

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION

DATE:

Tuesday, March 15th, 2022

PLACE: TOWN HALL/ZOOM

TIME:

7:00 P.M.

All in-person attendees are asked to wear face masks

PLEASE NOTE: IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.

1) **ROLL CALL**

a) Quorum, Alternate Members, Conflicts of Interest

2) **PLEDGE OF ALLEGIANCE**

3) **MOMENT OF SILENCE**

4) **10-MINUTE PUBLIC INPUT SESSION**

5) **REVIEW AND APPROVE MINUTES**

a) January 25th to March 1st Minutes – if available

6) **NOTICE OF DECISION**

a) 64 Harold L Dow Highway – if available

b) 25 Alden Lane – if available

7) **PUBLIC HEARING**

a) 16 Arc Road (Map 45/Lot 17), PID # 045-017-000, PB21-29: Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store

b) Proposed for June 14, 2022, Annual Town Election & Referendum, Town Code Amendments of:

1. Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

2. Chapter 45 – Zoning, Related to Placement Standards for Signs and Making Minor Formatting Corrections

3. Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Licensing and Performance Standards for Marijuana Uses

4. Chapter 33 – Planning and Development, Related to Site Plan Review Content Requirements

c) Proposed June 2022 Warrant Article Establishing the Maximum Number of Growth Management Permits for 2023 at 28

8) **NEW BUSINESS**

a) 22 Arc Road (Map 46/Lot 5), PID #046-005-000, PB22-1: Site Plan Amendment – Trailer Tarping Station at Waste Transfer Facility

9) **OLD BUSINESS**

10) **CORRESPONDENCE**

a) Town Planner update – transmittal only, discussion as time allows

11) **SET AGENDA AND DATE FOR NEXT MEETING**

a) Discussion about Planning Board retreat (April 5) agenda, meeting time, and other details

12) **ADJOURN**

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

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

a) Go to www.eliotme.org

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: **814 7490 4830 #**

2. When prompted to enter Attendee ID **press #**

3. When prompted enter meeting password: **565847 #**

c) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.

d) Press *9 to raise your virtual hand to speak

Carmela Braun – Chair

NOTE: All attendees are asked to wear facial protective masks. No more than 50 attendees in the meeting room at any one time. The meeting agenda and information on how to join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

1 **ITEM 1 - ROLL CALL**

2
3 Present: Carmela Braun – Chair, Lissa Crichton – Secretary, and Jim Latter.

4
5 Also Present: Jeff Brubaker, Town Planner.

6
7 Absent: Jeff Leathe – Vice Chair (excused)

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9 Voting members: Carmela Braun, Jim Latter, and Lissa Crichton.

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11 **ITEM 2 – PLEDGE OF ALLEGIANCE**

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13 **ITEM 3 – MOMENT OF SILENCE**

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15 NOTE: Agenda Item 9A will not be discussed tonight.

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

18
19 There was no public input.

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21 **ITEM 5 – REVIEW AND APPROVE MINUTES**

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23 **Mr. Latter moved, second by Ms. Crichton, to approve the minutes of December 14,**
24 **2021, as amended.**

25 **VOTE**

26 **3-0**

27 **Motion approved**

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29 **ITEM 6 – NOTICE OF DECISION**

30
31 **0 Harold Dow Highway, PB21-28: Commercial Warehouse with 5 Incubator Pods**

32
33 Ms. Crichton asked about the septic alarm being part of the Notice.

34
35 Mr. Brubaker said that that was a good point that you raised, and Mr. Sudak is on Zoom
36 and can chime in, but it seems that the applicant was acceptable to that alarm. There are
37 some things that the applicant agrees to that aren't quite conditions so I might suggest it
38 being in there as an informational piece or finding rather than a condition.

39
40 Ms. Braun asked if Mr. Sudak has an alarm on his system.

41
42 Mr. Sudak said yes. I believe that was discussed the night the application was approved. I
43 personally have no problem incorporating that however the Town wants. I have no
44 problem incorporating that; that that's what intends to be installed.

45
46 Ms. Lemire said that I will put it in as a Finding of Fact.

47
48 Ms. Crichton asked if this was standard to have an alarm on every septic system.

49
50 Mr. Sudak said that I would hesitate to use the word ‘standard’. It comes up a lot. I would
51 say that the vast majority of the time it gets incorporated. In most towns, it’s a
52 requirement if you have the nitrate plume that extends into a resource, such as a wetland.

53
54 **Mr. Latter moved, second by Ms. Crichton, to approve PB21-28 2021 Site Plan**
55 **Review, Commercial Warehouse with five (5) contractor incubator pods and**
56 **contractor material laydown area, as amended.**

57
58 **VOTE**
59 **3-0**
60 **Motion approved**

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62 **ITEM 7 – PUBLIC HEARING**

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64 There were no public hearings.

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66 **ITEM 8 – NEW BUSINESS**

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68 **A. 16 Arc Road (Map 45/Lot 17), PB21-20: Site Plan Review, Change of Use, and**
69 **Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and**
70 **Medical Marijuana Retail Store.**

71
72 **Received: November 15, 2021 (update January 13, 2022)**
73 **1st Heard: January 25, 2022 (sketch plan review)**
74 **2nd Hearing: _____, 2022**
75 **3rd Hearing: _____, 2022**
76 **Public Hearing: _____, 2022**
77 **Site Walk: _____, 2022**
78 **Approval: _____, 2022**

79
80 Mr. (John) Chagnon, (Project Engineer, Ambit Engineering, Inc.) was present for this
81 application.

82
83 Mr. Chagnon said that this site went through the approval process less than a year ago for
84 a considerably larger building that was going to be used for manufacture of cannabis
85 products. That turned out to be, considering the state of the construction economy, a little
86 too intensive for the proponents of the approval. So, they’ve scaled the project back.
87 They are looking for approval to scale down the impact on the site. Currently, there’s a
88 back building that’s been there for some time. This is the third or fourth time that this
89 project has had a site plan approval and we are asking for an amendment of a previous
90 approval [PB20-22]. The building that is currently there in the back will remain and then
91 a 6,000 square-foot building will be constructed in about the middle of the lot. That
92 building will have two halves to it. There will be a Caregiver Retail Dispensary and then

