each Unit benefited as provided in subparagraph 8.1.2 of the Declaration.
- 5.4 Reserves. The Executive Board shall build up and maintain reasonable reserves for working capital including a general operating reserve fund for current Common Expenses (the "Working Capital Fund") and a reserve fund for contingencies, replacements, capital improvements and other items which cannot be expected to occur on a regular basis (the "Reserve Fund"). However, nothing contained herein shall limited, preclude or impair the establishment of additional funds by the Association so long as the amounts credited to, and debited from any such additional funds are earmarked for specified purposes authorized by the Condominium Documents. The Working Capital Fund, Reserve Fund and such other funds shall be conclusively deemed to be common funds of the Association and shall be deposited in a special account with a lending institution, the accounts of which are insured by an agency of the United States of America. Neither the Executive Board nor the Treasurer shall commingle in the books and records of the Association any amounts deposited into the Reserve Fund, the Working Capital Fund or such other funds. Extraordinary expenditures not originally included in the annual budget which may become necessary during the year shall be charged first against such reserves. If the reserves are deemed by the Executive Board to be inadequate for any reason, including nonpayment of any Unit Owner's assessment, the Executive Board may at any time levy a further assessment which, depending on whether the reserve is for the benefit of all the Units or fewer than all the Units, shall be assessed against all the Unit Owners according to their respective Common Expense Liabilities or only against the Unit Owners benefited according to their respective Common Expense Liabilities as between themselves, and which may be payable in a lump sum or in installments as the Board may determine.
- 5.5 Payment Obligations. Each Unit Owner shall pay to the Association or its authorized representative on a basis determined by the Executive Board the Common Expenses assessed on an annual basis against his Unit and all special assessments, any other sums duly levied against the Unit Pursuant to the Declaration, these By-Laws or the Act, all interest thereon and charges for late payment thereof and legal fees and other costs of collection thereof, and fines, penalties and fees as provided by the Declaration, these By-Laws or the Act.
- 5.5 Interest; Acceleration. In the event of a default by an Unit Owner in paying any sum assessed against her Unit which continues for a period in excess of thirty (30) days, interest shall be imposed on the principal amount unpaid from the date when due until paid at a rate of interest to be established annually by the Executive Board which shall not exceed the lower of the

maximum interest rate allowed by law which may be charged by the Association at such time. If the Executive Board shall fail to set such rate, it shall be deemed to have been set at the rate of eighteen percent (18%) per annum. The Association shall have the right to establish and impose charges for late payment of assessments. In any case where an assessment against a Unit Owner is payable in installments, upon a default by such Unit Owner in the timely payment of any two consecutive installments, the maturity of the remaining total of the unpaid installments of such assessments may be accelerated at the option of the Executive Board, and the entire balance of the annual assessment may be declared due and payable in full by the service of notice to such effect upon the defaulting Unit Owner by the executive Board or its representative.

- 5.6 Lien for Assessments. The total annual assessment levied against each Unit for Common Expenses or any special assessment, and any other sums duly levied against the Unit pursuant to the Declaration, these By-Laws, or the Act, including all interest thereon and charges for late payment thereof and legal fees and other costs of collection thereof, and fines, penalties and fees as provided in the Declaration or these By-Laws shall constitute the personal liability of the Owner of the Unit so assessed and also shall, until fully paid, constitute a lien against the Unit in favor of the Association from the date upon which such assessment, special assessment or other sum such as interest becomes due as provided in Section 1603-116 of the Act. Such lien shall, with respect to annual assessments and revised annual assessments, be effective on the first day of each fiscal year of the Association as to the full amount of the annual assessment or revised annual assessment, and, as to special assessments and other sums duly levied including Limited Common Expenses assessed against Unit Owners for maintenance, repair or replacement of a Limited Common Element, on the first day of the next month which begins more than ten (10) days after delivery to the Unit Owner of notice of such special assessment or levy. Such lien is prior to all other liens and encumbrances on a Unit except (a) liens and encumbrances recorded before the recordation of this Declaration, (b) a first Mortgage recorded before or after the date which the assessment sought to be enforced becomes delinquent, and (c) liens for real estate taxes and other governmental assessments or charges against the Units; provided, however, that such lien is not subject to the provisions of 14 M.R.S.A. Section 4651 and 18-A M.R.S.A. Section 2-201, et seq., as they or their equivalents may be amended or modified from time to time.
- 5.7 Enforcement. The lien for assessments described herein may be enforced and foreclosed by the Association in like manner as a mortgage on real estate as provided in Section 1603-116(a) of the Act or by any other means presently or hereafter provided by law or in equity. A suit to recover a money judgment for unpaid assessments, interest, penalties, and costs of collection may be maintained against the Unit Owner personally without foreclosing or waiving the lien securing such assessments and a foreclosure may be maintained notwithstanding the pendency of any such suit, the Unit Owner shall be required to pay a reasonable rental for the Unit for any period prior to sale pursuant to any judgment or order of any Court having jurisdiction over such sale.
- 5.8 Exemption From Expenses by Waiver of Use of Common Elements or Unit Elements. No Unit Owner may exempt herself from Common Expense Liability with respect to the payment of assessments for Common Expenses by waiver of the enjoyment of the right to use any of the Common Elements or by abandonment of her Unit or otherwise. The obligation to pay assessments for Common Expenses is absolute and unconditional and shall not be subject to set-off or counterclaims.

- 5.9 Collection of Assessments. The Executive Board shall take prompt action to collect any assessment for Common Expenses due from any Unit Owner which remains unpaid for more than thirty (30) days from the due date for payment thereof together with any interest thereon and charges for late payment as provided herein.
- 5.10 Statement of Common Expense and Resale Certificates. The Association shall promptly provide to any Unit Owner, contract purchaser or Mortgagee so requesting the same in writing with a statement setting forth the amount of unpaid assessments currently levied against the Unit of such Unit Owner as provided in Section 1603-116(h) of the Act. The Association shall also provide to any Unit Owner or contract purchaser so requesting the same in writing with a certificate containing the information described in Section 1604-108(a) of the Act enabling such Unit Owner to comply with the provisions of Section 1604-107 of the Act, Resales of Units, so that such Unit Owner shall be able to comply with the requirements stated in Section 1604-108 of the Act. The Executive Board shall have the right to impose a reasonable charge for the preparation of such statement or information to cover the costs of the preparation thereof against the person so requesting the same.

ARTICLE VI

Insurance

- 6.1 Policies. The Executive Board on behalf of the Association shall obtain, or cause to be obtained, and shall maintain as a Common Expense, the policies of insurance described in Paragraphs 6.2, 6.3 and 6.4 to the extent such policies shall be reasonably available from reputable insurance companies. It is the intent of the Declarant to require the Association, as a Common Expense to insure the whole of the Condominium property, including the Common Element, Limited Common Element and both Units, as a Common Expense. To the extent that said insurance described in Paragraphs 6.2, 6.3 and 6.4 is not reasonably available as described in the preceding sentence, the Executive Board on behalf of the Association shall give notice of that fact to the Unit Owners and the Eligible Mortgage Holders of Mortgages of their Units by hand-delivery securing a receipt therefor, or by prepaid United States mail, return receipt requested. The Executive Board of the Association is hereby irrevocably appointed as attorney-in-fact for each Unit Owner and for each Mortgagee and Eligible Mortgage Holder and for each owner of each other interest in the Property for the purpose of purchasing and maintaining the insurance described in Paragraphs 6.2, 6.3 and 6.4, the collection and appropriate disposition of the proceeds thereof with any bank or trust company authorized to do business in the State of Maine as trustee for all Unit Owners and their Mortgagees as their respective interests may appear (the "Insurance Trustee").
- 6.2 Property Insurance. Each Unit Owner shall obtain and maintain a standard form of "special form" fire and property insurance policy on the Owner's Unit of not less than the actual cash value of the replacement costs for their insured Unit at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations and other items normally excluded from property policies. Owners must provide evidence of such property insurance to the Executive Board upon request.

The Association must also obtain and maintain a standard form of "special form" fire and property insurance policy for the Common and Limited Common Elements of not less than the actual cash value of the replacement cost.

- 6.3 Liability Insurance. The Executive Board shall obtain and maintain as a Common Expense comprehensive general public liability insurance (including medical payments insurance) and property damage insurance in such limits as the Board may from time to time determine, insuring each Executive Board member, the managing agent, each Unit Owner and the Declarant against any liability to the public or to the Unit Owners (and their invitees, agents and employees) covering all occurrences commonly insured against for death, bodily injury or property damage arising out of, or incident to, the maintenance, ownership or use of the Building, Common Elements, Limited Common Elements and Units or relating to any legal liability resulting from suits or actions related to employment contracts to which the Association or Unit Owners are a party. Such insurance shall be issued on a comprehensive liability basis and shall contain: (a) a cross liability endorsement under which the rights of a named insured under the policy shall not be prejudiced with respect to her action against another named insured; (b) hired and non-owned vehicle coverage; and (c) a "severability of interest" endorsement which shall preclude the insurer from denying liability to a Unit Owner because of negligent acts of the Association or of another Unit Owner. The Executive Board shall review such limits once each year, but in no event shall such insurance be less than one million dollars covering all claims for bodily injury of property damage arising out of one occurrence.
- 6.4 Other Insurance. The Executive Board shall obtain and maintain as a Common Expense:
- 6.4.1 To the extent requested by a majority in voting interest of the Unit Owners or required by any governmental or quasi-governmental agency, including without limitation, the Federal National Mortgage Association or the Federal Home Mortgage Corporation, adequate fidelity coverage to protect against dishonest acts on the part of officers, members of the Executive Board, trustees and employees of the Association and all others who handle, or are responsible for handling, funds of the Association, including managing agent. Such fidelity bonds shall: (a) name the Association as an obligee; (b) be written in an amount not less than the greater of (i) one-quarter the total annual assessments for Common Expenses plus the Association's reserve funds for the year or (ii) the maximum funds in the custody of such persons handling the funds of the Association; and (c) contain waivers of any defense based upon the exclusion of persons who serve without compensation for any definition of "employee" or similar expression;
- 6.5 Flood Insurance.
- If required by any governmental or quasi-governmental agency, including without limitation the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, the Unit affected shall obtain, and assume the cost of, flood insurance in accordance with the then applicable regulations of such agency.
- 6.6 Memoranda, Cancellation, Additional Required Provisions. All insurers that shall issue an insurance policy or policies under this Article shall issue certificates or memoranda of insurance to the Association, and, upon request, to any Unit Owner or Mortgagees. All such insurers issuing the policy may not cancel (including cancellation for non-payment of premium), substantially modify or refuse to renew such policy or policies until twenty (20) days after notice of the proposed cancellation or non-renewal has been mailed to the Association, the managing agent, each Unit Owner and each Mortgagee to whom a certificate or memorandum of insurance has been issued at their respective last known addresses. All policies under this Article shall in addition contain the following provisions:

6.6.1 The insurer waives any right to claim by way of subrogation against the Declarant, the Association, the Executive Board, the managing agent or the Unit Owners, and their respective agents, employees, guests and, in the case of the Unit Owners, the members of their households;

6.6.2 The Declarant, so long as Declarant shall own any Unit, shall be protected by all such policies as a Unit Owner.

6.7 Insurance Requirements. All insurance policies written on behalf of the Association shall be written by an insurance carrier that meets FannieMae requirements for a Best's rating.

ARTICLE VII

Records of Information

7.1 Title. Every Unit Owner shall promptly cause to be duly recorded the deed, lease, assignment, or other conveyance to her of her Unit or other evidence of her title thereto and file such evidence of her title with the Executive Board through the Secretary or Manager. The Secretary shall maintain such information in the record of ownership of the Association.

7.2 Availability of Information. The Association shall make available at the Condominium to Unit Owners, lenders and the holders, insurers and guarantors of the first Mortgage on any Unit, for inspection at the Property, current copies of the Declaration, these By-Laws and the rules and regulations governing the Property and other books, records and financial statements of the Association. The Association shall also make available to Eligible Mortgage Holders, Eligible Insurers, Unit Owners and prospective purchasers at the cost of the person requesting the same current copies of the Declaration, these By-Laws and the rules and regulations governing the property.

ARTICLE VIII

Amendments

Subject to the provisions of the Declaration governing the amendment of the Declaration, and subject also to the Declaration governing the rights of Mortgagees, and subject to the other provisions of the Declaration, these By-Laws and of the Act, these By-Laws may be amended as follows:

8.1 Notice. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting of the Executive Board or Association in which a proposed amendment is considered, and shall be served upon all Unit Owners and upon all Property/Casualty Insurance carriers (providing coverage on any Unit or the Common Area) and Eligible Mortgage Holders.

8.2 Resolution. An amendment may be proposed by either the Executive Board or by a Unit Owner. No resolution of the Executive Board adopting a proposed amendment shall be effective unless it has been adopted at a meeting of the Association duly called and held in accordance with these By-Laws by the unanimous vote of all the Unit Owners.

- 8.3 Agreement. In the alternative, an amendment may be made by an agreement signed by the record Owners of Units to which are allocated at least One Hundred Percent (100%) of the Votes in the Association, in which case such amendment shall become effective when signed by such Unit Owners.
- 8.4 Execution. A copy of each amendment shall be attached to or included with a certificate, certifying that the amendment was duly adopted, which certificate shall be executed and acknowledged by the President or Treasurer and attested by the Secretary. The amendment shall be effective when such certificate and copy of the amendment are executed and certified.
- 8.5 Approval of Mortgagees. These By-Laws contain provisions concerning various rights and interests of Eligible Mortgage Holders. Such provisions in these By-Laws are to be construed as covenants for the protection of such Eligible Mortgage Holders on which they may rely on making loans secured by Mortgages on the Units. Accordingly, no amendment or modification of these By-Laws impairing or affecting such rights, priorities, amendments or interests of such an Eligible Mortgage Holder shall be adopted without the prior written consent of such Eligible Mortgage Holders as more particularly provided in the Declaration.
- 8.6 Amendments to Declaration. Either one of the President or Treasurer shall prepare, execute and record, and the Secretary shall certify, amendments to the Declaration on behalf of the Association.

ARTICLE IX

Notices

- 9.1 To Unit Owners. All notices, demands, bills, statements or other communications affecting the Condominium shall be given to Unit Owners by the Association in writing and shall be deemed to have been duly given if delivered personally securing a receipt therefor or sent by United States mail, postage prepaid, or if such notifications are of a default or lien, sent by registered or certified United States mail, return receipt requested, postage prepaid, addressed to the Unit Owner at the address which the Unit Owner shall designate in writing and file with the Secretary of the Association, or if no such address is so designated, the address of the Unit of which such Unit Owner is the record owner thereof. Alternatively, Unit Owners may elect to receive the above mentioned notices, demands, bills, statements or other communications affecting the Condominium via electronic mail upon filing an email address with the Secretary of the Association and informing Secretary of their wish to receive the above mentioned information via email.
- 9.2 To the Association. All notices, demands, statements or other communications affecting the Condominium given by the Unit Owners to the Association shall be in writing to have been duly given to the Association if delivered personally securing a receipt therefor, or sent by United States mail, postage prepaid, return receipt requested, addressed to the to the Secretary of the Association at the address of the Unit of which the Secretary is the record Unit Owner thereof.
- 9.3 To Eligible Mortgage Holder, Etc. All notices, demands, statements or other communications affecting the Condominium given by the Association to any Eligible Mortgage Holder and Insurance carrier shall be in writing and shall be deemed to have been duly given by the Association if delivered personally securing a receipt therefor, or sent by United States mail,

postage prepaid, addressed to the Eligible Mortgage Holder at the address identified pursuant to the Declaration and to any Property/Casualty Insurer carrier at the address identified pursuant to the Declaration.

ARTICLE X

Miscellaneous

10.1 Remedies Cumulative. All rights, remedies and privileges granted to the Executive Board or a Unit Owner pursuant to any terms, provisions, covenants or conditions of the Condominium Documents shall be deemed to be cumulative, and the exercise of any one or more shall not be deemed to constitute an election of remedies nor shall it preclude the party thus exercising the same from exercising such other and additional rights, remedies, or privileges as may be granted to such party hereunder or by any instruments or documents incorporated herein by reference or at law or in equity.

A Unit Owner shall have an independent right of action against any other Unit Owner who fails to comply with the decisions of the Association or the terms and conditions of these By-Laws as well as the terms and conditions of the other condominium documents, including, but not by way of limitation, the condominium Declaration, Plats, Plans and Rules and Regulations generated by the Executive Board. A Unit Owner shall have a similar right of action against the Association.

10.2 Captions. The headings in these By-Laws are for purposes of reference only and shall not limit or otherwise affect the meaning hereof. Any tables of contents or indices attached to these By-Laws are for purposes of reference and convenience only and shall neither limit nor otherwise affect the meaning hereof nor be deemed as part of these By-Laws. References in these By-Laws to Articles, Paragraphs, subparagraphs and Schedules without references to the document in which they are contained are references to these By-Laws. Schedules are attached to and are an integral part of these By-Laws. Any Exhibits are attached to these By-Laws for purposes of identification only and shall not be deemed as part of these By-Laws.

10.3 Gender, Number, Etc. The use of the singular number in these By-Laws shall be deemed to include the plural, the plural the singular, and the use of any one gender shall be deemed applicable to all gender.

10.4 Severability. The invalidity of any provisions of these By-Laws shall not be deemed to impair or affect in any manner the validity, enforceability or effect of the remainder of these By-Laws, and in such event, all of the other provisions of these By-Laws shall continue in full force and effect as if such invalid provision had never been included herein.

Accepted by the Declarant on March ____, 2020

M & T Realty, LLC

Witness

Michael Estes, Member - Declarant

DECLARATION OF CONDOMINIUM

PINE TREE BUSINESS PARK
CONDOMINIUM

March 2020

Prepared by Jeffery Cark
Clark & Howell, LLC.
P.O.Box 545
York, Maine 03909

**DECLARATION OF CONDOMINIUM PINE TREE BUSINESS
PARK CONDOMINIUM**

ARTICLE 1. INTRODUCTORY; DEFINITIONS

Section 1.1. Submission to the Maine Condominium Act.

M & T REALTY, LLC, a Maine limited liability company ("Declarant"), owner of land described in Exhibit A (the "Property") hereby creates a condominium known as PINE TREE BUSINESS PARK Condominium, by submitting that property to this Declaration and to the provisions of the Maine Condominium Act, Title 33, Section 1601-101 et seq. of the Maine Revised Statutes. The Property is governed by a Maine nonprofit corporation known as the PINE TREE BUSINESS PARK CONDOMINIUM ASSOCIATION. The initial Bylaws of the Association are also attached hereto. Declarant has also recorded Plats and Plans for the Condominium, required by the Maine Condominium Act, in Condominium File ____, page ____, at the York County Registry of Deeds.

The Condominium consists of the Property and four Units.

All present and future owners, occupants and tenants, their guests, licensees, invitees, employees, agents, and any other person entering on the Property shall be subject to this Declaration, the Bylaws of the Association and to Rules of the Association, which shall be deemed to be covenants running with the land.

Section 1.2. Definitions; General Concepts; incorporation of Statute into Declaration.

Terms; Definitions. Terms used in this Declaration have the same meaning as found in the Maine Condominium Act or, if not defined in the Maine Condominium Act, have their ordinary meaning. The terms below either have a special definition when used in the Declaration, Bylaws, Plans and Rules or are included for the information of the user.

"Association" means the PINE TREE BUSINESS PARK CONDOMINIUM ASSOCIATION.

"Commercial Unit" is a space used for administrative, professional or clerical services, personal services or retail services.

"Condominium" means PINE TREE BUSINESS PARK CONDOMINIUM.

"Declarant" shall mean M & T REALTY, LLC, or anyone who succeeds to a Special Declarant Right.

"Declaration" shall mean this document, including the Plats and Plans.

“Unit owner” or “Owner” means a person who is an owner or co-owner of a Unit other than as security for an obligation.

Section 1.3 Interpretation

In the event of any conflict or discrepancy between this Declaration, the Bylaws, the Rules, and the Plat and Plans, the provisions of this Declaration shall govern.

ARTICLE 2 – THE UNITS.

Units are separately owned areas of the Property. The Common Elements are owned in common by all Unit owners. The Limited Common Elements are a part of the Common Elements that are reserved for the exclusive use of the owners of Units to which the Limited Common Elements are attached.

Section 2.1. Description of the Units.

The boundary lines for each Unit are as shown on the Plats and Plans.

- a. **Unit 1.** The Unit 1 is a 6,000 square foot building to be used exclusively for office or retail, as defined by the Town of Eliot Zoning Ordinances. This Unit shall include doors, chimneys, walls, windows, screens, shutters, frames, doorsteps, stoops, decks, posts, masonry, foundations, exterior siding and trim, roof, roof overhang, and thresholds of the building containing Unit 1 to the extent that they do not fall within the boundaries of the Unit. Unit 1 consists of all portions of the structure within the aforesaid boundary lines, and all additions that do not extend beyond the vertical boundary lines shown on the plan, and including but not limited to, electrical wiring, pipes, conduits, flues, ducts and portions of water and similar utility lines servicing only that Unit and located within the boundary lines above described, as well as foundations, joists, studs, beams and rafters of each Unit.

- b. **Units 2 through 9.** Units 2 through 9 shall consist of pad sites.
 - 1. **Perimeter Boundaries:** The Unit is the real property consisting of the space filled with air and the rights of possession therein and all improvements lying therein within the vertical planes (as further limited by the horizontal planes, if any) described below and as shown on the Plats and Plans.
 - 2. **Location of Vertical Planes.** The vertical planes of the Unit correspond with the exterior surface of the vertical sides of the building contained within the Unit, the Unit to include the thickness of finish material such as paint or stain. In addition, the Unit will contain all overhangs and any other structural parts of the building attached to the building but not within the vertical planes. Where no structure is

yet constructed, the vertical planes shall be as drawn on the Plats and Plans. Any substantial change in the location of the vertical boundaries shall be noted on an amended plat and shall be Recorded in the Registry of Deeds,

3. Location of Horizontal Planes. The lower horizontal boundary of Units is the lower horizontal surface of any concrete slab or basement floor or, if none, the upper horizontal surface of the land (as such term is used in the zoning and subdivision laws of the State of Maine and the Town of Eliot), within said vertical boundaries.

Below the lower horizontal boundary and within such vertical planes, all of the underlying land remains undivided and is a Limited Common Element. There is no upper horizontal boundary.

c. **Unit 10.** Unit 10 is a propane storage site.

1. Perimeter Boundaries: The Unit is the real property consisting of the space filled with air and the rights of possession therein and all improvements lying therein within the vertical planes described below and as shown on the Plats, and Plans.
2. Location of Vertical Planes. The vertical planes of the Unit shall be located as shown and delineated on the Plats and Plans. The Unit will contain all buildings and any other structural parts with the vertical planes.
3. Location of Horizontal Planes. There shall be no upper or lower horizontal boundaries.

Section 2.2. Subdivision of Units.

Unit owner shall have the right to subdivide their Unit after obtaining, if required, appropriate permits from the Town of Eliot. Unit owners may Lease portions of their Units. For example, the owners of the pad sites, Units 2-9, shall have the right to configure their development of their pad sites as they chose, provided however, that they meet any of the Zoning requirements of the Town of Eliot.

Section 2.3 Identifying Letter

Each Unit's identifying Number is shown on the Plats and Plans, reduced copies of which are attached hereto as **Exhibit C**.

Section 2.4. Alteration, Repair, Maintenance and Repair of Units.

Each Unit Owner shall otherwise keep and maintain her or his Unit and its equipment, appliances and appurtenances in good order, condition and repair and in an attractive, clean and sanitary condition, whether such maintenance and repair shall be structural or nonstructural. The Unit Owner shall provide ordinary maintenance of the interior and exterior surfaces of windows. Each Unit Owner shall perform his responsibilities in such manner as shall not unreasonably disturb or interfere with the other Unit Owners. Each Unit Owner shall promptly report to the Board of Directors or the managing agent any defect or need for repairs for which the Association is responsible.

