

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: REMOTE
PLACE: ZOOM ONLINE MEETING

DATE: Tuesday, September 15, 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) September 1, 2020 - if available
- 6) NOTICE OF DECISION
 - a) 483 Harold L Dow Hwy (Map 54/ Lot 02), PB20-12 – if available
 - b) 2135 State Road (Map 94/ Lot 01), PB20-13 – if available
- 7) PUBLIC HEARING
- 8) OLD BUSINESS
 - a) 1470 State Road (Map 27/ Lot 22), PB20-17, PID # 027-022-000: Federal Firearms License Transfer and Firearms Sales home business
 - b) Surrey Lane (Map 37/ Lot 22), PB20-04, PID # 037-022-000: Final Subdivision Plan
 - c) 811 Harold L Dow Hwy (Map 79/ Lot 26), PID # 079-026-000: Addition of outdoor seating continued
- 9) NEW BUSINESS
 - a) 290 Harold L Dow Hwy (Map 37/ Lot 20), PB20-15, PID # 037-020-000: Site plan review and change of use from commercial development to adult use marijuana dispensary – preliminary review
 - b) 291 Harold L Dow Hwy (Map 37/ Lot 02), PB20-16, PID 037-002-001: Change of use from non-profit medical marijuana dispensary to adult use marijuana cultivation/manufacturing/production facility – preliminary review
 - c) Review of draft Planning Board written argument regarding Item B on the September 17, 2020, Board of Appeals agenda pertaining to an appeal of the Planning Board's approval of PB20-8 (21 Foxbrush Drive)
- 10) CORRESPONDENCE
- 11) SET AGENDA AND DATE FOR NEXT MEETING
 - a) Administrative Meeting on September 29, 2020
- 12) ADJOURN

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

- a) Go to www.eliotme.org
- b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
- c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 7:00 (Please note: streaming a remote meeting can be delayed up to 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 **99427175258 #**
 2. When prompted to enter Attendee ID **press #**
 3. When prompted enter meeting password: **989026 #**
- 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 time to allow for input. Please remember to state your name and address for the record.
- d) Press *9 to raise your virtual hand to speak


Denny Lentz – Chair

1 **ITEM 1 - ROLL CALL**

2
3 Present: Dennis Lentz - Chairman, Melissa Horner, Carmela Braun, Bill Olsen,

4
5 Also Present: Jeff Brubaker, Town Planner; Kearsten Metz, Land Use Administrative
6 Assistant.

7
8 Absent: Christine Bennett, (excused); Mallory Strange – Alternate (excused).

9
10 Voting members: Dennis Lentz, Melissa Horner, Carmela Braun, and Bill Olsen.

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

13
14 **ITEM 3 – MOMENT OF SILENCE**

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

17
18 There was no public input.

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

21
22 Ms. Braun moved, second by Ms. Horner, to approve the minutes of August 25, 2020, as
23 amended.

24 **VOTE**

25 **4-0**

26 **Motion approved**

27
28 **ITEM 6 – NOTICE OF DECISION**

29
30 **19 Levesque (Map 29/Lot 26) PB20-09**

31
32 **Ms. Braun moved, second by Ms. Horner, that the Planning Board accept the Notice**
33 **of Decision for PB20-09, as amended.**

34 **VOTE**

35 **4-0**

36 **Motion approved**

37
38 **Surrey Lane (Map 37/Lot 22) PB20-04**

39
40 Mr. Lentz asked Mr. Brubaker if we have received an updated plan.

41
42 Mr. Brubaker said that, to your point, Ms. Lemire and I discussed sequencing, and I also
43 talked with the applicant's agent at Northeasterly Surveying. Tonight's NOD is for the
44 Preliminary Plan approval that happened on August 4th. Once that is in place, Mr.
45 Cuomo's surveyor will take the Notice of Decision and use that, including the conditions
46 therein, to generate the Final Plan. They will then submit that Final Plan and at the next

47 reasonable PB meeting, presumably on September 15th, the question of Final Plan
48 approval is a necessary step in the subdivision process. So, tonight is NOD on
49 Preliminary Plan and, then, the applicant goes back and finalizes their Final Plan
50 submittal and comes back for PB consideration.

51
52 Mr. Lentz asked if, when we have the next PB consideration, does that mean there is
53 another Notice of Decision.

54
55 Mr. Brubaker said that Ms. Lemire did put in this NOD that a Final Plan is required, so, if
56 I'm not mistaken, the NOD applies to the Preliminary Plan and there's no need for
57 another NOD for the Final Plan.

58
59 Ms. Lemire said that the Final Plan, brought in and reviewed and signed by the PB, takes
60 the place, so-to-speak, of the Notice of Decision for the Final Plan

61
62 Mr. Lentz asked if we note on this Notice of Decision that this is for the Preliminary
63 Plan.

64
65 Ms. Lemire said that it is noted.

66
67 Mr. Brubaker said that the "Final Plan Required" section of the NOD does say that the
68 PB has acted on your Preliminary Plan. If the PB wants to be extra sure, I might
69 recommend that a motion include an amendment that Preliminary also be reflected in the
70 Decision section.

71
72 Mr. Lentz said that I'm hesitant because I don't remember us ever doing it this way
73 before and, to me, it's new.

74
75 Ms. Lemire said that I have reviewed several Notices of Decision that Ms. Pelletier did
76 and that language is in all of them.

77
78 Mr. Lentz said okay. I have no objection. Does everyone on the PB agree.

79
80 There was agreement.

81
82 Ms. Lemire said that there were several lines in red; that under Findings of Fact, #24,
83 #38, and #40 need to be addressed.

84
85 Mr. Brubaker clarified that #24 and #38 are additions that we tried to reflect the request
86 by the applicant for those additional conditions to be reflected; that those are responding
87 to requests from the applicant.

88
89 Mr. Lentz said that these, then, become conditions of approval.

90
91 Mr. Brubaker said that they are Findings of Fact, right now, and part of the Notice of
92 Decision. I would just recommend that, if you want to be extra careful, I would say that

93 any motion should reference that those two, #24 and #38, also be repeated in the
94 Conditions section. That is a rudimentary formality because they are included in the
95 Findings of Fact and they are requested by the applicant.

96
97 Ms. Horner said that she is fine with the way it is written.

98
99 Mr. Olsen said that he is fine with adding those two items to the approval so that it's
100 straightforward and nobody has a question later on.

101
102 Ms. Braun said that she doesn't have a problem with that, either. I am confused about this
103 Final Plan thing. It's not going to come before us and we're not going to see it or sign it.

104
105 Ms. Lemire said that the Final Plan will be submitted by the applicant. You will review it
106 to make sure that everything is on there that is stated in the Notice of Decision and, then,
107 there is an area on the Plan where you all sign.

108
109 Mr. Lentz said okay. Let's go along with what is suggested and make #24 and #38 part of
110 the Conditions of Approval. I would, at our next administrative meeting, like to have a
111 thorough understanding of what we're doing in this process. Do we want to approve this
112 with the changes.

113
114 **Mr. Lentz moved, second by Mr. Olsen, that the Planning Board approve the Notice**
115 **of Decision, PB20-04, as a Preliminary Site Plan Review and add Findings of Fact**
116 **Items #24 and #38 to Conditions of Approval.**

117 **VOTE**
118 **4-0**
119 **Motion approved**

120
121 Mr. Cuomo said that I haven't seen the document that you are looking at so I don't know
122 exactly what it contains. He clarified that the plan you have in front of you is what you
123 are going to see; that that is the Final Plan, except, the text in red on the Plan is going to
124 be replaced with the conditions you just voted on.

125
126 Mr. Brubaker said that, as required by our Town code, the PB votes on the Preliminary
127 Plan and, then, the Final Plan. The Final Plan must essentially be based on the
128 Preliminary Plan plus any additional recommendations and conditions that the PB sets at
129 the Preliminary Plan approval. So, that Final Plan will need to reflect this Notice of
130 Decision tonight. To Ms. Braun's question, the Final Plan must go back to the PB for
131 approval.

132
133 Mr. Cuomo said that the Plan you see in front of you, except it's going to say Final on it,
134 it will refer to the Notice of Decision you just voted on. So, there's not going to be any
135 changes to the Plan you see here. The cleaning up of this Plan by referring to the Notice
136 of Decision and the conditions can occur very rapidly. I can turn that Plan around and
137 give it to you, and it will be the same Plan you are looking at, now, except that it refers to
138 the Notice of Decision.

139
140 Mr. Lentz, addressing Mr. Brubaker, said that maybe my confusion is that, I know we've
141 gone through Preliminary Plan and Final Plan but maybe it's the Notice of Decision
142 that's in the middle. Why did we need this Notice of Decision now; why not after the
143 Final Plan.

144
145 Mr. Brubaker said that that's a great question. My understanding from talking with Ms.
146 Lemire and looking at past subdivision approvals, the Notice of Decision has typically
147 reflected the Preliminary Plan approval. Secondly, it was my understanding from the
148 applicant's communication that they really wanted that solid, approved Notice of
149 Decision so that they could then use that as a foundation for finalizing their Final Plan
150 and getting it back to the Town.

151
152 **ITEM 7 – PUBLIC HEARING**

153
154 **A. 207 Tavern (Map 79/Lot26) PB20-10: Preliminary review for outdoor seating.**

155
156 **Received: June 1, 2020**
157 **1st Heard: August 18, 2020 (preliminary/sketch plan)**
158 **2nd Hearing: September 1, 2020 (preliminary/sketch plan)**
159 **Public Hearing: September 1, 2020**
160 **Site Walk: _____, 2020**
161 **Approval: _____, 2020**

162
163 Mr. Scott Deherte and Robert Teague were present for this application.

164
165 Mr. Lentz explained the public hearing process.

166
167 **7:24 PM Public Hearing opened.**

168
169 Mr. Deherte said that we want to put, off the side of the building, a clean deck with a
170 cover for bad weather. There will be no power, no water; that it will be like a glorified
171 picnic area so that people can eat and drink outside, which they are getting accustomed to
172 with the COVID19. It's been a great success helping us through these trying times. I'm
173 working with my architect, Robert Teague, who is here; so, if you have any questions on
174 the site plan, he is more than glad to help with any of that. This will only be a three-
175 month thing – June, July, and August; summer months only. We open at 11 AM and
176 close around 9 PM, seven days a week. I have talked with Mark Phillips (property
177 owner); that there used to be a fence there but it rotted away and the plows pushed it
178 over. There seems to be a lot of concern with the folks that are living out back. We're
179 going to put a new one up and that will give them more privacy in that spot where they
180 are, where they can actually see the back of the building. The other main focus, I think,
181 was the bathroom issue. What I would propose is, where it's only going to be three
182 months and we have very limited space inside with two bathrooms now, I would put 4
183 portables. The only place a bathroom might go is in the basement. Putting the portables
184 there would also not stress any of the septic systems. Like I said, it's going to be a three-

185 month window; that's all I'm looking to do this for. There will be no running water out
186 there, no electricity, but just basically an open deck.

187
188 Mr. Lentz asked if there was anyone from the public who wished to speak. There were
189 none. Let me speak for a moment on behalf of the public. We have received at least three
190 letters to the PB from people who don't want you to expand and for pretty good reasons.
191 These are, in my opinion, violations of the code. It's not a part of the PB to go back and
192 review those codes once they've been accepted; however, it is the purview of the CEO
193 and I want to make sure, Mr. Brubaker, that these documents get into the hands of the
194 CEO. That being said, I think I spoke for the public and a little bit about my feelings.

195
196 **7:28 PM Public Hearing closed.**

197
198 Mr. Lentz asked if the applicant considered this an enlargement of the area; an
199 enhancement of what you have in terms of more people. Is it enlarging what you already
200 have.

201
202 Mr. Deherte said that it will probably give me an extra 25 people. It seems to be, where it
203 is now with picnic tables outside and where we have people either go inside or outside,
204 kind of like a mixed bag. Altogether, with the outdoor we've been having the last few
205 months, it's never exceeded the amount of people that I've always had inside. If we had
206 35 people, there would be 15 inside and 20 outside. So, the amount of people usually
207 stays the same and doesn't really bring in that many more people at one time.

208
209 Mr. Lentz said that I think there were quite a few things the PB asked last time that,
210 perhaps, you and Mr. Brubaker have covered in your meetings. The one thing that I think
211 needs to be answered is do we, as a PB, consider this a major change or a minor change.
212 If it is a major change, we will go to a regular site plan review and then we'll use the
213 checklist.

214
215 Ms. Horner said that this outdoor seating was granted under the Emergency Order by the
216 State of Maine for COVID19. Is this correct.

217
218 Mr. Deherte said that's correct.

219
220 Mr. Lentz said that I believe the authorization came from the Town Manager.

221
222 Ms. Horner asked if we were out of the State of Emergency right now.

223
224 Mr. Lentz said no.

225
226 Mr. Olsen, following up on Ms. Horner's question, said this is for permanency for
227 ongoing through the months that were stated, summer. Correct.

228
229 Mr. Deherte said that what I'm proposing, this deck area, would be for three months out
230 of the year – June, July, and August. That's it. No more, no less.

231
232 Mr. Olsen said that I think, fundamentally, and I think Mr. Lentz will have to provide a
233 little advice on this piece, my concerns is if we have what we believe might be violations
234 to our existing code, I'd like to see that cleared up before...if we have a non-conforming
235 with bathrooms or waste containers that are not correct, per our code, I'm concerned
236 about expanding something that has some issues already, I guess.

237
238 Mr. Lents said that that is my concern, also. That's why I asked the question of if this was
239 going to expand it. Somewhere in the review that was done with the Planner, it talks
240 about three seasons, it's going to be a three-season area; so, that to me says it's going to
241 be greater than what it is today.

242
243 Mr. Brubaker clarified that the three-season inclusion in my staff report was based on my
244 notes of the previous review of this item where I interpreted the discussion and the input
245 from Mr. Deherte at the last PB meeting, stating that it would just be three months but it
246 would be three seasons. So, I've since heard from Mr. Deherte earlier this week and, then
247 at tonight's meeting, that it's only intended to be for the summer months.

248
249 Ms. Braun asked if I understand correctly that this is a request for an amendment to a
250 previously-approved site plan.

251
252 The PB said yes.

253
254 Ms. Braun asked if, then, shouldn't the items that were issued back then to be done as
255 conditions of approval be accomplished prior to our looking at this.

256
257 Mr. Brubaker said that there is a condition in the 2005 approval. As a history, that was
258 the Daily Scoop at the time and it was for ten additional parking spaces and, as the staff
259 reports notes, that condition was screening along the rear of the proposed parking
260 between this property and the mobile home park and "shall consist of an 8-foot high solid
261 fence". That was a condition of approval. With regard to the question of can the PB act,
262 given that presumptive violation of that condition, I don't know for sure. There is a
263 clause in the subdivision section that states that the PB may withhold approval of a
264 subdivision if the subdivider has another subdivision that is out of compliance. I'm trying
265 to find that in Chapter 33 because we're not dealing with a subdivision, here, and I can't
266 find that. It is a very legitimate thing for discussion to mention that 2005 condition
267 requiring that fence along the back of the property.

268
269 Mr. Deherte said that the owner at that time actually had one out there in 2005. Now it's
270 2020 and the fence has rotted and broke over time, with Mr. Phillip's guys plowing it.
271 He's the landlord and he's actually supposed to put another one up; that it hasn't
272 happened yet. Again, I'm willing to put one up just to save peace with everyone. I have
273 no problem doing that, putting an 8-foot fence across the back there. I always like to be a
274 good neighbor so, if that's what the people out back want, I'll take the initiative to put
275 one up myself.

276

277 Mr. Lentz said that I think part of the applicant's initiative should be to understand what
278 your neighbors are saying in these letters that they wrote. It's not neighborly as far as I'm
279 concerned and what I read. I know that some of the commitments made were to different
280 owners but when we make commitments to the PB, it's to the land, it's not to the owner.
281 Even if the business stays the same, even if it has a new owner, the commitment doesn't
282 change.

283
284 Mr. Deherte said that, going back to just 2 years ago, and I asked Mr. Brubaker to talk
285 with Mr. Lee about this, the CEO at the time was supposed to get me all the information
286 to be able to take care of this 2 years ago; that I contacted the Mr. Lee several times and
287 she never got back to me. So, it was actually set up to get done 2 years ago when the
288 fence actually fell down. When we renewed our liquor license, we brought that up at the
289 meeting and, like I said, Mr. Lee said that we had to wait for the CEO to give me a
290 building permit for an existing fence. I was willing to do it 2 years ago and I'm still
291 willing to do it now. I just need the okay.

292
293 Mr. Lentz asked if the PB feels, at this point, that the application is complete or do we
294 have more information we need from the applicant.

295
296 Ms. Horner asked if there was screening shown on the plan for the dumpster.

297
298 Mr. Deherte said no.

299
300 Ms. Horner asked if the dumpster is shown on the plan. Or the new fencing proposed on
301 the plan.

302
303 Mr. Deherte said the dumpster is not on the plan. No to the fence; that the fence would be
304 put right across the back and that's where the dumpster would be enclosed, if that's
305 supposed to be enclosed. I just know that I've been there for 16 years and everybody in
306 business around me has their dumpsters right out. I didn't even know there was
307 something you had to do for that. I was never aware of that but it's easy enough to build a
308 wall and gate around it, if that's what has to be done.

309
310 Ms. Horner said that, if those could be noted on the plan, that would be great. I think the
311 fence would be good because we have setbacks for fencing in Eliot. I would certainly like
312 to see the property dimensions, all the dimensions of the property, not just the lines. For
313 example, the side yard setback says 275 feet and asked if that is our setback in Eliot or is
314 that the side yard setback drawn there. Is the line 275 feet. My other question is do you
315 know how big this lot is.

316
317 Mr. Deherte said that this is all part of Marshwood Estates. Mark Phillips owns all of this.

318
319 Ms. Horner asked if these new parking spaces and the new structure add to the lot
320 coverage that might be an issue.

321
322 Mr. Teague said that it's not going to be close.

323
324 Ms. Horner asked if we could see that.
325
326 Mr. Teague said yes, that I can run that calculation and put it on the drawings. I listed the
327 fencing, dumpster screening, and the lot coverage calculation with a local map of the
328 whole site placed somewhere on the drawing.
329
330 Ms. Horner asked if the State of Maine have a minimum number of bathrooms needed for
331 a certain number of customers.
332
333 Mr. Deherte said that everything that's in there has been in there for so long that it's just
334 been grandfathered in with just the two bathrooms.
335
336 Mr. Brubaker said that I talked with the CEO about this and she pointed me to the
337 plumbing code; the Uniform Plumbing Code. This is included in the staff report but, to
338 summarize, for any restaurant an occupancy of between 51 and 100 requires at least 2
339 male toilets, at least 1 male urinal, and at least 3 female toilets.
340
341 Mr. Lentz asked how many the applicant has.
342
343 Mr. Deherte said that there are two regular bathrooms in the building
344
345 Ms. Horner asked what Mr. Deherte's maximum occupancy is if all his table, seats and
346 chairs are filled.
347
348 Mr. Deherte said between 30 and 35.
349
350 Ms. Horner asked if I didn't see somewhere where it said the inside of the restaurant is 50
351 and the outside is 32, which brings it to 82.
352
353 Mr. Lentz said that I saw the same thing.
354
355 Mr. Deherte said that there are only 35 seats inside, max.
356
357 Mr. Teague said that 50 was what it was approved for. The actual capacity may not be 50.
358
359 Mr. Deherte agreed, saying that we couldn't fit 50 people in if we tried. 30-35 is the max.
360
361 Ms. Horner asked how many outside for this future plan.
362
363 Mr. Deherte said 25 to 30.
364
365 It was determined that the seating would be 70.
366
367 Ms. Horner said that we still have a problem with the bathrooms.
368

369 Mr. Olsen said that the bathrooms do represent a big deal because it's not just a
370 requirement of code. It's obviously showing out in reality where patrons are relieving
371 themselves because they don't want to wait in the woods, on telephone poles, and in
372 paths. So, I think my concern is that I would like to have figured out before I would be
373 interested or able to look forward on expanding this use.

374
375 Mr. Lentz said that I'm in agreement with Mr. Olsen. It's one of the reasons I suggested
376 earlier on that this should perhaps go to a site plan review because we could go through
377 the checklist. I think Mr. Deherte is a good guy and he means well but, like he said a
378 while ago, he is not sure of all of these things, he didn't know all of these things.

379
380 Mr. Deherte said that I appreciate all your time and knowledge. But the building is what
381 it is and, unless I'm able to put bathrooms down in the cellar, there will be no way to
382 actually put more bathrooms in this building. I'll have to sit down with Mr. Teague and
383 figure out something. That's why I had suggested, with people only coming in for three
384 months, the portable bathrooms; that there would be no more strain on the system and he
385 was hoping that that would be acceptable.

386
387 Mr. Brubaker said that the applicant has provided a lot of additional information I
388 requested and I wanted to acknowledge that. My staff report covers a number of areas
389 where more information, I think, is needed. So, my recommendation is that there is still
390 not yet enough pertinent information here for the PB to make a decision tonight.

391
392 Mr. Lentz said that I agree with you and I would also like to see that Mr. Deherte is made
393 aware of all these things so we're all talking on the same level. When it comes to the
394 waste containers and screening and side enclosures, lighting, noise, bathrooms, water,
395 what are the hours of operation, etc.

396
397 Mr. Deherte said that I have a license to 1:00AM but I close at 9:00PM every night.

398
399 Mr. Brubaker said that the applicant did note the hours of operation on their latest plan –
400 Monday through Sunday, noon to 7PM. The applicant noted that there wouldn't be any
401 lighting.

402
403 Mr. Lentz said that I am in total agreement with you, Mr. Brubaker, that I don't think any
404 of us know enough about this to go any further. It's certainly going to take some more
405 information before we can make a determination. I don't see how we can allow an
406 expansion without knowing some more of those details. Because that's what it really is.
407 We're expanding what we already have today. Does the PB agree.

408
409 The PB agreed.

410
411 Mr. Lentz said that I assume the applicant will get together with the Planning Department
412 and get into these a little deeper so we know what we can do and what we can't do,
413 exactly, or what you want to do and what you don't want to do, and then we can make a
414 decision.

415
416 Mr. Deherte said that I think, going forward, that the other issues are easily fixed. The
417 only one I foresee that's going to be a problem is the space for bathrooms, which I know
418 I don't have. Where I'm looking to do this for only a short time where there won't be a
419 whole lot of revenue, I need to start to weigh the balances of cost; that it may not be
420 worth it for me to do it now. My proposal to do portable bathrooms, if that were to be
421 accepted, I think that would be the only way, going forward, that I could address the
422 bathroom issue for you for this.

423
424 Mr. Lentz said that, if that is your proposal, put them on paper and we can decide on that
425 and research that. Did you receive Mr. Brubaker's overview.

426
427 Mr. Deherte said yes.

428
429 Mr. Lentz said to look through that because I think he hits on a lot of the topics.

430
431 Mr. Deherte said that he got a lot of misinformation. There are four dumpsters in the area
432 businesses that are just sitting in everybody's parking lot. I don't think anybody knows in
433 that area that you're supposed to have them covered. One of the businesses has a grease
434 bucket right out by the road. If that is something you would like to have done, it's not a
435 problem. As I said, I always like to work with the Town; but nobody has ever said
436 anything in 16 years so I never thought anything about it. Going forward, because I run a
437 good, solid business, I'm going to take care of these issues that people have concerns
438 with.

439
440 Mr. Lentz said to keep in mind it's not what the PB wants, it's what the ordinance calls
441 for. We're just here to represent the ordinance, that's all. Work with the Planner and,
442 when you have the right information, you can come back and we'll be glad to hear it.

443
444 Mr. Brubaker said, just to confirm what the PB's decision was, it is to continue the item
445 and, in the meantime, have the applicant meet again with me to discuss the outstanding
446 information.

447
448 Mr. Lentz said yes; that that would be my proposal.

449
450 Ms. Horner added to tidy up any code violations that are taking place or need to be
451 addressed.

452
453 Mr. Lentz said that I would like to see all those letters we got, which are all code
454 violations for the most part, at least in the record, in the file, and give a copy to the CEO.

455
456 Ms. Horner said that I was a little confused about the lighting plan. We have some
457 ordinances in Town for that and I think they should consider some sort of illumination
458 around the problem areas, so-to-speak, to maybe deter folks from venturing off to where
459 they aren't supposed to be, some signage. It's obviously up to them; that it's just a
460 recommendation from me.

461
462 Mr. Lentz said that that's a good idea.

463
464 **B. Sweet Dirt, LLC, 483 Harold L. Dow Highway (Map 54/Lot02), PB20-12:**
465 **Preliminary review for Adult/Medical Marijuana Use.**

466
467 **Received: July 7, 2020**
468 **1st Heard: August 18, 2020 (preliminary/change of use)**
469 **2nd Hearing: September 1, 2020 (site plan review)**
470 **Public Hearing: September 1, 2020**
471 **Site Walk: _____, 2020**
472 **Approval: _____, 2020**

473
474 Mr. Justice Rines (applicant) and Brian Nielsen (Attar Engineers) were present for this
475 application.

476
477 **7:56 PM Public Hearing opened.**

478
479 Mr. Lentz said that we have two different addresses on the application. It says 987 Harold
480 Dow Highway and on the agenda it says 483 Harold Dow Highway.

481
482 Mr. Rines said that I believe that indicates the mailing address.

483
484 Mr. Lentz said you're right, yes, and the property is 483; my mistake. We did get a
485 couple of letters.

486
487 Mr. Rines said that we got a copy of one letter.

488
489 Mr. Lentz said that getting this 50 pages of information today is totally unacceptable. I
490 got it at 4PM today and the letter with it is dated September 1st. It was sent by Mr.
491 Nielsen.

492
493 Mr. Nielsen clarified that the letter is the only new part. At the last meeting we were
494 asked to change the name on the application to a Site Plan Amendment, as well as a
495 Change of Use. The letter and the wording of the first note of the plan are the only
496 changes. Everything else is the exact same packet, or it should be, as it was previously
497 received. No new information from the original application other than those to items.

498
499 Mr. Lentz said that I just had to say that. It aggravates me. It's not fair to the PB, it's not
500 fair to the Town, and it's not fair to the applicant because we're not going to make a
501 decision based on 50 pages that we get in the afternoon.

502
503 Mr. Nielsen said that I 100% agree. I guess my confusion is this was all the same pages
504 that were submitted a few months ago and nothing should have changed other than the
505 first page. I apologize for any confusion; that I really just went in, made the changes as
506 directed, and then submitted, basically dotting the I's and crossing the T's for the same

507 exact application. So, if there was something received that wasn't received before, I don't
508 know how to fix that.

509
510 Mr. Lentz said that the problem is, even if it's identical to the package that we had, we
511 don't know it's identical without going through and comparing them.

512
513 Mr. Rines thanked the PB for hearing this application. This is our plan to add adult use
514 marijuana cultivation to the already-approved medical marijuana cultivation at 483
515 Harold L. Dow Highway. Reiterating what Mr. Nielsen just said, we were directed to pay
516 the fees, which we have done, as well as to change the cover page for change of use and
517 site plan amendment. I guess we could open it up and take questions from the Town.

518
519 Mr. Lentz asked if there was anyone from the public who wished to speak.

520
521 There was a member of the public asking, through the chat room, if this was the place
522 that had the fire.

523
524 Mr. Lentz said that the answer is yes.

525
526 Mr. Rines said that we are the same company that had the fire at 495 Harold Dow
527 Highway.

528
529 Mr. Lentz asked if there was anything out there from Mr. Sean Armstrong.

530
531 Mr. Rines said that we did receive a letter and I could speak to that. An Eliot resident has
532 sent a letter challenging our request. On #1, the resident indicated that we have a setback
533 relief on 495 and 483 of the medical marijuana performance standards. This individual is
534 saying that, by allowing us to change the use of medical to adult, we want to carry over
535 the dimensional waiver. I would respectfully say that this is not the case because §33-190
536 doesn't incur any additional requirements. §33-190 establishes performance standards for
537 an adult use marijuana establishment and requires a 500-foot buffer solely for marijuana
538 retail. With the second part of the first comment, the resident says "this dimensional
539 waiver brings a storm of problems for the Town of Eliot...can expect every marijuana
540 company that comes into the Town of Eliot would be granted a dimensional waiver from
541 500 feet...a threat to churches, daycares..." We again respectfully disagree. The
542 requested change of use meets all the performance criteria laid out in §33-190. Sweet
543 Dirt's previous waiver was granted due to circumstances that created a hardship as
544 determined by the Board of Appeals. Regarding #2, "The State of Maine has a
545 [mandated] 500-foot setback from residential properties" and they bring up 505 Dow
546 Highway as the property in question. The company actually owns 505 Harold Dow
547 Highway. We bought it from Gaylen and Margaret Marble and to clarify the legal basis
548 for this, the State of Maine does not require a buffer of any kind between marijuana
549 establishment properties. In fact, the only buffer it requires is a minimum setback from
550 schools with a preferred setback. The second part of this comment was that 505 Harold
551 Dow Highway is a residential property and so should not have been given the variance.
552 Again, we feel that the Town of Eliot exercised its sound discretion and good judgement

553 with that application. 505 Harold Dow Highway is no longer a non-conforming
554 residential use. It was grandfathered in while Mr. Marble was living there. The resident
555 goes on to say “In addition to all of this, the planning board was only given a list of
556 abutters who are only 300 feet from 483 Harold Dow Highway.” They requested 500
557 feet. As a part of the application, we submitted to the PB a list of all the abutters as
558 required by §33-130. An abutter is defined in §1.2 as “*Abutters means owners of adjacent*
559 *property, including property separated by a street, road, or stream, from the property under*
560 *review.*” Then #3, we have “a history of fire and thefts at 483 Harold Dow Highway.”
561 Again, this is not the case. We did experience a fire June 20 of last year, in which we lost
562 our entire facility. The fire was caused by a legacy electrical issue in the rented building,
563 over which we had no control. The additional electrical work that we undertook was
564 conducted by licensed professionals. We’re like every other responsible business. I am a
565 licensed professional who relies on . With respect to the thefts, we did have two
566 incidents earlier this year but we would argue that this is one of the reasons that Sweet
567 Dirt a good partner for the Town of Eliot. We operate our business in a compliant manner
568 and, with these reports that we made, we were one of, if not the first, licensed cannabis
569 company in Maine to affirmatively report illegal activity on our site, which is a
570 requirement under both the medical and adult use law through the State. We try to do
571 everything we can to be compliant. While it’s true that these events did occur, in response
572 we worked closely with the Eliot P.D., we’ve increased our security and our surveillance
573 of infrastructure on our site, and we’ve added regular, private patrols to the licensed
574 security provided. We’re very pleased to report that we’ve had no further incidents since
575 increasing the security beyond what’s even required by the State Adult Use requirements.
576

577 Ms. Metz said that we send certified letters to abutters that are 500 feet. It is required by
578 the Town that we do that; that Mr. Brubaker and I have personally done that. That is one
579 of the concerns listed that I can vouch for. Also, a young lady, Danielle, has asked in the
580 chat “What exactly does adult use mean in layman’s terms? What is the difference
581 between adult and medical?” If you could go over that, that would be lovely.
582

583 Mr. Rines said that medical marijuana requires you to have a medical card in order to go
584 into the store and get marijuana. Adult use would be essentially anyone over 21. It’s a
585 little more nuanced than that. It’s a lower dosing of edibles and things of that sort.
586

587 Mr. Lentz asked Mr. Brubaker to make sure that the letter from Sean Armstrong gets put
588 into our records.
589

590 Mr. Brubaker agreed.
591

592 Mr. Lentz said that Danielle made another comment but I lost it.
593

594 Ms. Metz read, “If a variance is given, will it not allow everyone else to abuse the
595 “inch”?”
596

597 Mr. Lentz said no. Those waivers are judged on the application, itself, by the Board of
598 Appeals and each one is based on its own merit, its own individuality. There is no
599 grouping. Danielle said “Thanks for your insight.”

600

601 **8:11 PM Public Hearing closed.**

602

603 Mr. Lentz asked if we asked for anything new.

604

605 Mr. Brubaker said no; that we didn’t receive anything new until the last-minute submittal
606 this afternoon.

607

608 Mr. Lentz asked if we can judge this complete or are we going to put this off until
609 another meeting to go through and make sure we understand if anything has change and
610 what’s changed.

611

612 Mr. Olsen said, when Mr. Galbraith wrote his review, at the end it says that “The
613 application did not include a “conditional use permit” for the adult use growing, drying,
614 and packaging from the State of Maine.” and that “The Town requires...” Am I reading
615 something that’s already been addressed.

616

617 Mr. Lentz said that they did get their conditional use permit. It should be part of the
618 packet.

619

620 Mr. Rines said that it’s on page 28.

621

622 Mr. Olsen said that the only other question is that the application name has changed from
623 Sweet Dirt, LLC to a new name.

624

625 Mr. Rines said that the application was always NEK Assets, LLC.

626

627 Mr. Olsen said that your Maine Adult Use Marijuana Program Certificate says Sweet
628 Dirt, LLC.

629

630 Mr. Rines said yes; that that will be the operator of the adult use license. If you look
631 through the full package that was presented initially, there is a full lease in there, which
632 describes that NEK Assets, LLC is the leaseholder, who then sub-leases.

633

634 Mr. Lentz asked what the PB wanted to do at this point. He asked Mr. Brubaker for his
635 recommendation.

636

637 Mr. Brubaker discussed a few points. I concur with the applicant regarding the letter. Our
638 Town code, §33-190(5), does reference Marijuana Store; so, that 500-foot setback under
639 the literal reading of our code only references Marijuana Store. This application is not for
640 an adult use marijuana retail use. I also concur with the applicant that State law, at least
641 as it pertains to 28B M.R.S.A. §402, only requires that setback, or buffering, from a
642 public or private school. So, State law in this context, this section does not apply to

643 residential property. Regarding the abutters within 500 feet question, I want to reiterate
644 what Ms. Metz said, that we did notice all abutters within 500 feet using our own search
645 of the GIS. I think that the applicant, if you look closely at their screen capture of their
646 abutters, they did cover out to 500 feet, too. I think that is how that issue is addressed.
647 With that in mind, and knowing that the applicant has concurred that this is a site plan
648 amendment, I don't believe I have any other review points, now, so I will turn it back to
649 the PB.

650
651 Mr. Lentz asked the PB where we go with this. Do you have all the information you need.
652 Addressing Mr. Rines, the majority of the stuff that came as new this afternoon, as I
653 peruse through it real quick, is all of your leasing that I haven't seen before.

654
655 Mr. Rines said that I don't know why because that was submitted with the original. The
656 lease was in there so that you could understand the relationship.

657
658 Mr. Nielsen asked to speak on that. I'm confused, and I think Mr. Rines said pretty much
659 the same thing, but that was part of the initial submittal. I'm not sure why you weren't
660 able to see that before. I apologize on the new submittal. I did not honestly think this
661 would be a part of this evening's meeting. I wanted to get that in for the application going
662 forward just to make sure that everything that Mr. Galbraith had mentioned was in to the
663 Town. I apologize for any confusion it has caused.

664
665 Mr. Lentz thanked Mr. Nielsen. Just going through this real quick, it appears that that was
666 99% of what we got in the new package today, leasing. And it was the first time I saw the
667 leasing stuff.

668
669 Mr. Rines clarified that that was merely included to demonstrate the landlord's approval
670 and to demonstrate the relationship.

671
672 Mr. Lentz agreed that it's nice to know you gave a lease.

673
674 Mr. Brubaker said that, in the letter, I do see that there is a note about the applicant going
675 through the Board of Appeals process currently, requesting a dimensional waiver. Am I
676 correct in understanding that that is a moot point with respect to tonight's decision
677 because of the fact that, when we're talking about adult use, that 500 feet only applies to
678 a store.

679
680 Mr. Nielsen agreed. I think that was a typo on my part, as we had already gone through
681 and completed our Board of Appeals process for that site. I apologize for my mis-
682 wording there. That has been fully completed and I believe a 273-foot setback was
683 approved.

684
685 Mr. Lentz said that that was tied to the Eliot Transfer Station.

686
687 Mr. Nielsen said that that was correct.

688

689 Ms. Horner said that I'm comfortable finding this complete and moving towards an
690 approval.

691
692 Mr. Olsen agreed.

693
694 Mr. Lentz asked if there was a motion for that.

695
696 Mr. Olsen moved, second by Ms. Horner, that the Planning Board find PB20-12
697 recognized as complete and move to the next process of approval with the following
698 conditions of approval:

- 699 1. The property may be developed and used only in accordance with the plans,
700 documents, material submitted, and representations of the applicant made to the
701 Planning Board. All elements and features of the use as presented to the Planning
702 Board are conditions of approval and no changes in any of those elements or
703 features are permitted unless such changes are first submitted to and approved by
704 the Eliot Planning Board. Copies of approved permits from Maine DEP, Army
705 Corps of Engineers, if applicable, and State shall be provided to the CEO before
706 construction on this project may begin.
- 707 2. The permit is approved on the basis of information provided by the applicant in
708 the record regarding the ownership of the property and boundary location. The
709 applicant has the burden of ensuring that they have the legal right to use the
710 property and that they are measuring required setbacks from the legal boundary
711 lines of the lot. The approval of this permit in no way relieves the applicant of
712 this burden. Nor does this permit approval constitute a resolution in favor of the
713 applicant of any issues regarding the property boundaries, ownership, or similar
714 title issues. The permit holder would be well-advised to resolve any such title
715 problems before expending money in reliance on this permit.
- 716 3. The applicant authorizes inspection of premises by the Code Enforcement
717 Officer during the term of the permit for the purposes of permit compliance.

718
719 DISCUSSION

720
721 Mr. Brubaker said that I just want to clarify that the motion is specifically for approval of
722 change of use and site plan amendment.

723
724 Mr. Olsen and Ms. Horner agreed.

725
726 DISCUSSION ENDED

727
728 **VOTE**
729 **4-0**
730 **Motion approved**

731
732 Mr. Lentz said that the application stands approved and there is a 30-day period from
733 which the PB decision can be appealed by an aggrieved person or parties – move forward
734 but move forward cautiously.

735
736 Ms. Horner discussed the discrepancy about when things were put in to the Town. I think
737 if Mr. Brubaker or Ms. Metz could stamp stuff that would alleviate a lot of problems.
738 There is nothing on anything.

739
740 Ms. Metz said that a lot of this comes in via email and my biggest goal is to get it out to
741 you. I apologize to you if I don't print it out and stamp it and send it back through. To get
742 it out to you at 4:15 PM was my biggest goal for today.

743
744 Ms. Horner said that I am not criticizing you or looking to blame; that I just think,
745 moving forward, if there is a way to even virtually stamp something that comes into the
746 office, that would be good.

747
748 Ms. Metz said that I totally hear you on that and Mr. Brubaker is big about making sure
749 that we are marking 'as received' when we receive things. I agree with you that it should
750 be virtual, as well.

751
752 Mr. Lentz said that I think your intention is perfect, Ms. Metz, but I think the issue is we
753 need to find a way to be able to say to people that I'll accept your documentation but it
754 will not get on the record until 'this' date. Whether we give that a two-week notice or a
755 week notice, timing-wise, I don't know the answer to that, and that is another thing we
756 should discuss in our admin meetings because, the more we let this go...and you can see
757 it's creeping closer and closer all the time. I understand the applicant's point but they
758 need to understand our point, also. You can't review this stuff in an hour and do it justice,
759 you just can't. It's hard enough with remote meetings but trying to slip things through
760 like that, all of a sudden, we start making mistakes and that's the wrong thing to do.

761
762 Mr. Nielsen said that, if I could go back in time, I would have waited to submit all that
763 stuff until tomorrow. It was not my expectation that it would even make it to you this
764 evening. Ms. Goodwin, when she put forward the change to make it a 4-week rule made a
765 lot of sense to me and we definitely respect that. Again, I apologize and next time I will
766 not do it on the same day it's going in front of the PB just to avoid that confusion. Thank
767 you for your patience. I really appreciate it.

768
769 Mr. Lentz thanked Mr. Nielsen and said that he didn't need to apologize.

770
771 **C. Brooke Raitt, 2135 State Road (Map94/Lot 01), PB20-13: Sketch Plan review for**
772 **in-home daycare (Home Business).**

773
774 **Received: August 6, 2020**

775 **1st Heard: August 18, 2020 (home business preliminary review)**

776 **2nd Hearing: September 1, 2020 (site plan review)**

777 **Public Hearing: September 1, 2020**

778 **Site Walk: N/A**

779 **Approval: September 1, 2020**

780

781 Ms. Brooke Raitt was present for this application.

782

783 **8:27 PM Public Hearing opened.**

784

785 Ms. Raitt said I currently have a license from the State to provide child care in my home
786 for 5 children. I'm looking to increase my numbers to ten (10). Ten (10) was what I
787 originally applied for with the State; however, in order to get to the number 10, I did have
788 to go through this process with you guys. I'm hoping to have my doors open for four
789 additional families as of now. My target date is the 14th of September. At the last
790 meeting, I think you guys gave me a preliminary approval based on what's going to
791 happen tonight with the public. I'm just looking to provide child care for families in the
792 community in my home. Ten (10) maximum is the number.

793

794 There were no public comments.

795

796 **8:29 PM Public Hearing closed.**

797

798 Ms. Braun said that the applicant is currently approved for five (5). If we give approval
799 tonight do you then go back to the State to tell them you have and can then have ten (10)
800 children.

801

802 Ms. Raitt said that the State said that all they need is something in writing from the Town
803 that I'm not going to be in violation of any ordinances and then they will increase my
804 number to ten (10).

805

806 Ms. Braun said that you would have only one employee. Is that correct.

807

808 Ms. Raitt said that that is correct.

809

810 Ms. Braun asked how many families she has currently committed.

811

812 Ms. Raitt said that I currently have three families enrolled that already come. I have four
813 more families that are looking to start on the 14th, along with my employee on the 14th.

814

815 Ms. Braun said that your own two children will be included in that number, as well.

816

817 Ms. Raitt said that they are included.

818

819 Mr. Brubaker said that I have no comments on the applicant's application, just a
820 suggestion. If the PB does vote to approve, you may want to consider delegating, for
821 example, Mr. Lentz as Chair, to be able to write a letter right after the approval so that it
822 can get to the applicant sooner. Otherwise, the official approval happens on September
823 15th via the Notice of Decision. That way she can take that letter to the State sooner.

824

825 Ms. Raitt said that I appreciate that but I want to say that the State also has their things
826 that they require and, even though a letter would be great, I have a specific form that

827 needs to be completed and signed. Mr. Galbraith had the form so I'm not sure if you need
828 me to get a new form. I can send it to you. It's very straightforward. It just says 'this' is
829 what I'm doing, 'this' is how many children I want, and a signature from somebody
830 saying that I'm not violating any ordinances. It takes only a couple minutes to fill out and
831 Mr. Galbraith had that form. That's why I was a little concerned he wasn't here tonight.
832 You're right, I am looking to send that to the State fairly quickly.

833
834 Mr. Brubaker said that I have seen that form and, if it is the pleasure of the PB, I would
835 be willing to fill out that form and work with the Chair to have it signed, or sign it
836 myself, or have the Town Manager sign it. It's just some kind of process to get that to the
837 State quicker than after September 15th.

838
839 Mr. Lentz said that that works for me.

840
841 The PB agreed.

842
843 **Mr. Olsen moved, second by Ms. Braun, that the Planning Board approve PB20-13,**
844 **granting the Chair and the Planner appropriate authority to execute said document**
845 **to be returned to the State of Maine, with the following conditions of approval:**

- 846 1. **The property may be developed and used only in accordance with the plans,**
847 **documents, material submitted, and representations of the applicant made**
848 **to the Planning Board. All elements and features of the use as presented to**
849 **the Planning Board are conditions of approval and no changes in any of**
850 **those elements or features are permitted unless such changes are first**
851 **submitted to and approved by the Eliot Planning Board. Copies of approved**
852 **permits from Maine DEP, Army Corps of Engineers, if applicable, and State**
853 **shall be provided to the CEO before construction on this project may begin.**
- 854 2. **The permit is approved on the basis of information provided by the**
855 **applicant in the record regarding the ownership of the property and**
856 **boundary location. The applicant has the burden of ensuring that they have**
857 **the legal right to use the property and that they are measuring required**
858 **setbacks from the legal boundary lines of the lot. The approval of this**
859 **permit in no way relieves the applicant of this burden. Nor does this permit**
860 **approval constitute a resolution in favor of the applicant of any issues**
861 **regarding the property boundaries, ownership, or similar title issues. The**
862 **permit holder would be well-advised to resolve any such title problems**
863 **before expending money in reliance on this permit.**
- 864 3. **The applicant authorizes inspection of premises by the Code Enforcement**
865 **Officer during the term of the permit for the purposes of permit**
866 **compliance.**

867 **VOTE**
868 **4-0**
869 **Motion approved**

870

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

874

875 **ITEM 8 – OLD BUSINESS**

876

877 **A. Ordinance Amendment Update**

878

879 This was skipped as the PB has no reports back.

880

881 **ITEM 9 – NEW BUSINESS**

882

883 **A. 1470 State Road (Map27/Lot22) PB20-17: Preliminary Review of Federal**
884 **Firearms License Transfer – Home Business.**

885

886 **Received: July 30, 2020**

887 **1st Heard: September 1, 2020 (preliminary/home business)**

888 **2nd Hearing: _____, 2020 (site plan review)**

889 **Public Hearing: _____, 2020**

890 **Site Walk: _____, 2020**

891 **Approval: _____, 2020**

892

893 Michael Maloney was present for this application.

894

895 Mr. Maloney said that I am looking to conduct transfers of firearms sales. I currently
896 work for the Seabrook Police Department. I do the evidence and I'm looking to, when we
897 release firearms, and things like that, be able to do the federal transfer forms for them.
898 Also, I'm looking to be able to do transfer of firearms that are purchased through family
899 members or friends when they make a purchase, or purchase something, to be able to
900 transfer them legally. Currently in the State of Maine, you can transfer a firearm without
901 having to go through a federal firearms dealer. The only other FFL in Eliot is at the
902 Froggy's Pawn Shop. I'm looking to do it by appointment only; that I can conduct the
903 federal paperwork so everything is documented when any sales or transfers are made.

904

905 Ms. Braun asked if I understand you correctly that you will not actually be selling
906 firearms.

907

908 Mr. Maloney said that I don't plan on selling a lot of firearms but I would like to be able
909 to...if someone wants to order something online they can't have it shipped directly to
910 their house; that they would have to have it shipped to me and make the purchase through
911 me. We can conduct all the sales online or over the phone. I don't plan on having an
912 inventory or showroom at my house.

913

914 Ms. Braun said that your property is located in the Suburban Zone. Correct.

915

916 Mr. Maloney said that it is.

917
918
919
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962

Ms. Braun said that, on your application, you didn't indicate what 'similarity' you feel that you have to any other business in your area. What do you feel is similar that other people are doing in the Suburban area that would fit what you want to do.

