

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: REMOTE
PLACE: ZOOM ONLINE MEETING

DATE: Tuesday, September 1, 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) August 25, 2020 - if available
- 6) NOTICE OF DECISION
 - a) 19 Levesque (Map 29/ Lot 26) PB20-09 – if available
 - b) Surrey Lane (Map 37/ Lot 22) PB20-04 – if available
- 7) PUBLIC HEARING
 - a) 811 Harold L Dow Hwy (Map 79/ Lot 26), PID # 079-026-000: Addition of outdoor seating
 - b) 483 Harold L Dow Hwy (Map 54/ Lot 02). PID # 054-002-000: Change of Use Medical to Adult Use
 - c) 2135 State Road (Map 94/ Lot 01), PID # 094-001-000: In-home daycare home business
- 8) OLD BUSINESS
 - a) Ordinance amendment update
- 9) NEW BUSINESS
 - a) 1470 State Road (Map 27/ Lot 22), PID # 027-022-000, PB20-17: Preliminary Review of Federal Firearms License Transfer in home business
- 10) CORRESPONDENCE
- 11) SET AGENDA AND DATE FOR NEXT MEETING
 - a) September 15, 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: **932 4629 8219 #**
 2. When prompted to enter Attendee ID **press #**
 3. When prompted enter meeting password: **679079 #**
- 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, Mallory Strange –
4 Alternate.

5
6 Also Present: Jeff Brubaker, Town Planner.

7
8 Absent: Christine Bennett (excused); Bill Olsen (excused).

9
10 Voting members: Dennis Lentz, Melissa Horner, Carmela Braun, and Mallory Strange
11 (appointed).

12
13 NOTE: Due to technical difficulties, the meeting started at 7:15 PM.

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

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17 **ITEM 3 – MOMENT OF SILENCE**

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

20
21 There was no public input.

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

24
25 Ms. Braun said that, regarding the 207 Tavern, it was my understanding that we had
26 asked the applicant for additional information and not found the application complete, as
27 yet. Yet, it is scheduled for a public hearing this week.

28
29 Mr. Lentz agreed that we had asked him for additional information and may have
30 scheduled him for a public hearing, thinking that material would come in.

31
32 Mr. Brubaker said that that was a good point. I do remember the PB asking for more
33 information of the applicant. I have gone over comprehensively with the applicant what
34 he needs to submit and my understanding is that he has since hired an architect to help
35 him pull together that information.

36
37 There was further discussion regarding the process around incompleteness of the
38 application and whether to go forward with the public hearing or continue it to the
39 following meeting. The OB agreed that they could continue the review of the application
40 for completeness and then determine action for the public hearing, depending on that
41 completeness review.

42
43 **Mr. Lentz moved, second by Ms. Braun, to approve the minutes of August 18, 2020,**
44 **as amended.**

45 **VOTE**
46 **3-0**

Motion approved

ITEM 6 – NOTICE OF DECISION

There were no Notices of Decision.

ITEM 7 – PUBLIC HEARING

**A. Establishing the Maximum Number of Growth Management Permits for 2021
(Chapter 29 of the Municipal Code of Ordinances of Eliot, Maine)**

Mr. Lentz reviewed the process for public hearings.

NOTE: Ms. Horner entered the meeting at 7:45 PM.

7:37 PM Public Hearing opened.

Mr. Brubaker shared his screen and gave a summary of the surveys and his report:

- Annual review of growth allocation by Planning Board
- Chapter 29 gives the review criteria and formula used and the State statute authority
- Select Board reviews Planning Board findings to be placed on the November ballot
- The number arrived at was an allocation of 26 growth permits for 2021
- The Town has stayed under the cap in recent years, except for 2016, which was slightly over the cap.
- Staff survey reviewed
 - Staff considered a cap of 24 could be reasonably handled without a decrease in service. Caps of 60 less so and 90 could not be reasonably handled without additional staff.

Ms. Strange asked, regarding 2016 where we capped at 16 but issued 18 growth permits, how do we have a cap and still issue over that cap.

Mr. Lentz said that we had 18 single-family units, 50 elderly housing units, and 2 affordable housing units in 2016.

Ms. Horner said that I think it was that we issued 16 single-family units and 2 affordable units, so we didn't go over the cap.

7:50 PM Public Hearing closed.

Ms. Braun moved, second by Ms. Horner, that the Planning Board approve as presented by the Town Planner and move forward to the Select Board with this proposal.

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VOTE
4-0
Motion approved

ITEM 8 – OLD BUSINESS

A. Medical and Adult Use Marijuana Town Code Amendments – Review of Draft Changes

Ms. Horner shared her screen and reviewed the draft changes. I started by looking at South Portland because they married their ordinances together. Because our ordinance was built from their ordinance, I just followed along and added what they added as it made sense to our changes. Everywhere it is bolded is an addition about medical marijuana use. The definition I took a red pen to was for ‘marijuana’, which now just references the statute; that I also added several definitions for ‘medical marijuana’ store, caregiver, etc. One thing I wanted to bring up is that we missed Chapter 33 when we did the marijuana ordinances; that we did add Chapter 45. I don’t know if Chapter 33 is applicable because I was under the impression that Chapter 45 had performance standards.

Ms. Lemire said that you have dimensional standards in one (45) and performance standards in the other (33).

Mr. Brubaker said that that is a question that Attorney Saucier and I have discussed; that it is a head-scratcher. It does seem like those are a little more out of place tucked in at the end of Chapter 33 than they would be in Chapter 45. As Attorney Saucier has pointed out to me, this is one of the trip wires in terms of the variance question that we talk about a lot. The performance standards are in Chapter 33 and the Board of Appeals’ primary responsibilities are in the realm of Chapter 45.

Ms. Lemire said that when I do the NOD’s for marijuana projects, both of those Chapters are included.

Ms. Horner said that I think we need to reference them in the ordinance. This is our opportunity to add Chapter 33 into §11-4 and §11-5.

The PB agreed.

Mr. Lentz asked if Mr. Brubaker had had any discussions with Attorney Saucier over whether we should, or should not, combine the two ordinances. Are there any traps we’re going to fall into.

Mr. Brubaker said that I talked with Attorney Saucier specifically about why the performance standards were in Chapter 33, not 45, and how that relates to the variance question. I didn’t talk extensively with him about the actual act of combining them. I have no issue with that. I think it’s a good idea that Ms. Horner has proposed – medical

139 and adult use. I think that's a good starting point that Ms. Horner has established.
140 Attorney Saucier did raise a good point today. Apparently, the Town never voted to opt
141 in to medical marijuana and that will be another thing we'll want to discuss and turn over
142 as we work through these ordinance changes.

143
144 Ms. Horner asked if we didn't opt in when we voted the ordinance in.

145
146 Mr. Brubaker said that, in terms of an actual vote to opt in on medical, the attorney said
147 that "From my understanding, the Town has not voted to opt-in any of these types of uses
148 since the law was amended. Although, under the Town's ordinance, a medical marijuana
149 dispensary can." I don't mean to create a tangent that needs to be wholly discussed
150 tonight but just want you to know that that's something that Attorney Saucier mentioned
151 to me.

152
153 Mr. Lentz said that I think that medical marijuana code goes back to 2016. I don't
154 remember the question being on the ballot.

155
156 Ms. Lemire said that the Town Clerk should have a copy of it.

157
158 Ms. Horner said that nothing changes until §11-7 (d) Confidentiality, which needed to be
159 updated to include medical. I did give the Town Planner the authority to certify the
160 necessary legal requirements. In §11-8 (c), I think we need to add Chapter 33 again. In
161 §11-15, I added the mirror image of the 'Other Laws' for medical marijuana. I added
162 §11-16 Effective Date and §11-17 Severability, as we didn't have these included. We
163 should strike 33-189, which is the current medical marijuana ordinance. Then, add the
164 performance standards to §33-190 by adding all the 'medical marijuana' terms.

165
166 NOTE: At this time, the Land Use Assistant could not hear anyone speak.

167
168 Ms. Horner continued by saying that any medical marijuana establishment will have the
169 same performance standards that we set for recreational. Regarding physical distances
170 with marijuana stores, South Portland defined how to measure distances so I added their
171 language:

172 **For purposes of this measurement, if a marijuana store, medical marijuana retail store**
173 **or medical marijuana dispensary is to be located on a site that is leased from an**
174 **unrelated third party, such establishment's lot line shall be determined as follows:**

- 175
176 (i) **If the establishment leases a freestanding building or buildings which is or**
177 **are part of a larger parcel containing other freestanding buildings, the lot**
178 **line of such establishment shall be the outer wall of the building(s) at its**
179 **nearest point being leased by the establishment to the lot line of the site of**
180 **the use listed in (a) or (b) above; and**
181 (ii) **If the establishment leases a room or suite of rooms within a building,**
182 **including, without limitation, individual units within a shopping plaza or**
183 **shopping mall, the lot line of such establishment shall be the outer wall of**

184 **the building at its nearest point being leased by the establishment to the lot**
185 **line of the site of the use listed in (a) or (b) above**
186

187 The PB agreed that this language was very clear.
188

189 Mr. Brubaker suggested adding “establishment ‘*nearest point of*’ the lot line” to remove
190 any lack of clarity on what part of the lot line that the sensitive use is in, which would be
191 the subject of the measurement. I think, as a wording matter, that would let you get rid of
192 “at their closest points’ (at its nearest point?) at the end because that would then be
193 redundant.
194

195 Ms. Horner said that I do have a proposal from a 3rd party that I think is something to
196 consider. We have some medical marijuana companies in Town already. If we don’t say
197 it in the ordinance, they would have to come back before us to change their use and I
198 didn’t know if it made sense to say it’s not a change in use since the performance
199 standards are exactly the same.
200

201 Mr. Lentz asked if Ms. Horner was saying that, if there is already a medical facility
202 established and this new proposal goes into effect that there could be changes for the
203 existing facility.
204

205 Ms. Horner clarified, if there aren’t any changes, then they don’t have to come before us
206 for a change of use.
207

208 Mr. Lentz asked if we are creating changes for them by the combination of these two
209 codes.
210

211 Ms. Horner said yes and no. The current medical marijuana ordinance is much less
212 restrictive than this one. So that would be like any individual business, that would be a
213 case-by-case basis.
214

215 Mr. Lentz said to Mr. Brubaker that I think we need to prepare for that unless you have a
216 different way around it, or working with it.
217

218 Mr. Brubaker said that I think what Ms. Horner is saying is that, philosophically, if I have
219 my medical store and I just want to start selling adult use, and I’m not changing anything
220 about the site, depending on what the Table of Land Uses says, I could do that without
221 PB review.
222

223 Ms. Horner said yes.
224

225 Mr. Brubaker said that that’s a philosophical question for the PB and, ultimately, for the
226 SB. One key to the PB seeing these applications is to really take a look at the site plan
227 changes. One of the reasons both Mr. Galbraith and I were very adamant that a recent
228 application that came in to add a small building is that it is still considered a site plan
229 amendment is because that building was going to house a use that is strongly regulated in

230 our ordinance. So, site plan review, getting it before the PB, is the mechanism for making
231 sure they are doing it right. And so, I think the question for the PB would be, if I'm
232 phrasing the philosophy behind it correctly, if an applicant does nothing major to their
233 site and they want to add adult use to their medical, there's something crucial for the PB
234 to review in that regard, knowing that they will still be subject to Chapter 11 licensing
235 requirements.

236
237 Ms. Horner briefly shared the proposed language on the screen.

238
239 Mr. Lentz said that I wouldn't want to see the change without it coming to the PB. Does
240 that provide any direction at all.

241
242 Ms. Horner said that basically what it's doing is giving the Town Planner the authority to
243 deem it an administrative change. Or, maybe it is an administrative change. Maybe it's
244 clarified as an administrative change if nothing else is changing.

245
246 Mr. Lentz said that in prior ordinances and discussions, this would be just reading it, I
247 would think it would be an administrative change. Those normally went before the PB for
248 a few different reasons. I'm not saying it has to, I'm just saying it did.

249
250 Ms. Horner agreed; that this is just an idea. I will leave it highlighted for you all to
251 consider.

252
253 Mr. Brubaker said that I do think that could use further sets of eyes from Attorney
254 Saucier, obviously, and I talked a little bit about this, overall, with Mr. Lee. He suggested
255 that at some point, especially since it's Chapter 11 is involved, that maybe a joint
256 workshop between the SB and PB would be appropriate to hash out some of the
257 language, especially in Chapter 11.

258
259 Mr. Lentz said that that sounds like a good idea. I think I've talked myself into a corner
260 and I'm not sure how to explain it. If I'm already in business with medical and retail
261 marijuana, it's been approved and I'm in business doing my thing, and along comes this
262 change of ordinance that we're looking at right now. Can it impact me, and how. Am I all
263 of a sudden doing something wrong that I was doing something right before. And does
264 this make me go back to the PB, or somewhere. I don't think we're going to solve it
265 tonight. I think Ms. Horner has done an outstanding job and asked what she suggested for
266 the next step.

267
268 Ms. Horner suggested that Mr. Brubaker review it and maybe send it over to Attorney
269 Saucier for review.

270
271 Mr. Brubaker said that I could take a crack at it and, then, probably after I'm done, we
272 could do another meeting or I could send it right to Attorney Saucier and come back with
273 our combined, tracked changes for the PB to look at.

274

275 Ms. Horner said that Mr. Brubaker taking a crack at it and us having another meeting is a
276 good idea and, then, sending it to Attorney Saucier.

277
278 Ms. Horner added that, regarding Mr. Lentz' question, in the performance standards, it's
279 for any new establishment. This highlighted section is only for someone who wants to
280 change from medical to recreational. If somebody is already doing medical and
281 recreational, then they've already been approved for both.

282
283 Mr. Lentz said yes, I guess. I'm questioning the impact of what we're working on for a
284 business that's already been approved and up and working, medical as well as retail
285 marijuana. Is there any part of what we're changing have an impact on someone who is
286 currently approved and up and doing business.

287
288 Mr. Brubaker said that I would say it's safe to assume that maybe there would be an
289 impact, especially if there are licensing changes. Unlike a land use approval, if a license
290 needs to be renewed and there are changes to our licensing rules, that existing business
291 may, if there is an applicable change to the licensing rules, have to change its business in
292 order to comply with the renewed license. Whereas, as we all know, when you have an
293 established use and the land use regulations change, then it can become legally non-
294 conforming.

295
296 Mr. Lentz agreed, saying that I think it isn't only land use but also ownership of the
297 business, officers in the business. If officers change, don't they have to go back and re-
298 establish.

299
300 Mr. Brubaker said that, if the licensing rules changes, it would seem to me that you
301 would have to change your business practices to keep up with that license. What I think
302 Ms. Horner is trying to do is to streamline the land use approval process for medical
303 marijuana establishments that don't change anything about their site; that they just decide
304 to start selling adult use as well as medical.

305
306 Ms. Horner said not 'and', I think 'or'. My idea and intention is that any medical
307 marijuana businesses in Town, now, that just wants to become recreational and stop
308 doing medical, then maybe it's a streamlined process...

309
310 Mr. Brubaker said that it may be a streamlining that may be hard to meet because, if I'm
311 a business man going from medical to adult use, there may be so many aspects I have to
312 think about that I'm almost guaranteed to have some site plan changes – security and
313 such. If I'm selling adult use, if I'm not mistaken, then I can sell to any legally authorized
314 person, 21 or over; whereas, if I'm just doing medical, I can only sell to qualifying
315 patients. If I switched to adult use, it would seem I would have a potentially higher
316 customer volume and I would be almost surprised if I could pull off that switch without
317 making some land use changes. Not sure, I'm just talking hypothetically.

318
319 Ms. Braun said that we recently had an application where they were strictly growers and
320 grew medical marijuana. Now you have [that same] someone that wants to grow the

321 recreational type. Where do they stand in all of this. Do they then come back to us or are
322 they an administrative change. To me, they would have to come back to the PB. It's not
323 an administrative change.

324
325 Mr. Brubaker said that, under current rules, they would have to file a change of use
326 application.

327
328 Ms. Braun asked if that would change under this new proposal.

329
330 Ms. Horner said that I don't know. This ordinance is for any new facility so, if they are
331 going to be adding recreational marijuana to their existing medical marijuana, they are
332 going to be using the existing recreational marijuana ordinance, which is 'this'. That goes
333 into play after this ordinance is approved and starts to be used by the Town.

334
335 Ms. Braun said that in other words, if we have a medical marijuana grower in Town who
336 is operating now and they then want to add recreational, then they are under the old
337 ordinance and have to come back to the PB.

338
339 Ms. Horner said yes. They would use these performance standards to do their
340 recreational; that this is the recreational ordinance except that I've added medical to it.

341
342 Ms. Braun said that we should know how many operations are in Town, recreational,
343 medical, growers, sellers, etc.

344
345 Mr. Lentz said that I think the PB should be the funnel so that the records can be kept
346 updated with exactly what Ms. Braun said. I'm not sure what would drive the cultivator
347 to having to go to the PB because, all of a sudden, he decides, instead of medical or in
348 lieu of medical, he also wants to grow retail marijuana. What makes him come back to
349 the PB. Is it a change in use. I don't think so.

350
351 Ms. Horner said that, if we didn't add the yellow highlighted section, it would be if he
352 wanted to add another type, which would be recreational marijuana.

353
354 Mr. Lentz asked if it was something that should be in the Table of Land Uses. That flags
355 it.

356
357 Ms. Horner said that I think, by default, if they want to add or change their use, they have
358 to come back to the PB. It's right here in #12. So, if I'm a medical cultivator and I want
359 to add retail cultivation, I'm changing or adding a use, so I would have to come back to
360 the PB for compliance. What the yellow highlighted language is saying is that anybody
361 who has a permit for cultivation, manufacturing, or retail where the change of use was
362 submitted to the Town and change to medical marijuana, it's automatically approved.
363 They go to the Planner to say that this is what we are doing and the Planner deems it
364 okay.

365

366 Mr. Lentz said that it's almost as if one is a change of crop and the other is a change of
367 the licensing and the permitting.

368
369 Ms. Braun asked if they would have to go back to the State to change from one to the
370 other, impacting their license.

371
372 Ms. Horner said that I think they could just apply for another license. So, this is just
373 something I saw in another ordinance. I don't know if it's right for Eliot or if it's the right
374 language. I just thought it was worth talking about.

375
376 There were comments regarding updating the Table of Land Uses, as well, as the wording
377 is for "non-profit medical marijuana dispensary".

378
379 Mr. Lentz reiterated that the next step is that we have agreed we are going to let the
380 Planner take a crack at this and bring it back to us for review.

381
382 Mr. Brubaker suggested a 2-3-week review period for me and, then, the next PB meeting
383 after that to put it on the agenda.

384
385 The PB agreed.

386
387 **ITEM 9 – NEW BUSINESS**

388
389 There was no new business.

390
391 **ITEM 10 – CORRESPONDENCE**

392
393 There was no correspondence.

394
395 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

396
397 Mr. Lentz said that the next agenda has several big items and asked all members to try
398 hard to be at this next meeting.

399
400 Mr. Lentz said that I talked with Jeff Leathe several weeks ago, encouraging him to put
401 an application in for the PB, and he has done so. He will be going to the SB September
402 10th for approval and then joining us as an alternate.

403
404 Mr. Brubaker said that there is a MMA PB procedural webinar on September 9th.

405
406 Ms. Albert can sign PB members up. There is also a MMA webinar on recreational
407 marijuana. Ms. Metz can let Ms. Albert know who would like to sign up for any webinar
408 done by the MMA.

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The next regular Planning Board Meeting is scheduled for September 1, 2020 at 7PM.

ITEM 12 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:45 PM.