Section 2.5, Access and Easement Rights to Units.

Each Unit owner has:

- a. an unrestricted right of ingress and egress to his or her Unit, which automatically transfers with a transfer of title to the Unit.
- b. an easement, in common with all other Unit Owners, to use, maintain, repair and replace pipes, wires, ducts, cables, conduits, public utility lines and other similar items serving his Unit and located in any of the other Units, provided that the interference with the use and enjoyment of the Units in which such items are located shall be minimized. Each Unit shall be subject to a similar easement in favor of all other Unit Owners.
- c. an easement for minor intrusions into the Common Elements by exhaust pipes, air conditioners and similar things, subject to approval by the Board or any committee established by the Board for that purpose.
- d. an easement for lateral and subjacent support from every other Unit and the Common Elements, and shall have the easement for encroachments established under Section 1602-114 of the Condominium Act.

Section 2.6. Encroachments.

Each Unit and the Common Elements are subject to an easement for structural and lateral support in favor of every other Unit. If any portion of the Common Elements or Limited Common Elements hereafter encroach upon any Unit, or if any Unit hereafter encroaches upon any other Unit or upon any portion of the Common Elements or Limited Common Elements, as a result of settling or shifting of any building in which they are located, other than as a result of the willful or negligent act or omission of the owner of the encroaching Unit or of the Association in the

case of encroachments by the Common Elements or Limited Common Elements, then a valid easement for the encroachment and for the maintenance of the same shall exist. In the event that a building is partially destroyed because of fire or other casualty or as a result of a taking by eminent domain or by deed in lieu of condemnation and is subsequently rebuilt, encroachments due to such rebuilding shall be permitted, and valid easements appurtenant thereto shall exist.

ARTICLE 3 – COMMON AND LIMITED COMMON ELEMENTS.

Section 3.1. Common Elements.

The Common Elements include all portions of the Property other than the Units. Common Elements include the Limited Common Elements.

Section 3.2. The Limited Common Elements.

Limited Common Elements are designated portions of the Common Elements which are reserved for the exclusive use of a particular Unit or Units, to the exclusion of other Units. Each Unit's Limited Common Elements are more properly described and designated on the Plats and Plans.

The propane tanks and air conditioning units servicing any unit, which are placed on the outside of a unit, shall be considered Limited Common Element for the Unit to which they provide service.

Expansion of Unit Boundaries into Limited Common Areas. Units are not allowed to expand into Limited Common Areas.

ARTICLE 4. MAINTENANCE, REPAIR, REPLACEMENT, ALTERATIONS AND ADDITIONS.

Section 4.1. Alterations to Unit by Unit Owner.

Subject to this Declaration, the Bylaws and the Rules and Regulations of the Association as amended from time to time, a Unit Owner may make nonstructural interior improvements and alterations to the Unit. Any and all structural improvements and alterations shall only be performed in accordance with this Declaration, the By-Laws, the Rules and Regulations, the approval of the Town of Eliot and in accordance with all local, state, and federal regulations. Excepting routine maintenance, no exterior structural changes may be undertaken without the written approval of the Executive Board, in accordance with guidelines established by the Board.

Section 4.2. Expansion of Units.

The Units are not permitted to expand beyond their current boundaries as shown on the Plats and Plans without the *written consent of at least 8 of the unit owners*.

Section 4.3. Maintenance of Unit/Repair Responsibility Units.

Each Unit Owner shall keep and maintain her or his Unit and its equipment, appliances and appurtenances in good order, condition and repair, and in a clean and sanitary

condition, whether such maintenance and repair shall be structural or non-structural. Each Unit Owner shall do all redecorating, cleaning, painting, and varnishing which at any time may be necessary to maintain the good appearance and condition of such Unit. No Unit Owner shall deposit any trash, dirt, debris or other substance from the Unit onto the Limited Common Elements, except in designated trash disposal areas.

Exterior maintenance and repairs: The owners of Units 1 and 10 shall be responsible for all interior and exterior maintenance and repair. The Owners of Units 2 through 9 shall be responsible for all exterior maintenance and interior structural maintenance and repairs of the building contain their Units as a Limited Common Expense.

Should any Unit become unsightly, dangerous or result in an increase in insurance premiums, the Association may, at the absolute discretion of the Executive Board, remedy such dangerous condition or undertake necessary maintenance to the offending Unit at a cost solely to said Unit owner.

Each Unit Owner shall be responsible for all maintenance to and damage to any and all utility lines running from their Unit to either the public system or to a place where it connects to the Common Element. The Unit Owner's responsibility shall cease and it shall become the Association's responsibility and a common expense once said utility lines connects to/with a line from another Unit or Common Element.

Each Unit Owner shall be responsible for all damage to any other Units or to the Common Elements resulting from his failure or negligence to make any of the repairs required by this Article. Each Unit Owner shall perform his responsibility in such manner as shall not unreasonably disturb or interfere with the other Unit Owners. Each Unit Owner shall promptly report to the Executive Board or the managing agent any defect or need for repairs for which the Association is responsible.

To the extent that any damage to a Unit is covered by the Association's insurance, the Unit Owner shall be responsible for (i) payment of the insurance deductible, if any (or such other amount established by the Rules and Regulations) and for (ii) uninsured damage to any Common Element for which the Unit Owner is otherwise responsible due to the fault or negligence of the Owner, their guest or invitee

Section 4.4. Maintenance of Limited Common Elements.

The Unit owners shall maintain, repair and replace the Limited Common Elements

associated with their Units, at their expense, unless they become unsightly, dangerous or result in an increase in insurance premiums for the entire condominium. In such case, the Association shall do such maintenance, repair and replacement, but the Unit owners to whom the Limited Common Element is associated with shall still be solely responsible to pay the cost of same.

Section 4.5. Common Elements to Remain Undivided.

The Common Element Interest of a Unit shall be inseparable from each Unit, and any conveyance, lease, devise or other disposition and any mortgage or other encumbrance of any Unit shall include the Common Element Interest, whether or not expressly referred to in the instrument making such transfer. The Common Elements shall remain undivided and no action for partition or division of any party shall be permitted, unless otherwise provided by law and permitted by this Declaration.

Section 4.6. Maintenance of Common Elements other than Limited Common Elements.

Generally, the Association shall be responsible for the maintenance, repair, and replacement of the Common Elements (except the Limited Common Elements), including, but not limited to, snowplowing and sanding, parking lot maintenance and striping, lawn and landscaping maintenance (if any), fire hydrant maintenance and retention pond/drainage maintenance and monitoring, all as determined by the Executive Board. If such repair or replacement of the Common Elements shall be necessitated by the negligence, neglect or misconduct of fewer than all of the Unit Owners, then such cost shall be assessed to the Unit Owners responsible as a Service Charge.

Section 4.7. Alteration of Common Elements.

No Unit Owner shall alter any of the Common Elements or otherwise change the appearance of the Common Elements (including the Limited Common Elements), without the prior written approval of the Executive Board of the Association.

Section 4.8. Exceptions to Maintenance Rule for the Common Elements.

If the Association shall allow Unit owners to place improvements on or within the Common Elements (including the Limited Common Elements), then the cost of permitting, insurance, maintenance, repair, replacement, improvement and alteration of such improvements shall be at the expense of the Unit owner for whose benefit the improvement was allowed. In all cases, such improvements may be made only under such conditions as allowed by the Executive Board. The Association shall have the power to maintain such improvements in a clean and attractive condition if the Unit owner does not do so and charge the Unit owner for the cost of

same, with said charges having the same status as a common expense assessment, and enforceable as such.

**ARTICLE 5 – LIABILITY FOR COMMON EXPENSES AND SPECIAL CHARGES;
VOTING RIGHTS; ASSESSMENTS**

Section 5.1 Common Expense Liability.

Each Unit shall share in the Common Expense Liability in accordance with the percentages set forth on attached Exhibit B.

Section 5.2. Special Charge Liability.

Special Charges are charges and expenditures not charged against Unit Owners in accordance with the formula for Common Expense liability set out in Exhibit B of this Declaration. They are assessed against Unit Owners depending on the nature of the Special Charge. Special Charges shall be assessed and paid as set out in this Declaration and the Bylaws. Such charges, if unpaid, shall be subject to the same lien and remedies given to the Association, as for unpaid Common Expenses, including the remedy of foreclosure.

Special Charges may include without limitation:

- a. utility charges paid by the Association and rebilled to Unit owners as set forth herein.
- b. costs incurred by the Association because of negligence on the part of any Unit Owner.
- c. expenses incurred by the Association for the maintenance, repair or replacement of assigned Limited Common Elements.

Section 5.2-A. Voting Rights.

The voting interest of each Unit is set forth on Exhibit B

Section 5.3. Beginning of Assessments.

Until Declarant begins Assessments, Declarant shall pay all Common Expenses. Once Assessments start, all Units shall pay Assessments in accordance with this Declaration, including Units owned by the Declarant.

Section 5.4 Utilities.

Utilities may be Common Expenses or Special Charges, as set out below.

The cost of utility services, including, water, sewer, electricity, cable or telephone:

- a. Shall be billed directly, if practical, by the utility to individual Unit owners if the utility meters the service separately to each Unit, said charges not to be a Common Expense.

b. Shall be billed to the Association and rebilled by the Association to individual Unit owners, to the extent that the cost of utility services to individual Units can be measured or reasonably estimated. Such charges shall be a Special Charge.

c. To the extent that utility services do not fall within subparagraphs (a) and (b) above, such charges shall be a Common Expense. Whenever utility services are provided as a Common Expense, the Association may make such Rules concerning usage of same as may be necessary to prevent excessive usage or waste of such services by any individual Unit owner.

Section 5.5. Capital Fund.

The Declarant shall establish a capital fund for the Association equal to \$ _____ per Unit, to be paid to the Association by each Unit purchaser at the initial transfer of title by the Declarant to the purchaser. No purchaser shall be entitled to a refund of such monies from the Association upon any subsequent transfer of a Unit. The Capital Fund shall be for the purpose of repairing or replacing Common Element, e.g., the parking lot pavement.

Section 5.6. Liability for Assessments.

In the transfer of a Unit, the grantee of the Unit shall be jointly and severally liable with the grantor for all unpaid Common Expenses, assessments and Special Charges, penalties, fees, interest and cost of collection outstanding at the time of the grantor's transfer, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefore.

Section 5.7. Payment of Common Expenses.

Unit Owners shall pay their share of Common Expenses and Special Charges without setoff or deduction. The Common Expenses that are not otherwise assessed as Special Charges shall be assessed against all the Units in proportion to the relative Common Expense Liabilities. Each Owner shall become liable to the Association, and a lien shall arise against his Unit for his entire fractional share of the assessments as of the commencement of the pertinent fiscal period. Each Owner may pay his share of the Common Expense in periodic installments on or before the first day of the period.

ARTICLE 6 - USE AND OCCUPANCY OF UNITS.

Section 6.1. Residential Use Prohibited.

The Condominium is limited to general commercial use. No residential uses are allowed.

Section 6.2. Restrictions on Use.

Unit owners may construct buildings and make other improvements, including parking spaces, within the bounds of their unit, consistent with the nature of the commercial use of the Unit, subject to the following restrictions:

a. No Unit shall be used so as to create a nuisance or an unreasonable interference with the peaceful possession or proper use of any other Unit.

b. Those portions of a Unit visible from the Common Elements or another Unit shall be kept in a visually attractive condition, free and clear of unregistered vehicles, clutter and visually unattractive personal property, and properly mowed and landscaped.

c. Trash, garbage and other waste shall be kept only in closed sanitary containers and shall be disposed of in such manner as may be prescribed from time to time in accordance with rules established by the Board of Directors.

d. No member shall overload any common electrical, water, sewage or storm water disposal system servicing the Property. No person shall operate any machinery, appliances, accessories or equipment in such a manner as to cause, in the judgment of the Board of Directors, any unreasonable disturbance or make any alterations to or connections with the heating, plumbing, or sewage disposal systems without the prior written consent of the Board of Directors.

e. Signs. All Unit owners may erect signs of reasonable size along the entrance drive and along Route 236, advertising the commercial use being conducted in the Condominium. These signs may be located within the bounds of another Unit, but their size, shape and other characteristics shall be subject to review and approval by the Board of Directors. Approval by the Board shall not be unreasonably withheld.

Section 6.3. Vehicles and Parking

No inoperable vehicles, or any boats, recreational vehicles, snowmobiles, motorized or nonmotorized scooters or skateboards, all-terrain vehicles or other vehicles or recreational equipment, trailers, or similar items may be kept or parked on the Property, except within a fully enclosed building.

The Board of Directors may adopt such Rules and Regulations as it deems necessary or appropriate to further regulate parking.

The Association may summarily remove vehicles parked in prohibited areas.

ARTICLE 7 – INSURANCE

Section 7.1. General.

The Unit owners are responsible for Property and Casualty Insurance covering their unit.

Section 7.2. Liability Insurance.

a. Liability Coverage Required for Common Elements. The Board of Directors shall obtain and maintain, as a Common Expense, comprehensive general public liability insurance (including medical payments insurance) and property damage insurance in such limits as the

Board may from time to time determine, insuring each Board of Directors member, the managing agent, each Unit Owner and the Declarant against any liability to the public or to the Unit Owners (and their invitees, agents and employees) covering all occurrences commonly insured against for death, bodily injury or property damage, arising out of the maintenance, ownership or use of the Common Elements.

b. Comprehensive liability basis; endorsements. Such insurance shall be issued on a comprehensive liability basis and shall contain: (a) a cross liability endorsement, under which the rights of a named insured under the policy shall not be prejudiced with respect to his action against another named insured; (b) hired and non-owned vehicle coverage; (c) a "severability of interest" endorsement, which shall preclude the insurer from denying liability to a Unit Owner because of negligent acts of the Association or of another Unit Owner; and (d) a broad form liability extension endorsement including "personal injury," contractual liability, and other coverage commonly included in such broad form endorsement.

c. Coverage amounts. In no event shall such insurance be less than one million dollars (\$1,000,000.00) covering all claims for bodily injury or property damage arising out of one occurrence.

Section 7.3. Additional Required Provisions.

All insurance policies required to be carried by the Association under this Article shall in addition contain the following provisions or features required by the Maine Condominium Act:

- a. The insurer waives any right to claim by way of subrogation against the Declarant, the Association, the Board of Directors, the managing agent or the Unit Owners, and their respective agents, employees, guests and, in the case of the Unit Owners, the members of their households;
- b. The Declarant, so long as the Declarant shall own any Unit, shall be protected by all such policies as a Unit Owner;
- c. Each Unit Owner is an insured person under the policy with respect to liability arising out of the ownership of an undivided interest in the Common Elements or membership in the Association;
- d. The insurer waives its right to subrogation under the policy against any Unit Owner;
- e. No act or omission by any Unit Owner, unless acting within the scope of his authority on behalf of the Association, will void the policy or be a condition to recovery under the policy; and
- f. If at the time of a loss under the Association's policy, there is other insurance in the name of a Unit Owner covering the same risk covered by the policy, the Association's policy provides primary insurance.

Section 7.4. Other Insurance.

The Board of Directors shall obtain and maintain as a Common Expense such other insurance as the Board of Directors may determine, as may be requested by a majority of the Unit Owners, or as may be required by Federal National Mortgage Association Guidelines.

ARTICLE 8. RESERVED.

ARTICLE 9. AMENDMENTS.

Section 9.1. In General

Except for amendments reserved to the Declarant or the Association, and except as limited in the Maine Condominium Act, Section 1602-117, this Declaration may be amended by vote or agreement of 67% of the allocated votes in the Condominium.

After the first conveyance of a Unit by a Declarant to a third party purchaser, an amendment to the Declaration may be proposed by either the Board of Directors or by Unit Owners holding at least twenty (20) per cent of the votes in the Association. Notice of the subject matter of a proposed amendment, including the proposed text thereof, shall be included in the notice of any meeting in which a proposed amendment is to be considered, and such notice shall be given to all Unit Owners, the Declarant and all Eligible Mortgage Holders, if any. The amendment shall be adopted if it receives the affirmative vote or written consent of sixty seven percent (67%) or more of the total percentage in interest of all votes in the Association, the consent required of Eligible Mortgage Holders as may be required; and the Declarant so long as it holds any Special Declarant or Development Rights. Unit owners may express their approval in writing or by proxy. Section 9.2. Percentage Approval Required for Amendments.

In general, other amendments require approval by Unit owners, as follows:

- b. Amendments to the Bylaws. A majority of the total votes of the Association (not just the percentage of votes actually cast) to amend the Bylaws.
- c. Adoption and amendments to the Rules. Rules are adopted and amended by the Board of Directors in accordance with the Bylaws.

Section 9.2. Recording required to be Effective; Association Officer to Certify and Record Amendments.

Every amendment to the Declaration and to the Bylaws must be recorded in the York County Registry of Deeds and is effective only when so recorded. Email Notice of the amendment shall be sent to all Unit owners and Eligible Mortgage Holders, and to all mortgagees known to the Board of Directors, but failure to send such notices shall not affect the validity of the amendment. Amendments shall be prepared, executed, Recorded and certified on

behalf of the Association by any officer of the Association designated for that purpose or, in the absence of designation, by the President of the Association.

Section 9.3. Challenge to Amendment

No action to challenge the validity of an amendment to this Declaration adopted by the Association may be brought more than one (1) year after such amendment is recorded.

ARTICLE 10 GENERAL; NOTICE Section 10.1. Termination; Eminent Domain; Failure to Repair or Replace after

Destruction.

Failure to Repair or Replace after Destruction. Any portion of the Property damaged or destroyed shall be promptly repaired, replaced or cleaned up by the Unit Owner unless the Condominium is terminated, repair or replacement would be illegal under any state or local health or safety statute or ordinance, or there is unanimous agreement of unit owners and the required number of Eligible Mortgage Holders.

Termination. Termination of the condominium requires agreement of 80% of the votes in the Condominium and is governed by Section 1602-118 of the Maine Condominium Act.

Eminent Domain. The taking of all or a portion of Units or Common Elements by eminent domain is governed by Section 1601-107 of the Maine Condominium Act.

The Association shall consult legal counsel when facing any of the circumstances addressed in this Section.

Section 10.2. Severability.

The various provisions of the Declaration, and of the Bylaws, are independent and severable. The invalidity, partial invalidity or unenforceability of any provision or portion shall not affect the validity or enforceability of any other provision or portion thereof unless the deletion of such invalid or unenforceable provision destroys the uniform plan for development and operation of the project which the Declaration (including the Plats and Plans) and Bylaws are intended to create.

Section 10.3 Waiver.

No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same irrespective of the number of violations or breaches which may occur.

Section 10.4. Captions.

The table of contents, section headings and underlined subheadings in the Declaration and Bylaws are intended solely for the convenience of the reader and in no way define, limit or describe the scope, meaning or intent of those documents.

Section 10.5. Gender, Number, Etc.

The use of the singular number in the Declaration and Bylaws shall be deemed to include the plural, the plural the singular, and the use of any one gender shall be deemed applicable to all genders.

Section 10.6. Disputes with Declarant; Arbitration.

All claims, disputes and other matters in question between the Declarant, on the one hand, and the Association or any Unit Owner(s) on the other hand, arising out of or relating to a Unit, the Common Elements, the Limited Common Elements, this Declaration, the Bylaws, the Rules, or the deed to any Unit or the breach thereof, or the course of dealing between any Unit Owner, the Association and the Declarant, except for claims which have been waived by the acceptance of a deed, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then unless the parties mutually agree otherwise in writing. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

Section 10.6-A. Disputes Between the Board and Unit Owners or Between Unit Owners.

The Association may require, on a case by case basis, that disputes between the Board of Directors and one or more Unit Owners regarding the Condominium shall be submitted to nonbinding alternative dispute resolution as a prerequisite to commencement of a judicial proceeding.

Any dispute or disagreement with any person other than the Declarant with respect to interpretation or application of this Declaration or the Bylaws or the Rules shall be determined by the Board of Directors, which determination shall be final and binding on all parties.

Section 10.7. Right to Mortgage; Mortgagee's Rights; Eligible Mortgage Holders.

Each Unit Owner shall have the right to mortgage or encumber his own respective Unit.

No adoption by the Association of any right of first refusal or purchase option shall impair the right of an institutional mortgage lender to foreclose its mortgage, to accept a deed in lieu of foreclosure or to dispose or lease a Unit so acquired.

Approval by an Eligible mortgage holder will be presumed when an Eligible Mortgage Holder is sent a written request for approval of a proposed amendment by registered or certified mail, return receipt requested, and then fails to submit a response within 30 calendar days after the notice is received.

Section 10.8. Notice.

Notices sent by the Association have differing requirements, depending on the subject of the notice and to whom it is given.

- a. Annual and special meetings; budget ratification; Email or U.S. Mail. Notice of annual or special meetings of unit owners, or of meetings to ratify the Association's budget may be given by Email Notice to those unit owners who have previously agreed in writing that such notice may be given by Email Notice. For those Unit owners who have not so agreed in writing, the notice may be given in hand, by prepaid United States' mail to the mailing address of each unit or to any other mailing address designated in writing by the Unit owner or, if none of the above, to the address of the Unit owner on file with the Eliot tax assessor internet database. The Secretary of the Association shall cause notices of Annual and Special meetings of Unit owners to be sent by U.S. mail or Email Notice, as the case may be, not less than 10 nor more than 60 days in advance of any meeting, and notices of budget ratification meeting as required in Section 5.2 of the Bylaws.
- b. Eligible Mortgage Holders, unavailability of insurance; U.S. Mail. Notice of the following matters must be made by U.S. mail, postage prepaid, as required by the Maine Condominium Act:
 - 1. Notices to Eligible Mortgage Holders under Section 1602-119 of the Maine Condominium Act.
 - 2. Notice of unavailability of insurance, Section 1603-113 of the Maine Condominium Act.
- c. Legal Matters; Certified Mail, Return Receipt Requested. Notice of the following matters must be made by Registered or Certified United States mail, return receipt requested, postage prepaid, addressed to the Unit Owner at the mailing address on file with the Association or the address the Unit owner shall otherwise designate in writing or, if none of the above, to the address of the Unit owner on file with the Eliot tax assessor internet database:
 - i. Notice of Opportunity to be Heard to individual Unit Owners for alleged violations of the Condominium Documents and other matters that may result in a fine or penalty.
 - ii. Notice of default or lien
 - iii. Notices involving legal matters.
- d. Other. All other communications from the Association, including notices of meetings of the Board of Directors, shall be deemed sufficient if given only by Email Notice.
- e. Calculation of Time. Notice sent by mail shall be deemed to have been delivered on the earlier of the second day after the date of mailing, or the date of deposit in the Unit owner's or Eligible Mortgage Holder's mailbox. Email Notice shall be deemed delivered when sent.

f. Failure to receive notice of a meeting. If notice of a meeting is given pursuant to the provisions of this Section, failure of any member to receive actual notice of the meeting shall not invalidate the meeting.

g. Emergencies. The minimum time to give notice and the method of notice may be reduced, changed or waived for a meeting called to deal with an emergency, if not prohibited by applicable law.

h. Notices to the Association All notices, demands, statements or other communications affecting the condominium given by the Unit Owners to the Association shall be in writing, and shall be deemed to be delivered personally, securing a written receipt therefore, or sent by United States mail, postage prepaid, return receipt requested, addressed to the Association at the principal office of the managing agent, if any, and to the secretary of the Association at the Secretary's address.

In Witness Whereof, the Declarant sets its hand and seal this _____ day of _____, 2020.

M & T REALTY, LLC

By _____
Michael Estes, Its Member

STATE OF MAINE,
County of York, ss.