Mr. Maloney said that I looked at the businesses in this area. Honestly, I don't think there is anything similar to what I'm looking to do. I'm not looking to conduct a showroom, or anything like how Kittery Trading Post is set up, I'm only looking to set up an online inventory where somebody could get something there and I'm here to conduct the transfers.

Ms. Horner said that you are basically acting as a broker of firearm sales.

Mr. Maloney said yes; that I would file all the paperwork with the ATF when someone made a purchase. That would include conducting the background checks to make sure they are legally allowed to have a firearm, or denying it once the background check is done, and then actually releasing the firearm to somebody.

Ms. Horner said that I don't know why you need Town approval to do that and I don't know why this is a Home Business. The second part is that, if it is a Home Business, I'm not sure this even fits the requirements we have in our ordinance for a Home Business.

Mr. Maloney said that the only reason I need a Home Business License is because the ATF requires you to have an actual business license. So, I have my employer identification number, I've gone through the State for all that, but they require me to have a business license. I initially filed for my application in April and, then, I went back and forth over email with multiple different people before I spoke to the Chief of Police and Town Manager. Then, the CEO was able to approve a Home Office but it has no sales and no merchandise. The ATF didn't find that compliant because, if I transfer a firearm and I charge someone \$20 to conduct a transfer, that's a sale, and I can't do it at my house. As for something that fits into the Town ordinances, I understand making a transaction in the home, having to come and look at an inventory I have, making something and making a purchase, that's not what I'm looking to do. Everything I'm looking to do would be something that someone could order and it would be on a case-by-case basis. Like, if somebody wanted to set up a time to come in and speak with me and purchase something online, they would have it shipped here and then I would conduct the paperwork to transfer it to them. Anything that would be transferred to somebody, the actual physical sale wouldn't happen at my residence, it would be transfer paperwork.

Ms. Horner said that this is a new one for me.

Mr. Maloney said that I've been going over it for a while. Like I said, I initially submitted my application in April and I've gone through probably a hundred emails, back and forth, trying to explain this. My biggest holdup, I think, was the retail sales. I'm not looking to open up a large store in my house where people are going to be coming in and out every

963 day. I highly doubt anyone in the Town of Eliot would even know that there was a
964 business here. I don't plan on having traffic and, like I said, it would be by appointment
965 only. It would only be to a small number of people that I'm familiar with and know. I'm
966 not looking to start a large business; that it's just basically a technicality that I need to
967 cover with the ATF.

968
969 Ms. Horner said that a Home Business needs to be similar in use in the Suburban Zone,
970 which is where Ms. Braun was going. So, my thing is that we need to find a place for this
971 as an allowable use so we can tell you it's okay or not. I don't feel like I've been told
972 what it's similar to but I totally understand why it's not similar to anything. I'm in a bit of
973 a pickle because, if you were going to be doing a junkyard at your house but not calling it
974 a junkyard, at least we could look to the junkyard rule to tell you.

975
976 Mr. Maloney said, honestly, I have all of the different uses listed here that I would
977 consider the most similar, and it would technically be retail sales that it would fall into,
978 but I don't plan on conducting any retail sales actually here. Anything I would be selling,
979 I would set up by appointment and do online prior to someone even coming here. It
980 simply comes down to being able to do the paperwork and the most I have to do is
981 maintain a filing cabinet with a bunch of paperwork in it if the ATF wants to come and
982 see.

983
984 Ms. Horner asked if that isn't a business office.

985
986 Mr. Maloney said that I have gone with a business office. I have approval for a home
987 office.

988
989 Ms. Horner asked if he saw where she was going with this.

990
991 Mr. Maloney said yes. I've tried to go the other routes but my communication with the
992 other members at the Town Hall has been very few and far in-between, and when I have
993 been able to contact them, the emails have been so separated and apart...like I said, I
994 started in April and I just finally got my last email with the approval for the home office
995 but, with the stipulations put in there, it doesn't actually approve me to do anything.

996
997 Ms. Horner said that, in our Table of Land Uses, we have an approved use called
998 "Business Office" and that is completely separate from what you are saying. Does that
999 make sense to everybody, Mr. Brubaker, Mr. Lentz.

1000
1001 Mr. Lentz said that I see where you are going, Ms. Horner. Could we hesitate one minute;
1002 that Mr. Brubaker has had his hand up for a while.

1003
1004 Mr. Brubaker said that this is a good discussion and I just wanted to add some clarifying
1005 points, here. Mr. Maloney has talked with the CEO. The reason that the CEO could not
1006 approve any sales as a home occupation, which is covered in §45-455, is that our Town
1007 code prohibits retail or other sales of merchandise on the premises. That cannot be a
1008 home occupation. So, that bumped it up into home business and that's where the question

1009 that Ms. Horner brought up comes into play, and Ms. Braun mentioned it to, when you
1010 apply for a home business, you have to identify what use in the Land Use Table is it most
1011 similar to. In my staff report, I said that this seems most like retail sales and the Land Use
1012 Table kind of has a loop but this just takes it back to the Home Business regulations. If
1013 you want a home business with retail sales, you have to follow home business
1014 regulations. Home Business regulations specify four types of sales you can do. We really
1015 try to constrain this so we don't have a massive explosion of retail uses within peoples'
1016 houses all over residential districts. They are found in §45-456.1(h):

1017
1018 *(1) On-site sales of merchandise and products that are created, grown, built, or*
1019 *substantially altered as part of the home businesses.*

1020 *(2) On-site sales of merchandise and products that are customarily incidental to the*
1021 *services or products provided by the home businesses.*

1022 *(3) Off-site, phone, mail, and internet, or similar sales of merchandise and products.*

1023 *(4) On-site wholesale distribution of merchandise and products to dealer/sales*
1024 *representatives who sell the merchandise and products off site.*

1025
1026 Mr. Brubaker said that Mr. Maloney was looking for #2 and #3 – on-site sales that are
1027 clearly incidental (#2) and off-site sales (#3). I don't have any comments on #3; that #3 is
1028 allowed as a Home Business. My comments were on #2 and that term 'customarily
1029 incidental'. I believe that, if you are selling something that you don't make yourself, on-
1030 site, it needs to be incidental to another service you provide, like my hypothetical
1031 example in my report. I don't think there is enough there to demonstrate on-site sales as
1032 being 'customarily incidental'. But, again, #3 - phone, mail, and internet-types of sale –
1033 there's no similar restrictions. So, I don't have any comments on that type of retail sales
1034 in this type of Home Business context.

1035
1036 Mr. Lentz asked the applicant what is a federal firearms license business.

1037
1038 Mr. Maloney explained that, to conduct sales or transfers of firearms, as an example if
1039 you purchase a firearm at Kittery Trading Post you fill out an application that has to go
1040 through the background process, which checks for any felony convictions, domestic
1041 violation convictions, restraining orders, anything that would prevent you from owning a
1042 firearm, once that's done...

1043
1044 Mr. Lentz asked the applicant to stop a minute, asking him if, with what he just
1045 described, has he passed any guns in or out of that house, much like the Kittery Gun
1046 Swap where you go there and pick up a gun. Is that part of what I'm talking about. I'm
1047 looking for a way for you to say you have a federal firearms license business and, in that
1048 business, you don't make anything.

1049
1050 Mr. Maloney agreed that he would not be making anything.

1051
1052 Ms. Horner said that a sale might be incidental to that business.

1053
1054 Mr. Lentz said exactly; that that was where I was going.

1055
1056 Mr. Maloney said that what I'm looking to do is just pass firearms through here and,
1057 again, I'm not looking to have a showroom or a storefront where someone can come in or
1058 multiple people are going to be coming into my residence to browse around and make
1059 purchases. I initially started this as more of a work-related thing because, as I said, I
1060 conduct all of the transfers for my department. So, this is something that I'm looking to
1061 do and it will assist me in doing that.

1062
1063 Mr. Lentz said that no one is going to come knocking on your door and you don't need a
1064 parking space out front for a customer, he's not giving you money and you're not giving
1065 him a gun.

1066
1067 Mr. Maloney said absolutely not.

1068
1069 Ms. Horner asked if this needs a public hearing.

1070
1071 Mr. Lentz said yes.

1072
1073 Ms. Horner asked if we can find the application complete and schedule a public hearing.

1074
1075 Mr. Lentz said that I think we need to have some time to try to figure out what kind of a
1076 business it is.

1077
1078 Mr. Maloney said that I'm not trying to get around what I'm trying to do, explaining that
1079 it's as simple as I'm really just looking to be able to do the paperwork for someone when
1080 they want to transfer a firearm. I don't plan on having ammunition. I don't plan on having
1081 any large quantities of firearms in my house. It's simply just comes down to without a
1082 business license I can't conduct the transfers. I've already been approved by the ATF for
1083 the license and, now, it's been so long since I initially started that I had to rescind my
1084 application and will have to re-submit it once I'm done. I don't plan on having a store or
1085 a storefront in my house. It would all be by appointment and it would be a minimal
1086 impact to anybody.

1087
1088 Mr. Olsen said that, from what I hear, the applicant is basically processing an application
1089 on behalf of his client for a fee – a lawyer.

1090
1091 Mr. Lentz agreed that that was where I was going. This is really just the processing of
1092 documentation so that somebody can have a transfer be legal for a fee.

1093
1094 Ms. Horner said like a business office.

1095
1096 Mr. Olsen agreed.

1097
1098 Mr. Lentz said that his business is manufacturing and modifying paper forms.

1099

1100 Mr. Olsen said that it was securing the appropriate approval for transfer. He asked if that
1101 made sense to Ms. Horner.

1102
1103 Ms. Horner said yes. I think this use is similar to a business office and, if there is a sale,
1104 it's incidental to the paperwork processing, which fits #2 and #3 of the home business
1105 requirements for having sales on the property. If we're looking for a 'use similar to', then
1106 it sounds like it should be Business Office, which is allowed in the Suburban Zone with
1107 SPR8, I think.

1108
1109 Mr. Lentz said that it is.

1110
1111 Ms. Horner said that I want to find the application complete and have a public hearing
1112 but I would leave that to Mr. Brubaker to say that that's what it is.

1113
1114 Mr. Brubaker said that I think this discussion has been productive in terms of giving me a
1115 better clarity in what Mr. Maloney plans to do. Really, where I think I'm getting hung up,
1116 or was hung up, is where the applicant wrote in that box that he wants to sell firearms and
1117 related items on-site and he wants to sell them off-site through mail and internet. I'm fine
1118 with going to public hearing. I just think there needs to be a crisper clarity on what this is,
1119 subject to at the beginning when the PB holds the public hearing. The application, as I
1120 look at it now, differs from what was just talked about. I do want to clarify, here, that it
1121 cannot be a home occupation if there are retail sales of merchandise.

1122
1123 Mr. Lentz said that I agree. We can move forward. I want to make sure that it's clearly
1124 defined on what we're doing, as we just discussed, and that we're all in agreement that
1125 that's where we're headed. It's a business office. Is that what we're saying.

1126
1127 Ms. Horner said that I think that's up to the applicant.

1128
1129 Mr. Maloney said that I would agree with that, I think; that would be the best bet to do a
1130 business office.

1131
1132 Mr. Olsen asked the applicant if he could remove the retail sales from his application so
1133 that it is clearer and we aren't getting tripped up by that. Somebody paying you a fee, to
1134 me, is not a retail sale. You having a physical firearm that somebody comes and you
1135 provide the documentation, you've done the background check, now you're like a mini
1136 KTP firearm and that's not the intent, if I heard what you just said.

1137
1138 Mr. Maloney said that that's correct, it's not my intent. I can take that out.

1139
1140 Mr. Olsen suggested that Mr. Maloney could work with Mr. Brubaker to get that to align
1141 because it sounds like we are off just a little bit.

1142
1143 Mr. Maloney agreed.

1144
1145 Mr. Lentz said that that makes sense. He asked for the PB's direction.

1146
1147 The PB schedule this application for October 6th.

1148
1149 Mr. Lentz asked if the PB finds this application complete.

1150
1151 Ms. Braun said that I am not totally convinced with this. I need more clarification. What
1152 confuses me is where the guns are coming from. If you are transferring them, where are
1153 you getting them from to transfer them to another individual.

1154
1155 Mr. Maloney explained that, if you want to order a gun online from a certain
1156 manufacturer, as an FFL, I would be the only one that would be able to take that firearm
1157 and, so, it could be something that was purchased through a completely different
1158 company, but it has to be sent to me so that it can be transferred to the new owner.

1159
1160 Ms. Braun asked if you would be considered the purchaser of the gun when it's ordered
1161 and transferred to a new owner. The initial owner of the gun is you, correct.

1162
1163 Mr. Maloney said that I would have to take it in onto my inventory for the transfer and
1164 then the person would pick it up. So, if there it was going to be delivered today, I could
1165 call and set up a time for the person who actually purchased the firearm to come. I would
1166 then conduct the paperwork for them to transfer it to them.

1167
1168 Ms. Braun asked who pays for the gun, initially, when you order it.

1169
1170 Mr. Maloney said that they would pay for the firearm to the manufacturer directly.

1171
1172 Ms. Braun said that that is an actual sale, in my opinion, it's not just a transfer.

1173
1174 Mr. Maloney clarified that I'm not actually selling the physical gun. If you want to
1175 purchase a gun through, say Rueger, you can purchase it online through their store and
1176 pay them. Then it would be shipped to me as the FFL because you can't purchase a
1177 firearm online and have it sent to your house. You have to have it sent to a federal
1178 firearms license individual or dealer and, then, they would conduct the transfer to turn it
1179 over to the person who actually made the purchase.

1180
1181 Mr. Lentz asked how would the physical gun be transferred once you have it.

1182
1183 Mr. Maloney said that once I have it I would actually turn the firearm over to them. I can
1184 have them come here, or I can meet them with it, but I actually have to do the paperwork
1185 here.

1186
1187 Mr. Olsen said that, from my perspective, nothing changes. He's not buying and he's not
1188 selling. He's verifying that the appropriate person has all of the background requirements,
1189 by law, and he's executing that process for a fee so that somebody doesn't buy a gun
1190 from Rueger, have it sent, and then they're an inappropriate user. He's basically the
1191 middle person ensuring that legality of use is being done. However, if the PB is going to

1192 have a problem, it's that the actual documentation accompanies the purchased weapon;
1193 but that does not happen between Mr. Maloney...it happens between the client buying the
1194 weapon and the manufacturer of the weapon. If Mr. Lentz wanted to sell a weapon to me,
1195 Mr. Maloney would be the one making sure the documentation was complete and
1196 appropriate.

1197
1198 Mr. Lentz said that I am with you as far as all the documentation transfer. It's when I ask
1199 the question of how that gun gets transferred physically, are we actually selling a gun out
1200 of the house.

1201
1202 Ms. Horner said no because they've already paid for it through the manufacturer. It's like
1203 if I wanted to buy Lysol on Amazon and have it shipped to my friend's house but my
1204 friend has to check out that it's really me that bought the Lysol from Amazon. You
1205 substitute any product from anybody and there's someone who has to verify. It's like
1206 getting your ID checked at the store and having to make sure that you are that person who
1207 is buying something. That's what Mr. Maloney is doing. He's verifying that Mr. Olsen
1208 bought something from Sig Sauer and is cross-checking the paperwork and won't release
1209 the item from Sig Sauer until he verifies that Mr. Olsen is the guy who bought it. So. Mr.
1210 Maloney doesn't handle any of the money.

1211
1212 Mr. Maloney said correct. I have purchased through an online website, a firearm through
1213 Kittery Trading Post, and all they do is bring out the box and then do the background
1214 check. If somebody does that with me and they don't pass the background check, I won't
1215 release the firearm. I would return it to the manufacturer where they purchased it from.
1216 Returns or any of that would not be my concern. It would go back to the manufacturer
1217 who sent it because, if the person is denied from owning it, then I'm not going to release
1218 it to him. That prevents the person that's not allowed to have the firearm from actually
1219 obtaining it.

1220
1221 Ms. Horner said that it's like a safety check, too, right. If the kid steals his parent's credit
1222 card and buys the gun online, then that's not who is showing up to pick up the gun.

1223
1224 Mr. Olsen said that I think it's a public service. It's preventing a gun from getting to
1225 people who aren't appropriate.

1226
1227 Mr. Lentz said that I am hung up on home business right now and I need to spend some
1228 more time looking at that. I think Mr. Brubaker and Mr. Maloney need to spend some
1229 time trying to clarify where we are. Meanwhile, we can come back on the 15th and
1230 hopefully we will have all the information. In the meantime, we can all do a little
1231 thinking about this. I think it's a good question that Ms. Braun has and I'm stuck on it.

1232
1233 Ms. Braun agreed that she is really stuck on it.

1234
1235 Ms. Horner asked if we could just take 5 minutes to drill down to what the confusion is. I
1236 feel like between Mr. Brubaker, the applicant, Mr. Olsen and myself, we've used every
1237 example. I don't understand what the question is still.

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Mr. Lentz said that my comments 20 minutes ago is that he is transferring and manipulating paperwork and I think that ‘home office’ was fine for me. I can understand all the paperwork and the transfers, etc. When I asked the question of whether you will be delivering a gun to someone else out of your house, the answer was yes, sometimes and now I’m hung up. I’m hung up because I don’t know enough about the code, myself, to be able to make a decision that way. I just need to think about it a little bit. That’s where I’m at. Otherwise, I’m right there.

Mr. Maloney said that, currently in the State of Maine, you don’t need to go through an FFL. So, if I wanted to sell a firearm that I personally own, I can transfer it to another Maine resident without any paperwork.

Mr. Lentz said that I’ve done it. I know.

Mr. Maloney said that all I’m trying to do is prevent having it transferred to somebody that’s not allowed to have it. If it’s transferring the gun at my residence, once the paperwork is done, I can leave my residence but I would prefer not to transfer it in a parking lot. I only want to conduct the paperwork so that the firearm can be transferred legally and I will have all the documentation for it so everything is covered. It really is just a paperwork shuffle. I’m not purchasing 100 firearms for people to come in and buy or to look at and say that’s the one I want. It’s something that they can go on their own and look online, make a purchase and pay the full sales price there. I would literally be charging a fee to document everything on paperwork and conduct the background checks.

Mr. Lentz said that I understand. I guess I’m a little hung up because I don’t know more about ‘home office’. If I’m talking ‘home business’, something has to be made there, modified there, or something. You can’t buy a gun wholesale, mark it up, and sell it out of your house. That’s not allowed.

Mr. Maloney said that I think what she was saying is the use of ‘home business’ is like ‘business office’. Not the ‘home office’ itself but the ‘home business’ and the similar use as the ‘business office’.

Mr. Lentz said yes. That’s what I don’t know anything about and I need a little time to do some research on that.

Ms. Horner said that the only thing under ‘business office’ use under Suburban Zone is to use SPR8, which has to do with abutting Route 236, and ‘8’ must conform to the requirements of a ‘home business’.

Mr. Brubaker said that that’s the circular logic that exists in our code and Ms. Horner picked up on it, too. Looking at the land use table, Business Office in the Suburban District, it’s a 14 and, then, as Ms. Horner pointed out, it doesn’t abut Route 236, it goes back to SPR8, which just takes it back to a Home Business. It says you can sell stuff, you can have retail sales as a Home Business but they can only be one of four types of sales.

1284 What I am hearing is that this is less and, perhaps not at all, a retail sales operation and
1285 more like being capable of transfer. If that's the case, we need to see that in the
1286 application. I have no problem with that. All I'm saying is that I want to make sure that,
1287 if it is a Home Business with sales, those sales follow the Home Business requirements.
1288

1289 Ms. Horner said that is #2 – incidental.

1290
1291 Mr. Lentz said that you're saying that the gun is incidental to the paperwork.
1292

1293 Ms. Horner said yes but only on his own. The main business that he is doing is the paper-
1294 pushing. If he sells a gun, it's incidental to the service he's providing, which almost
1295 doesn't even matter because, in Maine, he could sell a gun to anybody, anyway.
1296

1297 Mr. Lentz said that I'm in agreement with you, Ms. Horner. I'm agreeing.
1298

1299 Ms. Horner agreed that I don't think we're arguing.
1300

1301 Mr. Brubaker said that, if that's the case, it just needs to be represented on the
1302 application. There needs to be more clarity in the application as to everything you guys
1303 talked about with the applicant.
1304

1305 Mr. Lentz said yes.
1306

1307 Mr. Olsen said that I think we're right there.
1308

1309 Mr. Maloney said that I can change the application and clarify that. I just left my
1310 application as minimal as possible to start with because, like I said, the amount of emails
1311 I've gone back and forth trying to explain it, the easiest way to do it is in-person so that,
1312 if somebody asks me a question, I can try to clarify it. Trying to send emails or put it
1313 down on paper is a lot more confusing than trying to explain it in person.
1314

1315 Mr. Lentz said to please work with Mr. Brubaker and we'll get this thing squared away
1316 on October 6th.
1317

1318 After some discussion, the PB agreed to keep it on the October 6th agenda, as the
1319 September 15th agenda is very full.
1320

1321 **ITEM 11 – CORRESPONDENCE**
1322

1323 There was no correspondence.
1324

1325 **ITEM 12 – SET AGENDA AND DATE FOR NEXT MEETING**
1326

1327 There will be several preliminary applications for review.
1328
1329

1330 The next regular Planning Board Meeting is scheduled for September 15, 2020 at 7PM.

1331

1332 **ITEM 13 – ADJOURN**

1333

1334 There was a motion and a second to adjourn the meeting at 9:19 PM.

1335

1336

1337

1338

1339

Carmel Braun, Secretary

1340

Date approved: _____

1341

1342

1343 **Respectfully submitted,**

1344

1345 **Ellen Lemire, Recording Secretary**

1346

1347

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB20-12- AMENDED SITE**

**PLAN/CHANGE OF USE/REQUEST FOR
PLANNING BOARD ACTION APPLICATION**

MAP/LOT: **54/2**

DATE OF DECISION: **SEPTEMBER 1,
2020**

_____, 2020

DRAFT

NEK Assets, LLC
Attn: Justice Rines, COO
987 Harold L. Dow Highway
Eliot, Maine 03903

Flower Company Properties, Inc.
Attn: Jacquelyn Nooney, President
483 Harold L. Dow Highway
Eliot, Maine 03903

Attar Engineering, Inc.
Attn: Mr. Brian Nielsen, EIT
1284 State Road
Eliot, Maine 03903

To: Mr. Rines, Mr. Nielsen, and Ms. Nooney,

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan Review/Change of Use/Request for Planning Board Action Application** by changing the use to adult use and medical marijuana facility to include the existing greenhouses, and adding a 8'X40' detached, fixed structure for drying, curing, and bulk packaging, with additional security.

I. APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED FOR THE RECORD:

Submitted for August 18, 2020:

1. Amended Site Plan Review/Change of Use/Request for Planning Board Action Application, received July 7, 2020.
2. Copy of Maine Adult Use Marijuana Program Conditional Use License, dated May 15, 2020.
3. Letter from Brian Nelson, EIT (Attar Engineering, Inc.) containing project narrative and reason for request, dated July 7, 2020.
4. Abutters List Report, dated December 3, 2019.
5. Site Plan, Titled *Sweet Dirt, LLC*, dated February 17, 2020, showing proposed amendments.
6. Site Plan showing adult use cameras, dated February 17, 2020.
7. Site Plan Review Submissions Checklist, received July 7, 2020.
8. Design Spec Sheets done by Norseman, LLC showing proposed structure, dated May 21, 2020.
9. Revised Lighting Plan for Sweet Dirt, LLC, dated July 8, 2020.
10. Copy of Commercial Lease between The Flower Company Properties, Inc. (Jaqueline Nooney) and NEK Assets, LLC (Justice Rines), dated January 15, 2020, with attached Sublease to Judley, LLC (Hughes Pope).
11. Memo from Jeff Brubaker, Planner, dated August 18, 2020.

Submitted for September 1, 2020:

1. Amended Site Plan, Titled *Sweet Dirt, LLC*, dated July 8, 2020.
2. Revised Request for Planning Board Action Application, dated September 1, 2020.
3. Memo from Jeff Brubaker, Town Planner, September 1, 2020.
4. Revised letter from Brian Nelson, EIT (Attar Engineering, Inc.) containing project narrative and reason for request, dated September, 2020.
5. Revised Amended Site Plan, dated September 1, 2020.

FINDINGS OF FACT:

1. The owner of the property is: The Flower Company Properties, Inc. (mailing address: 9 Island Avenue, Kittery, Maine 03904).
2. The applicant is: NEK Assets, LLC for Sweet Dirt, Inc., re: Justice Rines (COO); (mailing address: 987 Harold L. Dow Highway, Eliot, Maine 03903).
3. The property is located at 483 Harold L. Dow Highway Eliot, ME and is 3.21 acres.
4. Property can be identified as Assessor's Map 54/ Lot 2 and is located in the Commercial/Industrial Zoning District.
5. The applicant proposes to amend a previously-approved Site Plan (PB19-, approved February 18, 2020) to add adult use and medical marijuana facility, to include the existing greenhouses, and add an 8'X40' detached, fixed structure for drying, curing, and packaging, with additional security.
6. The fencing will be expanded slightly to enclose the proposed 8'X40' structure.
7. The proposed structure is a modified refrigerant trailer with HVAC and humidity control.
8. There will be enhanced security protocols, surveillance, and odor controls.
9. There will be no change in hours of operation.
10. At the August 18, 2020 meeting, the Planning Board decided, by approved motion, that this application was a site plan amendment.
11. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Town Manager, Public Works, and Code Enforcement. There were no staff comments.
12. The Planning Board reviewed the application at the following regular meetings:
 - August 18, 2020
 - September 1, 2020
13. The following application fees have been paid by the applicant, in accordance with §1-25:
 - Site Plan Review Application Fee (Amendment): \$100.00 (dated _____).
 - Public Hearing Fee: \$175.00 (dated _____).
 - Change in Use: \$100.00 (dated July 7, 2020).
14. In accordance with §33-129 & 130, a public hearing was advertised in the Portsmouth Herald/Seacoast Online on August 21, 2020 and held on September 1, 2020. Abutting land owners were notified via certified mail. One member of the public asked for clarification between adult use and medical marijuana and what criteria applied. A letter was submitted by Mr. Sean Armstrong (attached) and was addressed by the applicant.
15. The Planning Board accepted the application as complete on August 18, 2020, with conditions. At the September 1, 2020 meeting, the Planning Board determined that the conditions had been met.
16. Applicable ordinances are §33-190: Performance Standards for Marijuana Establishments and Chapter 11-3 Definitions: 'Cultivation'.
17. The proposed use location is not required to meet the 500-foot buffer from sensitive uses. §33-190(5) only references Marijuana Store and the proposed project is not retail.
18. Because the waivers requested were granted on the previously-approved site plan for this location and there will be no change to impervious surfaces, topography, construction, septic, or water load, the Planning Board found that the requested waivers were not applicable.
19. Estimated progress schedule is three weeks from Planning Board approval to completion of this project.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (*Revisions to final site plans after planning board approval*).
2. 'Marijuana Establishments - Cultivation' is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (21) by the Eliot Planning Board per Sec. 45-290 and Chapter 11-3.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33 §190, Planning & Development, Article III, Division 6 and Chapter 11.

DECISION:

1. Based on the above facts and conclusions, on **September 1, 2020**, the Planning Board voted to approve your application to amend a previously-approved Site Plan (19-19, approved February 18, 2020) by changing the use to adult use and medical marijuana facility, to include the existing greenhouses, and adding a 8'X40' detached, fixed structure for drying, curing, and bulk packaging, with additional security.

CONDITIONS OF APPROVAL:

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date.

The holder of an approved permit should take care to ensure that the approval granted on **September 1, 2020** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **September 1, 2020** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Dennis Lentz, Chair

This letter reviewed and approved by the Planning Board on _____, 2020.

CC: Shelly Bishop, Code Enforcement Officer
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Martine Painchaud, Tax Assessor
Steve Robinson, Public Works Director
Dana Lee, Town Manager

Letter from resident August 27, 2020:

Challenges to Sweet Dirt’s request to amend a previously approved site plan by changing the use from medical, to medical and adult-use, marijuana facility.

1. As Sweet Dirt has pointed out, in their letter about the site plan for 483 Harold L Dow Highway, Sweet Dirt’s current medical location went through the board of appeals process and received a dimensional waiver from 500ft to 227ft concerning the Eliot Transfer Station. By allowing the change of use from medical to medical and adult-use, Sweet Dirt wants to carry over the dimensional waiver they were granted on their medical ONLY location to their medical and adult use. Adult use requires the 500ft. This dimensional waiver brings a storm of problems for the Town of Eliot. The town can expect every marijuana company who comes to Eliot to be granted a dimensional waiver from 500ft to less than half of that at a minimum. Churches, daycares, residential properties, or public facilities all would be open to allowing Cannabis businesses to violate town ordinances and be granted a dimensional waiver.

2. The State of Maine has mandated a 500ft setback from residential properties, 505 HAROLD L DOW HWY, Parcel #: 053-007-000 owned by Gaylen and Margaret Marble is within 300ft of 483 Harold L Dow Highway. This being a state-mandated requirement, the town of Eliot does not have the authority to grant a waiver for this. Secondly, if 505 HAROLD L DOW HWY, Parcel #: 053-007-000 is a residential property as it is shown to be on the Town of Eliot GIS mapping (photos have been presented). Sweet Dirt was never given a variance for that residential property for the current medical Sweet Dirt location on 483 Harold L Dow Highway. Under Sec. 33-189. - Nonprofit medical marijuana dispensaries and registered primary caregivers, subsection C, “A dispensary or registered primary

caregiver facility may not be located within 500 feet of the property line of an existing public or private school, residential property, childcare

facility, place of worship or public facility.” Therefore the Town of Eliot has already allowed them to operate in defiance of town ordinances by having a residential property within 500ft of them.

In addition to all this, the planning board was only given a list of abutters who are only 300ft from 483 Harold L Dow Highway, I would like to request the full list of 500ft abutters be presented.

3. Sweet Dirt has had a history of fire and thefts at their 483 Harold L Dow Highway location. A fact not to be overlooked, when giving waivers, this tells other cannabis companies who want to push the line and ineffectively run their business, come to Eliot you will find safe harbor here.

I would like to advocate for rejecting this change of use, for the reasons stated above. In short, granting this change of use from medical to medical and adult-use brings with it a dimensional waiver issue that will cause a plague of problems for the town, residents, places of worship, local businesses, and daycares for years to come.

Secondly, the state has mandated that adult-use cannabis companies, that Sweet Dirt is trying to change their use to, must not have a residential location within 500ft of them, 505 HAROLD L DOW HWY, Parcel #: 053-007-000 is within 500ft of them for both their current medical establishment and their proposed medical and adult-use establishment. I would also like to see all abutters within 500ft of 483 Harold L Dow Highway instead of only 300ft abutters which Sweet Dirt has presented, to see if more residential zoning problems exist.

Sincerely,

Sean Armstrong

An Eliot Resident

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB20-13: HOME BUSINESS/SITE
REVIEW APPLICATION**

MAP/LOT: **94/1**

DATE OF DECISION: **09/01/20**

_____, 2020

DRAFT

Brooke Raitt
2135 State Road
Eliot, ME 03903

To: Brooke Raitt,

This letter is to inform you that the Planning Board has acted on your application for a Home Business, as follows:

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

Submitted for August 18, 2020:

1. Application for a Home Business and Site Plan Review, received August 6, 2020.
2. Drawing of property showing house, garage, and parking area.
3. Drawing of parking spaces and their location.
4. Drawing of area within single family dwelling to be used as day nursery.
5. Memo from Jeff Brubaker, Planner and David Galbraith, Interim Planner, dated August 12, 2020.

Submitted for September 1, 2020:

1. Memo from Jeff Brubaker, Planner, dated August 26, 2020.
2. Abutters List.

FINDINGS OF FACT:

1. The owners of the property are: Adam and Richard Raitt (mailing address: 2135 State Road Eliot, ME 03903).
2. The applicant is: Brooke Raitt dba Little House Child Care, LLC (mailing address: 2135 State Road, Eliot, ME 03903).
3. The property is located at 2135 State Road, is 2.83 acres, and is a legal non-conforming lot of record.
4. Property can be as identified as Map 94, Lot 1, and is located in the Rural Zoning District.
5. The applicant proposes to establish a Home Business child care center for up to ten (10) children 6 weeks to 12 years old in her home.
6. The Planning Board reviewed the application at the following regular meetings:
 - August 18, 2020
 - September 1, 2020.
7. The applicant submitted a letter from the owners of the property giving consent for the applicant to operate a day nursery from the home, dated and signed July 27, 2020.
8. The applicant will occupy the single-family dwelling located at 2135 State Road (12) months per year.
9. This is a legal, non-conforming lot and no lot line changes are being proposed.
10. The applicant proposes using 658 sq. ft. of the existing single-family dwelling, which is less than the maximum area of 1,500 square feet allowed per §45-456.1(c), and is clearly secondary to the residential use of the property.
11. The structure in which the home business will be located meets or exceeds all minimum setback requirements for principal structures per Sec. 45-456.1(d).
12. The property is served by a well and septic. Septic is designed for two families.
13. The proposed use is listed in Section 45-290 (Table of land uses) as 'day nursery.'
14. The applicant proposes to have one employee starting in September 2020.

15. There will be no selling of merchandise or products as part of the home business.
16. Up to twelve (12) client parking spaces are proposed for drop-off and pick-up. Each parking space shall be a minimum of 180 sq. ft.
17. Hours of operation will be from 7AM to 4:30PM.
18. The applicant is currently licensed by the State to have five (5) children in her home and has been inspected by the State Fire Marshall's Office. The applicant has passed that inspection.
19. A 12" x 18" sign is proposed to be mounted on the house by the door entry.
20. The applicant does not propose using or storing any potentially hazardous or flammable solids, liquids used or stored in the operation of the home business.
21. Copies of the application and supporting materials were provided to staff for review. There were no comments submitted.
22. There was no site walk.
23. The application was approved as complete on August 18, 2020.
24. In accordance with Sec. 33-128 & 129, a public hearing was advertised in the Portsmouth Herald on August 21, 2020 and held on September 1, 2020. There were no public comments.
25. The following application fee(s) have been paid by the applicant, in accordance with §1-25:
 - Home Business/Site Review Application Fee: \$25.00
 - Public Hearing Fee: \$175.00
26. The Planning Board authorizes the Town Planner and Planning Board Chair to execute the form the applicant needs to send to the State of Maine acknowledging the Planning Board approval of this application.

CONCLUSIONS:

1. Per Sec. 45-290 (Table of permitted and prohibited land uses), a Home Business ("*day nursery*") is a permissible use in the Rural Zoning District with Site Plan Review and approval by the Planning Board.
2. Performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Section 45-456.1 (Home businesses) during review of this application.
3. Performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Article III (Site Plan Review) during review of this application.

DECISION:

Based on the above facts and conclusions, on September 1, 2020 the Planning Board voted to approve your application to **establish a home business for a day nursery for up to ten (10) children.**

CONDITIONS OF APPROVAL:

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

1. The property may be developed and used only in accordance with the plans, documents, materials submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. This permit is approved on the basis of information provided by the applicant in the record regarding his ownership of the property and boundary location. The applicant has the burden of ensuring that he has a legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor

- of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

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The holder of an approved permit should take care to ensure that the approval granted **September 1, 2020** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **September 1, 2020** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Dennis Lentz, Chairman
Eliot Planning Board

This letter reviewed and approved by the Planning Board on _____, 2020.

- CC: Jay Muzeroll, Eliot Fire Chief
Elliott Moya, Eliot Police Chief
Steve Robinson, Public Works Director
Martine Painchaud, Assessor
Shelly Bishop, Code Enforcement Officer



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Michael Maloney
Date: September 9, 2020 (report date)
September 15, 2020 (meeting date)
Re: PB20-17: 1470 State Rd. (Map 27 / Lot 22) – Federal Firearms License Transfer / Sale of Firearms (Revised Application)

Application Details/Checklist Documentation	
✓ Address:	1470 State Rd.
✓ Map/Lot:	27/22
✓ PB Case#:	PB20-17
✓ Zoning District:	Suburban
✓ Shoreland Zoning:	N/A
✓ Owner Name:	
✓ Applicant Name:	Michael J. Maloney
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none">• Home Business Application
✓ Application Received by Staff:	9/2/2020 (revised application)
✓ Application Fee Paid and Date:	Not yet paid
✓ Application Sent to Staff Reviewers:	Date: 9/3/2020
Application Heard by PB	Date: 9/1/2020 (preliminary review) Date: 9/15/2020 (preliminary review of revised application – scheduled)
Found Complete by PB	Date:
Site Walk	Date: N/A
Public Hearing	Date: 10/6/2020 (anticipated)
Public Hearing Publication	Date: TBD
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Home Business Application / Site Plan Review

Overview: This application is for a firearms sales and transfers home business located at 1470 State Rd., Map 27, Lot 22, within the Suburban zoning district. The applicant, Michael Maloney, submitted a previous home business application on July 30, 2020, and the Planning Board preliminarily reviewed it on September 1. At that meeting, the discussion between the Planning Board and applicant provided more details on the nature of the proposed home business. The applicant submitted a revised application on September 2. This staff report reflects the revised application as well as the September 1 preliminary review.

The applicant proposes to operate a business facilitating firearm transfers as well as selling firearms. The lot contains an existing single-family residential dwelling unit built in 2018. The applicant is the owner and resident of the property. He proposes to have one other employee. The hours of operation would be Monday-Friday 6:00 p.m. to 8:00 p.m., and Saturday, 8:00 a.m. to 4:00 p.m., by appointment. No external materials that would be subject to

home business screening requirements are listed in the application. No fluids, solids, or gases that would be subject to the land use regulations for home businesses are listed in the application.

The applicant does not propose to have a business sign and would not have any additional business vehicles. No parts of the business would be visible to neighboring residences.

According to the American Bar Association, a federal firearms license (FFL) “allows individuals to engage in business related to the manufacture of ammunition or firearms or the interstate or intrastate sale of firearms”.

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

Is this a home occupation or a home business? Under the Town Code, this would be a home business. The applicant had previously applied to the Town for a home occupation permit. Section 45-455 (Home occupations), subsection (f), states: “Retail or other sales of merchandise on the premises shall not be considered a home occupation”. While the applicant has clarified that one part of his proposed business is facilitating firearm transfers, his application still also includes a firearms sales component, which puts the application in the home business category. A home business is allowed to sell merchandise and products, but those sales have to be consistent with the home business regulations in Section 45-456.1.

Under that section, home businesses are “uses that provide space for commercial activity that is in scale and character with neighborhoods and areas that are primarily residential”. The proposed home business use must be permitted in the land use table (Section 45-290) for the applicable zoning district (except as provided in 45-456.1e., discussed in the previous staff report).

At the September 1 meeting, the Board members discussed the proposed use with the applicant. Whether the land use table lookup reference is “Professional office” or “Retail stores, local, other” the review goes back to a Site Plan Review of a home business application, which is what is now being done.

Do the proposed activities in the revised home business application comply with the home business regulations? There are only four types of merchandise sales activities allowed by a home business in Sec. 45-456.1(h):

- (1) On-site sales of merchandise and products that are created, grown, built, or substantially altered as part of the home businesses.
- (2) On-site sales of merchandise and products that are customarily incidental to the services or products provided by the home businesses.
- (3) Off-site, phone, mail, and internet, or similar sales of merchandise and products.
- (4) On-site wholesale distribution of merchandise and products to dealer/sales representatives who sell the merchandise and products off site.

The applicant is seeking approval for activities (2) and (3). In my previous report, I discussed the meaning of “customarily incidental” in (2) and stated that I did not believe that the applicant had yet demonstrated (in his previous application) how the on-site sales of the product are customarily incidental to a primary product, such as a homemade good, or service within the home business. Sales of the product appeared to be the primary or principal use and not dependent on, or having a reasonable relationship with, a separate primary or principal allowable product or service.

In discussing with the Planning Board, the applicant clarified that part of what he proposes is to conduct the federal paperwork, including background checks, for the transfer of firearms from a manufacturer to a buyer. The revised application has the following proposed sales activities:

- 2) I will be conducting the federal paperwork for firearm transfers...any sales would be incidental to the transfers
- 3) transactions will be conducted primarily on-line, by mail or over the phone.

This clarifies that (2) will partially involve a service (facilitating firearm transfers) and partially involve sales of a product. Looking at terms in Black's Law Dictionary, the service of conducting the paperwork for a separate buyer and seller, when the service provider never has title to the item sold, is more closely a brokerage activity and does not constitute a "sale". It is still not clear that the on-site sale of one firearm would be customarily incidental to the service of brokering the sale of another firearm. It is possible that some related items could be considered customarily incidental, if the applicant wanted to sell such items, but if so, he would need to specify what those are. Regarding (3), there is no "customarily incidental" threshold. It is my understanding that the applicant does not plan to sell ammunition, and if so, it would have required some additional information in Question 11 of the application.

Recommended conditions on sales: Based on the above, I would recommend that the following conditions be a starting point/framework for the Planning Board's consideration of approval in terms of what activities are allowed consistent with the home business sales regulations.

Allowed

- The service of facilitating transfers of firearms between a buyer and a seller, where the home business is neither the buyer nor the seller and never holds title to the firearm. This service would include conducting federal paperwork for such a transaction and physically transferring the firearm either by mail or on-site (if on-site, only by appointment during the proposed business hours, with no external visibility of the transfer).
- Off-site, phone, mail, and internet, or similar sales of firearms

Not allowed

- On-site sales of firearms
- Sales of ammunition
- Sales of related items, unless specified by the applicant

Planner's Recommendation for the 9/15/20 meeting: The Planning Board should review the revised application and sketch plan and determine what, if any, further information is needed from the applicant. Confirm the previous recommendation to hold a public hearing at the 10/6/20 meeting.

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



HOME BUSINESS APPLICATION

Date Submitted 7/30/2020

Applicant Name(s) Michael J Maloney

Mailing Address 1470 State Rd Eliot Me 03903 Phone 1207-475-6779

If you prefer to receive meeting notices and other communications via email please provide your email below:

Email address Mmaloney5606 @ yahoo.com .com

Property Owner(s) _____

Mailing Address _____ Phone _____

Property Location/Address 1470 state rd Eliot ME 03903

Map 27 Lot 22 Size (acres) 2.07ac

Zoning District? (circle all that apply) Village Rural Suburban

Is any portion of the property in a Shoreland zoning district? YES NO

If yes, which Shoreland zoning district? (check all that apply)

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

Non-conforming lot? YES NO

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

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

Describe the business and its operation (nature of business, hours of operation, etc.))

FFL Transfer MON-FRI 6pm-8pm

SAT 8am-4pm

By appointment

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

Home buisness-Home office

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

Applicant Signature [Signature] Date _____

Property owner Signature (if different) _____ Date _____

Application received by PA _____ Date _____



TOWN OF ELIOT, MAINE

Eliot Planning Board Home Business Checklist

Please explain how your proposed Home Business meets the ordinance requirements by filling in the blocks below.

Sec. 45-456. Home Businesses.

Home Businesses are uses that provide space for commercial activity that is in scale and character with neighborhoods and areas that are primarily residential. Home Businesses must comply with the following requirements:

Item	Section 45-456 Requirement	Explain how your proposal meets this requirement
1.	a. The Home Business must be clearly secondary to the residential use of the property. This means that there must be a dwelling unit on the property, and the dwelling unit must be occupied by an owner of the Home Business during the months of the year that the business is in operation. (As used in this paragraph, the term owner includes a principal of a corporation, limited liability company or other legal entity that owns a business.)	Provide a statement concerning your relationship (owner, renter) to the dwelling unit on the property. Provide the months of the year that you occupy the dwelling unit on the property. Owner live at residence
2.	b. The Home Business cannot exceed 1500 square feet in total area. The total area includes all portions of all structures used to support or conduct the Home Business.	How many square feet are you planning to use? 200+
3.	c. All structures used as part of a Home Business must meet minimum yard and set back requirements for principal structures.	Provide a sketch showing the outline of the property and of all structures on the property, dimensions of the property and of all structures, and dimensions from all structures to the lot lines.