Carmela Braun, Secretary
Date approved: _____

Respectfully submitted,
Ellen Lemire, Recording Secretary

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB20-9 – REQUEST FOR
PLANNING BOARD ACTION/SITE PLAN
REVIEW/CHANGE IN USE**

MAP/LOT: **29/26**

DATE OF DECISION: **AUGUST 18,
2020**

_____, 2020

DRAFT

CATLAB, LLC
Mr. Guy Sylvester
16 Homestead Lane
Brentwood, NH 03833

Eliot Commons Professional Park
C/O Robert Kline
6 Juniper Point
Kittery, Maine 03904

To: Guy Sylvester
Robert Kline

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Change in Use/Site Plan Review /Request for Planning Board Action Application** for a **Change in Use from General Office Space to Adult Use and Medical Marijuana Testing & Certifying Facility**:

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

Submitted for July 21, 2020:

1. Request for Planning Board Action Application, received May 20, 2020.
 - Contract for Sale of Commercial Real Estate, dated February 21, 2020.
 - 500-foot abutters location map.
 - 500-foot Abutters Report, dated May 12, 2020.
 - 1,000-foot abutters list location map.
 - 1,000-foot Abutters Report, dated May 12, 2020.
 - Units #3 & #5 structure dimensional layout drawing.
 - Sheet 1 – Titled *Condominium Plat Eliot Commons Professional Park*, prepared by Attar Engineering, dated April 5, 2019.
 - Eliot Flood Map
2. Site Plan Review Application, received May 20, 2020.
3. Preliminary Operating Plan for CATLAB, LLC, received May 20, 2020.
4. CATLAB, LLC Analytical Testing document, received May 20, 2020.
5. Town of Eliot Marijuana Testing Facility Application, received May 20, 2020.
6. Aerial photos showing 74 parking spots.
7. Articles of Incorporation for CATLAB, LLC, dated April 2020
8. Revised Preliminary Operating Plan for CATLAB, LLC, Step 3 Specific Land Use, received May 20, 2020.
9. CATLAB, LLC Business Plan Services/Waters Equipment, received May 20, 2020.
10. CATLAB, LLC Building Plans/Building Layouts, received May 20, 2020.

11. Labeled depiction of TQ-S micro UPLC I-Class, UPLC Single Stack PDA, and APGC analysis systems.
12. Copy of Driver's License.
13. Memo from David Galbraith, Interim Planner, dated July 21, 2020.

Submitted for August 18, 2020:

1. Memo from David Galbraith, Interim Planner, dated August 18, 2020.
2. Copy of Legal Notice advertised in the Portsmouth Herald, dated August 5, 2020.
3. Copy of Notice of Public Hearing to the Town of Eliot, posted August 3, 2020.
4. Copy of email with attached updated application package from applicant, dated August 6, 2020:
 - Security System Plans
 - Building Layout Plans
 - Waste Stream Sub-contractors list
 - Laboratory Waste Disposal Standard Operating Procedure document with attached Appendix A.
 - Fire Plan approved by Fire Chief Muzeroll
5. Revised Floor Plan depiction.
6. Revised Site Plan showing addition of Unit #5.
7. Maine Adult Use Marijuana Program Conditional License, #MTF368, issued June 26, 2020.
8. Copy of Maine Office of Marijuana Policy Maine Adult Use Authorization Form for MTF368.

FINDINGS OF FACT:

1. The owner of the property is: Eliot Commons Professional Park, c/o Robert Kline (mailing address: 6 Juniper Point, Kittery, Maine 03904).
2. The applicant is: Guy Sylvester dba CATLAB, LLC (mailing address: 16 Homestead Lane, Brentwood, NH 03833).
3. The property is located at 19 Levesque Drive Unit # 3 and Unit #5, Eliot, ME and is 4.47 acres.
4. Property can be identified as Assessor's Map 29/ Lot 26, is located in the Commercial/Industrial Zoning District, and is part of an overall condominium development.
5. The applicant proposes to amend a previously-approved Site Plan (PB04-22) for a Change in Use from 'general office space' to 'Adult Use and Medical Marijuana Testing Facility'.
6. The applicant has a Purchase & Sales Agreement with Eliot Commons Professional Park to purchase Units #3 and #5, contingent on a Certificate of Occupancy being issued by the Town of Eliot.
7. The proposed use will not have and growing or sales of either medical or adult marijuana uses.
8. The proposed use will not have any customers into or out of the facility and always locked.
9. All employees will be required to have background checks and have State-issued ID cards.
10. CATLAB required to go to adult and/or medical marijuana growing, sales, or processing facilities to take controlled substance samples back to their testing facility. (Size per sample = 5 grams).
11. CATLAB will provide certification that testing/product meets or exceeds State of Maine testing criteria.
12. The applicant has been granted a Conditional License for a Testing Facility by the State of Maine.
13. Testing samples, once tested, must be neutralized and disposed of by a licensed Hazmat removal company.
14. No waste product will be stored on-site for more than 90 days and must be contained in 55-gallon drums in a secured area.
15. The proposed use will meet or exceed State and local security measures. The Eliot Police Chief must sign off on the security system before a Certificate of Occupancy can be issued.
16. A Knox Box will be installed for Town of Eliot Police and Fire emergency access.
17. There will be some electrical upgrades and ventilation improvements made to the proposed building.
18. Anticipated hours of operation are 8:00AM to 6:00PM, Monday through Friday.
19. The property is not located in the flood zone.
20. This property is served by public sewer and public water.
21. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Town Manager, Public Works, and Code Enforcement. The Fire Chief submitted comments on August 17, 2020 (attached).
22. Part of this application will be forwarded to the Select Board for review once land use requirements are met.

23. The Planning Board reviewed the application at the following regular meetings:
 - July 21, 2020 (Sketch Plan/Preliminary Plan Review)
 - August 18, 2020
24. The following application fees have been paid by the applicant, in accordance with §1-25:
 - Site Plan Review Application Fee (\$100 per acre) \$500 (dated May 29, 2020).
 - Public Hearing Fee: \$175.00 (dated May 29, 2020).
25. In accordance with §33-129 & 130, public hearings were advertised in the Portsmouth Herald/Seacoast Online on August 5, 2020 and held on August 18, 2020. In accordance with §33-129 & 130, abutting land owners were notified via certified mail. There were no public comments.
26. The Planning Board unanimously approved the Change in Use from 'general office space' to 'Adult Use and Medical Marijuana Testing Facility' on July 21, 2020.
27. The Planning Board accepted the application as complete on July 21, 2020.
28. The CEO determined that the proposed use location as a testing facility does not require the 500-foot buffer from sensitive uses because the ordinance specifically calls out applying this to retail stores. This is a laboratory with no customers or sales.
29. No waivers were requested.
30. A site walk was not held.

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. 'Adult Use and Medical Marijuana Testing Facility' is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR), 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, Planning & Development, Article III, Division 6, Chapter 11, and Chapter 45.

DECISION:

Based on the above facts and conclusions, on **August 18, 2020**, the Planning Board voted to approve your application to amend a previously-approved Site Plan (**PB04-22**) for a Change in Use from General Office Space to Adult Use and Medical Marijuana Testing & Certifying 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 Memo from the Code Enforcement Officer will be included in the property file.

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 **August 18, 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 18, 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

Eliot Fire Department
Chief Jay P. Muzeroll

August 17, 2020

Town of Eliot-Planning Board
Dennis Lentz Chair

Ref: PB:20-9

Dear Board Members,

I have conducted a walkthrough of the property on Levesque Drive. The space to be occupied has a full fire alarm system installed by the previous tenant and it meets the fire code and ADA requirements. The applicant will be update with new devices as needed and will be monitored off site 24/7. In addition, the applicant has committed to installing a Knoxbox near the main door for emergency responders. A final walkthrough and fire alarm test will be conducted by my office prior to occupancy. Any question please contact me

Sincerely,

Jay P. Muzeroll
Eliot Fire Chief

DRAFT



ELIOT POLICE DEPARTMENT

27 Dixon Road Eliot, Maine 03903

Elliott Moya
Chief of Police

August 26, 2020

Town of Eliot-Planning Board
Dennis Lentz, Chair

Ref: PB:20-9 (17/19 Levesque)

Dear Board Members,

I have previously discussed with the applicant by phone the security system to be installed at CATLAB (17/19 Levesque). I will need to sign off on the security plan before a Certificate of Occupancy may be issued for the proposed use.

Sincerely,

Elliott L. Moya
Eliot Police Chief

Cc: Ellen Lemire, Planning Board Recording Secretary
Shelly Bishop, Code Enforcement Officer
Jeff Brubaker, Town Planner



PLAN REFERENCES:

- "SITE PLAN, SUBDIVISION OF LAND FOR RONALD ROY", PREPARED BY NELSON ENGINEERING ASSOCIATES, DATED FEBRUARY 10, 1987, NOT RECORDED.
- "EXISTING CONDITIONS PLAN FOR PROPERTY AT SURREY LANE, ELIOT, YORK COUNTY, MAINE, OWNED BY LAMS, LLC", PREPARED BY NORTH EASTERLY SURVEYING, INC., PROJECT No. 19710, DATED 10/28/19.

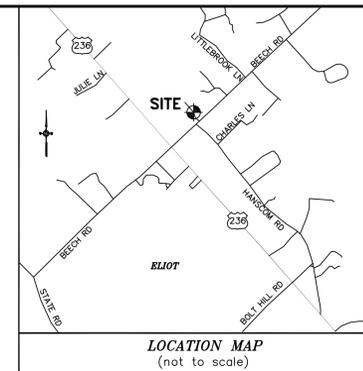
MONUMENTATION LEGEND*:

- IRON PIPE FOUND (OR AS NOTED)
- DRILL HOLE FOUND (OR AS NOTED)
- IRON ROD W/ CAP #2485 TO BE SET (OR AS NOTED)
- GRANITE BOUND TO BE SET

*MONUMENTS ON INDIVIDUAL LOTS SHALL BE SET PRIOR TO FIRST CONVEYANCE OF RESPECTIVE LOTS.

ZONING DATA PER TOWN OF ELIOT ZONING ORDINANCE (LAST AMENDED MAY 2, 2019):

- ZONE: SUBURBAN DISTRICT
- REQUIREMENTS:
- MINIMUM LOT SIZE: 2 AC.
 - MINIMUM STREET FRONTAGE: 150 FT.
 - MINIMUM FRONT SETBACK: 30 FT.
 - MINIMUM SIDE SETBACK: 20 FT.
 - MINIMUM REAR SETBACK: 30 FT.
 - MAXIMUM LOT COVERAGE: 15%
 - MAXIMUM BUILDING HEIGHT: 35 FT.



PURPOSE OF PLAN:

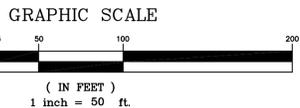
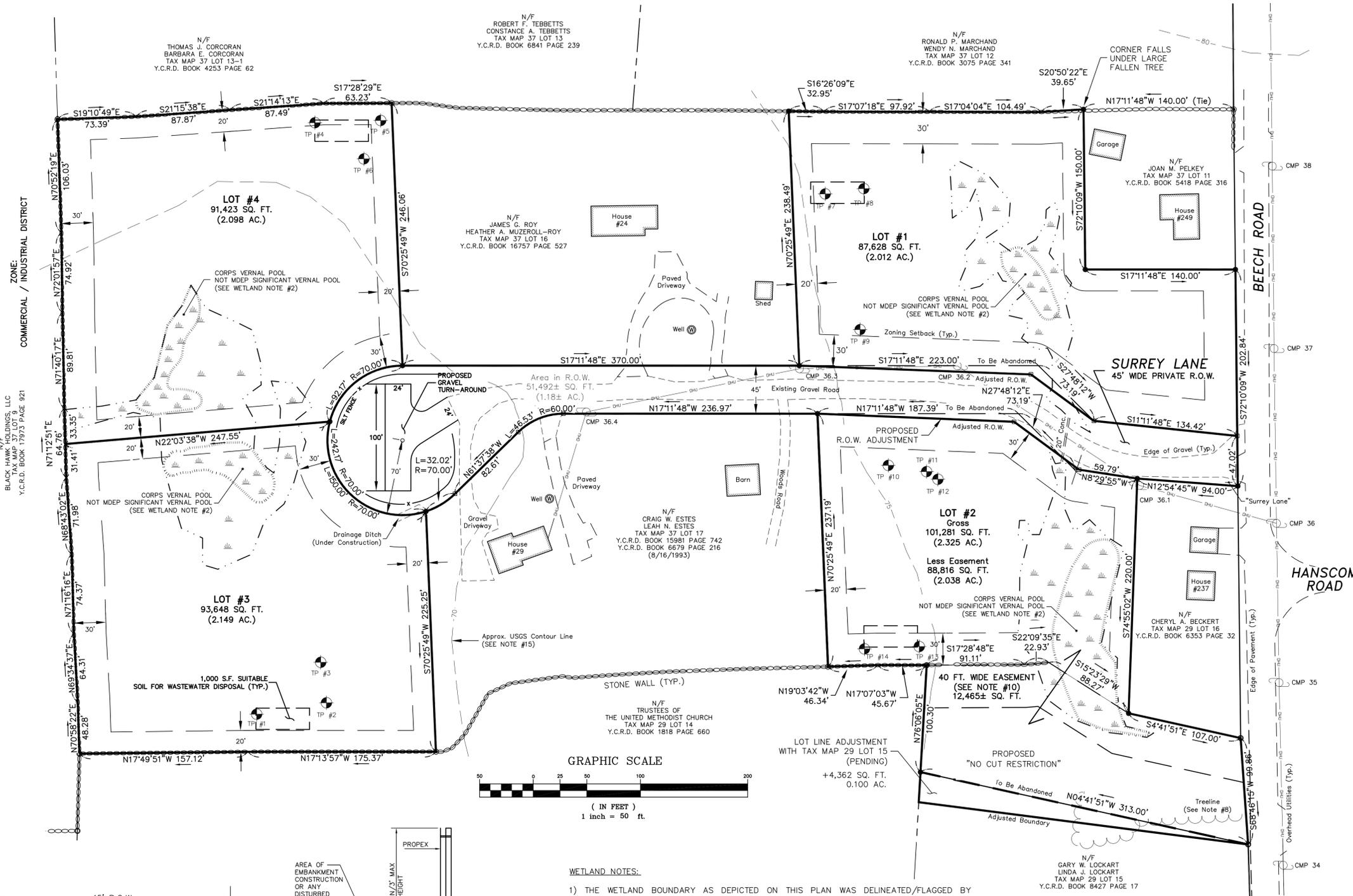
THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED 4-LOT SUBDIVISION. PART OF THIS PLAN DEPICTS A PENDING LOT LINE ADJUSTMENT WITH TAX MAP 29 LOT 16 AND A MINOR R.O.W. ADJUSTMENT TO SURREY LANE.

NOTES:

- OWNERS OF RECORD:
TAX MAP 37 LOT 22
LAMS, LLC
Y.C.R.D. BOOK 18037 PAGE 642
DATED SEPTEMBER 4, 2019
- TOTAL EXISTING PARCEL AREA:
TAX MAP 37 LOT 22
9.66 AC. GROSS
8.19 AC. (LESS R.O.W. & 40' EASEMENT)
- BASIS OF BEARING IS MAGNETIC - AUGUST 2019.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF ELIOT PRIOR TO DESIGN OR CONSTRUCTION.
- THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PAROL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
- THE YARD APPEARING TO BE OF TAX MAP 29 LOT 15 EXTENDS ONTO TAX MAP 37 LOT 22.
- SEE WETLAND NOTES.
- REFERENCE IS MADE TO Y.C.R.D. DEED BOOK 3122 PAGE 260. LOCUS PARCEL SHOWN HEREON IS SUBJECT TO AN ACCESS AND UTILITY EASEMENT. THE STATUS OF SAID EASEMENT IS UNKNOWN. APPROXIMATE LOCATION IS SHOWN HEREON.
- A ROAD MAINTENANCE AGREEMENT FOR SURREY LANE WAS CREATED IN 2002 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS AT BOOK 11633 PAGES 208-211. REFER TO SAID AGREEMENT FOR TERMS AND CONDITIONS.
- SURREY LANE IS A PRIVATE RIGHT-OF-WAY AND WILL NOT BE MAINTAINED BY THE TOWN AND SHALL BE KEPT CLEAR FOR EMERGENCY ACCESS. THIS RESTRICTION SHALL BE NOTED IN THE DEEDS FOR INDIVIDUAL LOTS.
- ROAD LENGTH AS MEASURED PER 37-69 (F) IS 870± FEET.
- CONSTRUCTION DRAWINGS SPECIFIC TO PROPOSED SINGLE FAMILY HOMES SHOWING LOCATION, FLOOR AREA, COMPLIANCE WITH SETBACKS, DRIVEWAY LOCATION, WELL LOCATION, AND WASTEWATER DISPOSAL SYSTEM DESIGN SHALL BE SUBMITTED TO THE CODE ENFORCEMENT OFFICER AT THE TIME OF THE BUILDING PERMIT APPLICATION.
- CONTOURS SHOWN ARE APPROXIMATE PER USGS MAPS AND ARE APPROXIMATE ONLY AND ARE FOR PLANNING BOARD PURPOSES ONLY IN ACCORD WITH SECTION 33-127 (6). NOT TO BE USED FOR ENGINEERING.
- APPLICANT/CONTRACTOR WILL FOLLOW MAINE DEP BEST MANAGEMENT PRACTICES FOR ALL WORK ASSOCIATED WITH SITE AND BUILDING CONSTRUCTION TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION.

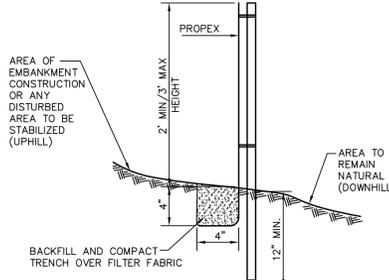
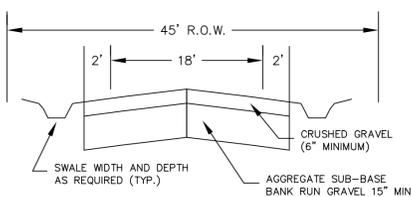
REQUESTED WAIVERS:

- 33-127 (8) Drainage Plan;
- 33-127 (12) High Intensity Soil Survey;
- 37-70 (c) 200 ft. off-set centerline of existing streets;
- 37-71 Construction Standards for Streets (pavement);
- 41-255 (g) Reduction in street frontage for lot on cul-de-sac;



WETLAND NOTES:

- THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY JOSEPH W. NOEL, MAINE LICENSED SOIL SCIENTIST #209 AND WETLAND SCIENTIST ON AUGUST 27, 2019. THE FLAGS WERE SURVEY LOCATED BY NORTH EASTERLY SURVEYING, INC. THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987) ALONG WITH THE REQUIRED REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH-CENTRAL AND NORTHEAST REGION, (VERSION 2, JANUARY 2012).
- A VERNAL POOL INVESTIGATION WAS CONDUCTED IN APRIL OF 2020. POOLS LOCATIONS WERE MAPPED BY JOSEPH W. NOEL. POOLS WERE DETERMINED NOT TO BE MDEP SIGNIFICANT VERNAL POOLS (REFER TO MDEP LETTER DATED JUNE 2, 2020 FOR DETAILS).
- A STREAM INVESTIGATION WAS CONDUCTED ON MAY 4, 2020. REFER TO LETTER/REPORT DATED MAY 7, 2020. THERE ARE NO MDEP STREAMS OBSERVED ON THE PROPERTY.
- 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.



APPROVED: TOWN OF ELIOT

DATE OF APPROVAL: _____

SURREY LANE SUBDIVISION
FOR PROPERTY AT
Surrey Lane
Eliot, York County, Maine
OWNED BY
LAMS, LLC
6 York Pond Road
York, ME 03909

North
W **EASTERLY**
SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
(207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 50'
PROJECT NO. 19710
DATE: 4/15/2020
SHEET: 1 OF 1
DRAWN BY: A.H.P.
CHECKED BY: A.M.P.

DRAWING No. 19710_SUBDIVISION
FIELD BOOK No. "Eliot #20"

Tax Map 37 Lot 22

REV.	DATE	STATUS	BY	CHKD	APPD.
B	7/20/2020	REVISE NOTES, ADD MONUMENTS	A.M.P.		A.M.P.
A	5/20/2020	ADD WETLAND NOTES, SETBACKS, VERNAL POOLS	A.M.P.		A.M.P.