_____, 2020

Then personally appeared the above-named Michael Estes, and acknowledged the foregoing instrument to be his free act and deed, in his said capacity, before me,

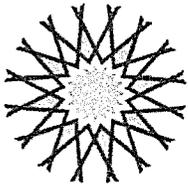
Notary Public

Exhibit A. Legal Description

A certain lot or parcel of land together with the buildings thereon, situate on the northeasterly sideline of Route 236 in Eliot, Maine, being bounded and described as follows:

Exhibit B. Table of Percentage Ownership and Liability for Common Expenses

Unit No	Sq, Ft.	Percentage liability For Common Expenses And ownership	Votes
1.	6000	12 %	1
2.	4800	8.2%	1
3.	4800	8.2%	1
4.	4800	8.2%	1
5.	8000	13.6%	1
6.	5600	9.2%	1
7.	5600	9.2%	1
8.	5600	9.2%	1
9.	5600	9.2%	1
10.	8000	13%	1



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PB19-23

STORMWATER MANAGEMENT PLAN

PINE TREE BUSINESS PARK

PASSAMAQUODDY LANE AND H.L. DOW HIGHWAY (RT. 236)

ELIOT, MAINE

Project No.: C179-20

February 24, 2020

◆ **Scope**

This stormwater management plan has been prepared for the proposed commercial / industrial development located at the above reference address in Eliot, Maine. The project consists of two sections, a westerly section and an easterly section the two sections are separated by a wetland/ stream complex.

The easterly section will contain one commercial building and small parking lot intended to support a retail or office use. This section is adjacent to Rt. 236 and will have direct access.

The westerly section a series of building supporting commercial / industrial uses with associated parking and infrastructure improvements, including a wetpond for stormwater detention and treatment. This section will be accessed from Passamaquoddy Lane, which will be improved from an existing gravel to a paved surface.

The project requires a Maine Department of Environmental Protection (MDEP) Site Location of Development Permit, therefore, it must meet the Basic Standards, General Standards and Flooding Standards described in the MDEP publication, *Chapter 500, Stormwater Management*. The project must also meet the stormwater management requirements outlined in the Town of Eliot Municipal Code of Ordinances Section 45-411 (Stormwater runoff).

The project will create approximately 6.5 acres of developed area and 4.1 acres of impervious area.

The site will be accessed by Passamaquoddy Lane, an existing gravel road, which will be paved as part of the development. The paving is considered maintenance, therefore the impervious and developed areas of Passamaquoddy Lane are not included in areas required to meet the General Standard.

◆ **Site and Watershed Description**

The project site is located on near the intersection of Route 236 and Beech Road in Eliot, Maine. A 7½ minute series U.S.G.S. map of the project area is attached. A wetland / stream complex divides the parcel into a westerly section and an easterly section. The westerly section is mostly undeveloped with scrub vegetation. This part of the site has been previously partially cleared and grubbed; existing vegetation is secondary growth. A small part of this section is currently used for storage of various materials. The easterly section of the site, adjacent to Route 236 consists of a previously developed paved and gravel exterior storage area. The wetland / stream complex drains, in general, from northeast to southwest.

The site is located in the Great Creek watershed (source: USGS 7 ½ minute series, Dover East Quadrangle; and Soil Survey of York County, Maine). Great Creek is tributary to Sturgeon Creek, the Piscataqua River and the Atlantic Ocean.

The topography of the site is near level to gently rolling (existing grades from 2% to 8%, with some steeper side slopes in the easterly area along Rt. 236). On-site elevations (datum is NGVD 1929) range from approximately 114' along Rt. 236, a high point of approximately 110' in the westerly section to a low point of approximately 96' at the southwesterly property corner.

No areas of the site are located within a 100-Year Special Flood Hazard Area as determined by the Federal Emergency Management Agency (FEMA).

Proposed cuts and fills are mostly between 0 and 8 feet. One wetpond is proposed; with associated cuts up to 15 feet.

◆ **Soils/Hydrologic Soil Groups**

Soil types and their respective Hydrologic Soil Groups (HSG) were taken from a Class A High Intensity Soil Survey prepared by Michael Cuomo, soil scientist. Further description of the soils and their respective HSG's appears on the drainage plans and High Intensity Soil Survey report.

◆ **Methodology**

The stormwater quantity analysis was conducted using the HydroCAD Stormwater Modeling System by Applied Microcomputer Systems. The analysis was accomplished to determine the "Existing Condition" and "Developed Condition" stormwater flows. Both cases were analyzed for the 2, 10, 25 and 50 year, 24-hour frequency storm events. The Existing Condition analyzes the site as it currently exists (wooded and undeveloped) and the Developed Condition models the site with the proposed development described above.

◆ **Water Quantity Analysis and Results**

Existing Condition

The site was modeled as two subcatchments (SC) for the Existing Condition analysis. SC 2 includes on and off-site areas.

Analysis Points (AP) were selected at two locations, downstream of the SC's. The Analysis Points are located downstream of the proposed developed areas and provide convenient locations to compare Existing Condition flows to Developed Condition flows.

SC 1 (tributary to AP 1) includes a small portion of the site that drains in a non-channelized fashion, to the westerly property line.

SC 2 (tributary to AP 2) includes a majority of the project site as well as off-site areas to the north, including the east end of Passamaquoddy Lane. This SC drains to a wooded wetland complex throughout the interior of the site and is tributary to the westerly property line via the wooded wetland. This wetland represents the lowest point of elevation on the site.

Developed Condition

The Developed Condition analysis consists of twelve subcatchments. SC's 1 and 2 contain mostly undeveloped on-site areas and developed and undeveloped off-site areas; SC's 10-90 contain mostly on-site developed areas. Other features such as ponds and reaches were added to account for on-site routing, detention and treatment of stormwater. One wetpond (Pond 30) and one underdrained soil filter pond (USF) (Pond 40) are proposed. These Best Management Practices (BMP's) provide both retention and treatment of stormwater. Calculations are provided to show the relevant Channel Protection Volume (CPV) and other sizing requirements, for each BMP. All Developed Condition flows are routed to AP 1 and AP 2, described above.

Tables showing Existing Condition peak flows, Developed Condition peak flows and the change in peak flow from Existing Condition to Developed Condition are presented on a separate page.

The analysis indicates decreases in peak flow at AP 1 and AP 2 for all storm events, thus meeting the MDEP Flooding Standard described above.

Runoff from the wetponds will be routed through an outlet structure, pipe and level spreader prior to discharge to undisturbed, on-site, areas.

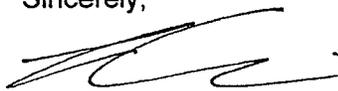
◆ **Water Quality**

In accordance with the MDEP *Chapter 500* General Standards, runoff from developed areas on the site will receive treatment in two wetponds and a wooded buffer prior to being discharged from the site. Approximately 95.6% of the impervious area and 90.8% of the developed area will be treated, exceeding the MDEP General Standards requirements of 95% and 80%, respectively. Treatment calculations and wetpond / USF sizing calculations are included in this report.

◆ **Summary**

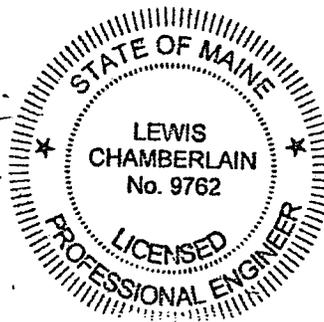
The use of a wetpond and an underdrained soil filter pond to attenuate peak flows results in no significant increase in peak runoff quantity from the proposed development. No adverse effects are anticipated on any downstream properties or drainage structures for the analyzed storm events. Runoff quality is addressed by the use of BMP's, including a wetpond with gravel trench outlet and an underdrained soil filter pond.

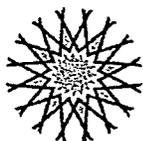
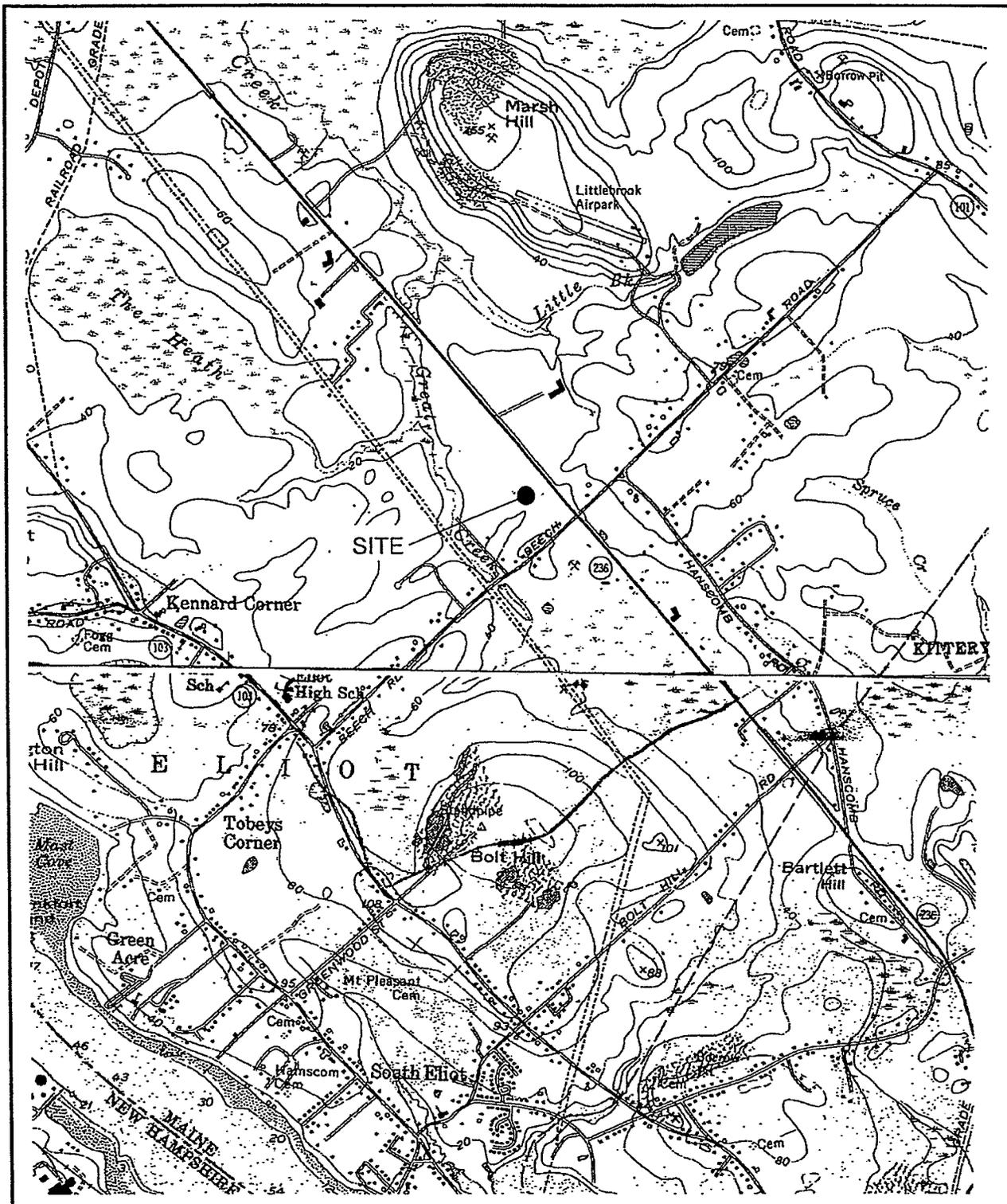
Sincerely;



Lewis Chamberlain, P.E.

C179-20_SW.doc





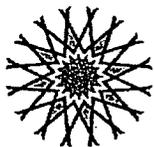
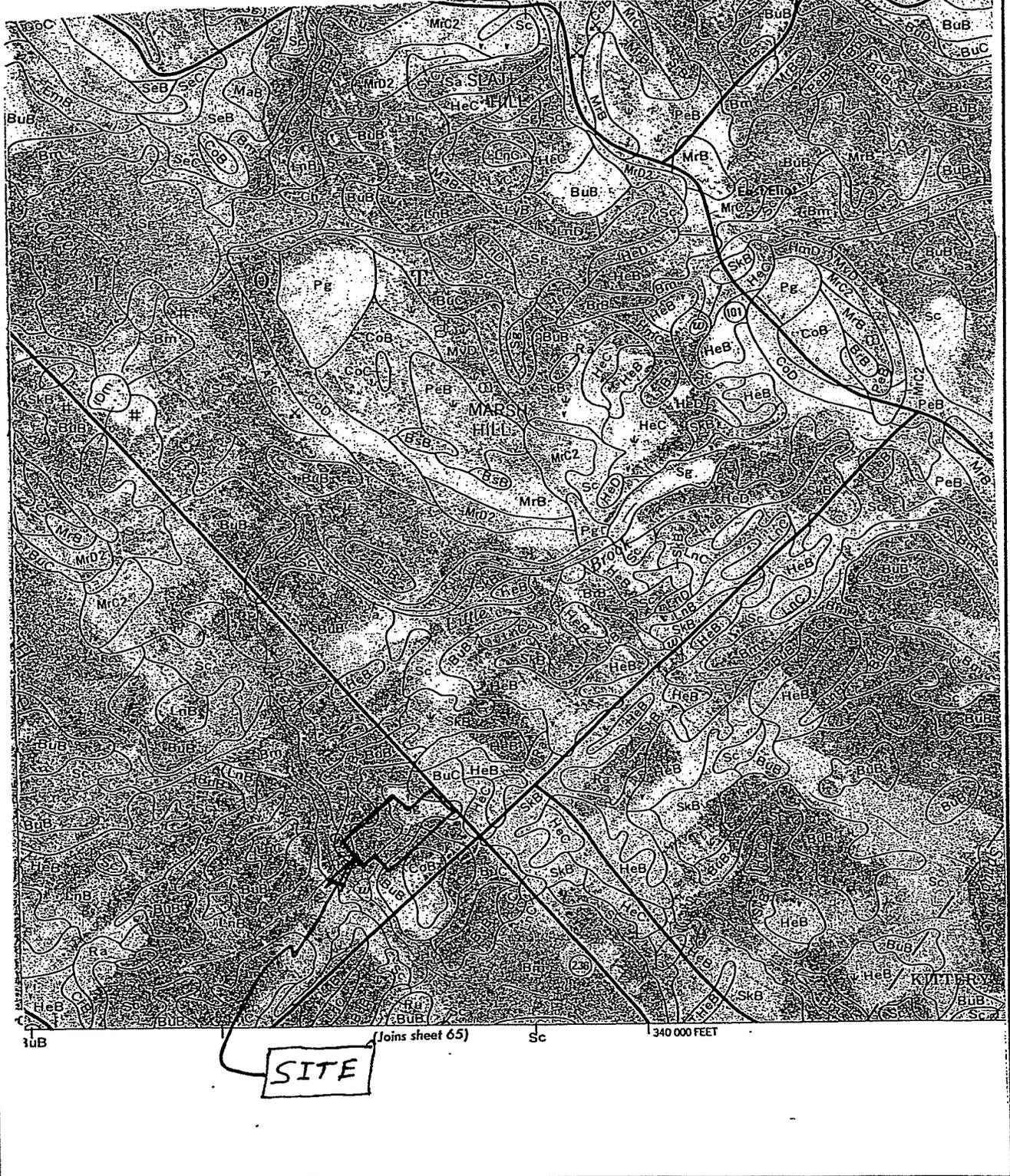
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1284 STATE ROAD, ELIOT ME 03903

LOCATION MAP
 COMMERCIAL / INDUSTRIAL DEVELOPMENT
 H.L. DOW HIGHWAY (Route 236), ELIOT, ME
 USGS MAP, DOVER EAST, NH - ME QUADRANT
 APPROX. SCALE: 1:24,000
 PROJECT NO. C034-15

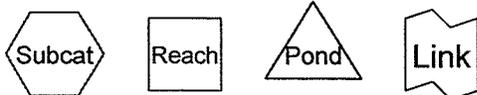
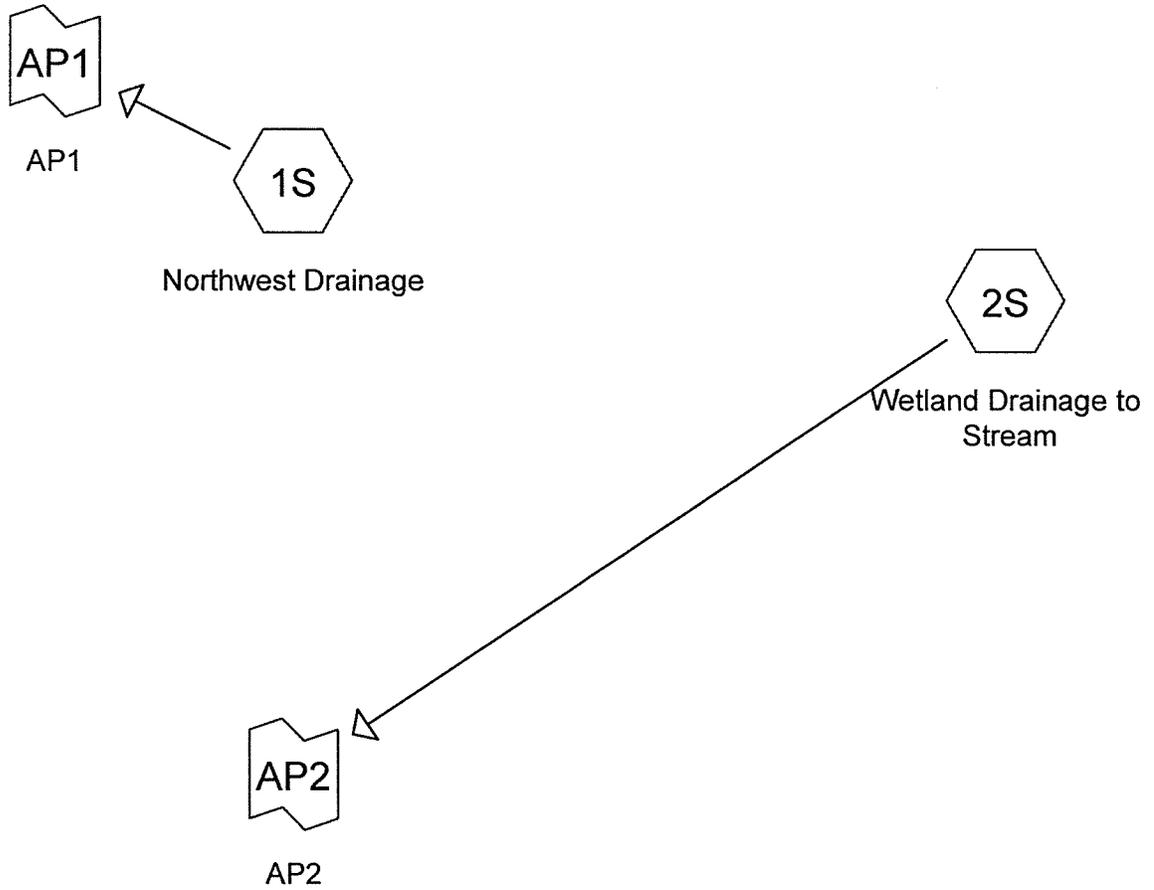


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1284 STATE ROAD, ELIOT ME 03903

LOCATION MAP
COMMERCIAL / INDUSTRIAL DEVELOPMENT
H.L. DOW HIGHWAY (Route 236), ELIOT, ME
SOIL SURVEY OF YORK COUNTY, MAINE
APPROX. SCALE: 1:20,000
PROJECT NO. C034-17

EXISTING CONDITION CALCULATIONS



Pine Brook SWA EXT(check)

Prepared by Hewlett-Packard Company

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Printed 7/20/2018

Page 2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
2.457	79	50-75% Grass cover, Fair, HSG C (1S, 2S)
5.943	79	Woods, Fair, HSG D (1S, 2S)
6.324	84	50-75% Grass cover, Fair, HSG D (1S, 2S)
1.989	98	Unconnected pavement, HSG D (2S)
16.713	83	TOTAL AREA

Pine Brook SWA EXT(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Page 3

Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: Northwest DrainageRunoff Area=99,881 sf 0.00% Impervious Runoff Depth>3.91"
Flow Length=378' Tc=15.7 min CN=82 Runoff=8.25 cfs 0.747 af**Subcatchment 2S: Wetland Drainage to**Runoff Area=628,144 sf 13.79% Impervious Runoff Depth>3.92"
Flow Length=1,390' Tc=9.8 min UI Adjusted CN=82 Runoff=60.60 cfs 4.706 af**Link AP1: AP1**Inflow=8.25 cfs 0.747 af
Primary=8.25 cfs 0.747 af**Link AP2: AP2**Inflow=60.60 cfs 4.706 af
Primary=60.60 cfs 4.706 af**Total Runoff Area = 16.713 ac Runoff Volume = 5.453 af Average Runoff Depth = 3.92"**
88.10% Pervious = 14.724 ac 11.90% Impervious = 1.989 ac

Pine Brook SWA EXT(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Summary for Subcatchment 1S: Northwest Drainage

Runoff = 8.25 cfs @ 12.21 hrs, Volume= 0.747 af, Depth> 3.91"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
16,248	79	Woods, Fair, HSG D
55,037	84	50-75% Grass cover, Fair, HSG D
17,665	79	50-75% Grass cover, Fair, HSG C
10,931	79	50-75% Grass cover, Fair, HSG C
99,881	82	Weighted Average
99,881		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
11.2	50	0.0275	0.07		Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.00"
1.6	120	0.0615	1.24		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
2.9	208	0.0285	1.18		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
15.7	378	Total			

Summary for Subcatchment 2S: Wetland Drainage to Stream

Runoff = 60.60 cfs @ 12.14 hrs, Volume= 4.706 af, Depth> 3.92"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
86,644	98	Unconnected pavement, HSG D
242,621	79	Woods, Fair, HSG D
220,442	84	50-75% Grass cover, Fair, HSG D
60,051	79	50-75% Grass cover, Fair, HSG C
18,386	79	50-75% Grass cover, Fair, HSG C
628,144	83	Weighted Average, UI Adjusted CN = 82
541,500		86.21% Pervious Area
86,644		13.79% Impervious Area
86,644		100.00% Unconnected

Pine Brook SWA EXT(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	25	0.0200	1.01		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.7	170	0.0400	4.06		Shallow Concentrated Flow, Paved Kv= 20.3 fps
7.6	615	0.0370	1.35		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
1.1	580	0.0150	8.90	213.67	Channel Flow, Area= 24.0 sf Perim= 13.5' r= 1.78' n= 0.030 Earth, grassed & winding
9.8	1,390	Total			

Summary for Link AP1: AP1

Inflow Area = 2.293 ac, 0.00% Impervious, Inflow Depth > 3.91" for 25-YEAR STORM event
 Inflow = 8.25 cfs @ 12.21 hrs, Volume= 0.747 af
 Primary = 8.25 cfs @ 12.21 hrs, Volume= 0.747 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Summary for Link AP2: AP2

Inflow Area = 14.420 ac, 13.79% Impervious, Inflow Depth > 3.92" for 25-YEAR STORM event
 Inflow = 60.60 cfs @ 12.14 hrs, Volume= 4.706 af
 Primary = 60.60 cfs @ 12.14 hrs, Volume= 4.706 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Pine Brook SWA EXT(check)*Type III 24-hr 2-YEAR STORM Rainfall=3.30"*

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: Northwest Drainage Runoff Area=99,881 sf 0.00% Impervious Runoff Depth>1.50"
Flow Length=378' Tc=15.7 min CN=82 Runoff=3.21 cfs 0.286 af