93 an Adult Use Retail. Split down the middle but with a separator wall that separates the
94 two uses. There is information in your packet about that complying with all the
95 regulations regarding having those two uses on the same property. They can exist with a
96 building that touches as long as there are different principal proprietors in each of the
97 businesses. The site plan set has a cover sheet, existing conditions plan with a full
98 property survey. It is sited on Arc Road off of Route 236 and, after you cross over
99 Sturgeon Creek, it's on the right-hand side. Currently there is a gravel drive that you see.
100 You don't see the development because it's pretty far from Arc Road. The existing
101 conditions plan shows the existing one-story building that's in the back. There is a large
102 gravel area in front of it and a large cleared area on the lot where it was going to be
103 developed a number of iterations back. The site plan shows the building. There is a
104 parking area on the north side. That is the retail parking area, so, as you come in
105 approaching the top of the page (site plan), the retail customer would park in those 25
106 designated spaces, 10 on one side, 9 on the other of the ADA spaces. Then 6 spaces on
107 the other side of the driveway. As you go by the driveway (goes by the building), it is
108 gated and the rear portion is reserved for employees and staff. So, it's on the other side of
109 the fenced area. There are 16 parking spaces for staff in the back. There is a dumpster, a
110 gas tank, a back-up generator, and there's an area there along the back of the 6,000
111 square-foot building that's striped off. When you look at the architectural plan, there's
112 actually a place that will allow the applicant to roll in the Green Truck Farm old pick-up
113 truck so it can be seen from the inside. It is sort of a display to the retail customers.
114 That's why that area is striped off for that purpose. The back building is going to be used
115 for an employee break room and inventory storage. The building is there. There's no need
116 to remove it. It will be put to use. But the real focus of this application before you is the
117 6,000 square-foot retail building that is new construction. There are some landscape
118 plantings that will be planted along the foundation that is detailed in the landscape
119 schedule on the plan. Regarding the utility and operations plan, it talks about the
120 operation of the facility and how it complies with all of the regulations for the use of this
121 nature. There are a few other details about communications and electrical services. The
122 existing pole will have a pole-mounted transformer as you come down the driveway. On
123 the left there is a power line that currently services the back building. One of the poles
124 will have pole-mounted transformers installed and then underground service to the
125 building. The back building will remain served by the rear pole that exists at the end of
126 the run on the southeast side of the parking area in the rear and we will have an overhead
127 service to energize that building. Then we have a grading and erosion control plan. The
128 site design utilizes the drainage mitigation buffer retention pond area that is actually on
129 the site already. It was part of the original designs that was built, I would say 90% built.
130 It's going to be re-built in its present location to a higher standard with an outlet control
131 device and overflow emergency spillway. The drainage from just about all of the
132 impervious surface will be directed to that treatment area through a series of catch basins,
133 and shown on the plan, in pipes and headwalls. With the rear building, some of that does
134 flow off the site; not to that pond but to a swale that will be constructed to the south of
135 the rear building. Also submitted is a complete drainage analysis detailing that the site
136 will not increase stormwater run-off from the present conditions. There is a septic
137 location plan and there is the typical HHE200 that was prepared by Mike Cuomo. I put
138 this set in the plan for contractors to show them some locations on the site instead of just

139 showing the location based on the State leach field. There is a lighting plan. The plan has
140 to have two pole-mounted lights in the retail parking lot and then building-mounted lights
141 for the entrance, the drive-around, and the parking area in the rear. That plan includes the
142 luminaire schedule of the type of lighting and foot candle values at 3 feet above grade for
143 the entire developed portion of the site. There are cut sheets in your package. Then we
144 have the usual detail sheets with erosion control notes and details showing how to
145 construct all the features that are listed on the site plan, including the detention pond
146 cross-sections, headwalls, and other drainage features. So, we're here tonight for sketch
147 plan review. We submitted originally a while ago and we've had a busy last few months.
148 So, because we weren't able to be heard right away, we did take this a little further. And
149 this is also amended plans so a lot of this stuff had been discussed by the PB and
150 previously approved. So, first treat this as a sketch plan, get the feedback, talk about the
151 different amended site layout and answer any questions you have and then, if it's
152 possible, move forward to the scheduling of a public hearing, that would be appreciated.
153 If there's anything else you would like me to cover, I would be glad to.

154
155 Ms. Crichton asked if any of this is on wetland.

156
157 Mr. Chagnon said that Sturgeon Creek is, of course, a wetland by nature and then there is
158 the wetland associated with the stream. It is shown on the drawing. If you look at the
159 existing conditions plan (on screen), you have the stream and then the tree line 'here';
160 that 'this' is all open but then the wetland extends in. The wetland associated with the
161 stream is identified and there is a 75-foot setback shown on the plan. The associated
162 wetland is the area where the tree diameters go to 6 inches or greater. In that treed area
163 there are trees but they are smaller tree. So, we've identified the edge of the associated
164 wetland, the wetland associated with the stream, and we've shown the 75-foot buffer. The
165 driveway is in that buffer area but that's been approved a number of times in the past,
166 including NRPA permits and all the associated permits that are required to work in the
167 buffer. Those permits were granted numerous times. The developed area that we're
168 currently doing, we're not impacting that 75-foot buffer area. You'll see the building
169 setback line and you'll see that all the improvements are upland and out of that buffer
170 zone.

171
172 Ms. Crichton asked if there are trees that need to come down.

173
174 Mr. Chagnon said that a large portion of the site is not treed, currently. Those trees were
175 taken down for previous developments. I don't believe there's any real tree removal
176 that's required. There's an area in the back, if you look at the bottom of the site plan,
177 labelled 'proposed re-growth area', there's an area (behind the existing building) where
178 it's saying it will be left to grow back and not maintained as open.

179
180 Ms. Crichton said that the dumpster is outside and the trash bins are inside. Is that
181 correct.

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183 Mr. Chagnon said that there is only one dumpster that's proposed. There may be trash
184 cans inside for the typical retail operation for staff and customers.

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Ms. Braun read Note #11 on Sheet C3 regarding plant waste disposal.

Mr. Chagnon clarified that that was not the dumpster. He asked Josh Seymour to speak to this item.

Mr. Seymour said that we originally proposed to have a cultivation site where we would have plant waste. That's been updated where we're only going to do retail so we won't have any live plant waste. Anything that comes into the facility will be pre-packaged and it would go to the consumer package, as well. The only waste we would have is general retail business waste but no open plant material would go into that dumpster at any time.

Ms. Braun said that there are several notes in here that apply to cultivation that should be removed since no cultivation will be taking place.

Mr. Chagnon said that I will go through them.

Ms. Braun said that one of my questions was what was actually happening in the building that's remaining.

Mr. Seymour said that the building that's remaining would be for employee breakrooms, a cafeteria where they can go in and set their stuff down, a locker room, a bathroom. There wouldn't be any production back there.

Ms. Braun said that you really need to correct those notes; that that is very misleading. I took it that you were still doing cultivation.

Ms. Crichton clarified that you will basically be a retail store for medical and recreational.

Mr. Chagnon said that that was correct.

Ms. Crichton said that where you talked about the septic and it says "gravity sewer run of 100ft or more requires a clean-out in approximate center of run." Is that something that is in here.

Mr. Chagnon said that there is a clean-out that is breaking up that long sewer run. He pointed out the location on Sheet C5. The sewer exists the new building going due south, then it goes southeast, then goes south again. At that point, there will be a clean-out.

Ms. Crichton asked if it is something that needs to be physically cleaned out.

Mr. Chagnon said that you put the clean end in when you install it and then, if there's a clog in the line, it just allows for the roto-rooter to be able to get the line operating again. Where you have long runs, or you have angles and changes in direction, that's where you get things that tend to catch solids and then back up.

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Ms. Crichton asked if you have an alarm on this system.

Mr. Chagnon said that we do, connected with the pump tank and pointed it out on Sheet C5. That is located in the physical collection tank exterior. The alarm has a connection back to the building in a box that has both light and sound.

Mr. Latter asked if the applicant could give me a reader's digest version of what was approved versus what is different.