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Eliot Town Hall, 1333 State Road, Eliot, ME 03903
DATE OF HEARING: Tuesday, September 1, 2020
TIME: 7:00 PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, September 1, 2020 at 7:00 PM for the following application:

- **811 Harold L Dow Hwy (Map 79/ Lot 26), PB20-10, PID # 079-026-000:** *Site Plan Amendment for addition of outdoor seating*
 - Applicant: 207 Tavern
 - Owner: Mark Phillips

- **483 Harold L Dow Hwy (Map 54/ Lot 02), PB20-12, PID # 054-002-000:** *Site Plan Amendment and change of use from Medical Marijuana to Adult Use Marijuana*
 - Applicant: NEK Assets LLC (Sweet Dirt LLC)
 - Owner: The Flower Companies INC

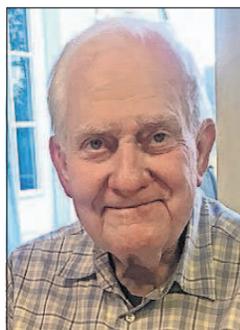
- **2135 State Road (Map 94/ Lot 01), PB20-13, PID # 094-001-000:** Home Business Application for in-home daycare
 - Applicant: Brooke Raitt
 - Owner: Adam and Richard Raitt

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

OBITUARIES & NEWS

William Richard Ferguson

GREENLAND — William Richard Ferguson (Dick), 85, passed away peacefully on Monday, August 17, 2020 at Portsmouth Regional Hospital after taking a fall at his home. Dick was born September 25, 1934 in Greenville, Tennessee, to J. William Ferguson (Bill) and Barbara Lee Burger.



Dick joined the U.S. Air Force where he served in the military police and was stationed in the Azore Islands and at Pease AFB where he met his wife, Nancy. Dick and Nancy were married at the Immaculate Conception Church on May 30, 1957 and celebrated 63 years of marriage in May.



Dick is survived by his loving wife, Nancy Irene (Keefe) Ferguson and children; Michael, Brian and Diane, Daniel and Kathleen. Dick and Nancy have eight grandchildren. Dick is predeceased by his parents Bill and Barbara, older sister and brother, Charlene and Ronald. His younger brother Charles resides in Milford, Ohio with his family.

Dick worked at Portsmouth Police Department for 20 years, achieving the rank of Captain. Upon retirement, Dick worked as Chief of Security at Simplex for a decade. In retirement, Dick served as a bailiff at Rockingham County Courthouse.

Dick was often described by those who knew him as a kind and loving man and "true gentleman". He will be greatly missed by all.

SERVICES: Mass of Christian Burial will be held at Corpus Christi Parish Center (St. Catherine's), 845 Woodbury Avenue, Friday August 21, 2020 at 10 a.m. Committal Ceremony to immediately follow at the Calvary Cemetery.

Thousands of chicks arrive dead to farmers amid USPS turmoil

By The Associated Press

PORTLAND, Maine (AP) — At least 4,800 chicks shipped to Maine farmers through the U.S. Postal Service have arrived dead in recent weeks after rapid cuts hit the federal mail carrier's operations, U.S. Rep. Chellie Pingree said.

Pingree, a Maine Democrat, is raising the issue of the dead chicks and the losses farms are facing in a letter to Postmaster General Louis DeJoy and U.S. Department of Agriculture Commissioner Sonny Perdue, The Portland Press Herald reported.

Pauline Henderson, who owns Pine Tree Poultry in New Sharon, Maine, told the newspaper she was shocked last week when all of the 800 chicks sent to her from a hatchery in Pennsylvania were dead.

"Usually they arrive every three weeks like clockwork," she said. "And out of 100 birds you may have one or two that die in shipping."

Thousands of birds that moved through the Postal Service's processing center in Shrewsbury, Massachusetts, were also dead, impacting several farms in Maine and New Hampshire, Henderson said.

A message seeking comment was left Thursday for the U.S. Postal Service.

"It's one more of the



Rep. Chellie Pingree, D-Maine, seen Jan. 27, 2020, speaks at a news conference in Portland, Maine. At least 4,800 chicks shipped to Maine farmers through the U.S. Postal Service have arrived dead in the recent weeks since rapid cuts hit the federal mail carrier's operations, Pingree said this week. [AP PHOTO/ROBERT F. BUKATY, FILE]

consequences of this disorganization, this sort of chaos they've created at the post office and nobody thought through when they were thinking of slowing down the mail," Pingree said, adding that her office has received dozens of complaints from farmers and others trying to raise a small flock of chickens in the backyard.

Pingree said she isn't sure if Perdue is aware of how the changes in the Postal Service are impacting smaller poultry farmers in the U.S.

"This is a system that's always worked before and it's worked very well until these changes started being made," Pingree said.

DeJoy, a Republican donor who's the first postmaster general who did not come from the ranks of the Postal

Service, took control of the agency in June and has since swiftly engineered cuts and operational changes that are disrupting mail delivery operations. In Maine, two mail-sorting machines were dismantled at the state's postal distribution hub.

He announced Tuesday he would halt some changes to mail delivery that critics blamed for widespread delays and warned could disrupt the November election, which is expected to bring a surge of mail-in ballots because of the coronavirus pandemic.

DeJoy is scheduled to testify before the Senate on Friday.

President Donald Trump made clear last week that he was blocking \$25 billion in emergency aid to the Postal

Service, acknowledging he wanted to curtail election mail operations, as well as a Democratic proposal to provide \$3.6 billion in additional election money to the states to help process mail-in ballots.

Those funds are tangled in a broader coronavirus aid package that was approved in the House but stalled in the Senate.

The Postal Service is the only entity that ships live chicks and other small animals and has done so since 1918, according to the service's website.

"Rural Americans, including agricultural producers, disproportionately rely on USPS for their livelihoods, and it is essential that they receive reliable service," Pingree said.

BIDEN

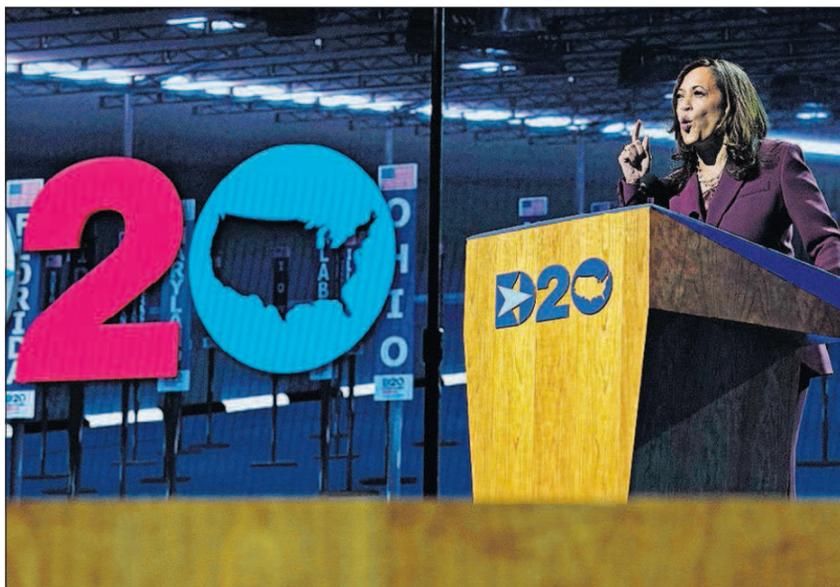
From Page A1

will send him to the White House to replace Donald Trump — though his triumphant moment was drained of immediate drama by the coronavirus pandemic, which left him speaking to a nearly empty arena rather than a to a joyously cheering crowd.

"Here and now I give you my word, if you entrust me with the presidency, I will draw on the best of us not the worst," Biden declared. "I'll be an ally of the light, not our darkness."

"And make no mistake, we'll overcome this season of darkness in America"

The pandemic has shaken the nation and fundamentally altered the campaign. But Biden pointed to the public health emergency and the severe economic fallout to turn traits previously seen as vulnerabilities, notably a long career spent in elected office, into an advantage by presenting himself as a competent leader in a moment that Democrats say cries out for one in the White House.



Democratic vice presidential candidate Sen. Kamala Harris, D-Calif., speaks during the third day of the Democratic National Convention on Wednesday at the Chase Center in Wilmington, Del. [AP PHOTO/CAROLYN KASTER]

The night's keynote address was the speech of a lifetime for Biden, who at 77 would be the oldest president ever elected if he defeats Trump in November. But his convention leaned on a younger generation earlier in the night to help energize his sprawling coalition.

Tammy Duckworth, an Illinois senator who lost both

legs in Iraq and is raising two young children, said Biden has "common decency."

Cory Booker, only the ninth African American senator in U.S. history, said Biden believes in the dignity of all working Americans.

And Pete Buttigieg, a 38-year-old openly gay military veteran from Indiana, noted that Biden came out in favor of same-sex marriage as vice president even before President Barack Obama did.

"Joe Biden is right, this is a contest for the soul of the nation. And to me that contest is not between good Americans

and evil Americans," Buttigieg said. "It's the struggle to call out what is good for every American."

Above all, Biden was focusing on uniting the nation as Americans grapple with the long and fearful health crisis, the related economic devastation, a national awakening on racial justice — and Trump, who stirs heated emotions from all sides.

Biden's positive focus Thursday night marked a break from the dire warnings offered by former President Obama and others the night before. The 44th president

of the United States warned that American democracy itself could falter if Trump is reelected, while Biden's running mate, Kamala Harris, the 55-year-old California senator and the daughter of Jamaican and Indian immigrants, addressed race problems in a way Biden could not.

Throughout their convention, the Democrats have summoned a collective urgency about the dangers of Trump as president. In 2016, they dismissed and sometimes trivialized him. In the days leading up to Biden's acceptance speech, they cast him as an existential threat to the country.

Beyond Biden's highly anticipated speech, Thursday's program was designed to highlight the diversity of the Democratic Party and the nation he hopes to lead.

"We know how important it is that we elect real leaders like Joe Biden and Kamala Harris, people of honor and integrity, who hold justice close to their hearts and believe that the lives of my four black children matter," Lance Bottoms said. She spoke ahead of a tribute to the late John Lewis, the Georgia congressman and civil rights leader who devoted much of his life to ensuring African Americans are able to vote.

Biden's Democratic Party has sought this week to put forward a cohesive vision of values and policy priorities, highlighting efforts to combat climate change, tighten gun laws and embrace a humane immigration policy. They have drawn a sharp contrast with Trump's policies and personality, portraying him as cruel, self-centered and woefully unprepared to manage virtually any of the nation's mounting crises and policy challenges.

Voting was a prime focus of

the convention on Thursday as it has been all week. Democrats fear that the pandemic — and the Trump administration — may make it difficult for voters to cast ballots in person or by mail.

Comedian Sarah Cooper, a favorite of many Democrats for her videos lip syncing Trump's speeches, put it bluntly: "Donald Trump doesn't want any of us to vote because he knows he can't win fair and square."

Biden's call for unity comes as some strategists worry that Democrats cannot retake the White House simply by tearing Trump down; Biden needs to give his sprawling coalition something to vote for. That's easier said than done in a modern Democratic Party made up of disparate factions that span generation, race and ideology.

For that reason, Thursday's program, like much of the convention, emphasized Biden's personal values like decency, honesty and empathy more than any single policy proposal or achievement.

The pandemic has also forced Biden's team to abandon the typical pageantry and rely instead on a highly-produced, all-virtual affair that has failed to draw the same television ratings as past conventions.

The silence was noticeable Wednesday night, for example, as Harris took the stage to make history in a cavernous hall inside the Chase Center in downtown Wilmington. She was flanked by American flags but no family, and her audience consisted of a few dozen reporters and photographers.

It's Trump's turn next. The Republican president, who abandoned plans to host his convention in North Carolina and in Florida, is expected to break tradition and accept his nomination from the White House lawn next week.

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

PM-200497544

Legal Notice
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 - Applicant: 207 Tavern
 - Owner: Mark Phillips
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Legal Notice
PUBLIC NOTICE

The New Hampshire Coastal Program (NHCP) is reviewing the following activity for consistency with its enforceable policies:

- On behalf of the Department of the Navy, the University of New Hampshire is proposing to perform seafloor acoustics research in the waters around Portsmouth and the Isles of Shoals. Off-the-shelf echosounder transducers will be used to take long-term measurements of high-frequency acoustic scattering from the seafloor to improve the understanding of variability in scattered levels which may be used to improve predictions of U.S. Naval sonar performance.

The deadline for written comments on the above proposal is September 4, 2020. For additional information please visit the NHCP web site at http://des.nh.gov/organization/divisions/water/wmb/coastal/public_notices.htm, or contact Christian Williams at (603) 559-0025 or Christian.Williams@des.nh.gov.

PM-200497546



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: Scott DeHetre (207 Tavern)
 Date: August 27, 2020 (draft report date)
 September 1, 2020 (meeting date)
 Re: PB20-10 207 Tavern, 811 Harold L. Dow Hwy. (Property Identification # 079-026-000) – Request for Planning Board Action – Outdoor Seating Area

Previous version: August 18, 2020 (meeting date)

Application Details/Checklist Documentation	
✓ Address:	811 Harold L. Dow Hwy.
✓ Map/Lot:	Property Identification # 079-026-000
✓ PB Case#:	PB20-10
✓ Zoning District:	Rural
✓ Shoreland Zoning:	N/A
✓ Owner's Name:	207 Tavern (business owner); Mark Phillips (property owner)
✓ Applicant Name:	Scott DeHetre, 207 Tavern
✓ Nature of action requested:	Outdoor site/seating
✓ Application Received by Staff:	June 1, 2020
✓ Application Fee Paid ✓ Date:	Not yet paid
Application Heard by PB	Date: 8/18/20 (Preliminary/Sketch Plan) Date: 9/1/20 (Scheduled Public Hearing)
✓ Reason for PB Review:	Request for Planning Board Action – Site Plan Amendment

Attachments

- A. Public hearing notice documentation
- B. Request for Planning Board Action
- C. Site plan (8-26-20)

Project Overview

The applicant, Scott DeHetre (207 Tavern), is seeking Planning Board review of a proposed outdoor seating area for dining and alcoholic beverages. The 207 Tavern is leased on a portion of a 34.24 acre lot (811 Harold L Dow Hwy – PID # 079-026-000) fronting Harold L. Dow Hwy (State Route 236), which is part of the Marshwood Estates mobile home park subdivision. The applicant has been granted temporary approval for an extended outdoor seating area, which is now in use, allowing for customer volumes needed to maintain the business during the State of Maine's COVID-19 emergency order, which currently includes restrictions on indoor restaurant/bar occupancy. The applicant is now seeking Planning Board approval for a permanent (seasonally used) outdoor seating area.

207 Tavern – Request for Planning Board Action related to outdoor dining

Background

To respond to COVID-19 and protect public health, the State of Maine has declared a state of emergency and placed evolving restrictions on dining inside restaurants and patronizing bars. The previous staff report (August 18) discussed how restaurants are now allowed to be open, but with health and safety protocols such as physical spacing for tables and bar service.

In May, the applicant contacted the Town indicating that he was applying for state approval for an outdoor seating area, which required local approval. The Town granted temporary approval of this seating area, to expire at the end of the emergency order, with the condition that permanent outdoor dining would require Planning Board approval. The applicant submitted a Request for Planning Board Action, received June 1, related to continuing to use the outdoor seating and dining area. The current temporary seating area includes picnic tables and umbrellas on the northeast side of the restaurant.



Temporary outdoor seating currently in use

207 Tavern wishes to build a permanent outdoor site for dining and alcoholic beverages. During the August 18 meeting, the applicant clarified that he would like the outdoor site to be permanent and seasonal – that is, continue to be in place for three seasons each year.

Type of review needed

The request pertains to a site plan amendment. Per Sec. 33-140(b), the Planning Board should decide if this change is considered minor or major. This section states, in part, that

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.

The description in the Request for Planning Board Action relates the action to COVID-19. The temporary approval currently in place lasts until the state's emergency order ends. In this case, the outdoor seating is used to maintain customer volume affected by the indoor restrictions. Approval of the change as permanent outdoor seating, allowing for it to continue seasonal use after full indoor restaurant/bar occupancy is permissible, warrants additional review considerations.

On August 18, during preliminary/sketch plan review, Planning Board members suggested the change may be substantial and sought more information from the applicant. At the same meeting, the Planning Board sought to hold a public hearing on the item on September 1. The Town Planner and applicant met on August 20 to discuss the additional information needed and the Site Plan Review application process. The applicant's architect submitted a site plan on August 26, which is attached, but additional information is still forthcoming.

Zoning

The property and restaurant are located in the Rural zoning district. There are no Shoreland Zoning overlays.

Previous Planning Board agenda items

On August 2, 2005, the Planning Board issued a Notice of Decision of approval of a Request for Planning Board Action to add 10 parking spaces to the site for the business (at the time, The Daily Scoop). The site plan shows the parking spaces apportioned along the rear (west side) of the dirt lot, screened from Marshwood Dr. The NOD indicates that the "applicant received an MDOT driveway/entrance permit due to increased use of an existing entrance and provided copies to the Planning Board". That permit, dated April 27, 2005, is for a one-way entrance only, 22 ft. in width, 45 ft. north of Ambush Rock Rd. and a one-way exit only, 22 ft. in width, 100 ft. south of Ambush Rock Rd. While those locations generally line up with where the access points are today, the northern access point, as discussed below, is much wider than 22 ft. Also, from Street View, there do not appear to be any signs or markings promulgating the one-way in/out circulation. In addition to standard conditions of approval, other conditions of the Planning Board's approval relate to providing copies of the approved MDOT Traffic Movement Permits, the position of the parking spaces, and screening. The latter condition states, in full: "Screening along the rear of the proposed parking between this property and the mobile home park shall consist of an 8' high solid fence".

On May 2, 2017, the Planning Board reviewed a Request for Planning Board Action by the applicant to amend the approved site plan by adding seating and bathrooms. It appears that no formal action was taken by the Planning Board, but the Board requested that the applicant work with Town staff and return with more information. A scan of the next several Planning Board agendas in 2017 was unable to locate a follow-up item. The minutes of the August 1, 2017, Planning Board meeting indicate that at that time the Board had yet to hear back from the 207 Tavern.

As discussed previously, the Planning Board conducted preliminary/sketch plan review of the current application on August 18, 2020.

Location and dimensions

The 207 Tavern is located at 811 Harold L Dow Hwy. on land leased from the Marshwood Estates mobile home park subdivision. Initially, the proposal was to locate the outdoor dining site where the existing, temporarily-approved seating is now located – northeast of the building, next to the five parking spaces that front the building. However, extending it closer to Route 236 than the

front edge of the current restaurant would not be allowable given front setback restrictions, discussed below, either creating or extending a nonconformity.

The 8-26-20 site plan narrows the outdoor site to be even with the existing building, off the north wall, with no further encroachment on setback lines. The proposed site would be 60 ft. by 28 ft., which is 1,680 sq. ft. total. The site is split into a 16 ft. by 60 ft. structure and a 12 ft. by 60 ft. outdoor deck.

In addition to the temporary outdoor seating, the other existing seating includes outdoor tables underneath the front building overhang and tables and bar seating inside the restaurant. During the May 2, 2017, meeting, the applicant reported that the interior seating capacity was 50. There is a history of this site having outdoor seating. At least two picnic tables are visible in aerial imagery and older Street View images dating back at least to 2007.

Parking and driveways

Parking standards within the land use regulations apply to new uses or establishments which expand or increase their volume or intensity of usage. For this outdoor seating area, the total seating, especially after full indoor restaurant/bar occupancy is restored, would be expanded. Per Sec. 45-495 – Schedule of minimum required off-street parking spaces – non-takeout restaurants need to provide 1 additional parking space for each 3 seats, permanent or otherwise.

As of the writing of this report, the applicant has not yet provided parking calculations. On August 13, the applicant submitted a sketch plan of parking spaces, but it was not drawn to scale showing the required minimum 180 sq. ft. per space or parking aisle dimensions (Sec. 45-488). The 8-26-20 site plan includes 30 parking spaces drawn to scale, dimensioned 9 ft. by 20 ft., which satisfies the square footage minimum, and the aisle width is shown as 26 ft. One-way entry and exit driveway throats to the lot are shown as 24 ft., exceeding the range of 15 to 20 ft. specified in Sections 45-406 and 45-489 and 2 ft. larger than approved in the 2005 MDOT permit. However, the 8-26-20 site plan does show a more organized orientation of parking spaces and interior circulation in the dirt lot, and one-way entrance and exit flow are consistent with the 2005 MDOT permit.