Subcatchment 2S: Wetland Drainage to Runoff Area=628,144 sf 13.79% Impervious Runoff Depth>1.50"
Flow Length=1,390' Tc=9.8 min UI Adjusted CN=82 Runoff=23.68 cfs 1.803 af

Link AP1: AP1

Inflow=3.21 cfs 0.286 af
Primary=3.21 cfs 0.286 af

Link AP2: AP2

Inflow=23.68 cfs 1.803 af
Primary=23.68 cfs 1.803 af

Total Runoff Area = 16.713 ac Runoff Volume = 2.089 af Average Runoff Depth = 1.50"
88.10% Pervious = 14.724 ac 11.90% Impervious = 1.989 ac

Pine Brook SWA EXT(check)

Type III 24-hr 10-YEAR STORM Rainfall=4.90"

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: Northwest Drainage Runoff Area=99,881 sf 0.00% Impervious Runoff Depth>2.79"
Flow Length=378' Tc=15.7 min CN=82 Runoff=5.95 cfs 0.533 af

Subcatchment 2S: Wetland Drainage to Runoff Area=628,144 sf 13.79% Impervious Runoff Depth>2.80"
Flow Length=1,390' Tc=9.8 min UI Adjusted CN=82 Runoff=43.77 cfs 3.359 af

Link AP1: AP1 Inflow=5.95 cfs 0.533 af
Primary=5.95 cfs 0.533 af

Link AP2: AP2 Inflow=43.77 cfs 3.359 af
Primary=43.77 cfs 3.359 af

Total Runoff Area = 16.713 ac Runoff Volume = 3.893 af Average Runoff Depth = 2.79"
88.10% Pervious = 14.724 ac 11.90% Impervious = 1.989 ac

Pine Brook SWA EXT(check)*Type III 24-hr 50-YEAR STORM Rainfall=7.30"*

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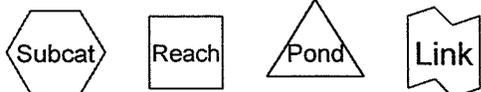
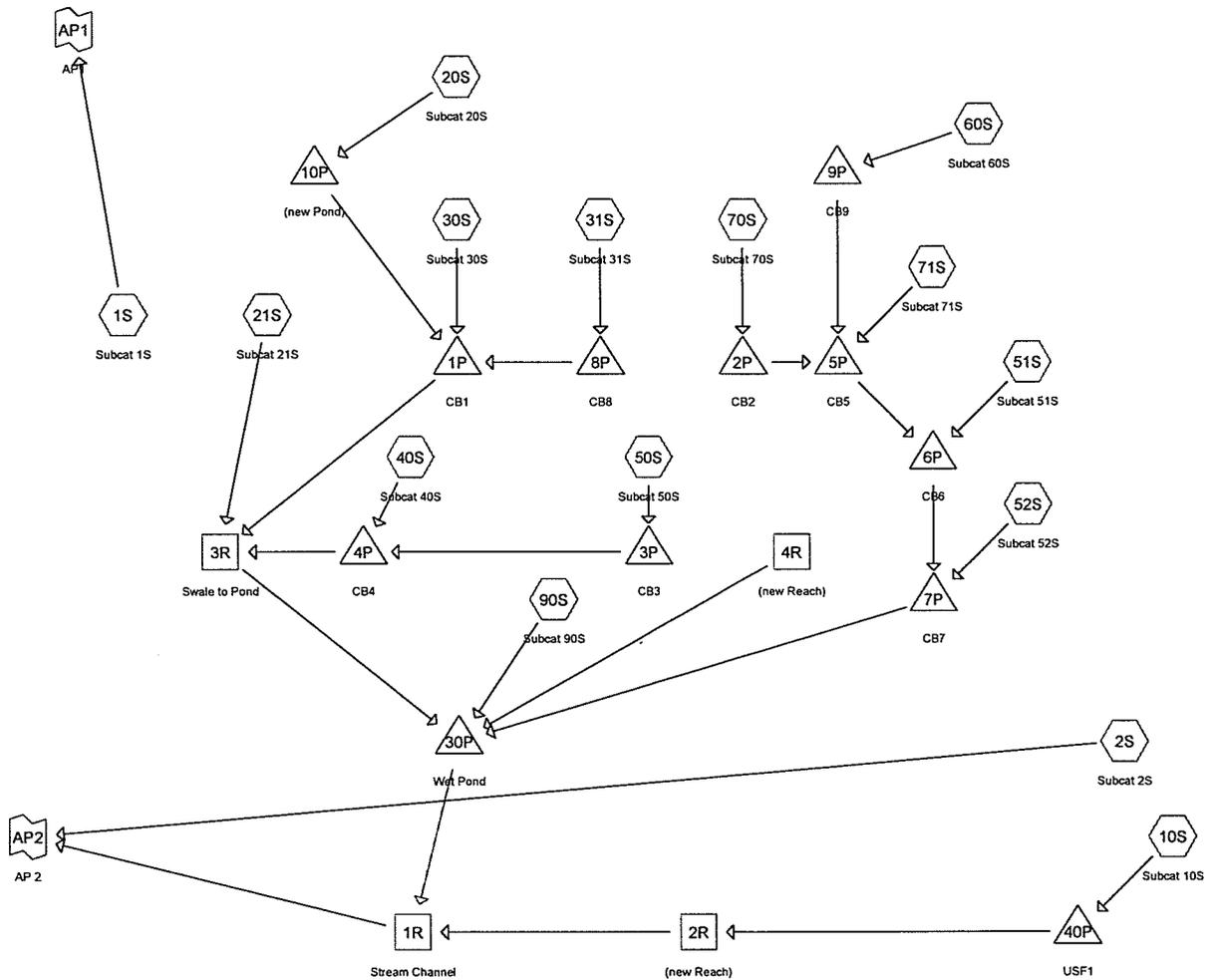
Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: Northwest DrainageRunoff Area=99,881 sf 0.00% Impervious Runoff Depth>4.88"
Flow Length=378' Tc=15.7 min CN=82 Runoff=10.21 cfs 0.933 af**Subcatchment 2S: Wetland Drainage to**Runoff Area=628,144 sf 13.79% Impervious Runoff Depth>4.89"
Flow Length=1,390' Tc=9.8 min UI Adjusted CN=82 Runoff=74.94 cfs 5.878 af**Link AP1: AP1**Inflow=10.21 cfs 0.933 af
Primary=10.21 cfs 0.933 af**Link AP2: AP2**Inflow=74.94 cfs 5.878 af
Primary=74.94 cfs 5.878 af**Total Runoff Area = 16.713 ac Runoff Volume = 6.812 af Average Runoff Depth = 4.89"**
88.10% Pervious = 14.724 ac 11.90% Impervious = 1.989 ac

DEVELOPED CONDITION CALCULATIONS



Routing Diagram for Pine Brook SWA DEV(check)
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Pine Brook SWA DEV(check)

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Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
100,508	80	>75% Grass cover, Good, HSG D (1S, 2S, 10S, 20S, 21S, 30S, 31S, 40S, 50S, 51S, 52S, 60S, 70S, 71S, 90S)
191,361	98	Paved parking, HSG D (1S, 2S, 10S, 20S, 21S, 30S, 31S, 40S, 50S, 51S, 52S, 60S, 70S, 71S, 90S)
88,470	98	Unconnected pavement, HSG D (1S, 2S, 10S, 20S, 60S)
354,343	77	Woods, Good, HSG D (1S, 2S, 10S, 52S, 60S, 90S)
734,681	85	TOTAL AREA

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Time span=0.00-26.00 hrs, dt=0.01 hrs, 2601 points x 2
 Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
 Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: Subcat 1S	Runoff Area=52,197 sf 4.48% Impervious Runoff Depth=3.76" Flow Length=180' Tc=9.6 min CN=78 Runoff=4.67 cfs 16,338 cf
Subcatchment 2S: Subcat 2S	Runoff Area=396,542 sf 21.09% Impervious Runoff Depth=3.96" Flow Length=1,390' Tc=10.0 min UI Adjusted CN=80 Runoff=36.80 cfs 130,932 cf
Subcatchment 10S: Subcat 10S	Runoff Area=35,294 sf 65.42% Impervious Runoff Depth=5.27" Flow Length=190' Slope=0.0200 '/' Tc=1.5 min CN=92 Runoff=5.50 cfs 15,489 cf
Subcatchment 20S: Subcat 20S	Runoff Area=21,222 sf 58.96% Impervious Runoff Depth=5.15" Flow Length=226' Tc=2.8 min CN=91 Runoff=3.12 cfs 9,113 cf
Subcatchment 21S: Subcat 21S	Runoff Area=7,933 sf 95.44% Impervious Runoff Depth=5.84" Flow Length=105' Slope=0.0050 '/' Tc=1.9 min CN=97 Runoff=1.27 cfs 3,863 cf
Subcatchment 30S: Subcat 30S	Runoff Area=21,463 sf 94.68% Impervious Runoff Depth=5.84" Flow Length=61' Slope=0.0200 '/' Tc=0.8 min CN=97 Runoff=3.58 cfs 10,452 cf
Subcatchment 31S: Subcat 31S	Runoff Area=15,082 sf 88.99% Impervious Runoff Depth=5.73" Flow Length=66' Tc=0.4 min CN=96 Runoff=2.51 cfs 7,197 cf
Subcatchment 40S: Subcat 40S	Runoff Area=25,198 sf 67.67% Impervious Runoff Depth=5.27" Flow Length=127' Tc=1.1 min CN=92 Runoff=3.97 cfs 11,058 cf
Subcatchment 50S: Subcat 50S	Runoff Area=33,774 sf 91.25% Impervious Runoff Depth=5.73" Flow Length=164' Tc=0.6 min CN=96 Runoff=5.63 cfs 16,117 cf
Subcatchment 51S: Subcat 51S	Runoff Area=7,471 sf 98.66% Impervious Runoff Depth=5.96" Flow Length=111' Tc=1.0 min CN=98 Runoff=1.24 cfs 3,712 cf
Subcatchment 52S: Subcat 52S	Runoff Area=1,948 sf 95.46% Impervious Runoff Depth=5.84" Flow Length=48' Tc=0.3 min CN=97 Runoff=0.33 cfs 949 cf
Subcatchment 60S: Subcat 60S	Runoff Area=17,214 sf 55.33% Impervious Runoff Depth=5.04" Flow Length=190' Tc=2.1 min CN=90 Runoff=2.56 cfs 7,231 cf
Subcatchment 70S: Subcat 70S	Runoff Area=32,153 sf 98.19% Impervious Runoff Depth=5.96" Flow Length=123' Tc=1.3 min CN=98 Runoff=5.30 cfs 15,974 cf
Subcatchment 71S: Subcat 71S	Runoff Area=1,920 sf 98.93% Impervious Runoff Depth=5.96" Flow Length=44' Slope=0.0110 '/' Tc=0.8 min CN=98 Runoff=0.32 cfs 954 cf
Subcatchment 90S: Subcat 90S	Runoff Area=65,270 sf 25.78% Impervious Runoff Depth=4.38" Flow Length=270' Slope=0.0200 '/' Tc=2.1 min CN=84 Runoff=8.72 cfs 23,846 cf
Reach 1R: Stream Channel	Avg. Flow Depth=0.89' Max Vel=2.75 fps Inflow=14.70 cfs 103,410 cf n=0.025 L=580.0' S=0.0034 '/' Capacity=123.02 cfs Outflow=14.50 cfs 103,239 cf

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Reach 2R: (new Reach)	Avg. Flow Depth=0.75' Max Vel=0.39 fps Inflow=4.23 cfs 13,288 cf n=0.080 L=450.0' S=0.0011 '/ Capacity=132.09 cfs Outflow=2.28 cfs 13,100 cf
Reach 3R: Swale to Pond	Avg. Flow Depth=0.66' Max Vel=2.11 fps Inflow=17.66 cfs 57,444 cf n=0.035 L=280.0' S=0.0054 '/ Capacity=125.21 cfs Outflow=16.83 cfs 57,441 cf
Reach 4R: (new Reach)	Avg. Flow Depth=0.00' Max Vel=0.00 fps n=0.013 L=200.0' S=0.0025 '/ Capacity=0.63 cfs Outflow=0.00 cfs 0 cf
Pond 1P: CB1	Peak Elev=102.43' Storage=45 cf Inflow=7.34 cfs 26,504 cf 18.0" Round Culvert n=0.013 L=75.0' S=0.0067 '/ Outflow=7.34 cfs 26,478 cf
Pond 2P: CB2	Peak Elev=102.79' Storage=36 cf Inflow=5.30 cfs 15,974 cf 18.0" Round Culvert n=0.013 L=122.0' S=0.0049 '/ Outflow=5.22 cfs 15,962 cf
Pond 3P: CB3	Peak Elev=104.49' Storage=175 cf Inflow=5.63 cfs 16,117 cf 15.0" Round Culvert n=0.013 L=148.0' S=0.0054 '/ Outflow=5.26 cfs 16,083 cf
Pond 4P: CB4	Peak Elev=103.09' Storage=66 cf Inflow=9.14 cfs 27,141 cf 18.0" Round Culvert n=0.013 L=108.5' S=0.0055 '/ Outflow=9.13 cfs 27,103 cf
Pond 5P: CB5	Peak Elev=102.33' Storage=43 cf Inflow=5.63 cfs 24,146 cf 18.0" Round Culvert n=0.013 L=60.0' S=0.0067 '/ Outflow=5.57 cfs 24,130 cf
Pond 6P: CB6	Peak Elev=101.92' Storage=38 cf Inflow=6.73 cfs 27,842 cf 18.0" Round Culvert n=0.013 L=151.5' S=0.0046 '/ Outflow=6.73 cfs 27,833 cf
Pond 7P: CB7	Peak Elev=101.05' Storage=40 cf Inflow=7.03 cfs 28,781 cf 18.0" Round Culvert n=0.013 L=70.0' S=0.0050 '/ Outflow=7.02 cfs 28,761 cf
Pond 8P: CB8	Peak Elev=102.80' Storage=36 cf Inflow=2.51 cfs 7,197 cf 15.0" Round Culvert n=0.013 L=161.0' S=0.0053 '/ Outflow=2.47 cfs 7,181 cf
Pond 9P: CB9	Peak Elev=102.31' Storage=1,170 cf Inflow=2.56 cfs 7,231 cf 15.0" Round Culvert n=0.013 L=142.1' S=0.0049 '/ Outflow=2.41 cfs 7,230 cf
Pond 10P: (new Pond)	Peak Elev=102.88' Storage=1,081 cf Inflow=3.12 cfs 9,113 cf 15.0" Round Culvert n=0.020 L=110.6' S=0.0054 '/ Outflow=3.04 cfs 8,871 cf
Pond 30P: Wet Pond	Peak Elev=100.72' Storage=89,807 cf Inflow=31.99 cfs 110,048 cf Primary=7.66 cfs 83,870 cf Secondary=4.99 cfs 6,439 cf Outflow=12.48 cfs 90,309 cf
Pond 40P: USF1	Peak Elev=106.28' Storage=4,283 cf Inflow=5.50 cfs 15,489 cf Outflow=4.23 cfs 13,288 cf
Link AP1: AP1	Inflow=4.67 cfs 16,338 cf Primary=4.67 cfs 16,338 cf
Link AP2: AP 2	Inflow=47.07 cfs 234,170 cf Primary=47.07 cfs 234,170 cf

Total Runoff Area = 734,681 sf Runoff Volume = 273,224 cf Average Runoff Depth = 4.46"
61.91% Pervious = 454,851 sf 38.09% Impervious = 279,831 sf

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Summary for Subcatchment 1S: Subcat 1S

Runoff = 4.67 cfs @ 12.13 hrs, Volume= 16,338 cf, Depth= 3.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
1,983	80	>75% Grass cover, Good, HSG D
1,696	98	Paved parking, HSG D
643	98	Unconnected pavement, HSG D
47,874	77	Woods, Good, HSG D
52,197	78	Weighted Average
49,857		95.52% Pervious Area
2,339		4.48% Impervious Area
643		27.49% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.7	50	0.0250	0.11		Sheet Flow, Grass: Dense n= 0.240 P2= 3.00"
1.9	130	0.0540	1.16		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
9.6	180	Total			

Summary for Subcatchment 2S: Subcat 2S

Runoff = 36.80 cfs @ 12.14 hrs, Volume= 130,932 cf, Depth= 3.96"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Adj	Description
13,048	80		>75% Grass cover, Good, HSG D
6,715	98		Paved parking, HSG D
76,935	98		Unconnected pavement, HSG D
299,844	77		Woods, Good, HSG D
396,542	82	80	Weighted Average, UI Adjusted
312,892			78.91% Pervious Area
83,651			21.09% Impervious Area
76,935			91.97% Unconnected

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	25	0.0200	1.01		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.9	170	0.0400	3.22		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
7.6	615	0.0370	1.35		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
1.1	580	0.0150	8.90	213.67	Channel Flow, Area= 24.0 sf Perim= 13.5' r= 1.78' n= 0.030 Stream, clean & straight
10.0	1,390	Total			

Summary for Subcatchment 10S: Subcat 10S

Runoff = 5.50 cfs @ 12.02 hrs, Volume= 15,489 cf, Depth= 5.27"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
9,223	80	>75% Grass cover, Good, HSG D
18,882	98	Paved parking, HSG D
4,209	98	Unconnected pavement, HSG D
2,980	77	Woods, Good, HSG D
35,294	92	Weighted Average
12,203		34.58% Pervious Area
23,091		65.42% Impervious Area
4,209		18.23% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.7	50	0.0200	1.16		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.8	140	0.0200	2.87		Shallow Concentrated Flow, Paved Kv= 20.3 fps
1.5	190	Total			

Summary for Subcatchment 20S: Subcat 20S

Runoff = 3.12 cfs @ 12.04 hrs, Volume= 9,113 cf, Depth= 5.15"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Area (sf)	CN	Description
8,710	80	>75% Grass cover, Good, HSG D
8,829	98	Paved parking, HSG D
3,683	98	Unconnected pavement, HSG D
21,222	91	Weighted Average
8,710		41.04% Pervious Area
12,511		58.96% Impervious Area
3,683		29.43% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.0	20	0.2000	9.08		Shallow Concentrated Flow, Paved Kv= 20.3 fps
2.8	206	0.0310	1.23		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
2.8	226	Total			

Summary for Subcatchment 21S: Subcat 21S

Runoff = 1.27 cfs @ 12.03 hrs, Volume= 3,863 cf, Depth= 5.84"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
361	80	>75% Grass cover, Good, HSG D
7,572	98	Paved parking, HSG D
7,933	97	Weighted Average
361		4.56% Pervious Area
7,572		95.44% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.3	50	0.0050	0.67		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.6	55	0.0050	1.44		Shallow Concentrated Flow, Paved Kv= 20.3 fps
1.9	105	Total			

Summary for Subcatchment 30S: Subcat 30S

Runoff = 3.58 cfs @ 12.01 hrs, Volume= 10,452 cf, Depth= 5.84"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Area (sf)	CN	Description
1,141	80	>75% Grass cover, Good, HSG D
20,322	98	Paved parking, HSG D
21,463	97	Weighted Average
1,141		5.32% Pervious Area
20,322		94.68% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.8	61	0.0200	1.21		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"

Summary for Subcatchment 31S: Subcat 31S

Runoff = 2.51 cfs @ 12.01 hrs, Volume= 7,197 cf, Depth= 5.73"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
1,660	80	>75% Grass cover, Good, HSG D
13,422	98	Paved parking, HSG D
15,082	96	Weighted Average
1,660		11.01% Pervious Area
13,422		88.99% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.1	20	0.2000	2.42		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.3	46	0.0130	2.31		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.4	66	Total			

Summary for Subcatchment 40S: Subcat 40S

Runoff = 3.97 cfs @ 12.02 hrs, Volume= 11,058 cf, Depth= 5.27"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
8,146	80	>75% Grass cover, Good, HSG D
17,051	98	Paved parking, HSG D
25,198	92	Weighted Average
8,146		32.33% Pervious Area
17,051		67.67% Impervious Area

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.2	35	0.2000	2.71		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.9	92	0.0070	1.70		Shallow Concentrated Flow, Paved Kv= 20.3 fps
1.1	127	Total			

Summary for Subcatchment 50S: Subcat 50S

Runoff = 5.63 cfs @ 12.01 hrs, Volume= 16,117 cf, Depth= 5.73"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
2,955	80	>75% Grass cover, Good, HSG D
30,818	98	Paved parking, HSG D
33,774	96	Weighted Average
2,955		8.75% Pervious Area
30,818		91.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.2	35	0.2000	2.71		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.4	129	0.0600	4.97		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.6	164	Total			

Summary for Subcatchment 51S: Subcat 51S

Runoff = 1.24 cfs @ 12.01 hrs, Volume= 3,712 cf, Depth= 5.96"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
100	80	>75% Grass cover, Good, HSG D
7,371	98	Paved parking, HSG D
7,471	98	Weighted Average
100		1.34% Pervious Area
7,371		98.66% Impervious Area

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.2	29	0.2000	2.61		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.8	82	0.0080	1.82		Shallow Concentrated Flow, Paved Kv= 20.3 fps
1.0	111	Total			

Summary for Subcatchment 52S: Subcat 52S

Runoff = 0.33 cfs @ 12.00 hrs, Volume= 949 cf, Depth= 5.84"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
71	80	>75% Grass cover, Good, HSG D
1,859	98	Paved parking, HSG D
18	77	Woods, Good, HSG D
1,948	97	Weighted Average
88		4.54% Pervious Area
1,859		95.46% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.1	18	0.2000	2.37		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
0.2	30	0.0160	2.57		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	48	Total			

Summary for Subcatchment 60S: Subcat 60S

Runoff = 2.56 cfs @ 12.03 hrs, Volume= 7,231 cf, Depth= 5.04"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
7,689	80	>75% Grass cover, Good, HSG D
6,524	98	Paved parking, HSG D
3,001	98	Unconnected pavement, HSG D
0	77	Woods, Good, HSG D
17,214	90	Weighted Average
7,689		44.67% Pervious Area
9,525		55.33% Impervious Area
3,001		31.50% Unconnected

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Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.0	24	0.2000	9.08		Shallow Concentrated Flow, Paved Kv= 20.3 fps
2.1	166	0.0370	1.35		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
2.1	190	Total			

Summary for Subcatchment 70S: Subcat 70S

Runoff = 5.30 cfs @ 12.02 hrs, Volume= 15,974 cf, Depth= 5.96"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
582	80	>75% Grass cover, Good, HSG D
31,571	98	Paved parking, HSG D
32,153	98	Weighted Average
582		1.81% Pervious Area
31,571		98.19% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.1	20	0.2000	2.42		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"
1.2	103	0.0050	1.44		Shallow Concentrated Flow, Paved Kv= 20.3 fps
1.3	123	Total			

Summary for Subcatchment 71S: Subcat 71S

Runoff = 0.32 cfs @ 12.01 hrs, Volume= 954 cf, Depth= 5.96"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
21	80	>75% Grass cover, Good, HSG D
1,900	98	Paved parking, HSG D
1,920	98	Weighted Average
21		1.07% Pervious Area
1,900		98.93% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.8	44	0.0110	0.89		Sheet Flow, Smooth surfaces n= 0.011 P2= 3.00"

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Summary for Subcatchment 90S: Subcat 90S

Runoff = 8.72 cfs @ 12.03 hrs, Volume= 23,846 cf, Depth= 4.38"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YEAR STORM Rainfall=6.20"

Area (sf)	CN	Description
44,816	80	>75% Grass cover, Good, HSG D
16,827	98	Paved parking, HSG D
3,628	77	Woods, Good, HSG D
65,270	84	Weighted Average
48,443		74.22% Pervious Area
16,827		25.78% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.1	270	0.0200	2.12		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps

Summary for Reach 1R: Stream Channel

Inflow Area = 285,943 sf, 67.79% Impervious, Inflow Depth > 4.34" for 25-YEAR STORM event
Inflow = 14.70 cfs @ 12.28 hrs, Volume= 103,410 cf
Outflow = 14.50 cfs @ 12.33 hrs, Volume= 103,239 cf, Atten= 1%, Lag= 2.8 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
Max. Velocity= 2.75 fps, Min. Travel Time= 3.5 min
Avg. Velocity = 0.79 fps, Avg. Travel Time= 12.2 min

Peak Storage= 3,056 cf @ 12.33 hrs
Average Depth at Peak Storage= 0.89'
Bank-Full Depth= 3.00' Flow Area= 24.0 sf, Capacity= 123.02 cfs

5.00' x 3.00' deep channel, n= 0.025 Earth, clean & winding
Side Slope Z-value= 1.0 ' Top Width= 11.00'
Length= 580.0' Slope= 0.0034 '
Inlet Invert= 98.00', Outlet Invert= 96.00'



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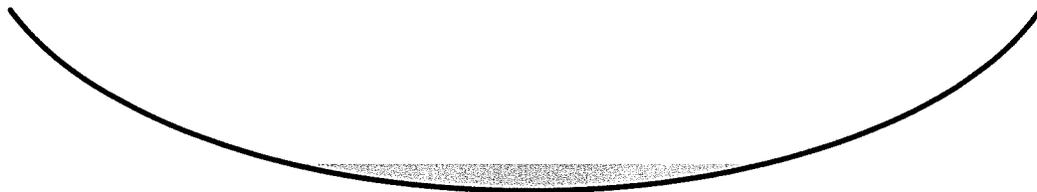
Summary for Reach 2R: (new Reach)

Inflow Area = 35,294 sf, 65.42% Impervious, Inflow Depth > 4.52" for 25-YEAR STORM event
 Inflow = 4.23 cfs @ 12.07 hrs, Volume= 13,288 cf
 Outflow = 2.28 cfs @ 12.24 hrs, Volume= 13,100 cf, Atten= 46%, Lag= 10.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Max. Velocity= 0.39 fps, Min. Travel Time= 19.3 min
 Avg. Velocity = 0.14 fps, Avg. Travel Time= 52.3 min

Peak Storage= 2,640 cf @ 12.24 hrs
 Average Depth at Peak Storage= 0.75'
 Bank-Full Depth= 5.00' Flow Area= 100.0 sf, Capacity= 132.09 cfs

30.00' x 5.00' deep Parabolic Channel, n= 0.080
 Length= 450.0' Slope= 0.0011 '/
 Inlet Invert= 98.50', Outlet Invert= 98.00'

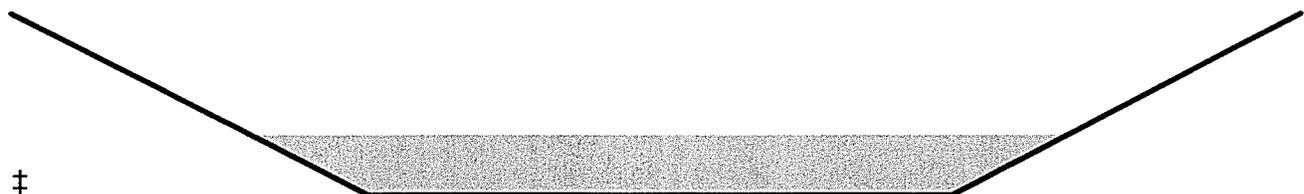
**Summary for Reach 3R: Swale to Pond**

Inflow Area = 124,672 sf, 81.57% Impervious, Inflow Depth = 5.53" for 25-YEAR STORM event
 Inflow = 17.66 cfs @ 12.03 hrs, Volume= 57,444 cf
 Outflow = 16.83 cfs @ 12.05 hrs, Volume= 57,441 cf, Atten= 5%, Lag= 1.4 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Max. Velocity= 2.11 fps, Min. Travel Time= 2.2 min
 Avg. Velocity = 0.51 fps, Avg. Travel Time= 9.1 min

Peak Storage= 2,230 cf @ 12.05 hrs
 Average Depth at Peak Storage= 0.66'
 Bank-Full Depth= 2.00' Flow Area= 32.0 sf, Capacity= 125.21 cfs

10.00' x 2.00' deep channel, n= 0.035 Earth, dense weeds
 Side Slope Z-value= 3.0 '/ Top Width= 22.00'
 Length= 280.0' Slope= 0.0054 '/
 Inlet Invert= 101.00', Outlet Invert= 99.50'



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Summary for Reach 4R: (new Reach)

Bank-Full Depth= 0.10' Flow Area= 0.5 sf, Capacity= 0.63 cfs

5.00' x 0.10' deep channel, n= 0.013 Asphalt, smooth

Side Slope Z-value= 3.0 ' / ' Top Width= 5.60'

Length= 200.0' Slope= 0.0025 ' / '

Inlet Invert= 105.00', Outlet Invert= 104.50'



Summary for Pond 1P: CB1

Inflow Area = 57,767 sf, 80.07% Impervious, Inflow Depth > 5.51" for 25-YEAR STORM event
 Inflow = 7.34 cfs @ 12.04 hrs, Volume= 26,504 cf
 Outflow = 7.34 cfs @ 12.04 hrs, Volume= 26,478 cf, Atten= 0%, Lag= 0.1 min
 Primary = 7.34 cfs @ 12.04 hrs, Volume= 26,478 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 102.43' @ 12.04 hrs Surf.Area= 13 sf Storage= 45 cf
 Flood Elev= 105.00' Surf.Area= 13 sf Storage= 75 cf

Plug-Flow detention time= 1.4 min calculated for 26,478 cf (100% of inflow)
 Center-of-Mass det. time= 0.7 min (766.5 - 765.8)

Volume	Invert	Avail.Storage	Storage Description
#1	99.00'	75 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
99.00	13	0	0
100.00	13	13	13
102.00	13	26	39
103.00	13	13	52
104.80	13	23	75

Device	Routing	Invert	Outlet Devices
#1	Primary	100.40'	18.0" Round Culvert L= 75.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 100.40' / 99.90' S= 0.0067 ' / ' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.77 sf

Primary OutFlow Max=7.33 cfs @ 12.04 hrs HW=102.43' TW=101.66' (Dynamic Tailwater)

←1=Culvert (Outlet Controls 7.33 cfs @ 4.15 fps)

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Summary for Pond 2P: CB2

Inflow Area = 32,153 sf, 98.19% Impervious, Inflow Depth = 5.96" for 25-YEAR STORM event
 Inflow = 5.30 cfs @ 12.02 hrs, Volume= 15,974 cf
 Outflow = 5.22 cfs @ 12.02 hrs, Volume= 15,962 cf, Atten= 1%, Lag= 0.1 min
 Primary = 5.22 cfs @ 12.02 hrs, Volume= 15,962 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 102.79' @ 12.03 hrs Surf.Area= 13 sf Storage= 36 cf
 Flood Elev= 104.90' Surf.Area= 550 sf Storage= 99 cf

Plug-Flow detention time= 1.2 min calculated for 15,956 cf (100% of inflow)
 Center-of-Mass det. time= 0.7 min (741.0 - 740.3)

Volume	Invert	Avail.Storage	Storage Description
#1	100.00'	177 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
100.00	13	0	0
102.00	13	26	26
104.70	13	35	61
104.80	100	6	67
105.00	1,000	110	177

Device	Routing	Invert	Outlet Devices
#1	Primary	100.90'	18.0" Round Culvert L= 122.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 100.90' / 100.30' S= 0.0049 ' S= 0.0049 ' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.77 sf

Primary OutFlow Max=4.88 cfs @ 12.02 hrs HW=102.73' TW=102.31' (Dynamic Tailwater)
 ←1=Culvert (Outlet Controls 4.88 cfs @ 2.88 fps)

Summary for Pond 3P: CB3

Inflow Area = 33,774 sf, 91.25% Impervious, Inflow Depth = 5.73" for 25-YEAR STORM event
 Inflow = 5.63 cfs @ 12.01 hrs, Volume= 16,117 cf
 Outflow = 5.26 cfs @ 12.03 hrs, Volume= 16,083 cf, Atten= 6%, Lag= 1.3 min
 Primary = 5.26 cfs @ 12.03 hrs, Volume= 16,083 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 104.49' @ 12.03 hrs Surf.Area= 96 sf Storage= 175 cf
 Flood Elev= 104.80' Surf.Area= 550 sf Storage= 251 cf

Plug-Flow detention time= 3.0 min calculated for 16,077 cf (100% of inflow)
 Center-of-Mass det. time= 1.6 min (754.1 - 752.5)

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Volume #1	Invert	Avail.Storage	Storage Description
	99.00'	406 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
99.00	13	0	0
100.00	13	13	13
102.00	13	26	39
104.60	100	147	186
105.00	1,000	220	406

Device #1	Routing	Invert	Outlet Devices
	Primary	101.60'	15.0" Round CMP_Round 15" L= 148.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 101.60' / 100.80' S= 0.0054 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.23 sf

Primary OutFlow Max=5.21 cfs @ 12.03 hrs HW=104.46' TW=103.07' (Dynamic Tailwater)
 ↳ **1=CMP_Round 15"** (Outlet Controls 5.21 cfs @ 4.25 fps)

Summary for Pond 4P: CB4

Inflow Area = 58,971 sf, 81.17% Impervious, Inflow Depth = 5.52" for 25-YEAR STORM event
 Inflow = 9.14 cfs @ 12.02 hrs, Volume= 27,141 cf
 Outflow = 9.13 cfs @ 12.02 hrs, Volume= 27,103 cf, Atten= 0%, Lag= 0.1 min
 Primary = 9.13 cfs @ 12.02 hrs, Volume= 27,103 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 103.09' @ 12.03 hrs Surf.Area= 13 sf Storage= 66 cf
 Flood Elev= 104.00' Surf.Area= 13 sf Storage= 78 cf

Plug-Flow detention time= 1.9 min calculated for 27,103 cf (100% of inflow)
 Center-of-Mass det. time= 0.9 min (762.2 - 761.2)

Volume #1	Invert	Avail.Storage	Storage Description
	98.00'	87 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
98.00	13	0	0
100.00	13	26	26
102.00	13	26	52
104.70	13	35	87

Device #1	Routing	Invert	Outlet Devices
	Primary	100.40'	18.0" Round Culvert L= 108.5' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 100.40' / 99.80' S= 0.0055 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.77 sf

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Primary OutFlow Max=9.11 cfs @ 12.02 hrs HW=103.08' TW=101.64' (Dynamic Tailwater)

↑1=Culvert (Outlet Controls 9.11 cfs @ 5.15 fps)

Summary for Pond 5P: CB5

Inflow Area = 51,288 sf, 83.83% Impervious, Inflow Depth = 5.65" for 25-YEAR STORM event
 Inflow = 5.63 cfs @ 12.05 hrs, Volume= 24,146 cf
 Outflow = 5.57 cfs @ 12.05 hrs, Volume= 24,130 cf, Atten= 1%, Lag= 0.0 min
 Primary = 5.57 cfs @ 12.05 hrs, Volume= 24,130 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 102.33' @ 12.03 hrs Surf.Area= 13 sf Storage= 43 cf
 Flood Elev= 104.00' Surf.Area= 13 sf Storage= 65 cf

Plug-Flow detention time= 1.1 min calculated for 24,121 cf (100% of inflow)
 Center-of-Mass det. time= 0.6 min (755.7 - 755.1)

Volume	Invert	Avail.Storage	Storage Description
#1	99.00'	72 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
99.00	13	0	0
100.00	13	13	13
102.00	13	26	39
104.50	13	33	72

Device	Routing	Invert	Outlet Devices
#1	Primary	100.20'	18.0" Round Culvert L= 60.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 100.20' / 99.80' S= 0.0067 ' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.77 sf

Primary OutFlow Max=5.32 cfs @ 12.05 hrs HW=102.22' TW=101.83' (Dynamic Tailwater)

↑1=Culvert (Inlet Controls 5.32 cfs @ 3.01 fps)

Summary for Pond 6P: CB6

Inflow Area = 58,759 sf, 85.72% Impervious, Inflow Depth = 5.69" for 25-YEAR STORM event
 Inflow = 6.73 cfs @ 12.02 hrs, Volume= 27,842 cf
 Outflow = 6.73 cfs @ 12.02 hrs, Volume= 27,833 cf, Atten= 0%, Lag= 0.1 min
 Primary = 6.73 cfs @ 12.02 hrs, Volume= 27,833 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 101.92' @ 12.02 hrs Surf.Area= 13 sf Storage= 38 cf
 Flood Elev= 104.00' Surf.Area= 13 sf Storage= 65 cf

Plug-Flow detention time= 0.7 min calculated for 27,833 cf (100% of inflow)
 Center-of-Mass det. time= 0.4 min (754.1 - 753.7)

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Volume	Invert	Avail.Storage	Storage Description
#1	99.00'	241 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
99.00	13	0	0
100.00	13	13	13
104.00	13	52	65
104.10	100	6	71
104.50	750	170	241

Device	Routing	Invert	Outlet Devices
#1	Primary	99.70'	18.0" Round Culvert L= 151.5' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 99.70' / 99.00' S= 0.0046 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.77 sf

Primary OutFlow Max=6.65 cfs @ 12.02 hrs HW=101.91' TW=100.97' (Dynamic Tailwater)
 ↖ **1=Culvert** (Outlet Controls 6.65 cfs @ 3.77 fps)

Summary for Pond 7P: CB7

Inflow Area = 60,707 sf, 86.03% Impervious, Inflow Depth = 5.69" for 25-YEAR STORM event
 Inflow = 7.03 cfs @ 12.02 hrs, Volume= 28,781 cf
 Outflow = 7.02 cfs @ 12.02 hrs, Volume= 28,761 cf, Atten= 0%, Lag= 0.0 min
 Primary = 7.02 cfs @ 12.02 hrs, Volume= 28,761 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 101.05' @ 12.09 hrs Surf.Area= 13 sf Storage= 40 cf
 Flood Elev= 103.00' Surf.Area= 13 sf Storage= 65 cf

Plug-Flow detention time= 0.9 min calculated for 28,761 cf (100% of inflow)
 Center-of-Mass det. time= 0.4 min (754.3 - 753.8)

Volume	Invert	Avail.Storage	Storage Description
#1	98.00'	90 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
98.00	13	0	0
100.00	13	26	26
102.00	13	26	52
104.90	13	38	90

Device	Routing	Invert	Outlet Devices
#1	Primary	98.90'	18.0" Round Culvert L= 70.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 98.90' / 98.55' S= 0.0050 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.77 sf

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Primary OutFlow Max=7.00 cfs @ 12.02 hrs HW=100.97' TW=100.29' (Dynamic Tailwater)

↳1=Culvert (Outlet Controls 7.00 cfs @ 3.96 fps)

Summary for Pond 8P: CB8

Inflow Area = 15,082 sf, 88.99% Impervious, Inflow Depth = 5.73" for 25-YEAR STORM event
 Inflow = 2.51 cfs @ 12.01 hrs, Volume= 7,197 cf
 Outflow = 2.47 cfs @ 12.01 hrs, Volume= 7,181 cf, Atten= 2%, Lag= 0.1 min
 Primary = 2.47 cfs @ 12.01 hrs, Volume= 7,181 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 102.80' @ 12.02 hrs Surf.Area= 13 sf Storage= 36 cf
 Flood Elev= 105.00' Surf.Area= 13 sf Storage= 64 cf

Plug-Flow detention time= 3.5 min calculated for 7,181 cf (100% of inflow)
 Center-of-Mass det. time= 1.9 min (754.2 - 752.3)

Volume	Invert	Avail.Storage	Storage Description
#1	100.00'	64 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
100.00	13	0	0
102.00	13	26	26
104.90	13	38	64

Device	Routing	Invert	Outlet Devices
#1	Primary	101.30'	15.0" Round CMP_Round 15" L= 161.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 101.30' / 100.45' S= 0.0053 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.23 sf

Primary OutFlow Max=2.95 cfs @ 12.01 hrs HW=102.75' TW=102.29' (Dynamic Tailwater)

↳1=CMP_Round 15" (Outlet Controls 2.95 cfs @ 2.60 fps)

Summary for Pond 9P: CB9

Inflow Area = 17,214 sf, 55.33% Impervious, Inflow Depth = 5.04" for 25-YEAR STORM event
 Inflow = 2.56 cfs @ 12.03 hrs, Volume= 7,231 cf
 Outflow = 2.41 cfs @ 12.12 hrs, Volume= 7,230 cf, Atten= 6%, Lag= 5.4 min
 Primary = 2.41 cfs @ 12.12 hrs, Volume= 7,230 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 102.31' @ 12.09 hrs Surf.Area= 1,442 sf Storage= 1,170 cf
 Flood Elev= 104.00' Surf.Area= 2,050 sf Storage= 4,126 cf

Plug-Flow detention time= 8.4 min calculated for 7,230 cf (100% of inflow)
 Center-of-Mass det. time= 8.3 min (788.3 - 780.0)

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Volume	Invert	Avail.Storage	Storage Description
#1	101.00'	4,126 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
101.00	155	0	0
102.00	1,332	744	744
104.00	2,050	3,382	4,126

Device	Routing	Invert	Outlet Devices
#1	Primary	101.00'	15.0" Round Culvert L= 142.1' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 101.00' / 100.30' S= 0.0049 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.23 sf

Primary OutFlow Max=2.43 cfs @ 12.12 hrs HW=102.26' TW=101.88' (Dynamic Tailwater)

↳ **1=Culvert** (Outlet Controls 2.43 cfs @ 2.44 fps)

Summary for Pond 10P: (new Pond)

Inflow Area = 21,222 sf, 58.96% Impervious, Inflow Depth = 5.15" for 25-YEAR STORM event
 Inflow = 3.12 cfs @ 12.04 hrs, Volume= 9,113 cf
 Outflow = 3.04 cfs @ 12.11 hrs, Volume= 8,871 cf, Atten= 3%, Lag= 4.4 min
 Primary = 3.04 cfs @ 12.11 hrs, Volume= 8,871 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 102.88' @ 12.07 hrs Surf.Area= 588 sf Storage= 1,081 cf

Plug-Flow detention time= 36.7 min calculated for 8,868 cf (97% of inflow)
 Center-of-Mass det. time= 20.6 min (797.7 - 777.1)

Volume	Invert	Avail.Storage	Storage Description
#1	100.00'	1,950 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
100.00	100	0	0
102.00	500	600	600
103.00	600	550	1,150
104.00	1,000	800	1,950

Device	Routing	Invert	Outlet Devices
#1	Primary	101.10'	15.0" Round Culvert L= 110.6' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 101.10' / 100.50' S= 0.0054 '/ Cc= 0.900 n= 0.020 Corrugated PE, corrugated interior, Flow Area= 1.23 sf

Primary OutFlow Max=3.07 cfs @ 12.11 hrs HW=102.73' TW=102.06' (Dynamic Tailwater)

↳ **1=Culvert** (Outlet Controls 3.07 cfs @ 2.51 fps)

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Summary for Pond 30P: Wet Pond

Inflow Area = 250,649 sf, 68.12% Impervious, Inflow Depth = 5.27" for 25-YEAR STORM event
 Inflow = 31.99 cfs @ 12.04 hrs, Volume= 110,048 cf
 Outflow = 12.48 cfs @ 12.29 hrs, Volume= 90,309 cf, Atten= 61%, Lag= 15.2 min
 Primary = 7.66 cfs @ 12.13 hrs, Volume= 83,870 cf
 Secondary = 4.99 cfs @ 12.29 hrs, Volume= 6,439 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Starting Elev= 98.50' Surf.Area= 135 sf Storage= 42,965 cf
 Peak Elev= 100.72' @ 12.29 hrs Surf.Area= 135 sf Storage= 89,807 cf (46,842 cf above start)

Plug-Flow detention time= 333.4 min calculated for 47,326 cf (43% of inflow)
 Center-of-Mass det. time= 91.0 min (862.5 - 771.5)

Volume	Invert	Avail.Storage	Storage Description
#1	93.00'	124,404 cf	Custom Stage Data (Prismatic) Listed below (Recalc) -Impervious
#2	98.50'	13 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
		124,418 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
93.00	3,953	0	0
94.00	5,321	4,637	4,637
96.00	8,132	13,453	18,090
97.50	10,307	13,829	31,919
98.00	11,044	5,338	37,257
98.50	11,788	5,708	42,965
98.60	17,963	1,488	44,453
99.50	20,139	17,146	61,598
100.00	23,276	10,854	72,452
102.00	28,676	51,952	124,404

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
98.50	135	0	0
98.60	135	13	13

Device	Routing	Invert	Outlet Devices
#1	Primary	96.30'	15.0" Round Culvert L= 30.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 96.30' / 96.00' S= 0.0100 ' / Cc= 0.900 n= 0.020 Corrugated PE, corrugated interior, Flow Area= 1.23 sf
#2	Device 1	96.50'	6.0" Round Culvert L= 45.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 96.50' / 96.00' S= 0.0111 ' / Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.20 sf
#3	Device 2	98.50'	2.400 in/hr Exfiltration over Surface area
#4	Device 1	99.50'	8.0" Vert. Orifice/Grate X 8.00 C= 0.600
#5	Secondary	100.50'	20.0' long x 10.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.49 2.56 2.70 2.69 2.68 2.69 2.67 2.64

Pine Brook SWA DEV(check)

Type III 24-hr 25-YEAR STORM Rainfall=6.20"

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Primary OutFlow Max=7.66 cfs @ 12.13 hrs HW=100.61' TW=98.70' (Dynamic Tailwater)

- 1=Culvert (Outlet Controls 7.66 cfs @ 6.24 fps)
- 2=Culvert (Passes < 0.97 cfs potential flow)
- 3=Exfiltration (Passes < 0.01 cfs potential flow)
- 4=Orifice/Grate (Passes < 11.84 cfs potential flow)

Secondary OutFlow Max=4.99 cfs @ 12.29 hrs HW=100.72' TW=98.89' (Dynamic Tailwater)

- 5=Broad-Crested Rectangular Weir (Weir Controls 4.99 cfs @ 1.16 fps)

Summary for Pond 40P: USF1

Inflow Area = 35,294 sf, 65.42% Impervious, Inflow Depth = 5.27" for 25-YEAR STORM event
 Inflow = 5.50 cfs @ 12.02 hrs, Volume= 15,489 cf
 Outflow = 4.23 cfs @ 12.07 hrs, Volume= 13,288 cf, Atten= 23%, Lag= 2.8 min
 Primary = 4.23 cfs @ 12.07 hrs, Volume= 13,288 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs / 2
 Peak Elev= 106.28' @ 12.07 hrs Surf.Area= 2,462 sf Storage= 4,283 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
 Center-of-Mass det. time= 68.0 min (840.1 - 772.0)

Volume	Invert	Avail.Storage	Storage Description
#1	104.00'	6,195 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
104.00	1,329	0	0
105.50	2,037	2,525	2,525
106.00	2,301	1,085	3,609
107.00	2,871	2,586	6,195

Device	Routing	Invert	Outlet Devices
#1	Primary	101.57'	12.0" Round Culvert L= 10.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 101.57' / 101.00' S= 0.0570 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	101.25'	1.0" Vert. Orifice/Grate C= 0.600
#3	Device 2	101.67'	6.0" Round Culvert L= 10.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 101.67' / 101.57' S= 0.0100 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.20 sf
#4	Device 1	105.50'	6.0" Vert. Orifice/Grate C= 0.600
#5	Device 1	106.00'	2.0" x 2.0" Horiz. Orifice/Grate X 7.00 columns X 7 rows C= 0.600 Limited to weir flow at low heads

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Primary OutFlow Max=4.23 cfs @ 12.07 hrs HW=106.28' TW=99.09' (Dynamic Tailwater)