Mr. Chagnon said that what was approved was a cultivation facility. The building was about 19,000 square feet and, if you can imagine, they would be stacked up in one continuous building. For the manufacturing, parking wasn't as big of a need, as it was just employee parking and was all on the northeast side. When you came in, there was a turn to a loading dock, which is part of the building. The building took up a massive amount of that space. And then, there was parking in front of the building. In this case, we decreased the impervious to 11% and I think it was up to 18% or 19%.

Mr. Latter asked if there is anything in the plan before us that's disrupting the environment that was not disrupting it previously.

Mr. Chagnon said no. There are no new areas of impact.

Ms. Braun said that you currently have DEP permits for the old purpose. Do you have to go back to them for the changes or are they still acceptable.

Mr. Chagnon said no. We will be filing amended DEP permits for this.

Ms. Braun said that the current license for Mr. Seymour expires next week. Are you in the process of re-applying.

Mr. Seymour said that I have already renewed it and we can provide the Town with the updated one.

Ms. Braun said, regarding Sheet C2, you had indicated that the first area was just for retail parking for customers and the other area is for employees. Is there a specific area for additional customers to park.

Mr. Chagnon said no. There's no differentiation in the parking lot for the retail and caregiver parking.

Ms. Braun said that, in the back, I took those hash marks to be the loading bay and, now, I understand that there is going to be a truck parked there.

Mr. Chagnon said that it will serve to provide the rear loading. I guess the building plans were not submitted with this packet.

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Mr. Brubaker said that I can pull them up.

Mr. Chagnon said that I would like the PB to see them so I can explain what I'm talking about.

Ms. Braun said that my understanding is that you are required to have a loading bay.

Mr. Chagnon said a loading zone, correct.

Mr. Brubaker said that the requirement is a loading bay or berth.

Mr. Chagnon said that that will serve as the berth.

Ms. Braun said that you have an ADA parking space next to it. How is that going to work.

Mr. Chagnon said that the loading berth also serves as the ADA accessible aisle and, typically, the two uses are not going to occur at the same time.

Ms. Braun said her concern was someone in that ADA space that is wheelchair involved. How are they going to maneuver. Is there enough room for them to maneuver.

Mr. Chagnon said that that's on the employee side. Obviously, there would be some coordination that would occur between the delivery truck and the car; that maybe the employee would wait in his car.

Ms. Braun asked if it wouldn't be better to just put the ADA space in a different spot.

Mr. Chagnon said that I don't see why that's not usable there. That conflict can be resolved employee to employee. The truck can move out of their way or the person can stay in their car until the delivery is done.

Mr. Latter said that the ADA spot should empower the person who needs the ADA spot the same access as everybody else. Nobody else is going to have to wait until the truck moves before getting in or out of their car.

Ms. Braun agreed.

Mr. Chagnon said that I see what you're saying. I guess it reduces the parking by one and we can make that change.

Ms. Braun said that I would appreciate that, if you would, please.

Ms. Crichton asked if there are only two ADA parking spaces for all these spaces.

323 Mr. Chagnon said that the parking total is 41 and 41 spaces require two ADA under the
324 Act (50 or less).

325
326 Ms. Braun, looking at the floor plan, said that there are two separate front entrances and
327 that means there is a wall separating the medical and retail.

328
329 Mr. Chagnon said yes. The garage area shown on the plan is where the truck will be.
330 There is a loading bay overhead door at the back of this area and is the area that will meet
331 the requirement for a loading berth. We aren't talking about palletized items. The stuff
332 will come in boxes that are hand-carried.

333
334 Mr. Brubaker said that part of the code does require two loading bays for 6,000 square
335 feet of retail space.

336
337 Mr. Latter asked if that is the whole building or the space that's dedicated to retail.

338
339 Mr. Chagnon said that the space dedicated to retail is 20'X20'. I'm not sure you have
340 exact dimensions on loading bays but 20-foot wide would allow for two delivery trucks
341 to sit there at the same time.

342
343 Mr. Brubaker said that the code section (§45-494) is kind of non-specific so I do think
344 there is room for flexibility in interpretation of that section. I do think there is an ability
345 for an applicant to say what they are providing does provide berth, or room, for two
346 delivery trucks.

347
348 Ms. Crichton asked if you propose to have a sign out front.

349
350 Mr. Gagnon said that Sheet C2 has a Note: "Proposed 10'X5' sign 'Green Truck Farm' to
351 conform to town code" in the top left side of the plan and the location is shown, as well.

352
353 Mr. Brubaker said that I think this is a good time to mention something that came up
354 before for a previous application. As is well-known, an off-premise sign requires a Board
355 of Appeals (BOA) pre-approval. For uses that are in the C/I District that are off of Route
356 236, I know that there is a strong interest for a lot of them to have signs on Route 236,
357 and that would be an off-premise sign. If they want a sign on another property, they
358 would obviously need to get the permission of that property owner.

359
360 Mr. Chagnon said yes. Note #12 on C2 says exactly that: "If a business sign along Route
361 236 is desired a variance from town ordinances would be required."

362
363 Mr. Brubaker said, to make a technical point, in this case the mere ability to have an off-
364 premise sign is not a variance but just a general BOA approval. If a sign were to exceed
365 dimensional standards in any way, it would be a variance. (§?)

366
367 Ms. Braun said that I have a question on the driveway. You say 'full build-out of the
368 driveway'. Is that going to be for two-way traffic.

369
370 Mr. Chagnon said that, right now, the driveway is only about 12 feet wide. It wasn't built
371 to the full width of the approval. When we did the other approval, we met with Chief
372 Muzeroll and what he said would work for the Fire Department is to widen the driveway
373 to 18 feet and pavement with a gravel shoulder, I think one foot on either side. So that's
374 what I mean by full build-out, to make this place safe and the fire truck has access.

375
376 Ms. Braun asked if this has been sent to the Fire Chief or Police Chief for their
377 comments.

378
379 Mr. Brubaker said that I will check. If not, we will send that straight out.

380
381 Mr. Chagnon said that I dropped a copy off to the Fire Chief.

382
383 Mr. Brubaker said that we will make sure it gets emailed around.

384
385 Ms. Braun said that we want it to be checked by the Police Chief because of the
386 additional traffic going into Arc Road with the facility that's in the back; that there's not
387 going to be an issue.

388
389 Mr. Brubaker has some discussion points and comments. In my review of the application,
390 I think, overall, the applicant has done a really thorough job of providing the information
391 to you. On the lighting plan, there's not an entrance proposed on the creek side of the
392 building is there. Is there any kind of door entrance on the creek side.

393
394 Mr. Chagnon said that there is no door on that side, either. The doors are at the back. The
395 only access to the patio is around on the sidewalk.

396
397 Mr. Brubaker recommended that the lighting plan be checked to ensure that any entrances
398 are sufficiently lit with luminaires. I do see an entrance, here, on the corner of the
399 building. Just ensuring that, whatever luminaires are proposed would adequately light
400 that up for security purposes or, if new luminaires are needed, consider that so that all
401 entrances are well-lit.

402
403 Mr. Chagnon said that there are three. I think that corner is adequately lit but we should
404 probably show the sidewalk connection from that door. After further discussion, we will
405 add a light to the southwest corner.