The site plan shows the conversion of one parking space in front of the building from a standard parking space to an ADA/van-accessible space with an adjacent access aisle. The new ADA space appears to meet the 2010 ADA Standards for Accessible Design's requirements for width (minimum 11 ft./132 in.) and access aisle width (minimum 5 ft./60 in.), and adding a space meets the ADA Standards' required number of ADA spaces per total spaces provided on a site (minimum of 2 ADA spaces for 26 to 50 total spaces). The access aisle leads to a wheelchair-accessible ramp leading to the existing restaurant or proposed outdoor site. The parking lot is partially screened from Marshwood Dr. but it appears still visible from a number of homes in Marshwood Estates.

Sec. 45-487 permits parking as an accessory use, so long as it does not violate setback requirements for front, rear or side yards. The parking spaces in front of the restaurant (Spaces 26-30 in the site plan) and in the dirt lot nearest to Route 236 (Spaces 16-25) are within the front setback, creating a presumptive nonconforming accessory use. The former appear to have been in place since at least 1998, according to historical imagery in Google Earth, while the dirt area for the latter appears to have been created in 2016 or 2017 through the clearing of a vegetated area.

Sec. 45-489 restricts parking areas from having more than one entrance and exit onto the same street. As noted, the 2005 MDOT permit allows two driveways. This is consistent with Google Earth historical imagery, which shows the southern driveway being built between 2003 and 2007.

Aerial imagery shows the current northern driveway width at over 70 ft. at the Route 236 pavement edge. This width and the adjacent perpendicular parking spaces in front of the restaurant may allow or encourage vehicles backing out directly onto Route 236 and southbound vehicles entering the lot at an oblique angle. The driveway is also slightly offset from Ambush Rock Rd. These existing conditions are inconsistent with Sections 45-406 and 45-489 (entrance/exit width) and Section 45-488 (regarding backing into the street) but may be presumptively legally nonconforming depending on the date the driveway was constructed. More research on older aerial photos and previous Planning Board files would be needed to confirm this.

In a conversation with the Town Planner on August 26, an MDOT representative indicated that the existing driveway configuration next to the restaurant does not meet current MDOT standards due to its current width, but that its existence prior to 2003 would allow it to be grandfathered in. Maine DOT does not require a property owner to upgrade its grandfathered access points onto a state highway to current standards unless land use changes causing a trip generation rate of 100 or more vehicles in a peak hour are made. The proposed change presumptively falls well short of that. However, as discussed above, the site did need to obtain an MDOT Driveway Permit, dated April 27, 2005, for the two driveways, which were to be one-way with an approved entrance width of 22 ft. The permit included waivers for MDOT driveway separation/spacing, arterial corner clearance, and culvert standards.

Setbacks

The initial plan showed the seating area extending to the edge of the state right-of-way. According to the Town's online GIS map, the current edge of the building appears to be about 30 ft. from the right-of-way. The 8-26-20 site plan also shows the building up against a 30 ft. front setback line. To clarify the previous staff report, the minimum front setback is 30 ft. in the Rural district (Sec. 45-405. There is a footnote to the table stating that "A front yard abutting a state or town road shall have a minimum depth of 50 feet from the right-of-way line", but this footnote applies to the Commercial/Industrial zoning district.) However, Sec. 33-175(b), pertaining to landscaping for commercial and industrial establishments, states:

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. Similarly, half of the front yard for commercial or industrial uses on other streets shall be landscaped.

This creates some ambiguity in the land use regulations with regard to whether a 30-foot or 50-foot front setback is applicable to the 207 Tavern. The important point is that the proposed outdoor seating area should not extend closer to Route 236 than the existing building, because it would either create a new nonconformity or expand an existing nonconformity in conflict with the land use regulations.

Regarding nonconforming structures, Sec. 45-195 states, in part:

- (a) A nonconforming building or structure may be repaired, maintained or improved, but the area in nonconformance may not be extended or expanded except in conformity with sections 45-192 and subsection (b) of this section.
- (b) A building or structure not wholly nonconforming may be expanded in size along its conforming dimensions.
- (c) No structure or use which is at or less than the required setback shall expand towards property lines...

The 8-26-20 site plan is now consistent with these requirements because the outdoor seating area drawing does not extend closer to Route 236 than the existing building.

Screening

Section 33-175(a) states:

Where no vegetative buffering at least ten feet in width and eight feet in height exists or can be maintained, all side and rear yards abutting any other district or residential use shall be effectively screened from view by a continuous landscaped area not less than ten feet in width containing large trees, shrubs, fences, walls, berms, or similar condition forming a visual barrier not less than eight feet in height along such side and rear lot lines. Fences must conform to the requirements of section 45-423.

As previously discussed, a condition of approval of the addition of 10 parking spaces in 2005 was: “Screening along the rear of the proposed parking between this property and the mobile home park shall consist of an 8’ high solid fence.” With current conditions, some of the parking area, waste container, and other restaurant functions appear visible from the mobile home park, and additional parking occurs along Marshwood Dr. The issue of screening was discussed at the May 2, 2017, meeting. The minutes indicate that the 2005 screening condition was discussed. The applicant stated that he had “put up a makeshift fence but the people who plow the park smashed it and never replaced it”, but also that he planned to install “an 8-foot fence going right straight across the back”.

Site enclosure, lighting, and noise

More information has been sought from the applicant about the proposed design of the site, how it is enclosed, and what the site elevation would look like. The 8-26-20 site plan does show an additional egress at the back of the site. The Town Planner has asked that the site plan indicate “no alcohol beyond this point” or similar signage be posted at appropriate locations. At the August 18 meeting, the applicant indicated that the site would not have lighting and that the restaurant closes at 9:00 pm. Noise is addressed in Sec. 45-407 of the land use regulations. For the Rural zoning district, sound pressure level limits are 50 dbA between 7:00 a.m. to 8:00 p.m. and 45 dbA from 8:00 p.m. to 7:00 a.m., except that the limits may increase to meet the ambient sound pressure level.

Bathrooms and subsurface wastewater system

The Town Planner and Code Enforcement Officer have discussed with the applicant what his plans are for additional bathrooms, as is required by the 2015 Uniform Plumbing Code. Assuming total interior/exterior occupancy of between 51-100 patrons if the outdoor site was built, the plumbing code requires a minimum of 2 male toilets and 1 urinal, and 3 female toilets. The applicant has verbally stated an intent to install additional bathroom capacity in conjunction with the proposed outdoor seating, but the Request for Planning Board Action and site plan, at the time of this report, do not have written or drawn details regarding the number and location of additional bathrooms. It is understood that the restaurant currently has a single, unisex bathroom. During the May 2, 2017, meeting, according to the minutes, the applicant proposed to build additional bathrooms in the rear of the building, which would be screened by the proposed new fence.

No information has been provided by the applicant on possible impacts to the mobile home park private subsurface wastewater system and capacity of the system to process additional wastewater disposal from anticipated greater customer volume. A 1993 permit application for replacement of the mobile home park’s system states that it would be used for 90 mobile homes, but there is no

apparent mention of it serving a store (the 207 Tavern building's former use) or a restaurant.

Waste containers

Sec. 45-422(a)(2) states:

All waste containers visible from a public way or located within 50 feet of a residential structure shall be enclosed or screened to obstruct view from abutting properties.

In Street View imagery, the current waste container on the property is visible from Route 236 and may be visible from adjacent mobile home park properties. The applicant should address whether enclosure and screening are proposed for the waste container.

Recommendation for Planning Board

Conduct the public hearing and hear public comments. Confirm whether the application is complete or request more information from the applicant. If more information is needed, it is recommended that the Planning Board continue the item to a subsequent meeting.

At the time of this report, the Town Planner believes that there is enough pertinent information still outstanding that no final approval/denial action should be made yet.

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

Placeholder for additional information received after the initial drafting of this report (8/27)

[Info to be added as it is received]

26 HERITAGE TRUST
DAVID B MCHUGH TRUSTEE
26 HERITAGE DR
ELIOT, ME 03903

CZARNECKI, JENNIFER
CZARNECKI, STEPHEN
20 HERITAGE DR
ELIOT, ME 03903

HANSEN, RYAN J
16 HAWK WAY
ELIOT, ME 03903

AJM ENTERPRISES LLC
29 STACY LN
ELIOT, ME 03903

CZARNECKI, STEVE
CZARNECKI, JENNIFER
11 HERITAGE DR
ELIOT, ME 03903

HICHENS, JARED C SR
513 COREA RD
COREA, ME 04624

BEAR ALLIANCE INDUSTRIES
46 MANSON RD
KITTERY, ME 03904

CZARNECKI, STEVE
CZARNECKI, JENNIFER
11 HERITAGE DR
ELIOT, ME 03903

HINDS, RONALD C
HINDS, CHARLOTTE C & HIND
843 GOODWIN RD
ELIOT, ME 03903

BECKERT, STEPHEN R
9 HERITAGE DR
ELIOT, ME 03903

DOW HIGHWAY PROPERTIES LL
385 6TH ST
DOVER, NH 03820

HUBBARD, DAVID
HUBBARD, CYNTHIA
50 MARSHWOOD DR
ELIOT, ME 03903

BEROUNSKY, TRACEY
12 HERITAGE DR
ELIOT, ME 03903

DUNTON, STEPHANIE
23 HERITAGE DR
ELIOT, ME 03903

JACKSON, CHRISTOPHER C
4 HERITAGE DR
ELIOT, ME 03903

BEROUNSKY, TRACEY
14 HERITAGE DR
ELIOT, ME 03903

EBBERLING, SCOTT
37 HERITAGE DR
ELIOT, ME 03903

JAMES, LEBRON E RAYMONE
8 HAWK WAY
ELIOT, ME 03903

BOWDEN, RANDALL
36 MARSHWOOD DR
ELIOT, ME 03903

ELLIS, TIMOTHY
5 HERITAGE DR
ELIOT, ME 03903

JONES, LOUISE E
7 HAWK WAY
ELIOT, ME 03903

BRANDOLINI, JOHN
BRANDOLINI, MARGARET
12 HAWK WAY
ELIOT, ME 03903

GILMORE, BONNIE A
11 IMPERIAL DR
ELIOT, ME 03903

JUSSAUME, PETER A
3 CROSBY DR
ELIOT, ME 03903

CARTER, BARBARA
38 MARSHWOOD DR
ELIOT, ME 03903

HALLISEY, ED
10 HERITAGE DR
ELIOT, ME 03903

KATSANOS, SHEILA
19 IMPERIAL DR
ELIOT, ME 03903

CROWLEY, MICHAEL S
27 MARSHWOOD DR
ELIOT, ME 03903

HAMILTON, RICHARD E
HAMILTON, BARBARA D
16 IMPERIAL DR
ELIOT, ME 03903

KEHOE, JENNIFER L
43 MARSHWOOD DR
ELIOT, ME 03903

KIBAT, DUSTIN
15 IMPERIAL DR
ELIOT, ME 03903

MARSHALL-COLBY, JANIS
71 CAINCREST RD
YORK, ME 03909

PIKE, NICOLE
C/O MARK G PHILLIPS
35 HODGDON FARM LN
NEWINGTON, NH 03801

LAPERRIERE, SHERRI
LAPERRIERE, ADAM
17 HAWK WAY
ELIOT, ME 03903

MCLAUGHLIN, EDWARD R
DELICATA, SUSAN L
6 HERITAGE DR
ELIOT, ME 03903

PIKE, PETER
33 MARSHWOOD DR
ELIOT, ME 03903

LASH, PETER N
18 HAWK WAY
ELIOT, ME 03903

MERCIER, MICHELLE
1 HERITAGE DR
ELIOT, ME 03903

PILCHER, WILLIAM H JR
PO BOX 267
ELIOT, ME 03903

LEMIRE, ELLEN
17 HERITAGE DR
ELIOT, ME 03903

MIGNOSA, KIMBERLY
44 MARSHWOOD DR
ELIOT, ME 03903

POLITO, MARIE
47 MARSHWOOD DR
ELIOT, ME 03903

LENNA-GONYEA, BABETTE E
GONYEA, ADAM J
830 HAROLD L DOW HWY
ELIOT, ME 03903

MORRIS, CHRIS
MORRIS, EMMA
24 IMPERIAL DR
ELIOT, ME 03903

PRICE CATHY
PRICE PHILIP
19 HERITAGE DR
ELIOT, ME 03903

LINGLEY, MICHAEL
300 PRESCOTT RD
EPPING, NH 03042

NELSON, SCOTT
48 MARSHWOOD DR
ELIOT, ME 03903

PROCACCINI, JAMES
10 HAWK WAY
ELIOT, ME 03903

LINKEMVIZ, MATTHEW
41 MARSHWOOD DR
ELIOT, ME 03903

O'BRIEN, CRAIG
1381 ELWYN DR
PORTSMOUTH, NH 03801

REICHERT, JASON
24 HERITAGE DR
ELIOT, ME 03903

LOCKE, MELISSA J
35 MARSHWOOD DR
ELIOT, ME 03903

OELSHLAGER, RAYMOND
OELSHLAGER, JOYCE C
18 IMPERIAL DR
ELIOT, ME 03903

SINGH, PRAKASH JAYAVELU
BLACK, SAMANTHA SUE
11 MARSHWOOD DR
ELIOT, ME 03903

MALONEY, CHARLENE E
11 HAWK WAY
ELIOT, ME 03903

PAUL, KEVIN
19 HAWK WAY
ELIOT, ME 03903

SMITH, RAYMOND I III
SMITH, PAMELA L
12 CARDINAL DR
ELIOT, ME 03903

MARQUIS, GLEN J
13 HERITAGE DR
ELIOT, ME 03903

PERREAULT, BRIAN
PERREAULT, JULIE
20 CALLE FELIZ
SEDONA, AZ 86336-5000

SMITH, RONALD
42 MARSHWOOD DR
ELIOT, ME 03903

STADIG, GILMAN
383 CRANBERRY MEADOW RD
BERWICK, ME 03901

WOOD, ELAINE F
20 AMBUSH ROCK RD
ELIOT, ME 03903

STONE, MARTIN P
C/O SQUEAK STONE
25 CROSBY ST
BRATTLEBORO, VT 05301

SULLIVAN, JOHN T & HELEN
JOHN T & HELEN E SULLIVAN
747 GOODWIN RD
ELIOT, ME 03903

SULLIVAN, ROBERT J
15 SULLIVANS CROSSING
ELIOT, ME 03903

SULLIVAN, THOMAS S
SULLIVAN, TAMMY C
7 SULLIVAN WAY
ELIOT, ME 03903

SULLIVAN, WENDY S
40 HOWARD ST
PORTSMOUTH, NH 03801

VIHAAN LLC
806 HAROLD L DOW HWY
ELIOT, ME 03903

WALLES, CAROLE W REVOCABL
CAROLE W WALLES & BRADFORD
1 SHADY LN
EXETER, NH 03833

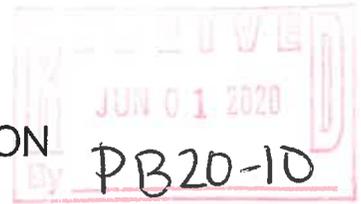
WALSH, LISA
WALSH, WILLIAM
PO BOX 851
YORK BEACH, ME 03910

WHITTAKER, ROBERT H
9 HAWK WAY
ELIOT, ME 03903



TOWN OF ELIOT

1333 STATE RD., ELIOT, ME 03903



REQUEST FOR PLANNING BOARD ACTION

(FOR MISCELLANEOUS USES OR CHANGES)

Applicant SCOTT A DeHete. 207 TAVERN
 Mailing Address 811 Harold New Hwy City Eliot State ME Zip 03903
 Telephone # 207 748 1790 Email address dehetrestone 04@yahoo.com
(TO RECEIVE MEETING NOTICES)

Property Owner MARIC PHILLIPS
 Mailing Address Harold New Hwy City Eliot State ME Zip 03903

Property address 811 Arnold New Hwy Tax Map # 79 Lot # 26
 Size (acres) _____ Zoning District _____ Shoreland Overlay District? _____

Conforming Lot? YES/NO Conforming Use? YES/NO Conforming Structure? YES/NO

- Legal interest in property identified by applicant by:
- Owner (copy of deed &/or tax records)
 - Pending Owner (copy of purchase & sale agreement)
 - Lease (copy of lease agreement with owners & applicants signature)
 - Corporate Officer (letter from corporation)
 - Other (identify: _____)

Nature of action requested:
 (Example: Request to amend a previously approved site plan by adding a 10' x 20' addition)

Out Door site. For Dining and spirits 20x50'
For social distancing. For covid 19 so business can
continue with volume of customer base needed to
maintain business. Financially almost all local restaurant with outdoor seating is open.

Attach ten (10) copies of sketch plan of property showing in approximate dimensions, all zoning districts, existing/proposed structures, parking areas, streets, entrances, existing and proposed setbacks, proposed lot divisions, proposed open space to be preserved, common areas, site & public improvements and facilities, any areas of excavation and grading, and any other criteria needed to evaluate request. Sketch plan is not required if so advised by the Planning Assistant.