- 1=Culvert (Passes 4.23 cfs of 7.76 cfs potential flow)
- 2=Orifice/Grate (Orifice Controls 0.06 cfs @ 10.45 fps)
- 3=Culvert (Passes 0.06 cfs of 1.97 cfs potential flow)
- 4=Orifice/Grate (Orifice Controls 0.69 cfs @ 3.51 fps)
- 5=Orifice/Grate (Orifice Controls 3.48 cfs @ 2.56 fps)

Summary for Link AP1: AP1

Inflow Area = 52,197 sf, 4.48% Impervious, Inflow Depth = 3.76" for 25-YEAR STORM event
Inflow = 4.67 cfs @ 12.13 hrs, Volume= 16,338 cf
Primary = 4.67 cfs @ 12.13 hrs, Volume= 16,338 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs

Summary for Link AP2: AP 2

Inflow Area = 682,485 sf, 40.66% Impervious, Inflow Depth > 4.12" for 25-YEAR STORM event
Inflow = 47.07 cfs @ 12.15 hrs, Volume= 234,170 cf
Primary = 47.07 cfs @ 12.15 hrs, Volume= 234,170 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-26.00 hrs, dt= 0.01 hrs

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Type III 24-hr 2-YEAR STORM Rainfall=3.30"

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Time span=0.00-26.00 hrs, dt=0.01 hrs, 2601 points x 2
 Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
 Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: Subcat 1S	Runoff Area=52,197 sf 4.48% Impervious Runoff Depth=1.35" Flow Length=180' Tc=9.6 min CN=78 Runoff=1.64 cfs 5,860 cf
Subcatchment 2S: Subcat 2S	Runoff Area=396,542 sf 21.09% Impervious Runoff Depth=1.48" Flow Length=1,390' Tc=10.0 min UI Adjusted CN=80 Runoff=13.65 cfs 48,882 cf
Subcatchment 10S: Subcat 10S	Runoff Area=35,294 sf 65.42% Impervious Runoff Depth=2.45" Flow Length=190' Slope=0.0200 '/' Tc=1.5 min CN=92 Runoff=2.66 cfs 7,193 cf
Subcatchment 20S: Subcat 20S	Runoff Area=21,222 sf 58.96% Impervious Runoff Depth=2.35" Flow Length=226' Tc=2.8 min CN=91 Runoff=1.48 cfs 4,160 cf
Subcatchment 21S: Subcat 21S	Runoff Area=7,933 sf 95.44% Impervious Runoff Depth=2.96" Flow Length=105' Slope=0.0050 '/' Tc=1.9 min CN=97 Runoff=0.67 cfs 1,954 cf
Subcatchment 30S: Subcat 30S	Runoff Area=21,463 sf 94.68% Impervious Runoff Depth=2.96" Flow Length=61' Slope=0.0200 '/' Tc=0.8 min CN=97 Runoff=1.87 cfs 5,287 cf
Subcatchment 31S: Subcat 31S	Runoff Area=15,082 sf 88.99% Impervious Runoff Depth=2.85" Flow Length=66' Tc=0.4 min CN=96 Runoff=1.30 cfs 3,579 cf
Subcatchment 40S: Subcat 40S	Runoff Area=25,198 sf 67.67% Impervious Runoff Depth=2.45" Flow Length=127' Tc=1.1 min CN=92 Runoff=1.92 cfs 5,136 cf
Subcatchment 50S: Subcat 50S	Runoff Area=33,774 sf 91.25% Impervious Runoff Depth=2.85" Flow Length=164' Tc=0.6 min CN=96 Runoff=2.91 cfs 8,015 cf
Subcatchment 51S: Subcat 51S	Runoff Area=7,471 sf 98.66% Impervious Runoff Depth=3.07" Flow Length=111' Tc=1.0 min CN=98 Runoff=0.66 cfs 1,910 cf
Subcatchment 52S: Subcat 52S	Runoff Area=1,948 sf 95.46% Impervious Runoff Depth=2.96" Flow Length=48' Tc=0.3 min CN=97 Runoff=0.17 cfs 480 cf
Subcatchment 60S: Subcat 60S	Runoff Area=17,214 sf 55.33% Impervious Runoff Depth=2.26" Flow Length=190' Tc=2.1 min CN=90 Runoff=1.19 cfs 3,244 cf
Subcatchment 70S: Subcat 70S	Runoff Area=32,153 sf 98.19% Impervious Runoff Depth=3.07" Flow Length=123' Tc=1.3 min CN=98 Runoff=2.80 cfs 8,218 cf
Subcatchment 71S: Subcat 71S	Runoff Area=1,920 sf 98.93% Impervious Runoff Depth=3.07" Flow Length=44' Slope=0.0110 '/' Tc=0.8 min CN=98 Runoff=0.17 cfs 491 cf
Subcatchment 90S: Subcat 90S	Runoff Area=65,270 sf 25.78% Impervious Runoff Depth=1.77" Flow Length=270' Slope=0.0200 '/' Tc=2.1 min CN=84 Runoff=3.58 cfs 9,608 cf
Reach 1R: Stream Channel	Avg. Flow Depth=0.40' Max Vel=1.75 fps Inflow=3.92 cfs 37,328 cf n=0.025 L=580.0' S=0.0034 '/' Capacity=123.02 cfs Outflow=3.84 cfs 37,182 cf

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Type III 24-hr 2-YEAR STORM Rainfall=3.30"

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Reach 2R: (new Reach)	Avg. Flow Depth=0.29' Max Vel=0.21 fps Inflow=0.40 cfs 5,397 cf n=0.080 L=450.0' S=0.0011 '/' Capacity=132.09 cfs Outflow=0.28 cfs 5,213 cf
Reach 3R: Swale to Pond	Avg. Flow Depth=0.45' Max Vel=1.67 fps Inflow=9.32 cfs 27,774 cf n=0.035 L=280.0' S=0.0054 '/' Capacity=125.21 cfs Outflow=8.46 cfs 27,772 cf
Reach 4R: (new Reach)	Avg. Flow Depth=0.00' Max Vel=0.00 fps n=0.013 L=200.0' S=0.0025 '/' Capacity=0.63 cfs Outflow=0.00 cfs 0 cf
Pond 1P: CB1	Peak Elev=101.79' Storage=36 cf Inflow=3.89 cfs 12,768 cf 18.0" Round Culvert n=0.013 L=75.0' S=0.0067 '/' Outflow=3.89 cfs 12,741 cf
Pond 2P: CB2	Peak Elev=101.91' Storage=25 cf Inflow=2.80 cfs 8,218 cf 18.0" Round Culvert n=0.013 L=122.0' S=0.0049 '/' Outflow=2.79 cfs 8,206 cf
Pond 3P: CB3	Peak Elev=102.69' Storage=56 cf Inflow=2.91 cfs 8,015 cf 15.0" Round Culvert n=0.013 L=148.0' S=0.0054 '/' Outflow=2.88 cfs 7,981 cf
Pond 4P: CB4	Peak Elev=101.94' Storage=51 cf Inflow=4.80 cfs 13,117 cf 18.0" Round Culvert n=0.013 L=108.5' S=0.0055 '/' Outflow=4.79 cfs 13,078 cf
Pond 5P: CB5	Peak Elev=101.34' Storage=30 cf Inflow=3.50 cfs 11,940 cf 18.0" Round Culvert n=0.013 L=60.0' S=0.0067 '/' Outflow=3.50 cfs 11,924 cf
Pond 6P: CB6	Peak Elev=100.91' Storage=25 cf Inflow=4.14 cfs 13,834 cf 18.0" Round Culvert n=0.013 L=151.5' S=0.0046 '/' Outflow=4.14 cfs 13,824 cf
Pond 7P: CB7	Peak Elev=100.10' Storage=27 cf Inflow=4.29 cfs 14,304 cf 18.0" Round Culvert n=0.013 L=70.0' S=0.0050 '/' Outflow=4.29 cfs 14,285 cf
Pond 8P: CB8	Peak Elev=102.13' Storage=28 cf Inflow=1.30 cfs 3,579 cf 15.0" Round Culvert n=0.013 L=161.0' S=0.0053 '/' Outflow=1.29 cfs 3,562 cf
Pond 9P: CB9	Peak Elev=101.64' Storage=342 cf Inflow=1.19 cfs 3,244 cf 15.0" Round Culvert n=0.013 L=142.1' S=0.0049 '/' Outflow=0.99 cfs 3,243 cf
Pond 10P: (new Pond)	Peak Elev=102.08' Storage=640 cf Inflow=1.48 cfs 4,160 cf 15.0" Round Culvert n=0.020 L=110.6' S=0.0054 '/' Outflow=1.38 cfs 3,918 cf
Pond 30P: Wet Pond	Peak Elev=99.90' Storage=70,157 cf Inflow=16.16 cfs 51,664 cf Primary=3.77 cfs 32,114 cf Secondary=0.00 cfs 0 cf Outflow=3.77 cfs 32,114 cf
Pond 40P: USF1	Peak Elev=105.88' Storage=3,347 cf Inflow=2.66 cfs 7,193 cf Outflow=0.40 cfs 5,397 cf
Link AP1: AP1	Inflow=1.64 cfs 5,860 cf Primary=1.64 cfs 5,860 cf
Link AP2: AP 2	Inflow=14.11 cfs 86,064 cf Primary=14.11 cfs 86,064 cf

Total Runoff Area = 734,681 sf Runoff Volume = 114,016 cf Average Runoff Depth = 1.86"
61.91% Pervious = 454,851 sf 38.09% Impervious = 279,831 sf

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Type III 24-hr 10-YEAR STORM Rainfall=4.90"

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Time span=0.00-26.00 hrs, dt=0.01 hrs, 2601 points x 2
 Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
 Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: Subcat 1S	Runoff Area=52,197 sf 4.48% Impervious Runoff Depth=2.63" Flow Length=180' Tc=9.6 min CN=78 Runoff=3.27 cfs 11,427 cf
Subcatchment 2S: Subcat 2S	Runoff Area=396,542 sf 21.09% Impervious Runoff Depth=2.81" Flow Length=1,390' Tc=10.0 min UI Adjusted CN=80 Runoff=26.17 cfs 92,718 cf
Subcatchment 10S: Subcat 10S	Runoff Area=35,294 sf 65.42% Impervious Runoff Depth=3.99" Flow Length=190' Slope=0.0200 '/' Tc=1.5 min CN=92 Runoff=4.24 cfs 11,740 cf
Subcatchment 20S: Subcat 20S	Runoff Area=21,222 sf 58.96% Impervious Runoff Depth=3.89" Flow Length=226' Tc=2.8 min CN=91 Runoff=2.39 cfs 6,871 cf
Subcatchment 21S: Subcat 21S	Runoff Area=7,933 sf 95.44% Impervious Runoff Depth=4.55" Flow Length=105' Slope=0.0050 '/' Tc=1.9 min CN=97 Runoff=1.00 cfs 3,006 cf
Subcatchment 30S: Subcat 30S	Runoff Area=21,463 sf 94.68% Impervious Runoff Depth=4.55" Flow Length=61' Slope=0.0200 '/' Tc=0.8 min CN=97 Runoff=2.82 cfs 8,134 cf
Subcatchment 31S: Subcat 31S	Runoff Area=15,082 sf 88.99% Impervious Runoff Depth=4.43" Flow Length=66' Tc=0.4 min CN=96 Runoff=1.97 cfs 5,572 cf
Subcatchment 40S: Subcat 40S	Runoff Area=25,198 sf 67.67% Impervious Runoff Depth=3.99" Flow Length=127' Tc=1.1 min CN=92 Runoff=3.06 cfs 8,382 cf
Subcatchment 50S: Subcat 50S	Runoff Area=33,774 sf 91.25% Impervious Runoff Depth=4.43" Flow Length=164' Tc=0.6 min CN=96 Runoff=4.41 cfs 12,477 cf
Subcatchment 51S: Subcat 51S	Runoff Area=7,471 sf 98.66% Impervious Runoff Depth=4.66" Flow Length=111' Tc=1.0 min CN=98 Runoff=0.98 cfs 2,903 cf
Subcatchment 52S: Subcat 52S	Runoff Area=1,948 sf 95.46% Impervious Runoff Depth=4.55" Flow Length=48' Tc=0.3 min CN=97 Runoff=0.26 cfs 738 cf
Subcatchment 60S: Subcat 60S	Runoff Area=17,214 sf 55.33% Impervious Runoff Depth=3.78" Flow Length=190' Tc=2.1 min CN=90 Runoff=1.95 cfs 5,422 cf
Subcatchment 70S: Subcat 70S	Runoff Area=32,153 sf 98.19% Impervious Runoff Depth=4.66" Flow Length=123' Tc=1.3 min CN=98 Runoff=4.18 cfs 12,495 cf
Subcatchment 71S: Subcat 71S	Runoff Area=1,920 sf 98.93% Impervious Runoff Depth=4.66" Flow Length=44' Slope=0.0110 '/' Tc=0.8 min CN=98 Runoff=0.25 cfs 746 cf
Subcatchment 90S: Subcat 90S	Runoff Area=65,270 sf 25.78% Impervious Runoff Depth=3.18" Flow Length=270' Slope=0.0200 '/' Tc=2.1 min CN=84 Runoff=6.39 cfs 17,292 cf
Reach 1R: Stream Channel	Avg. Flow Depth=0.65' Max Vel=2.31 fps Inflow=8.49 cfs 73,417 cf n=0.025 L=580.0' S=0.0034 '/' Capacity=123.02 cfs Outflow=8.47 cfs 73,255 cf

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Type III 24-hr 10-YEAR STORM Rainfall=4.90"

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Reach 2R: (new Reach)	Avg. Flow Depth=0.55' Max Vel=0.32 fps Inflow=3.05 cfs 9,651 cf n=0.080 L=450.0' S=0.0011 '/ Capacity=132.09 cfs Outflow=1.16 cfs 9,465 cf
Reach 3R: Swale to Pond	Avg. Flow Depth=0.58' Max Vel=1.95 fps Inflow=14.21 cfs 44,084 cf n=0.035 L=280.0' S=0.0054 '/ Capacity=125.21 cfs Outflow=13.33 cfs 44,082 cf
Reach 4R: (new Reach)	Avg. Flow Depth=0.00' Max Vel=0.00 fps n=0.013 L=200.0' S=0.0025 '/ Capacity=0.63 cfs Outflow=0.00 cfs 0 cf
Pond 1P: CB1	Peak Elev=102.12' Storage=40 cf Inflow=6.00 cfs 20,317 cf 18.0" Round Culvert n=0.013 L=75.0' S=0.0067 '/ Outflow=5.99 cfs 20,291 cf
Pond 2P: CB2	Peak Elev=102.28' Storage=30 cf Inflow=4.18 cfs 12,495 cf 18.0" Round Culvert n=0.013 L=122.0' S=0.0049 '/ Outflow=4.17 cfs 12,483 cf
Pond 3P: CB3	Peak Elev=103.39' Storage=90 cf Inflow=4.41 cfs 12,477 cf 15.0" Round Culvert n=0.013 L=148.0' S=0.0054 '/ Outflow=4.24 cfs 12,443 cf
Pond 4P: CB4	Peak Elev=102.47' Storage=58 cf Inflow=7.28 cfs 20,825 cf 18.0" Round Culvert n=0.013 L=108.5' S=0.0055 '/ Outflow=7.22 cfs 20,786 cf
Pond 5P: CB5	Peak Elev=101.77' Storage=36 cf Inflow=4.93 cfs 18,651 cf 18.0" Round Culvert n=0.013 L=60.0' S=0.0067 '/ Outflow=4.93 cfs 18,635 cf
Pond 6P: CB6	Peak Elev=101.37' Storage=31 cf Inflow=5.87 cfs 21,538 cf 18.0" Round Culvert n=0.013 L=151.5' S=0.0046 '/ Outflow=5.86 cfs 21,529 cf
Pond 7P: CB7	Peak Elev=100.61' Storage=34 cf Inflow=6.10 cfs 22,267 cf 18.0" Round Culvert n=0.013 L=70.0' S=0.0050 '/ Outflow=6.09 cfs 22,247 cf
Pond 8P: CB8	Peak Elev=102.44' Storage=32 cf Inflow=1.97 cfs 5,572 cf 15.0" Round Culvert n=0.013 L=161.0' S=0.0053 '/ Outflow=1.96 cfs 5,555 cf
Pond 9P: CB9	Peak Elev=101.94' Storage=671 cf Inflow=1.95 cfs 5,422 cf 15.0" Round Culvert n=0.013 L=142.1' S=0.0049 '/ Outflow=1.69 cfs 5,421 cf
Pond 10P: (new Pond)	Peak Elev=102.46' Storage=838 cf Inflow=2.39 cfs 6,871 cf 15.0" Round Culvert n=0.020 L=110.6' S=0.0054 '/ Outflow=2.30 cfs 6,629 cf
Pond 30P: Wet Pond	Peak Elev=100.40' Storage=81,994 cf Inflow=25.61 cfs 83,621 cf Primary=7.33 cfs 63,952 cf Secondary=0.00 cfs 0 cf Outflow=7.33 cfs 63,952 cf
Pond 40P: USF1	Peak Elev=106.14' Storage=3,926 cf Inflow=4.24 cfs 11,740 cf Outflow=3.05 cfs 9,651 cf
Link AP1: AP1	Inflow=3.27 cfs 11,427 cf Primary=3.27 cfs 11,427 cf
Link AP2: AP 2	Inflow=33.46 cfs 165,974 cf Primary=33.46 cfs 165,974 cf

Total Runoff Area = 734,681 sf Runoff Volume = 199,923 cf Average Runoff Depth = 3.27"
61.91% Pervious = 454,851 sf 38.09% Impervious = 279,831 sf

Pine Brook SWA DEV(check)

Type III 24-hr 50-YEAR STORM Rainfall=7.30"

Prepared by Attar Engineering

Printed 12/3/2019

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Time span=0.00-26.00 hrs, dt=0.01 hrs, 2601 points x 2
 Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
 Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: Subcat 1S	Runoff Area=52,197 sf 4.48% Impervious Runoff Depth=4.75" Flow Length=180' Tc=9.6 min CN=78 Runoff=5.87 cfs 20,652 cf
Subcatchment 2S: Subcat 2S	Runoff Area=396,542 sf 21.09% Impervious Runoff Depth=4.97" Flow Length=1,390' Tc=10.0 min UI Adjusted CN=80 Runoff=45.90 cfs 164,302 cf
Subcatchment 10S: Subcat 10S	Runoff Area=35,294 sf 65.42% Impervious Runoff Depth=6.35" Flow Length=190' Slope=0.0200 '/' Tc=1.5 min CN=92 Runoff=6.56 cfs 18,679 cf
Subcatchment 20S: Subcat 20S	Runoff Area=21,222 sf 58.96% Impervious Runoff Depth=6.23" Flow Length=226' Tc=2.8 min CN=91 Runoff=3.73 cfs 11,025 cf
Subcatchment 21S: Subcat 21S	Runoff Area=7,933 sf 95.44% Impervious Runoff Depth=6.94" Flow Length=105' Slope=0.0050 '/' Tc=1.9 min CN=97 Runoff=1.50 cfs 4,589 cf
Subcatchment 30S: Subcat 30S	Runoff Area=21,463 sf 94.68% Impervious Runoff Depth=6.94" Flow Length=61' Slope=0.0200 '/' Tc=0.8 min CN=97 Runoff=4.22 cfs 12,416 cf
Subcatchment 31S: Subcat 31S	Runoff Area=15,082 sf 88.99% Impervious Runoff Depth=6.82" Flow Length=66' Tc=0.4 min CN=96 Runoff=2.97 cfs 8,575 cf
Subcatchment 40S: Subcat 40S	Runoff Area=25,198 sf 67.67% Impervious Runoff Depth=6.35" Flow Length=127' Tc=1.1 min CN=92 Runoff=4.74 cfs 13,336 cf
Subcatchment 50S: Subcat 50S	Runoff Area=33,774 sf 91.25% Impervious Runoff Depth=6.82" Flow Length=164' Tc=0.6 min CN=96 Runoff=6.65 cfs 19,202 cf
Subcatchment 51S: Subcat 51S	Runoff Area=7,471 sf 98.66% Impervious Runoff Depth=7.06" Flow Length=111' Tc=1.0 min CN=98 Runoff=1.46 cfs 4,396 cf
Subcatchment 52S: Subcat 52S	Runoff Area=1,948 sf 95.46% Impervious Runoff Depth=6.94" Flow Length=48' Tc=0.3 min CN=97 Runoff=0.39 cfs 1,127 cf
Subcatchment 60S: Subcat 60S	Runoff Area=17,214 sf 55.33% Impervious Runoff Depth=6.12" Flow Length=190' Tc=2.1 min CN=90 Runoff=3.07 cfs 8,776 cf
Subcatchment 70S: Subcat 70S	Runoff Area=32,153 sf 98.19% Impervious Runoff Depth=7.06" Flow Length=123' Tc=1.3 min CN=98 Runoff=6.25 cfs 18,919 cf
Subcatchment 71S: Subcat 71S	Runoff Area=1,920 sf 98.93% Impervious Runoff Depth=7.06" Flow Length=44' Slope=0.0110 '/' Tc=0.8 min CN=98 Runoff=0.38 cfs 1,130 cf
Subcatchment 90S: Subcat 90S	Runoff Area=65,270 sf 25.78% Impervious Runoff Depth=5.43" Flow Length=270' Slope=0.0200 '/' Tc=2.1 min CN=84 Runoff=10.69 cfs 29,510 cf
Reach 1R: Stream Channel	Avg. Flow Depth=1.11' Max Vel=3.09 fps Inflow=21.20 cfs 129,138 cf n=0.025 L=580.0' S=0.0034 '/' Capacity=123.02 cfs Outflow=20.90 cfs 128,961 cf

Pine Brook SWA DEV(check)

Type III 24-hr 50-YEAR STORM Rainfall=7.30"

Prepared by Attar Engineering

Printed 12/3/2019

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Reach 2R: (new Reach) Avg. Flow Depth=0.87' Max Vel=0.43 fps Inflow=4.86 cfs 16,430 cf
 n=0.080 L=450.0' S=0.0011 '/ Capacity=132.09 cfs Outflow=3.08 cfs 16,240 cf

Reach 3R: Swale to Pond Avg. Flow Depth=0.72' Max Vel=2.22 fps Inflow=20.17 cfs 68,869 cf
 n=0.035 L=280.0' S=0.0054 '/ Capacity=125.21 cfs Outflow=19.42 cfs 68,867 cf

Reach 4R: (new Reach) Avg. Flow Depth=0.00' Max Vel=0.00 fps
 n=0.013 L=200.0' S=0.0025 '/ Capacity=0.63 cfs Outflow=0.00 cfs 0 cf

Pond 1P: CB1 Peak Elev=102.79' Storage=49 cf Inflow=9.25 cfs 31,840 cf
 18.0" Round Culvert n=0.013 L=75.0' S=0.0067 '/ Outflow=9.03 cfs 31,814 cf

Pond 2P: CB2 Peak Elev=103.97' Storage=52 cf Inflow=6.25 cfs 18,919 cf
 18.0" Round Culvert n=0.013 L=122.0' S=0.0049 '/ Outflow=6.16 cfs 18,907 cf

Pond 3P: CB3 Peak Elev=104.93' Storage=343 cf Inflow=6.65 cfs 19,202 cf
 15.0" Round Culvert n=0.013 L=148.0' S=0.0054 '/ Outflow=5.77 cfs 19,169 cf

Pond 4P: CB4 Peak Elev=103.43' Storage=71 cf Inflow=10.01 cfs 32,505 cf
 18.0" Round Culvert n=0.013 L=108.5' S=0.0055 '/ Outflow=10.00 cfs 32,466 cf