4.	<p>d. Any use that is not listed in the Table of Land Uses, Section 45-290 may be permitted as a Home Business provided the following requirements are met:</p> <p>(1) The applicant must provide a rationale, acceptable to the Planning Board, substantiating that the proposed use is similar to a permitted use as allowed in the applicable zoning district.</p> <p style="text-align: center;">AND</p> <p>(2) The application must be approved by a concurring vote of at least three members of the Planning Board as being similar to a use listed in the Table of Land Uses as allowed in the applicable zoning district.</p>	<p>Is your proposed use in the land use table? If not, why do think it is similar to a use that is listed?</p> <p style="text-align: center;">Home business/ Home Office</p>
5.	<p>e. At least one person engaged in the Home Business use must occupy the dwelling unit.</p>	<p>Provide a list of the occupants of the dwelling unit who will be engaged in the Home Business?</p> <p style="text-align: center;">Owner Michael Maloney</p>
6.	<p>f. No more than two persons not occupying the dwelling unit shall be employed on site in the Home Business.</p>	<p>In addition to persons dwelling on the site, how many others will be employed in the Home Business?</p> <p style="text-align: center;">1</p>



<p>7.</p>	<p>g. A Home Business may engage in selling of merchandise and products as follows:</p> <p>(1) On-site sales of merchandise and products that are created, grown, built, or substantially altered as part of the Home Business.</p> <p>(2) On-site sales of merchandise and products that are customarily incidental to the services or products provided by a Home Business.</p> <p>(3) Off-site, phone, mail, and internet, or similar sales of merchandise and products.</p> <p>(4) On-site wholesale distribution of merchandise and products to dealer/sales representatives who sell the merchandise and products off site.</p>	<p>Will you be selling merchandise or products as part of the Home Business? If so, describe the merchandise and products and how they will be sold.</p> <p>2) I will be conducting the federal paperwork for firearm transfers any sales would be incidental to the transfers</p> <p>3) transactions will be conducted primarily on-line, by mail or over the phone.</p>
<p>8.</p>	<p>h. Parking shall not exceed four spaces in addition to the spaces required for parking by occupants of the dwelling unit. Parking must meet setback requirements with the exception of two spaces that may be allowed within the front setback only.</p>	<p>How many parking places will you have in addition to those needed by persons residing at the dwelling unit? (Show it on the sketch)</p> <p>No additional spaces</p>



TOWN OF ELIOT, MAINE

Case# _____

9.	i. Sign dimensions must meet Sec. 45-405 residential (non-commercial) requirement and shall be a maximum of 6 sq. ft. in area.	Are you going to have a sign? If so, how big will it be? Not at this time
10.	j. Storage of material associated with the Home Business use and any other external evidence of the business, must be located or screened such that it is not visible from the street or neighboring residences. Signage, lobster traps, boat storage (in accordance with Home Businesses, Water Dependent) and one business related van, pickup truck, or passenger car shall be exempt from screening requirements.	Describe how all external (outside) evidence of the business will be screened from the street and neighboring residences. Describe all business-related vehicles. No additional vehicles, Neighboring residence will not be able to see any part of the business.
11.	k. Application must identify how all fluids, solids, and gases unique to the business are going to be used and stored. Location and quantity of highly flammable or explosive liquids, solids, or gases shall be identified on the application and referred to the Eliot Fire Chief for review and comment. Material Safety Data Sheets (MSDS) shall be provided by the applicant as required by the Planning Board.	Provide a list of all fluids, solids, and gases that will be used in conducting your business. Describe how these materials will be used, where they will be stored, and the expected quantity. None

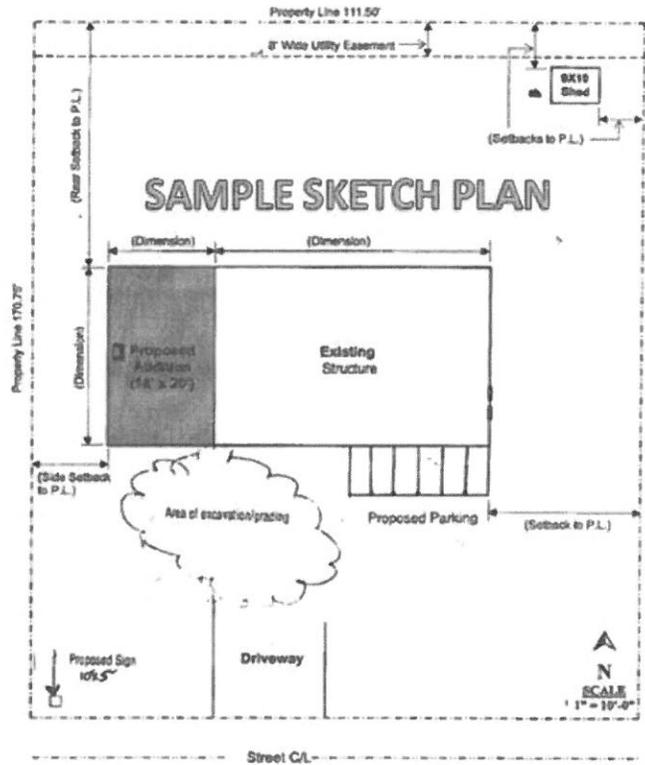


TOWN OF ELIOT, MAINE

Case# _____

SKETCH PLAN REQUIREMENTS

- Approximate dimensions of all zoning districts
- Existing and proposed structures
- Existing and proposed land uses
- Existing and proposed parking areas
- Existing and proposed streets and entrances
- Existing and proposed setbacks
- Proposed lot divisions
- Proposed open space to be preserved
- Common areas
- Public improvements/facilities
- Areas of excavation and grading



SITE PLAN
(Sample Only)

Property Owner's Name
Property Address and Phone No.
(Assessor Parcel Number)
Zoning District



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Town of Eliot Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Michael Cuomo (dba LAMS, LLC)
 North Easterly Surveying, Inc.
 Land Use Administrative Assistant
 Date: September 15, 2020 (meeting date)
 Re: PB20-4 Surrey Lane Four (4) Lot Residential Subdivision (0 Surrey Lane – Property Identification # 037-022-000) Minor Subdivision Review – Final Plan Application

Application Details/Checklist Documentation	
✓ Address:	Surrey Lane Subdivision – 0 Surrey Lane
✓ Map/Lot:	Property Identification # 037-022-000
✓ PB Case#:	PB20-4
✓ Zoning District:	Suburban Zoning District
✓ Shoreland Zoning:	N/A
✓ Owners Name:	LAMS, LLC Michael Cuomo (dba LAMS, LLC)
✓ Applicant Name:	Michael Cuomo (dba LAMS, LLC)
✓ Proposed Project:	Four (4) lot residential Minor Subdivision Plan Review <ul style="list-style-type: none"> • Sketch plan review – 1 (01/21/2020) • Sketch plan review – 2 (07/07/2020) • Preliminary plan review – 2 (07/07/2020) • Final plan review – 1 (09/15/2020)
✓ Application Received by Staff:	January 28, 2020
✓ Application Fee Paid ✓ Date:	\$3,475.00 (includes \$2,500. For third party review) January 28, 2020
Final Plan Application Fee Date:	\$50.00 for Final Plan fee Not yet paid
✓ Application Sent to Staff Reviewers:	Date: December 3, 2019
Application Heard by PB	Date: *03/17/2020 – sketch plan review (*meeting canceled due to COVID19) Date: 05/12/2020 – sketch plan review Date: 07/07/2020 – sketch plan / preliminary plan review
✓ Found Complete by PB	Date: 07/21/2020
✓ Preliminary Plan Approval	Date: 08/04/2020
Final Plan Consideration	Date: 09/15/2020 (scheduled)
Site Walk	Date: No site walk requested
✓ Public Hearing	Date: 08/04/2020
✓ Public Hearing Publication	Date: 07/22/2020
Deliberation	Date: 07/21/2020
✓ Notice of Decision (Prelim. Plan)	Date: 09/01/2020 (meeting); 09/02/2020 (signed)
✓ Reason for PB Review:	Four (4) Lot Minor Residential Subdivision Review

Project Overview

The applicant Michael Cuomo (dba LAMS, LLC) is seeking Final Subdivision Plan Approval for a four (4) lot residential subdivision on Surrey Lane. Previous staff reports have described the subdivision application in more detail. This staff report pertains to the Planning Board's consideration of final plan approval.

Preliminary Plan Approval and Notice of Decision

On August 4, 2020, the Planning Board conducted a public hearing and voted to approve the preliminary subdivision plan, subject to conditions. Conditions are included in the Notice of Decision, approved by the Planning Board on September 1 and signed by the Chair on September 2. The NOD includes two additional conditions based on a request by the applicant on August 20 (after preliminary plan approval):

5. Applicant agrees to upgrade Surrey Lane with an average 3" of compacted, reclaimed asphalt to crown the existing road base. This is at the expense of the applicant and shall occur before any lots are sold.
6. Applicant to purchase, through a Purchase & Sales Agreement with the Lockharts (M29/L15), a portion of their property to bring Lot #2 up to the 2-acre minimum lot size requirement. Lot #2 may not be sold until the lot line adjustment with parcel M29/L15 is completed and recorded

Note 19 has been added to the final plan to reference the NOD and conditions of approval.

Nature of Planning Board action

A subdivision requires both preliminary and final plan approval by the Planning Board. Final plan approval is required by Section 41-177:

The planning board shall, within 45 days from the official submittal date of the final plan application, approve, modify and approve, or disapprove the final plan under this division. The planning board may hold an optional public hearing on the final plan prior to making its determination. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the planning board. Except as provided in section 41-224(a), failure of the planning board to act within such 45-day period shall constitute disapproval of the final plan.

Per Section 41-181, if the Planning Board approves the final plan, Planning Board members will be invited to individually sign the plan, so members will need to arrange with the Land Use Assistant or myself to sign the plan in the Town offices during business hours or make alternative arrangements for signature. After a majority of Planning Board members signs the plan, it is then recorded with the County Registry of Deeds, endorsed by the Registrar of Deeds, and returned to the Town for distribution to the Planning Board, Code Enforcement Officer, Tax Assessor, and other municipal staff as necessary. At this time, the subdivider also files with the Code Enforcement Officer a copy of all covenants or deed restrictions as are intended to cover all or part of the parcels.

This last part is relevant to the proposed lot deed restrictions. The August 4 Planner report described how these would be incorporated in individual property files. On the topic of wetlands, the NOD states: "Applicant agreed to place a note on the site plan stating that no additional fill may be placed on any lot within the wetlands. This will be binding to all future owners. Note will also be

added to each purchase deed.” Note 4 under “Wetland Notes” on the final plan states: “No wetlands as shown on this plan may be filled or drained by future owners. This restriction shall be noted in the deeds for individual lots.” Another reference to deed restrictions is under Note 12 regarding Surrey Lane being a private right-of-way, not maintained by the Town, which shall be kept clear for emergency access. Recall that the proposed “hammerhead” turnaround configuration at the end of Surrey Ln. was found acceptable by the Fire Chief, with the caveat that the driveways serving the homes, off the hammerhead, be kept clear of snow so that there is access for emergency vehicles.

Lot addressing

As described in the August 4 Planner report, during Planning Board deliberations, the Board requested that property addresses and Property Identification Numbers (PID#) be issued for the proposed lots without interfering with the existing homes addresses. The final plan includes street addresses for the proposed lots consistent with the Town’s Addressing Officer and Tax Assessor assignments:

Lot # 1 Address and PID #:	18 Surrey Lane / Property ID# 037-025-000
Existing Lot Address:	24 Surrey Lane
Lot # 4 Address and PID #:	32 Surrey Lane / Property ID# 037-024-000
Lot # 3 Address and PID #:	35 Surrey Lane / Property ID# 037-023-000
Existing Lot Address:	29 Surrey Lane
Lot # 2 Address and PID #:	17 Surrey Lane / Property ID# 037-026-000

Recommendation

The Planning Board should consider whether to approve the final plan. The final plan appears to be substantially consistent with the approved preliminary plan and conditions of approval. The Planning Board does have the option requesting more information or changes to the final plan application (41-148), or approving the plan with changes if reasons for those changes are stated (41-177).

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB20-4- SKETCH**

PLAN/SUBDIVISION SITE PLAN REVIEW

MAP/LOT: **37/22**

DATE OF DECISION: **08-04-2020**

Sept. 2, 2020

LAMS, LLC
Michael Cuomo (dba LAMS, LLC)
6 York Pond Road
York, Maine 03909

To: Michael Cuomo

This letter is to inform you that the Planning Board has acted on your application for a **Sketch Plan/Subdivision Site Plan Review** to construct a **minor 4-lot residential subdivision**.

APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED:

Submitted for March 17, 2019: (Meeting cancelled due to COVID-19)

1. Application for Subdivision Sketch Plan Review, received January 28, 2020:
 - Sketch Plan Checklist.
 - Site Sketch Plan, drawn by North Easterley Surveying, Inc., titled *Sketch Plan for Subdivision of Property at Surrey Lane*, dated January 24, 2020.
 - Copy of fees paid.
 - Road Maintenance Agreement registered at the York County Registry of Deeds as Book 11633, Page 208, dated May 13, 2002.
 - Copy of Incorporation document for LAMS, LLC, dated May 31, 2018.
 - Standard Land Purchase & Sales Agreement with Gary & Linda Lockhart, with contingencies:
 - i. Description and plan showing tree-cutting restriction
 - Warranty Deed: Book 18037 Page 642, registered at the York County Registry of Deeds, dated September 5, 2019, with Exhibit A describing easement.
 - GIS Location Tax Map, showing abutting properties.
2. Memo from David Galbraith, Interim Town Planner, dated March 12, 2020.

Submitted for May 12, 2020:

1. Copy of Application for Subdivision Sketch Plan Review, received January 28, 2020:
 - Sketch Plan Checklist
 - Subdivision Site Plan, drawn by North Easterley Surveying, Inc., titled *Surrey Lane Subdivision*, revised April 15, 2020.
 - Memo from Michael Cuomo, dated April 22, 2020.
 - Response letter from Michael Cuomo to David Galbraith re: Planner review comments, dated April 21, 2020.
 - Waiver Request Letter, dated April 22, 2020.
 - Correspondence from Ms. Heather Muzeroll-Roy, abutter, dated May 11, 2020.
 - Warranty Deed: Book 18037 Page 642, registered at the York County Registry of Deeds, dated September 5, 2019, with Exhibit A describing easement.
 - Test Pit Report by Joseph Noel, Certified Soil Scientist, dated August 31, 2019.
 - Wetland Report by Joseph Noel, Certified Soil Scientist, dated August 29, 2019.
2. Copy of Memo from David Galbraith, Interim Town Planner, dated March 12, 2020.

Submitted for July 7, 2020:

1. Copy of Subdivision Application, received January 28, 2020.
2. Memo from David Galbraith, Interim Town Planner, dated for July 7, 2020 meeting.
3. Revised Preliminary Subdivision Site Plan, drawn by North Easterly Surveying, Inc., titled *Surrey Lane Subdivision*, dated May 20, 2020.
4. Letter from Conservation Commission, dated July 2, 2020.
5. Letter from Maine DEP, re: Vernal Pool Significance Report, dated June 2, 2020.
6. Stream Report from Joseph Noel, Certified Soil Scientist, dated May 7, 2020.
7. Vernal Pool Survey from Joseph Noel, Certified Soil Scientist, dated May 22, 2020.

Submitted for August 4, 2020:

1. Revised Subdivision Site Plan, drawn by North Easterly Surveying, Inc., dated July 20, 2020.
2. Letter from Craig Estes, abutter, dated August 4, 2020.

FINDINGS OF FACT:

1. The owner of the property is: LAMS. LLC (Michael Cuomo dba LAMS, LLC) (mailing address: 6 York Pond Road, York, Maine 03909).
2. The applicant is: Michael Cuomo, (dba LAMS, LLC) (mailing address: 6 York Pond Road, York, Maine 03909).
3. (mailing address: PO Box 657, Eliot, ME 03903).
4. The applicant's project consultant was North Easterly Surveying, Inc. (mailing address: 191 State Road, Suite 1, Kittery, Maine 03904).
5. The property is located at 0 Surrey Lane and is in the Suburban District.
6. Property can be identified as Assessor's Map 37, Lot 22 and is 9.66 (gross) acres and 8.19 acres less the right-of-way (875 feet) and 40-foot-wide easement area.
7. Warranty Deed: Book 18037, Page 642, registered at the York County Registry of Deeds, dated September 4, 2019.
8. The applicant proposes to construct a 4-lot minor residential subdivision.
9. Applicant has stated that no Homeowner's Association will be created.
10. Minor Subdivisions are allowed under Chapter 41.
11. The following application fee(s) have been paid by the applicant, in accordance with §1-25:
 - Subdivision Site Review Application Fee (\$200/lot): \$800.00
 - Public Hearing Fee: \$175.00
 - Consultant Fees: \$2,500.00
12. The Planning Board reviewed the application at regular meeting(s) held on:
 - March 17, 2020 (meeting cancelled)
 - May 12, 2020
 - July 7, 2020
 - August 4, 2020
13. Copies of the application and supporting materials were provided to the Code Enforcement, Public Works, Police and Fire Departments for review and comment. Conservation Commission reviewed and commented (attached).
14. A site walk was not held.
15. Sketch Plan Review was held May 12, 2020.
16. Preliminary Site Plan Review was held July 7, 2020.
17. Additional Preliminary Site Plan review was held August 4, 2020.
18. The Planning Board found the Site Plan complete on July 7, 2020.
19. The Planning Board approved the Preliminary Site Plan Application on August 4, 2020.
20. Waiver request action: The Planning Board waived the following waiver requests on July 7, 2020: §37-70 (c) 200-foot off-center line of existing streets based on existing conditions; §33-127(12) High Intensity Soils Survey based on the numerous test pits done; §41-255(g) Reduction (39%) in street frontage, based on existing conditions for Lot #4 on cul-

de-sac; §37-71 Construction standards for streets, as this is an existing traveled private way; §33-127(8) Drainage Plan for this phase of the subdivision.

21. In accordance with §33-129 & 130, a public hearing was advertised in the Portsmouth Herald/Seacoast Online on July 21, 2020 and held on August 4, 2020. In accordance with §33-129 & 130, abutting land owners were notified via certified mail.
22. Concerns and questions were raised at the Public Hearing:
 - Negative visual and environmental impact of the number of trees cut to the existing property owners.
 - How the application approval process works.
 - Damaging impact of heavy trucks to existing road.
 - Improvements to Surrey Lane.
23. A road maintenance agreement was created in 2002 and registered at the York County Registry of Deeds. It is binding on all current and future homeowners.
24. Applicant agrees to upgrade Surrey Lane with an average 3" of compacted, reclaimed asphalt to crown the existing road base. This is at the expense of the applicant and shall occur before any lots are sold.
25. In 1997, a 6-lot subdivision was drawn but not approved. It contained a 45-foot right-of-way, which was named Surrey Lane. Two single-family lots were created in the middle of said property in 1993 and 1997.
26. A hammerhead design is proposed in the cul-de-sac.
27. No change proposed to the existing driveways.
28. No buffering or screening is proposed.
29. Existing stone wall will be preserved.
30. Lots will be served by wells and septic systems.
31. A wetland investigation was done by Joseph Noel, Certified Soil Scientist, showing that wetlands do not meet the Town's definition for wetlands.
32. No wetland fill is proposed. No wetland impact is proposed.
33. No ME DEP permit is required because there are no regulated buffers around the wetlands.
34. There are no ME DEP significant vernal pools. A note will be added to the site plan to protect vernal pools from being disturbed, per the request of the Conservation Commission.
35. No ME DEP streams were observed on the property.
36. Applicant agreed to place a note on the site plan stating that no additional fill may be placed on any lot within the wetlands. This will be binding to all future owners. Note will also be added to each purchase deed.
37. Traveled portion of Surrey Lane will be shifted slightly to be wholly encompassed by the right-of-way.
38. Applicant to purchase, through a Purchase & Sales Agreement with the Lockharts (M29/L15), a portion of their property to bring Lot #2 up to the 2-acre minimum lot size requirement. Lot #2 may not be sold until the lot line adjustment with parcel M29/L15 is completed and recorded.
39. Applicant has agreed to grant a perpetual perimeter drainage easement to Lot #3 (M37/L17), which will be written into future deed, for access, construction, maintenance, and repairs and noted on the Final Site Plan.
40. Mr. Galbraith, Interim Planner, stated that, in discussions with the Fire Chief, the Fire Chief was satisfied with the hammerhead design for the undeveloped cul-de-sac, per the site plan for PB20-4.

CONCLUSIONS:

1. The Planning Board determined, based on Chapter 41, that the proposed subdivision will:
 - Preserve and enhance general air quality.
 - Preserve and enhance general water quality.
 - Preserve and enhance soil quality and subterranean resources.
 - Preserve and enhance natural resources and scenic beauty, including access to direct sunlight.
 - Respect and preserve historical features and sites and traditional *land use* patterns.
 - Provide sufficient water for development either from public or private sources.
 - Provide adequate sewer disposal from public or private sources.
 - Provide adequate solid waste disposal from public or private sources.
 - Contribute to or at least not burden government services.

- Maintain safe roads and prevent traffic congestion.
 - Protect and promote public health and safety.
 - Comply with local, state and federal *land use* and other policies and laws.
 - Provide and maintain adequate financing to accomplish these purposes.
2. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Planning & Development, Article III, Division 3 and Chapter 45, Zoning, Article VIII.

DECISION:

Based on the above facts and conclusions, on August 4, 2020 the Planning Board voted to approve your application to construct a **4-lot minor residential subdivision**.

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. A drainage easement will be created for Map 37, Lot 17 to maintain and repair existing drainage pipe.
5. Applicant agrees to upgrade Surrey Lane with an average 3" of compacted, reclaimed asphalt to crown the existing road base. This is at the expense of the applicant and shall occur before any lots are sold.
6. Applicant to purchase, through a Purchase & Sales Agreement with the Lockharts (M29/L15), a portion of their property to bring Lot #2 up to the 2-acre minimum lot size requirement. Lot #2 may not be sold until the lot line adjustment with parcel M29/L15 is completed and recorded

FINAL PLAN REQUIRED:

The Planning Board has approved your preliminary subdivision plan. Please be aware you are required to submit a final plan meeting the requirements of Chapter 41, Article III, Division 4 (Final Plans for Subdivisions and Mobile Home Park Subdivisions) within six (6) months after the date of preliminary approval.

PERMITS:

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

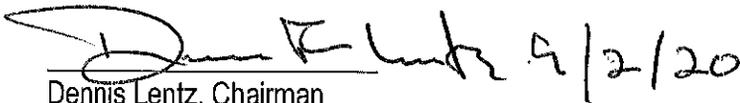
The approval of a subdivision under chapter 41, article I, §36 shall expire if "failure to commence "substantial construction" of the subdivision within two years of the date of approval and signing of the plan shall render the plan null and void. For subdivisions that include roads, "substantial construction" shall mean the completion of the road base. For subdivisions without roads the completion of one unit and the issuance of an occupancy permit shall constitute "substantial construction." Before the two years expires, an owner of a subdivision may apply to the board for an additional two-year extension of the approval of a subdivision if he or she has not met the conditions of this paragraph. The board may require that the subdivision meet any new regulations or ordinances."

The holder of an approved permit should take care to ensure that the approval granted on August 4, 2020 does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after August 4, 2020 by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

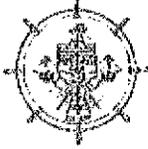
Sincerely,



Dennis Lentz, Chairman

This letter reviewed and approved by the Planning Board on September 1, 2020.

CC: Shelly Bishop, Code Enforcement Officer
Steve Robinson, Public Works Director
Elliott Moya, Eliot Police Chief
Jay Muzeroll, Eliot Fire Chief
Martine Painchaud, Tax Assessor



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

From: Planning Office
Date: Kristina Goodwin – Land Use Administrative Assistant
Re: PB20-4 – Surrey Lane Subdivision (Map 37 Lot 22)

- To:
- Code Enforcement Officer
 - Conservation Commission
 - Fire Chief
 - Harbormaster
 - Historical Society
 - Police Chief
 - Public Works Director
 - Town Manager
 - Other: Conservation Commission

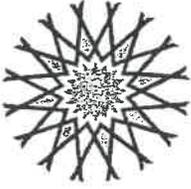
I have reviewed the attached, revised material and have no comment.

X _____ Date: _____

I have reviewed the attached, revised material and have the following comments/questions:

The Eliot Conservation Commission (Commission) is concerned about potential wetland impacts that would result from the proposed subdivision. Each of the four lots contains some wetland habitat. Although the plans state that there is no wetland fill, it is not clear that impacts to these wetlands, direct or indirect, can be avoided. The Commission would like to know (1) how the wetlands will be avoided; (2) how impacts will be minimized and/or mitigated; and (3) alternatives plans to avoid/minimize impacts to wetlands and regulated buffers. Furthermore, the Commission would like the opportunity to review the wetland delineation report. Lastly, the Commission would like to know the location of natural features or site elements to be preserved and if there are any plans for tree planting for shades and/or buffer on the property.

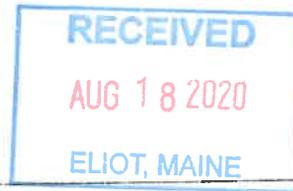
X _____ Kari S. Moore, ECC Chair _____ Date: 07/02/20



ATTAR

ENGINEERING, INC

CIVIL > STRUCTURAL > MARINE



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

August 18th, 2020
Project No. C072-20

**RE: Site Plan Application (Change of Use)
290 H.L. Dow Highway (Tax Map 37, Lot 20)
Eliot, Maine**

Dear Mr. Brubaker:

On behalf of 290 Harold L Dow, LLC I have enclosed an Application for Site Plan Review and additional supporting documentation for the above referenced project. The 3.0 acre parcel, located at 290 Howard L. Dow Highway, is in the Commercial/Industrial zoning district. It is not located in a flood hazard zone.

An application for this site has been previously approved by the Planning Board on November 21st, 2017.

The applicant is proposing a change of use for this existing site from "Commercial Development" to "Adult Use Marijuana Dispensary", an allowed use in the C/I District. The change of use will enable 290 Harold L. Dow, LLC to sell Adult Use Marijuana from the proposed facility. The facility is not within 500' of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public facility (graphic map attached). There are also no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management.

The dispensary will employ approximately 5-8 employees from 10 am to 8 pm.

The Boundary Survey of the parcel is enclosed; there have been no changes to the boundary and the original owner is the current owner.

Wastewater disposal will be provided by the existing wastewater disposal field. The existing disposal system was designed to provide treatment for 384GPD equating to 32 employees at 12 GPD/employee. The HHE-200 Form for the system is attached. Domestic water will be provided by the on-site well shown on the site plan.

Traffic generated by the facility will include 5-8 employees per shift and 1 delivery per day. Peak hourly trips generated by the retail facility will be 55.01 trips. Traffic generated by the facility will not impact the existing traffic on H.L. Dow Highway, approximately 17,000 vehicles per day (Source: MDOT 2017 "Maine Transportation Count Book" – ADT 2016 and 2013).

The applicant intends to adjust the building footprint that approved in the 2017 site plan. At this time, the applicant proposes to place a 48' x 72' Adult-Use Dispensary building in the same area as the approved building (see attached site plan) and a temporary trailer to be used as an Adult-Use Dispensary while construction is being completed. At a later date the applicant would like the option to expand to the level shown on the approved 2017 site plan, at which time they

1284 State Road, Eliot, ME 03903 > tel (207) 439-6023 > fax (207) 439-2128

would present to the planning board again.

A number of waivers are requested as part of the application. These are detailed in the attached checklist.

A summary of the site plan information (Municipal Code of Ordinances Town of Eliot, Maine - Section 33-127. Contents, required information) is included with the application.

We look forward to discussing this project at the next available Planning Board meeting. If any additional information is required, please contact me. Thank you for your assistance.

Sincerely;

A handwritten signature in black ink, appearing to read "Brian Nielsen".

Brian Nielsen, E.I.T.
Staff Engineer

cc: 290 Harold L. Dow, LLC
C072-20_Eliot_Cover

Site Plan Review Submissions Checklist

Applicant Name: 290 Harold L Dow, LLC
Address & Map/Lot: 290 Harold Dow Highway, Tax Map 37 Lot 20

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

Instructions for Applicants:

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

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

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features				
33-127(5)	The Location of Temporary Markers Adequate to Enable the Planning Board to locate readily and appraise the basic layout in the field	✓			
33-127(6)	Contour lines at intervals of not more than five feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more	✓			
33-127(7)	Provisions of Chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development	✓			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan	Waiver Requested. No change to currently approved storm drainage plan. Stormwater infrastructure is partially constructed and the MDEP permit from 2017 remains valid			✓
33-127(9)	Preliminary designs of any bridges or culverts which may be required	N/A			
33-127(10)	The location of all natural features or site elements to be preserved	✓			
33-127(11)	A soil erosion and sediment control plan	✓			
33-127(12)	A high intensity soils report identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon	Waiver requested. No change from currently approved septic design or storm drainage design. HHE-200 is attached.			✓

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

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

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

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

Town Planner

Date

Staff Section Only:

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

Case No. _____
Site review? Yes No

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

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

Tax Map 37 Lot# 20 Lot Size 3.01acres Zoning District: Commercial/ Industrial

Your Name Attar Engineering, Inc. Your mailing address 1284 State Road
Kenneth A. Wood, P.E.

City/Town Eliot State: ME Zip: 03903 Telephone: 207-439-6023

Who owns the property now? 290 Harold L Dow, LLC

Address (Location) of the property 290 Harold L Dow Highway

Property located in a flood zone? Yes No
(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

Step 2 (establish your legal interest in the property)

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

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

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

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

Revise a former approved site plan to reflect a smaller building which will support an adult-use retail storefront (marijuana sales). Impervious area remains the same as approved.

Case No. _____ Site review? Yes No

Step 4 Attach ten (10) copies of a sketch plan, showing in approximate dimensions the following:

- All zoning districts
- The location of all existing and/or proposed buildings
- The setbacks of all existing and proposed structures or uses.

- The location of proposed signs, their size, and direction of illumination.

- The location of all existing and/or proposed entrances and exits.

- All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)

- Plans of buildings, sewage disposal facilities, and location of water supply.

Step 5 Sign the application (both owner and applicant must sign and date the application) and submit fee with preliminary plans (\$100 per acre for first 5 acres and \$50 per acre after five plus \$150 for advertising and public hearing fees)

Applicant Kevin Kim, Agent Date _____

Property Owner Kevin Kim, Agent Date _____

Step 6 Application received by Planning Assistant

Date received by the PA _____ PA initials _____

Step 7 The Planning Assistant will review the application and if complete, will place your application on a future Planning Board agenda

Step 8 The applicant or representative of the applicant must attend the Planning Board meeting

PART 1 - THE PROCEDURE

	Case No. _____
	Site review? Yes No

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

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

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

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

(STEP 5) Board visits site with applicant.

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

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

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

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

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

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

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

PART 2

Case No. _____
Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

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

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

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

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

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

Case No. _____
Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. _____

Site review? Yes No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

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

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

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

	Case No. _____
	Site review? Yes No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

Note: Computation of time shall be in accordance with Section 1-2 as follows:
 "In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation."

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

2

PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement (this "Agreement") is made this 24th day of April, 2020 (the "Effective Date") by and among AMP REALTY HOLDINGS, LLC, a Maine limited liability company having a mailing address of 291 Harold Dow Highway, Eliot Maine ("Seller"), and 61 Bradstreet Lane, Eliot Maine DJR REAL ESTATE, LLC, a Maine limited liability company having a mailing address of 61 Bradstreet Lane, Eliot Maine, or its assigns ("Buyer").

The parties agree as follows:

1. PURCHASE AND SALE. Seller agrees to sell and Buyer agrees to buy a certain parcel of land, with all buildings, structures and improvements thereon located at 290 Harold L. Dow Highway, Eliot, Maine, together with all rights and easements appurtenant thereto, as more particularly described in the deed to Seller dated January 11, 2010, and recorded in the York County Registry of Deeds in Book 15795, Page 88 (collectively the "Premises").

2. PURCHASE PRICE; DEPOSIT. Purchase Price. The agreed purchase price for the Premises is Eight Hundred Thousand Dollars (\$800,000.00) (the "Purchase Price") payable as follows (subject to the prorations and other adjustments provided in this Agreement):

(1) Deposit. Upon the execution hereof, the sum of Eighty Thousand Dollars (\$80,000.00) shall be paid as a deposit (, the "Deposit"), which Deposit shall be held by the Escrow Agent, as the same is hereinafter defined, in a non-interest-bearing account and applied to the Purchase Price at Closing, or otherwise disposed of in accordance with the terms of this Agreement.

(2) Cash at Closing. At Closing, Buyer shall deliver the balance of the Purchase Price, as adjusted for closing costs and prorations referenced herein, which shall be made payable to Seller in readily available funds made payable by certified check or wire transfer.

3. BUYER'S CONTINGENCIES. The obligations of Buyer hereunder are conditioned upon each of the following, any of which may be waived by Buyer in whole or in part:

(a) Inspections. Within sixty (60) days of the Effective Date (the "Due Diligence Period") Buyer shall conduct its due diligence on the Premises, the results of which must be satisfactory to Buyer in its sole discretion. During the Due Diligence Period, Buyer may, in its discretion, examine and analyze the title to the Premises, environmental site assessments, engineering studies, feasibility studies, and any other inspections of and tests to the Premises and the buildings as Buyer deems necessary in its sole discretion. All inspections will be performed by inspectors chosen and paid for by Buyer. If the Buyer is not satisfied, in its sole discretion, with the Buyer's analysis and study of the Property, the Buyer shall have the right to terminate the Agreement by sending a written notice of termination to the Seller on or before the expiration

of the Due Diligence Period, in which case the Escrow Agent shall return the Deposit to the Buyer and neither party shall have any further rights or obligations hereunder.

(b) Licensing, Permitting and Approvals. Buyer intends to use the Property for the operation of an adult use marijuana retail store, cultivation facility and testing laboratory (the "Proposed Use"). Buyer shall have a period of sixty (60) days from the Effective Date (the "Approval Period") to obtain all necessary licenses, approvals and permits for the Proposed Use, which permits shall include without limitation State and local licenses, approvals and permits (the "Approvals"). Seller agrees to assist and cooperate with the Buyer at all times and in all reasonable manner during prior to Closing in Buyer's effort to obtain the Approvals, provided that Buyer shall reimburse Seller for any reasonable cost or expense incurred in connection therewith. Seller further agrees to perform any act and to execute any document reasonably required to assist Buyer in obtaining the Approvals, which may include (but shall not be limited to) execution and delivery of any documents required under State or local law to evidence Seller's consent to Buyer's Intended Use of the Property.

~~Provided that Buyer is diligently and in good faith pursuing the Approvals, Buyer shall have the right to extend the Approval Period, hereby called the "Extension Period," for one (1) additional period of thirty (30) days by written notice to Seller delivered prior to the expiration of the initial Approval Period.~~ PP DB 4/24

If at any time prior to the end of the Approval Period, Buyer believes that it will not be able to obtain the Approvals on terms reasonably acceptable to Buyer, or in the event that Buyer does not obtain the Approvals within the Approval Period, Buyer will have the right to terminate the Purchase Agreement by written notice to Seller prior to the expiration of the Approval Period (~~as the same may be extended~~), in which event Escrow Agent shall return the Deposit to the Buyer, and in which case this Agreement shall be null and void ab initio, and thereafter neither party shall have any further rights or obligations to the other hereunder, except for those which expressly survive the termination of this Agreement.

4. ACCESS TO PREMISES. Seller hereby agrees that Buyer, its agents and subcontractors, may enter upon the Property, at reasonable times, with all necessary equipment for all purposes reasonably associated with the purchase of the Property, including, without limitation, conducting Buyer's due diligence investigation of the Property and Seller shall cooperate with Buyer in connection with permitting such access. All surveys, inspections or tests conducted on behalf of Buyer shall remain the property of Buyer.

5. TITLE AND CONDITION OF PREMISES. Seller shall convey the Premises to Buyer at the Closing (as defined below) in fee simple by warranty deed (the "Deed") with good marketable title, free of clear of all liens, encumbrances, restrictions and mortgages. Full possession of the Premises free of all tenants and occupants shall be delivered to Buyer at the Closing, the Premises to be at such time (a) in the same condition as they now are, reasonable wear thereof and damage caused by Buyer excepted; and (b) in compliance with all laws, including without limitation, all environmental, building and zoning laws. Buyer or its agent

may inspect the Premises at any time prior to the Closing in order to determine whether the condition thereof complies with the terms of this paragraph.

6. CLOSING. The closing of the transaction contemplated hereby (the "Closing") shall take place at the office of Seller's counsel, or at such other place as the Buyer and Seller may mutually agree within thirty (30) days after the expiration of the Approval Period, as the same may be extended, at such date and time as the Buyer and Seller shall mutually in advance and in writing, time being of the essence.

7. CLOSING DOCUMENTS. At the Closing:

A. Purchase Price. Buyer shall deliver to Seller that portion of the Purchase Price payable at the Closing, as adjusted pursuant to the terms hereof;

B. Deed. Seller shall execute, acknowledge and deliver to Buyer the Deed as provided herein;

C. Title Affidavits. Seller shall deliver to Buyer executed originals of such customary certificates, affidavits or letters of indemnity as the title insurance company issuing the title insurance policy on the Premises shall require, including without limitation commercial survey affidavit(s), in order to issue such policy and to omit therefrom all exceptions for unfiled mechanics', materialmen's or similar liens and parties in possession and brokers' liens;

D. Nonforeign Person Affidavit. Seller shall deliver to Buyer such affidavits and certificates, in form and substance reasonably satisfactory to Buyer, as Buyer shall deem necessary to relieve Buyer of any obligation to deduct and withhold any portion of the Purchase Price pursuant to Section 1445 of the Internal Revenue Code;

E. Notification to Buyer of Withholding Tax Requirement. Buyer shall deliver to Seller an executed original certificate in form and substance reasonably satisfactory to Seller acknowledging receipt of notification of the withholding tax requirements of the State of Maine;

F. Maine Resident Affidavit. Seller shall deliver to Buyer such executed affidavits and certificates, in form and substance reasonably satisfactory to Buyer, as Buyer shall deem necessary, to inform Buyer of its obligation, if any, to deduct and withhold a portion of the Purchase Price pursuant to 36 M.R.S.A. §5250-A

G. Underground Oil Storage Tank Certification. Seller shall deliver to Buyer a written notice, in form and substance reasonably satisfactory to Buyer, which written notice shall certify the registration numbers of the underground oil storage facilities located on the Premises, the exact location of the facilities, whether or not they have been

abandoned in place, and that the facilities are subject to regulation by the Maine Department of Environmental Protection;

H. Real Estate Transfer Tax Declaration. Seller and Buyer shall execute a Real Estate Transfer Tax Declaration in the form required to be recorded with the deed and the real estate transfer tax imposed by the State of Maine shall be paid by the Seller and Buyer in accordance with law;

I. Prorations. Subject to Section 13 below, real estate taxes assessed by the City of Portland and water and sewer use charges shall be prorated as of the Closing Date;

K. Other Documents. Seller and Buyer shall execute, acknowledge and deliver such other documents and items as Seller's and/or Buyer's attorney may reasonably require.

L. Corporate Documents. Seller shall deliver to Buyer a copy of a sufficient certificate demonstrating the authorization of this Agreement and the transactions contemplated by this Agreement, all certified by the appropriate agent of Seller as being true, correct and in full force and effect on the date of the execution of this Agreement and the Closing.

8. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM. If Seller shall be unable to give title or to make conveyance, or to deliver possession of the Premises, all as herein stipulated, or, if at the time of the Closing the Premises do not conform with the provisions hereof, then Seller shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the Premises conform to the provisions hereof, as the case may be, in which event the time for performance hereof shall be extended for a period of sixty (60) days. Lack of good and marketable rights of access to the Premises shall be deemed a defect in title to the Premises hereunder.

9. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM. If at the expiration of such extended time Seller shall have failed so to remove any defects in title, deliver possession, or make the Premises conform, as the case may be, all as herein agreed, then any payments made under this Agreement shall be forthwith refunded and all other obligations of all parties hereto shall cease and this Agreement shall be void without recourse of the parties hereto.

10. BUYER'S ELECTION TO ACCEPT TITLE AND CONDITION. Buyer shall have the election, at either the original or such extended time for performance, to accept such title to the Premises in its then condition as Seller can deliver and to pay therefor the purchase price without deduction, in which case, Seller shall convey such title or deliver the Premises in such condition.

11. RISK OF LOSS. Until delivery of the Deed from Seller to Buyer and except as otherwise provided herein, risk of loss or damage to the Premises by fire or otherwise shall be on Seller.

12. ADJUSTMENTS; CLOSING COSTS. Real estate taxes, assessments, rentals, and utilities shall be pro-rated as of the Closing. At the Closing, Seller shall deliver to Buyer any security deposits that are in Seller's or Seller's agent's possession and are related to the Premises. Buyer agrees that, following the Closing, all amounts collected by it on account of rents payable for periods prior to the Closing shall be promptly remitted to Seller. The recording fee for the deed of conveyance shall be paid by Buyer. Buyer shall be responsible for the costs of any title searches and title insurance that Buyer elects to procure. The transfer tax required by the State of Maine shall be paid by Buyer and Seller in accordance with the laws of the State of Maine. The cost of recording any documents in connection with the cure of any unacceptable encumbrances shall be paid by Seller. The commission payable to the Brokers, as hereinafter defined, shall be paid by Seller.

13. BROKERAGE. Seller and Buyer each represent and warrant to the other that no brokers, agents or consultants have been employed with respect to this transaction by either of them. Seller and Buyer agree to indemnify and hold the other harmless from any claim by any broker or agent claiming compensation in respect of this transaction, or alleging an agreement with Seller or Buyer, as the case may be.

14. BUYER'S DEFAULT. In the event Buyer fails to consummate the purchase of the Premises, in accordance with the provisions of this Agreement, for any reason other than those reasons specified in this Agreement as giving rise to a right in Buyer to terminate the transaction contemplated by this Agreement, Seller shall retain the Deposit as liquidated damages in full and complete satisfaction of all claims against Buyer, and not as a penalty, whereupon all obligations of the parties to one another shall cease and this Agreement shall be null and void without recourse to the parties hereto and shall not be the subject matter of any litigation between the parties.

15. SELLER'S DEFAULT. In the event that Seller is in default or fails to comply with any of the terms and conditions of this Agreement, Seller shall return to Buyer the Deposit, and Buyer may terminate this Agreement and pursue all remedies available at law and equity, including, without limitation, an action for specific performance, it being agreed that no adequate remedy at law exists.

16. WARRANTIES, REPRESENTATIONS AND INDEMNIFICATION.

A. By Seller. Seller represents and warrants as of this date and as of each date through and including the Closing that:

i. Seller holds good and marketable title to the Premises.

ii. Seller is not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code.

iii. Seller is a Maine "resident" within the meaning of 36 M.R.S.A. §5250-A. Seller has all necessary authority to execute and deliver this Agreement and to consummate the transactions contemplated by this Agreement. This Agreement has been duly authorized by all necessary action on the part of Seller, has been executed by a duly authorized representative of Seller and is the binding obligation of Seller enforceable in accordance with its terms.

iv. This Agreement and the performance hereof by Seller will not contravene any law, judgment, order, injunction, decree or any contractual restriction or arrangement binding on Seller or by which any of Seller's assets or properties may be affected.

v. No consent, approval, order or authorization of any court or other governmental entity is required to be obtained by Seller in connection with the execution and delivery of this Agreement or the performance hereof by Seller.

vi. There is no pending or, to the best of Seller's knowledge, threatened action or proceeding (including, but not limited to, any condemnation or eminent domain action or proceeding) before any court, governmental agency or arbitrator relating to or arising out of the ownership of the Premises or any portion thereof, or which may adversely affect Seller's ability to perform this Agreement, or which may affect the Premises or any portion thereof.

vii. The Premises as improved with a 16-unit apartment building are in compliance with all statutes, ordinances, rules, regulations, orders and requirements of all federal, state and local authorities and any other governmental entity having jurisdiction over the Premises (including, without limitation, environmental, land use and zoning laws and ordinances), and Seller has not received any notice from any such governmental entity of any violation of any of such statutes, ordinances, rules, regulations, orders and requirements.

viii. Seller does not know of and has not received written notice of any default or breach by Seller under any of the covenants, conditions, restrictions, rights-of-way or easements, if any, affecting the Premises or any portion thereof, and, to the best of Seller's knowledge, no such default or breach now exists, and no event has occurred and is continuing which, with notice or the passage of time, or both, would constitute a default thereunder.

ix. Seller has not received any notice of assessment for benefits or betterments which affects the Premises and do not have knowledge that any such assessment is pending or threatened.

x. Seller has no knowledge that any portion of the Premises has ever been used as a landfill or as a dump to receive refuse or waste, and, except in accordance with all applicable laws and regulations, there are and have been no Hazardous Materials (as hereinafter defined) used, generated, manufactured, disposed of, or stored in, on, under, or about the Premises. Seller has no knowledge that any asbestos containing materials or waste oil are on the Premises. The Premises meet and satisfy all federal, state and local environmental standards. As used herein, the term "Hazardous Materials" shall mean inflammables, oils, petroleum, explosives, radioactive materials and hazardous waste, including, without limitation, substances defined as "hazardous substances", "hazardous materials", "hazardous matter", or "toxic substances" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), the Hazardous Materials Transportation Act, the Toxic Substances Control Act, the Clean Air Act, the Clean Water Act and the Resources Conservation and Recovery Act, or any similar state or local law, or in any regulations promulgated pursuant thereto, or in any other applicable law.

xi. Seller states that there are no underground oil storage facilities on the Premises.

xii. There are no lead-based paint or lead-based paint hazards on the Premises.

xiii. No work has been performed or is in progress at, and no materials have been furnished to, the Premises or any portion thereof which may give rise to mechanic's, materialmen's or other liens against the Premises or any portion thereof.

xiv. Seller has no knowledge of any Disclosable Matter (as hereinafter defined) which has not been disclosed to Buyer in writing and which could have a material adverse effect on the ownership or operation of the Premises subsequent to the Closing. As used herein, a Disclosable Matter shall mean any fact or condition known to Seller relating to the Premises other than (i) any fact or condition relating to the present real estate and financial markets in the area where the Premises are located or elsewhere, (ii) any fact in the public domain or which has been the subject of a public disclosure, (iii) any fact or condition actually known by Buyer, or (iv) any facts or conditions disclosed in the written reports obtained by Buyer in connection with this transaction.

xv. Seller shall deliver to Buyer within ten (10) days of the execution of this Agreement, copies of all surveys, soils, water, engineering and environmental reports concerning the Premises, if any, including water quality tests, in its possession or control and Seller further agrees to make available to the Buyer, after the date hereof, any such documents which Seller hereafter acquires, whether generated by the Seller or others.

xvi. Seller shall deliver to Buyer within three (3) days of the execution of this Agreement, full and accurate copies of the Leases.

B. Survival. Buyer's performance under this Agreement is conditioned upon the truth and accuracy of Seller's warranties and representations expressed herein as of the Closing. All warranties, representations, covenants and agreements expressed herein shall survive the Closing and any termination of this Agreement. Seller agrees to indemnify and hold harmless Buyer, its designee and their respective successor and assigns from and against any liability, cost, damage, loss, claim, expense or cause of action (including, but not limited to, attorneys' fees and court costs and costs of enforcement of this indemnity) incurred by or threatened against such other party as a result of any breach by Seller of any of the covenants, warranties or representations contained in this Agreement. This Agreement to indemnify and hold harmless shall survive the Closing and shall include, but not be limited to, the presence of any Hazardous Materials located on the Premises on or before the Closing Date.

17. WITHHOLDING TAX REQUIREMENT. Any other provision of this Agreement notwithstanding, Buyer shall, unless an exemption applies, be entitled to withhold at the Closing all amounts required to be withheld under 36 M.R.S.A. §5250-A or any other applicable federal or state law, and any such withheld amounts shall be credited against the Purchase Price as if paid to Seller at Closing.

18. SPECIAL TERMINATION RIGHT. In the event any Hazardous Materials, asbestos containing materials or waste oil are discovered at the Premises any time prior to the Closing, Buyer may, at its option, terminate this Agreement by written notice to Seller, whereupon Seller the Deposit shall be promptly returned to Buyer.

19. ASSIGNMENT. Buyer shall not assign its rights under this Agreement without the written consent of the Seller, which consent shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, Buyer's rights and obligations under this Agreement may be assigned to an affiliate of the Buyer without Seller's consent.

20. MISCELLANEOUS.

- (a) This Agreement constitutes the entire agreement between the Parties and supersedes any and all prior understandings and agreements between them. Any and all prior and contemporaneous discussions, undertakings, agreements and understandings of the parties are merged in this Agreement, which alone fully and completely expresses their entire agreement.
- (b) This Agreement shall inure to the benefit of and be binding upon the Parties hereto, their successors and/or assigns, subject to the provisions of paragraph 10 herein.
- (c) This Agreement shall not be altered or modified or amended except by written

instrument signed by the Seller and Buyer.