Applicants signature [Signature] Date 5/19/20
 Property owners signature [Signature] Date 5/19/20

TO BE COMPLETED BY PLANNING ASSISTANT	
Date application received by PA _____	PA signature _____
Sketch plan required? YES NO	
FEE AMOUNT \$ _____	DATE PAID: _____ FORM OF PAYMENT: _____

CLIENT:

THE 207 TAVERN
811 DOUGLAS DOW HIGHWAY (RT. 236)
ELIOT, ME

DRAWN BY: RT

CHK'D BY: BP

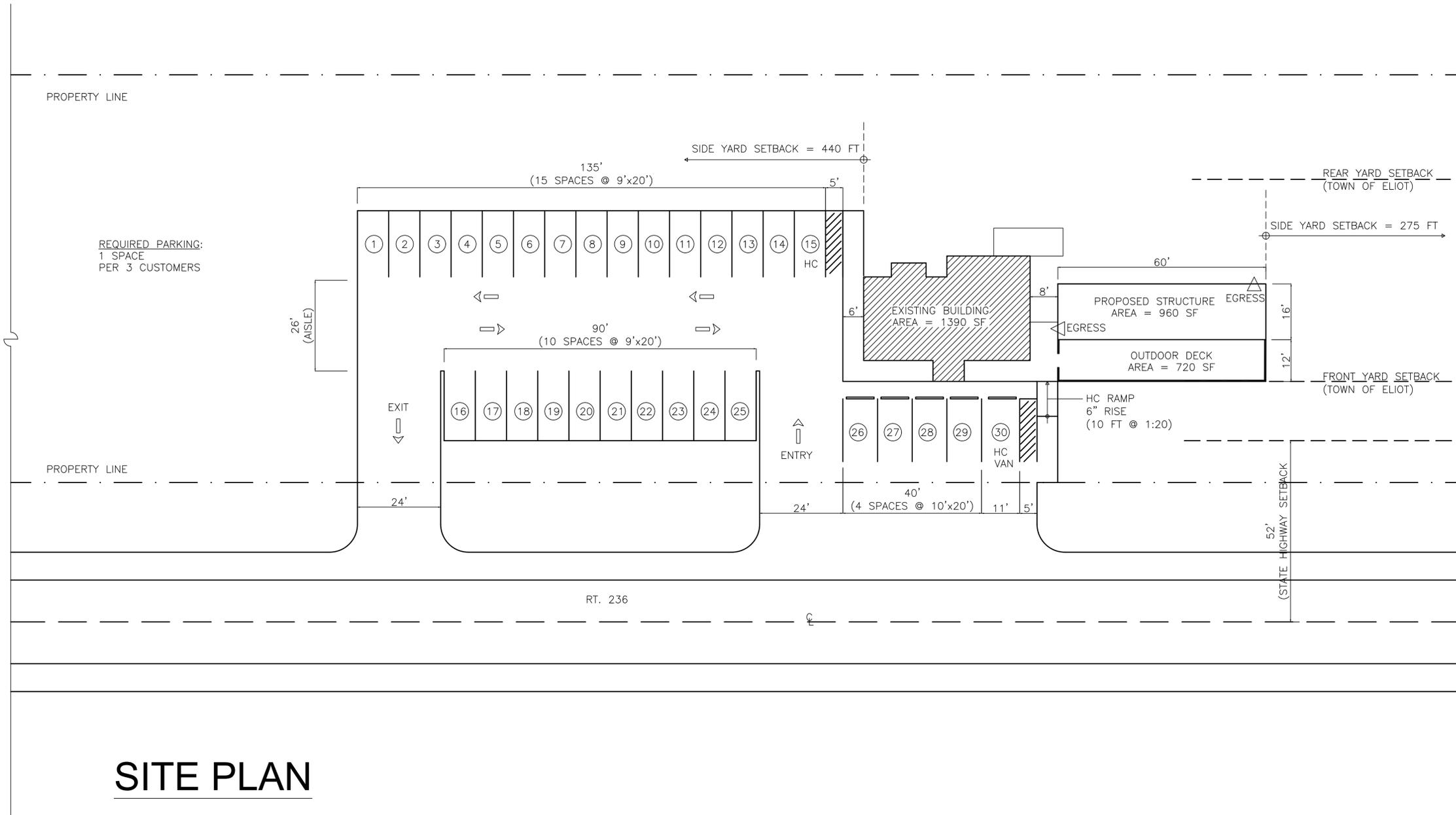
DATE: 8 / 26 / 2020

REV 1:

REV 2:

REV 3:

SITE PLAN



SITE PLAN





TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

Carole Walker
owner
30 Marshwood Dr.
Eliot, Maine

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Eliot Town Hall, 1333 State Road, Eliot, ME 03903
DATE OF HEARING: Tuesday, September 1, 2020
TIME: 7:00 PM

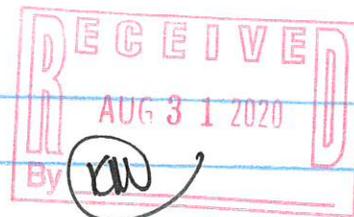
Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, September 1, 2020 at 7:00 PM for the following application:

- **811 Harold L Dow Hwy (Map 79/ Lot 26), PB20-10, PID # 079-026-000: Site Plan Amendment for addition of outdoor seating**
○ Applicant: 207 Tavern *No*
○ Owner: Mark Phillips
- **483 Harold L Dow Hwy (Map 54/ Lot 02), PB20-12, PID # 054-002-000: Site Plan Amendment and change of use from Medical Marijuana to Adult Use Marijuana**
○ Applicant: NEK Assets LLC (Sweet Dirt LLC)
○ Owner: The Flower Companies INC
- **2135 State Road (Map 94/ Lot 01), PB20-13, PID # 094-001-000: Home Business Application for in-home daycare**
○ Applicant: Brooke Raitt
○ Owner: Adam and Richard Raitt

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

I am (85) + unable to attend the hearing. I am against any addition to outdoor seating at 811 Harold L Dow Hwy. (MAP 79/ Lot 26 PB 20-10 PID # 079-026-000 Site Plan. I think it will appeal to all the drunks in the area. very sincerely Carole Walker OWNER

To Whom it MAY CONCERN,



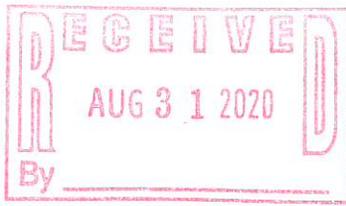
I object TO ANY INCREASE IN capacity AT the 207 TAVERN Due TO the Following ON going ISSUES.

- ① only 1 Bathroom. I HAVE observed on multiple OCCASIONS People going TO the Bathroom Behind AND Around the Building From my living room AND Kitchen.
- ② the Fence Between the park AND TAVERN has BEEN Removed. this HAS lead TO INCREASED noise AND lights shining INTO our homes. ALSO People NOW Drive Between the Two AREAS AS A short cut.
- ③ trash AND spent cooking oil left ALL AROUND the PLACE leading TO Rodents AND other Pests
- ④ Loud noise late INTO the night, even the Employess Revving Engine AND "Peeling out"

Sincerely

Timothy M Ellis
5 HERITAGE DRIVE

207-994-0814



31 August 2020

Dear Eliot Planning Board Members, Town Planner and Code Enforcement Officer.

I am writing to you with several concerns regarding an Agenda Item on your 1 September 2020 Agenda specifically the "Site Plan Amendment for Addition of Outdoor Seating" at the 207 Tavern located at 811 Harold Dow Highway.

My first concern is that they have been operating with outdoor seating for a while now yet the Agenda implies that they are just now asking for Planning Board Approval/ permitting to do so. Who gave them permission to have outdoor seating prior to this current application to the Planning Board? Have they been operating without proper Planning Board approvals?

My second concern is that the old Wooden Stockade Privacy fence that use to exist from the end of the Hedge row of tall Arborvitae up to Approximately being in line with the corner of the building has been totally removed and has not been replaced. The property owner Mark Phillips has told several Marshwood Estates Residents that it was going to be replaced with a new White vinyl Stockade Fence. To date that has not been done. Without the privacy fence in place the Marshwood Estates Residence directly behind the Tavern are now subject to more noise and the glare of headlight at night, which we were not subjected to when a privacy fence was in place. Also without the fence being there, some of us have witnessed Tavern patrons driving into the Tavern front parking lot by means of driving from the Marshwood Estates Road up across the grassed area or vice versa exiting the Taverns front Parking lot down over the grassed area and exiting through the Mobile Home Park. Not a safe situation considering the number of children that reside in the park. They ride their bikes and walk on the roads with in the park (which are private roads). I am requesting that The Planning Board make the Installation of a New Privacy Fence a condition of approval for this Site Plan Amendment. It would actually be beneficial to the Park resident to have the privacy fence run up along the entire back of the Tavern to block off the Establishment total from the residential area. The back of the Tavern and its' ancillary structures and what is left lying around there is not very pleasing to look at.

My third concern is the lack of adequate restroom facilities for an establishment such as the 207 Tavern. The Tavern currently has only one restroom that has on sink and one toilet, which is used by patrons of both sexes and the employees as well. Several residents have seen Patrons relieve themselves on the telephone pole that is directly behind the tavern. They have also witnessed patrons going up the path behind the Tavern into the woods/bushes and relieving themselves there as well. This situation should not exist next to a residential neighborhood. Additional restroom facilities should be in place before the Planning Board even considers allowing the Tavern the ability to serve more patrons. Additional restroom capacity should be a condition of approval.

I also question why the Trash Dumpster and Grease tank are not screened from general public view. I seem to recall that per ordinance dumpsters are supposed to be screened from view. It also appears that trash and debris has been dumped at the edge of the parking lot near the Dumpster and has been covered over with dirt/fill.

The Town Planner told me that the Planning Board hadn't decided to do a site visit for this application so I have included some photos for your viewing and they highlight some of my concerns as well as to give you a general view of the conditions around the Tavern as well.

In general, I also question if proper permitting was applied for and granted for all the additions to the Taverns Main Building as well as the out building that has been built and is currently being used for food cooking/preparation.

Thank you in advance for considering my concerns. It is my hope that not only my concern, but those of some of my neighbors as well can all be addressed and resolved so that this commercial establishment can exist and operate without compromising our residential neighborhood.

Respectfully,



Stephen R. Beckert

9 Heritage Drive

Eliot. Maine 03903



2017

TAVERN
A GREAT LOCAL PUB

JIM ENGLE
125" SCH40 DWV
P.O. 1126 370 2510 373 4579 52855-4579 78 455 78 455





207
TAVERN
BREAKFAST • LUNCH • DINNER
SOUP
AND
SANDWICH

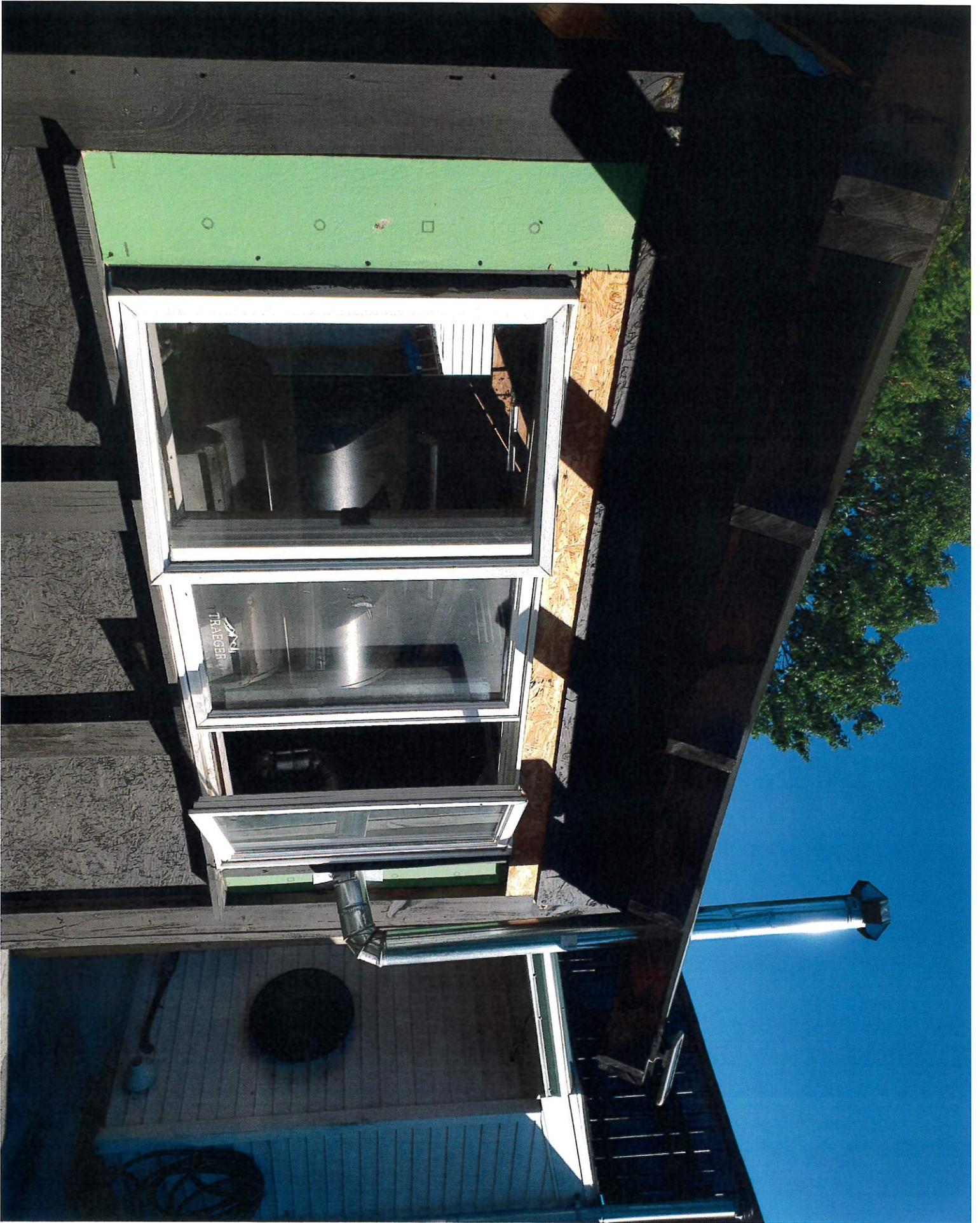








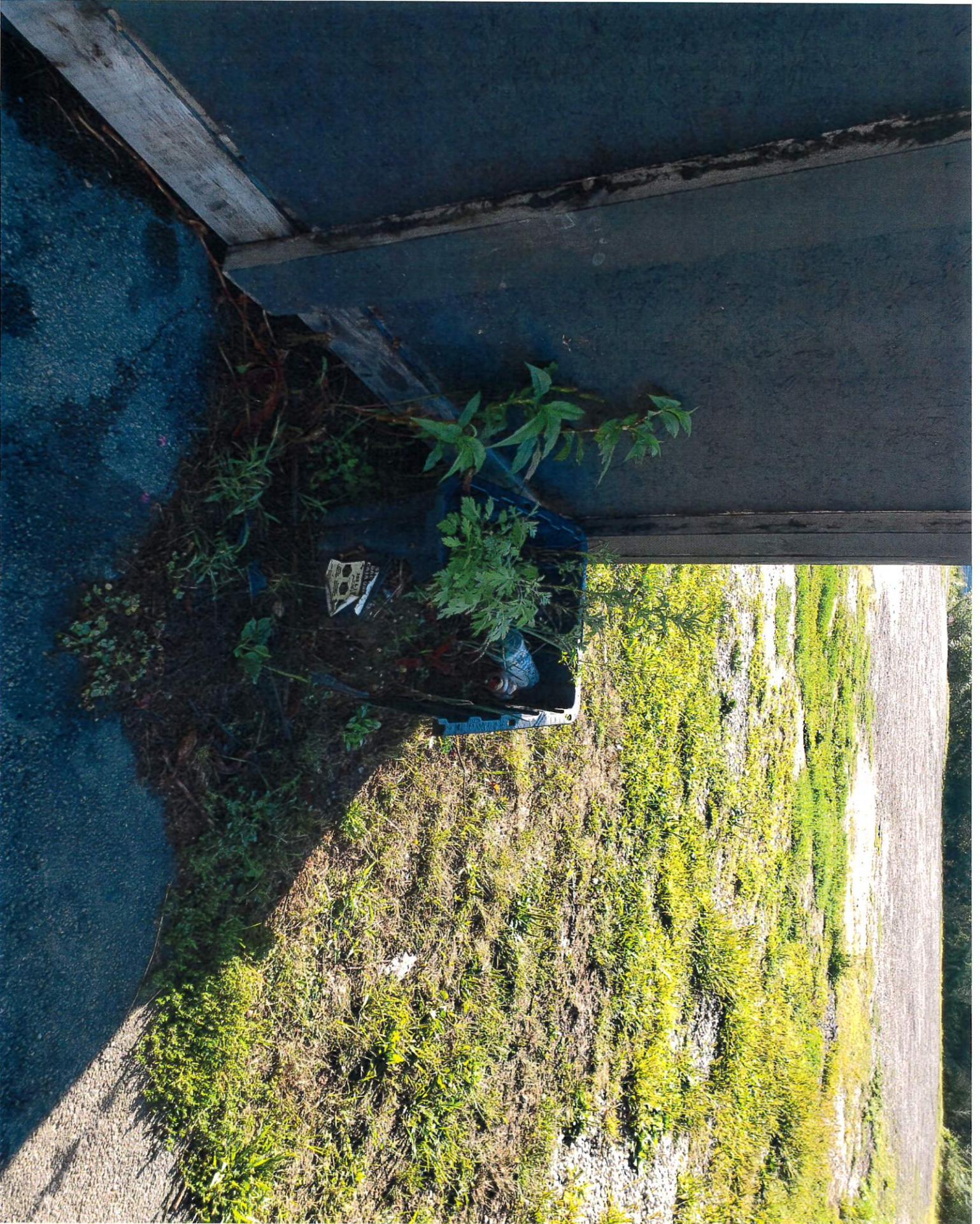














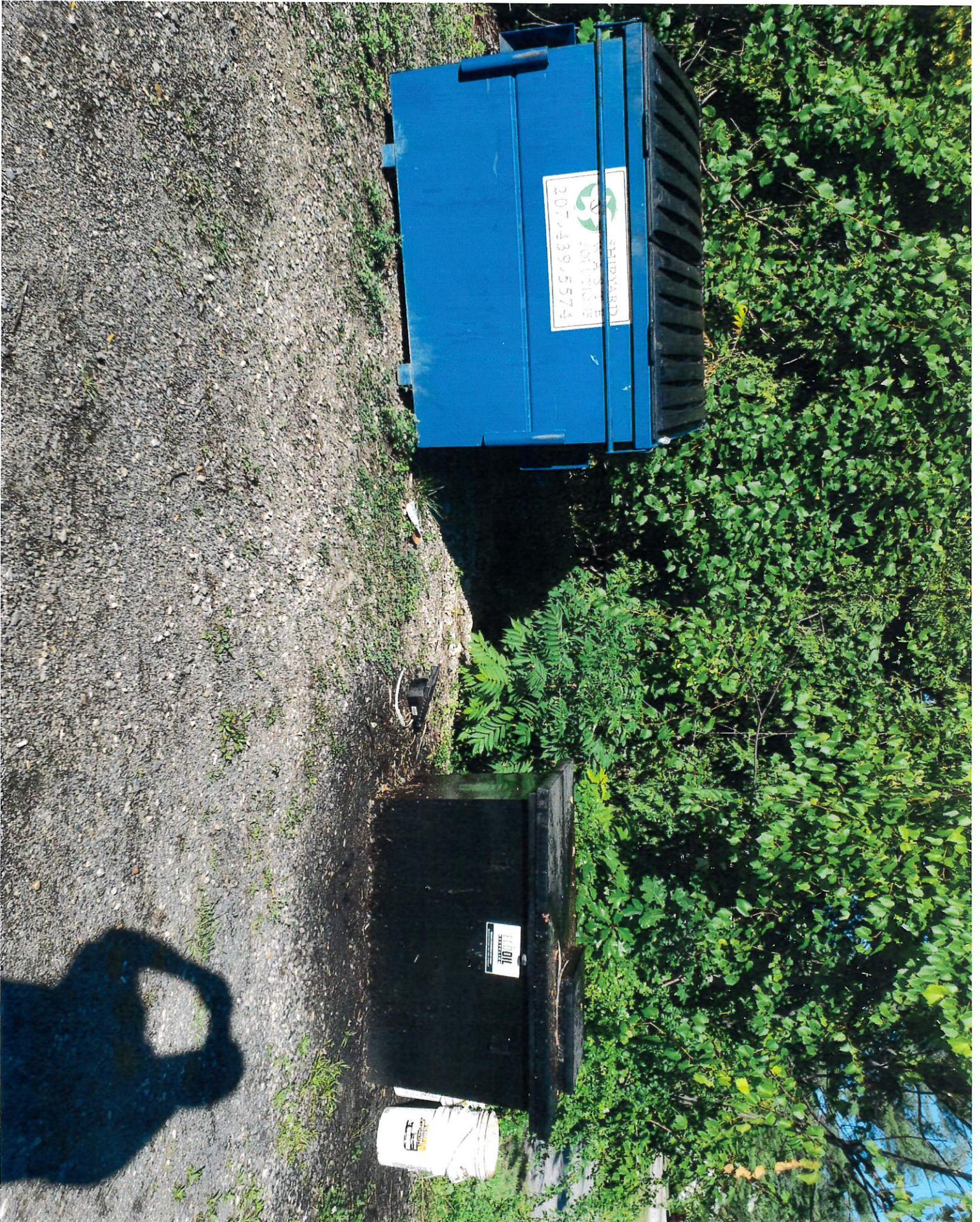


Smithfield













TOWN OF ELIOT MAINE

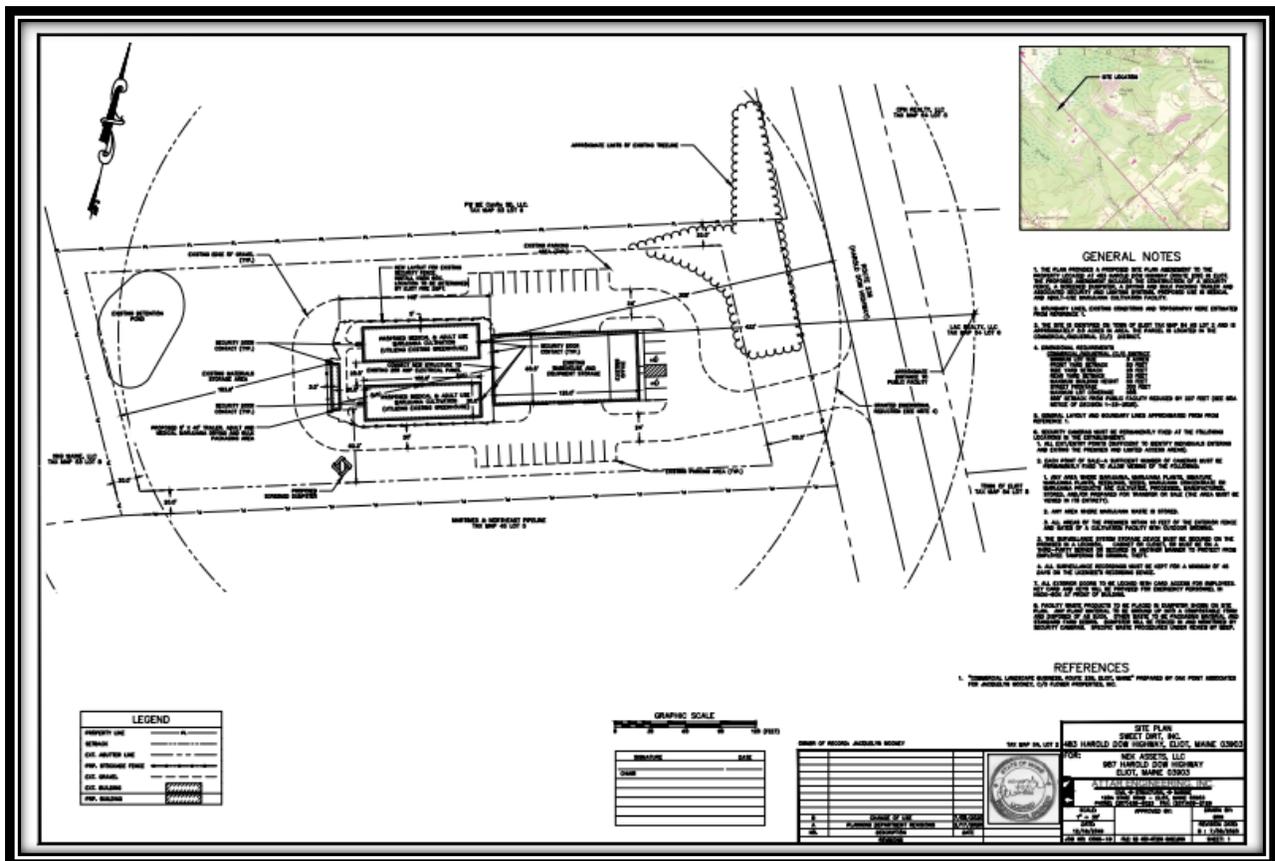
PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP - Town Planner
David C.M. Galbraith – Planning Consultant, Southern Maine Planning (SMPDC).
Cc: Sweet Dirt LLC, Applicant / Existing Tenant
Flower Company Properties Inc. - Property Owner
Shelly Bishop – Town of Eliot Code Enforcement Officer (CEO)
Kearsten Metz - Land Use Administrative Assistant
Date: August 18, 2020 (meeting date)
Re: PB20-12: 483 Harold Dow Highway (Map 054 / Lot 002) Site Plan Amendment /
Change in Use – Medical Marijuana and Adult Marijuana Cultivation, Drying and
Bulk Packaging.