Pond 5P: CB5 Peak Elev=103.29' Storage=56 cf Inflow=6.53 cfs 28,830 cf
 18.0" Round Culvert n=0.013 L=60.0' S=0.0067 '/ Outflow=6.49 cfs 28,815 cf

Pond 6P: CB6 Peak Elev=102.74' Storage=49 cf Inflow=7.93 cfs 33,211 cf
 18.0" Round Culvert n=0.013 L=151.5' S=0.0046 '/ Outflow=7.91 cfs 33,201 cf

Pond 7P: CB7 Peak Elev=101.44' Storage=45 cf Inflow=8.26 cfs 34,328 cf
 18.0" Round Culvert n=0.013 L=70.0' S=0.0050 '/ Outflow=8.24 cfs 34,308 cf

Pond 8P: CB8 Peak Elev=103.30' Storage=43 cf Inflow=2.97 cfs 8,575 cf
 15.0" Round Culvert n=0.013 L=161.0' S=0.0053 '/ Outflow=3.05 cfs 8,558 cf

Pond 9P: CB9 Peak Elev=102.62' Storage=1,640 cf Inflow=3.07 cfs 8,776 cf
 15.0" Round Culvert n=0.013 L=142.1' S=0.0049 '/ Outflow=2.99 cfs 8,774 cf

Pond 10P: (new Pond) Peak Elev=103.30' Storage=1,350 cf Inflow=3.73 cfs 11,025 cf
 15.0" Round Culvert n=0.020 L=110.6' S=0.0054 '/ Outflow=3.55 cfs 10,783 cf

Pond 30P: Wet Pond Peak Elev=100.86' Storage=93,356 cf Inflow=37.90 cfs 132,685 cf
 Primary=7.72 cfs 97,039 cf Secondary=10.77 cfs 15,859 cf Outflow=18.12 cfs 112,898 cf

Pond 40P: USF1 Peak Elev=106.38' Storage=4,530 cf Inflow=6.56 cfs 18,679 cf
 Outflow=4.86 cfs 16,430 cf

Link AP1: AP1 Inflow=5.87 cfs 20,652 cf
 Primary=5.87 cfs 20,652 cf

Link AP2: AP 2 Inflow=62.75 cfs 293,264 cf
 Primary=62.75 cfs 293,264 cf

Total Runoff Area = 734,681 sf Runoff Volume = 336,633 cf Average Runoff Depth = 5.50"
61.91% Pervious = 454,851 sf 38.09% Impervious = 279,831 sf

BMP CALCULATIONS

TABLE 1 - QUANTITY CALCULATIONS **STORM EVENT**

		<u>2</u>	<u>10</u>	<u>25</u>	<u>50</u>	
EXISTING	AP 1	3.21	5.95	8.25	10.21	(cfs)
	AP 2	23.68	43.77	60.60	74.94	
DEVELOPED	AP 1	1.64	3.27	4.67	5.87	(cfs)
	AP 2	14.11	33.46	47.07	62.75	
CHANGE	AP 1	-1.57	-2.68	-3.58	-4.34	(cfs)
	AP 2	-9.57	-10.31	-13.53	-12.19	

Pinebrook - BMP Calculations
 BMPS_WP.V.xls
 C204-17

11/25/19

POND SIZING CALCULATIONS

AREA	IMP. (ft ²)	LA. (ft ²)	RA. (ft ²)	BMP	CPV (ft ³)	P. POOL (ft ³)	CHECK
Pond 1				Wet Pond			
20S	8,829	8,710			1,026	2052	
21S	7,572	361					
30S	20,322	1,141			1,732	3463	
31S	13,422	1,660					
40S	17,051	8,146			1,692	3385	
50S	30,818	2,955			2,667	5333	
51S	7,371	100					
52S	1,859	88					
60S	6,524	7,889			800	1600	
70S	31,571	582			2,650	5301	
71S	1,900	21			159	318	
90S	16,827	44,816			2,896	5792	
Total	164,066	76,269			13,622	27244	
				Provided Permanent Pool(ft3) =	42,965		OK
				Mean Depth(ft) =	3.10		OK
				Provided Area =	3,953		
				Provided CPV =	19,947		OK
				Required Trench Length =	41		
Pond 2				Soil Filter			
10S	18,882	9,223			1,881	N/A	
Total	18,882	9,223	0		1,881	N/A	0.00
				5% Impervious + 2% Remaining Area =	1,129		
				Provided CPV =	2,525		OK
				Provided Area =	1,329		OK

IMP - IMPERVIOUS AREA
 RA - REMAINING SUBCATCHMENT AREA
 BMP - BEST MANAGEMENT PRACTICE
 CPV - CHANNEL PROTECTION VOLUME
 LA - LANDSCAPED AREA, AREAS THAT WILL BE REPLANTED WITH SHRUBS OR GRASS
 DEV - DEVELOPED AREA, THE SUM OF THE IMPERVIOUS AREA AND LANDSCAPED AREA.

*BIORETENTION - MAX 1 ACRE SUBCATCHMENT, BOP<2000 S.F.

TREATMENT CALCULATIONS

New Impervious Area to be Treated @95% 191,314 sf
 New Developed Area to be Treated @80% 295,642 sf

4.39 Acres
 6.79 Acres

AMENDED DEVELOPED CONDITIONS:

AREA	IMP. (ft ²)					LA. (ft ²)					DEV. (ft ²)				
	Ext.	Created Require to Treat	Total (Hydro CAD)	Treated	Not Treated	Ext. (HCAD)	Created Require to Treat	Total (Hydro CAD)	Treated	Not Treated	Ext.	Created Require to Treat	Total (Hydro CAD)	Treated	Not Treated
1S	0	1,651	2,293	0	1,651	0	2,860	51,292	0	2,860	1,651	4,511	53,585	0	4,511
2S	0	6,715	83,651	0	6,715	0	15,976	331,646	0	15,976	6,715	22,691	415,297	0	22,691
10S	0	18,882	23,091	18,882	0	0	9,223	9,223	9,223	0	18,882	28,105	32,314	28,105	0
20S	0	8,829	12,511	8,829	0	0	8,710	8,710	8,710	0		17,539	21,221	17,539	0
21S	0	7,572	7,572	7,572	0		361	361	361	0		7,933	7,933	7,933	0
30S	0	20,322	20,322	20,322	0	0	1,141	1,141	1,141	0		21,463	21,463	21,463	0
31S		13,422	13,422	13,422	0	0	1,660	1,660	1,660	0		15,082	15,082	15,082	0
40S	0	17,051	17,051	17,051	0	0	8,146	8,146	8,146	0		25,197	25,197	25,197	0
50S	0	30,818	30,818	30,818	0	0	2,955	2,955	2,955	0		33,773	33,773	33,773	0
51S	0	7,371	7,371	7,371	0		100	100	100	0		7,471	7,471	7,471	0
52S	0	1,859	1,859	1,859	0	0	88	88	88	0		1,947	1,947	1,947	0
60S	0	6,524	6,524	6,524	0	0	7,689	7,689	7,689	0		14,213	17,118	14,213	0
70S	0	31,571	31,571	31,571	0	0	582	582	582	0		32,153	32,153	32,153	0
71S	0	1,900	1,900	1,900	0	0	21	21	21	0		1,921	1,921	1,921	0
90S	0	16,827	16,827	16,827	0	0	44,816	44,816	44,816	0		61,643	61,643	61,643	0
TOTAL	0	191,314	276,783	182,948	8,366	0	104,328	468,430	85,492	18,836	0	295,642	745,213	268,440	27,202

NEW

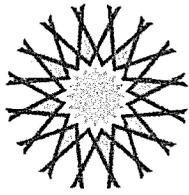
AREA	IMP. (ft ²)	DEV (ft ²)
Total Area	182948	268440
Total Acres	4.20	6.16
% Treated=	95.6%	90.8%

95% IMP. AND 80% DEV IS REQUIRED

*BIORETENTION - MAX 1 ACRE SUBCATCHMENT, BOP<2000 S.F.

Required Area= 181748 236514
 Area Needed= -1200 -31926

OPERATION AND MAINTENANCE PROGRAM

**ATTAR**

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

**PINE TREE BUSINESS PARK
PASSAMAQUODDY LANE AND H.L. DOW HIGHWAY (RT. 236)
ELIOT, MAINE**

OPERATION AND MAINTENANCE PROGRAM STORMWATER MANAGEMENT BMP's

This project contains specific Best Management Practices (BMP's) for the conveyance, storage, and treatment of stormwater and the prevention of erosion. These BMP's consist of swales, underdrained soil filter ponds, catchbasins and culverts. All components should be inspected quarterly, and after every significant rain event of 1" in any 24-hour period. Additional inspection intervals are specified for certain BMP's, specifically, underdrained soil filters.

The party responsible for implementing this Operation and Maintenance Program (O & M Program) shall be the property owner.

Swales

All swales should be inspected for accumulation of debris, which could adversely affect the function of this BMP. These areas should also be maintained to have gradual slopes, which prevent channeling of stormwater and erosion of the bottom and sides of the swales.

Catch Basins

All catch basin grates, sumps, and inlets/outlets should be inspected for accumulation of debris, which could adversely affect the function of this BMP. Additionally, the basin inverts shall be inspected for clogging and material soundness. Sumps shall always be clear to a depth of 1' below the outlet invert. Inlet structures shall be inspected and cleaned of debris at least twice annually, once in the spring following snow melt and once in the autumn after leaf fall.

Culverts

Culvert inlets and outlets should be inspected for debris, which could clog the BMP. Additionally, the placement of rip-rap should be inspected to ensure that all areas remain smooth and no areas exhibit erosion in the form of rills or gullies.

Detention Ponds

Detention ponds shall be inspected to ensure that there is no channeling of stormwater and that no debris accumulates within the detention areas. The vegetative cover conditions shall be maintained. The inlets and outlets shall be inspected for erosion and any evidence of debris that could clog the outlet structures and culverts. Emergency spillways and level spreaders shall be inspected for any evidence of rilling and channeling and shall be maintained to promote a level, sheet-flow discharge. Pond embankments and side slopes shall be inspected for erosion, destabilization of side slopes and evidence of embankment settling; corrective action shall be taken immediately to correct such issues. The height of grass shall be maintained at a maximum of 12"; mowing shall be limited to no more than two times during the growing season.

Wetponds

The wetpond is a very effective BMP, however, long term maintenance is essential to its operation. The gravel trench outlet should be inspected after every major storm event during the first year after construction to ensure proper function and at least twice-annually, thereafter. The inspection should ensure that the filter drains within 12 - 24 hours after a storm and that potentially clogging material (leaves, etc.) is not preventing discharge through the gravel. The top several inches of gravel in the trench should be replaced with fresh material when water ponds above the permanent pool for longer than 72 hours after a storm. Debris and sediment that builds up should be removed from the pre-treatment structure and outlet structure, at least annually. Additionally, procedures for inspecting Detention Ponds (above) shall also be followed when inspecting Wetponds.

Underdrained Soil Filters

These underdrained soil filters area is are very effective BMP's, however, long term maintenance is essential to proper operation. The soil filter should be inspected after every major storm event during the first year to ensure proper function and at least twice-annually, thereafter. The inspection should ensure that the filter drains within 24 - 48 hours. The top several inches of the filter should be replaced with fresh filter material, when water ponds for longer than 72 hours. Debris and sediment that builds up should be removed from the pre-treatment structure at least annually. Outlet structures shall be inspected and cleaned of debris at least twice annually, once in the spring following snow melt and once in the autumn after leaf fall. The height of grass shall be maintained at a maximum of 12"; mowing shall be limited to no more than two times during the growing season.

Snow Removal

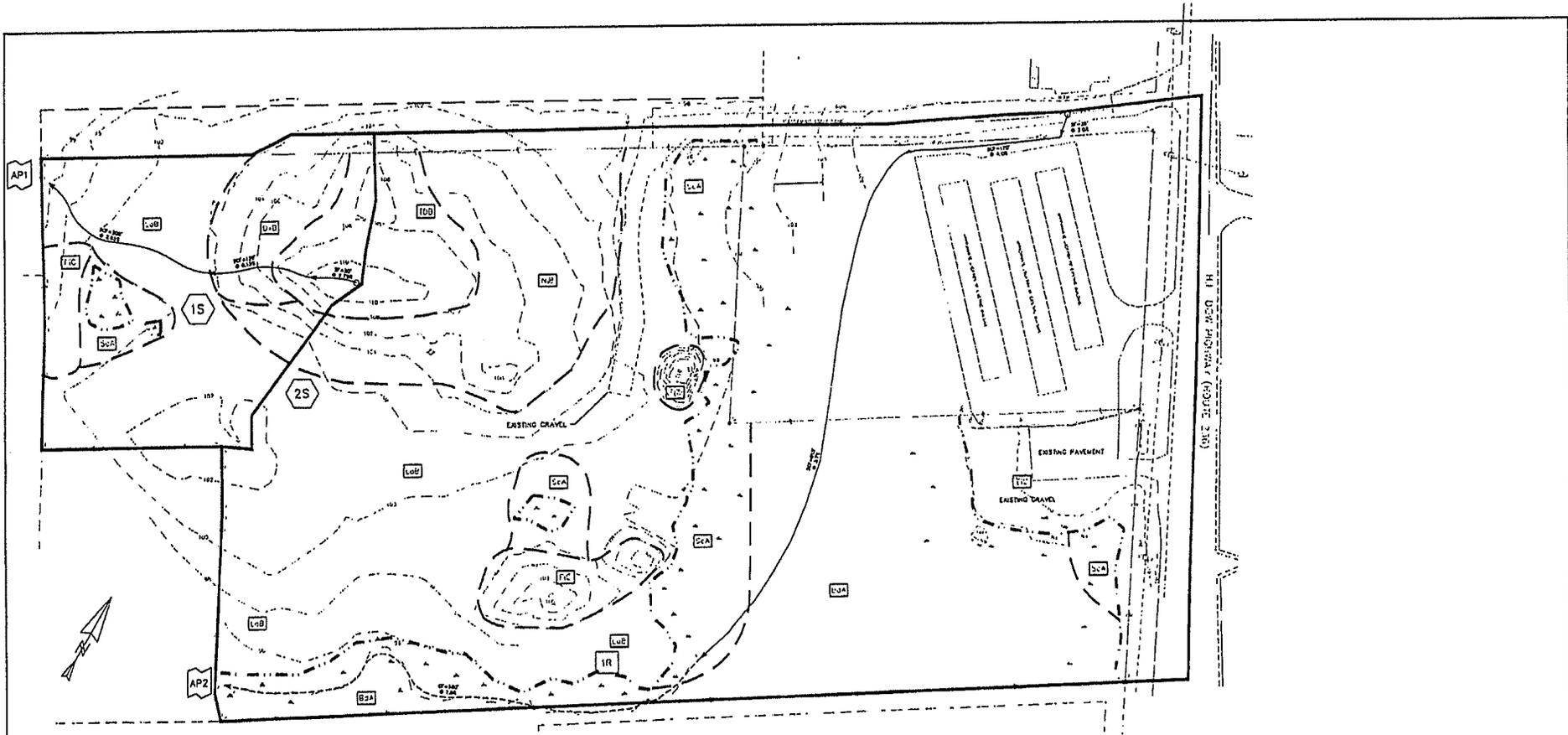
Snow shall be stockpiled only in the approved snow storage areas. Plowing of snow into wetland areas or detention ponds shall be avoided. Additionally, a mostly sand mix (reduced salt) shall be applied during winter months to prevent excessive salt from leaching into wetland areas. Excess sand shall be removed from the storage areas, all paved surfaces and adjacent areas each spring.

Seeding, Fertilizing and Mulching

All exposed soil materials and stockpiles must be either temporarily or permanently seeded, fertilized and mulched in accordance with plan specifications. This is one of the most important features of the Erosion Control Plan, which will provide both temporary and permanent stabilization. Eroded or damaged lawn areas must be repaired until a 75% effective growth of vegetation is established and permanently maintained.

Record Keeping

Routine maintenance and inspections will be accomplished by the property owner [current owner is: M&T Realty, LLC; 519 U.S. Route 1, York, ME 03909, (207)-363-4172], or third party contracted by the property owner. All inspections accomplished in accordance with this program shall be documented on the attached Inspection & Maintenance Log. Copies of the Log shall be kept by the property owner or condominium association, and be made available to the Department (Maine Department of Environmental Protection), upon request.



LEGEND	
WETLAND/SOIL BNDY.	UPLAND WETLAND
EXT. CONTOUR	XXX
PRP. CONTOUR	XXX
SUBCATCHMENT BNDY.	XXX
SOIL TYPE BOUNDARY	XXX
Tc PATH	FLOW TYPE/LENGTH
SUBCATCHMENT	1S
REACH	1R
POND	1A
ANALYSIS POINT	1L

FLOW TYPES

SF - SHEET FLOW
 SCF - SHALLOW CONCENTRATED FLOW
 CF - CHANNEL FLOW

SOILS LEGEND

Bm - BIDDEFORD MUCKY PEAT, 0% TO 3% SLOPES, HSG D
 BGA - BIDDEFORD MULTI SILT LOAM, 0% TO 3% SLOPES, HSG D
 DxB - DIXFIELD FINE SANDY LOAM, 3% TO 8% SLOPES, HSG C
 FIC - FILL
 LaB - LAMONIE SILT LOAM, 3% TO 8% SLOPES, HSG D
 NiB - NICHOLVILLE FINE SANDY LOAM, 3% TO 8%, HSG C
 SCA - SCANTIC SILT LOAM, 0% TO 3% SLOPES, HSG D
 TDB - TURNBRIDGE-DIXFIELD VARIANT, 3% TO 8% SLOPES, HSG C

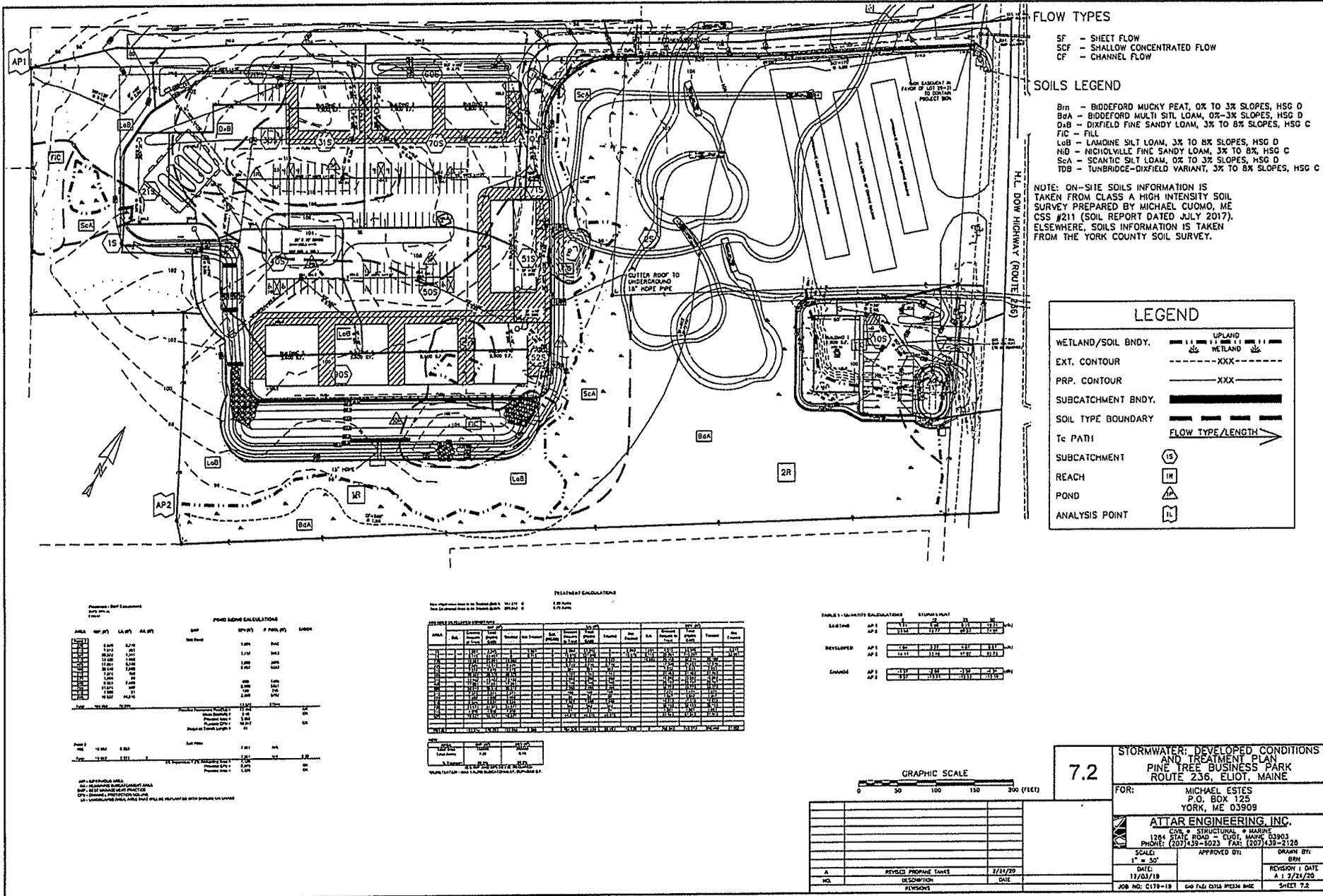
NOTE: ON-SITE SOILS INFORMATION IS TAKEN FROM CLASS A HIGH INTENSITY SOIL SURVEY PREPARED BY MICHAEL CUDOMO, ME CSS #211 (SOIL REPORT DATED JULY 2017). ELSEWHERE, SOILS INFORMATION IS TAKEN FROM THE YORK COUNTY SOIL SURVEY.



7.1	STORMWATER: EXISTING CONDITIONS	
	PINE TREE BUSINESS PARK ROUTE 236, ELIOT, MAINE	
FOR:	MICHAEL ESTES P.O. BOX 125 YORK, ME 03909	
	ATTAR ENGINEERING, INC.	
	CIVIL • STRUCTURAL • PLUMBING 1284 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207) 439-6023 FAX: (207) 439-2128	
SCALE: 1" = 50'	APPROVED BY: <i>[Signature]</i> DATE: 12/31/19	DRAWN BY: 888 REVISION / DATE: - 1 -
JOB NO: C178-19	600 PLE. ESTES PRT34.MXD	SHEET 7.1

NO.	DESCRIPTION / REVISION	DATE





DRAINAGE STRUCTURE SCHEDULE

CB 1 RIM = 104.8 INV IN = 100.6 (CB8) INV IN = 100.4 (15") INV OUT = 100.4	CB 2 RIM = 104.7 INV IN = - INV OUT = 100.9
CB 3 RIM = 104.6 INV IN = - INV OUT = 101.60	CB 4 RIM = 104.7 INV IN = 100.8 INV OUT = 100.4
CB 5 RIM = 104.5 INV IN = 100.3 INV OUT = 100.2	CB 6 RIM = 104.5 INV IN = 99.8 INV OUT = 99.7
CB 7 RIM = 104.9 INV IN = 99.0 INV OUT = 98.9	CB 8 RIM = 104.9 INV IN = - INV OUT = 101.3
DMH 1 RIM = 105.5 INV IN = 102.2 INV OUT = 102.2	DMH 2 RIM = 107.0 INV IN(12") = 101.0 INV IN(24") = 103.0 INV OUT = 100.9

GENERAL NOTES

- SEE SHEET - FOR INFORMATION REGARDING EXISTING CONDITIONS AND EXISTING TOPOGRAPHY.
- ALL STORM DRAINS SHALL BE ADS N-12 (HDPE) OR APPROVED EQUAL (UNLESS NOTED OTHERWISE). PROPER TRENCHING AND BACKFILLING ARE VITAL TO THE LONG TERM PERFORMANCE AND DURABILITY OF HDPE CULVERT INSTALLATIONS. SEE HDPE CULVERT TRENCH DETAIL.
- A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.
- PROPOSED OVERHEAD/UNDERGROUND UTILITIES ARE APPROXIMATELY LOCATED. CENTRAL MAINE POWER (CMP) WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION. COORDINATION WITH CMP IS REQUIRED PRIOR TO CONSTRUCTION.
- SSWDS PREPARED BY MICHAEL CUOMO, LSE #211 (HHE-200 DATED 10/17/17 WITH REVISIONS DATED 7/16/18).