- (d) This Agreement shall be governed by and construed and enforced in accordance with the laws in effect in the State of Maine, without application of its conflict of laws principles.
- (e) The headings of this Agreement appear solely for convenience of reference, and such headings are not part of this Agreement and shall not be used to construe it.
- (f) This Agreement may be executed in counterparts, each of which shall be deemed an original and which together shall constitute one and the same agreement. Signatures appearing hereon that have been reproduced, applied, provided, delivered or transmitted by facsimile, email, DocuSign or other electronic means shall be equally binding and effective as original signatures hereon, and shall be deemed duly and effectively delivered if so transmitted or provided.
- (g) No delay or omission on the part of either party in exercising any right hereunder shall operate as a waiver of such right or of any other right hereunder. Any waiver of any such right on any one occasion shall not be construed as a bar to or waiver of any such right on any such future occasion. No course of dealing or delay or omission on the part of any party in exercising any right or remedy shall operate as a waiver thereof or otherwise be prejudicial thereto.
- (h) To facilitate execution, this Agreement may be executed in multiple originals which, collectively, shall constitute a single instrument.
- (i) All pronouns and nouns and any variations thereof shall be deemed to refer to the masculine, feminine or neuter, singular or plural, as the identity of the parties or the context may require.
- (j) Neither Buyer nor Seller shall cause any work to be performed on the Premises that may result in the filing of a mechanic's or material man's lien against it and will indemnify and hold each other harmless from any lien or judgment that is attached to or liened against the Premises as a result of Buyer's or Seller's actions.
- (k) Seller and Buyer acknowledge that the Escrow Agent is acting as a stakeholder only at their request and for their convenience, and that the Escrow Agent shall not be deemed to be the agent of either of the parties. The Escrow Agent may act upon any instrument or writing believed by the Escrow Agent to be genuine and to be signed and presented by the proper party. Seller and Buyer shall jointly and severally indemnify and hold the Escrow Agent harmless from and against all costs, claims and expenses, including reasonable attorneys' fees incurred in connection with the performance of the Escrow Agent's duties hereunder. The Escrow Agent shall have no duties or responsibilities except those expressly set forth in this Agreement. The Escrow Agent shall not be bound by any modification of this Agreement unless same

is in writing, signed by Seller and Buyer and delivered to the Escrow Agent, and if the Escrow Agent's duties are affected thereby, unless the Escrow Agent shall have given prior written consent thereto. If the Escrow Agent shall be uncertain as to its duties or rights hereunder, or shall receive instructions from Buyer or Seller which, in the Escrow Agent's opinion, are in conflict with any of the provisions hereof, the Escrow Agent shall be entitled to hold and apply the Deposit pursuant to Paragraph 12 hereof and may decline to take any other action. Upon making delivery of the Deposit in the manner herein provided, the Escrow Agent shall have no further liability hereunder. The parties acknowledge that Drummond Woodsum is counsel to Buyer. In the event of a dispute between the parties, the commencement of an Interpleader action or the resignation by Drummond Woodsum as Escrow Agent, Drummond Woodsum shall be free to continue to represent Buyer in any and all matters, including matters substantially related to the Deposit or this Agreement.

- (l) If the date for performance of any obligation hereunder, or the giving of any notice hereunder, falls on a Saturday, Sunday or a legal holiday in the State of Maine, the period for such performance, or the giving of any notice hereunder, shall be extended to the next business day.
- (m) Time is of the essence of this Agreement.
- (n) Seller agrees to provide the Seller disclosures as are required by law. In the event that such disclosures are not available as of the date of the signing of this Agreement, Seller agrees to provide and execute such disclosures as soon as possible thereafter, but in no event more than 10 days after the execution of this Agreement.
- (o) Any dates in this Agreement may be extended, at Buyer's option, in the event of any governmental action, including, without limitation, a moratorium on development, imposed, declared or otherwise instituted by a municipality or any other similar governmental authority for a number of days equal to the days such moratorium or similar government action is pending.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed or caused this instrument to be executed as of the date and year first above written.

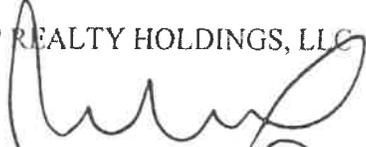
WITNESS:



York County, ME
Exp. 3/5/23

SELLER:

AMP REALTY HOLDINGS, LLC



By: _____
Name: Peter J. Paul
Its: Principal

BUYER:

DJR REAL ESTATE, LLC

Dana Brearley



By: _____
Name: Dana Brearley
Its: Manager

Exhibit A

ADDENDUM TO PURCHASE AND SALE AGREEMENT

This addendum to the Purchase and Sale Agreement dated April 24, 2020 by and among AMP REALTY HOLDINGS, LLC, a Maine limited liability company having a mailing address of 291 Harold L Dow Highway ("Seller"), and DJR REAL ESTATE, LLC, a Maine limited liability company having a mailing address of 61 Bradstreet Eliot, ME ("Buyer") is made this 24 day of July, 2020 (the "Effective Date")

The parties agree as follows:

1. It has been mutually agreed that the due diligence date be extended to November 1, 2020.
2. In consideration of this date change, the following has been agreed to:
 - a. Buyer to increase the initial deposit to \$120,000.00 within 60 days.
 - b. Buyer agrees that \$40,000.00 of the current deposit is non-refundable and can be released to the seller at his discretion.
 - c. Buyer agrees that after (60) additional days from signing that a additional \$40,000.00 becomes non refundable.
 - d. Buyer agrees that after November 1, 2020 that the remainder of the deposit is non-refundable.
 - e. Buyer agrees to close on property within (60) days of the end of the due diligence period (November 1, 2020).
 - f. Seller will offer terms if buyer desires of.
 - i. Sale price of \$800,000.00
 - ii. \$200,000.00 down and payments of the remaining balance based on a 25 year amortization table at a 5% interest.
 - iii. Balloon payment of balance in 5 years from the date of closing.
 - iv. Buyer may payoff early with no prepayment penalty.

IN WITNESS WHEREOF, the parties hereto have executed or caused this instrument to be executed as of the day and year first written above.

WITNESS: [Signature]
exp 3/5/23

SELLER: AMP REALTY HOLDINGS, LLC
By: [Signature]
Name: Peter Paul
It's: Trustee

BUYER: DJR REAL ESTATE, LLC
Dana Brearley
By: [Signature]
Name: Dana Brearley
It's: Manager

Arcanna Retail, LLC
61 Bradstreet Lane
Eliot, ME 03903
603-491-5595

Jeffrey Brubaker
Town of Eliot Maine
1333 State Rd, Eliot, ME 03903

August 17, 2020

Dear Mr. Brubaker,

Please be informed that Kenneth A. Wood, P.E. and Brian Nielsen, E.I.T. of Attar Engineering, Inc. will be acting as my agents for the applications and permitting of my project at 290 Harold Dow Highway.

Please contact me if I can provide any additional information.

Sincerely;

A handwritten signature in black ink that reads "Dana Brearley". The signature is fluid and cursive, with the first name "Dana" and last name "Brearley" clearly distinguishable.

Dana Brearley
Arcanna Retail, LLC

cc: Kenneth A. Wood, P.E. Attar Engineering, Inc.

290 Harold L Dow, LLC
61 Bradstreet Lane
Eliot, ME 03903
603-491-5595

Jeffrey Brubaker
Town of Eliot Maine
1333 State Rd, Eliot, ME 03903

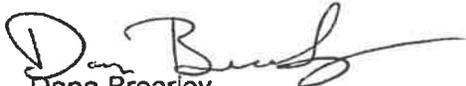
August 17, 2020

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Please contact me if I can provide any additional information.

Sincerely;


Dana Brearley
290 Harold L Dow, LLC

cc: Kenneth A. Wood, P.E. Attar Engineering, Inc.

DJR REAL ESTATE, LLC

61 Bradstreet Lane

Eliot, ME 03903

603-491-5595

Jeffrey Brubaker
Town of Eliot Maine
1333 State Rd, Eliot, ME 03903

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Please contact me if I can provide any additional information.

Sincerely;

A handwritten signature in black ink, appearing to read "Dana Brearley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dana Brearley
DJR Real Estate, LLC

cc: Kenneth A. Wood, P.E. Attar Engineering, Inc.



500 foot Abutters List Report

Eliot, ME
August 18, 2020

Subject Property:

Parcel Number: 037-020-000
CAMA Number: 037-020-000
Property Address: 290 HAROLD L DOW HWY

Mailing Address: AMP REALTY HOLDINGS LLC
C/O NORTHERN POOL & SPA 291
HAROLD L DOW HWY
ELIOT, ME 03903

Abutters:

Parcel Number: 037-001-000
CAMA Number: 037-001-000
Property Address: 265 HAROLD L DOW HWY

Mailing Address: CHURCHILL, EVAN A/ROSALIE B
REVOCABLE TR EVAN A AND ROSALIE
B CHURCHILL TRUSTEES
1288 STATE RD
ELIOT, ME 03903

Parcel Number: 037-002-001
CAMA Number: 037-002-001
Property Address: 291 HAROLD L DOW HWY

Mailing Address: PAOLUCCI REALTY TRUST PETER J &
CARMEN S PAUL TRUSTEES
291 HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 037-002-002
CAMA Number: 037-002-002
Property Address: 4 BROOK DR

Mailing Address: MORIARTY, MARIE
23 LANDING DR
METHUEN, MA 01844-5825

Parcel Number: 037-002-004
CAMA Number: 037-002-004
Property Address: BROOK DR

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

Parcel Number: 037-003-000
CAMA Number: 037-003-000
Property Address: 6 JULIE LN

Mailing Address: CRESTA, RALPH J CRESTA,
KATHERINE A
295 WEST RD
PORTSMOUTH, NH 03801

Parcel Number: 037-003-001
CAMA Number: 037-003-001
Property Address: 299 HAROLD L DOW HWY

Mailing Address: NATURAL ROCKS SPRING WATER ICE
CO INC
299 HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 037-004-000
CAMA Number: 037-004-000
Property Address: 14 MACLELLAN LN

Mailing Address: HERITAGE OPERATING LP AMERIGAS
PROPANE LP
C/O THE ALBANO GROUP PO BOX 1240
MANCHESTER, NH 03105

Parcel Number: 037-005-000
CAMA Number: 037-005-000
Property Address: 26 MACLELLAN LN

Mailing Address: BROWN DOG PROPERTIES MAINE LLC
396 BEECH RD
ELIOT, ME 03903

Parcel Number: 037-009-000
CAMA Number: 037-009-000
Property Address: 276 HAROLD L DOW HWY

Mailing Address: BLACK HAWK HOLDINGS LLC
36 WILSON ST
WILTON, NH 03086

Parcel Number: 037-021-000
CAMA Number: 037-021-000
Property Address: 300 HAROLD L DOW HWY

Mailing Address: SLATE HILL RECYCLING LLC
171 YORK WOODS RD
SOUTH BERWICK, ME 03908



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.

8/18/2020

Page 1 of 1

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA
PROGRAM

This certifies that

ARCANNA RETAIL LLC
AMS276

has been issued a **CONDITIONAL** license as an **ADULT USE MARIJUANA STORE** under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

ISSUED ON
06/26/2020


DIRECTOR
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON
06/25/2021

**NOTE: THIS IS NOT AN ACTIVE
LICENSE**

To make a complaint about this licensed Adult Use Marijuana Establishment:
Email: Licensing.OMP@maine.gov

The Conditional License for AMS276 has been issued based on the following organizational structure:

Principals:

JAMES JOSEPH FOLAN, III, MANAGER
DANA HOWARD BREARLEY, MANAGER

Owners:

31.75% - JAMES FOLAN
31.75% - DANA BREARLEY
20.00% - RYAN WARD
15.00% - SHELL ROAD LLC
1.50% - CONGRESS STREET CAPITAL LLC

NOTICE: This conditional license was issued based upon the information indicated above and submitted on application forms provided by the conditional licensee. The conditional licensee acknowledged and affirmed that the foregoing information was truthful and complete in the presence of a notary. Any changes to the information indicated above must be timely reported to the Office of Marijuana Policy and may affect the conditional licensee's licensure status. A conditional licensee will be required, at a minimum, to obtain a new local authorization based upon any changes to the entity ownership structure listed above.



Loggs →

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

DEPARTMENT ORDER
IN THE MATTER OF

AMP REALTY HOLDINGS, LLC) STORMWATER MANAGEMENT LAW
Eliot, ~~York~~ County)
RETAIL AND OFFICE BUILDING)
L-27601-NJ-A-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M R S § 420-D, and Chapter 500 (06-096 C M R ch 500, last amended August 12, 2015) of the Department's Regulations, the Department of Environmental Protection has considered the application of AMP REALTY HOLDINGS, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS

1 PROJECT DESCRIPTION

A Summary The applicant proposes to construct a stormwater management system for a 11,800-square foot commercial building with eight retail and office units and associated parking, driveway, and circulation drives on a 3.01-acre lot. The proposed project has 2.60 acres of developed area which includes 1.4 acres of impervious area. The project is shown on a set of plans, Plan L1 of the plan set is titled "Site Plan, AMP Commercial Development, Route 236, Eliot, Maine prepared for Peter Paul, P O Box 694, Eliot, ME 03906," prepared by Civil Consultants, and dated August 24, 2017 with a latest revision date on any of the sheets of September 13, 2017. The project site is located on the east side of Dow Highway (Route 236) in the Town of Eliot.

B Current Use of the Site The site was forested in 2007 and since then has been developed as a roundwood and lumber storage yard and subsequently used for a firewood processing and sales area. The interior of the site is gravel with a narrow band of mature trees around the perimeter of the lot.

2 STORMWATER STANDARDS

The proposed project includes approximately 2.60 acres of developed area, of which 1.4 acres is impervious area. It lies within the watershed of the Piscataqua River. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of four bio-retention cells.

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

DEBRA L ANDERSON, REGISTER OF DEEDS
BK 17621 PG 242
Inst # 2017052179
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Pages 6
YORK CO

Appendix A of Chapter 500 and the Best Management Practices (BMPs) 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, BLR. The applicant will be responsible for the maintenance of 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 the grit and sediment materials removed from stormwater control structures are 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 that will treat runoff from 95% of the impervious area and 84% 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 Chapter 500 General Standards and recommended that the applicant's design engineer or another qualified engineer oversee the construction of the bioretention cells to ensure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days from completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant must submit a log of inspection

reports detailing the items inspected, photographs taken, and the 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 Chapter 500 Basic and General Standards provided that construction of the bio-retention cells is overseen and documented as described above.

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. § 420-D, and Chapter 500 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity provided that grit and sediment materials removed from stormwater structures during maintenance activities are disposed of in compliance with the Maine Solid Waste Management Rules.
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards provided that construction of the bioretention cells is overseen and documented as described in Finding 2.B.

THEREFORE, the Department APPROVES the above noted application of AMP REALTY HOLDINGS, LLC to construct a stormwater management system for a commercial development 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 order, 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. Grit and sediment materials removed from stormwater structures shall be disposed of in compliance with the Maine Solid Waste Management Rules.

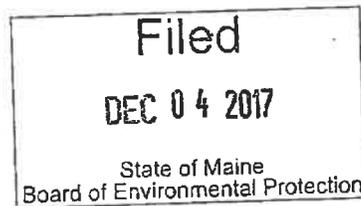
5. The applicant shall retain the design engineer or another qualified engineer to oversee the construction of the bio-retention cells according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system or if the project takes more than one year to complete, 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 4TH DAY OF DECEMBER, 2017

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

CGW/L27601AN/ATS#82252

ATTEST:
Beth Vieta
Beth Vieta

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 applicant. 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.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §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 developer, and the owner 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.
- (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 have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) 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.

November 16, 2005 (revised December 27, 2011)



Maine Department of Transportation Driveway/Entrance Permit

Permit Number: 9781

Location: Route: 0236X, Dow Highway

Owner: Eliot Recycling Services, Inc

Municipality: Eliot

Address: 276 Dow Highway
Eliot, ME 03903

County: York

Tax Map: 37; Lot Number: 6

Telephone: (207)252-1396

Culvert Size: 18"

Culvert Type: plastic

Culvert Length: 60'

Date of Permit: 05-JAN-10

Approved Entrance Width: 42'

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 [a] Commercial Industrial at a point 2140' N 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 of Approval attached hereto and to any Specific Conditions of Approval shown here.

Approved Special Condition(s):

- * In the town of Eliot on the easterly side of route 236, approximately 2140 feet northerly of Beech Rd and approximately 111 feet northerly of utility pole 30/9.
- * If entrance width exceeds 30 feet (42 feet maximum), a raised island shall be constructed which separates the incoming lane from the outgoing lane(s). Said island shall be 6 feet in width, with the leading end set back 8 feet from the edge of shoulder pavement.
- * The entrance shall be constructed in such a way that the pavement line and the shoulder line at the entrance shall conform to the pavement line and the shoulder line that currently exists on this section of highway, and in a way so as to prevent surface water from draining onto the highway.
- * A 18 inch diameter plastic HDPE culvert shall be installed in line with the existing ditch parallel to route 236, conforming to MDOT option III Standards.
- * The entrance profile shall be constructed so that the first 50 feet off the edge of roadway pavement slopes no more than 3% above the pavement elevation of the highway. Thereafter the entrance profile shall conform to MDOT Standards wherein grade changes shall not exceed 9% in 8 foot increments of entrance length.
- * This permit is approved to allow for up to 99 passenger car equivalents (PCEs) in the peak hour to use the entrance. When a change of use (PCEs) occurs, the Owner will be required to gain the approval of the MaineDOT in order to evaluate the PCEs in the peak hour. If at any time it is determined that the estimated net change in PCEs in the peak hour will be above the 99 PCE threshold, the MaineDOT may require the owner to apply for a Traffic Movement Permit.

Approved by: _____

Brian Neely, P.E.

Date: _____

1/5/10

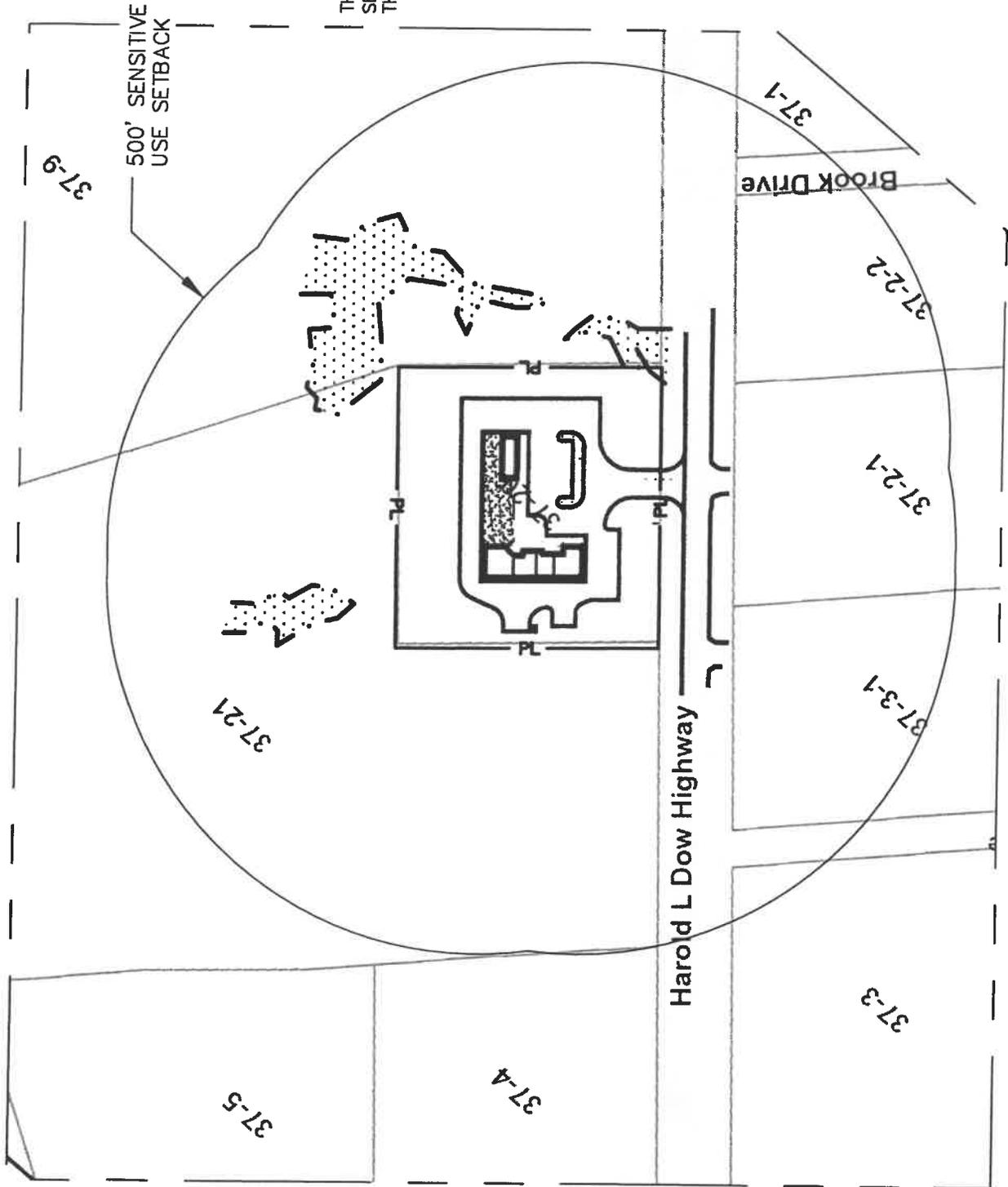
STANDARD CONDITIONS

1. Provide, erect and maintain all necessary barricades, lights, warning signs and other devices as directed by MaineDOT to safeguard traffic properly while the construction is in progress.
2. At no time cause the highway to be closed to traffic.
3. Where the driveway is located within a curb, curb and gutter, and/or sidewalk section, completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create the driveway and restore drainage. All driveways abutting sidewalk sections shall meet the requirements set forth in the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131 et seq.
4. Obtain, have delivered to the site, and install any culverts and/or drainage structures which may be necessary for drainage, the size, type and length as called for in the permit pursuant to 23 M.R.S.A. Sec. 705. All culverts and/or drainage structures shall be new.
5. Start construction of the proposed driveway within twenty-four (24) months of the date of permit issuance and substantially complete construction of the proposed driveway within twelve months of commencement of construction.
6. Comply with all applicable federal, state and municipal regulations and ordinances.
7. Not alter, without the express written consent of the MaineDOT, any culverts or drainage swales within the MaineDOT right of way.
8. File a copy of the approved driveway permit with the affected municipality or LURC, as appropriate within 5 business days of receiving the MaineDOT approval.
9. Construct and maintain the driveway side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.
10. Notify the MaineDOT of a proposed change of use served by the driveway when increase in traffic flow is expected to occur. This does not exempt the need for obtaining a Traffic Movement Permit (TMP) if trip generation meets or exceeds 100 passenger car equivalents (pce) during the peak hour of the day.
11. Construct or implement and maintain erosion & sedimentation measures sufficient to protect MaineDOT's facilities.
12. Driveways shall be designed such that all maneuvering and parking of any vehicles will take place outside the highway right-of-way and where vehicles will exit the premises without backing onto the highway traveled way or shoulders. All driveways will have a turnaround area to accommodate vehicles using the premises.

FURTHER CONDITION OF THE PERMIT:

The owner shall assume the defense of, and pay all damages, fines, and penalties for which he/she shall become liable, and shall indemnify and safe harmless said Department, its representatives, agents and employees from liability, actions against all suits, claims, damages for wrongful death, personal injuries or property damage suffered by any person or association which results from the willful or negligent action or inaction of the owner/applicant/agent and in proceedings of every kind arising out of the construction and maintenance of said entrance(s), including snow removal. Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the MaineDOT, their officers, agents or employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law. It is a further condition that the owner will agree to keep the right of way inviolate for public highway purposes and no signs (other than traffic signs and signals), posters, billboards, roadside stands, culvert end walls or private installations shall be permitted within Right of Way limits.

THERE ARE NO KNOWN SENSITIVE USES WITHIN 500' OF THE BUILDING STRUCTURE



500' SENSITIVE USE SETBACK

37-9

37-1
Brook Drive

37-2-2

37-2-7

37-3-1

37-3

Harold L Dow Highway

37-4

37-5

37-2-1

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Environmental Health, 11 SHS
(207) 287-5672 FAX (207) 287-3165

>> CAUTION: LPI APPROVAL REQUIRED <<

PROPERTY LOCATION		Town/City		Permit #	
City, Town, or Plantation	Eliot	Town/City		Permit #	
Street or Road	290 Rte 236	Date Permit Issued	/ /	Fee \$	
Subdivision, Lot #	n/a			Double Fee Charged []	
OWNER/APPLICANT INFORMATION		Local Plumbing Inspector Signature		L.P.I. #	
Name (last, first, MI)	Paul, Peter			<input type="checkbox"/> Owner	<input type="checkbox"/> Town <input type="checkbox"/> State
Mailing Address of Owner/Applicant					
Daytime Tel. #	207-252-1396				
Owner or Applicant Statement		CAUTION: INSPECTION REQUIRED			
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit		I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.		(1st) Date Approved	
Signature of Owner or Applicant		Local Plumbing Inspector Signature		(2nd) Date Approved	

PERMIT INFORMATION

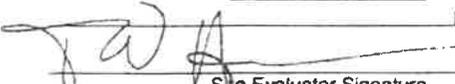
TYPE OF APPLICATION	THIS APPLICATION REQUIRES	DISPOSAL SYSTEM COMPONENT(S)
<input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type Replaced: _____ Year Installed: _____ <input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. < 25% Expansion <input type="checkbox"/> b. ≥ 25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	<input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	<input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alternative toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input type="checkbox"/> 11. Pre-treatment, specify: <input type="checkbox"/> 12. Miscellaneous Components:
SIZE OF PROPERTY	DISPOSAL SYSTEM TO SERVE	TYPE OF WATER SUPPLY
<input type="checkbox"/> sq. ft. 3 <input checked="" type="checkbox"/> acres	1. <input type="checkbox"/> Single Family Dwelling Unit, No. of Bedrooms: _____ 2. <input type="checkbox"/> Multiple Family Dwelling, No. of Units: _____ 3. <input checked="" type="checkbox"/> Other: Commercial Complex (specify) Current Use: <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped	<input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other:

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK	DISPOSAL FIELD TYPE & SIZE	GARBAGE DISPOSAL UNIT	DESIGN FLOW
<input checked="" type="checkbox"/> 1. Concrete <input type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other _____ CAPACITY: 1,000 gallons	<input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device <input checked="" type="checkbox"/> a. cluster array <input type="checkbox"/> c. linear <input checked="" type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 Load <input type="checkbox"/> 4. Other _____ SIZE: 640 <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft.	<input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If yes/maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	384 gallons-per-day (gpd) BASED ON: <input type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input checked="" type="checkbox"/> 2. Table 4C (other facilities) 4 Offices and 4 Retail Units Assume 4 people per unit 384 x 3.3/2 = 634sf use 640sf.
SOIL DATA & DESIGN CLASS	DISPOSAL FIELD SIZING	EFFLUENT/EJECTOR PUMP	ATTACH WATER METER DATA
PROFILE: 3 / CONDITION: C at Observation Hole # 1 Depth 22" Of Most Limiting Soil Factor	<input type="checkbox"/> 1. Medium -- 2.6 sq. ft./gpd <input checked="" type="checkbox"/> 2. Medium-Large -- 3.3 sq. ft./gpd <input type="checkbox"/> 3. Large -- 4.1 sq. ft./gpd <input type="checkbox"/> 4. Extra Large -- 5.0 sq. ft./gpd	<input type="checkbox"/> 1. Not Required <input type="checkbox"/> 2. May Be Required <input checked="" type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	LATITUDE AND LONGITUDE At center of disposal area Lat 43 d 08 m 11.7 s Lon 70 d 46 m 37.6 s if g.p.s., state margin of error:

SITE EVALUATOR STATEMENT

I certify that on 2/4/2010&8/23/17 I completed a site evaluation on this property and state that the data reported in my opinion is accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).


Site Evaluator Signature

114
SE #

10/2/17
Date

Thomas W. Harmon
Site Evaluator Name Printed

207-384-2550
Telephone #

tharmon@civcon.com
E-Mail Address

Note: Changes to or deviations from the design should be confirmed with the Site Evaluator.
J:\aaa\2008\08111001Sept\the200page1.doc 08/2012 rd

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
 Division of Health Engineering
 (207) 287-5672 Fax: (207) 287-3165

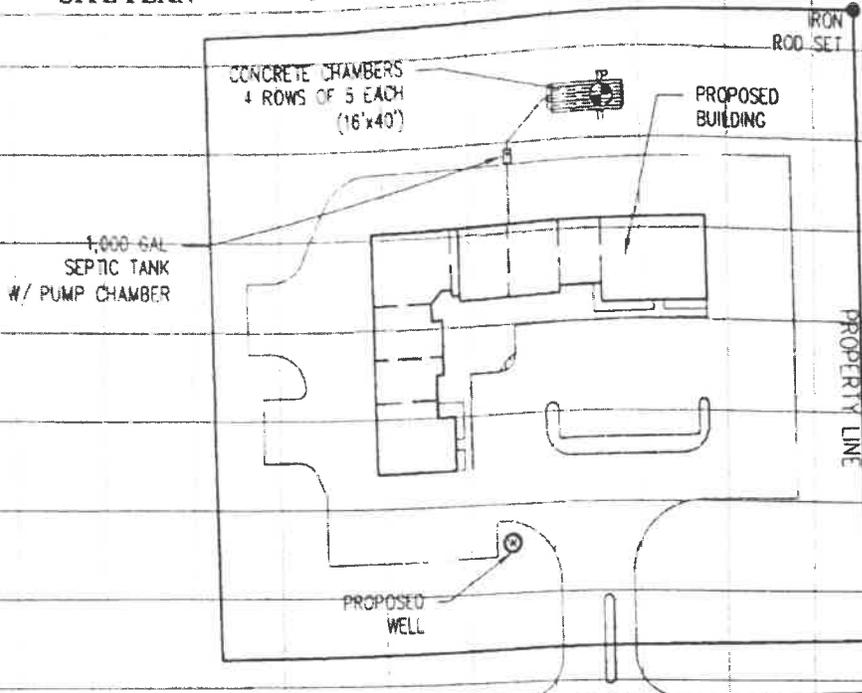
Town, City, Plantation
 ELIOT

Street, Road, Subdivision
 ROUTE 236/DOW HIGHWAY

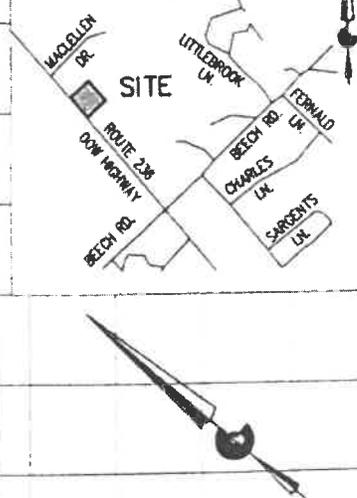
Owner's Name
 AMP REALTY HOLDINGS, LLC

SITE PLAN

Scale 1" = 100 ft. or as shown



SITE LOCATION PLAN



NOTE: SEPTIC SYSTEM TO BE A MINIMUM OF 100' FROM PROPOSED WELL

ROUTE 236 DOW HIGHWAY

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole T1 Test Pit Boring
1 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0-2	LOAM		DK BROWN	
2-10	SANDY LOAM	FRIABLE	GOLDEN BROWN	NONE
10-22			BROWN	
22-30	SANDY LOAM		GOLDEN BROWN	COMMON
30-40				
40-50				

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> <u>C</u>	<u>8</u> %	<u>22</u> "	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Observation Hole Test Pit Boring
 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0-2				
2-10				
10-20				
20-30				
30-40				
40-50				

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
<u> </u> <u> </u>	<u> </u> %	<u> </u> "	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

[Signature]
 Site Evaluator Signature

114
 SE #

09/29/2017
 Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
 Division of Health Engineering
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision
 ROUTE 236 / DOW HIGHWAY

Owner's Name

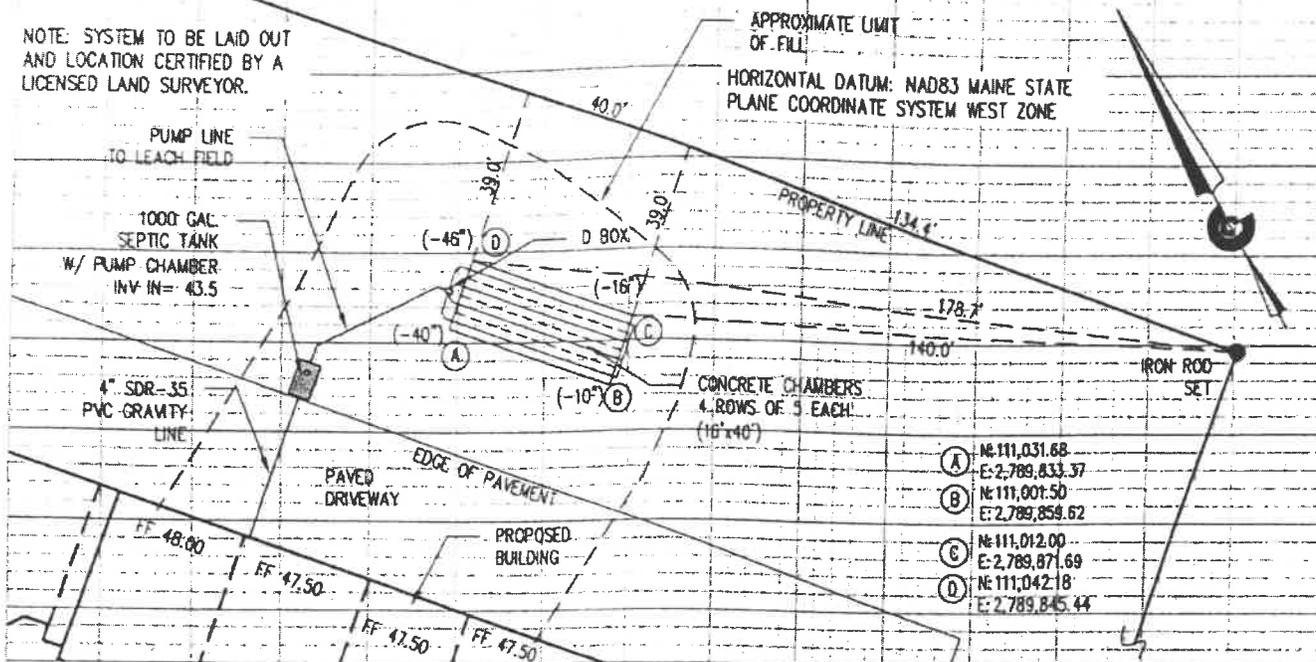
AMP REALTY HOLDINGS, LLC

ELIOT

SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE: 1" = 40 FT.

NOTE: SYSTEM TO BE LAID OUT AND LOCATION CERTIFIED BY A LICENSED LAND SURVEYOR.



(A)	N: 111,031.68 E: 2,789,833.37
(B)	N: 111,001.50 E: 2,789,859.62
(C)	N: 111,012.00 E: 2,789,871.69
(D)	N: 111,042.18 E: 2,789,845.44

FILL REQUIREMENTS

Depth of Fill (Upslope)	14"
Depth of Fill (Downslope)	43"

CONSTRUCTION ELEVATIONS

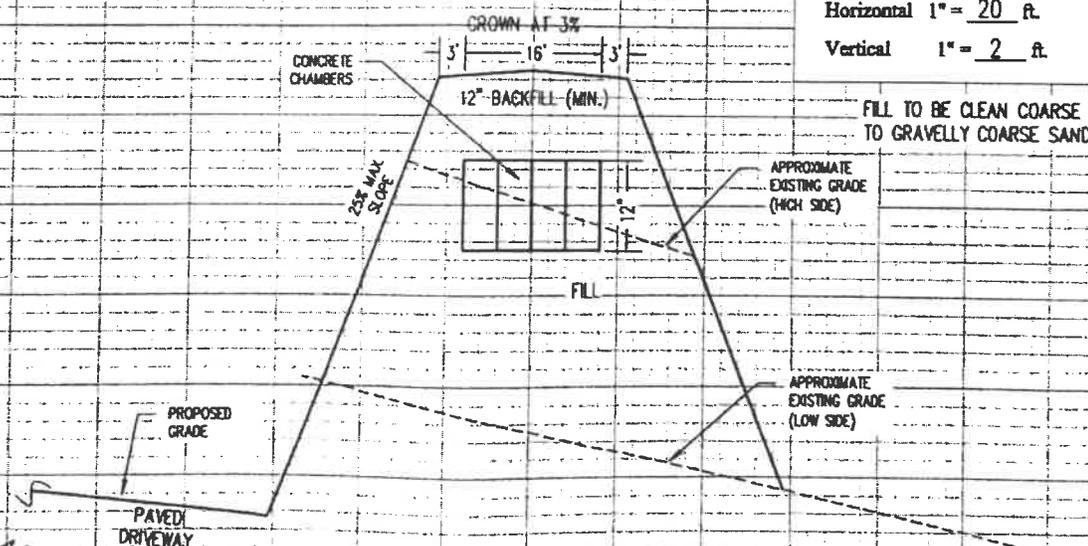
Finished Grade Elevation	151.67
Top of Distribution Pipe or Proprietary Device	150.67
Bottom of Disposal Area	149.67

ELEVATION REFERENCE POINT

Location & Description: (SEE NOTE)
 Reference Elevation: NAVD88

DISPOSAL AREA CROSS SECTION

Scale
 Horizontal 1" = 20 ft.
 Vertical 1" = 2 ft.

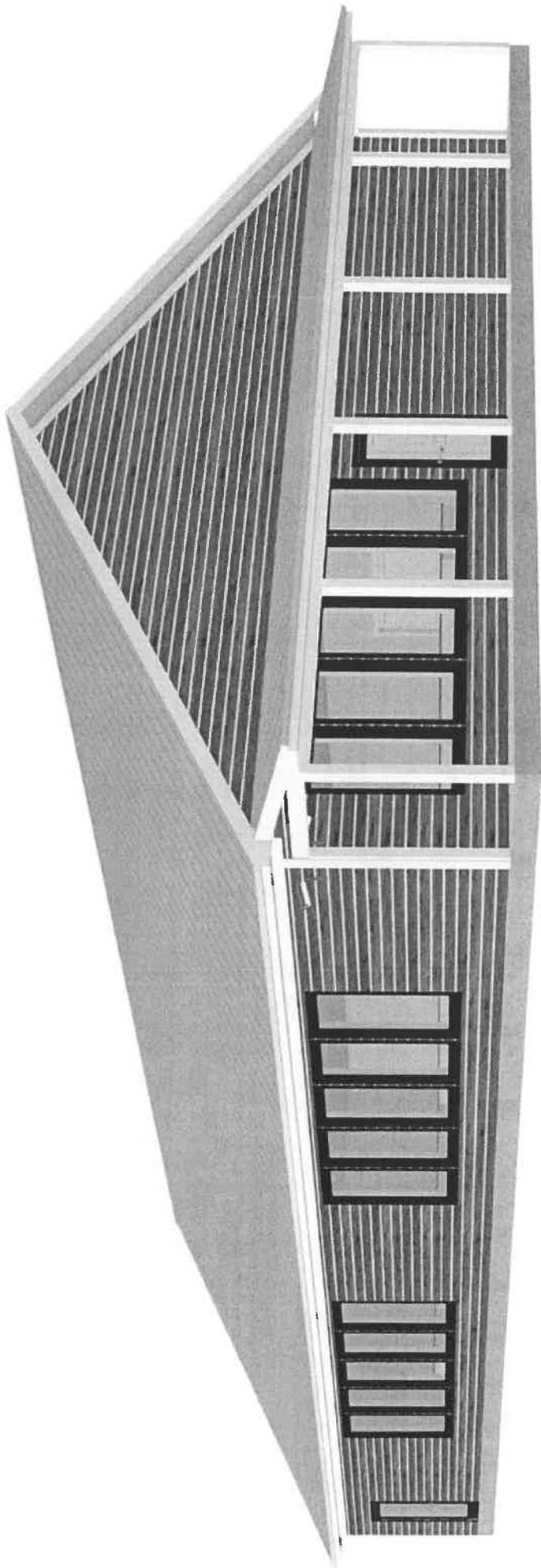


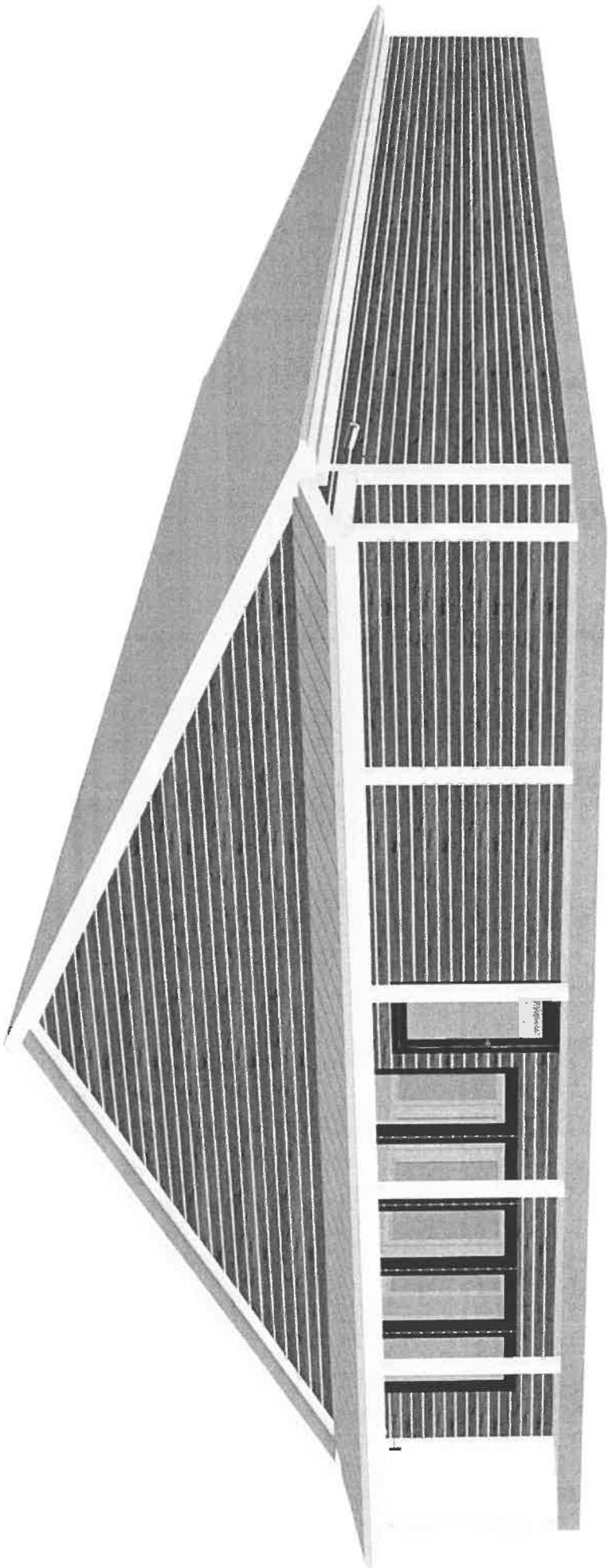
[Handwritten Signature]
 Site Evaluator Signature

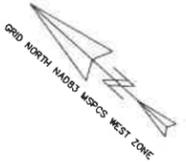
114
 SE #

09/29/17
 Date

Page 3 of 3
 HHE-200 Rev. 8/01

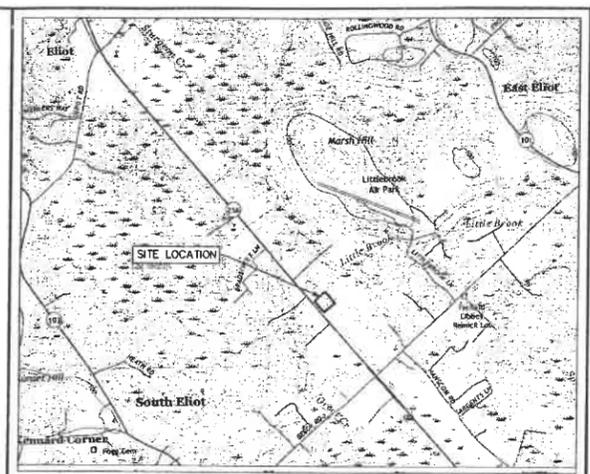






SUBJECT PROPERTY:
TAX MAP 37, LOT 20
AMP REALTY HOLDINGS, LLC
 Y.C.R.D. 15795/88
 3.01 ACRES ±
 131,250 SQUARE FEET

ABUTTING PROPERTY:
 PORTION OF
TAX MAP 37, LOT 21
 N/F
SLATE HILL RECYCLING, LLC
 Y.C.R.D. 16670/358



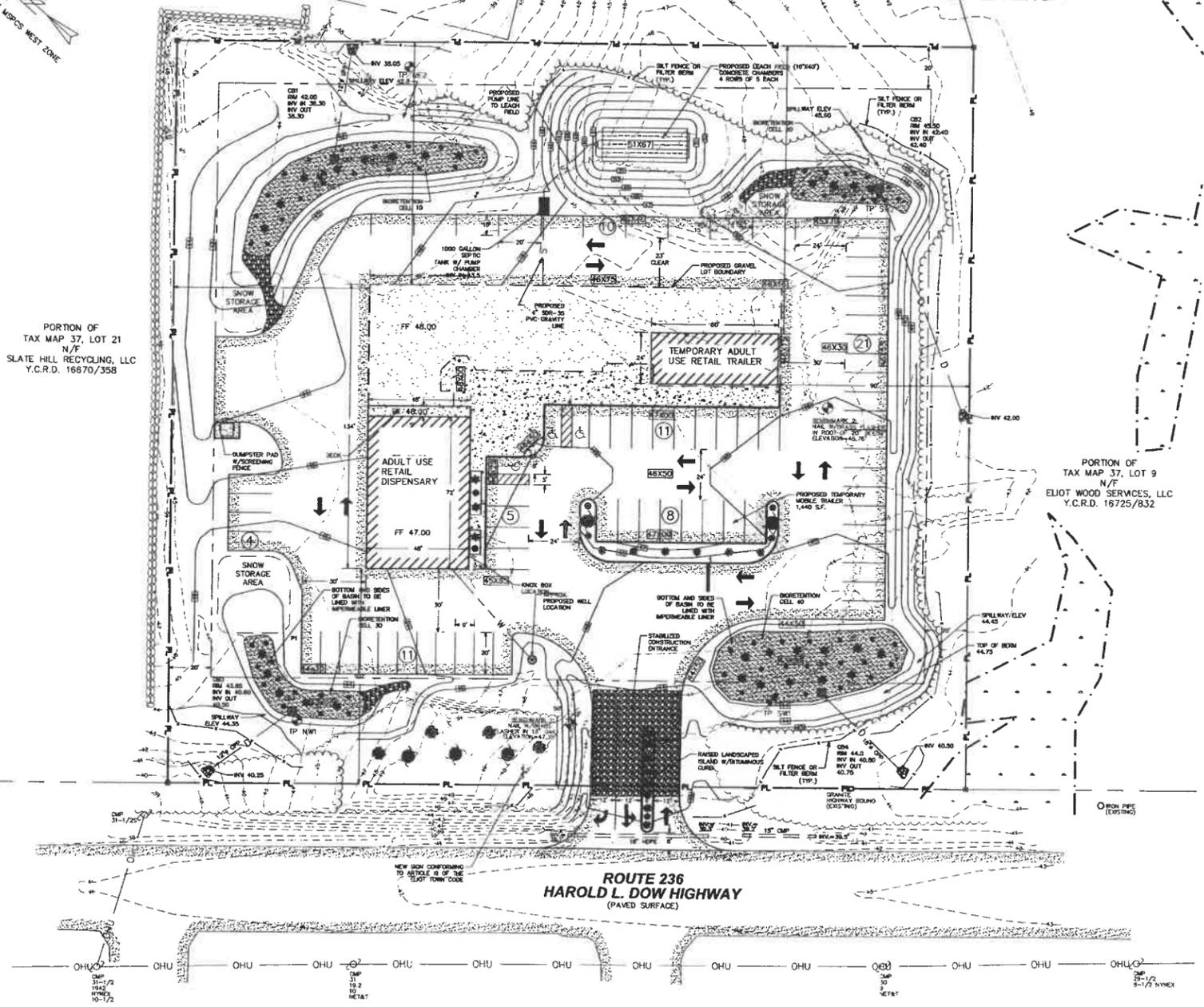
SITE LOCATION MAP
 APPROXIMATE SCALE 1" = 2000'

GENERAL NOTES

1. ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT ELIOT WATER DISTRICT STANDARDS.
2. ALL STORM DRAINS TO BE ADS N-12 (PE) OR APPROVED EQUAL.
3. A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.
4. CENTRAL MAINE POWER COMPANY WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION.
5. NEW WATER AND SEWER LINES SHALL BE TESTED IN ACCORDANCE WITH RESPECTIVE DISTRICT REQUIREMENTS.