Application Details/Checklist Documentation	
✓ Address:	483 Harold Dow Highway
✓ Map/Lot:	Map 054 / Lot 002
✓ PB Case#:	PB19-19
✓ Zoning District:	Commercial Industrial District (CID)
✓ Shoreland Zoning:	N/A
✓ Owner Name:	Flower Company Properties Incorporated
✓ Applicant Name:	Sweet Dirt Inc. – Existing Tenant
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none">• Change in Use• Site Plan Amendment
✓ Application Received by Staff:	Date: July 7, 2020
✓ Application Fee Paid and Date:	\$100.00 For Change in Use Date Paid: July 7, 2020 (Check # 2042)
✓ Application Fee Paid and Date:	Not Paid: Site Plan Amendment
✓ Application Sent to Staff Reviewers:	Date: July 7, 2020
Application Heard by PB	Date: August 18, 2020
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 in Use

Memo: PB20-12: 483 Harold Dow Highway (Map 054 / Lot 002) Site Plan Amendment / Change in Use – Medical Marijuana and Adult Marijuana Cultivation, Drying and Bulk Packaging.

Overview: This application is for Change in Use / Site Plan Amendment for Sweet Dirt Inc. The subject property is located at 483 Harold Dow Highway (Map 054- / Lot 002). The property is approximately three (3) acres in area and currently has three existing buildings. Sweet Dirt LLC is seeking approval to convert the two (2) existing greenhouses, which are each 30 feet by 100 feet from medical marijuana cultivation into a medical marijuana *and* adult use cultivation operation. The operation is currently enclosed by a fence and the proposed plans include the slight relocation of the fenced area and the installation of an “8’ x 40’ trailer” for “drying and curing module (which will be fixed to the ground) and the addition of additional security”. Although the proposed building is fairly small (320 s.f.) the addition of the new building requires a Site Plan Amendment.



PB20-12: 483 Harold Dow Highway (Map 054 / Lot 002) Site Plan

Memo: PB20-12: 483 Harold Dow Highway (Map 054 / Lot 002) Site Plan Amendment / Change in Use – Medical Marijuana and Adult Marijuana Cultivation, Drying and Bulk Packaging.

On January 16, 2020 the proposed use of the property as a “caregiver facility”. Sweet Dirt was reviewed by the Zoning Board of Appeals (ZBA) as they were seeking a dimensional waiver from 500 feet to 250 feet as the site was / is within 500 feet of the Town’s Transfer Station (section 33-190e) this case was heard by the ZBA and approval was granted. Following the ZBA approval the proposed use as a (medical cultivation / caregiver facility) went before the Planning Board for approval of a “Non-profit Medical Marijuana Dispensary” and an amendment to a previously approved Site Plan (PB04-03, May 18, 2004) “to change the use of the two existing greenhouse structures from Wholesale Business Facility to Registered Primary Caregiver for the purpose of Medical Marijuana Cultivation and utilizing a portion of the existing warehouse for medical marijuana processing.” The application was approved on February 18, 2020.



PB20-12: 483 Harold Dow Highway (Map 054 / Lot 002)

As outlined above the applicants are requesting that approve a Change in Use to allow the applicants to grow, harvest, dry, and bulk package both medical marijuana and adult use marijuana. There are no adult use or medical use sales proposed for this property at this time. If marijuana retail sales are desired at this location at a later date it will be

Memo: PB20-12: 483 Harold Dow Highway (Map 054 / Lot 002) Site Plan Amendment / Change in Use – Medical Marijuana and Adult Marijuana Cultivation, Drying and Bulk Packaging.

required to, at minimum, go before the Planning Board for a “Change in Use”. The applicants do not anticipate an increase in truck traffic or passenger vehicle traffic.

The application did not include a "conditional use permit" for the adult use growing, drying and packaging from the State of Maine. As has been mentioned before the Town requires that a conditional use permit be provided for any new adult use marijuana operations. As required by the Town of Eliot a Conditional Use Permit must be received by the State of Maine before applications of this nature are brought before the Planning Board. Attached you will find a copy of the "conditional use permit" for the adult use growing, drying and packaging from the State of Maine. At this time the applicant would request that the application is determined to be complete and that a public hearing be scheduled at the next available Planning Board meeting.

Respectfully submitted,

David C.M. Galbraith

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

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA
PROGRAM



This certifies that

SWEET DIRT, LLC
ACB153

DOING BUSINESS AS: SWEET DIRT

has been issued a **CONDITIONAL** license as an **ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 2** under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

ISSUED ON
05/15/2020


DIRECTOR
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON
05/14/2021

**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 ACB153 has been issued based on the following organizational structure:

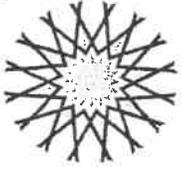
Principals:

JESSICA JEAN OLIVER, MANAGER
KRISTIN ANN POPE, MANAGER
HUGHES SPENCER POPE, MANAGER

Owners:

50.00% - HUGHES SPENCER POPE
50.00% - KRISTIN ANN POPE

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.



ATTAR
ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

David C.M. Galbraith
Interim Town Planner
Town of Eliot
1333 State Road
Eliot, Maine 03903

July 7th, 2020
Project No.: C065-19

**Re: Sweet Dirt, Inc. 483 Harold Down Highway
Site Plan Narrative**

Dear Mr. Galbraith:

Please find attached to this letter a site plan for the property located at 483 Harold Dow Highway for your review.

Attached is a proposed change of use to the currently approved site plan. We propose to add a small work structure (8' x 40') for medical and adult use marijuana drying and bulk packaging. We would also propose to change the use of the existing greenhouses to be for both medical and adult use marijuana cultivation.

This site has been through the Board of Appeals process, and Sweet Dirt has received a dimensional waiver from 500' to 227' with respect to Zoning Ordinance section 33-190e. The site is within 500' of the Eliot Transfer Station.

As you will note, we have marked our Adult Use Camera plan as confidential due to the sensitive nature of this security plan.

Several waivers are requested as the project proposes no construction beyond the construction of the 8'X40' structure. These are listed in the attached application.

We look forward to further discussion of this project at the next available meeting. Please contact me for any additional information or clarifications required.

Sincerely,

Brian Nielsen, EIT
Staff Engineer

cc: Sweet Dirt, Inc.

2019-12-03 - 483 Harold Dow Sweet Dirt Site Plan Narrative



TOWN OF ELIOT

1333 STATE RD., ELIOT, ME 03903

REQUEST FOR PLANNING BOARD ACTION

(FOR MISCELLANEOUS USES OR CHANGES)

✓ Applicant NEK Assets, LLC
 Mailing Address 987 Harold L Dow Highway City Eliot State ME Zip 03903
 Telephone # (917) 805-0444 Email address jrines@northeastkind.com
(TO RECEIVE MEETING NOTICES)

✓ Property Owner The Flower Companies, Inc
 Mailing Address 9 Island Way City Kittery State ME Zip 03904

✓ Property address 483 Harold L Dow Highway Tax Map # 54 Lot # 2
 Size (acres) 3.21 Zoning District Commercial/ Industrial Shoreland Overlay District? No

✓ Conforming Lot? YES/NO Conforming Use? YES/NO Conforming Structure? YES/NO

- ✓ Legal interest in property identified by applicant by:
- Owner (copy of deed &/or tax records)
 - Pending Owner (copy of purchase & sale agreement)
 - ✓ Lease (copy of lease agreement with owners & applicants signature)
 - Corporate Officer (letter from corporation)
 - Other (identify: _____)

✓ Nature of action requested:
 (Example: *Request to amend a a previously approved site plan by adding a 10' x 20' addition*)
Request to amend a previously approved site plan by changing the use to adult use and medical marijuana facility.
Adding an 8' x 40' detached structure for drying and bulk packaging medical and adult use marijuana.

✓ Attach ten (10) copies of sketch plan of property showing in approximate dimensions, all zoning districts, existing/proposed structures, parking areas, streets, entrances, existing and proposed setbacks, proposed lot divisions, proposed open space to be preserved, common areas, site & public improvements and facilities, any areas of excavation and grading, and any other criteria needed to evaluate request. Sketch plan is not required if so advised by the Planning Assistant.

✓ Applicants signature [Signature] COO-NEK Assets, LLC Date 07/07/2020
 Property owners signature _____ Date _____

TO BE COMPLETED BY PLANNING ASSISTANT

Date application received by PA _____ PA signature _____

Sketch plan required? YES NO

FEE AMOUNT \$ _____ DATE PAID: _____ FORM OF PAYMENT: _____

Site Plan Review Submissions Checklist

Applicant Name: NEK Assets, LLC

Address & Map/Lot: 483 Harold Dow Highway, Tax Map 54 Lot 2

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	X			
33-127(2)	Name & Address of Record Owners, Developer and Designer	X			
33-127(3)	Names & Addresses of All Abutters and Their Present Land Use	X			
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	Waiver requested, no construction near lot boundaries			

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features	X			
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	To be placed			
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	Waiver requested, no change to existing topography			
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	X			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan	Waiver requested, no change to impervious area or drainage paths			
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	X			
33-127(11)	A soil erosion and sediment control plan	Waiver requested, no change to existing topography			
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 additional septic proposed			

	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	Waiver requested, no additional drainage sewer or water load			
33-127(14)	Connection with existing water supply or alternative means of providing water supply to the proposed development	Waiver requested, no additional water load			
33-127(15)	Connection with existing sanitary sewerage system or alternative means of treatment & disposal proposed	Waiver requested, no additional sewer or water load			
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 additional sewer or water load			
33-127(17)	An estimated progress schedule	3 weeks after approval			
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	X			
b.	All existing & proposed setback dimensions	X			
c.	The size, location, direction & intensity of illumination of all major outdoor lighting apparatus & signs	X			
d.	The type, size & location of all incineration devices	N/A			
e.	The type, size & location of all machinery likely to generate appreciable noise beyond the lot lines	N/A			
f.	The amount & type of any raw, finished or waste	N/A			

	materials to be stored outside of roofed buildings, including their physical & chemical properties, if appropriate				
g.	The location, type & size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas & the layouts together with all dimensions	X			
h.	All landscaped areas, fencing & size & type of plant material proposed to be retained or replanted	X			
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	X			

	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:	



300 foot Abutters List Report

Eliot, ME
December 03, 2019

Subject Property:

Parcel Number: 054-002-000	Mailing Address: FLOWER COMPANY PROPERTIES INC
CAMA Number: 054-002-000	9 ISLAND AVE
Property Address: 483 HAROLD L DOW HWY	KITTERY, ME 03904

Abutters:

Parcel Number: 045-005-000	Mailing Address: MARITIMES & NORTHEAST PIPELINE
CAMA Number: 045-005-000	C/O DUFF & PHELPS LLC
Property Address: 413 HAROLD L DOW HWY	PO BOX 2629
	ADDISON, TX 75001

Parcel Number: 053-006-000	Mailing Address: FLOWER COMPANY PROPERTIES INC
CAMA Number: 053-006-000	9 ISLAND AVE
Property Address: 495 HAROLD L DOW HWY	KITTERY, ME 03903

Parcel Number: 053-007-000	Mailing Address: MARBLE, GAYLEN B HRS OR DEVS
CAMA Number: 053-007-000	MARBLE, MARGARET F HRS OR DEVS
Property Address: 505 HAROLD L DOW HWY	505 HAROLD L DOW HWY
	ELIOT, ME 03903

Parcel Number: 053-008-000	Mailing Address: XNG MAINE LLC
CAMA Number: 053-008-000	300 BRICKSTONE SQUARE STE 1005
Property Address: 525 HAROLD L DOW HWY	ANDOVER, MA 01810

Parcel Number: 054-005-000	Mailing Address: CPN REALTY LLC
CAMA Number: 054-005-000	2028 STATE RD
Property Address: 496 HAROLD L DOW HWY	ELIOT, ME 03903

Parcel Number: 054-006-000	Mailing Address: LAC REALTY LLC
CAMA Number: 054-006-000	31 CLARK RD
Property Address: HAROLD L DOW HWY	ELIOT, ME 03903

Parcel Number: 054-008-000	Mailing Address: TOWN OF ELIOT TRANSFER STATION
CAMA Number: 054-008-000	1333 STATE RD
Property Address: 468 HAROLD L DOW HWY	ELIOT, ME 03903



www.cai-tech.com

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

12/3/2019

Page 1 of 1

Documents from the applicant regarding the proposed on-site security cameras were previously included here. At the applicant's request for confidentiality, the documents were removed from the packet posted online.

For more information, please contact Jeff Brubaker, AICP, Town Planner, at planner@eliotme.org or 207-439-1817 x 112.

Network Bandwidth & Disk Space

Resolution	Compression	Motion %	Frame Size*, KB	FPS	Days	Cameras	Recording %	Bandwidth, Mbit/s	Disk Space, GB	Bitrate, kbit/s
1920x1080	H.264-10 (High Quality)	50 - Average	25	15	45	1	100	3.07	1493	3072
1920x1080	H.264-10 (High Quality)	50 - Average	25	15	45	1	100	3.07	1493	3072
1920x1080	H.264-10 (High Quality)	50 - Average	25	15	45	1	100	3.07	1493	3072
1920x1080	H.264-10 (High Quality)	50 - Average	25	15	45	1	100	3.07	1493	3072
1920x1080	H.264-10 (High Quality)	50 - Average	25	15	45	1	100	3.07	1493	3072
1920x1080	H.264-10 (High Quality)	50 - Average	25	15	45	1	100	3.07	1493	3072
1920x1080	H.264-10 (High Quality)	50 - Average	25	15	45	1	100	3.07	1493	3072
1920x1080	H.264-10 (High Quality)	50 - Average	25	15	45	1	100	3.07	1493	3072
2560x1920	H.264-10 (High Quality)	50 - Average	58	15	54	1	100	7.13	4156.5	7127
2560x1920	H.264-10 (High Quality)	50 - Average	58	15	45	1	100	7.13	3463.7	7127
2816x2816	H.264-10 (High Quality)	50 - Average	94	15	45	1	100	11.55	5613.6	11551
2560x1920	H.264-10 (High Quality)	50 - Average	58	15	45	1	100	7.13	3463.7	7127
4512x1728	H.264-10 (High Quality)	50 - Average	93	15	45	1	100	11.43	5553.9	11428

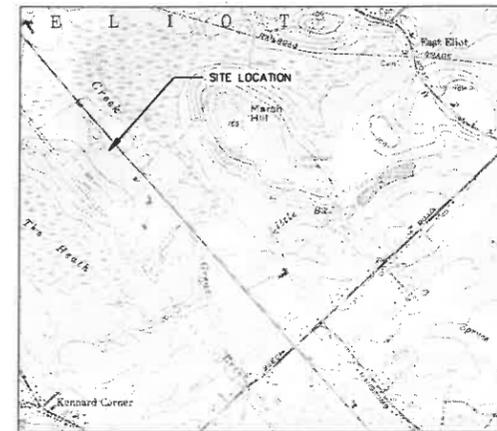
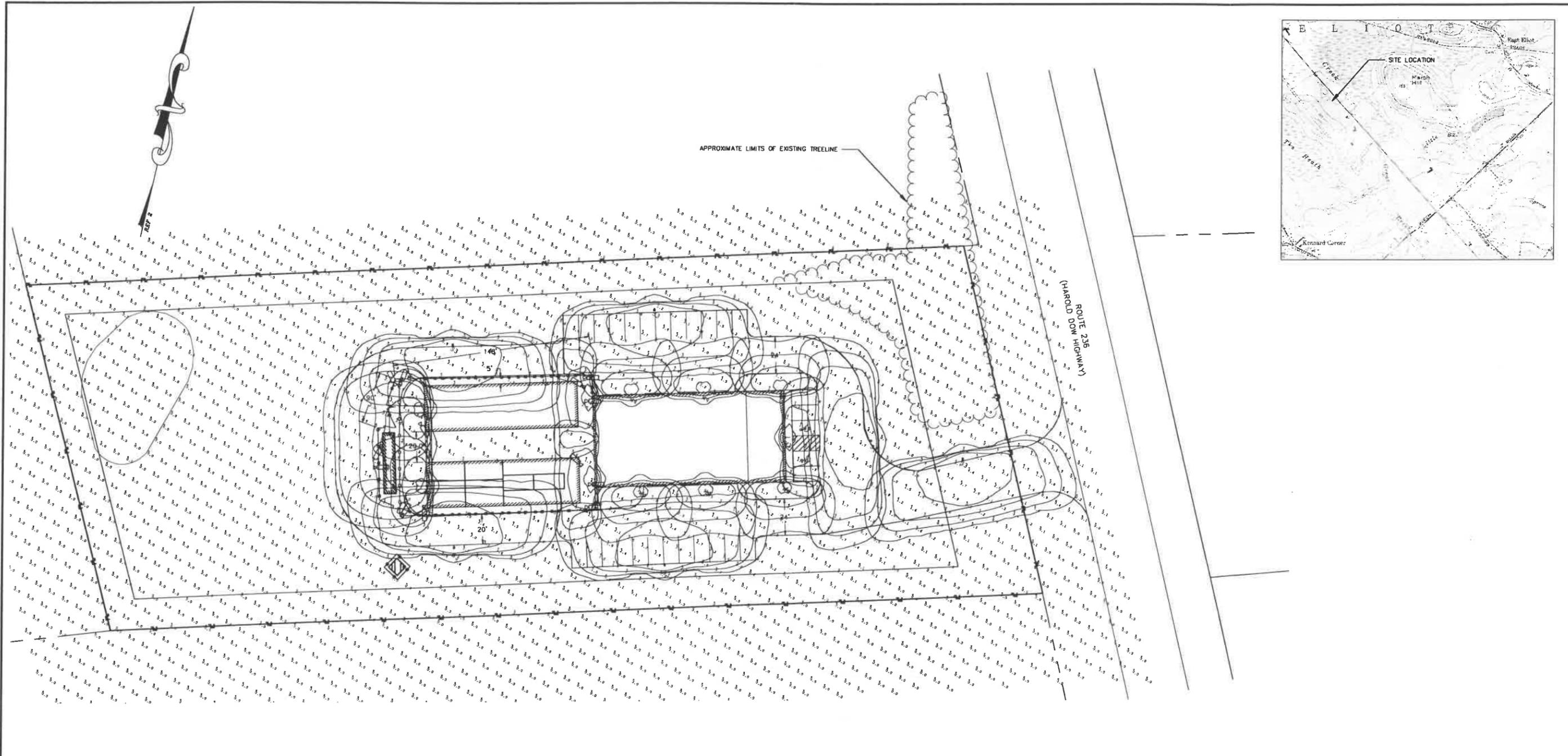
Confidential Trade Secret Pursuant to 1 MRS 402(B)(B), Mer. Evid. 26(b)(1), 10 MRS 1542(4)(A)