WETLAND IMPACTS

#1	11,301 S.F.
#2	996 S.F.
#3	1,558 S.F.
#4	180 S.F.
TOTAL	14,035 S.F.

WET POND 30 LENGTH/WIDTH

WETPOND 30	166' / 34' = 4.8
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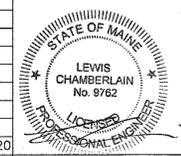
Received in office 3/13/2020
Received via email 3/17/2020

2.1
GRADING AND UTILITY PLAN
PINE TREE BUSINESS PARK
ROUTE 236, ELIOT, MAINE

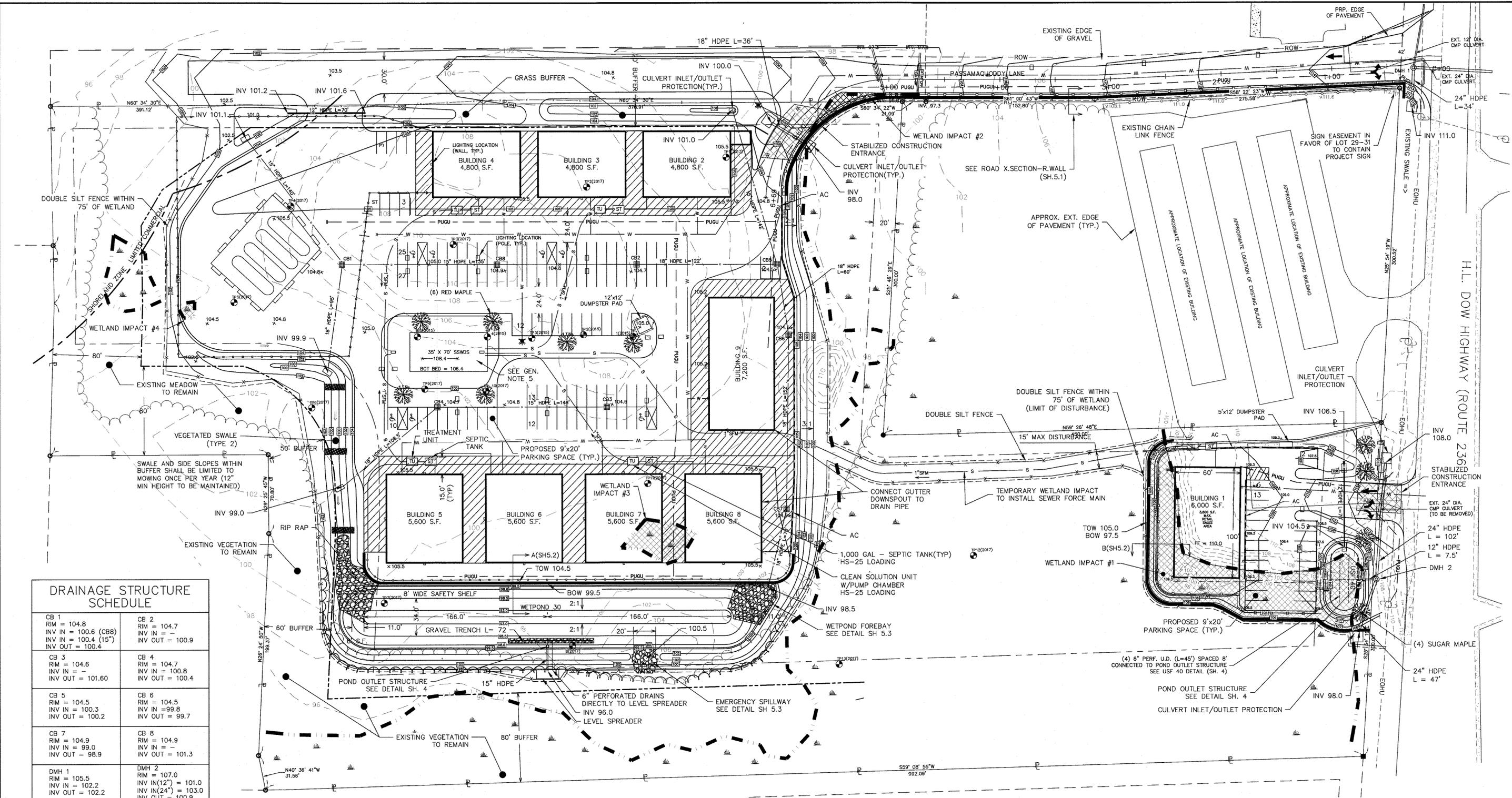
FOR: M&T REALTY, LLC
519 U.S. ROUTE 1
YORK, ME 03909

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

SCALE: 1" = 40'	APPROVED BY: 	DRAWN BY: BRN
DATE: 1/18/2020	DATE: 3/12/20	REVISION : DATE A : 2/24/2020
JOB NO: C179-20		CAD FILE: ESTES RTE236 BASE



A. NO.	DESCRIPTION	DATE
	TOWN REVIEW REVISION	2/24/2020
	REVISIONS	





LEGEND

WETLAND/SOIL BNDY.

EXT. CONTOUR

PRP. CONTOUR

SUBCATCHMENT BNDY.

SOIL TYPE BOUNDARY

Tc PATH

SUBCATCHMENT

REACH

POND

ANALYSIS POINT

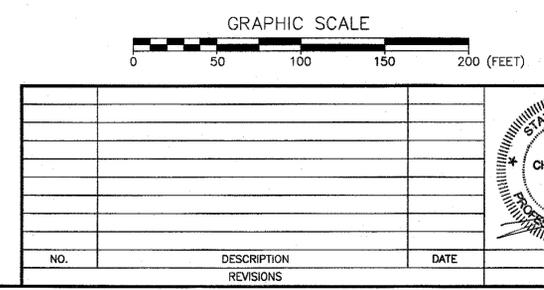
FLOW TYPES

SF - SHEET FLOW
 SCF - SHALLOW CONCENTRATED FLOW
 CF - CHANNEL FLOW

SOILS LEGEND

Bm - BIDDEFORD MUCKY PEAT, 0% TO 3% SLOPES, HSG D
 BdA - BIDDEFORD MULTI SILT LOAM, 0%-3% SLOPES, HSG D
 DxB - DIXFIELD FINE SANDY LOAM, 3% TO 8% SLOPES, HSG C
 FIC - FILL
 LoB - LAMOINE SILT LOAM, 3% TO 8% SLOPES, HSG D
 NIB - NICHOLVILLE FINE SANDY LOAM, 3% TO 8%, HSG C
 ScA - SCANTIC SILT LOAM, 0% TO 3% SLOPES, HSG D
 TDB - TUNBRIDGE-DIXFIELD VARIANT, 3% TO 8% SLOPES, HSG C

NOTE: ON-SITE SOILS INFORMATION IS TAKEN FROM CLASS A HIGH INTENSITY SOIL SURVEY PREPARED BY MICHAEL CUOMO, ME CSS #211 (SOIL REPORT DATED JULY 2017). ELSEWHERE, SOILS INFORMATION IS TAKEN FROM THE YORK COUNTY SOIL SURVEY.



7.1

STORMWATER: EXISTING CONDITIONS
 PINE TREE BUSINESS PARK
 ROUTE 236, ELIOT, MAINE

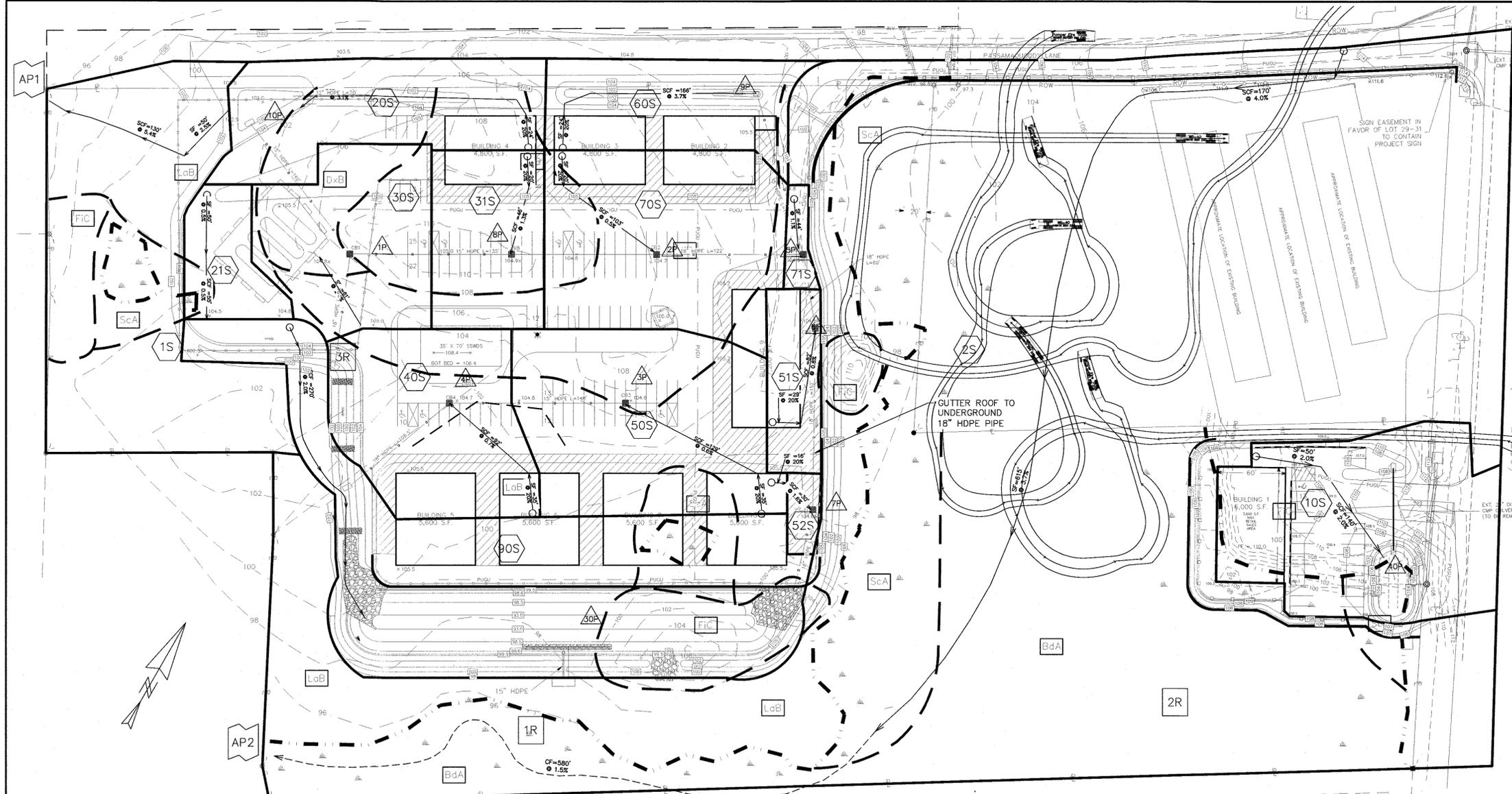
FOR: MICHAEL ESTES
 P.O. BOX 125
 YORK, ME 03909

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

SCALE: 1" = 50'	APPROVED BY: 	DRAWN BY: BRN
DATE: 12/03/19	DATE: 12/3/19	REVISION : DATE - : -

JOB NO: C179-19 CAD FILE: ESTES RTE236 BASE SHEET 7.1

Received in office 3/13/2020
 Received via email 3/17/2020



FLOW TYPES

- SF - SHEET FLOW
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- CF - CHANNEL FLOW

SOILS LEGEND

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- TDB - TUNBRIDGE-DIXFIELD VARIANT, 3% TO 8% SLOPES, HSG C

NOTE: ON-SITE SOILS INFORMATION IS TAKEN FROM CLASS A HIGH INTENSITY SOIL SURVEY PREPARED BY MICHAEL CUOMO, ME CSS #211 (SOIL REPORT DATED JULY 2017). ELSEWHERE, SOILS INFORMATION IS TAKEN FROM THE YORK COUNTY SOIL SURVEY.

LEGEND

- WETLAND/SOIL BNDY.
- EXT. CONTOUR
- PRP. CONTOUR
- SUBCATCHMENT BNDY.
- SOIL TYPE BOUNDARY
- Tc PATH
- SUBCATCHMENT
- REACH
- POND
- ANALYSIS POINT

Pinebrook - BMP Calculations

AREA	IMP. (ft ²)	LA (ft ²)	RA (ft ²)	BMP	CPV (ft ³)	P. POOL (ft ³)	CHECK
POND 1							
20S	8,829	8,710	361	Wet Pond	1,026	2052	
21S	7,572	361					
30S	20,322	1,141			1,732	3463	
31S	13,422	1,680			1,892	3385	
40S	17,051	8,146			2,667	5333	
50S	30,818	2,955					
51S	7,371	100					
52S	1,859	88					
60S	6,524	7,889			800	1800	
70S	31,571	892			2,650	5301	
71S	1,900	21			159	318	
90S	16,827	44,816			2,696	5792	
Total	164,066	79,289			13,822	27244	
Provided Permanent Pools = 42,965							
Mean Depth = 3.10							
Provided Area = 3,953							
Provided CPV = 19,347							
Required Trench Length = 41							
POND 2							
10S	18,882	9,223		Soil Filter	1,881	N/A	
Total	18,882	9,223			1,881	N/A	0.00
5% Impervious + 2% Remaining Area = 1,129							
Provided CPV = 2,825							
Provided Area = 1,329							

IMP - IMPERVIOUS AREA
 RA - REMAINING SUBCATCHMENT AREA
 BMP - BEST MANAGEMENT PRACTICE
 CPV - CHANNEL PROTECTION VOLUME
 LA - LANDSCAPED AREA, AREAS THAT WILL BE REPLANTED WITH SHRUBS OR GRASS

TREATMENT CALCULATIONS

New Impervious Area to be Treated @95% 191,314 sf 4.39 Acres
 New Developed Area to be Treated @80% 295,642 sf 6.78 Acres

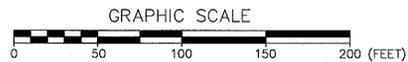
AREA	AMENDED DEVELOPED CONDITIONS:					NEW				
	Ext.	Created Require to Treat	Total (Hydro CAD)	Treated	Not Treated	Ext.	Created Require to Treat	Total (Hydro CAD)	Treated	Not Treated
1S	0	1,851	2,293	0	1,851	0	2,860	51,292	0	2,860
2S	0	8,715	83,851	0	8,715	0	15,978	391,648	0	15,978
10S	0	18,882	23,091	18,882	0	0	9,223	9,223	9,223	0
20S	0	8,829	12,611	8,829	0	0	8,710	8,710	8,710	0
21S	0	7,572	7,572	7,572	0	0	381	381	381	0
30S	0	20,322	20,322	20,322	0	0	1,141	1,141	1,141	0
31S	0	13,422	13,422	13,422	0	0	1,680	1,680	1,680	0
40S	0	17,051	17,051	17,051	0	0	8,146	8,146	8,146	0
50S	0	30,818	30,818	30,818	0	0	2,955	2,955	2,955	0
51S	0	7,371	7,371	7,371	0	0	100	100	100	0
52S	0	1,859	1,859	1,859	0	0	88	88	88	0
60S	0	6,524	6,524	6,524	0	0	7,889	7,889	7,889	0
70S	0	31,571	31,571	31,571	0	0	892	892	892	0
71S	0	1,900	1,900	1,900	0	0	21	21	21	0
90S	0	16,827	16,827	16,827	0	0	44,816	44,816	44,816	0
TOTAL	0	191,314	276,783	182,948	8,366	0	104,328	488,430	85,492	18,838

AREA	IMP. (ft ²)	DEV. (ft ²)
Total Area	164,066	264,440
Total Acres	4.20	6.16
% Treated	95.6%	90.8%

95% IMP. AND 80% DEV IS REQUIRED
 *BIORETENTION - MAX 1 ACRE SUBCATCHMENT, BOP-2000 S.F.

TABLE 1 - QUANTITY CALCULATIONS

EXISTING	AP 1	STORM EVENT			
		2	10	25	50
AP 1	3.21	5.95	8.25	10.21	
AP 2	23.88	43.77	60.60	74.94	
DEVELOPED					
AP 1	1.64	3.27	4.67	5.87	
AP 2	14.11	33.46	47.07	62.75	
CHANGE					
AP 1	-1.57	-2.68	-3.58	-4.34	
AP 2	-9.57	-10.31	-13.53	-12.19	



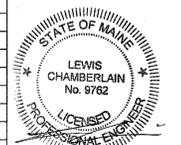
7.2

STORMWATER: DEVELOPED CONDITIONS AND TREATMENT PLAN
 PINE TREE BUSINESS PARK
 ROUTE 236, ELIOT, MAINE

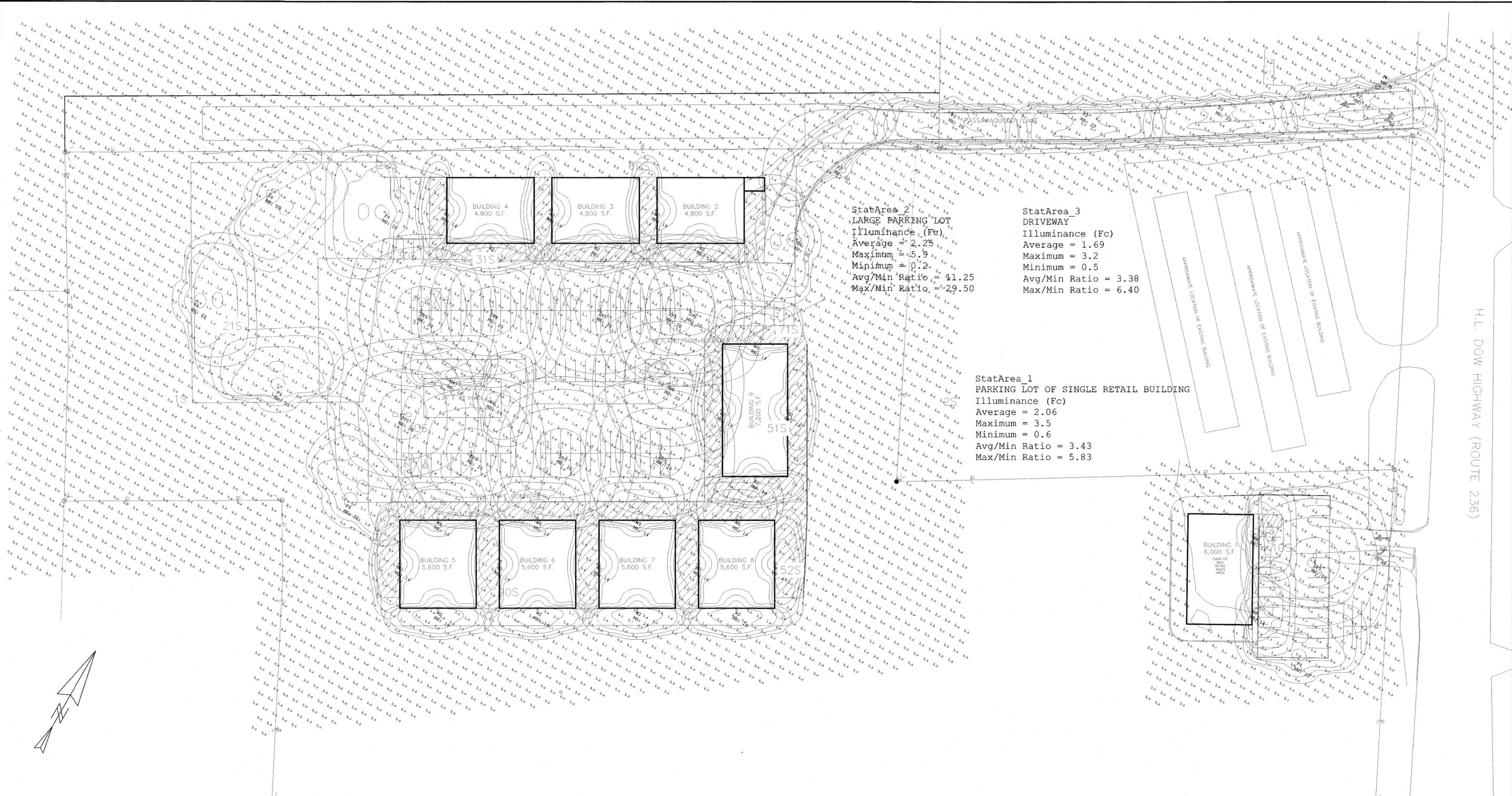
FOR: MICHAEL ESTES
 P.O. BOX 125
 YORK, ME 03909

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

SCALE: 1" = 50'
 DATE: 12/03/19
 JOB NO: C179-19 CAD FILE: ESTES RTE236 BASE SHEET 7.2



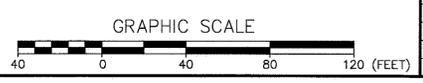
NO.	DESCRIPTION	DATE
A	REVISED PROPANE TANKS	2/24/20
REVISIONS		



Luminaire Schedule			Arrangement	Description	[MANUFAC]
Symbol	Qty	Label			
	5	P2	SINGLE	GLEON-AF-02-LED-E1-SL2-600 @20FT MH - 18FT RND STEEL POLE ON 2 FT FOOTING	EATON - MCGRAW-EDISON (FORMER COOPER LIGHTING)
	7	P4	SINGLE	GLEON-AF-02-LED-E1-T4W-600 @20FT MH - 18FT RND STEEL STRAIGHT POLE ON 2 FT FOOTING	EATON - MCGRAW-EDISON (FORMER COOPER LIGHTING)
	11	2P5	BACK-BACK	GLEON-AF-02-LED-E1-5WQ-600 @20FT MH - 18FT RND STEEL STRAIGHT POLE ON 2FT FOOTING	EATON - MCGRAW-EDISON (FORMER COOPER LIGHTING)
	18	W2	SINGLE	GWC-AF-01-LED-E1-T2-600 @14FT	EATON - MCGRAW-EDISON (FORMER COOPER LIGHTING)
	9	W4	SINGLE	GWC-AF-01-LED-E1-T4W-600 @ 14FT	EATON - MCGRAW-EDISON (FORMER COOPER LIGHTING)

Received in office 3/13/2020
Received via email 3/17/2020

All Luminaires are DLC Premium listed for Efficiency Maine Rebates to end user.
Electrical Contractor to facilitate rebate incentives on behalf of end user.
Avg./Max Uniformity is below the required 4:1 Ratio per IESNA
Request for approval of 20' overall mounting height per bullet (2) page 238 16.8 as 15' Poles do not meet uniformity requirement.
Lighting Plan Prepared by Charron Inc., 40 Londonderry Tpk., Hooksett, NH 03106



8.1

LIGHTING PLAN
PINE TREE BUSINESS PARK
ROUTE 236, ELIOT, MAINE

FOR: MICHAEL ESTES
P.O. BOX 125
YORK, ME 03909

ATTAR ENGINEERING, INC.

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PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 40'	APPROVED BY:	DRAWN BY: BRN
DATE: 12/03/19		REVISION : DATE
JOB NO: C179-19	CAD FILE: ESTES RTE236 BASE	SHEET 8.1

NO.	DESCRIPTION	DATE