LEGEND	
PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
PRP. BUILDING	▨
PRP. PARKING	▨
EXT. PAVEMENT	▨
PRP. PAVEMENT	▨
PRP. GRAVEL	▨
EXT. TEST PIT	⊕
EXT. STONEWALL	▬
PRP. STOCKADE FENCE	▬
PRP. SIGN	▬
EXT. TREELINE	▬
PRP. TREELINE	▬
EXT. MAJOR CONTOUR	---
EXT. MINOR CONTOUR	---
PRP. MAJOR CONTOUR	---
PRP. MINOR CONTOUR	---
PRP. SPOT GRADE	▬
PRP. CATCH BASIN	▬
EXT. POWER POLE	⊕
EXT. MONITORING WELL	⊕
PRP. STORM LINE	D
PRP. SEWER LINE	S
PRP. WATER LINE	W
EXT. OVERHEAD ELEC	O
EXT. WETLAND BNDY	▬
PRP. SILTATION FENCE	▬
FOUND PIPE OR IRON ROD	⊕
FOUND STONE OR CONCRETE MONUMENT	⊕

PORTION OF
TAX MAP 37, LOT 21
 N/F
SLATE HILL RECYCLING, LLC
 Y.C.R.D. 16670/358



PORTION OF
TAX MAP 37, LOT 9
 N/F
ELIOT WOOD SERVICES, LLC
 Y.C.R.D. 16725/832

ROUTE 236
HAROLD L. DOW HIGHWAY
 (PAVED SURFACE)

TOWN OF ELIOT PLANNING BOARD		DATE
CHAIR		

NOT FOR CONSTRUCTION

GRAPHIC SCALE



GRADING AND UTILITY PLAN
 AMP COMMERCIAL DEVELOPMENT
 290 HAROLD L. DOW HIGHWAY, ELIOT, MAINE

FOR:
 290 HAROLD L. DOW, LLC
 61 BRADSTREET LANE
 ELIOT, ME 03903

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

SCALE: 1" = 30'

APPROVED BY: [Signature]

DRAWN BY: [Signature]

STATE OF MAINE
 YORK COUNTY REGISTRY OF DEEDS
 RECEIVED
 AT 2:20 P.M. AND RECORDED IN
 PLAT BOOK PAGE

EROSION & SEDIMENTATION CONTROL NOTES

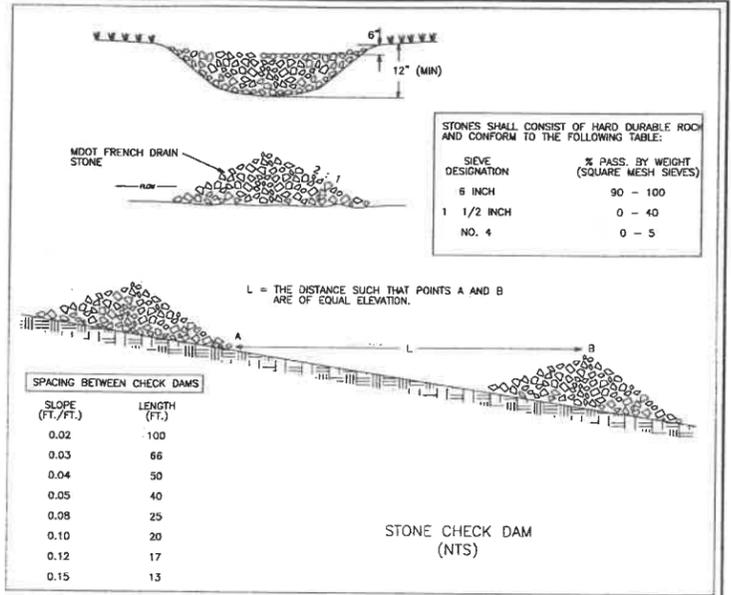
- SILTATION FENCE OR HAY BALE BARRIERS WILL BE INSTALLED DOWNSLOPE OF ALL STRIPPING OR CONSTRUCTION OPERATIONS. A DOUBLE SILT FENCE BARRIER SHALL BE INSTALLED DOWNSLOPE OF ANY SOIL MATERIAL STOCKPILES. SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL PARTICLES ACCUMULATING BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND IN NO INSTANCE SHOULD ACCUMULATION EXCEED 1/2 THE HEIGHT OF THE FENCE. TORN OR DAMAGED AREAS SHALL BE REPAIRED.
- TEMPORARY AND PERMANENT VEGETATION AND MULCHING IS AN INTEGRAL COMPONENT OF THE EROSION AND SEDIMENTATION CONTROL PLAN. ALL AREAS SHALL BE INSPECTED AND MAINTAINED UNTIL THE DESIRED VEGETATIVE COVER IS ESTABLISHED. THESE CONTROL MEASURES ARE ESSENTIAL TO EROSION PREVENTION AND ALSO REDUCE COSTLY REWORK OF GRADED AND SHAPED AREAS.
- SEEDING, FERTILIZER AND LIME RATES AND TIME OF APPLICATION WILL BE DEPENDENT ON SOIL REQUIREMENTS. TEMPORARY VEGETATION SHALL BE MAINTAINED IN THESE AREAS UNTIL PERMANENT SEEDING IS APPLIED. ADDITIONALLY, EROSION AND SEDIMENTATION MEASURES SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.
- ALL LAWN AREA, OUTER POND SIDE SLOPES AND SWALES SHALL BE PERMANENTLY SEEDDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 2 LB/ACRE REDTOP AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 42 LB/ACRE. FERTILIZER AND LIME RATES SHALL BE DEPENDENT ON SOIL TESTING. IN THE ABSENCE OF SOIL TESTS, FERTILIZE WITH 10-20-20 (N-P205-K20) AT 800 LB/ACRE AND LIME AT 3 TONS/ACRE. MULCH WITH HAY AT 70-90 LB/1000 S.F. 4" OF LOAM SHALL BE APPLIED PRIOR TO SEEDING.
- POND BOTTOMS AND INNER POND SIDESLOPES SHALL BE PERMANENTLY SEEDDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 8 LB/ACRE BIRDSFOOT TREFLOID AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.
- TEMPORARY VEGETATION OF ALL DISTURBED AREAS, MATERIAL STOCKPILES AND OTHER SUCH AREAS SHALL BE ESTABLISHED BY SEEDING WITH EITHER WINTER RYE AT A RATE OF 112 LB/ACRE OR ANNUAL RYEGRASS AT A RATE OF 40 LB/ACRE. WINTER RYE SHALL BE USED FOR FALL SEEDING AND ANNUAL RYEGRASS FOR SHORT DURATION SEEDING. SEEDING SHALL BE ACCOMPLISHED BEFORE OCTOBER 1.
- TEMPORARY SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. PERMANENT SEEDING SHALL BE ACCOMPLISHED BEFORE SEPTEMBER 15.
- ALL SEEDED AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-90 LB) PER 1000 S.F. OF SEEDED AREA.
- SLOPES 2:1 OR STEEPER SHALL BE TREATED WITH POLYJUTE OPEN WEAVE GEOTEXTILE (OR EQUIVALENT) AFTER SEEDING. JUTE MATS SHALL BE ANCHORED PER MANUFACTURER'S SPECIFICATIONS.
- EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.
- THE CONTRACTOR MAY OPT TO USE EROSION CONTROL MIX BERM AS A SEDIMENT BARRIER IN LIEU OF SILTATION FENCE OR HAY BALE BARRIERS WITH APPROVAL FROM THE INSPECTING ENGINEER.
- MINIMIZE DISTURBED AREAS AND PROTECT NATURAL DOWNGRADE BUFFER AREAS TO THE EXTENT PRACTICABLE. CONTROL STORMWATER VOLUME AND VELOCITY WITHIN THE SITE TO MINIMIZE SOIL EROSION. MINIMIZE THE DISTURBANCE OF STEEP SLOPES. CONTROL STORMWATER DISCHARGES, INCLUDING BOTH PEAK FLOW RATES AND VOLUME, TO MINIMIZE EROSION AT OUTLETS. THE DISCHARGE MAY NOT RESULT IN EROSION OF ANY OPEN DRAINAGE CHANNELS, SWALES, STREAM CHANNELS OR STREAM BANKS, UPLAND, OR COASTAL OR FRESHWATER WETLANDS OFF THE PROJECT SITE.
- DITCHES, SWALES, AND OTHER OPEN STORMWATER CHANNELS MUST BE DESIGNED, CONSTRUCTED, AND STABILIZED USING MEASURES THAT ACHIEVE LONG-TERM EROSION CONTROL. DITCHES, SWALES AND OTHER OPEN STORMWATER CHANNELS MUST BE SIZED TO HANDLE, AT A MINIMUM, THE EXPECTED VOLUME RUNOFF. EACH CHANNEL SHOULD BE CONSTRUCTED IN SECTIONS SO THAT THE SECTION'S GRADING, SHAPING, AND INSTALLATION OF THE PERMANENT LINING CAN BE COMPLETED IN ONE PASS. THE CHANNEL'S FINAL GRADING OR LINING INSTALLATION MUST BE DELAYED, THEN DIVERSION BERMS MUST BE USED TO DIVERT STORMWATER AWAY FROM THE CHANNEL. PROPERLY-SPACED CHECK DAMS MUST BE INSTALLED IN THE CHANNEL TO SLOW THE WATER VELOCITY AND A TEMPORARY LINING INSTALLED ALONG THE CHANNEL TO PREVENT SCOURING.
- THE CHANNEL SHOULD RECEIVE ADEQUATE ROUTINE MAINTENANCE TO MAINTAIN CAPACITY AND PREVENT OR CORRECT ANY EROSION OF THE CHANNEL'S BOTTOM OR SIDE SLOPES.
- WHEN THE WATERSHED DRAINING TO A DITCH OR SWALE IS LESS THAN 1 ACRE OF TOTAL DRAINAGE AND LESS THAN 1/4 ACRE OF IMPERVIOUS AREA, DIVERSION OF RUNOFF TO ADJACENT WOODED OR OTHERWISE VEGETATED BUFFER AREAS IS ENCOURAGED WHERE THE OPPORTUNITY EXISTS.
- SEDIMENT BASINS MUST BE DESIGNED TO PROVIDE STORAGE FOR EITHER THE CALCULATED RUNOFF FROM A 2-YEAR, 24-HOUR STORM OR PROVIDE FOR 3,600 CUBIC FEET OF CAPACITY PER ACRE DRAINING TO THE BASIN. OUTLET STRUCTURES MUST DISCHARGE WATER FROM THE SURFACE OF THE BASIN WHENEVER POSSIBLE. EROSION CONTROLS AND VELOCITY DISSIPATION DEVICES MUST BE USED IF THE DISCHARGING WATERS ARE LIKELY TO CREATE EROSION. ACCUMULATED SEDIMENT MUST BE REMOVED AS NEEDED FROM THE BASIN TO MAINTAIN AT LEAST OF THE DESIGN CAPACITY OF THE BASIN. THE USE OF CATIONIC TREATMENT CHEMICALS, SUCH AS POLYMERS, FLOCCULANTS, OR OTHER CHEMICALS THAT CONTAIN AN OVERALL POSITIVE CHARGE DESIGNED TO REDUCE TURBIDITY IN STORMWATER MUST RECEIVE PRIOR APPROVAL FROM THE DEPARTMENT. WHEN REQUESTING APPROVAL TO USE CATIONIC TREATMENT CHEMICALS, YOU MUST DESCRIBE APPROPRIATE CONTROLS AND IMPLEMENTATION PROCEDURES TO ENSURE THE USE WILL NOT LEAD TO A VIOLATION OF WATER QUALITY STANDARDS. IN ADDITION, YOU MUST SPECIFY THE TYPE(S) OF SOIL LIKELY TO BE TREATED ON THE SITE, CHEMICALS TO BE USED AND HOW THEY ARE TO BE APPLIED AND IN WHAT QUANTITY, ANY MANUFACTURER'S RECOMMENDATIONS, AND ANY TRAINING HAD BY PERSONNEL WHO WILL HANDLE AND APPLY THE CHEMICALS.
- GRAVEL AND PAVED ROADS MUST BE DESIGNED AND CONSTRUCTED WITH CROWNS OR OTHER MEASURES, SUCH AS WATER BARS, TO ENSURE THAT STORMWATER IS DELIVERED IMMEDIATELY TO ADJACENT STABLE DITCHES, VEGETATED BUFFER AREAS, CATCH BASIN INLETS, OR STREET CUTTERS.
- CULVERTS MUST BE SIZED TO AVOID UNINTENDED FLOODING OF UPSTREAM AREAS OR FREQUENT OVERTOPPING OF ROADWAYS. CULVERT INLETS MUST BE PROTECTED WITH APPROPRIATE MATERIALS FOR THE EXPECTED ENTRANCE VELOCITY, AND PROTECTION MUST EXTEND AT LEAST AS HIGH AS THE EXPECTED MAXIMUM ELEVATION OF STORAGE BEHIND THE CULVERT. CULVERT OUTLET DESIGN MUST INCORPORATE MEASURES, SUCH AS APRONS, TO PREVENT SCOUR OF THE STREAM CHANNEL. OUTLET PROTECTION MEASURES MUST BE DESIGNED TO STAY WITHIN THE CHANNEL LIMITS. THE DESIGN MUST TAKE ACCOUNT OF TAILWATER DEPTH.
- PARKING AREAS MUST BE CONSTRUCTED TO ENSURE RUNOFF IS DELIVERED TO ADJACENT SWALES, CATCH BASINS, CURB GUTTERS, OR BUFFER AREAS WITHOUT ERODING AREAS DOWNSLOPE. THE PARKING AREA'S SUBBASE COMPACTION AND GRADING MUST BE DONE TO ENSURE RUNOFF IS EVENLY DISTRIBUTED TO ADJACENT BUFFERS OR SIDE SLOPES. CATCH BASINS MUST BE ENOUGH DEPTH TO PROVIDE ENOUGH STORAGE DEPTH AT THE INLET TO ALLOW INFLOW OF PEAK RUNOFF RATES WITHOUT BY-PASS OF RUNOFF TO OTHER AREAS.

EROSION & SED. CONTROL NOTES (CONT.)

- WHENEVER PRACTICABLE, NO DISTURBANCE ACTIVITIES SHOULD TAKE PLACE WITHIN 50 FEET OF ANY PROTECTED NATURAL RESOURCE. IF DISTURBANCE ACTIVITIES TAKE PLACE BETWEEN 30 FEET AND 50 FEET OF ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED. IF DISTURBANCE ACTIVITIES TAKE PLACE LESS THAN 30 FEET FROM ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED AND DISTURBED AREAS MUST BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN 7 DAYS.
- PRIOR TO CONSTRUCTION, PROPERLY INSTALL SEDIMENT BARRIERS AT THE DOWNGRADE EDGE OF ANY AREA TO BE DISTURBED AND ADJACENT TO ANY DRAINAGE CHANNELS WITHIN THE DISTURBED AREA. SEDIMENT BARRIERS SHOULD BE INSTALLED DOWNGRADE OF SOIL OR SEDIMENT STOCKPILES AND STORMWATER PREVENTED FROM RUNNING ONTO THE STOCKPILE. MAINTAIN THE SEDIMENT BARRIERS BY REMOVING ACCUMULATED SEDIMENT, OR REMOVING AND REPLACING THE BARRIER, UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED. WHERE A DISCHARGE TO A STORM DRAIN INLET OCCURS, IF THE STORM DRAIN CARRIES WATER DIRECTLY TO A SURFACE WATER AND YOU HAVE AUTHORITY TO ACCESS THE STORM DRAIN INLET, YOU MUST INSTALL AND MAINTAIN PROTECTION MEASURES THAT REMOVE SEDIMENT FROM THE DISCHARGE.
- PRIOR TO CONSTRUCTION, PROPERLY INSTALL A STABILIZED CONSTRUCTION ENTRANCE (SCE) AT ALL POINTS OF EGRESS FROM THE SITE. THE SCE IS A STABILIZED PAD OF AGGREGATE, UNDERLAIN BY A GEOTEXTILE FILTER FABRIC, USED TO PREVENT TRAFFIC FROM TRACKING MATERIAL AWAY FROM THE SITE ONTO PUBLIC ROWS. MAINTAIN THE SCE UNTIL ALL DISTURBED AREAS ARE STABILIZED.
- WITHIN 7 DAYS OF THE CESSATION OF CONSTRUCTION ACTIVITIES IN AN AREA THAT WILL NOT BE WORKED FOR MORE THAN 7 DAYS, STABILIZE ANY EXPOSED SOIL WITH MULCH, OR OTHER NON-ERODIBLE COVER. STABILIZE AREAS WITHIN 75 FEET OF A WETLAND OR WATERBODY WITHIN 48 HOURS OF THE INITIAL DISTURBANCE OF THE SOIL OR PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST.
- REMOVE ANY TEMPORARY CONTROL MEASURES, SUCH AS SILTATION FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED. REMOVE ANY ACCUMULATED SEDIMENTS AND STABILIZE.
- IF THE AREA WILL NOT BE WORKED FOR MORE THAN ONE YEAR OR HAS BEEN BROUGHT TO FINAL GRADE, THEN PERMANENTLY STABILIZE THE AREA WITHIN 7 DAYS BY PLANTING VEGETATION, SEEDING, SOD, OR THROUGH THE USE OF PERMANENT MULCH, OR RIPRAP, OR ROAD SUB-BASE. IF USING VEGETATION FOR STABILIZATION, SELECT THE PROPER VEGETATION FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS; AMEND AREAS OF DISTURBED SUBSOILS WITH TOPSOIL, COMPOST, OR FERTILIZERS; PROTECT SEEDED AREAS WITH MULCH OR, IF NECESSARY, EROSION CONTROL BLANKETS; AND SCHEDULE SODDING, PLANTING, AND SEEDING SO TO AVOID DIE-OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEEDED OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED WITH 90% COVER BY HEALTHY VEGETATION. IF NECESSARY, AREAS MUST BE REWORKED AND RE-STABILIZED IF GERMINATION IS SPARSE, PLANT COVERAGE IS SPOTTY, OR TOPSOIL EROSION IS EVIDENT. ONE OR MORE OF THE FOLLOWING MAY APPLY TO A PARTICULAR SITE.
 - FOR SEEDED AREAS, PERMANENT STABILIZATION MEANS A 90% COVER OF THE DISTURBED AREA WITH MATURE, HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.
 - FOR SODDED AREAS, PERMANENT STABILIZATION MEANS THE COMPLETE BINDING OF THE SOD ROOTS INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE-OFF.
 - FOR MULCHED AREAS, PERMANENT MULCHING MEANS TOTAL COVERAGE OF THE EXPOSED AREA WITH AN APPROVED MULCH MATERIAL. EROSION CONTROL MIX MAY BE USED AS MULCH FOR PERMANENT STABILIZATION ACCORDING TO THE APPROVED APPLICATION RATES AND LIMITATIONS.
 - FOR AREAS STABILIZED WITH RIPRAP, PERMANENT STABILIZATION MEANS THAT SLOPES STABILIZED WITH RIPRAP MOVEMENT FROM BEHIND THE RIPRAP. STONE MUST BE SIZED APPROPRIATELY. IT IS RECOMMENDED THAT ANGULAR STONE BE USED.
 - FOR CONSTRUCTION PROJECTS ON LAND USED FOR AGRICULTURAL PURPOSES (E.G., PIPELINES ACROSS CROP LAND), PERMANENT STABILIZATION MAY BE ACCOMPLISHED BY RETURNING THE DISTURBED LAND TO AGRICULTURAL USE.
 - FOR PAVED AREAS, PERMANENT STABILIZATION MEANS THE PLACEMENT OF THE COMPACTED GRAVEL SUBBASE IS COMPLETED, PROVIDED IT IS FREE OF FINE MATERIALS THAT MAY RUNOFF WITH A RAIN EVENT.
 - FOR OPEN CHANNELS, PERMANENT STABILIZATION MEANS THE CHANNEL IS STABILIZED WITH A 90% COVER OF HEALTHY VEGETATION, WITH A WELL-GRADED RIPRAP LINING, TURF REINFORCEMENT MAT, OR WITH ANOTHER NON-EROSIVE LINING SUCH AS CONCRETE OR ASPHALT PAVEMENT. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE CHANNEL LINING, UNDERCUTTING OF THE CHANNEL BANKS, OR DOWN-CUTTING OF THE CHANNEL.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATE HOUSEKEEPING PRACTICES DURING THE CONSTRUCTION OF THE PROJECT. THESE STANDARDS CAN BE FOUND IN THE FOLLOWING DOCUMENT: MDEP CHAPTER 500 (STORMWATER MANAGEMENT), APPENDIX C. HOUSEKEEPING. HOUSEKEEPING PRACTICES INCLUDE, BUT ARE NOT LIMITED TO, SPILL PREVENTION, GROUNDWATER PROTECTION, FUGITIVE SEDIMENT AND DUST, DEBRIS AND OTHER MATERIALS, EXCAVATION DEWATERING, AUTHORIZED NON-STORMWATER DISCHARGES AND UNAUTHORIZED NON-STORMWATER DISCHARGES (DETAILED BELOW).
 - AUTHORIZED NON-STORMWATER DISCHARGES. IDENTIFY AND PREVENT CONTAMINATION BY NONSTORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NONSTORMWATER DISCHARGES ARE:
 - DISCHARGES FROM PREFIGHTING ACTIVITY;
 - FIRE HYDRANT FLUSHINGS;
 - VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
 - DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS AND APPENDIX (C)(3);
 - ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
 - PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED;
 - UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;
 - UNCONTAMINATED GROUNDWATER OR SPRING WATER;
 - UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN APPENDIX C(5));
 - PORTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS
 - LANDSCAPE IRRIGATION
 - UNAUTHORIZED NON-STORMWATER DISCHARGES. THE DEPARTMENT'S APPROVAL UNDER THIS CHAPTER DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NONSTORMWATER, OTHER THAN THOSE DISCHARGES IN COMPLIANCE WITH APPENDIX C (6). SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING:
 - WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
 - FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE;
 - SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND
 - TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE

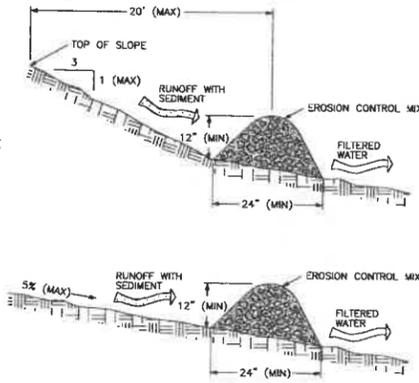
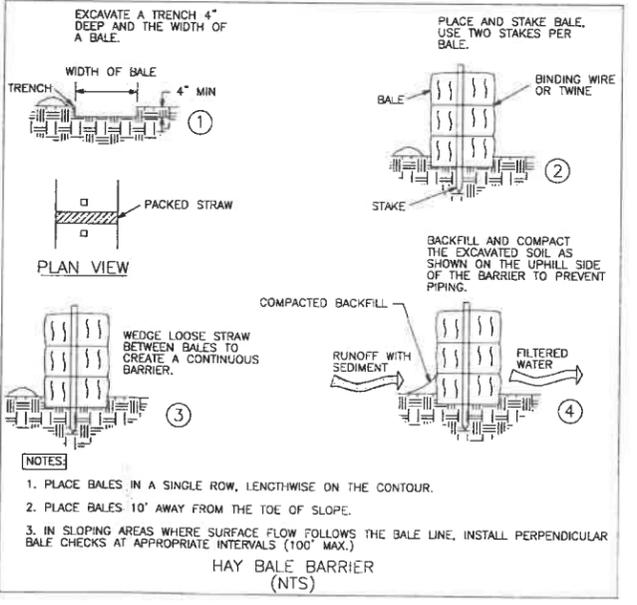
WINTER CONSTRUCTION NOTES

- AN AREA SHALL BE CONSIDERED STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH HAY AT A RATE OF 100 LB/1000 S.F. OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SO THAT THE SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH.
- FROM OCTOBER 15 TO APRIL 1, LOAM AND SEED WILL NOT BE REQUIRED. DURING PERIODS OF TEMPERATURES ABOVE FREEZING, DISTURBED AREAS SHALL BE FINE GRADED AND PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL PERMANENT SEEDING CAN BE APPLIED. AFTER NOVEMBER 1, DISTURBED AREAS MAY BE LOAMED, FINE GRADED AND DORMANT SEEDED AT A RATE 200-300% HIGHER THAN THE SPECIFIED PERMANENT SEEDING RATE. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, DISTURBED AREAS SHALL BE GRADED BEFORE FREEZING AND TEMPORARILY STABILIZED WITH MULCH. DISTURBED AREAS SHALL NOT BE LEFT OVER THE WINTER OR FOR ANY OTHER EXTENDED PERIOD OF TIME UNLESS STABILIZED WITH MULCH.
- FROM NOVEMBER 1 TO APRIL 15 ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, ASPHALT EMULSION CHEMICAL, TRACK OR WOOD CELLULOSE FIBER. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH SLOPES GREATER THAN 3%, SLOPES EXPOSED TO DIRECT WINDS AND FOR SLOPES GREATER THAN 8%. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15%. AFTER OCTOBER 1, THE SAME APPLIES TO ALL SLOPES GREATER THAN 8%.
- SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.
- FOR WINTER STABILIZATION, HAY MULCH SHALL BE APPLIED AT TWICE THE STANDARD TEMPORARY STABILIZATION RATE. AT THE END OF EACH CONSTRUCTION DAY, AREAS THAT HAVE BEEN BROUGHT TO FINAL GRADE SHALL BE STABILIZED. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW.
- ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE SHALL BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.
- ALL VEGETATED DITCH LINES THAT HAVE NOT BEEN STABILIZED BY NOVEMBER 1, OR WILL BE WORKED DURING THE WINTER CONSTRUCTION PERIOD, SHALL BE STABILIZED WITH AN APPROPRIATE STONE LINING BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE UNLESS SPECIFICALLY RELEASED FROM THIS STANDARD BY THE MDEP.
- MULCH NETTING SHALL BE USED TO ANCHOR MULCH ON ALL SLOPES GREATER THAN 8% UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MIX IS BEING USED ON SUCH SLOPES.



E&S INSPECTION/MAINTENANCE DURING CONSTRUCTION

- INSPECTION AND CORRECTIVE ACTION. INSPECT DISTURBED AND IMPERVIOUS AREAS, EROSION CONTROL MEASURES, MATERIALS STORAGE AREAS THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE. INSPECT THESE AREAS AT LEAST ONCE A WEEK AS WELL AS BEFORE AND WITHIN 24 HOURS AFTER A STORM EVENT (1" RAINFALL), AND PRIOR TO COMPLETING PERMANENT STABILIZATION MEASURES. A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT, SHALL CONDUCT THE INSPECTIONS.
- MAINTENANCE. IF BEST MANAGEMENT PRACTICES (BMPs) NEED TO BE REPAIRED, THE REPAIR WORK SHOULD BE INITIATED UPON DISCOVERY OF THE PROBLEM BUT NO LATER THAN THE END OF THE NEXT WORKDAY. IF ADDITIONAL BMPs OR SIGNIFICANT REPAIR OF BMPs ARE NECESSARY, IMPLEMENTATION MUST BE COMPLETED WITHIN 7 CALENDAR DAYS AND PRIOR TO ANY STORM EVENT (RAINFALL). ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL AREAS ARE PERMANENTLY STABILIZED.
- DOCUMENTATION. KEEP A LOG (REPORT) SUMMARIZING THE INSPECTIONS AND ANY CORRECTIVE ACTION TAKEN. THE LOG MUST INCLUDE THE NAME(S) AND QUALIFICATIONS OF THE PERSON MAKING THE INSPECTIONS, THE DATE(S) OF THE INSPECTIONS, AND MAJOR OBSERVATIONS ABOUT THE OPERATION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS. MATERIALS STORAGE AREAS, AND VEHICLES ACCESS POINTS TO THE PARCEL. MAJOR OBSERVATIONS MUST INCLUDE BMPs THAT NEED MAINTENANCE, BMPs THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION, AND LOCATION(S) WHERE ADDITIONAL BMPs ARE NEEDED. FOR EACH BMP REQUIRING MAINTENANCE, BMP REPAIR/REPLACEMENT, AND LOCATION NEEDING ADDITIONAL BMPs, NOTE IN THE LOG THE CORRECTIVE ACTION TAKEN AND WHEN IT WAS TAKEN. THE LOG MUST BE MADE ACCESSIBLE TO DEPARTMENT STAFF AND A COPY MUST BE PROVIDED UPON REQUEST. THE PERMITTEE SHALL RETAIN A COPY OF THE LOG FOR A PERIOD OF AT LEAST THREE YEARS FROM THE COMPLETION OF PERMANENT STABILIZATION.



EROSION CONTROL MIX COMPOSITION STANDARDS:

- THE ORGANIC MATTER CONTENT SHALL BE BETWEEN 80 AND 100%, DRY WEIGHT BASIS.
- PARTICLE SIZE BY WEIGHT SHALL BE 100% PASSING A # 20 SCREEN AND A MINIMUM OF 90% MAXIMUM OF 85% PASSING A # 100 SCREEN.
- THE ORGANIC PORTION NEEDS TO BE FIBROUS AND ELONGATED
- LARGE PORTIONS OF SILTS, CLAYS OR FINE SANDS ARE NOT ACCEPTABLE IN THE MIX
- SOLUBLE SALTS CONTENT SHALL BE <4.0 mmhos/cm
- THE pH SHOULD FALL BETWEEN 5.0 AND 8.0

NOT FOR CONSTRUCTION

EROSION CONTROL MIX BERM (NTS)

TOWN OF ELIOT
PLANNING BOARD

DATE _____

CHAIR _____

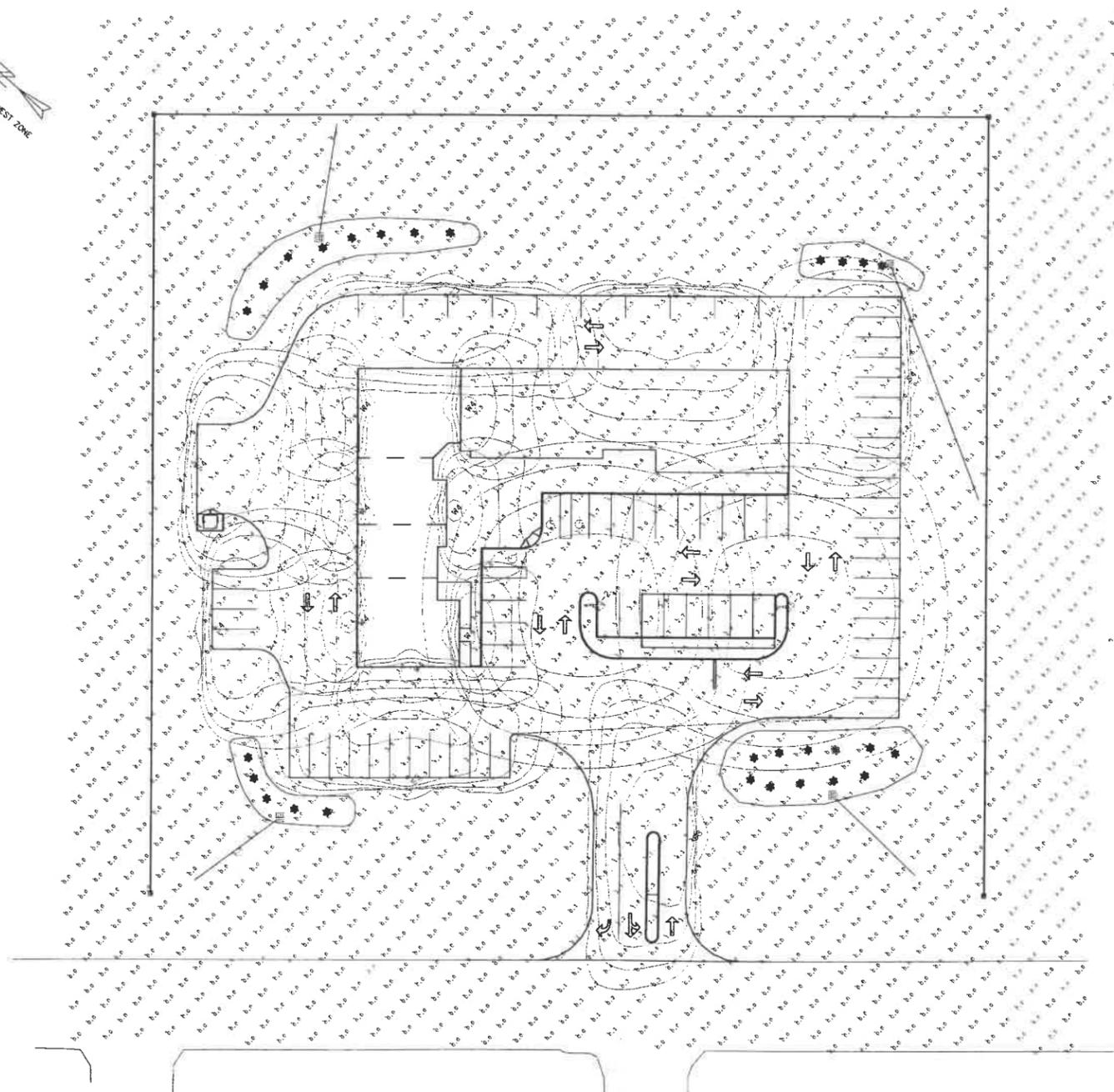
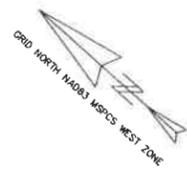


EROSION AND SEDIMENTATION CONTROL PLAN
AMP COMMERCIAL DEVELOPMENT
290 HAROLD L. DOW HIGHWAY, ELIOT, MAINE

FOR: 290 HAROLD L. DOW, LLC
61 BRADSTREET LANE
ELIOT, ME 03903

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

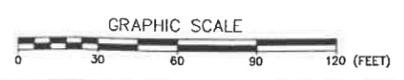
SCALE: APPROVED BY: DRAWN BY:



Luminaire Schedule				
Symbol	Qty	Label	Arrangement	Description
[Symbol]	3	S5	SINGLE	GLEON-AF-02-LED-E1-S13-HSS/ SSS4A205FN1 (20' AFG)
[Symbol]	4	S4	SINGLE	GLEON-AF-02-LED-E1-S14-HSS/ SSS4A205FN1 (20' AFG)
[Symbol]	2	S5-2	BACK-BACK	GLEON-AF-02-LED-E1-S10/ SSS4A205FN2 (20' AFG)
[Symbol]	7	W4	SINGLE	ISS-AF-350-LED-E1-S14/ WALL MTD 12' AFG

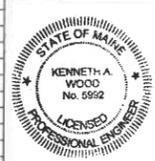
StatArea 1
 DRIVES AND PARKING AREAS
 Illuminance (Fc)
 Average = 2.26
 Maximum = 6.3
 Minimum = 0.7
 Avg/Min Ratio = 3.23
 Max/Min Ratio = 9.00

TOWN OF ELIOT PLANNING BOARD		DATE
CHAIR		



NOT FOR CONSTRUCTION

NO.	DESCRIPTION	DATE



LIGHTING PLAN AMP COMMERCIAL DEVELOPMENT 290 HAROLD L. DOW HIGHWAY, ELIOT, MAINE		
FOR: 290 HAROLD L. DOW, LLC 61 BRADSTREET LANE ELIOT, ME 03903		
ATTAR ENGINEERING, INC. CIVIL • STRUCTURAL • MARINE • SURVEYING 1284 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128		
SCALE: 1" = 30'	APPROVED BY: 	DRAWN BY: AGC
DATE: 08/17/20	REVISION DATE: - : -	
JOB NO: C072-20	FILE: BREARLEY_BASE.DWG	SHEET: 3 OF 4

STATE OF MAINE
 YORK COUNTY REGISTRY OF DEEDS
 RECEIVED: 20
 AT _____ M. AND RECORDED IN
 PLAN BOOK _____ PAGE _____
 ATTEST: _____ REGISTER

**PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use:
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP - Town Planner
Cc: Kenneth A. Wood, PE, Attar Engineering
Brian Nielsen, EIT, Attar Engineering
Shelly Bishop – Town of Eliot Code Enforcement Officer (CEO)
Kearsten Metz - Land Use Administrative Assistant
Date: September 15, 2020 (meeting date)
Re: PB20-16: 291 Harold L. Dow Highway (Map 37 / Lot 2-1) Site Plan Review
Application / Change of Use from Nonprofit Medical Marijuana Dispensary to
Adult Use Marijuana Product – Preliminary/Sketch Plan Review

Application Details/Checklist Documentation	
✓ Address:	291 Harold Dow Highway
✓ Map/Lot:	Map 37 / Lot 2-1
✓ PB Case#:	PB20-12
✓ Zoning District:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	Limited Commercial (LC)
✓ Owner Name:	Flower Company Properties Incorporated
✓ Applicant Name:	Arcanna Realty, LLC, and Paolucci Realty Trust
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none"> • Change of Use
✓ Application Received by Staff:	Date: August 18, 2020
✓ Application Fee Paid and Date: Application Fee Paid and Date:	\$325.00: SPR (3 ac., \$300.00), Change of Use (\$25.00) Date Paid: 8-20-2020
✓ Application Sent to Staff Reviewers:	Date: August 19, 2020
Application Heard by PB	Date: September 15, 2020 (anticipated)
Found Complete by PB	Date: N/A
Site Walk	Date: N/A
Public Hearing	Date: N/A
Public Hearing Publication	Date: N/A
Deliberation	Date: N/A
Notice of Decision	Date: N/A
✓ Reason for PB Review:	Site Plan Review / Change of Use

PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use: Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product

Overview

Arcanna Realty, LLC, and Paolucci Realty Trust are applying for a Change of Use from Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Cultivation and Manufacturing/Production facility at 291 Harold Dow Highway (Map 37, Lot 2-1). The property is three (3) acres in area and currently has two existing buildings as well as accessory structures. The front building is the Northern Pool & Spa retail store, built in 1996, and the rear building is a warehouse built in 2000, which was approved in July 2019 by the Planning Board for certain medical marijuana uses. The application states that the applicant “intends to utilize the site in its existing condition...No new buildings or expansion of existing developed areas are proposed.” The application notes that a small utility shed is proposed to be added.

Zoning

The application is in the Commercial/Industrial (C/I) district. A small portion of the site is in the Limited Commercial (LC) Shoreland Zoning district. The only uses shown in the LC overlay are existing conditions: some outdoor storage, a dumpster, and a well.

Type of review needed

Sec. 11-3 of the Town Code defines a “marijuana establishment” as follows:

Marijuana establishment shall mean a “marijuana establishment” as that term is defined in 28-B M.R.S.A. § 102(29), as may be amended. A *marijuana establishment* is a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility, or a marijuana testing facility or a marijuana social club.

The applicant is applying for a “marijuana establishment” use in the table of land uses (45-290). This is an SPR use in the C/I district, which means it may be permitted subject to site plan review and conformance to the requirements of Sec. 33-190 – Performance Standards for Marijuana Establishments. Sec. 33-190 requires that all marijuana establishments go through site plan review and receive approval from the Planning Board. Therefore, although there are no new major buildings proposed and no expansion of existing developed areas, the change of use requires site plan review.

Preliminary/Sketch Plan review

This is the first review of this application by the Planning Board. Therefore, it is a *Preliminary/Sketch Plan* review. At this stage, the Planning Board should determine whether the application, in its current form, complies with the land use regulations and municipal policies, make suggestions to the applicant for future submittals, request additional information as needed, and schedule a site visit (or decide to waive it).

PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use: Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product

The application currently provides information for both the Sketch Plan review and Site Plan review phase. However, this first review (September 15, 2020) is Preliminary/Sketch Plan and the Planning Board has not yet determined application completeness.

Sec. 33-140 allows for amended site plan review by the Planning Board. Subsection (b) states, in part:

...if the planning board determines that the proposed revisions are minor and do not result in any substantial changes to the approved development or further impact abutters, the planning board may approve the amended site plan. If the planning board determines that the changes are substantial, then the planning board shall process the application for the amended site plan in the same fashion as an application for review of a site plan under division 4 of this article III.

While this application is not clearly labeled a “Site Plan Amendment” application, the April 2019 application for this site (see details below) was treated as a Site Plan Amendment by the Planning Board. However, the Board did hold four review meetings, including a public hearing, plus a site walk, as part of application review.

Previous Planning Board actions

In April 2019, Alex Ross/Ross Engineering (property owner: Paolucci Realty Trust; agent: Attar Engineering) submitted a Site Plan Review application (referred to in this report as the “April 2019 application”) to change the use of the rear, 5,000-sf. cold storage warehouse building to a nonprofit medical marijuana dispensary. The Planning Board approved the application on July 2, 2019, to “operate a non-profit medical marijuana dispensary/restricted-entry patient care center/medical marijuana cultivation and processing facility”, per the Notice of Decision. (Although there is a reference to a “dispensary”, no on-site transfer of marijuana products to customers was proposed.) The Planning Board found that the application proposed no changes to existing site conditions, met the 500-foot buffering (i.e. setback) requirement from sensitive uses, and addressed all applicable performance criteria (including Sec. 33-189) and/or ordinance requirements. A commercial kitchen was also part of the application. One of the approval conditions was that “A copy of the Food Establishment License from the Department of Agriculture, Conservation, and Forestry will be submitted to the Planner”.

In December 2019, the applicant (Paolucci Realty Trust; agent: Attar Engineering) submitted a site plan review application proposing a change of use from “Nonprofit Medical Marijuana Dispensary” to that use plus “Retail”, which would have allowed the reconfiguration of a portion of the Northern Pool & Spa retail space for registered primary caregiver sales of medical marijuana products cultivated and processed in the warehouse building. However, this application was not reviewed by the Planning Board.

**PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use:
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

Uses

The applicant is seeking approval of a change of use to allow them to “prepare Adult Use Marijuana products from the existing medical marijuana cultivation and processing operations taking place in the 5,000 square foot facility on site.” The application does not propose a marijuana retail store. General note #4 on the site plan states, in part: “The proposed change in use shall not generate nor reconfigure any retail space on-site”. If marijuana retail sales are desired at this location at a later date, the applicant will be required to, at minimum, go before the Planning Board with a change of use application.

State conditional license

Before an application is heard by the Planning Board, the Town requires that applicants furnish a conditional license from the Maine Office of Marijuana Policy (OMP) for any adult use marijuana establishment for which they are seeking land use approval. The application package includes OMP conditional licenses granted to Arcanna LLC for:

- Adult Use Marijuana Cultivation Facility, Tier 3 (expires 6/25/21)
- Adult Use Marijuana Products Manufacturing Facility (expires 6/25/21)

Sec. 33-190 – Performance standards for marijuana establishments

With an application for change of use to adult use marijuana uses, the application becomes subject to Sec. 33-190 performance standards. The below sections run through these standards, how the application addresses them, and potential additional information the Board may wish to seek from the applicant.

Screening

Marijuana establishments must be screened from view according to the site plan screening requirement in Section 33-175. This is similar to a requirement in 33-189 – performance standards for Nonprofit medical marijuana dispensaries and registered primary caregivers – which the Planning Board determined the applicant met in April 2019 when the medical marijuana uses were approved. As part of that application, four arbor vitae, minimum of 6 ft. in height, were installed behind the fence near the gate; these are now shown on the site plan.

Since this application pertains to a change of use within an existing building, proposes to “utilize the site in its existing conditions”, and does not propose to reconfigure existing footprints or production areas or create additions to the primary building, new screening may not be needed. However, there is an opportunity to provide new screening in accordance with 33-175(b), which states, in part: “Front yards, especially those along Rte. 236, shall have an extensive vegetative cover, including large shade trees. Areas along Rte. 236 shall be 50 feet in width, beginning at the 50-foot setback line and extending to the rear of the front yard so as to screen the proposed use.” This is discussed more below related to parking. In the application, no new landscaping is proposed. Proposed fencing is shown on the site plan.

**PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use:
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

Parking and loading

As no building expansion is taking place, the site plan (see general note 6) has the same parking calculation as the April 2019 application: 9 spaces required for the marijuana use in the rear building (10 provided) and 24 spaces required for customers and employees of the front retail building (27 provided). The application reports that there are 6 employees employed by the medical marijuana facility and a maximum of 10 employees at Northern Pool & Spa. Assuming work shifts, not all employees would be expected to park during the same time. The calculation for the rear building uses the nonprofit medical marijuana dispensary standard of 1 space per 200 sf. of floor area, exclusive of bulk storage areas (45-495, row (9)). Since the application is for a change of use with no augmentation of building space, any new parking demand would be related to something inherent in the new use relative to the old use. The site plan continues to show the two existing loading bays, which meets the requirement for the building square footage (45-494).