Network Bandwidth & Disk Space

Resolution	Compression	Motion %	Frame Size*, KB	FPS	Days	Cameras	Recording %	Bandwidth, Mbit/s	Disk Space, GB	Bitrate, kbit/s
1920x1920	H.264-10 (High Quality)	50 - Average	44	15	45	1	100	5.41	2627.7	5407
1920x1920	H.264-10 (High Quality)	50 - Average	44	15	45	1	100	5.41	2627.7	5407
2560x1920	H.264-10 (High Quality)	50 - Average	58	15	45	1	100	7.13	3463.7	7127
2560x1920	H.264-10 (High Quality)	50 - Average	58	15	45	1	100	7.13	3463.7	7127

Confidential Trade Secret pursuant to 1 MRS 402(j)(B), MeR.Evid. 26(b)(1), 10 MRS 1542(4)(A)

Total FPS	Bandwidth, Mbit/s	Disk space, GB
240	90.94	44885.2

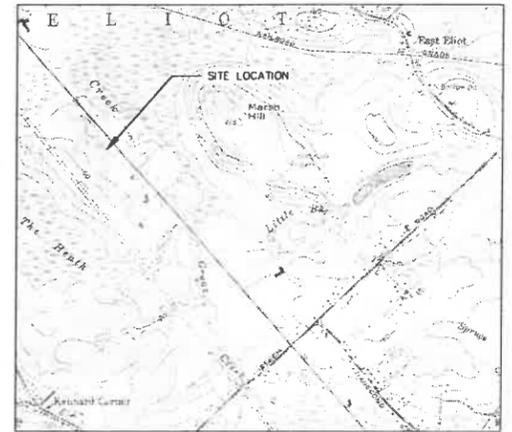
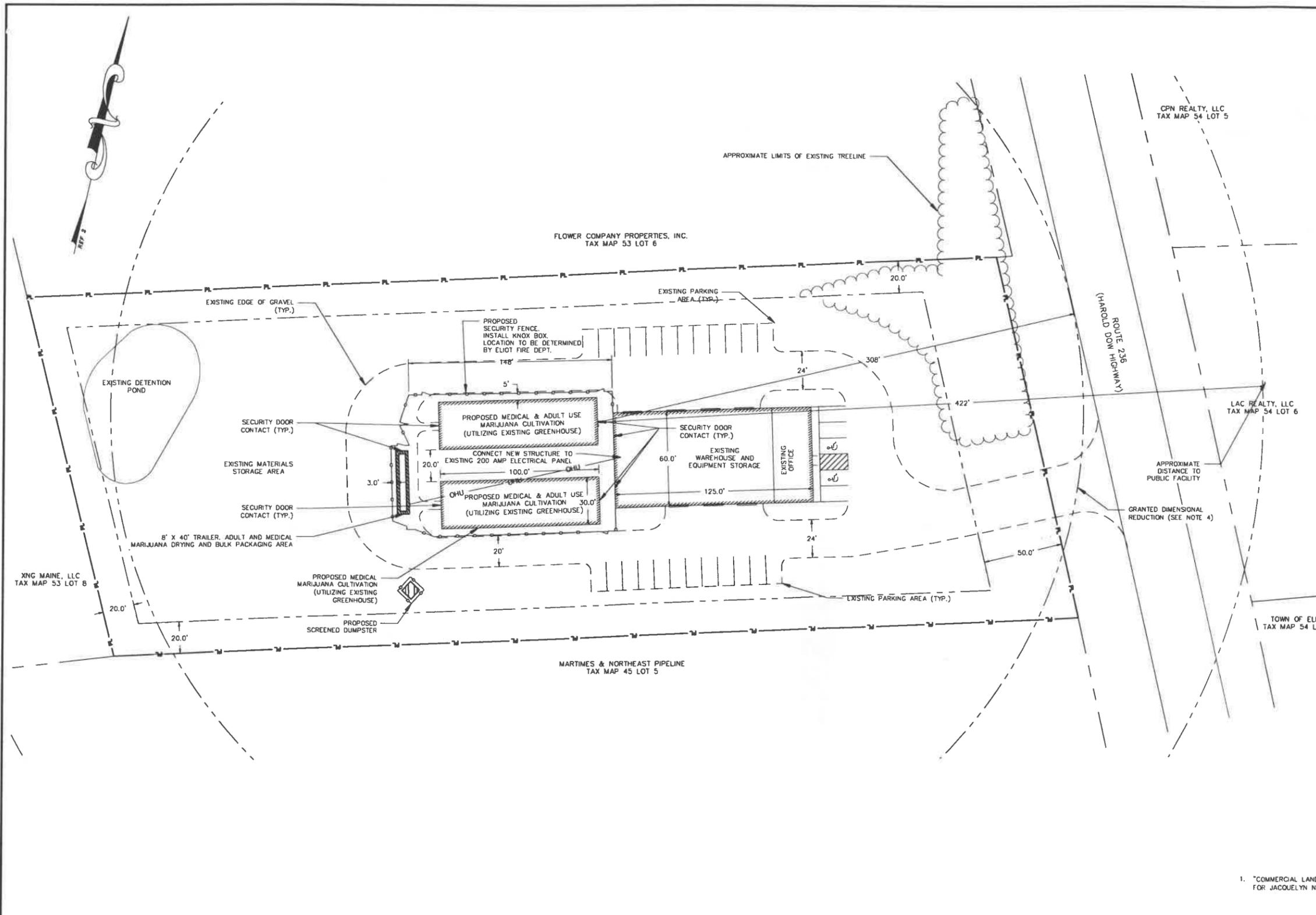


Luminaire Schedule				
Symbol	Qty	Label	Arrangement	Description
⊖	6	S3	SINGLE	GLEON-AF-02-LED-E1-SL3-HSS/ SSS4A203FN1 (20' AFG)
⊖	1	S4	SINGLE	GLEON-AF-02-LED-E1-SL4-HSS/ SSS4A203FN1 (20' AFG)
⊖	3	W3	SINGLE	ISS-AF-350-LED-E1-SL3/ WALL MTD 12' AFG
⊖	8	W4	SINGLE	ISS-AF-350-LED-E1-SL4/ WALL MTD 12' AFG



REFERENCES

1. "COMMERCIAL LANDSCAPE BUSINESS, ROUTE 236, ELIOT, MAINE" PREPARED BY OAK POINT ASSOCIATES FOR JACQUELYN NOONEY, C/O FLOWER PROPERTIES, INC.



GENERAL NOTES

1. THE PLAN PROVIDES A PROPOSED SITE PLAN AMENDMENT TO THE PROPERTY LOCATED AT 483 HAROLD DOW HIGHWAY (ROUTE 236) IN ELIOT. THE PROPOSED AMENDMENT INCLUDES THE CONSTRUCTION OF A SECURITY FENCE, A SCREENED DUMPSTER, A DRYING AND BULK PACKING TRAILER AND ASSOCIATED SECURITY AND LIGHTING SYSTEMS. PROPOSED USE IS MEDICAL AND ADULT-USE MARIJUANA CULTIVATION FACILITY.
2. BOUNDARY LINES, EXISTING CONDITIONS AND TOPOGRAPHY WERE ESTIMATED FROM REFERENCE 1.
3. THE SITE IS IDENTIFIED ON TOWN OF ELIOT TAX MAP 54 AS LOT 2 AND IS APPROXIMATELY 3.0 ACRES IN AREA. THE PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL (C/I) DISTRICT.
4. DIMENSIONAL REQUIREMENTS
COMMERCIAL/INDUSTRIAL (C/I) DISTRICT
MINIMUM LOT SIZE 3 ACRES
FRONT YARD SETBACK 50 FEET
SIDE YARD SETBACK 20 FEET
REAR YARD SETBACK 20 FEET
MAXIMUM BUILDING HEIGHT 55 FEET
STREET FRONTAGE 300 FEET
MAXIMUM LOT COVERAGE 50%
50' SETBACK FROM PUBLIC FACILITY REDUCED BY 227 FEET (SEE BOA NOTICE OF DECISION 1-23-2020).
5. GENERAL LAYOUT AND BOUNDARY LINES APPROXIMATED FROM FROM REFERENCE 1.
6. SECURITY CAMERAS MUST BE PERMANENTLY FIXED AT THE FOLLOWING LOCATIONS IN THE ESTABLISHMENT:
 1. ALL EXIT/ENTRY POINTS (SUFFICIENT TO IDENTIFY INDIVIDUALS ENTERING AND EXITING THE PREMISES AND LIMITED ACCESS AREAS).
 2. EACH POINT OF SALE-A SUFFICIENT NUMBER OF CAMERAS MUST BE PERMANENTLY FIXED TO ALLOW VIEWING OF THE FOLLOWING:
 1. ANY AREA WHERE MARIJUANA, MARIJUANA PLANTS, IMMATURE MARIJUANA PLANTS, SEEDLINGS, SEEDS, MARIJUANA CONCENTRATE OR MARIJUANA PRODUCTS ARE CULTIVATED, PROCESSED, MANUFACTURED, STORED, AND/OR PREPARED FOR TRANSFER OR SALE (THE AREA MUST BE VIEWED IN ITS ENTIRETY).
 2. ANY AREA WHERE MARIJUANA WASTE IS STORED.
 3. ALL AREAS OF THE PREMISES WITHIN 10 FEET OF THE EXTERIOR FENCE AND GATES OF A CULTIVATION FACILITY WITH OUTDOOR GROWING.
7. THE SURVEILLANCE SYSTEM STORAGE DEVICE MUST BE SECURED ON THE PREMISES IN A LOCKBOX, CABINET OR CLOSET, OR MUST BE ON A THIRD-PARTY SERVER OR SECURED IN ANOTHER MANNER TO PROTECT FROM EMPLOYEE TAMPERING OR CRIMINAL THEFT.
8. ALL SURVEILLANCE RECORDINGS MUST BE KEPT FOR A MINIMUM OF 45 DAYS ON THE LICENSEE'S RECORDING DEVICE.
9. ALL EXTERIOR DOORS TO BE LOCKED WITH CARD ACCESS FOR EMPLOYEES. KEY CARD AND KEYS WILL BE PROVIDED FOR EMERGENCY PERSONNEL IN KNOX-BOX AT FRONT OF BUILDING.
10. FACILITY WASTE PRODUCTS TO BE PLACED IN DUMPSTER SHOWN ON SITE PLAN. ANY PLANT MATERIAL TO BE GROUND UP INTO A COMPOSTABLE FORM AND DISPOSED OF AS SUCH. OTHER WASTE TO BE PACKAGING MATERIAL AND STANDARD FARM DEBRIS. DUMPSTER WILL BE FENCED IN AND MONITORED BY SECURITY CAMERAS. SPECIFIC WASTE PROCEDURES UNDER REVIEW BY MDEP.

REFERENCES

1. "COMMERCIAL LANDSCAPE BUSINESS, ROUTE 236, ELIOT, MAINE" PREPARED BY OAK POINT ASSOCIATES FOR JACQUELYN NOONEY, C/O FLOWER PROPERTIES, INC.

LEGEND

PROPERTY LINE	—●—●—●—●—
SETBACK	-----
EXT. ABUTTER LINE	-----



SIGNATURE _____ DATE _____

OWNER OF RECORD: JACQUELYN NOONEY
TAX MAP 54, LOT 2
SITE PLAN
SWEET DIRT, INC.
483 HAROLD DOW HIGHWAY, ELIOT, MAINE 03903
FOR: NEK ASSETS, LLC

From: [Sean Armstrong](#)
To: [Land Use](#)
Subject: Planning Board regarding Sweet Dirt
Date: Thursday, August 27, 2020 11:02:04 AM
Attachments: [Sweet Dirt Issues.docx](#)

Hello,

I am a resident of Eliot. I wanted to express my concerns to the Planning Board about the proposed site plan of Sweet Dirt, and what appears to be an attempt to circumvent the adult use rule and 500ft requirement.

Attached is a letter I'd like the Planning Board to have and consider before granting any waivers etc on Sept. 1st. Will this be given to the PB to review and consider?

Thank you.

Sean

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

axisgis.com/eliotme/

Eliot, ME

Contact 63-20

Subject Features

1 Parcel feature

+ Add or Remove

Find Abutters

Select parcels within: 500 Feet Select

+ Add or Remove

Reports

Abutters Report Pdf Excel

Mailing Labels Pdf Excel 17

Search 1

Abutters 10

Layers

Parcel #: 054-002-000

483 HAROLD L DOW HWY



Documents & Links Assessment Sales Permits Build

Zoom to

CAI AxisGIS

About Disclaimer Help Feedback

0 150 300ft X: -70.79105, Y: 44.2

axisgis.com/eliotme/

Eliot, ME

Contact 63-20

Subject Features

1 Parcel feature

+ Add or Remove

Find Abutters

Select parcels within: 500 Feet Select

+ Add or Remove

Reports

Abutters Report Pdf Excel

Mailing Labels Pdf Excel 17

Search 1

Abutters

Layers

CAI AxisGIS

About Disclaimer Help Feedback

0 150 300ft X: -70.79229, Y

You have unread notifications!

Parcel #: 053-007-000

Documents & Links	Assessment	Sales	Permits	BuildingData
ID	2787			
ParcelNumber	053-007-000			
GisFullNumber	053-007-000			
CamaFullNumber	053-007-000			
AV BID	3900			
MDL	01			
MDL DESC	Residential			

Zoom to



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Brooke Raitt
Date: August 26, 2020 (report date)
September 1, 2020 (meeting date)
Re: PB20-13: 2135 State Rd. (Map 94 / Lot 1) – State Road Home Day Care Home Business

Application Details/Checklist Documentation	
✓ Address:	2135 State Rd.
✓ Map/Lot:	94/1
✓ PB Case#:	PB20-13
✓ Zoning District:	Rural
✓ Shoreland Zoning:	N/A
✓ Owner Name:	Adam and Richard Raitt
✓ Applicant Name:	Brooke Raitt
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none">• Home Business Application
✓ Application Received by Staff:	8/6/2020
✓ Application Fee Paid and Date:	Not yet paid
✓ Application Sent to Staff Reviewers:	Date: 8/6/2020
Application Heard by PB	Date: 8/18/2020
Found Complete by PB	Date: 8/18/2020
Site Walk	Date: N/A
Public Hearing	Date: 9/1/2020 (scheduled)
Public Hearing Publication	Date: 8/20/2020
Deliberation	Date: 9/1/2020 (anticipated)
Notice of Decision	Date: 9/15/2020 (anticipated)
✓ Reason for PB Review:	Home Business Application

Overview: This application is for a day care home business located at 2135 State Rd., Map 94, Lot 1, within the Rural zoning district. The lot contains an existing single-family residential dwelling unit and a 1,080 sq. ft. garage with loft apartment. The applicant, Brooke Raitt, dba Little House Child Care LLC, is proposing to operate a child care business to care for a maximum of 10 children between the ages of 6 weeks and 12 years. The applicant proposes to have one other employee starting in September. The hours of operation would be 7:00 a.m. to 4:30 p.m. No merchandise or products will be sold as part of the proposed home business. 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 existing driveway area in front of the garage is shown as having room for up to 12 vehicles to park. The applicant is proposing a 12 in. by 18 in. sign mounted on the house next to the entry door, which will need to conform to the Town's Signage Ordinance.

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:

Zoning: The proposed use is day nursery, which is an SPR (site plan review) use in Section 45-290 of the land use regulations. The proposed home business must conform to the requirements of Section 45-456.1. The proposed home business is secondary to the residential use of the property, and the dwelling unit is occupied by an owner of the proposed home business, as required for home businesses. The proposed home business would use 658 sq. ft., which is less than the maximum area of 1,500 sq. ft. stipulated by Section 45-456.1(c).

Section 45.456.1(d) requires structures used as part of a home business to meet the minimum yard and setback requirements for principal structures. Based on the setbacks listed in the building permit application and a measurement using aerial imagery and lot lines in the Town's online GIS system, the building appears to meet all required yard setback requirements for principal structures. While the lot is nonconforming due to it being slightly less than the 3-acre minimum for the Rural district, no changes to lot lines are proposed.

Signage: The applicant is proposing a 12 in. by 18 in. sign to be mounted on the house next to the entry door for the home business, which meets the residential sign dimension and setback requirements of Section 45-405 and the maximum of one sign allowed by Sec. 45-456.1(j) – home business requirements. The design and content of the sign should be provided to ensure that the sign meets the requirements of Article XI of Chapter 45 – Zoning.

Parking: The applicant is proposing a parking area for customers of the day care in the existing driveway area. Section 45-456.1(i) allows home businesses to provide up to four customer parking spaces, in addition to spaces required for parking by occupants of the dwelling unit. All parking must comply with Article X of the Zoning Ordinance, with the exception that a maximum of two parking spaces may be located within the front setback. Each space shall be at least 180 square feet and areas with more than two parking spaces shall be arranged that it is unnecessary for vehicles to back into the street.

Miscellaneous: To summarize parts of the discussion from the approved minutes of the 8/18/20 meeting, the applicant reported that she had passed her state inspection and had received a state license to take care of 5 children, with local approval needed to increase the license from 5 to 10 children. She reported that she had a state fire inspection from the State Fire Marshal. Parking activity would be for pick-up and drop-off, suggesting customer parking for only a short time, with a small number of cars likely at any one time.

Planner's Recommendation for the 9/1/20 meeting: The Planning Board should hold the public hearing, consider any public comments received, deliberate on the application, and consider approval of the application.

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

ELIOT BAPTIST CHURCH
912 HAROLD L DOW HWY
ELIOT, ME 03903

RAITT, ALBERT W
RAITT, CAROLINE
196 WORSTER RD
ELIOT, ME 03903

FIGUEROA, JUAN J
196 WORSTER RD
ELIOT, ME 03903

RAITT, LEON J
HORVATH-RAITT, ANNE L
154 WORSTER RD
ELIOT, ME 03903

FOSTER, JONATHAN HRS OR D
DODGE, JULIANA F
38 PORTER ST
WENHAM, MA 01984

RAITT, RICHARD L
RAITT, DENISE
162 WITCHTROT RD
SOUTH BERWICK, ME 03903

HOLMAN, PAUL J
HOLMAN, WENDI C
2134 STATE RD
ELIOT, ME 03903

RAITT, THOMAS R
RAITT, LISA A
140 WORSTER RD
ELIOT, ME 03903

LAVALLEY, MICHAEL
LAVALLEY, HEATHER L
2112 STATE RD
ELIOT, ME 03903

SCHAFFER, PRISCILLA
975 GOODWIN RD
ELIOT, ME 03903

LEARY, ADAM M
2126 STATE RD
ELIOT, ME 03903

SCHULTZE, FREDERICK
SCHULTZE, ANTOINETTE
897 GOODWIN RD
ELIOT, ME 03903

LYTLE, PHILIP N JR
148 WORSTER RD
ELIOT, ME 03903

SMITH, WANDA L
276 OLDFIELDS RD
SOUTH BERWICK, ME 03908-1756

MACKIE, DOUGLAS R
PO BOX 196
ELIOT, ME 03903

WELCH, JEANETTE C
887 HAROLD L DOW HWY
ELIOT, ME 03903

NARBONNE, PETER J
BAENEN, MICHAEL A
985 GOODWIN RD
ELIOT, ME 03903

RAITT HOMESTEAD FARM MUSE
140 WORSTER RD
ELIOT, ME 03903

July 27, 2020

To Whom it May Concern,

I am looking to start a small childcare business in my home at 2135 State Road, Eliot. I would like to care for a maximum of (up to) 10 children between the ages of 6 weeks and 12 years old, including my two children. That is a total of 8 outside families, and primarily, I will be caring for children ages 6 weeks-3 years old with one other person working here starting in September. My hours of operation will be 7am – 4:30pm.