406
407 Mr. Brubaker said that I agree with the PB about the ADA space. Think about re-
408 orienting that just to ensure that the accessible aisle connects directly to an accessible
409 door.

410
411 Mr. Chagnon said that we could move the laydown space to where we just talked about
412 adding the light coming off the pavement. We would then keep the same number of
413 parking spaces.

414

415 Ms. Braun said that, if you can do that, that makes more sense to me and would be
416 terrific.

417
418 Mr. Brubaker said that the standard, regarding the Shoreland Zone, is 20% maximum
419 non-vegetated surfaces and, as Mr. Chagnon mentioned, they are currently at about 11%.
420 So, that standard looks like it's met. The big discussion point I had was with regard to
421 traffic and trip generation. Mr. Chagnon provided a basic trip generation memo and I
422 thought it would be good for the PB to hear more from the applicant on that. The PB does
423 have the ability to request a traffic study if you feel there will be a significant impact to
424 traffic. My recommendation is that I do think we need a traffic study because my
425 concerns are with the amount of traffic that this facility might generate and the impact on
426 Arc Road, which is not very wide. It is paved but it's not a very wide road. Given that
427 there are some other uses back there that have some traffic, as well, including the ARC
428 waste site with truck traffic and so forth. And then the intersection of Arc Road and
429 Route 236. He invited the applicant to discuss this.

430
431 Mr. Chagnon said that we submitted a trip generation based on the square footage of the
432 retail use and following the ITE (Institute of Traffic Engineers) Manual standards. It's in
433 the back of the submission packet. On the peak hour of adjacent traffic, we would
434 estimate a total of 18 peak hour trips; that that is one trip every 3+ minutes. Total day trip
435 would be 392 daily trips. That is the start of addressing the submission criteria, which is
436 to show trip generation.

437
438 Mr. Seymour said that we were recently seeking approval at the Aroma Joe's building
439 and, because of that, we knew that Kittery would have a concern about the traffic study.
440 We did conduct a traffic study for that property. It was approved and didn't need any
441 extra DOT approval. With this property, it's further down Route 236 and off of the Arc
442 Road.

443
444 Ms. Crichton said aren't there other people sharing the road.

445
446 Mr. Chagnon said yes, there is a facility out there but a car every three minutes is not
447 typically going to lead to a traffic situation on Arc Road. That's a low-enough volume.
448 You can make the applicant pay an engineer to do a full traffic study, if that is what is
449 being recommended and that's what you want to do. But, it's a very low generator.
450 Usually, you won't get concerned with traffic generators unless they're generating 100 to
451 200 trips a peak hour. I don't think there's going to be a conflict with traffic on Arc Road.
452 They have a different peak time. They are peaking up in the 5AM to 7AM timeframe and
453 nobody is going shopping retail at this type of place that time of the day. They also
454 probably peak up at 3PM to 5PM in the afternoon because they are all out of there at the
455 end of the work day. Most of the shoppers, if they're coming here on their way home
456 from work, they are there between 4:30PM and 6:30PM. So, I think you're not going to
457 find a heavy traffic congestion problem with the uses that are on Arc Road right now in
458 the production of this use. But that's just my professional opinion at this point.

459

460 Ms. Braun said that I would still be more comfortable with a traffic study. What concerns
461 me are the larger trucks that are coming down that road and, based upon what I'm seeing
462 at other facilities, there's a huge amount of traffic at various times of the day at these
463 facilities.

464
465 The PB agreed.

466
467 Ms. Braun said that we want you to do a traffic study.

468
469 Mr. Chagnon said yes.

470
471 Ms. Braun asked what the PB would like to do. We've asked them to do a traffic study.
472 We've asked them to take out everything to do with cultivation and we need to have a
473 copy of the most recent license from Mr. Seymour. You said you are going to apply to
474 the DEP. Based on that, I think we should continue until we get this information, with the
475 Fire Chief recommendations, lighting and ADA space, as well.

476
477 Mr. Brubaker said that that would be my recommendation, as well.

478
479 The PB agreed to continue this application.

480
481 Mr. Brubaker said the next meeting would be February 15th, or a later date, if the
482 applicant needs more time.

483
484 Mr. Seymour said that we have worked with Sebago Technic in August. We could have a
485 traffic study because they've already done all the traffic counts for that area. If it gets on
486 the schedule, we'll make sure we have that traffic study done.

487
488 Mr. Brubaker said, just to be clear, that it isn't that I think the trip generation, itself, is
489 very high. It's more the trip generation pared with the context of the current state of Arc
490 Road for bi-directional traffic width as well as stop control intersection at Route 236.
491 That's what I'm looking at so I want the traffic study to take a look at that current
492 traveled way width of Arc Road, which I think varies as it comes from Route 236 to the
493 site. And just provide some information on the ability to support bi-directional traffic at
494 peak times where you could see several vehicles in a couple minute period.

495
496 Mr. Seymour said that we can have the engineer run by a scope of work for you to get
497 approved and make sure what the PB and Planner are looking for before they do the work
498 for the study.

499
500 Ms. Braun said that that would be great, along with the site plan changes we asked for.

501
502 The next scheduled meeting is February 15th, with information in by February 8th.

503
504

505 Mr. Brubaker said that, looking forward, we're just expecting to have the normal two
506 meetings in February and March. The idea maybe would be to flip application review
507 because the second meeting in March, we would want to do the public hearing on our
508 ordinance amendments. I think what this does is this provides a little bit of a time benefit
509 to the applicant, as we would be looking at a March 1st application review not a March
510 15th application review. In a normal month, it would be the second meeting in the month
511 where you could come back. But I think, if the PB concurs, we would flip March and
512 have application review at the first meeting (March 1st), followed by the public hearing
513 on the ordinance amendments on March 15th.

514
515 Ms. Lemire said that he would be coming in on the 15th for site plan review and
516 completeness.

517
518 Mr. Brubaker said that he would be coming back on the 1st of March rather than the 15th
519 of March.

520
521 Mr. Chagnon said that we thought you were talking about coming back in February.

522
523 Mr. Brubaker said no. You would be coming back on the 1st of March rather than the 15th
524 of March.

525
526 Mr. Seymour asked if we would then be able to do the public hearing on March 15th.

527
528 Ms. Braun said no.

529
530 Mr. Latter said that you are saying February 15th would be the final site plan review.

531
532 Mr. Brubaker clarified that February 15th would be nothing. We'd give them some more
533 time to do the study and come back with more information. Then we would get them on
534 the agenda for March 1. At that point, if the PB feels that the application is complete, it
535 could be deemed complete.

536
537 Mr. Seymour said that time is really of the essence for us. We were delayed a couple of
538 times on this already because of the work load that you guys have. If we are able to get
539 these revisions made prior, could we please be on the February 15th meeting so that we
540 don't delay this another month out, or it will be a couple more weeks out, and maybe we
541 could get on the March 15th public hearing meeting.

542
543 Ms. Braun said that the March 15th public hearing is strictly for ordinance amendments.