No new parking is proposed. There are 20 existing spaces behind the gate and 10 paved parking spaces in front of the Northern Pool & Spa retail building. The site plan also shows 7 parking spaces in the grass in the northeast corner of the site, close to Route 236. Five of these spaces are within the 50-ft. front setback of Route 236. Informal parking in this area is visible in Street View (Sept. 2019 and Oct. 2018) and in photos included in the application. Parking is a permitted accessory use in the front, rear, and side of premises, so long as it does not violate setback requirements for front, rear or side yards (45-487). It appears from Google Earth that this area was used as a pool display area as late as 2007. Because the latest change to 45-487 was in 1989, it is unlikely that these de-facto parking spaces in the grass are legally nonconforming, and they are also not standard spaces. Since the parking calculation indicates a surplus of spaces compared to what is required, this may be an opportunity for the Planning Board to discuss with the applicant the replacement of some number of these informal “spaces” in the grass with buffering or landscaping. Since the closest spaces are next to the drainage ditch, this may be an opportunity for a small stormwater best management practice (BMP). While the site is not within the MS4 urbanized area, the Town Code has a stormwater performance standard in Section 45-411, which states, in part: “Surface water runoff shall be minimized and detained on site if possible or practicable”.

**PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use:
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**



Informal parking area in the northeast corner of the site (Sept. 2019 Street View)

Signage and advertising

No changes to signage are proposed in the application.

Area of marijuana-related activities

No change in the marijuana cultivation and processing area is proposed. The application seeks to reclassify the existing enclosed warehouse facility – approved for use as a medical marijuana dispensary and cultivation and processing facility – as an adult use marijuana production facility. The application states that “no waste materials are proposed to be stored outside buildings”. However, the Board may wish to confirm with the applicant that the outdoor storage area in front of the warehouse; the existing, open-fronted lean-to structure; or other unenclosed areas will not have cultivation, processing, displaying, or storage of marijuana or marijuana products.

Odor management

The Planner review (June 10, 2019) of the April 2019 application stated that the “applicant is proposing to control exterior odors with an internal circulating air handling system including a CO₂ air exchange system with carbon filter scrubbers. The Board may wish to discuss this further with the applicant to ensure that the dispensary is not producing offensive or harmful odors perceptible beyond the lot lines per Section 45-409”. As part of review of this application, an odor mitigation plan was provided that indicated that the cultivation space would be in a sealed environment with 4 recirculating/scrubbing filters per flowering space yielding 10 air changes per hour.

The Board may wish to confirm with the applicant that the described system is in place and functioning properly, whether any additional odor control measures are

**PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use:
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

contemplated, and that there have not been any issues with odors at lot lines, ventilation of noxious gases or fumes, and emission of smoke, debris, dust, and fluids.

Marijuana product disposal

Section 33-190 requires “an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations”. A standalone disposal operational plan was not submitted with the application, but the application indicates that no waste materials will be stored outside buildings and no incineration devices exist or are proposed. The site plan shows an existing dumpster behind the warehouse with security fencing and screening, to be locked at all times. OMP’s Adult Use Marijuana Program Rule (18-691 CMR, Ch. 1) requires that applicants for state conditional licenses submit waste disposal plans as part of their overall operating plan. The Planning Board may wish to review the applicant’s waste disposal plan or otherwise request more information about current/proposed waste disposal.

Security measures

The April 2019 application proposed a number of security measures, including: gate with Knox box access; alarm system; security cameras; building locked 24/7; key/card entry; door security; and dedicated/locked dumpster. The site plan for this current application additionally shows the secured loading bays; a secured emergency entrance/exit near the loading bays; existing and proposed LED flood lights around each building; and other fencing/gates. General note 13 on the site plan also references the security camera system and building locking/key/card access. Additionally, as required by the state Adult Use Marijuana Program Rule, each licensee at the state level needs to have a written security plan approved by the state before they can operate.

The Planning Board may wish to request more information from the applicant on whether some other required security measures are included, such as:

- Whether the alarm system has a police department notification component
- To be provided to the Eliot Police Department, the name and functioning telephone number of a 24-hour on-call staff person to whom the town may provide notice of any operating problems associated with the establishment
- A locking safe permanently affixed to the premises that is suitable for storage of all adult use marijuana product and cash stored overnight on the premises
- Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows)

Separation from sensitive uses

The application states that the “facility is not within 500’ of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public facility”, and includes a location map showing the 500 ft. buffer. Note that

**PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use:
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

the application does not pertain to a “marijuana store structure”, which is the specific use to which the 33-190(5) 500 ft. buffer/setback requirement applies.

Hours of operation

Information submitted in support of the April 2019 application described the medical marijuana facility’s proposed hours of operation: 7 AM to 11 PM, including two work shifts with a shift change at 3 PM. The Board may wish to confirm whether there are any proposed changes to the hours of operation as part of the change of use.

Size limitation

As noted, the applicant’s conditional license for cultivation is Tier 3 (not more than 7,000 sq. ft. of plant canopy). The warehouse building is 5,000 sq. ft., well under the Tier 3 cap.

Sale of edible products

No sales are proposed as part of this application. The Board may wish to confirm with the applicant that any produced edible products will be stored in a secure area.

Drive-through and home delivery

No sales, drive-through, home delivery activities are proposed.

Pesticides

The state Adult Use Marijuana Program Rule requires all cultivation facility conditional license applicants to submit a “list of all pesticides, fungicides, insecticides and fertilizers that will be present or used”. The rule also has extensive packaging and labeling requirements.

Inspection

Section 33-190 requires Code Enforcement Officer and Fire Chief (or designee) inspections prior to Certificate of Occupancy.

Wastewater

The application states that wastewater disposal “will be...provided by the existing wastewater disposal field” and recently-installed 1000-gallon septic tank and pump. The application states that the wastewater disposal system is designed to provide treatment for up to 30 employees, significantly more than the 16 (at maximum) currently employed on site. A copy of the 1995 wastewater disposal system application (HHE-200) is included in the application packet.

Traffic

The application estimates the current/proposed trip generation at 48 vehicle trip ends per day with no significant impact on existing traffic H.L. Dow Hwy.

**PB20-16: 291 H.L. Dow Hwy. (Map 27/Lot 2-1) SPR Application / Change of Use:
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

Fire safety

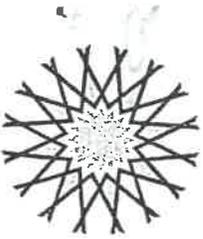
The Fire Chief submitted a review letter with a list of comments for the April 2019 application. The current application was also sent to the Fire Chief for his review; no comments have been provided at the time of this report. General notes 14-18 on the site plan have more information about the site's fire alarm system, carbon dioxide meters and tanks, hazardous materials, required Fire Chief walkthrough prior to occupancy, and commercial kitchen fire suppression.

Requested information waivers

- Drainage plan – 33-127(8)
- Soil erosion and sediment control plan 33-127(11)
- High intensity soils report – 33-127(12)
- Subsurface soil and groundwater conditions test – 33-127(16) – also shown on 1995 HHE-200 form

Respectfully submitted,

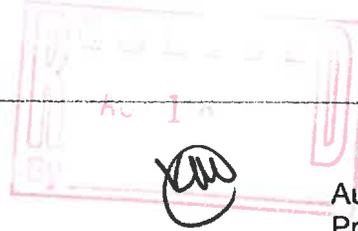
Jeff Brubaker, AICP
Town Planner



ATTAR

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE



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

August 18, 2020
Project No. C057-20

**RE: Site Plan Application (Change of Use)
291 H.L. Dow Highway (Tax Map 37, Lot 2-1)
Eliot, Maine**

Dear Mr. Brubaker:

On behalf of Arcanna Realty, LLC. And Paolucci Realty Trust, I have enclosed an Application for Site Plan Review and additional supporting documentation for the above referenced project. The 3.0 acre parcel, located at 291 Howard L. Dow Highway, is in the Commercial/Industrial and Limited Commercial zoning districts. It is not located in a flood hazard zone.

The Planning Board reviewed and approved previous applications involving this site, in April and May of 2019, as well as in December of 2019 and January of this year.

The applicant is proposing a change of use for this existing site from "Nonprofit Medical Marijuana Dispensary" to "Adult Use Marijuana Product" facility, both allowed uses in the C/I District (Section 33-189, "Planning and Development"). The change of use will enable Arcanna Realty, LLC. to prepare Adult Use Marijuana products from the existing medical marijuana cultivation and processing operations taking place in the 5,000 square foot facility on-site.

This change in use will result in no reconfiguration of existing footprints or production areas and will not require any additions to the primary building on-site. The facility is not within 500' of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public facility (graphic map attached). There are also no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management.

The Boundary Survey of the parcel is enclosed; there have been no changes to the boundary and the original owner is the current owner.

Wastewater disposal will be provided by the existing wastewater disposal field. The recently constructed 1,000 GAL septic tank and pump shall continue to serve the facility. The existing 1,500 GAL disposal system was designed to provide treatment for 360 GPD equating to 30 employees at 12 GPD/employee, which is greater than the (additional) six employees, employed by the facility and the maximum of 10 employees at Northern Pool & Spa. The HHE-200 Form for the system is attached. There is also an existing water service to the building; domestic water will be provided by the on-site well which currently has a yield of 55 GPM.

Traffic generated by the facility will include employees (approximately 48 vehicle trip ends per day). Traffic generated by the facility will not impact the existing traffic on H.L. Dow Highway,

approximately 17,000 vehicles per day (Source: MDOT 2017 "Maine Transportation Count Book" – ADT 2016 and 2013) .

Please note that the applicant intends to utilize the site in its existing condition, therefore, the site plan submitted with this application depicts existing conditions. No new buildings or expansion of existing developed areas are proposed.

A summary of the site plan information (Municipal Code of Ordinances Town of Eliot, Maine - Section 33-127. Contents, required information) is included with the application.

We look forward to discussing this project at the next available Planning Board meeting. If any additional information is required, please contact me. Thank you for your assistance.

Sincerely;

A handwritten signature in black ink, appearing to read "Michael J. Sudak". The signature is fluid and cursive, with the first name being the most prominent.

Michael J. Sudak, E.I.T.
Staff Engineer

cc: Paolucci Realty Trust, Arcanna Realty, LLC.

C057-20 Cover 18Aug2020.doc

Site Plan Review Submissions Checklist

Applicant Name: Arcanna Retail, LLC.
Address & Map/Lot: 291 Harold Dow Highway, Tax Map 37 Lot 02-1

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

Instructions for Applicants:

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

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

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features				
33-127(5)	The Location of Temporary Markers Adequate to Enable the Planning Board to locate readily and appraise the basic layout in the field	✓			
33-127(6)	Contour lines at intervals of not more than five feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more	✓			
33-127(7)	Provisions of Chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development	✓			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan	Waiver Requested: No proposed change			✓
33-127(9)	Preliminary designs of any bridges or culverts which may be required	N/A			
33-127(10)	The location of all natural features or site elements to be preserved	✓			
33-127(11)	A soil erosion and sediment control plan	✓			
33-127(12)	A high intensity soils report identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon	Waiver Requested: No proposed change			✓

	compliance with any recommendations included in such report				
33-127(13)	The locations & size of any existing sewers & water mains, culverts & drains on the property to be developed	✓			
33-127(14)	Connection with existing water supply or alternative means of providing water supply to the proposed development	✓			
33-127(15)	Connection with existing sanitary sewerage system or alternative means of treatment & disposal proposed	✓			
33-127(16)	If a private sewage disposal system is proposed, location & results of tests to ascertain subsurface soil & groundwater conditions, depth to maximum groundwater level, location & results of soil testing	Waiver Requested: No proposed change			✓
33-127(17)	An estimated progress schedule	✓			
33-127(18)	Construction drawings sufficient to enable the Code Enforcement Officer to verify the following information:	✓			
a.	Total floor area, ground coverage & location of each proposed building, structure or addition	✓			
b.	All existing & proposed setback dimensions	✓			
c.	The size, location, direction & intensity of illumination of all major outdoor lighting apparatus & signs	✓			
d.	The type, size & location of all incineration devices	N/A			
e.	The type, size & location of all machinery likely to generate appreciable noise beyond the lot lines	N/A			
f.	The amount & type of any raw, finished or waste				

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

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

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

Town Planner

Date

Staff Section Only:

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

Arcanna Retail, LLC
61 Bradstreet Lane
Eliot, ME 03903
603-491-5595

Jeffrey Brubaker
Town of Eliot Maine
1333 State Rd, Eliot, ME 03903

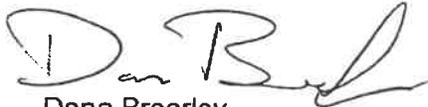
August 17, 2020

Dear Mr. Brubaker,

Please be informed that Kenneth A. Wood, P.E. and Brian Nielsen, E.I.T. of Attar Engineering, Inc. will be acting as my agents for the applications and permitting of my project at 290 Harold Dow Highway.

Please contact me if I can provide any additional information.

Sincerely;

A handwritten signature in black ink, appearing to read "Dana Brearley". The signature is fluid and cursive, with the first name "Dana" and last name "Brearley" clearly distinguishable.

Dana Brearley
Arcanna Retail, LLC

cc: Kenneth A. Wood, P.E. Attar Engineering, Inc.

DJR REAL ESTATE, LLC
61 Bradstreet Lane
Eliot, ME 03903
603-491-5595

Jeffrey Brubaker
Town of Eliot Maine
1333 State Rd, Eliot, ME 03903

August 17, 2020

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Dana Brearley
DJR Real Estate, LLC

cc: Kenneth A. Wood, P.E. Attar Engineering, Inc.

Paolucci Realty Trust
291 Harold Dow Highway
Eliot, ME 03903
207-439-6800

Jeffrey Brubaker
Town of Eliot Maine
1333 State Rd, Eliot, ME 03903

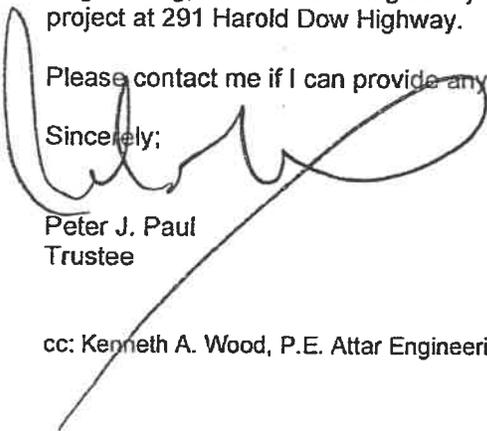
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Please contact me if I can provide any additional information.

Sincerely;



Peter J. Paul
Trustee

cc: Kenneth A. Wood, P.E. Attar Engineering, Inc.

Case No. _____ Site review? Yes No

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

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

Tax Map 37 Lot# 2-1 Lot Size 3 acres Zoning District: Commercial/ Industrial

Your Name Attar Engineering, Inc. Your mailing address 1284 State Road
Kenneth A. Wood, P.E.

City/Town Eliot State: ME Zip: 03903 Telephone: 207-439-6023

Who owns the property now? Arcanna Retail, LLC.

Address (Location) of the property 291 Harold L Dow Highway

Property located in a flood zone? Yes No
(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

Step 2 (establish your legal interest in the property)

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

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

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

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

Change of use of existing Nonprofit Medical Marijuana Dispensary to an Adult Use
Marijuana Cultivation and Manufacturing/Production facility.

Case No. _____
Site review? Yes No

- Step 4** Attach ten (10) copies of a sketch plan, showing in approximate dimensions the following:
- All zoning districts
 - The location of all existing and/or proposed buildings
 - The setbacks of all existing and proposed structures or uses.

 - The location of proposed signs, their size, and direction of illumination.

 - The location of all existing and/or proposed entrances and exits.

 - All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)

 - Plans of buildings, sewage disposal facilities, and location of water supply.
- Step 5** Sign the application (both owner and applicant must sign and date the application) and submit fee with preliminary plans (\$100 per acre for first 5 acres and \$50 per acre after five plus \$150 for advertising and public hearing fees)

Applicant Michael J. Sudak Date 8/18/2020
Agent

Property Owner Michael J. Sudak Date 8/18/2020
Agent

- Step 6** Application received by Planning Assistant
- Date received by the PA _____ PA initials _____
- Step 7** The Planning Assistant will review the application and if complete, will place your application on a future Planning Board agenda
- Step 8** The applicant or representative of the applicant must attend the Planning Board meeting

PART 1 - THE PROCEDURE

	Case No. _____	
	Site review?	Yes No

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

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

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

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

(STEP 5) Board visits site with applicant.

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

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

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

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

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

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

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

PART 2

Case No. _____
Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

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

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

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

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

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

Case No. _____
Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. _____

Site review? Yes No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

- 4.9. Dimensional Standards (Section 45-405)
- 4.10. Traffic (Section 45-406)
- 4.11. Noise (Section 45-407)
- 4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
- 4.13. Odor (Section 45-409)
- 4.14. Glare (Section 45-410)
- 4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
- 4.16. Erosion Control (Section 45-412)
- 4.18. Preservation of Landscape (Section 45-413)
- 4.19. Relation of Buildings to Environment (Section 45-414)
- 4.20. Soil Suitability for Construction (Section 45-415)
- 4.21. Sanitary Standards for Sewage (Section 45-416)
- 4.22. Buffers and Screening (Section 45-417)
- 4.23. Explosive Materials (Section 45-418)
- 4.24. Water Quality (Section 45-419)
- 4.25. Refuse Disposal (Section 45-421)
- 4.26. Specific Activities (Article IX) which include:
 - 4.26.1. Accessory Use or Structure (Section 45-452)
 - 4.26.2. Home Occupation (Section 45-455)
 - 4.26.3. Mobile Homes (Section 45-457)
 - 4.26.4. Off-street Parking and Loading (Article X)
 - 4.26.5. Signs (Article XI)
- 4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

Case No. _____
Site review? Yes No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

Note: Computation of time shall be in accordance with Section 1-2 as follows:
"In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation."

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



500 foot Abutters List Report

Eliot, ME
August 18, 2020

Subject Property:

Parcel Number: 037-002-001
CAMA Number: 037-002-001
Property Address: 291 HAROLD L DOW HWY

Mailing Address: PAOLUCCI REALTY TRUST PETER J &
CARMEN S PAUL TRUSTEES
291 HAROLD L DOW HWY
ELIOT, ME 03903

Abutters:

Parcel Number: 036-009-003
CAMA Number: 036-009-003
Property Address: 40 JULIE LN

Mailing Address: ANCHOR HOLDINGS LLC
PO BOX 436
PLAISTOW, NH 03865-0436

Parcel Number: 036-009-005
CAMA Number: 036-009-005
Property Address: 61 JULIE LN

Mailing Address: JULIE LANE LLC
113 GOVERNMENT ST
KITTERY, ME 03904

Parcel Number: 036-009-006
CAMA Number: 036-009-006
Property Address: 38 JULIE LN

Mailing Address: BMT ENTERPRISES
10 NORDIC LN
ROLLINSFORD, NH 03869

Parcel Number: 037-001-000
CAMA Number: 037-001-000
Property Address: 265 HAROLD L DOW HWY

Mailing Address: CHURCHILL, EVAN A/ROSALIE B
REVOCABLE TR EVAN A AND ROSALIE
B CHURCHILL TRUSTEES
1288 STATE RD
ELIOT, ME 03903

Parcel Number: 037-002-002
CAMA Number: 037-002-002
Property Address: 4 BROOK DR

Mailing Address: MORIARTY, MARIE
23 LANDING DR
METHUEN, MA 01844-5825

Parcel Number: 037-002-003
CAMA Number: 037-002-003
Property Address: 28 BROOK DR

Mailing Address: BMT ENTERPRISES
10 NORDIC LN
ROLLINSFORD, NH 03869

Parcel Number: 037-002-004
CAMA Number: 037-002-004
Property Address: BROOK DR

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

Parcel Number: 037-003-000
CAMA Number: 037-003-000
Property Address: 6 JULIE LN

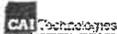
Mailing Address: CRESTA, RALPH J CRESTA,
KATHERINE A
295 WEST RD
PORTSMOUTH, NH 03801

Parcel Number: 037-003-001
CAMA Number: 037-003-001
Property Address: 299 HAROLD L DOW HWY

Mailing Address: NATURAL ROCKS SPRING WATER ICE
CO INC
299 HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 037-004-000
CAMA Number: 037-004-000
Property Address: 14 MACLELLAN LN

Mailing Address: HERITAGE OPERATING LP AMERIGAS
PROPANE LP
C/O THE ALBANO GROUP PO BOX 1240
MANCHESTER, NH 03105



www.cai-tech.com

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



500 foot Abutters List Report

Eliot, ME
August 18, 2020

Parcel Number: 037-009-000
CAMA Number: 037-009-000
Property Address: 276 HAROLD L DOW HWY

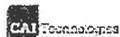
Mailing Address: BLACK HAWK HOLDINGS LLC
36 WILSON ST
WILTON, NH 03086

Parcel Number: 037-020-000
CAMA Number: 037-020-000
Property Address: 290 HAROLD L DOW HWY

Mailing Address: AMP REALTY HOLDINGS LLC
C/O NORTHERN POOL & SPA 291
HAROLD L DOW HWY
ELIOT, ME 03903

Parcel Number: 037-021-000
CAMA Number: 037-021-000
Property Address: 300 HAROLD L DOW HWY

Mailing Address: SLATE HILL RECYCLING LLC
171 YORK WOODS RD
SOUTH BERWICK, ME 03908



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8/18/2020

Page 2 of 2

CODE OF MUNICIPAL ORDINANCES – TOWN OF ELIOT, MAINE
Section 33-127. Contents; required information
Nonprofit Medical Marijuana Dispensary / Adult Use Marijuana Product

- (1) Development name or identifying title and the name of the town

This information is provided on the Site Plan.

- (2) Name and address of record owners, developer and designer

This information is provided on the Site Plan.

- (3) Names and addresses of all abutters and their present land use

This information is provided on the Site Plan.

- (4) Perimeter survey of the parcel made and certified by a state-registered land surveyor, relating to reference points, showing true north point, graphic scale, corners of the parcel, date of survey, total acreage, existing easements, buildings, watercourses and other essential existing physical features.

The original perimeter survey is provided; there have been no changes to the boundary (verified by an on-site inspection) and the same owner who purchased the parcel based on the survey currently owns the parcel.

- (5) The location of temporary markers adequate to enable the planning board to locate readily and appraise the basic layout in the field.

The site layout is apparent due to its existing conditions; the proposed development will be located in an existing building. A small utility shed is also proposed.

- (6) Contour lines at intervals of not more than five feet or at such intervals as the planning board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more.

Contours are provided on the Site Plan at 2' intervals.

- (7) Provisions of chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development.

Zoning district boundaries are depicted on the Site Plan (Commercial Industrial/ Shoreland Limited Commercial).

- (8) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

The developed areas of the site are existing and were constructed in accordance with previous approvals. No new construction is proposed, therefore, no new Stormwater infrastructure is proposed. Stormwater is managed on the existing site by sheet flow of runoff to upland, wooded, buffers.

- (9) Preliminary designs of any bridges or culverts which may be required.

No new bridges or culverts are proposed.

- (10) The location of all natural features or site elements to be preserved.

All natural features outside the existing treeline are proposed to be retained.

- (11) A soil erosion and sediment control plan.

The existing site is stabilized in regards to Erosion & Sedimentation Control. No new soil disturbance is proposed, therefore, the applicant respectfully requests a waiver from this submittal requirement.

- (12) A high-intensity soils report by a state-certified soils scientist identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon compliance with any recommendations included in such report.

The site is to be utilized in its existing condition, therefore, the applicant respectfully requests a waiver from this submittal requirement.

- (13) The location and size of any existing sewers and water mains, culverts and drains on the property to be developed.

The location of both existing subsurface wastewater disposal systems (SSWDS) are depicted on the plan (1,500 GAL septic tank for primary building, as well as previously-constructed 1,000 GAL septic tank and pump chamber for rear building – dispensary). The 1,000 GAL septic tank and pump chamber shall continue to serve the dispensary. The existing well has a yield of 55 GPM which is sufficient to serve both the dispensary and all activities within the primary Northern Pool & Spa building. The two buildings on-site are served by an existing, overhead utility line which provides power to the front building and underground power to the rear building which houses the dispensary. These existing conditions are all shown on the Site Plan.

- (14) Connection with existing water supply or alternative means of providing water supply to the proposed development.

Water supply will be provided by an existing well, depicted on the Site Plan.

- (15) Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.

Existing SSWDS structures will be utilized to serve both on-site buildings and their employees. See Item #13 for additional information.

- (16) If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and groundwater conditions, depth to maximum groundwater level, location and results of soils testing.

Location and test pit results are provided in the HHE-200 form as part of this application.

- (17) An estimated progress schedule.

- (18) Construction drawings sufficient to enable the code enforcement officer to verify the following information:

- a. Total floor area, ground coverage and location of each proposed building, Structure or addition.

This information is provided on the Site Plan.

- b. All existing and proposed setback dimensions.

This information is provided on the Site Plan.

- c. The size, location and direction and intensity of illumination of all major lighting apparatus and signs.
Proposed lighting information provided on the Site Plan.
- d. The type, size and location of all incineration devices.
No incineration devices exist or are proposed.
- e. The type, size and location of all machinery likely to generate appreciable noise beyond the lot lines.
No such machinery exists or is proposed.
- f. The amount and type of any raw, finished, or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
No waste materials are proposed to be stored outside buildings.
- g. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts together with all dimensions.
This information is provided on the Site Plan.
- h. All landscaped areas, fencing and size and type of plant material proposed to be retained or planted.
No landscaping is proposed; proposed fencing is shown on the Site Plan.
- i. A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including the plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.
No telecommunication structures exist or are proposed.
- j. Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this Code. If these submission requirements conflict with the requirements of the chapter 41, the stricter standards shall apply.
The project is not a subdivision, therefore, this item is not applicable.

(19) A copy of this application has been submitted to the Fire Chief.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207) 289-3626

PROPERTY ADDRESS

Town Or Plantation: ELIOT

Street Subdivision Lot #: ROUTE 236

PROPERTY OWNERS NAME

Last: PAUL First: PETER J.

Applicant Name: - Same -

Mailing Address of Owner/Applicant (If Different):
NORTHERN POOL & SPA
P.O. Box 694
DOVER NH 03820

ELIOT 1367 TOWN COPY

Date Permit Issued: 9.3.95 \$ 1160 Double Fee Charged

Wm B. Mulry L.P.I. # 179

Local Plumbing Inspector Signature

Owner/Applicant Statement
I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Signature of Owner/Applicant: _____ Date: _____

Caution: Inspection Required
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Wm B. Mulry Local Plumbing Inspector Signature Date Approved: 8/17/95

PERMIT INFORMATION

THIS APPLICATION IS FOR:

- NEW SYSTEM
- REPLACEMENT SYSTEM
- EXPANDED SYSTEM
- EXPERIMENTAL SYSTEM

THIS APPLICATION REQUIRES:

- NO RULE VARIANCE
- NEW SYSTEM VARIANCE
Attach New System Variance Form
- REPLACEMENT SYSTEM VARIANCE
Attach Replacement System Variance Form
- MINIMUM LOT SIZE VARIANCE

INSTALLATION IS:

COMPLETE SYSTEM

- NON-ENGINEERED SYSTEM
- PRIMITIVE SYSTEM
(Includes Alternative Toilet)
- ENGINEERED (+2000 gpd)

INDIVIDUALLY INSTALLED COMPONENTS:

- TREATMENT TANK (ONLY)
- HOLDING TANK _____ GAL
- ALTERNATIVE TOILET (ONLY)
- NON-ENGINEERED DISPOSAL AREA (ONLY)
- ENGINEERED DISPOSAL AREA (ONLY)
- SEPARATED LAUNDRY SYSTEM

SEASONAL CONVERSION
to be completed by the LPI

- SYSTEM COMPLIES WITH RULES
- CONNECTED TO SANITARY SEWER
- SYSTEM INSTALLED - P# _____
- SYSTEM DESIGN RECORDED AND ATTACHED

DISPOSAL SYSTEM TO SERVE:

- SINGLE FAMILY DWELLING
- MODULAR OR MOBILE HOME
- MULTIPLE FAMILY DWELLING
RETAIL BUILDING
- OTHER NORTHERN POOL & SPA
SPECIFY _____

IF REPLACEMENT SYSTEM:
YEAR FAILING SYSTEM INSTALLED _____
THE FAILING SYSTEM IS:

- BED
- CHAMBER
- TRENCH
- OTHER: _____

SIZE OF PROPERTY: ~ 3 ACRE ZONING: V. DISTRICT

TYPE OF WATER SUPPLY
PROPOSED WELL

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 2)

TREATMENT TANK

- SEPTIC: Regular Low Profile
- AEROBIC

SIZE: 1500 GALS.

WATER CONSERVATION

- NONE recommended
- LOW VOLUME TOILET
- SEPARATED LAUNDRY SYSTEM
- ALTERNATIVE TOILET

SPECIFY: _____

PUMPING

- NOT REQUIRED
- MAY BE REQUIRED
(DEPENDENT ON TREATMENT TANK LOCATION AND ELEVATION)
- REQUIRED

DOSE: ~ 40 GALS.
if necessary

CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)

RETAIL BUILDING
NORTHERN POOL & SPA
UP TO 24 EMPLOYEES

24 x 15 g.p.d. = 360 g.p.d.
360 x .68 = 244.8 Linear Ft
REQUIRED

5 TRENCHES 50' LONG EACH
PROVIDES 250 LINEAR FT

DESIGN FLOW: 360
(GALLONS/DAY)

SOIL CONDITIONS USED FOR DESIGN PURPOSES

PROFILE	CONDITION
<u>3</u>	<u>C</u>

DEPTH TO LIMITING FACTOR: 1B

SIZE RATINGS USED FOR DESIGN PURPOSES

- SMALL
- MEDIUM
- MEDIUM-LARGE
- LARGE
- EXTRA LARGE

DISPOSAL AREA TYPE/SIZE

- BED _____ Sq. Ft.
- CHAMBER _____ Sq. Ft.
- TRENCH _____ Linear Ft.
 REGULAR H-20
- OTHER: 250 Linear Ft
OF 10" GEO-FLOW PIPE

SITE EVALUATOR STATEMENT

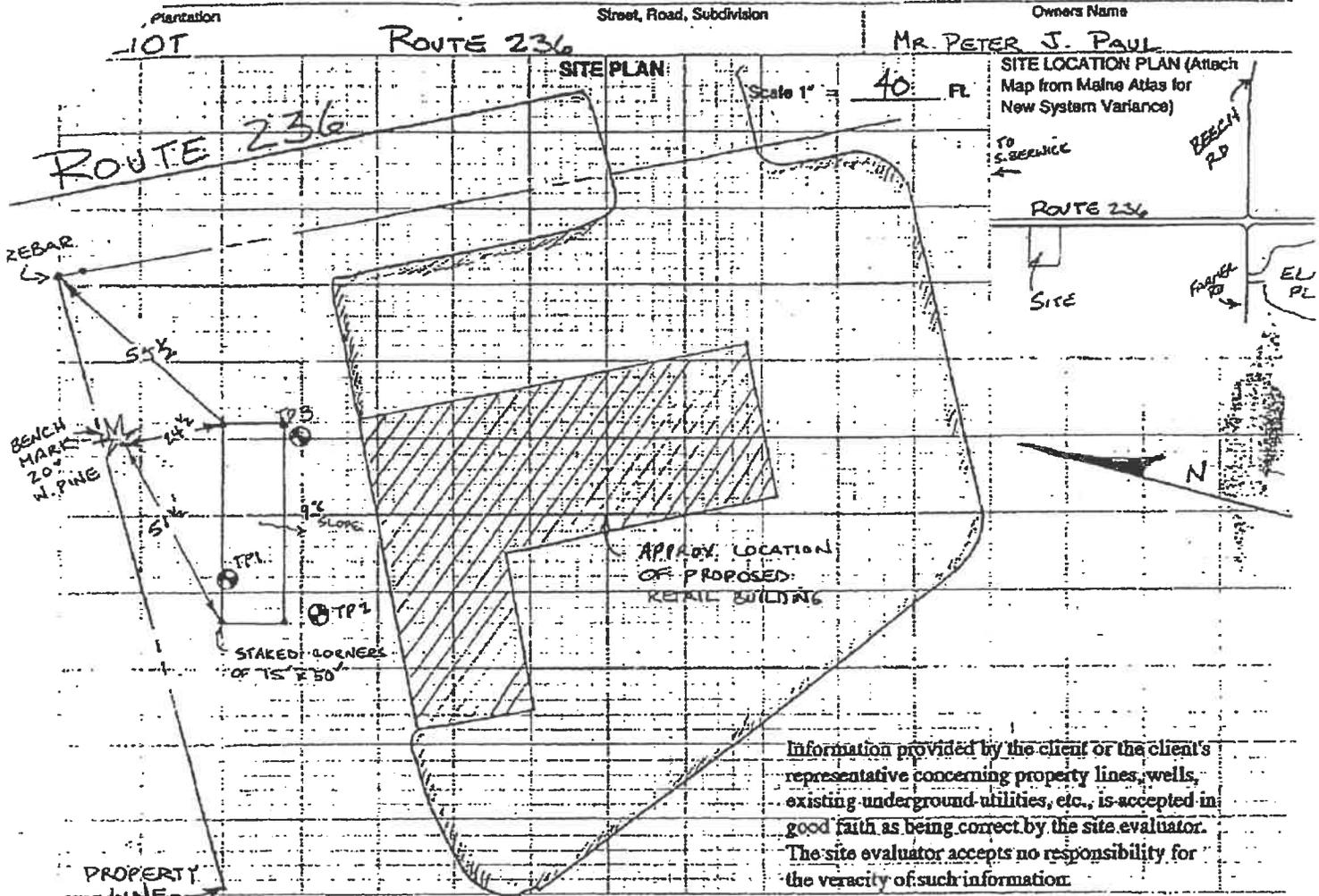
On Dec. 27, 1995 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

Joseph W. Hill
Site Evaluator Signature
(Local Plumbing Inspector's Signature if permit is for Seasonal Conversion.)

221 SE# 2-17-95 Date

WASTEWEATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering



SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP1 Test Pit Boring

2 * Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE	FRIABLE	STRONG BROWN	NONE
SANDY		YELLOWISH BROWN	
LOAM			
	FIRM	LIGHT OLIVE BROWN	COMMON FAINT

DEPTH BELOW MINERAL SOIL SURFACE (Inches)

Soil Profile	Classification Condition	Slope	Limiting Factor	<input type="checkbox"/> Ground Water <input type="checkbox"/> Percolative Layer <input type="checkbox"/> Bedrock
<u>3</u>	<u>C</u>	<u>~8%</u>	<u>18"</u>	

Observation Hole TP3 Test Pit Boring

3 * Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE	FRIABLE	DARK YELLOWISH BROWN	NONE
SANDY			
LOAM			
	FIRM	LIGHT OLIVE BROWN	COMMON FAINT

DEPTH BELOW MINERAL SOIL SURFACE (Inches)

TEST PIT #2 WAS UNSUITABLE AND CLASSIFIED AS B.D. LIMITING FACTOR AT 12" (SILT LOAM)

Soil Profile	Classification Condition	Slope	Limiting Factor	<input type="checkbox"/> Ground Water <input type="checkbox"/> Percolative Layer <input type="checkbox"/> Bedrock
<u>3</u>	<u>C</u>	<u>~8%</u>	<u>18"</u>	

Joseph W. Noil
Site Evaluator Signature

221
SE#

2-17-95
Date

4. Estimated Cost: (This is the market value including labor and materials regardless of who does the work) 100,000.00
 Permit Fee 200.00 (This fee is due and payable prior to issuance of the permit)

5. Name of Contractor L.W. Magnidge + Son
 Address Route 236, Chat VNF
 Plumber _____
 Electrician PO Folk Electric

6. Attachments:
 Ownership Record
 DEP Permit
 BOA PB
 Army-Corp-
 HHE200 PLMB

(NOTE: SIGNATURE OF THE APPLICANT INDICATES AWARENESS OF REQUIREMENTS OF ORDINANCES & STATUTES; AND CONSTITUTES APPLICATION FOR CERTIFICATE OF OCCUPANCY. A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED BEFORE THE STRUCTURE HEREBY PERMITTED IS USED. BUILDING PERMITS DO NOT INCLUDE PLUMBING, SEPTIC OR COMMERCIAL ELECTRICAL WORK. ANY FALSE INFORMATION MAY INVALIDATE A BUILDING PERMIT AND STOP ALL WORK.)

APPLICANT'S SIGNATURE: Duke Magnidge DATE: 5/9/95

 OFFICIAL USE ONLY

Date Received: 5-9-95 Approved Denied

Conditions of Approval or Reasons of Denial: _____

If applicable: Signature Planning Board Chairman: _____

Date: _____ Board of Appeals Chairman: _____

Code Enforcement Officer: Neil B. Varley Date: 5/9/95

Building Permit Number: 95-34 Growth Permit

ELECTRICAL INSPECTION DATE _____ OTHER INSPECTION DATES _____
 PLUMBING INSPECTION DATE _____
 FINAL INSPECTION DATE _____
 OCCUPANCY PERMIT ISSUE DATE _____

COMMENTS: _____

Case No. _____
Site review? Yes No

APPLICATION FOR SITE PLAN REVIEW
TOWN OF ELIOT PLANNING BOARD

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

Tax Map 37 Lot# 2-1 Lot Size 3 ACRES Zoning District: COMMERCIAL INDUSTRIAL DISTRICT

Your Name ALEX ROSS Your mailing address 909 ISLINGTON ST. STE. 6

City/Town PORTSMOUTH State: NH Zip: 03801 Telephone: (603) 433-7500

Who owns the property now? PAOLUCCI REALTY TRUST

Address (Location) of the property 291 HAROLD L DOW HWY.

Property located in a flood zone? Yes No
(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

Step 2 (establish your legal interest in the property)

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

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

* CATEGORY: "Nonprofit medical marijuana dispensary"
What SPECIFIC land use are you applying for? Medical Marijuana Cultivation & Processing.
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

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

THIS IS A DEVELOPED COMMERCIAL SITE, IN USE AS 'NORTHERN POOL & SPA'. THE REAR BUILDING IS CURRENTLY IN USE AS STORAGE AND WILL BE RENOVATED AND CONVERTED FOR USE AS A MEDICAL MARIJUANA CULTIVATION & PROCESSING FACILITY.

TOWN OF ELIOT
PLANNING BOARD
NOTICE OF DECISION

October 26, 1999

Peter Paul
81 Dow Highway, Route 236
Eliot, Maine 03903

Dear Mr. Paul:.

This is to inform you that the Planning Board has acted on your application for a Conditional Use as follows:

Findings of Fact:

1. The owner of the property is Paclucci Realty Trust who is represented by Mr. Peter Paul.
2. The property address is 81 Dow Highway.
3. Assessor's Map 37, Lot 2-1, 3 acres in the Commercial/Industrial Zoning District.
4. The applicant is Peter Paul, who has demonstrated a legal interest in the property by copies of tax records for Paclucci Realty Trust.
5. The Code Enforcement Officer accepted the application on August 25, 1999.
6. The Planning Board first discussed the application on September 27, 1999.
7. A Site Inspection was conducted on October 9, 1999.
8. A Public Hearing was advertised in the Portsmouth Herald on October 9, 1999, and held on October 19, 1999.
9. The applicant proposes to construct a 50X100-ft warehouse on the subject property.
10. No abutters or members of the public spoke at the Public Hearing.

Conclusions:

1. Construction of a 50X100-ft warehouse is a permitted use with Planning Board approval under the Town of Eliot Zoning Ordinances and will not significantly change the character of the neighborhood.
2. The standards of Section 45-290 and 45-404 of the Zoning Ordinance (Chapter 45) have been or will be met.

LAST APPROVAL

3. All applicable Sections of the Site Review Ordinance (Chapter 33, Article III) have been or will be met.
4. The Planning Board during review of this application (Section 33-127) has waived the following Performance Criteria and/or Ordinance Requirements.:
 - a. High Intensity Soils Report
 - b. Progress schedule

Decision:

Based on the above facts and conclusions, on October 19, 1999, the Planning Board voted to approve your application for a Conditional Use Permit.

Conditions of Approval:

In order to further promote the purposes of the Eliot Zoning Ordinance, the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents and materials submitted and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are Conditions of Approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. Public Hearing fees of \$65.00 must be paid for notification of six (6) property owners and five (5) abutters and newspaper advertisements.

Building Permit:

The Code Enforcement Officer is now authorized to grant you permits as appropriate. It is your responsibility to apply for these permits. Be aware, however, that this decision can be appealed to the Board of Appeals within 30 days after October 19, 1999, by an aggrieved person or party as defined in Section 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, 1-2.

Sincerely,



Barry Krasnow, Chairman
Eliot Planning Board

BK/bat
cc: CEO, S/M

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: REGULAR

PLACE: ELIOT TOWN HALL - 1333 STATE RD.

DATE:

Tuesday, April 16, 2019

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) April 2, 2019
- 6) PUBLIC HEARING
 - a) 279 River Road (Map 18/ Lot 11) #PB19-3: Shoreland Zoning Permit – Application for a permanent pier with an associated seasonal gangway and seasonal float to allow docking.
- 7) OLD BUSINESS
- 8) NEW BUSINESS
 - a) 495 Harold L Dow Highway (Map 53 Lot 6) #PB19-4: Request to amend a previously approved Site Plan:
 1. Demo and removal of existing warehouse / business office at NE end of property.
 2. Increase size and revise the type of the approved caregiver storefront building to accommodate 1600 sq. ft of storefront / office space and 1200 sq. foot of general warehouse and storage facility.
 3. Expansion of public and retail employee parking to 24 spaces.
 - b) Discuss enactment of Agritourism Ordinance.
 - c) Planning Board recommendations regarding Growth Permits.
 - d) 16 Arc Road (Map 45 Lot 17) #PB19-5: Preliminary Site Plan Review- Medical Marijuana.
 - e) 291 Harold L Dow Highway (Map 37 Lot 2-1) #PB19-6: Preliminary Site Plan Review – Medical Marijuana.
- 9) CORRESPONDENCE
- 10) SET AGENDA AND DATE FOR NEXT MEETING
 - a) Marijuana Ordinance Workshop with Select Board on May 7th at 7:00pm.
- 11) ADJOURN


Dennis Lentz, Chair



RECEIVED

4/10/19



RECEIVED

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB19-6 – AMENDED SITE PLAN**

APPLICATION

MAP/LOT: **37/27-1**

DATE OF DECISION: **07-02-2019**

July 19, 2019

Attar Engineering, Inc.
Mr. Kenneth A. Wood, P.E.
1284 State Road
Eliot, Maine 03903

Paolucci Realty Trust
Mr. Peter Paul
291 Harold L. Dow Highway
Eliot, Maine 03903

Dear Mr. Wood and Mr. Paul,

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan Review Application** for a non-profit medical marijuana dispensary as follows:

I. APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED FOR THE RECORD:

Submitted for April 16, 2019:

1. Site Plan Review Application, received April 10, 2019.
2. Photographs of Site, dated April 8, 2019.
 - a. Figure 1: Aerial view of site.
 - b. Figure 2: Front elevation facing west.
 - c. Figure 3: Front elevation facing southwest.
 - d. Figure 4: Front elevation facing south.
3. Location Plan showing 500-foot buffer, with abutter's list.
4. Warranty Deed, filed with the York County Registry: Book 7300/Page 059, dated April 10, 2019.

Submitted for May 21, 2019:

1. Amended Site Plan Review Application, dated May 21, 2019.
2. Copy of prior Notice of Decision (PB99-31) approving warehouse on Map 37/Lot 2-1, dated October 26, 1999.
3. Memo from Abbie Sherwin, Interim Planner, dated May 13, 2019.
4. Lease agreement, dated April 26, 2019.
5. Letter from Mr. P. Paul assigning Kenneth A. Wood, P.E., Lewis Chamberlain, P.E., and Michael Sudak, E.I.T. of Attar Engineering, Inc. as his agents for this application, dated May 1, 2019.
6. List of abutters.
7. Written responses regarding Chapter 33-127 (11) through (19).
8. Site zoning map.
9. Copy of last Notice of Decision approval for this property (PB99-31), dated October 26, 1999.
10. Subsurface Wastewater Disposal System Application, dated February 17, 1995.
11. Plumbing Application, dated December 27, 1995.
12. Building Permit Application, dated May 9, 1995.
13. Copies of documents submitted at April 16, 2019 meeting by Ross Engineering.
14. Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated May 7, 2019.

15. Plan of Land, Proposed Lot Division (Map 37, Lot 2, done by Roaring Brook Consultants, dated December 26, 1994.
16. Proposed floor plan, dated May 7, 2019.
17. Memo from Attar Engineering, Inc., dated May 16, 2019.
18. Proposed Odor Mitigation Document.
19. Memo from Fire Chief Muzeroll, dated May 14, 2019.

Submitted for June 18, 2019:

1. Revised Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated May 31, 2019.
2. Revised Floor Plan.
3. Revised Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated June 10, 2019.
4. Revised Memo from Abbie Sherwin, Interim Planner, dated June 10, 2019.
5. Revised Memo from Abbie Sherwin, Interim Planner, dated June 17, 2019.
6. Additional Memo from Fire Chief Muzeroll regarding Site Walk, dated June 10, 2019.
7. Public Hearing Notice, posted May 28, 2019.
8. Copy of Portsmouth Herald legal notice of Public Hearing, dated May 31, 2019.
9. Copies of Public Hearing Notice sent to Eliot Board of Appeals, Code Enforcement Officer, Assessor, Fire Chief, Police Chief, and Acting Public Works Director.
10. Copy of abutter's list and certified mailings, dated May 29, 2019.

Submitted for July 2, 2019:

1. Revised Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated June 13, 2019.
2. Revised Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated June 25, 2019.
3. Revised Memo from Abbie Sherwin, Interim Planner, dated June 27, 2019.
4. Current State of Maine Caregiver License submitted for James Folan, dated July 1, 2019.

FINDINGS OF FACT:

1. The owner of the property is: Paolucci Realty Trust (mailing address: 291 Harold L. Dow Highway, Eliot, Maine 03903).
2. The original applicant is: Alex Ross, Ross Engineering (mailing address: 909 Islington Street, Ste. 6, Portsmouth, NH 03801).
3. The applicant changed to: Attar Engineering, Inc., Kenneth E. Wood, PE (mailing address: 1284 State Road, Eliot, Maine 03903).
4. The property is located at 291 Harold L. Dow Highway Eliot, ME and is 3 acres.
5. Property can be identified as Assessor's Map 37/ Lot 2-1 and is located in the Commercial/Industrial Zoning District and Limited Commercial Zoning District.
6. The applicant proposes to convert the rear 5,000 square-foot Cold Storage Warehouse to a Non-profit Medical Marijuana Cultivation and Processing Facility.
7. Copies of the application and supporting materials were provided to the Police Chief, Public Works, Fire Department, Town Manager, and Code Enforcement. The Police Chief, Public Works Acting Director, Code Enforcement Officer, and Town Manager had no comments. The Fire Chief submitted comments in a memo dated May 14, 2019 and additional comments on June 10, 2019 (attached).
8. The Planning Board reviewed the application at the following regular meetings:
 - April 16, 2019
 - May 21, 2019
 - June 18, 2019
 - July 2, 2019

9. The following application fees have been paid by the applicant, in accordance with §1-25:
 - Site Plan Review Application Fee (Amendment): \$100 (Check #6493, dated April 10, 2019).
 - Public Hearing Fee: \$175.00. (Check #1650, dated June 30, 2019).
10. The site walk was held on June 4, 2019.
11. In accordance with §33-129 & 130, a public hearing was advertised in the Portsmouth Herald/Seacoast Online on May 31, 2019 and held on June 18, 2019. In accordance with §33-129 & 130, abutting land owners were notified via certified mail.
12. The Planning Board accepted the application as complete on May 21, 2019.
13. Applicable ordinance is §33-189: Non-profit Medical Marijuana Dispensaries & Registered Primary Caregivers.
14. The proposed use location meets the required 500-foot buffer from sensitive uses.
15. There will be no changes to existing site conditions.
16. Per the applicant, there will be six (6) employees onsite.
17. The Planning Board approved two requested waivers: Soils Erosion and Sediment Control Plan and High Intensity Soils Report at the May 21, 2019 meeting.
18. Copies of caregiver licenses submitted.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (*Revisions to final site plans after planning board approval*).
2. 'Non-profit Medical Marijuana Dispensary' is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (9) by the Eliot Planning Board per Sec. 45-290.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33 §189, Planning & Development, Article III, Division 6.