Thank you so much,

Brooke Raitt

Brooke Raitt



TOWN OF ELIOT, MAINE

Case# _____

HOME BUSINESS APPLICATION

Date Submitted 7-27-20
 Applicant Name(s) Brooke Raitt
 Mailing Address 2135 State Rd, Eliot Phone 207-608-5215

If you prefer to receive meeting notices and other communications via email please provide your email below:
 Email address brookeraitt@outlook.com

Property Owner(s) Adam + Richard Raitt
 Mailing Address Same and 162 Witchtrout Rd South Berwick, ME Phone 603-997-2067

Property Location/Address 2135 State Rd, Eliot

Map _____ Lot _____ Size (acres) _____

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.))
Child care, 7am - 4:30 pm

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?
Day Nursery

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 Brooke Raitt Date 7/27/20

Property owner Signature (if different) [Signature] Date 7/27/20

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.	<p>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.)</p>	<p>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.</p> <p>Husband and father-in-law own the property. I live here with my husband + children year-round</p>
2.	<p>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.</p>	<p>How many square feet are you planning to use?</p> <p>658</p>
3.	<p>c. All structures used as part of a Home Business must meet minimum yard and set back requirements for principal structures.</p>	<p>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.</p>



TOWN OF ELIOT, MAINE

Casc# _____

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: right; font-size: 1.5em;">Day Nurseries</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: right; font-size: 1.5em;">Myself only</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: right; font-size: 1.5em;">1</p>



7.	<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>N/A</p>
8.	<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>we have enough parking for 12 cars</p>



TOWN OF ELIOT, MAINE

Case# _____

9.	<p>l. Sign dimensions must meet Sec. 45-406 residential (non-commercial) requirement and shall be a maximum of 6 sq. ft. in area.</p>	<p>Are you going to have a sign? If so, how big will it be? <i>a 12" x 18" sign mounted on house next to entry door</i></p>
10.	<p>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.</p>	<p>Describe how all external (outside) evidence of the business will be screened from the street and neighboring residences. Describe all business-related vehicles. <i>N/A</i></p>
11.	<p>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.</p>	<p>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. <i>N/A</i></p>

July 27, 2020

To Whom it May Concern,

By signing below, we, the property owners of 2135 State Road, Eliot, Maine, consent and fully support Brooke Raitt operating a small child care business out of her home, located at this address.



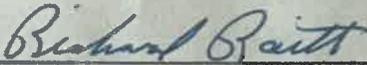
Signature

Adam Raitt

Printed Name

7/27/20

Date



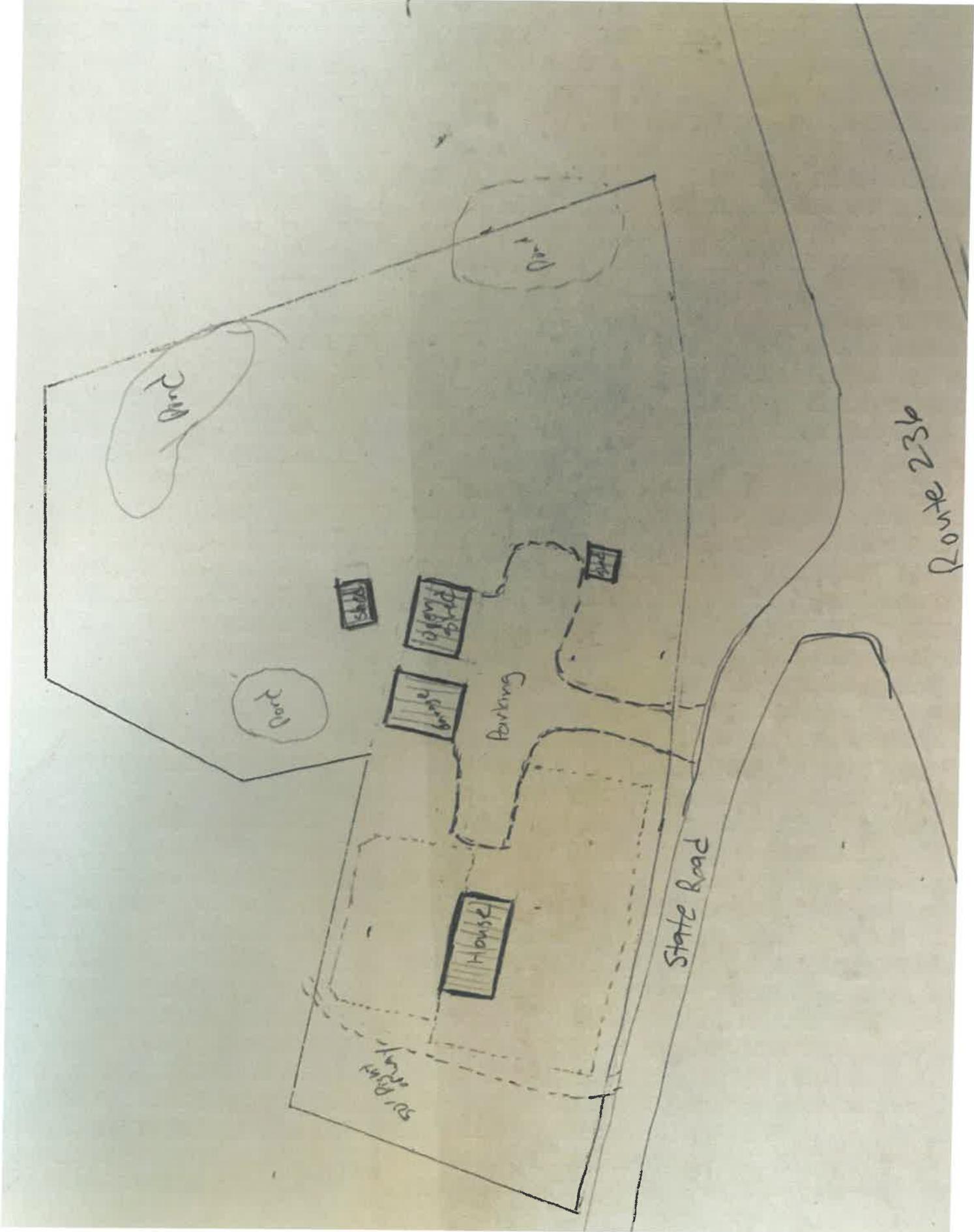
Signature

Richard Raitt

Printed Name

7-27-20

Date



Pond

Pond

Pond

Pond

Pond

Pond

Pond

House

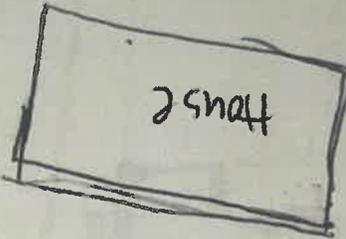
Parking

State Road

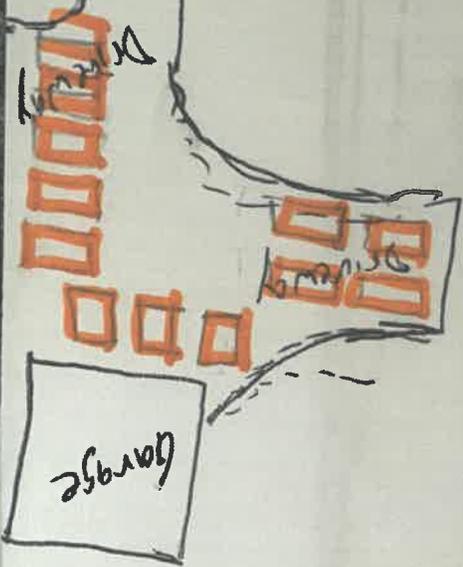
Route 236

50' Right of Way

State Road



50' Right of Way



□-vehicles

Parking Stack



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: August 27, 2020 (report date)
September 1, 2020 (meeting date)
Re: PB20-17: 1470 State Rd. (Map 27 / Lot 22) – Federal Firearms License Transfer / Sale of Firearms and Related Items

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:	7/30/2020
✓ Application Fee Paid and Date:	Not yet paid
✓ Application Sent to Staff Reviewers:	Date: 8/20/2020 (application received by Town Planner)
Application Heard by PB	Date: Scheduled for 9/1/2020 (preliminary review)
Found Complete by PB	Date:
Site Walk	Date: N/A
Public Hearing	Date: TBD
Public Hearing Publication	Date: TBD
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Home Business Application

Overview: This application is for a firearms sales home business located at 1470 State Rd., Map 27, Lot 22, within the Suburban zoning district. The lot contains an existing single-family residential dwelling unit built in 2018. The applicant, Michael Maloney, proposes to operate a business selling firearms and related items. 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. Merchandise and products are proposed to be sold as part of the proposed home business. 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.

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:

Zoning: Section 45-456.1 states that home businesses are “uses that provide space for commercial activity that is in scale and character with neighborhoods and areas that are primarily residential” and provides land use regulations home businesses must follow. These regulations relate to the table of permitted and prohibited uses in Sec. 45-290 (“land use table”), and the Home Business Application asks what permitted land use is being applied for. Therefore, the proposed use must be permitted in the land use table; however, 45-456.1e. provides an exception:

Any use that is not listed in the table of land uses, section 45-290[,] may be permitted as a home business provided both of the following requirements are met:

- (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.
- (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.

To the application questions, “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?”, the application states, “uses similar to allowed uses”. To the question, “Is your proposed use in the land use table? If not, why do [you] think it is similar to a use that is listed?”, the application states:

- Not listed
- Home business by appointment

Although the “similar” use is not listed on the application, the question of the use being similar to a retail use should be discussed. For “Retail stores, local, other” in the land use table, note 18 is shown for the Suburban zoning district. Note 18 states, in part: ‘Use is “SPR 8” unless property abuts Route 236.’ Since the property does not abut Route 236, SPR 8 applies to the use. This refers back to Footnote 8, pertaining to the home business regulations in Sec. 45-456.1, and Site Plan Review. The conclusion is that retail sales can only be done in the Suburban district if they are part of a home business and consistent 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). (2) pertains to sales of merchandise and products that are “**customarily incidental** to the services or products provided by the home businesses” (emphasis added). The presence of this term suggests that there is some primary service or product to which the merchandise and products are customarily incidental. The fact that (2) follows (1) suggests that the merchandise could be customarily incidental to products that are created, grown, built, or substantially altered as part of the home business, such as a utensil that is

sold along with a homemade food product (hypothetical example only). While there is not much precedent in Maine land use law regarding “customarily incidental”, the Town Attorney did summarize one court case in a communication with me:

In *Boivin v. Town of Sanford*, 588 A.2d 1197 (Me. 1991), the Law Court upheld the Sanford Board of Appeals determination that a proposed auction barn was not an accessory use customarily incidental to [a] legally nonconforming antiques business. In doing so, the Court noted that when reviewing such an issue of whether an accessory use may be lawful it determines whether or not it is “dependent on a principal use, has a reasonable relationship with that primary use, and is by custom ‘commonly, habitually and by long practice established as reasonably associated with the primary use.’”

Another possible application of “customarily incidental” as applied to home merchandise/product sales may be a product that is sold alongside a service. A hypothetical example would be a home yoga studio that sells yoga mats or meditation cushions. In this case, the non-homemade product relates to the service provided by the home business.

The application has not yet demonstrated 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 appear 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.

Miscellaneous: As required by the land use regulations, the applicant should provide the names and addresses of all abutters and their present land use per Section 33-127(3). More information should be provided about the “related items” proposed to be sold in the application.

Planner’s Recommendation for the 9/1/20 meeting: The Planning Board should review the application and sketch plan and determine what, if any, further information is needed from the applicant.

Jeff Brubaker, AICP
Town Planner



HOME BUSINESS APPLICATION

Date Submitted 7/30/2020

Applicant Name(s) Michael J Maloney

Mailing Address 1470 State rd Phone 207-475-6779

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

Email address mmaloney5606 @ yahoo .com

Property Owner(s) _____

Mailing Address _____ Phone _____

Property Location/Address _____

Map 27 Lot 22 Size (acres) 2.07

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
- General Development
- Limited Residential
- Resource Protection
- Stream 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 - Friday 6pm - 8pm Sat 8-4

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?
uses similar to allowed uses

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 7/30/2020

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.	<p>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.)</p>	<p>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.</p> <p>Owner Live at residence year round</p>
2.	<p>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.</p>	<p>How many square feet are you planning to use?</p> <p>200+</p>
3.	<p>c. All structures used as part of a Home Business must meet minimum yard and set back requirements for principal structures.</p>	<p>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.</p>



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>• not listed • home Business by appointment</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>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 and 3 of firearms and related Items.</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</p>



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 • no neighboring residences will be able to see Any Part of 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

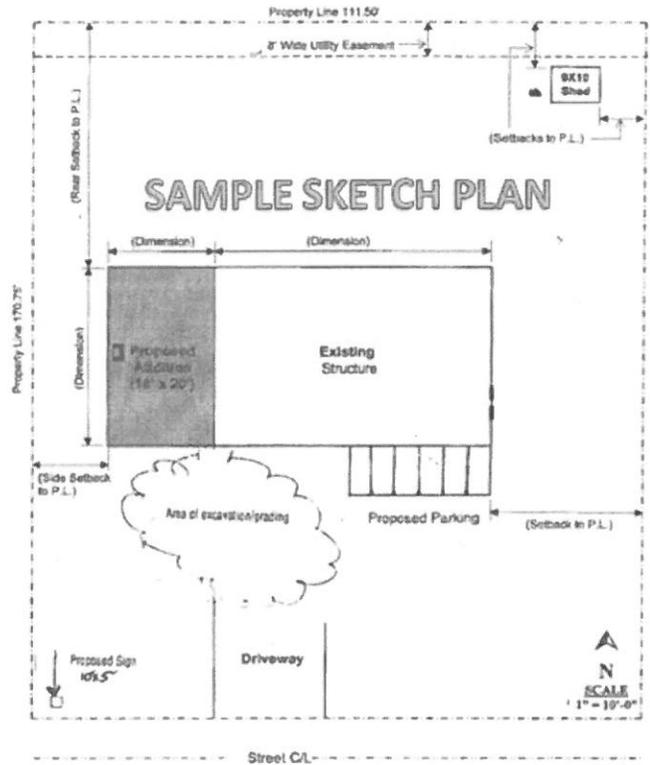


TOWN OF ELIOT, MAINE

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

Case# _____

HOME BUSINESS APPLICATION

- Date Submitted 4/22/2020
- Applicant Name(s) Michael Jeffery Maloney
- Mailing Address 1470 State rd Eliot me 03903 Phone 207-475-6779
- If you prefer to receive meeting notices and other communications via email please provide your email below:
Email address MMaloney5606 @ Yahoo .com
- Property Owner(s) Michael Maloney
- Mailing Address 1470 State rd Eliot me 03903 Phone 207-475-6779
- Property Location/Address 1470 State rd Eliot me 03903
- Map 27 Lot 22 Size (acres) 2.07
- 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.)
freemove sale and transfers
- 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 business retail/manufacture
- 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 Michael Maloney Date 4/22/2020
- 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.	<p>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.)</p>	<p>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.</p> <p>Live at property year round</p>
2.	<p>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.</p>	<p>How many square feet are you planning to use?</p> <p>144 sq ft</p>
3.	<p>c. All structures used as part of a Home Business must meet minimum yard and setback requirements for principal structures.</p>	<p>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.</p>

TOWN OF ELIOT, MAINE

Case# _____

<p>4. Any use that is not listed in the Table of Land Uses, Section 45-250 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>(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>Yes. Conduct Scale out transfers of firearms, conduct firearm repair and maintenance</p>
<p>5. 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>owner - Michael Maloney</p>
<p>6. 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>0</p>

TOWN OF ELIOT, MAINE

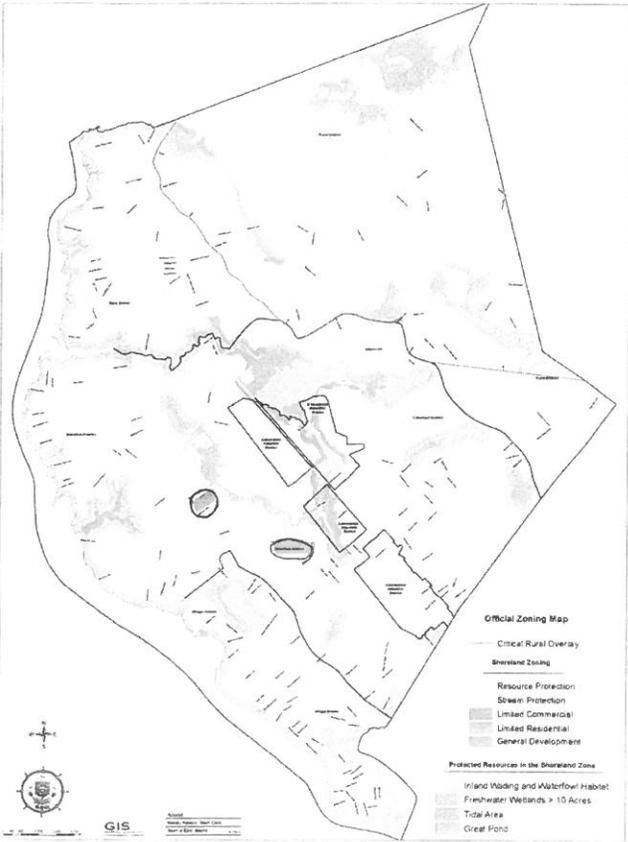
Case# _____

<p>7</p> <p>B. 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>• Online and in person sales and transfers.</p>
<p>8</p> <p>h. Parking shall not exceed four spaces in addition to the spaces reserved for the 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>2</p>

TOWN OF ELIOT, MAINE

Case# _____

<p>9.</p> <p>1. Sign dimensions must meet Sec. 45-405 residential (non-commercial) requirement and shall be a maximum of 6 sq. ft. in area.</p>	<p>Are you going to have a sign? If so, how big will it be?</p> <p>NO</p>
<p>10.</p> <p>l. 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 Department) and one business related van, pickup truck, or passenger car shall be exempt from screening requirements.</p>	<p>Describe how all external (outside) evidence of the business will be screened from the street and neighboring residences. Describe all business-related vehicles.</p> <p>• Personal Vehicle only</p>
<p>11.</p> <p>k. Application must identify how all fluids, solids, and gases unique to the business are going to be used and stored. Location of use and storage 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.</p>	<p>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.</p> <p>None</p>



	R	S	V	CI
Land uses				
Gambling casino	no	no	no	no
Gardening	yes	yes	yes	yes
Gasoline stations	no	9	no	SPR
Governmental buildings or uses	SPR	SPR	SPR	SPR
Grain or feed stores	SPR	10	no	SPR
Harvesting wild crops	yes	yes	yes	yes
Home business	SPR 8	SPR 8	SPR 8	no
Home occupations	10	10	no	no
Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR
Indoor commercial, recreational and amusement facilities	no	no	no	SPR
Industrial and business research laboratory	no	no	no	SPR
Industrial establishments and uses	no	no	no	SPR
Institutional buildings and uses, indoor	no	9	no	no
Junkyards	no	no	no	no