544
545 Mr. Brubaker said that if the PB agrees and you can get all the information by February
546 8th, then you could certainly have your next review be placed on February 15th. At that
547 point, if the PB agrees, they could certainly consider a completion motion. And then there
548 would be the ability to have a public hearing on March 1st.

549

550 Ms. Braun said that the Planner would have to have all the information by February 8th.
551 Do you think that's feasible.

552
553 Mr. Chagnon said yes, very feasible if Mr. Seymour can lean on these traffic engineers.

554
555 Ms. Braun said that if you think it's feasible and you can get the information to Mr.
556 Brubaker by the 8th then, by all means, you can be on the 15th. It depends on how quickly
557 we get the information and also how quickly we get the comments from the Chief.

558
559 Mr. Seymour said that that sounds great. I really appreciate it and we are going to make it
560 work on our end.

561
562 Ms. Braun said okay. You have until the 8th to get the information to Mr. Brubaker.

563

564 **ITEM 9 – OLD BUSINESS**

565

566 **A. 0 Odiorne Lane (Map 83/Lot 2), PB21-18: Site Plan Review and Change of Use –**
567 **Public Utility Facility (Ground-Mounted Solar Array)**

568

569 This was not discussed tonight.

570

571 **B. 771-787 Main Street (Map 6/Lot 43, 44), PB21-30: Subdivision with Nineteen**
572 **(19) Elderly Housing Units and Two (2) Single-Family Homes – Sketch Plan**
573 **Review**

574

575 **Received: October 14, 2021 (Update December 9, 2021)**

576 **1st Heard: December 14, 2021 (sketch plan review)**

577 **2nd Hearing: January 25, 2022**

578 **3rd Hearing: _____, 2021**

579 **Public Hearing: _____, 2021**

580 **Site Walk: _____, 2021**

581 **Approval: _____, 2022**

582

583 Mr. (Michael) Sudak, E.I.T. (Attar Engineering) was present (Zoom) for this application.

584

585 Ms. Braun said that we have your traffic study so let's talk about that.

586

587 Mr. Sudak said that I think this project was before the PB also for sketch review at the
588 beginning of last month. Really, the lynch pin in this application is the waiver that this
589 traffic memo is pursuant to, which is the minimum separation distance out on Main
590 Street. It's 400 by the ordinance and we only have 700 feet between Aqua Avenue and
591 Park Street, I believe. I would be happy to summarize the memo. I'll caveat that I'm not a
592 transportation engineer so really most of my participation tonight will be summarizing.
593 Then, if the Town has comments or suggestions or discussion, it will just be gophering,
594 doing my best to explain my understanding of the material. I don't know if the Planner

595 has anything to add. I know you had a memo put out with some comments about the
596 material. So, if you want to start, you are welcome to. Otherwise, I can get into it.
597

598 Ms. Braun said that, just so you are aware, Mr. Sudak, we do not have four members here
599 tonight and cannot vote on your waiver.
600

601 Mr. Sudak said yes, I understand. Mr. Brubaker made me aware of that today. That's
602 fine. I still wanted to come before you tonight and at least hear what comments or
603 questions you had about the material. If there is anything I need to go back to Sewall and
604 clarify or if there is any additional information you all want to feel more comfortable
605 with the request.
606

607 Mr. Brubaker said that the traffic impact assessment is meant to talk about and justify the
608 need for a waive for this entrance. It does talk about how the proposed subdivision
609 entrance is kind of centered between Aqua Avenue and Park Street. But since there's less
610 than an 800-foot separation between those two bookend streets, a waiver is inevitably
611 needed from the 400-foot separation standard. It does talk about how it's expected to
612 generate 8 morning peak hour trips and 9 evening peak hour trips. Quoting, he read:
613 "This level of traffic will have no significant impact off-site beyond the access drive.
614 They do provide a crash summary in there. The assessment notes: "In
615 Terms of safety, there are no high crash locations within the vicinity of the site." And
616 that is obviously a pretty high standard because it involves 8+ crashes over a three-year
617 period. There is a crash history that's reported on. You can see that there in the memo;
618 that there are a couple of property damage-only crashes at Aqua Avenue and Park Street.
619 It appears two others between Park Street and Bolt Hill Road, including one that is a C-
620 level injury crash. So, since I have a little bit of a background in this, the most typical
621 way that crashes are rated in these types of reports is called a KABCO scale, where 'K' is
622 a fatality, 'A' is a serious or debilitating injury. Fortunately, those are relatively rare. 'B'
623 is a kind of moderate injury. 'C' is either a minor injury or a complaint of pain. Then 'O'
624 stands for property damage-only crash. The assessment reports good sight distance in
625 both directions but it notes that the entrance would have to keep sight distance clear for
626 entering and exiting the entrance. There was an analysis that was done for the last time
627 this was before the PB and I thought that was good because it did also account for
628 existing turning movements throughout Aqua Avenue and Park Street and this analysis
629 omits that. I think that information is not the most essential but it is helpful to see the mix
630 of different entering and exiting movements that happen in that area. The analysis does
631 have peak hour trip generation but it doesn't have daily trip generation from the site. I
632 think that, with an elderly housing subdivision, you'd probably be likely to see less
633 severe peaks because you're not talking about commuting. But you are likely to see trips
634 not only from the residents but also from visitors and delivery trucks and so forth. The
635 posted speed limit is reported but I also think it's good to know what the actual speeds
636 are. They typically tend to be 5mph greater than the posted speed limit. Overall, I think
637 it's a pretty good assessment. I think it makes a good case for site distance. At the same
638 time, I think there could be some more information provided, if you so wish. And, as you
639 mentioned, we can't do a vote tonight. The code also requires that the Fire Chief, Police
640 Chief, and Public Works Director weigh in. I asked for their review on this and I've

641 gotten a 'no comment' email from the Police Chief. That just came in today but we're
642 still waiting to hear back from the Fire Chief and Public Works Director.

643
644 Mr. Sudak said that Mr. Brubaker did a good job summarizing everything. I think in
645 regard to some of the additional requests from his memo, concerning daily trips instead
646 of peak hour trips, which was provided, I actually think that what Mr. Chagnon brought
647 up in the application before mine that step usually isn't taken until a certain threshold of
648 peak trips is reached of 100. In my limited experience, I've heard the threshold is less. In
649 the ballpark or 25 to 50 but even that doesn't occur with this proposed development.

650
651 Mr. Brubaker said that I should actually correct myself. It does report on daily trips on
652 page 2 and it does say 94 weekday trips, if I'm reading this correctly. I think it sounds
653 like Mr. Brubaker is agreeable to the argument that the TIA makes regarding sight
654 distance, really all the reference material, either at the State level or in the report that's
655 mentioned near the end of the document. So, the lowest class of road and the lowest
656 control speed that information is available for with the State (DOT) is an arterial street,
657 which is one class above what Main Street is considered (major collector), and the lowest
658 class of speed I believe is 40mph and Main Street is 30mph. So, the standard of
659 separation for one class higher road and 10mph more, of at least posted speed limit, is
660 175 feet. That's just kind of challenging one, the sight distance and two, the separation
661 distance being 400 feet and maybe just supporting why a waiver could be requested and
662 approved considering what the State mandate is for that. On the last page of the article, it
663 references an independent resource that speaks to 30mph zones and that requirement
664 would be 300 feet, which we would satisfy with the centering of our proposed
665 intersection in the middle of 700, so we'd have 350 either way. To Mr. Latter, the item
666 you mentioned was omitted from this report but was present in the assessment from the
667 company from the last time this parcel was before you last December. I can't really speak
668 to that. I can say that that study was submitted to Sewell when I contracted them out to
669 prepare this memo. So, perhaps the assumption was made that that information was
670 already in the Town's hands. I can't speak to it but I can certainly get an answer to you.