DECISION:

1. Based on the above facts and conclusions, on **July 2, 2019**, the Planning Board voted to approve your application to operate a non-profit medical marijuana dispensary/restricted-entry patient care center/medical marijuana cultivation and processing facility.

CONDITIONS OF APPROVAL:

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. A copy of the Food Establishment License from the Department of Agriculture, Conservation, and Forestry will be submitted to the Planner.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date.

The holder of an approved permit should take care to ensure that the approval granted on **July 2, 2019** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **July 2, 2019** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,



Dennis Lentz, Chair

This letter reviewed and approved by the Planning Board on July 16, 2019.

CC: Rochelle Bishop, Code Enforcement Officer
Elliott Moya, Police Chief
Jay Muzeroll, Fire Chief
Martine Painchaud, Tax Assessor
Don Sylvester, Acting Public Works Director

Fire Chief Memos from May 14, 2019 and June 10, 2019

May 14, 2019
Town of Eliot

ELIOT FIRE DEPARTMENT

1323 STATE ROAD
ELIOT MAINE
03903

Planning Board, Dennis Lentz, Chairman
1333 State Road
Eliot Maine 03903

Reference: PB-19-6 change of use and building renovation - 291 H.L. Dow Highway

Dear Board Members;

I have reviewed the application and the associated documentation submitted to my office. The following are my findings and requirements:

- The building as shown from Ross Engineering is identified incorrectly. Pictures show Northern Pool and Spa showroom and sales. The correct building is Building #2 as identified on plan.
- The new use is a Business occupancy greater than 3000 square requires a plan review for access and egress and fire safety requirements by the State of Maine Fire Marshal's Office. Criteria for submittal is available on their website. A copy of the application and support documents will be supplied to the Fire Department as well as any Fire Marshal permits, emails and memos.
- The building is required to follow NFPA 101 Fire Code 2009 edition and all its referenced Codes.
- The Fire Department will utilize NFPA 1 2009 edition for reference and compliance to the occupancy where required. The occupant is required to identify all hazardous material, whether liquid, gas, solid or solvent and provide monitoring and notification devices where required. The following is the minimum NFPA 1 Fire Code requirements:
- The Fire Department requires a complete plan review with acceptable documentation per NFPA 1 Chapter 1.14 (2009 edition)
- The plan indicates gated property access and will require a Knox gate device per Fire Department approval. NFPA 1 Chapter 18.2.2 (2009 edition)
- The building will most likely have security/access measures installed and will require Knox device(s) per Fire Department approval. NFPA 1 Chapter 18.2.2 (2009 edition)
- The submitted site plan shows a retaining wall approximate to the pedestrian door. The width between the fence and the retaining wall appears to be about 6 feet. That distance does not support emergency vehicle access. The location of the gated fence may also limit emergency access vehicle to the property. My suggestion is to reconfigure the access points to DOT standards for fire/emergency access radius and turning requirements.
- If the building will have an installed and monitored off site fire alarm system, the Fire Department requires the alarm system codes. The fire department will provide to the occupant the proper notification contact numbers.
- All the requirements will need to be addressed prior to the beginning of any construction with a signature of approval from the Eliot Fire Chief on the master engineering drawing on file with the Town of Eliot. The Fire Chief requests an inspection of the property prior to the issuing of an occupancy permit to verify all requirements have been met or addressed.

Sincerely,

Jay Muzeroll

Fire Chief Town of Eliot
NFPA Certified Plans Examiner
NFPA Certified Fire Inspector II
Smoke Detectors Save Lives

June 10, 2019

Town of Eliot Planning Board
Dennis Lentz Chairman

Ref: 291 H.L. Dow Highway Site Walk-thru

Dear Board Members,

Eliot Fire Department Chief Jay P. Muzeroll

I have conducted a site visit with the involved parties for the proposed project at 291 HL Dow Highway. The following are my findings and clarifications of previous comments.

- Knox Box access to the gate at property entrance.
- Knox Box access to project building.
- State of Maine Fire Marshal review for NFPA 101 requirements and copies of construction permits and finalized building configuration plans to Eliot Fire Chief.
- Lessee stated the property will have a full fire alarm system.
 - Properly addressed zones on fire alarm panel and monitored offsite 24/7
 - Fire Alarm system reset instructions contained within alarm panel.
 - Fire Alarm panel at main door entrance.
 - Contact Eliot Fire Chief for correct alarm notification phone numbers.
- MSDS' at main door entrance
- Power supply to building easily accessed for control of power.
- Carbon Dioxide meters, alarms set points IAW NFPA 1 (2018 edition) wired into fire alarm system.
- Carbon Dioxide supply tanks installed IAW with industry standards with crash protection barriers.
- All reportable quantities of hazardous materials reported to Fire Chief and State agencies.
- Access road around building is not per plan and needs to be redrawn to existing conditions.
- Fire Chief to test fire alarm system and conduct walk through prior to occupancy permit issued.
-

Sincerely,

Jay Muzeroll

Eliot Fire Chief

12/22/19-RTW

LEASE AGREEMENT

LEASE AGREEMENT (this "Lease") made and effective as of the 24th day of December, 2019, by and between Peter Paul, Trustee, PAOLUCCI REALTY TRUST, a Maine realty trust of 291 Harold Dow Highway, Eliot, Maine 03903 ("Landlord"), and DJR REAL ESTATE, LLC, a limited liability company with a mailing address of 61 Bradstreet Lane, Eliot, Maine 03903 ("Tenant").

WITNESSETH:

ARTICLE I - PREMISES

Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, upon and subject to the terms and provisions of this Lease a 1,389sq ft (at \$22 per sq ft Triple Net Lease) retail building, (the "Building") located at 291 Harold Dow Highway, Eliot, Maine, and further identified as Eliot Tax Map 37, Lot 2-1 (the "Property").

ARTICLE II - TERM OF LEASE

2.1. Initial Term. The term of this Lease shall be for a period of two (4) years commencing on the first day of the month, beginning February 1, 2020 or such earlier date as the parties may mutually agree in writing (the "Commencement Date") and ending on January 30, 2024 (the "Initial Term").

2.2. Options to Extend. Tenant shall have the right to extend this Lease for six (3) additional terms of two (4) years each (the "Renewal Terms"); provided, however, that (a) Tenant shall give Landlord written notice of its intent to so extend the Term not later than ninety (90) days prior to the conclusion of the Term then ending, and (b) on the date of Tenant's written notice of renewal Tenant shall not be in material default of any of its obligations hereunder. The

Initial Term and any Renewal Terms in effect are sometimes collectively referred to as the “Term”.

2.3 Holding Over. In the event that Tenant fails to vacate the Premises at the end of the Term, or sooner in the event of earlier termination of this Lease, Tenant acknowledges that Landlord will suffer damages due to its inability to rent the Premises until Tenant properly vacates. Therefore, if Tenant holds over after the expiration of this term or any exercised option term with or without objection from Landlord, then such holding over will not extend the term of this Lease, but will create a month-to-month tenancy under the same conditions as this Lease except that rent shall be paid in the amount of one hundred twenty percent (120%) of the Rent set forth in Article III hereof. Tenant agrees that such increased rent is not damages or a penalty, but is increased rent reflective of the nature of a month-to-month tenancy and its lower value to Landlord than tenancy for a specific term. The payment of such increased rent shall not limit the damages to which Landlord is entitled hereunder.

2.4 Early Entry. In the event Tenant enters the Premises prior to the Commencement Date, for any reason including partial occupancy for fit-up of the Premises, Tenant’s occupancy shall be subject to all of the provisions of this Lease, and Tenant shall execute and deliver to Landlord a hold harmless agreement in a form provided by Landlord whereby Tenant releases Landlord from all liabilities, claims and causes of action arising out of any construction or other work performed at the Premises during such early possession.

ARTICLE III - RENT

3.1. Rent for Initial Term. Beginning on Feb 1, 2020 (the "Rent Commencement Date"), and so continuing for the remainder of the Initial Term hereof, Tenant covenants and agrees to pay to Landlord rent (the "Rent") at the rate of Thirty Thousand Five Hundred fifty eight Dollars (\$30,558.00) per year, payable in equal installments of two thousand five hundred and forty seven dollars (\$2,547.00) per month, in advance, on the first day of each calendar month during the Term. Any Rent for partial months (if the Commencement Date is other than the first day of a calendar month) shall be prorated. Triple Net calculation based off tenants percentage of occupancy, currently at 15%.

3.2. Rent for Renewal Terms. The amount of rent during any Renewal Term shall be the same as the initial term.

3.3. Late Rent. In the event Rent is not received when due or any check tendered to Landlord is returned to Landlord as uncollectible, Tenant shall pay the applicable service charges set forth in this Section 3.3, which Landlord and Tenant agree are a fair and reasonable estimate of the costs to be incurred by Landlord by reason of such late payment. The service charge for a late payment shall be an amount equal to five percent (5%) of any installment of Rent and other charges past due for more than five (5) days; provided, however, interest on such past due installment and late payment charge shall accrue at the rate of ten percent (10%) per annum after the thirtieth (30th) day such installment is past due until paid. The service charge for a returned check shall be Fifty Dollars (\$50).

ARTICLE IV - INSURANCE

4.1 Landlord's Insurance. Landlord shall obtain, and throughout the Term of this Lease shall maintain and pay when due all premiums and other charges upon Property Insurance for perils no less than Fire and Extended Coverage, in an amount equal to the replacement value (as defined in the applicable policy) of the Building. Landlord shall provide documentation of such insurance at inception and the earlier yearly or upon any material change thereafter.

4.2 Tenant's Insurance. Tenant shall obtain, and throughout the Term of this Lease shall maintain and pay when due, all premiums and other charges upon policies of (a) Commercial General Public Liability insurance in an amount of not less than One Million Dollars (\$1,000,000) in case of death of or injury to persons, and One Million Dollars (\$1,000,000) in case of loss, destruction or damage to property; (b) Property Insurance insuring the furniture, fixtures, equipment and other personal property of Tenant located in or upon the Premises to its full replacement value; and (c) Worker's Compensation Insurance as required by law. The insurance carried by Tenant pursuant to clause (a) above shall name Landlord as an additional insured. Tenant shall provide documentation of such insurance at inception and the earlier yearly or upon any material change thereafter

4.3 Contractors' Insurance and Waivers. Prior to the delivery of any materials to the Premises or the commencement of any work on the Premises (including by way of example and not limitation that construction by Tenant described below) by any employee, agent, contractor, subcontractor, materialman or mechanic engaged by Tenant to provide material to or perform work on the Premises (collectively, a "Contractor"), Tenant shall be obligated to obtain from

each such Contractor and provide Landlord with satisfactory evidence of (a) a Certificate of Insurance evidencing that the Contractor carries Commercial General Public Liability insurance in an amount of not less than One Million Dollars (\$1,000,000.00), (b) a Certificate of Insurance evidencing that the Contractor carries Workers' Compensation Insurance as required by law, and (c) Mechanic's Lien Waivers waiving and releasing the Contractor's right to any statutory lien upon the Premises for materials delivered and services provided.

4.4. Additional Provisions Respecting Insurance. All policies of insurance that are required to be obtained and maintained pursuant to this Article IV shall be purchased from generally recognized responsible insurance companies qualified to do business in the State of Maine. All such policies shall provide for cancellation only after not less than thirty (30) days prior written notice to the other party. Certificates of Insurance evidencing each party's compliance with the terms of this Article IV shall be promptly provided to the other party upon request from time to time.

ARTICLE V - MAINTENANCE OF BUILDING

5.1. Tenant's Obligations. a) Tenant shall install any and all interior improvements and fit-up desired by tenant; b), perform such ordinary, day-to-day maintenance work as shall be reasonably required to maintain and keep the Premises in the same order and condition as the same may be in upon the commencement of the term hereof and shall make any and all repairs thereto which shall be required to so maintain and keep the Premises, including: (a) the repair and replacement of all windows and plate glass in the Premises and (b) the repair and maintenance of all floors whether finished or sub-floors; provided, however that any such repair

and maintenance shall be required only due to damage caused by Tenant, its officers, agents, servants, customers, or employees during the term of the Lease.

5.2. Landlord's Obligations. As defined in triple net agreement.

ARTICLE VI - USE OF PREMISES

6.1. Use of Premises. Tenant shall have the right to use the Premises for medicinal and recreational retail and office purposes. (the "Intended Use") and purposes reasonably incident thereto and for no other use unless Landlord shall consent in writing.

6.2. Operation of Premises According to Law. Tenant shall at all times during the Term (a) conduct and operate its business on the Premises subject to all valid , state, local, and municipal laws, statutes, and ordinances in relation to such business operation, (b) secure all necessary permits for the lawful operation of said business, if such permits are required, and (c) protect and save Landlord harmless from the imposition of any liens, taxes, or other charges that may be imposed against the property of Landlord by reason of the occupancy and use by Tenant of the Premises. Landlord shall reasonably cooperate with Tenant to obtain any permit or approvals necessary for the Intended Use; provided, however, that any and all costs associated with such permits and approvals shall be the sole responsibility of Tenant.

6.3 Waste: Extra-Hazardous Use. Tenant shall not injure or deface, or commit waste with respect to the Premises nor occupy or use the Premises, or permit or suffer any part thereof to be occupied or used by anyone for whom Tenant is legally responsible, for any unlawful or illegal business, use or purpose, nor for any business, use or purpose deemed to be disreputable or extra-hazardous, nor in such manner as to constitute a nuisance of any kind, nor for any

purpose nor in any manner in violation of any present or future laws, rules, requirements, orders, directions, ordinances or regulations of any governmental or lawful authority including Boards of Fire Underwriters. Tenant shall, immediately upon the discovery of any such unlawful illegal, disreputable or extra-hazardous use, take, at its own cost and expense, all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove all persons guilty of such unlawful, illegal, disreputable or extra-hazardous use.

ARTICLE VII - UTILITIES

7.1. Payment by Tenant. Subject to Section 5.1, Tenant shall directly pay for electricity, telephone service, broadband service and other utilities and services billed directly to and utilized by Tenant at the Premises.

7.2. Interruption of Service. Landlord shall not be responsible for interruption of utilities beyond Landlord's control or due to machinery or equipment failure. In the event of any such utility interruption, the rent provided herein shall not abate or terminate in any way during the period of said interruption.

ARTICLE VIII - LANDLORD'S ACCESS TO PREMISES

8.1. Access. Landlord shall have access to the Premises at all times in cases of emergency and at reasonable intervals during normal business hours upon twenty-four (24) hours' prior written notice for purposes of inspecting the same and also for purposes of making repairs which Landlord is required to make by the terms of this Lease. Such inspections shall take into account the reasonable security measures required by Tenant. Except as aforesaid, such repairs shall be made at such times and in such manner as to reduce to a minimum interference

with Tenant's use of the Premises, but it is understood that such repairs shall be permitted at such times so as to preclude the necessity for Landlord to pay overtime to the workmen making such repairs.

8.2. Landlord's Signs. At any time within sixty (60) days prior to the expiration of the Term of this Lease, as it may be extended, Landlord may affix to any suitable part of the Premises a notice for the letting or sale of the same, and keep the said sign affixed without hindrance or molestation.

ARTICLE IX - CONDITION OF PREMISES; IMPROVEMENTS BY TENANT

9.1 Tenant accepts the Building, improvements, and any equipment or fixtures on or in the Premises "as is" and in their existing condition and agrees that no representation, statement or warranty, express or implied, has been made by or on behalf of Landlord as to such condition, or as to the use that may be made of such property.

9.2 Tenant shall not make or allow to be made any alterations, installations, additions or improvement in or to the Premises, or place unusually heavy furniture or equipment within the Premises, without Landlord's prior written consent, which consent shall not be unreasonably withheld or delayed. Prior to the commencement of work on any such alteration, addition or improvement, Tenant shall procure, at its own cost and expense, all necessary permits. All work shall be completed promptly and in a good and workman like manner and shall be performed in such a manner that no mechanics, materialmen's or other similar liens shall attach to Premises, and in no event shall Tenant permit, or be authorized to permit, any such liens or other claims to be asserted against Landlord or Landlord's rights with respect to the Premises, the Building, or the Property; and at the completion of all work Tenant shall obtain waivers of mechanics and

materialmens liens from all persons performing work on or on furnished material to the Premises. Notwithstanding anything herein to the contrary, Landlord consents to Tenant's fit up of the Premises pursuant to the scope of work appended hereto.

ARTICLE X - SUBORDINATION TO MORTGAGES

It is hereby expressly understood and agreed that this Lease shall be subject to and subordinate, without any further documentation, to any mortgage now upon the Premises or the building of which the Premises are a part and any mortgage or other security interest hereafter placed upon said Premises or said building; provided, however, that if requested by Landlord or Landlord's mortgagee, Tenant shall execute a subordination, non-disturbance and attornment agreement within ten (10) days of receipt thereof.

ARTICLE XI - INDEMNITY

11.1. Indemnification. Each party agrees to and shall indemnify and hold the other harmless from and against any and all claims arising from (a) The other's use of the Premises, (b) the conduct of other's business, (c) any activities, work, or things done, committed, or suffered by the other in or about the Premises, and (d) without limiting the generality of the foregoing, from any and all claims, actions, loss, cost, damage or expense arising from or in any way related to the introduction of or storage of hazardous waste or contamination of any sort into or on the Premises by the applicable party or its Contractors, agents or employees. Each party shall further indemnify and hold the other harmless from and against any and all claims arising from (i) any breach or default of the performance of any obligation required to be performed under the terms of this Lease, (ii) any negligent or intentional act or omission of the applicable party or its agents, employees, representatives, Contractors, customers, or visitors, and (iii) any and all costs, attorney's fees, expenses, and liabilities incurred by the applicable party in the

defense of any such claim or any action or proceeding brought thereon. If any action or proceeding is brought against by reason of any such claim, the applicable party shall defend the same at its expense; provided, however, that a party shall not settle or compromise any claim without the prior written consent of the other. Except as otherwise provided herein, Tenant, as a material part of the consideration to Landlord under this Lease, hereby assumes all risk of damage to property or injury to persons in or about the Premises arising from any cause and Tenant hereby waives all claims in respect thereof against Landlord; except claims arising out of Landlord's performance of Landlord's covenants, obligations, and duties under this Lease, or claims arising from the negligence or misconduct of Landlord, or its officers, agents, servants, customers, or employees.

11.2. Release of Landlord. Tenant further agrees that Landlord shall not be liable (a) for injury to Tenant's business, loss of income thereto, or damages to any of Tenant's furniture, furnishings, equipment, fixtures, or other property, (b) for damage or injury caused by or resulting from fire, steam, electricity, gas, oil, water, snow, rain, or other casualty, or (c) for damage or injury caused by or resulting from breakage, leakage, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning, heating, lighting fixtures, utility conduits, or any other cause; except where such damage or injury is caused by a breach of Landlord's performance of Landlord's covenants, obligations, and duties under this Lease, or arises from the gross negligence or willful misconduct of Landlord, or its officers, agents, servants, customers, or employees.

ARTICLE XII - DAMAGE TO PREMISES

In the event that the Premises, is totally destroyed by fire or other casualty insured against, or is so damaged that repairs and restoration cannot, in the reasonable opinion of

Landlord, be accomplished within a period of ninety (90) days from the date of such destruction or damage, this Lease will automatically terminate without further act of either party hereto, and each party shall be relieved of any further obligation to the other except for the rights and obligations of the parties which survives a termination of this Lease, and except that Tenant shall be liable for and shall promptly pay Landlord any Rent then in arrears or Landlord shall promptly rebate to Tenant a pro rata portion of any Rent paid in advance. In the event that the Premises is so damaged that repairs and restoration can be accomplished within a period of ninety (90) days from the date of such destruction or damage, this Lease will continue in effect in accordance with its terms; provided, that until restoration of the Premises has been accomplished, a portion of the Rent will abate equal to the proportion of the Premises rendered unusable by the damage. Landlord's obligation to restore, replace or rebuild such facilities will not exceed in amount the sum of the insurance proceeds paid to it and/or released to it by any mortgagee with which settlement was made. Landlord shall not be responsible for damage or destruction, partial or total, to or of machinery, equipment and appurtenances constructed or installed on or in the Premises by Tenant. Notwithstanding anything contained herein to the contrary, in the event that the damage to the Premises results from the fault or negligence of Tenant, its agents, employees, licensees or invitees, Tenant shall not be entitled to any abatement or reduction of any Rent or other sums due hereunder, and such damage shall be repaired by Tenant, or at Landlord's option by Landlord at Tenant's expense.

ARTICLE XIII - EMINENT DOMAIN

If the Premises is lawfully condemned or taken by any public authority either in its entirety or in such proportion that it is no longer suitable for the intended use by Tenant, then this Lease will automatically terminate without further act of either party hereto on the date when

possession of the Premises is taken by such public authority, and each party hereto will be relieved of any further obligation to the other except that Tenant shall be liable for and shall promptly pay to Landlord any Rent or other payments due hereunder then in arrears or Landlord shall promptly rebate to Tenant a pro rata portion of any Rent or other such payments paid in advance. In the event the proportion of the Premises so condemned or taken is such that the Premises is still suitable for its intended use by Tenant, this Lease will continue in effect in accordance with its terms and a portion of the Rent and other payments due hereunder will abate equal to the proportion of the rental value of the Premises so condemned or taken. In either of the above events, the award for the property so condemned or taken will be payable solely to Landlord without apportionment to Tenant.

ARTICLE XIV - REMEDIES

14.1. Tenant's Default. It is covenanted and agreed that if any one or more of the following events should occur:

(a) Tenant shall neglect or fail to pay the rent or other charges payable hereunder and such default shall continue for a period of five (5) days after receipt of written notice;

(b) Tenant shall materially neglect or fail to perform or observe any of the other covenants, terms, provisions, or conditions on its part to be performed or observed under this Lease, and such default shall continue for a period of thirty (30) days after notice from Landlord;

(c) Any warranty or representation made by Tenant herein proves to be materially false or misleading;

(d) Any voluntary or involuntary petition or similar pleading under any section of any bankruptcy or reorganization act shall be filed by or against Tenant, or tribunal shall be instituted to declare Tenant insolvent or unable to pay Tenant's debts, and in the case of an involuntary petition or proceeding, the petition or proceeding is not dismissed within thirty (30) days from the date it is filed;

(e) Any assignment shall be made of the property of Tenant for the benefit of the creditors; or

(f) A receiver, guardian, conservator, trustee in bankruptcy, or other similar officer shall be appointed to take charge of all or any substantial part of Tenant's property by a court of competent jurisdiction;

then, and in any of the said cases (notwithstanding any license of any former breach of covenant, waiver of the benefit hereof, or consent in a former instance), Landlord lawfully may, immediately or at any time thereafter, and without demand or notice to Tenant, (i) expel Tenant and those claiming through or under it, and (ii) remove its or their effects ; without being deemed guilty of any manner of trespass and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant. Upon entry, as aforesaid, this Lease shall terminate. Subject to Landlord's duty of mitigation, Tenant covenants and agrees, notwithstanding any entry or re-entry by Landlord, whether by summary proceeding,

termination, or otherwise, to pay and be liable for on the days originally fixed herein for the payment thereof, amounts equal to the several installments of rent and other charges reserved as they would, under the terms of this Lease, become due for the whole term of this Lease had this Lease not been terminated or had Landlord not entered or reentered.

In the event of Tenant's default and eviction, Landlord shall undertake reasonable efforts to mitigate damages by re-letting the premises.

14.2. Landlord's Default. Tenant is hereby granted the right of "quiet enjoyment". If Landlord shall fail to cure any material default of Landlord of which it has been notified by Tenant in writing, within the time reasonably required to cure such default, then Tenant shall have the right to terminate this Lease. The same is to be mutually guaranteed to the landlord.

ARTICLE XV - CUMULATIVE EFFECT AND WAIVER

The acceptance of Rent hereunder by Landlord shall not be a waiver of any preceding breach by Tenant of any provision hereof, regardless of Landlord's knowledge of such preceding breach or the time of acceptance of such Rent. No remedy herein or otherwise conferred upon or reserved to Landlord shall be considered exclusive of any other remedy, but the same shall be cumulative and shall be in addition to every other remedy given hereunder now or hereafter arising at law, in equity, or by statute. Every power and remedy given by this Lease to Landlord may be exercised from time to time and as often as occasion may arise or as may be deemed expedient. No delay or omission of Landlord to exercise any such right or power arising from any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein. No waiver of any breach of any of the covenants of this Lease shall be construed, taken, or held to be a waiver of any other breach, nor waiver,

acquiescence in, or consent to any further or succeeding breach of any covenant contained herein.

ARTICLE XVI – SECURITY DEPOSIT

Upon the execution hereof, and prior to the Commencement Date, Tenant shall pay to and deposit with Landlord the sum of Two Thousand Five Hundred Forty Seven Dollars (\$2,547.00) (the “Deposit”), as security for the full and faithful performance by Tenant of all the terms of this Lease required to be performed by Tenant. Landlord may use, apply, or retain the whole or any part of the money deposited as security hereunder to the extent required for the payment of any Rent or other sum(s) as to which Tenant is in default or for any sum(s) which Landlord may expend or may be required to expend by reason of Tenant’s default in respect of any of the conditions of this Lease, including, but not limited to, any damages or deficiency in re-letting of the Premises whether such damages or deficiency accrued before or after summary proceedings or other reentry by Landlord. The deposit may not be commingled with other funds of Landlord. Subject to the terms of this Article XVI, in the event that Tenant shall comply with all of the terms of this Lease, the money deposited as security hereunder will be returned to Tenant after the term hereof and after delivery of possession of the Premises to Landlord with no sums due to Landlord.

ARTICLE XVII- OPTIONS

It is mutually agreed that, during the term of this lease and any extensions hereof:

17.3 Tenant shall have the right of first refusal to lease at prevailing rates and terms, any rental space that may become available on the property of landlord or its principals, located at 290 through 236, presently vacant land on the opposite side of Route 236 from the premises.

17.5 Tenant shall have a right of first refusal to purchase the entire land and buildings at 291 Harold Dow Highway per the earlier warehouse lease between both parties.

ARTICLE XIX - MISCELLANEOUS

19.1. Headings. The article, section headings, and subheadings throughout this Lease are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Lease.

19.2. Succession. Except as otherwise set forth herein, all of the terms and provisions of this Lease shall be binding upon and shall inure to the benefit of the legal representatives, successors and assigns of the respective parties thereto.

19.3. Severability. If any term or provision of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then the remainder of this Lease, or the application of such term or provision to persons or circumstances other than to those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and enforced to the fullest extent permitted by law.

19.4. Governing Law. This Lease shall be governed by and construed in accordance with the laws of the State of Maine, as the same exist as of the date of this Lease.

19.5. Counterparts. This Lease may be executed in counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.

19.6 Time of the Essence. Time is of the essence in the performance of all obligations under this Lease.

19.7 Entire Agreement. This Lease contains and embraces the entire agreement between the parties hereto and no part of it may be changed, altered, amended, modified, limited or extended orally or by agreement between the parties unless such agreement is expressed in writing and signed by Landlord and Tenant or their respective successors in interest. This Lease supersedes any and all prior agreements, promises, covenants, arrangements, communications, representations or warranties, whether oral or written, between the parties hereto with respect to the subject matter hereof.

19.9 Notice of Lease. The parties each agree to execute for recording a Notice of Lease

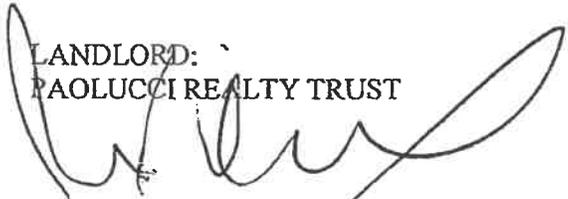
[Signature page follows]

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement with Option to Purchase all as of the date first above written.

WITNESS:

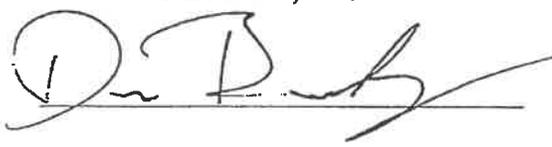
LANDLORD:
PAOLUCCI REALTY TRUST

By:

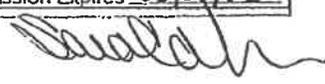

Peter Paul, Trustee

TENANT:
DJR REAL ESTATE, LLC

By: DANA Brearley, Member, duly authorized



SARA E. CALLANAN
NOTARY PUBLIC
STATE OF MAINE
My Commission Expires 03/05/23

 12/24/19

BK7300 6059

WARRANTY DEED

60391

KNOW ALL PERSONS BY THESE PRESENTS, That I, ALBERT H. LIBBEY, of Eliot, County of York and State of Maine, for consideration paid, grant to PETER J. PAUL and CARMEN S. PAUL, as TRUSTEES of PAOLUCCI REALTY TRUST, a trust established under the laws of the State of Maine with a principal place of business at P.O. Box 694, Dover, New Hampshire 03820, with WARRANTY COVENANTS, a certain lot or parcel of land, together with any improvements located thereon, situated on Route 236, also known as Harold L. Dow Highway, in the Town of Eliot, County of York and State of Maine, and being more specifically bounded and described as follows:

MAINE DEED REGISTRY TRANSFER TAX PAID

Beginning at a #5 rebar set at the southeast corner of land now or formerly of David P. Libbey at the apparent westerly sideline of said Route 236 and thence proceeding South 25° 15' 30" East a distance of 300.00 feet to a rebar set in the apparent westerly sideline of said Route 236; thence turning and proceeding South 60° 34' 47" West a distance of 430.96 feet along other land of said Albert H. Libbey to a rebar set; thence turning and proceeding North 29° 25' 13" West a distance of 296.55 feet along other land of said Albert H. Libbey to a rebar set in the southerly property line of land now or formerly of David P. Libbey; thence turning and proceeding North 60° 34' 47" East a distance of 147.35 feet along land now or formerly of said David P. Libbey and in part along the remains of a stone wall and in part along the remains of a barbed wire fence to a rebar set; thence proceeding North 60° 00' 28" East a distance of 300.18 feet along land now or formerly of said David P. Libbey and still in part along the remains of a barbed wire fence to the rebar set at the point of beginning. Containing 130,680 square feet or 3.0 acres of land, more or less.

The foregoing premises are shown on a plan entitled "PLAN OF LAND PROPOSED LOT DIVISION ROUTE 236, ELIOT, ME PORTION MAP 37, LOT 2 FOR ALBERT H. LIBBEY 162 STATE RD., ELIOT, MAINE", dated December 12, 1994, by Roaring Brook Consultants, to be recorded in the York County Registry of Deeds.

Meaning and intending to convey a portion only of the property conveyed to Albert H. Libbey by quitclaim deed with covenant from Robert I. Libbey dated December 29, 1986 and recorded in the York County Registry of Deeds at Book 4132, Page 222. Also conveying all of the property conveyed by the warranty deed from David P. Libbey to Albert H. Libbey dated August 15, 1994 and recorded in the York County Registry of Deeds at Book 7169, Page 230.

REKER AND DOUFFARD
74 STATE ROAD
WILTON, MAINE 05095

50

BK7300 PG060

WITNESS my hand and seal this ^{29th} ~~30th~~ day of December, 1994.

Lynn A. Keisker
Witness

Albert H. Libbey
Albert H. Libbey

STATE OF MAINE
COUNTY OF YORK, SS.

December 29, 1994

Personally appeared the above-named Albert H. Libbey and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:
Lynn A. Keisker
Notary Public/Attorney at Law



Print Name: Lynn A. Keisker
My Commission Expires 5/1/95

ROSE AND BELFRAGE
10 STATE ROAD
P.O. BOX 63
ATTEN: MAINE CUDR

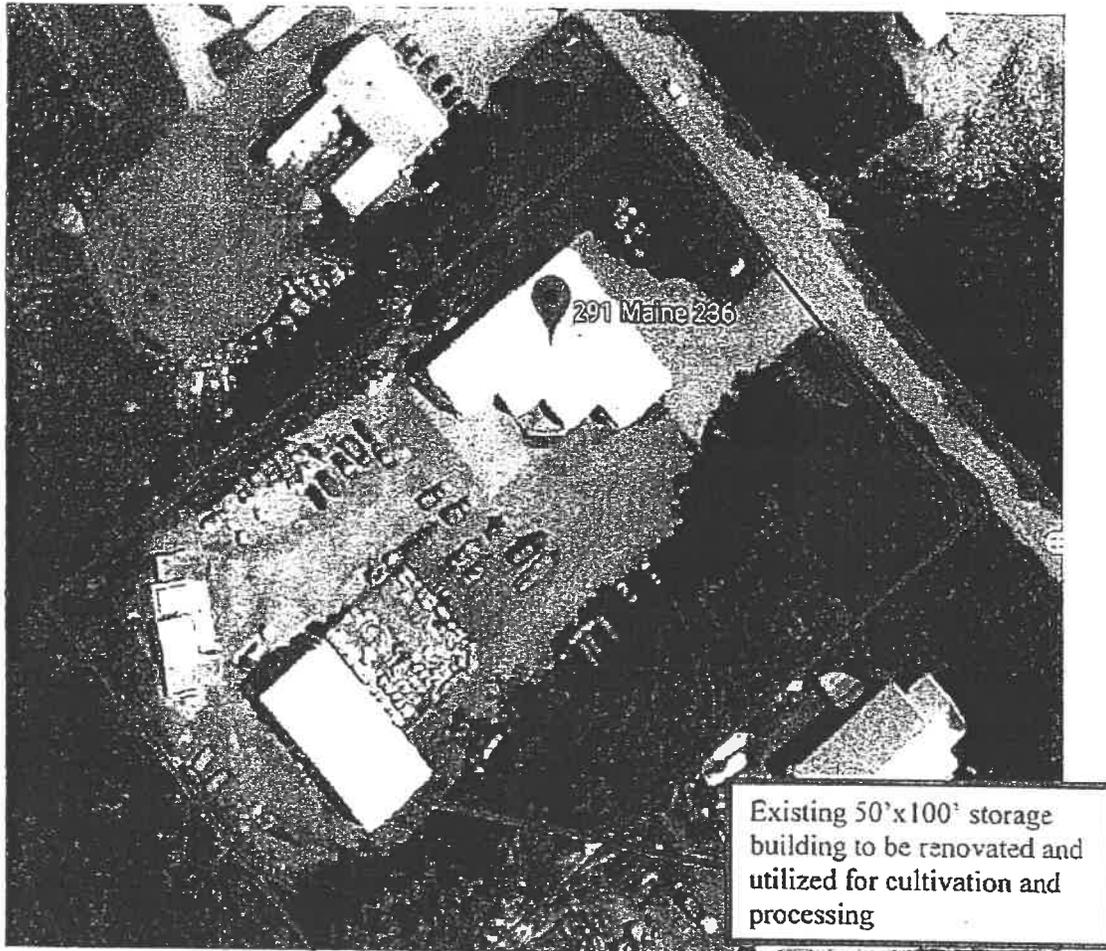
RECEIVED YORK S.S.
94 DEC 30 PM 3:55
ATTEST: Clarence Stone
REGISTER OF DEEDS

909 Islington Street
Portsmouth, NH 03801

Ross Engineering
Civil/Structural Engineering

603-433-7560
alexross@comcast.net

Northern Pool & Spa
291 Harold L. Dow Highway
Tax Map 37, Lot 2-1



Existing 50'x100' storage building to be renovated and utilized for cultivation and processing

Figure 1: Aerial view of site

ZONING MAP

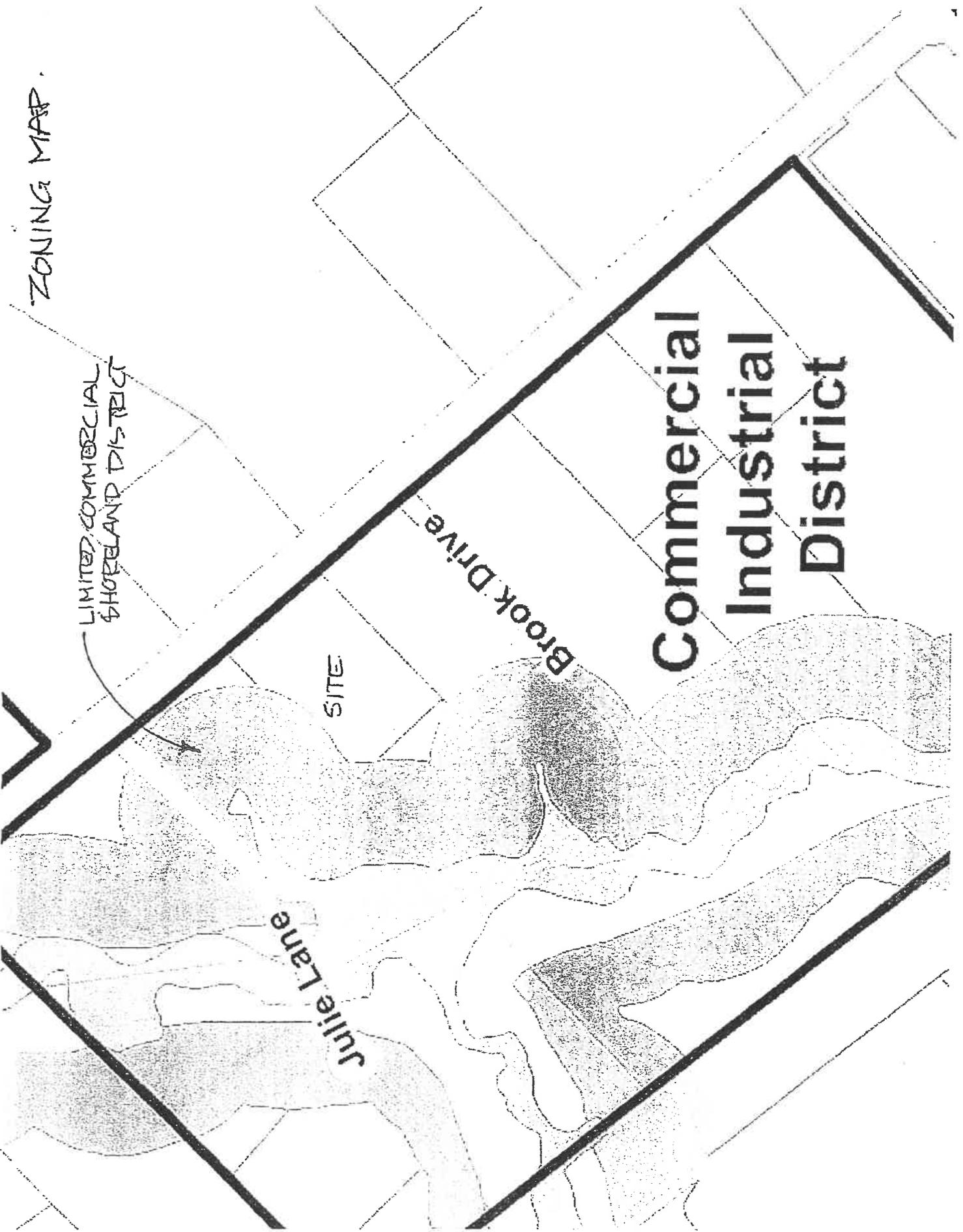
LIMITED COMMERCIAL
& SHORELAND DISTRICT

SITE

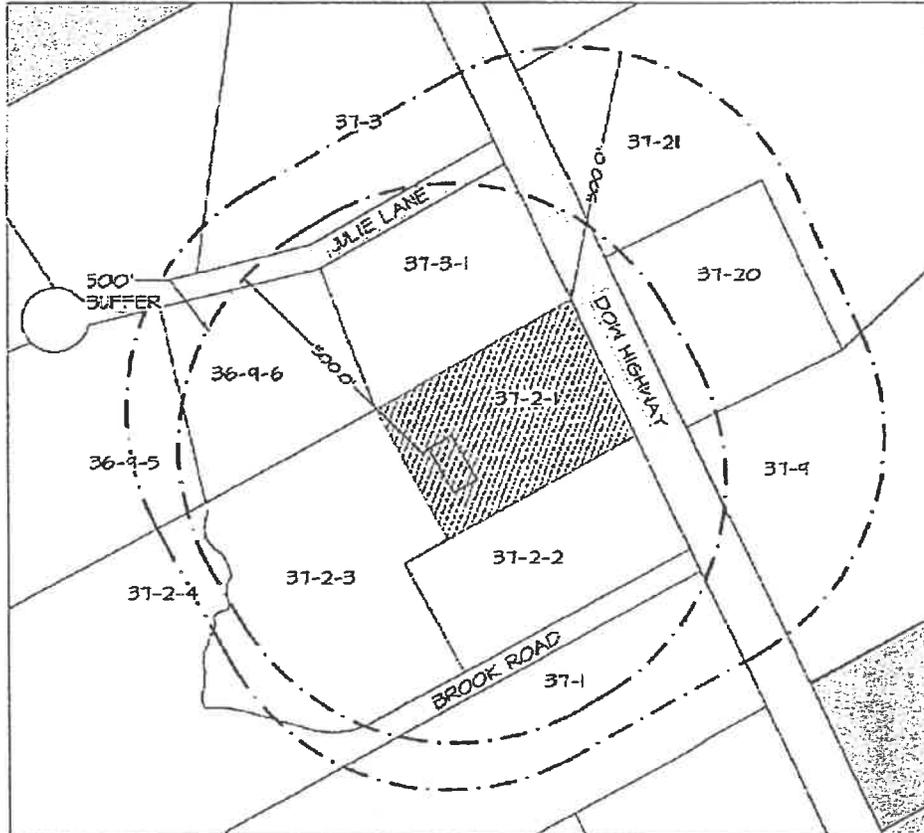
Brook Drive

Julie Lane

**Commercial
Industrial
District**



LOCATION PLAN FOR
291 HAROLD L. DOW HIGHWAY
LOT 37-2-1



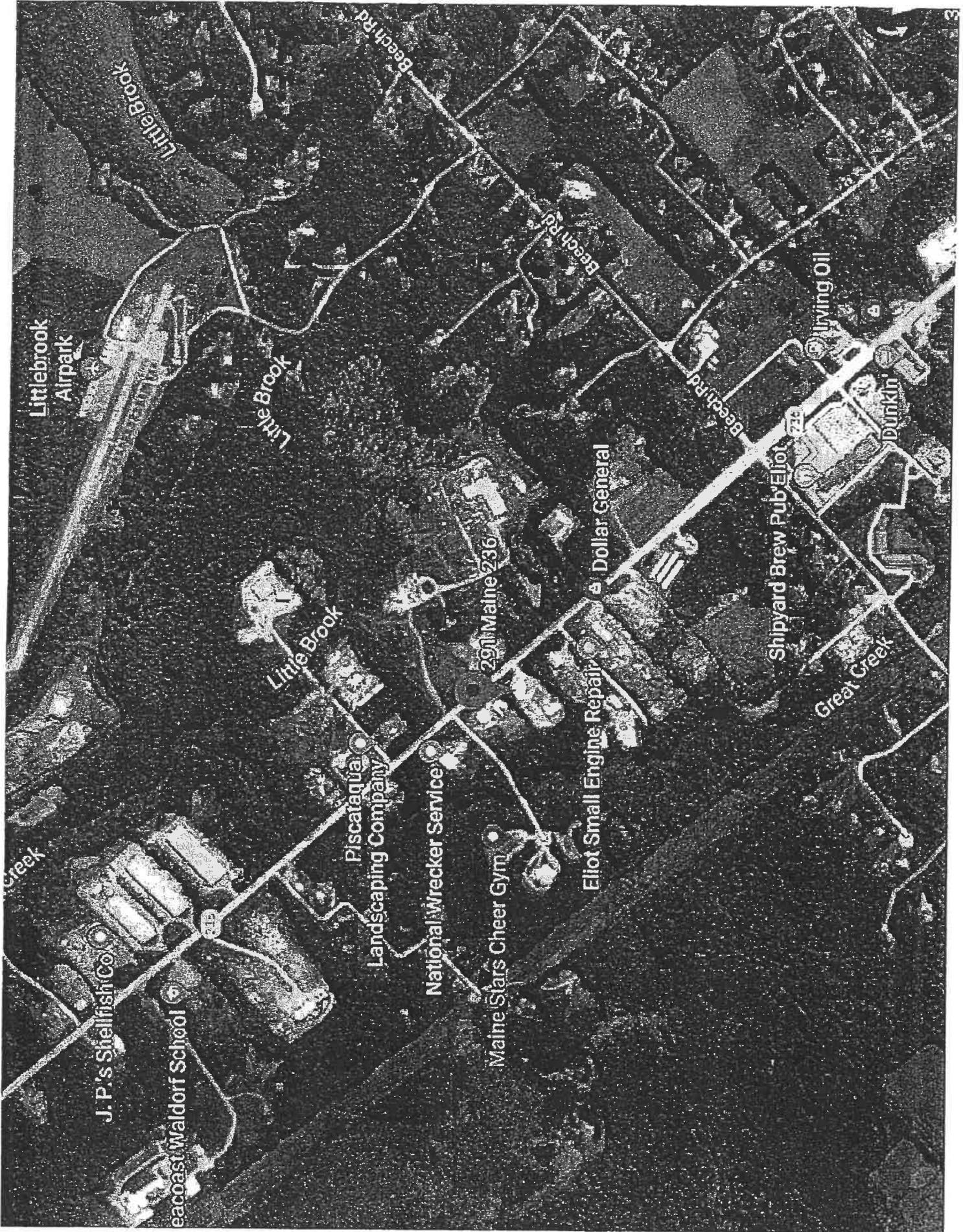
ZONING MAP
N.T.S.