671
672 Ms. Braun said yes.

673
674 Mr. Sudak said that that's all I have. I would be happy to answer any questions.

675
676 Ms. Crichton said that I'm confused on what the ITE trip generation for weekdays is 94.
677 Is that based on the 42 cars that would be in there from the homes. This is on the 2nd page
678 of the Sewell report. Are they basing these numbers on what amount of cars they think
679 there will be based on the amount of buildings that are going to be there.

680
681 Mr. Sudak said that there are tons of different ITE codes, depending on the proposed use.
682 So, you can see the single-family lot, which has its own trip generation factor, that is
683 multiplied by the number of proposed dwellings of that use. Same thing for senior adult
684 housing (attached) and senior adult housing (detached), so that would be duplexes and
685 singles, respectively. There is a factor that's multiplied depending on the full number of

686 proposed uses. I think we're at three single-families and a combination of 19 senior
687 duplexes and singles.

688
689 Mr. Brubaker added that the ITE Trip Generation Manual is kind of the authority that
690 most application reviews go through. A downside is that some of the data can be pretty
691 old. Each use, like LUC 251 and 252, Senior Adult Housing, has a plot chart with a
692 bunch of data points. Those are actual counts that were done around the country; that then
693 it's a regression analysis to determine how many units and then how many trips were
694 generated based on those units. Some of the regressions are better fits and others are
695 really scattered sample sizes. Sometimes the data points can be from 20 or 30 years ago.
696 That's not to say that the ITE is not authoritative, it just has some drawbacks.

697
698 Ms. Crichton asked how do we define elderly housing. Are there going to be government-
699 funded homes. There are no facilities for these people. There's no life care. I'm curious
700 how we establish or any homeowner's association, a senior's homeowner's association
701 that we need to see prior to any sort of approval.

702
703 Mr. Sudak said that that was certainly a fair question. As I understand it, there would be
704 an association for the senior adult housing component of the development. I think the
705 three single-family uses are down in the Shoreland Zone portion of the development. So
706 yes, there will be an association that manages the back portion of the development but, in
707 terms of the specificity of that, I think this is still a sketch review and that is certainly
708 something I would provide with the site plan review application. But, without this waiver,
709 the project doesn't exist because, without the entrance, this can't occur.

710
711 Ms. Braun asked if this would be a private road or anticipating it would be a Town road.

712
713 Mr. Sudak said that my understanding right now is that it will be designed so that it could
714 be accepted but it will be private.

715
716 Mr. Latter said, just to be clear, all these other questions about this are for later. The only
717 thing we're here for is about the waiver so that you know it is worth doing more work.

718
719 Mr. Sudak said yes. I understand the situation we are in tonight with not being able to
720 vote on it. So really, my main take-away is what I can present to you for the next time we
721 meet so that I can make you comfortable enough to decide one way or the other on that
722 waiver. Mr. Brubaker has brought up a couple good points in his memo that I can
723 certainly chase while that clock ticks and while we wait from a response from Fire and
724 Public Works. So, it's chasing those answers from Mr. Brubaker's memo and if there is
725 anything you three have. That is where my concern is right now. Just as you said, Mr.
726 Latter, it doesn't exist without that.

727
728 Ms. Braun said that, on page 3 of the Safety Analysis, anything (CRF) greater than 1 is
729 bad news. At the intersection of Aqua Avenue, it's 1.38, which is pretty high. Also,
730 between Park Street and Bolt Hill Road, it is .93, which is almost 1. So, those measures,
731 to me, are saying that they have a higher-than-normal possibility of accidents. So, how is

732 the person saying just underneath, “As seen above, there are no high crash locations on
733 Maine Street (Route 103) in the vicinity of the site. Hence, no further accident review or
734 evaluation is necessary.” To me, if you have those numbers, then more analysis is
735 necessary, as you’re only going to add more traffic coming out. The sight from Aqua
736 Avenue and Park Street are not that great. I think I’d like to have more information about
737 that.

738
739 Mr. Sudak said sure. I can ask for the ‘why’ of why that statement was made.

740
741 Ms. Braun said that it would be great if I could get an understanding of what that meant.

742
743 Mr. Latter said that, in the first paragraph, you define a ‘higher than expected rate’ but
744 then you say a ‘high crash location’. What the difference between those two things is, I
745 guess, is the essence of what we want to know.

746
747 Mr. Sudak said no problem.

748
749 Mr. Brubaker said that I think I can dive into that right now. I’m not inventing anything
750 new, here, just interpreting what the memo says. The Maine DOT uses two criteria, and
751 I’m semi-quoting, to determine high crash locations. The first is the critical rate factor
752 (CRF) and that’s where you have to have a CRF over 1, like you mentioned with Aqua
753 Avenue. Then, the second is a location that has 8 or more crashes over a three-year study
754 period at the location that is being consider a high crash location. So, I think you need to
755 have both; that both are necessary conditions to create a high crash location and,
756 therefore, even some of these locations have a CRF over 1 (one of the two criteria are
757 met), I think the memo is saying that none of them have 8 or more in a three-year period,
758 therefore, the second criterion is not met and so not high crash locations. A good example
759 is that we are just finalizing the Route 236 Corridor Study and the intersection of Old
760 Dover Road and Goodwin Road (Rt. 101) has had 15 crashes over a three-year period.
761 So, you can see how that would be a high crash location.

762
763 Ms. Braun thanked Mr. Brubaker for the clarification.

764
765 Ms. Crichton said that you also have 44 more cars and the elderly driving.

766
767 Mr. Brubaker said that I just wanted to note that we have a few other folks on Zoom, and
768 it’s not a public hearing, but I just wanted to note their presence.

769
770 Ms. Braun asked if we have any idea why they are here. Ms. Kimett, would you please
771 identify yourself and tell us why you’re here.

772
773 Ms. (Stephanie) Kimett said that my husband and I live at 793 Main Street, right on the
774 corner of Main Street and Aqua Avenue. We are just interested in knowing what’s going
775 to happen with this property and just wanted to say in the loop on how this discussion
776 went. With the last proposal, the road (entrance) was where the current ROW is, which is
777 directly next to our house and adding seven homes, so we’re not totally in favor of that.