LEGEND

- COMMERCIAL INDUSTRIAL DISTRICT
- SUBURBAN DISTRICT

ABUTTERS LIST

- 36-9-5: JULIE LANE LLC
- 36-9-6: BMT ENTERPRISES
- 37-1: EVAN A. & ROSALIE B. CHURCHILL REV. TRUST
- 37-2-2: MARIE MORIARTY
- 37-2-3: BMT ENTERPRISES
- 37-2-4: PAUL GORANSSON
- 37-3: RALPH J. CRESTA
- 37-3-1: NATURAL ROCKS SPRING WATER ICE CO., INC
- 37-4: ELIOT WOOD SERVICES, LLC
- 37-20: AMP REALTY HOLDINGS, LLC
- 37-21: SLATE HILL RECYCLING, LLC



Little Brook Airpark

J. P.'s Shellfish Co.

Seacoast Waldorf School

Little Brook

Piscataqua Landscaping Company

National Wrecker Service

Maine Stars Cheer Gym

2911 Maine 236

Eliot Small Engine Repair

Dollar General

Shipyard Brew Pub

Eliot

Dunkin'

Living Oil

Great Creek

Little Brook

Little Brook

Beech Rd

Beech Rd

Beech Rd

Creek

**Ross Engineering
Civil/Structural Engineering**

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net



Figure 2: Front elevation facing west

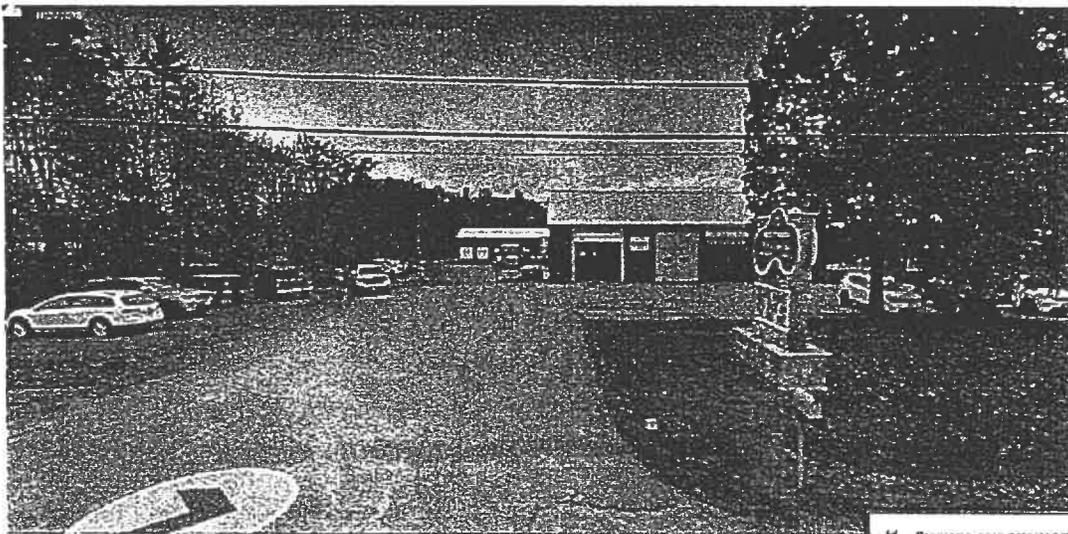


Figure 3: Front elevation facing southwest

**Ross Engineering
Civil/Structural Engineering**

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net

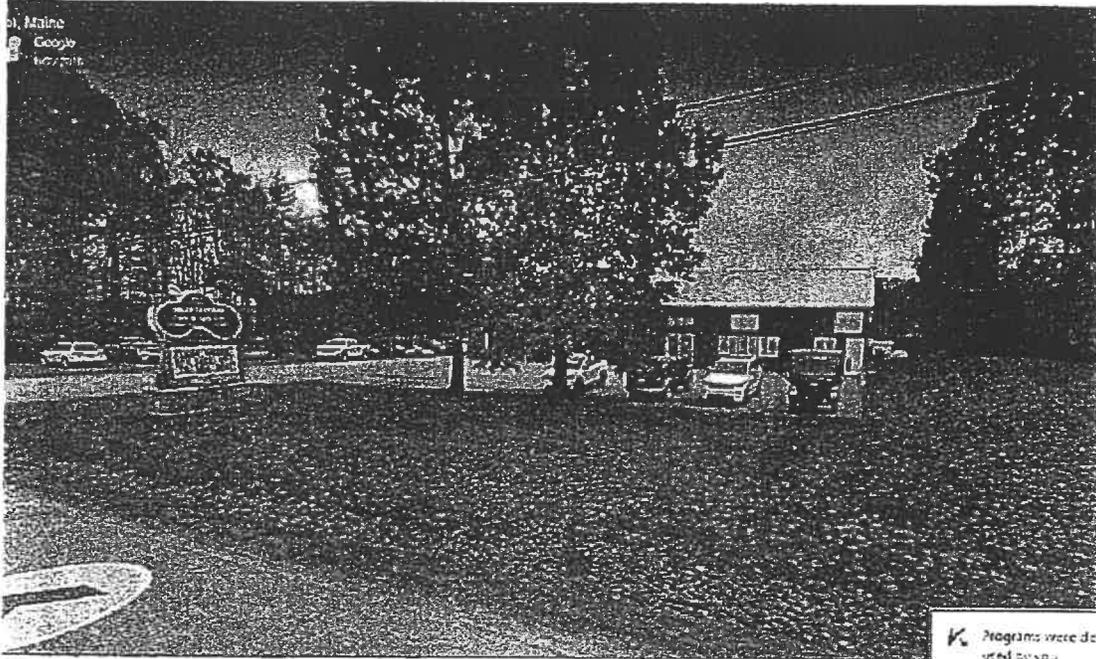
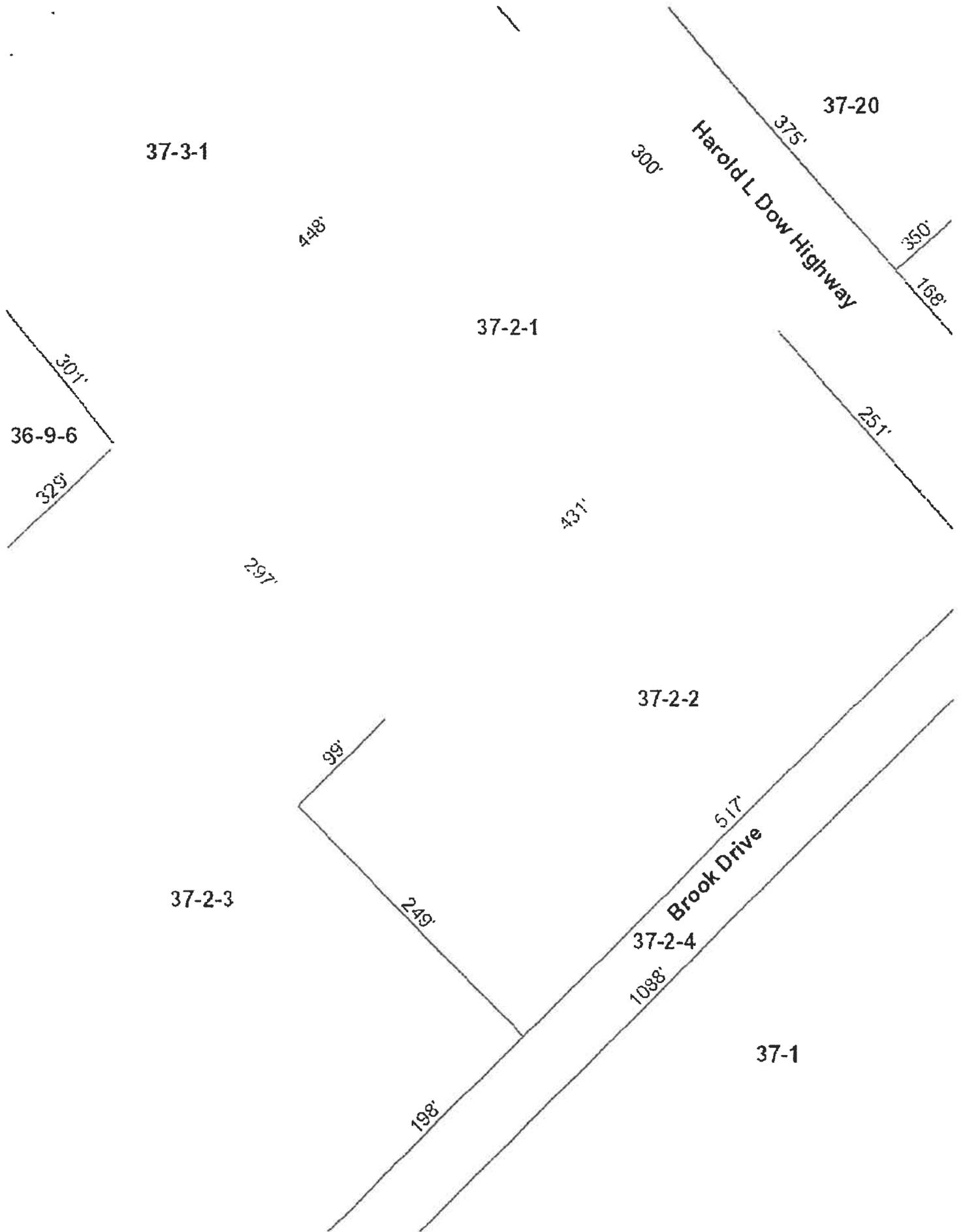
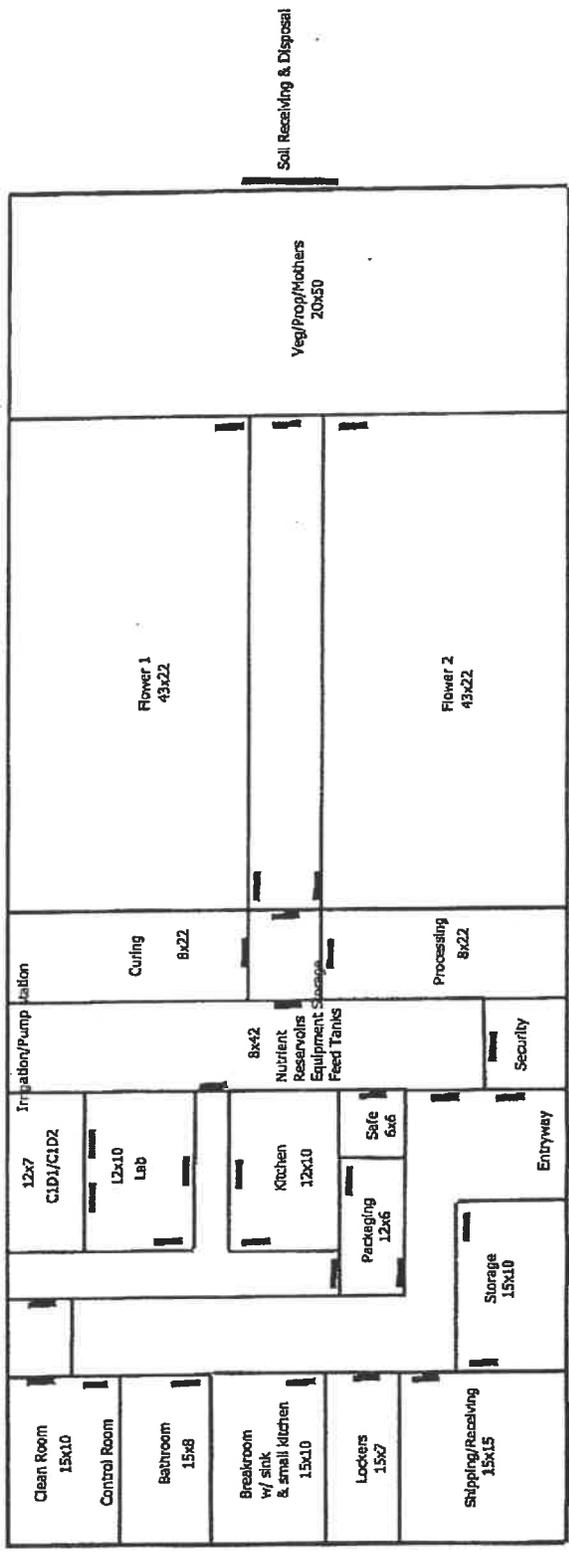


Figure 4: Front elevation facing south



Northern Pool & Spa
 Draft 1
 James Folan

security video monitoring in office space



5 ft 10 ft

FLOOR PLAN (CUTS)
 5/1/2019

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA
PROGRAM

This certifies that

ARCANNA LLC

ACC274

has been issued a **CONDITIONAL** license as an **ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3** under 28-B-MRS. This does **NOT** permit the licensee to engage in any activity.

ISSUED ON
06/26/2020


DIRECTOR
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON
06/25/2021

**NOTE: THIS IS NOT AN ACTIVE
LICENSE**

To make a complaint about this licensed Adult Use Marijuana Establishment:
Email: Licensing.OMP@maine.gov

The Conditional License for ACC274 has been issued based on the following organizational structure:

Principals:

JAMES JOSEPH FOLAN, III, MANAGER
DANA HOWARD BREARLEY, MANAGER

Owners:

31.75% - JAMES FOLAN
31.75% - DANA BREARLEY
20.00% - RYAN WARD
1.50% - CONGRESS STREET CAPITAL LLC
15.00% - SHELL ROAD LLC

NOTICE: This conditional license was issued based upon the information indicated above and submitted on application forms provided by the conditional licensee. The conditional licensee acknowledged and affirmed that the foregoing information was truthful and complete in the presence of a notary. Any changes to the information indicated above must be timely reported to the Office of Marijuana Policy and may affect the conditional licensee's licensure status. A conditional licensee will be required, at a minimum, to obtain a new local authorization based upon any changes to the entity ownership structure listed above.

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA
PROGRAM

This certifies that

ARCANNA LLC
AMF275

has been issued a **CONDITIONAL** license as an **ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITY** under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

ISSUED ON
06/26/2020


DIRECTOR
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON
06/25/2021

**NOTE: THIS IS NOT AN ACTIVE
LICENSE**

To make a complaint about this licensed Adult Use Marijuana Establishment:
Email: Licensing.OMP@maine.gov

The Conditional License for AMF275 has been issued based on the following organizational structure:

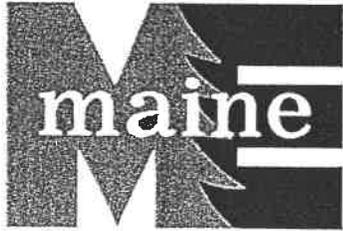
Principals:

JAMES JOSEPH FOLAN, III, MANAGER
DANA HOWARD BREARLEY, MANAGER

Owners:

31.75% - JAMES FOLAN
31.75% - DANA BREARLEY
20.00% - RYAN WARD
15.00% - SHELL ROAD LLC
1.50% - CONGRESS STREET CAPITAL LLC

NOTICE: This conditional license was issued based upon the information indicated above and submitted on application forms provided by the conditional licensee. The conditional licensee acknowledged and affirmed that the foregoing information was truthful and complete in the presence of a notary. Any changes to the information indicated above must be timely reported to the Office of Marijuana Policy and may affect the conditional licensee's licensure status. A conditional licensee will be required, at a minimum, to obtain a new local authorization based upon any changes to the entity ownership structure listed above.



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Local Authorization Form

This Local Authorization Form must be completed by the proposed municipality or the Maine Land Use Planning Commission. The authorized local official responsible for completing this Form must forward the Form and **all required attachments** to the Office of Marijuana Policy at Licensing.OMP@maine.gov or 162 State House Station, Augusta, Maine 04333.

If the authorized local official in receipt of this Form has not recently met with the Office of Marijuana Policy to discuss the local authorization process and OMP's expectations for completion of this Form, please contact Tracy Jacques, Director of Licensing, at Licensing.OMP@maine.gov or (207) 530-7389 prior to filling it out.

Section 1: License Information - Information generated by the Office of Marijuana Policy.				
Business Legal Name: ARCANNA LLC		Business DBA:		Conditional License Number: ACC274
License Type: ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3				
Mailing Address: 84 MARGINAL WAY STE 600 PORTLAND, ME 04101-2473		Facility Phone: +1 (207) 253-0598		
		Primary Contact Person: HANNAH E. KING, ESQ.		
		Primary Contact Email: hking@dwmlaw.com		
Section 2: Marijuana Establishment and Local Authorization Information. This section to be completed by the Municipality/Maine Land Use Planning Commission in receipt of request for Local Authorization.				
Physical Location of Establishment (include unit number)		Municipality/Town/Plantation/Township	County	State ZIP
Tax Map #:		Tax Lot #:		
Date Local Authorization Request Received by Municipality/Maine Land Use Planning Commission:		Date Local Authorization Approved by Municipality/Maine Land Use Planning Commission:		
If you are requesting Local Authorization from a <i>municipality</i> , complete Section 3.				
If you are requesting Local Authorization from a <i>town, plantation or township in the unorganized and deorganized areas</i> through the Maine Land Use Planning Commission, complete Section 4.				
Section 3: Local Authorization of Marijuana Establishments within Municipalities. This section to be completed by the Municipality in receipt of request for Local Authorization.				
Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article. A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment and a municipality may not accept as complete the person's request for local authorization unless the following questions are answered in the affirmative.				
1. Has the legislative body of the municipality voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No				

2.	Is a copy the local ordinance, warrant article, or other local regulation authorizing the siting of this establishment attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3(b): Minimum authorization criteria. A municipality may not authorize the operation of a marijuana establishment within the municipality unless the following questions are answered in the affirmative.	
1.	Is the marijuana establishment proposed to be located equal to or greater than 1,000 feet of the property line of a preexisting public or private school? If the municipality by ordinance or other regulation prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3(c): Local authorization required for operation of marijuana establishment within municipality. A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.	
1.	Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and Deorganized Areas. This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.	
Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.	
1.	In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2.	In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
Section 4(b): Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.	
1.	Is the marijuana establishment proposed to be located equal to or less than 1,000 feet of the property line of a preexisting public or private school? If the Maine Land Use Planning Commission prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.	
1.	Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development? <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Is a copy of the certification including a list of all applicable approvals, permits, or licenses not relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No

3. Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No
4. Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No

Statutory Guidance for Municipalities/Maine Land Use Planning Commission

Pursuant to 28-B M.R.S. §§ 402-403, failure to act on a person's request for local authorization to operate a marijuana establishment in a municipality, town, plantation, or township in an unorganized and deorganized area does not satisfy the local authorization requirement.

Typically, a request for local authorization should be approved or denied within 90 days. For additional information regarding failure to act on a person's request for local authorization and result appeal rights, see 28-B M.R.S. §§402-403.

Pursuant to 28-B M.R.S. §406, any changes in the status of local authorization require notification to the Office of Marijuana Policy within 14 days of the date on which the change occurs, including without limitation, withdrawing authorization or suspending or revoking a local license for the operation of a marijuana establishment.

The completed Maine Adult Use Local Authorization Form can be emailed to the Office of Marijuana Policy at Licensing_OMP@maine.gov or sent to Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162.

Municipality/LUPC Representative

Legal Name and title of Municipality/LUPC Representative:	City:	County:
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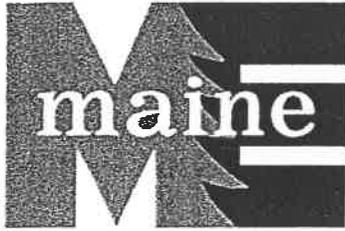
I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

Signature of Municipality/LUPC Representative (Do not sign until witnessed by notary):	Date:
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Notarization

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, at _____, Maine, by _____ to be his/her free act and deed.

Name of Notary Public (Printed):	Signature of Notary Public:
Notary Public, State of Maine	_____
My commission expires:	STAMP/SEAL



OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Local Authorization Form

This Local Authorization Form must be completed by the proposed municipality or the Maine Land Use Planning Commission. The authorized local official responsible for completing this Form must forward the Form and **all required attachments** to the Office of Marijuana Policy at Licensing.OMP@maine.gov or 162 State House Station, Augusta, Maine 04333.

If the authorized local official in receipt of this Form has not recently met with the Office of Marijuana Policy to discuss the local authorization process and OMP's expectations for completion of this Form, please contact Tracy Jacques, Director of Licensing, at Licensing.OMP@maine.gov or (207) 530-7389 prior to filling it out.

Section 1: License Information. Information generated by the Office of Marijuana Policy.				
Business Legal Name: ARCANNA LLC	Business DBA:	Conditional License Number: AMF275		
License Type: ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITY				
Mailing Address: 84 MARGINAL WAY STE 600 PORTLAND, ME 04101-2473	Facility Phone: +1 (207) 253-0598	Primary Contact Person: HANNAH E. KING, ESQ.		
		Primary Contact Email: hking@dwmlaw.com		
Section 2: Marijuana Establishment and Local Authorization Information. This section to be completed by the Municipality/Maine Land Use Planning Commission in receipt of request for Local Authorization.				
Physical Location of Establishment (include unit number)	Municipality/Town/Plantation/Township	County	State	ZIP
Tax Map #:	Tax Lot #:			
Date Local Authorization Request Received by Municipality/Maine Land Use Planning Commission:	Date Local Authorization Approved by Municipality/Maine Land Use Planning Commission:			
If you are requesting Local Authorization from a <i>municipality</i> , complete Section 3.				
If you are requesting Local Authorization from a <i>town, plantation or township in the unorganized and deorganized areas</i> through the Maine Land Use Planning Commission, complete Section 4.				
Section 3: Local Authorization of Marijuana Establishments within Municipalities. This section to be completed by the Municipality in receipt of request for Local Authorization.				
Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article. A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment and a municipality may not accept as complete the person's request for local authorization unless the following questions are answered in the affirmative.				
1. Has the legislative body of the municipality voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No				

2. Is a copy the local ordinance, warrant article, or other local regulation authorizing the siting of this establishment attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3(b): Minimum authorization criteria. A municipality may not authorize the operation of a marijuana establishment within the municipality unless the following questions are answered in the affirmative.
1. Is the marijuana establishment proposed to be located equal to or greater than 1,000 feet of the property line of a preexisting public or private school? If the municipality by ordinance or other regulation prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3(c): Local authorization required for operation of marijuana establishment within municipality. A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.
1. Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and De organized Areas. This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.
Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.
1. In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2. In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
Section 4(b): Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.
1. Is the marijuana establishment proposed to be located equal to or less than 1,000 feet of the property line of a preexisting public or private school? If the Maine Land Use Planning Commission prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.
1. Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is a copy of the certification including a list of all applicable approvals, permits, or licenses not relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No

3. Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No
4. Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No

Statutory Guidance for Municipalities/Maine Land Use Planning Commission

Pursuant to 28-B M.R.S. §§ 402-403, failure to act on a person's request for local authorization to operate a marijuana establishment in a municipality, town, plantation, or township in an unorganized and deorganized area does not satisfy the local authorization requirement.

Typically, a request for local authorization should be approved or denied within 90 days. For additional information regarding failure to act on a person's request for local authorization and result appeal rights, see 28-B M.R.S. §§402-403.

Pursuant to 28-B M.R.S. §406, any changes in the status of local authorization require notification to the Office of Marijuana Policy within 14 days of the date on which the change occurs, including without limitation, withdrawing authorization or suspending or revoking a local license for the operation of a marijuana establishment.

The completed Maine Adult Use Local Authorization Form can be emailed to the Office of Marijuana Policy at Licensing.OMP@maine.gov or sent to Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162.

Municipality/LUPC Representative

Legal Name and title of Municipality/LUPC Representative:	City:	County:
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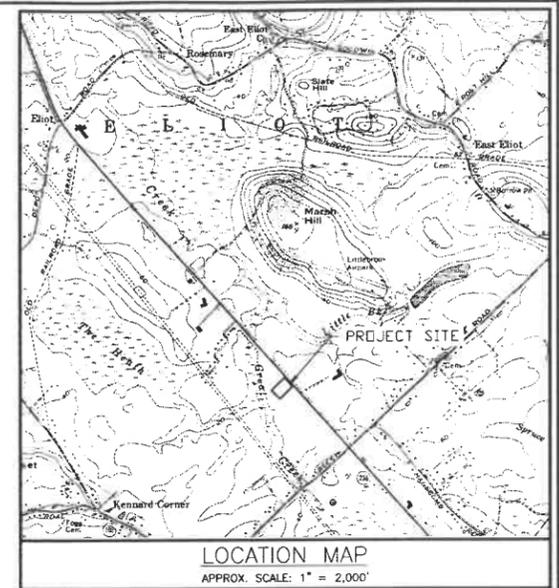
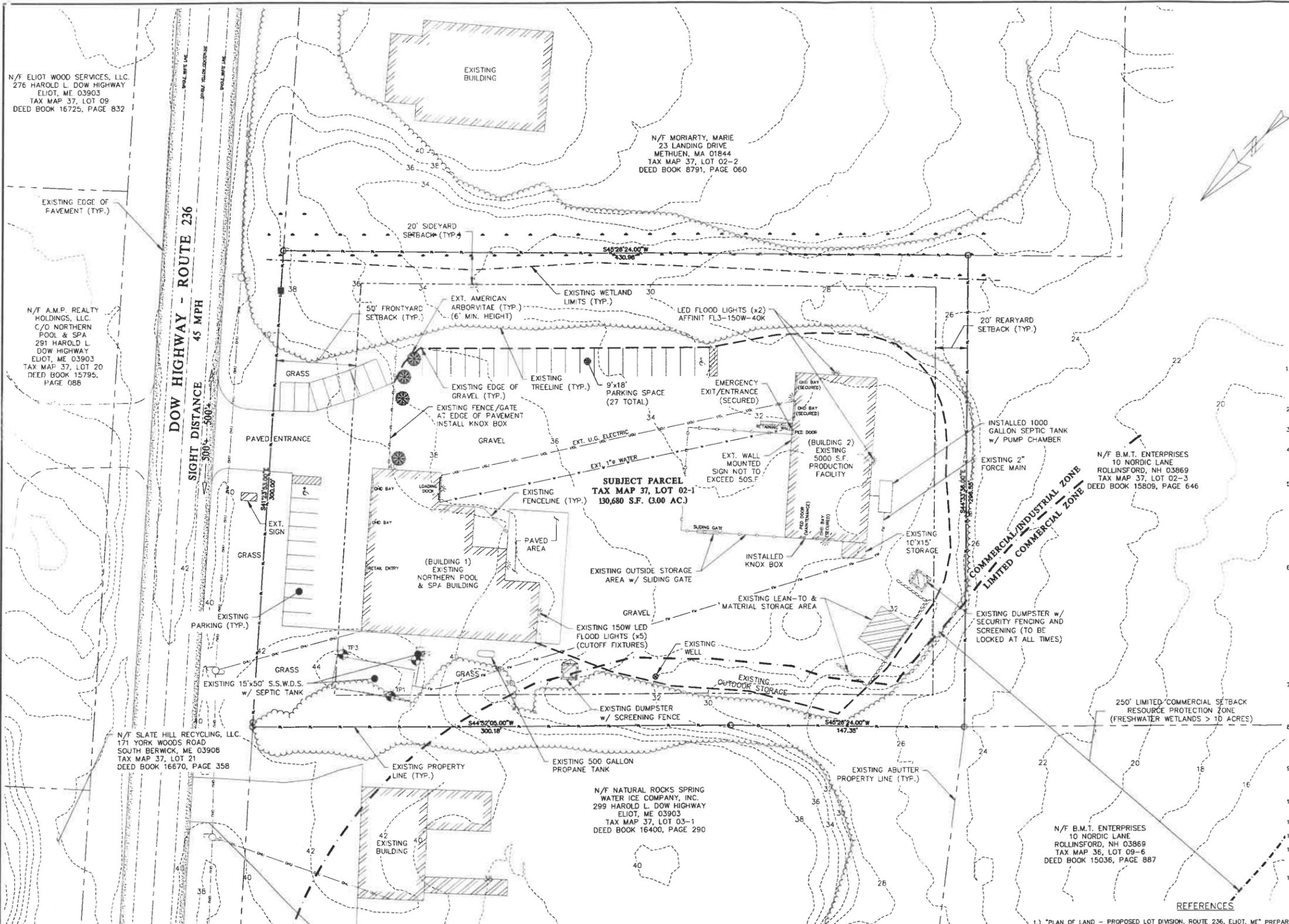
I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

Signature of Municipality/LUPC Representative (Do not sign until witnessed by notary):	Date:
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Notarization

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, at _____, Maine, by _____ to be his/her free act and deed.

Name of Notary Public (Printed):	Signature of Notary Public: STAMP/SEAL
Notary Public, State of Maine	
My commission expires:	



- GENERAL NOTES**
- THIS PLAN PROVIDES A SITE PLAN AMENDMENT FOR THE CHANGE OF USE OF AN EXISTING 5,000 SQ. FT. PRODUCTION FACILITY (BUILDING 2) LOCATED AT 291 DOW HIGHWAY, ROUTE 236, ELIOT, MAINE. THE FACILITY SHALL NOT HAVE NO CHANGE OF SERVICES OFFERED, BUT THIS AMENDMENT SEEKS TO RE-CLASSIFY THE DEVELOPMENT AS AN ADULT USE MARIJUANA PRODUCTION FACILITY, AS DEFINED IN SECTION 11-3 OF THE TOWN OF ELIOT MUNICIPAL CODE OF ORDINANCES.
 - THE EXISTING PARCEL IS 3.00 ACRES, LOCATED IN THE COMMERCIAL INDUSTRIAL (C/I) ZONING DISTRICT AND LIMITED COMMERCIAL SUBDISTRICT, TAX MAP 37 LOT 02-1.
 - EXISTING TOPOGRAPHY (DATUM NAD 1988) ACQUIRED FROM STATE LIDAR SERVICES. BOUNDARY SURVEY AND EXISTING CONDITIONS AS PER REFERENCES 1 & 2, RESPECTIVELY.
 - THE INTENDED USE OF THE SITE PLAN AMENDMENT APPLICATION IS TO REDEFINE THE USE OF THE EXISTING 5,000 SQ. FT. PRODUCTION FACILITY (BUILDING 2) FROM A NONPROFIT MEDICAL MARIJUANA DISPENSARY TO AN ADULT USE MARIJUANA PRODUCTION FACILITY. THE PROPOSED CHANGE IN USE SHALL NOT GENERATE NOR RECONFIGURE ANY RETAIL SPACE ON-SITE.
 - DIMENSIONAL REQUIREMENTS FOR THE C/I DISTRICT ARE AS FOLLOWS:

ZONING DISTRICT C/I	3.0 ACRES
MIN. LOT SIZE	3.0 ACRES
MIN. YARD DIMENSIONS:	
FRONTYARD	50' ABUTTING A STATE/TOWN ROAD
SIDEYARD	20' (100' ABUTTING RESIDENTIAL USE)
REARYARD	20' (100' ABUTTING RESIDENTIAL USE)
MAX. BLDG. HEIGHT	55'
MAX. LOT COVERAGE	50%
MIN. N.H.W. SETBACK	75'
 - PARKING REQUIREMENTS:
 - USAGE DEFINED IN 845-495(G) "NONPROFIT MEDICAL MARIJUANA DISPENSARIES"
 - 1 PARKING SPACE FOR EACH 200 SQUARE FEET OF FLOOR AREA, EXCLUSIVE OF BULK STORAGE. APPROXIMATELY 1,800 SQ. FT. OF THE 5,000 SQ. FT. RENOVATION APPLIES TO THIS PARKING SPACE. THE REMAINDER IS DEDICATED TO BULK STORAGE/GROWING. 1,800 SQ. FT. / 200 SQ. FT. = 9 SPACES REQUIRED (10 PROVIDED).
 - EXISTING PARKING (NORTHERN POOL & SPA)/RETAIL USE OF BUILDING 1:
 - USAGE DEFINED IN 845-495(F) AND (11) "WHOLESALE OR RETAIL SERVICES" AND "COMMERCIAL AND INDUSTRIAL USES NOT SPECIFICALLY ENUMERATED", RESPECTIVELY.
 - 1 PARKING SPACE PER 150 SQ. FT. OF RETAIL FLOOR AREA
 - 2,000 SQ. FT. RETAIL SPACE (BUILDING 1) = 14 SPACES REQUIRED
 - 1 PARKING SPACE FOR EACH PERSON EMPLOYED ON THE LARGEST SHIFT
 - 10 EMPLOYEES = 10 SPACES REQUIRED
 - => 24 SPACES REQUIRED (27 PROVIDED)
 - LOT COVERAGE CALCULATIONS:
 - 8,500 S.F. (BUILDING 1) + 5,000 S.F. (BUILDING 2) + 550 S.F. (LEAN-TO)
 - = 14,050 S.F. FOOTPRINT / 130,680 S.F. LOT AREA => 10.7%
 - IMPERVIOUS SURFACE COVERAGE: 79,850 S.F. IMPERVIOUS AREA / 130,680 S.F. LOT AREA => 61.1%
 - WATER SERVICE IS BE PROVIDED BY AN EXISTING, INDIVIDUAL, PRIVATE, DRILLED WELL. SEWER SERVICE SHALL BE PROVIDED BY AN EXISTING, PRIVATE, ON-SITE, SUBSURFACE WASTEWATER DISPOSAL SYSTEM (SSWDS). THE SSWDS WAS DESIGNED BY LICENSED SITE EVALUATOR JOSEPH W. NOEL (LSE #221). INSTALL NEW 1,000 GALLON SEPTIC TANK/PUMP CHAMBER AND FORCE MAIN. ALL COMPONENTS SHALL MEET H-20 LOAD RATING.
 - THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
 - SIGNS SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 45, ARTICLE XI FROM THE MUNICIPAL CODE OF ORDINANCES, TOWN OF ELIOT, MAINE. SIGN LOCATION MAY VARY WITH CEO APPROVAL.
 - EXISTING, OFF-SITE, STRUCTURES SHOWN ON THIS PLAN ARE IN APPROXIMATE LOCATIONS.
 - COPIES OF ALL MATERIAL SAFETY DATA SHEETS (MSDS) TO BE POSTED AT MAIN ENTRANCE.
 - BUILDING 2 SHALL BE MONITORED BY SECURITY CAMERAS, WITH VIDEO FOOTAGE BEING RETAINED FOR NO LESS THAN A TWO-WEEK PERIOD. BUILDING 2 SHALL BE LOCKED 24 HRS, 7 DAYS/WEEK WITH ACCESS EXCLUSIVELY THROUGH KEY/CARD ENTRY.
 - FACILITY TO HAVE A SUPERVISED (24 HRS, 7 DAYS/WEEK) FIRE ALARM SYSTEM. MAIN PANEL TO BE ADJACENT TO MAIN ENTRANCE DOOR.

N/F ELIOT WOOD SERVICES, LLC.
276 HAROLD L. DOW HIGHWAY
ELIOT, ME 03903
TAX MAP 37, LOT 09
DEED BOOK 16725, PAGE 832

N/F A.M.P. REALTY HOLDINGS, LLC.
C/O NORTHERN POOL & SPA
291 HAROLD L. DOW HIGHWAY
ELIOT, ME 03903
TAX MAP 37, LOT 20
DEED BOOK 15795, PAGE 086

N/F MORIARTY, MARIE
23 LANDING DRIVE
METHUEN, MA 01844
TAX MAP 37, LOT 02-2
DEED BOOK 8791, PAGE 060

N/F B.M.T. ENTERPRISES
10 NORDIC LANE
ROLLINSFORD, NH 03869
TAX MAP 37, LOT 02-3
DEED BOOK 15809, PAGE 646

N/F SLATE HILL RECYCLING, LLC.
171 YORK WOODS ROAD
SOUTH BERWICK, ME 03908
TAX MAP 37, LOT 21
DEED BOOK 16670, PAGE 358

N/F NATURAL ROCKS SPRING WATER ICE COMPANY, INC.
299 HAROLD L. DOW HIGHWAY
ELIOT, ME 03903
TAX MAP 37, LOT 03-1
DEED BOOK 16400, PAGE 290

N/F B.M.T. ENTERPRISES
10 NORDIC LANE
ROLLINSFORD, NH 03869
TAX MAP 36, LOT 09-6
DEED BOOK 15036, PAGE 887

LEGEND

PROPERTY LINE	---
SETBACK	- - - -
EXT. ABUTTER LINE	---
CENTERLINE OF ROAD	---
EXT. U.G. ELECTRIC	UGU
EXT. WELL	•
EXT. WATER LINE	W
EXT. TEST PIT	⊕
PRP. FORCE MAIN	FM
EXT. STONEWALL	-----

TOWN OF ELIOT PLANNING BOARD

DATE	_____
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- GENERAL NOTES (CONT.)**
- CARBON DIOXIDE METERS AND ALARM SET POINTS SHALL BE INSTALLED IN ACCORDANCE WITH NFPA 1 (2018 EDITION) AND WIRED INTO FIRE ALARM SYSTEM. CARBON DIOXIDE SUPPLY TANKS SHALL BE INSTALLED IN ACCORDANCE WITH INDUSTRY STANDARDS WITH CRASH PROTECTION.
 - ALL REPORTABLE QUANTITIES OF HAZARDOUS MATERIALS SHALL BE REPORTED TO THE TOWN OF ELIOT FIRE CHIEF AND STATE AGENCIES AS APPROPRIATE.
 - TOWN FIRE CHIEF SHALL TEST FIRE ALARM SYSTEM AND CONDUCT WALKTHROUGH PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT.

- REFERENCES**
- "PLAN OF LAND - PROPOSED LOT DIVISION, ROUTE 236, ELIOT, ME" PREPARED FOR ALBERT H. LIBBEY, 162 STATE ROAD, ELIOT, MAINE. PREPARED BY ROARING BROOK CONSULTANTS, PLAN DATED 12/26/1994.
 - "SUBDIVISION PLAN - LIBBEY SUBDIVISION, MAP 37, LOT 2, ROUTE 236, ELIOT, MAINE" PREPARED BY ATTAR ENGINEERING, INC. PLAN DATED 07/28/1995.

SITE PLAN AMENDMENT
NONPROFIT MEDICAL MARIJUANA DISPENSARY
ROUTE 236, ELIOT, MAINE

FOR: ARCANNA RETAIL, LLC.
291 HAROLD L. DOW HIGHWAY
ELIOT, ME 03903

ATTAR ENGINEERING, INC.



DRAFT Planning Board Response to Appeal of 21 Foxbrush Drive Decision (PB 20-8)

To: Board of Appeals

From: Planning Board

Subject: Planning Board Response to Appeal of 21 Foxbrush Drive Decision (PB 20-8)

Date: September 17, 2020 (Board of Appeals hearing date)

[To be confirmed] On September 15, 2020, the Planning Board approved this correspondence and directed that it be submitted to the Board of Appeals for its September 17, 2020, hearing

Consistent with Section 44-47 of the Town Code, the Planning Board is submitting this written argument to the Board of Appeals regarding Item B on the September 17, 2020, Board of Appeals agenda: "Request from Terrie Harman and Terrie Harman Revocable Trust, 6 Oak St., Exeter, NH for an Administrative Appeal of a decision of The Eliot Planning Board regarding property located at 21 Foxbrush Drive, Tax Map 50, Lot 19, Shoreland Zone." The Planning Board is submitting the written argument because a Planning Board decision is the subject of this appellate hearing. The argument relies on the record of proceedings before the Planning Board or evidence otherwise presented to the Planning Board, and it makes references to the Town Code as necessary.

Terrie Harman, Trustee, Terrie Harman Revocable Living Trust (the "appellant") submitted a Request for Administrative Appeal (received August 20, 2020) of the July 21, 2020, decision of the Planning Board to approve a Shoreland Zoning Permit Application submitted by Charles and Cheryl Tewell (the "applicant") to replace, on the lot addressed as 21 Foxbrush Drive (Map 50, Lot 19), an existing non-conforming residential structure and rebuild the residential structure further away from the Piscataqua River and replace the subsurface wastewater disposal system. The following is the Planning Board's responses to specific statements of the appeal (quoted, in italics). Lack of response to a specific statement is not intended to imply concurrence with that statement.

Appeal: "A public hearing is required, 33-129"

According to the approved Notice of Decision ("NOD", dated August 10, 2020; approval date: July 21, 2020), "In accordance with §33-130, a public hearing was advertised in the Portsmouth Herald/Seacoast Online on July 10, 2020 and held on July 21, 2020. Abutting land owners were notified via certified mail."

Appeal: "Because 26 Foxbrush, abutter, did not get notification via certified mail, return receipt requested, as per 33-130 (a), the Planning Board decision regarding 21 Foxbrush must be invalidated, or alternatively, another hearing is necessary. 33-130 (c)."

Section 33-130(c) of the Town Code states: "The abutters or owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the planning board."

Appeal: "The planning board failed to make written findings certifying compliance with the ordinance, 33-131 (c), as follows:

- A. *No written certification that the required notice via certified mail, return receipt requested, was given to 26 Foxbrush, abutter.*

- B. *The developer failed to arrange for a joint inspection with the Planning Board because at the July 15, 2020 site inspection no planning board member attended. 33-64.*
- C. *At the initial site inspection of July 15, 2020, the developer failed to temporarily stake the centerline of the entrance. 33-64.*
- D. *At the site inspection of July 21, 2020 the developer failed to temporarily stake the centerline of the entrance. 33-64.*

Regarding “*The planning board failed to make written findings certifying compliance with the ordinance, 33-131 (c)...*”, such findings are included in the “Findings of Fact” and “Conclusions” sections of the NOD.

Regarding listed statement (A) quoted above, Section 33-130(c) of the Town Code states: “The abutters or owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the planning board.” As stated in the NOD, “In accordance with §33-130, a public hearing was advertised in the Portsmouth Herald/Seacoast Online on July 10, 2020 and held on July 21, 2020. Abutting land owners were notified via certified mail.” According to the approved July 21 Planning Board minutes, Ms. Harman attended and spoke during the public hearing for which notice was required, and the minutes show that Ms. Harman received notice of, and participated in, a site walk.

Regarding listed statement (B) quoted above, according to the NOD, the Planning Board held a site walk on July 15, 2020, with a follow-up site walk on July 21, 2020. Ms. Harman participated in at least one site walk.

Regarding listed statements (C) and (D) quoted above, the requirement in Section 33-64 to “temporarily stake the centerline” applies to “all proposed streets and entrances in the development”. The development application did not propose any new streets or entrances in the development. The lot is served by an existing driveway. As stated in the NOD, “The existing property is accessed through a right-of-way agreement established in 1931 and is 400+ feet from a public Road (River Road).” The “Site Plan Review Submissions Checklist” submitted by the applicant dated May 18, 2020, and reviewed by the Planning Board, states that the site plan includes “The location of temporary markers adequate to enable the planning board to locate readily and appraise the basic layout in the field”.

Appeal: [under III. Lack of compliance with shoreland zoning requirements; B. Footprint] “1. Although a nonconforming structure may continue, it shall not be permitted to become more nonconforming. 44-32 (a).”

This wording misrepresents subsection 44-32(a). The full text of this subsection states (emphasis added):

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

The sections that follow in the Town Code lay out how, and the parameters within which, a nonconforming condition might be permitted to become more nonconforming. The project narrative of the application cites Subsection 44-32(c)(1)c.1 as providing the allowable way in which the

nonconforming condition could be permitted to become more nonconforming. The applicant provided extensive rationale and documentation, and the Planning Board had substantial discussion, regarding the ability of all structures to have a combined footprint of at least 1,000 square feet. (See the “whichever is greater” clause in Subsection 44-32(c)(1)c.1.) The applicant excluded from their expansion calculations the square footage of a shed shown by a survey to be on the 21 Foxbrush lot, as well as the deck on the east side of the building, and the applicant did not rely on the Town’s 1988 assessment of the structure, which characterized it as 944 square feet. Therefore, the applicant has conservatively estimated the January 1, 1989, baseline footprint. The construction of the deck on the east side of the existing residence, whether permitted or not, is immaterial to the discussion of allowable expansion.

Appeal: [under III. B.] “2. Maintenance of such nonconforming structure is permitted, but expansion of such nonconforming structure is not permitted. 44-32 (b)(2).”

This wording misrepresents subsection 44-32(b)(2). The full text of this subsection states:

Repair and maintenance. This chapter allows, following permitting requirements detailed in the tables of land uses in chapters 44 and 45, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

The clause, “which do not involve expansion of the nonconforming use or structure” clearly qualifies what proceeds it: “the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations”. The clause does not supersede other language in the section that clearly allows for some degree of expansion within limitations, e.g. subsection 44-32(c)’s use of “may be added to or expanded”. Subsection 44-32(c)(1)c.1’s limitation on footprint expansion allows footprints of “1,000 square feet or 30 percent larger than the footprint that existed on January 1, 1989, whichever is greater”.

Appeal: [under III. B.] “4. Building permit number 95-91 expanded the 1989 footprint of 669 square feet to in excess of 130% of the 1989 footprint. Therefore, the existing structure is fully expanded for its lifetime.”

Nothing in Subsection 44-32(c)(1)c.1 states that a previous expansion of a structure’s 1989 footprint that is excluded from the 1989 baseline footprint of a subsequent allowable footprint expansion calculation preempts that footprint expansion.

Appeal: [under C. Setback] “2. Because the proposed building provides for a 20 foot front setback, it is not in conformity. The Town planner admits that the front setback change from 30 feet to 20 feet creates nonconformity with respect to the abutting property/ROW.”

The approved minutes of the July 21, 2020, Planning Board meeting do not support this statement. Mr. Galbraith, Interim Town Planner during this meeting, states that after discussing with the Code Enforcement Officer, it was determined that the lot’s “three other sides are side yards”. Mr. Galbraith further states that “The lot [21 Foxbrush Drive] doesn’t have any street frontage on a Town-accepted roadway”.

Section 1-2 contains the following definition: “*Front lot line* means, on an interior lot, the line separating the lot from the street: on a corner or through lot, the line separating the lot from either street.” The lot line in question does not separate the lot (Map 50, Lot 19) from a street. It separates the lot from another lot (50-20, 26 Foxbrush Drive). Furthermore, the definition of “street” in the Town Code (Section 1-2) clearly relates it to a “public way”: “*Street, town way or public way.* The word street shall embrace streets, highways, avenues, boulevards, roads, town ways, lanes, bridges, and all other public ways dedicated to public use.” While other language in Section 1-2 uses the qualifier “private” where the intention is to refer to a “private street”, the definition of “front lot line” has no such qualifier. The appeal has not demonstrated that the lot line in question meets the definition of a front lot line, when Section 1-2 of the Town Code strongly suggests that it is not, and rationale was presented and accepted by the Planning Board that it did not meet the definition of a front lot line. Therefore, there is a preponderance of evidence that the Planning Board was correct in refraining from identifying the lot line as a front lot line and was correct in applying the 20 ft. setback requirement rather than the 30 ft. setback requirement.

* * *

The Planning Board appreciates the opportunity to present this written argument to the Board of Appeals. Overall, the Planning Board believes its decision to approve the application in PB20-8 was sound, consistent with Ch. 44 and other applicable sections of the Town Code, and reasonable and proper given the application, other information it consulted in its review, and the context of the site. Accordingly, the Planning Board requests that the Board of Appeals uphold its decision.