778 We missed the December meeting but seeing that the proposal is adding 22 new housing
779 units onto this property was kind of a shock to read about. We're still concerned about
780 whether or not this waiver is going to be granted. I will probably submit a letter, as I
781 don't want to speak off-the-cuff right now. But, that's why we're here.
782

783 Ms. Braun said that, if you go on Town Hall Streams (Town website), you would be able
784 to view that meeting that you missed. That might give you a better idea of what's going
785 to happen of what they are proposing.
786

787 This application is scheduled to be heard at the February 15th meeting.
788

789 Mr. Latter said that he would not be here but would call in for that meeting.
790

791 Mr. Sudak said that February 15th would work for him, as well, to give him time to get all
792 information in.
793

794 Ms. Crichton said that she would be away, as well.
795

796 Mr. Brubaker gave a quick background on why the sequencing is the way it is. Unlike
797 regular site plan, where sketch plan review is part of an informal feedback session, the
798 code specifies that subdivision sketch plan actually needs a formal approval from the PB.
799 The idea of having the waiver question arbitrated up-front is, even if a sketch plan is
800 approved for this property, the waiver would need to be in place. Otherwise, the sketch
801 plan would not be consistent with the Town code. It's like waiving application content
802 before you deem an application complete. This is the same concept and that is why the
803 waiver needs to come first. The, make a decision on the overall sketch plan.
804

805 **ITEM 10 – CORRESPONDENCE**

806
807 There was no correspondence.
808

809 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

810
811 There will be only two meetings in the months of February and March.
812

813 PB retreat coming up. Mr. Brubaker said that the idea is that I know you all have been
814 working really hard and it's so much appreciated not just by me but others in the
815 community indirectly. There is a fifth Tuesday in March that would give you an extra
816 week off. After the ordinances have been sent on their way, the first meeting (admin) in
817 April would be the retreat.
818

819 This retreat will be to inform and educate PB members about a number of issues
820 regarding applying code criteria and having dialogue around them.
821
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823

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The next regular Planning Board Meeting is scheduled for February 1, 2022 at 7PM.

ITEM 13 – ADJOURN

The meeting adjourned at 9:02 PM.

Lissa Crichton, Secretary
Date approved: _____

Respectfully submitted,
Ellen Lemire, Recording Secretary



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: March 15th, 2022
TIME: 7:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, March 15th, 2022 at 7:00 PM for the following application(s):

- **16 Arc Road (Map 45/Lot 17), PID # 045-017-000, PB21-29:** Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store
 - **Applicant:** Green Truck Farms III, LLC
 - **Property Owner:** JD Investments, LLC
- **Ordinance Amendments and Warrant Article Proposed for June 14, 2022, Annual Town Election & Referendum**
 - Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems
 - Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Placement Standards for Signs and Making Minor Formatting Corrections
 - Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Licensing and Performance Standards for Marijuana Uses
 - Proposed Town Code Amendments of Chapter 33 – Planning and Development, Related to Site Plan Review Content Requirements
 - Warrant Article Establishing the Maximum Number of Growth Management Permits for 2023 at 28
- Notice is hereby given that, beginning in April 2022, regular Eliot Planning Board meetings will start at 6:00pm, an hour earlier than the current start time.

Interested persons may be heard and written communication received regarding this application, and proposed ordinance amendments and warrant article, 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. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

~ Classifieds, Sports & Outdoors ~



Kittery Little League Open

KITTERY -

Registration for Kittery Little League is open with prices as follows: T-Ball for ages 4-6 is \$25; Coach Pitch for ages 6-8 is \$45; Minors and Majors for ages 9-12 is \$85. Visit kitterylittleleague.com to register by March 15.

Softball is also available but offered through York Little League. If interested, register at www.yorklittleleague.net. Softball price is \$100.

Families struggling financially should inquire about the scholarship program. Contact Dave Evans at evansdavid83@gmail.com or apply through the Little League call up grant program at www.littleleague.org/call-up-grant-program/.

Noble Youth Lacrosse Clinics

BERWICK -

Noble Youth Lacrosse, Berwick Recreation, Noble Middle School and Noble High School, coaches and alumni have partnered to offer a free, introductory lacrosse skills clinic to district boys and girls, grades 3-6 at Noble Middle School on Saturday, March 12. Sessions are scheduled for Boys: 10-11 a.m. and Girls: 11 a.m. 12 p.m..

Register for this free skills clinic at <https://berwickme.myrec.com/info/default.aspx>. No equipment? No problem! Mention it at registration because some loaner equipment available.

WJH Softball Evaluations

WELLS -

Evaluations for Wells Junior High School Softball will take place at Wells High School for the following dates/times:

Saturday, March 12: 4-5:30 p.m. for softball or whole day 9 a.m. - 5:30 p.m.

Saturday, March 19: 9-10 a.m. for softball or whole day 9 a.m. - 5:30 p.m.

For more information and to sign up, go to www.signupgeenius.com/go/9040f4ea9a828aaf7-little.

Kennebunk Lacrosse Club Registration Open

KENNEBUNK -

Registration for the Kennebunk Lacrosse Club can be found online at <https://membership.uslacrosse.org/create-account/accounts>.

Families are being asked to register by March 18 for grades 3-6. Some second grade players may qualify to participate if they have a second grader who has been involved with the K-2 program and can safely play with fourth grade players.

Do not register grade 7-8 players through Kennebunk Lacrosse Club. They will play through the Middle School.

The K-2 grade program continues with Kennebunkport Recreation and is a separate registration process. Reach out to Kennebunkport Rec for more information.



MORE SPORTS ON PAGE 30

LEGAL / PUBLIC NOTICES

Town of Berwick - Public Notice

The Berwick Planning Board will hold a Public Hearing on an application for a Site Plan Review requested by Peter Paul and Industry Drive, LLC. The applicant requests approval for a 5,880 sq.ft. single-level building which shall function as a mineral industry for the applicant's pool construction, maintenance, and repair business (with installment of 5,000 sq.ft. or more of impervious surface) located at 3 Industry Drive in the Rural Commercial/Industrial (RC/I) base zone and Aquifer Protection (AP) overlay district (Tax Map R72 Lot 12-4). The site shall be used for storage of construction and maintenance materials, associated trailers and equipment, and service vehicles with an additional professional office within the building and earth moving activities in excess of 10 cubic yards.

To participate in the Public Hearing, the following options are available: Send in a letter to the Town Hall - Attn: Planner, 11 Sullivan Street, Berwick, ME 03901; or email planning@berwickmaine.org with a letter or to receive information on how to participate via phone or video via Zoom; or if attending in person, please email planning@berwickmaine.org.

Supporting documentation is available at the Town Hall from the Community Development and Planning Department. Please contact the department with any questions at planning@berwickmaine.org or 207-698-1101 ext. 124.

Date/Time: Thursday, March 17, 2022 at 6:30pm

Location: Burgess Meeting Room at Berwick Town Hall

LEGAL / PUBLIC NOTICES

TOWN OF WELLS INVITATION FOR BIDS

Sealed bids will be received in the Office of the Town Manager, 208 Sanford Road, Wells, Maine 04090 until **1:00 p.m. on Thursday, March 10, 2022**, when they will be publicly opened and read in the Littlefield Meeting Room for:

Grass, Brush and Leaves Removal

Bid packages are available on our website at www.wellstown.org.

Larissa Crockett, Town Manager

Town of Eliot PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: March 15, 2022
TIME: 7:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, March 15th, 2022 at 7:00 PM for the following application(s):

16 Arc Road (Map 45/Lot 17), PID # 045-017-000, PB21-29: Site Plan Review, Change of Use, and Shoreland Zoning Permit Application - Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store. Applicant: Green Truck Farms III, LLC. Property Owner: JD Investments, LLC.

Ordinance Amendments and Warrant Article Proposed for June 14, 2022, Annual Town Election & Referendum:

- Proposed Town Code Amendments of Chapter 1 - General Provisions, Chapter 33 - Planning and Development, Chapter 44 - Shoreland Zoning, and Chapter 45 - Zoning, Related to Solar Energy Systems;
- Proposed Town Code Amendments of Chapter 45 - Zoning, Related to Placement Standards for Signs and Making Minor Formatting Corrections;
- Proposed Town Code Amendments of Chapter 11 - Marijuana Establishments; Chapter 33 - Planning and Development; and Chapter 45 - Zoning, Related to Licensing and Performance Standards for Marijuana Uses;
- Proposed Town Code Amendments of Chapter 33 - Planning and Development, Related to Site Plan Review Content Requirements;
- Warrant Article Establishing the Maximum Number of Growth Management Permits for 2023 at 28.

Notice is hereby given that, beginning in April 2022, regular Eliot Planning Board meetings will start at 6:00PM, an hour earlier than the current start time.

Interested persons may be heard and written communication received regarding this application, and proposed ordinance amendments and warrant article, 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. The meeting agenda and information on how to join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

Town of Berwick - Public Notice

The Berwick Planning Board will hold a Public Hearing on an application for a Site Plan Review requested by 259 School Street Solar, LLC; NH Solar Garden; and S.O.W. Solar, Inc. The applicant requests approval for a Solar Array (Essential Services and construction of 3,000 or more sq.ft. with installment of 5,000 sq.ft. or more of impervious surface of a 2MW+/- Public Utility Facility) located at 259 School Street in the Transitional Residential (R2) (Tax Map R49 Lot 3) Zone.

To participate in the Public Hearing, the following options are available: Send in a letter to the Town Hall - Attn: Planner, 11 Sullivan Street, Berwick, ME 03901; or email planning@berwickmaine.org with a letter or to receive information on how to participate via phone or video via Zoom; or if attending in person, please email planning@berwickmaine.org.

Supporting documentation is available at the Town Hall from the Community Development and Planning Department. Please contact the department with any questions at planning@berwickmaine.org or 207-698-1101 ext. 124.

Date/Time: Thursday, March 17, 2022 at 6:30pm

Location: Burgess Meeting Room at Berwick Town Hall

PUBLIC NOTICE: NOTICE OF INTENT TO FILE

Please take notice that **B.I.W. Group LLC, 41 Industrial Drive, Unit 20, Exeter, NH 03833** is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about **March 4, 2022**.

The application is for **construction and repair/replacement of stone rip rap revetment at 35 Badgers Island West, Kittery, ME 03904**.

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

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456.

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

Written public comments may be sent to the regional office in Portland where the application is filed for public inspection: MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, ME 04103.

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PB21-29: 16 Arc Rd. (Map 45/Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: John Chagnon, PE, Ambit Engineering, Applicant’s Representative
 Shelly Bishop, Code Enforcement Officer
 Kearsten Metz, Land Use Administrative Assistant
 Date: March 8, 2022 (report date)
 March 15, 2022 (meeting date)
 Re: PB21-29: 16 Arc Rd. (Map 45/ Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**

Application Details/Checklist Documentation	
✓ Address:	16 Arc Rd.
✓ Map/Lot:	45/17
✓ PB Case#:	21-29
✓ Zoning:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	Resource Protection (RP), Limited Commercial (LC)
✓ Owner Name:	JD Investments, LLC
✓ Applicant Name:	Green Truck Farms III, LLC
✓ Proposed Project:	Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store (Marijuana Establishment and Medical Marijuana Establishment)
✓ Application Received by Staff:	November 15, 2021 (original); January 13, 2022 (updated)
Application Fee Paid and Date:	Not yet paid
✓ Application Sent to Staff Reviewers:	February 10, 2022
✓ Application Heard by PB	January 25, 2022; February 15, 2022; March 15, 2022 (scheduled)
✓ Found Complete by PB	February 15, 2022
Site Walk	TBD
Site Walk Publication	TBD
Public Hearing	March 15, 2022 (scheduled)
✓ Public Hearing Publication	March 4, 2022 (Weekly Sentinel)
Deliberation	TBD
✓ Reason for PB Review:	Site Plan Amendment, Change of Use, Marijuana Establishment (SPR use), Shoreland Zoning Permit Application

PB21-29: 16 Arc Rd. (Map 45/Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**

Overview

Applicants Green Truck Farms II, LLC and Green Truck Farms III, LLC (property owner: JD Investments, LLC; agent: Ambit Engineering, Inc.) seeks a Site Plan Amendment, Site Plan Review, a Change of Use, and a Shoreland Zoning Permit for a marijuana establishment and medical marijuana establishment at 16 Arc Rd. (Map 45, Lot 17). The cover letter summarizes the proposed development, existing conditions, and recent PB review history as follows:

The site is previously developed with a 3,762 square foot building on the premises. Most recently the site was approved as Marijuana Establishment - Cultivation under Case PB-20-22. This is an amendment to that approval to eliminate production and focus on retail. This project consists of the construction of a new free standing 6,000 SF one story building at the site with the associated site improvements. The existing building will remain.

While this is the first (sketch plan) review for the current application, the applicant requests a completeness motion at this meeting. The PB is not obligated to entertain a completeness motion during sketch plan review; however, you may wish to if you believe it is warranted.

Application contents

Submitted January 13, 2022 (updated version of November 15, 2021 submittal)

- Cover letter with completeness summary (Section 33-127), dated 1/13/22
- Site Plan Review (SPR) Application
- Shoreland Zoning Permit Application
- Warranty Deed, The Kind Land, LLC, to JD Investments, LLC
- Authorizing resolutions for JD Investments, Green Truck Farms II, LLC, and Green Truck Farms III, LLC – Joshua Seymour
- Ownership disclosure
- Information and correspondence between applicant’s representative and state Office of Marijuana Policy (OMP) regarding co-location of a medical marijuana caregiver retail store and adult use marijuana retail store
- Caregiver registration card (redacted by Town staff for confidentiality)
- OMP conditional license – Green Truck Farms II, LLC; License # AMS622; Adult Use Marijuana Retail Store (expires February 4, 2022)
 - Joshua J. Seymour, Principal and 100% Owner

- Security Plan
- Disposal Plan
- Odor Remediation Plan
- Drainage Analysis, including Erosion & Sediment Control Practices
- Subsurface Wastewater Disposal System Application (SSWDS), total design flow: 980 gpd
- Soil Survey
- Trip Generation Memo from Ambit Engineering, dated 1/10/22
- Site plan set

Submitted February 7, 2022

- Cover letter dated 2/7/22
- Updated versions of various application package contents
- Ownership disclosure
- Caregiver registration card (redacted by Town staff for confidentiality)
- Waste disposal plan
- Luminaire specifications
- Traffic Impact Assessment from GPI, including appendices
- Updated site plan set

Submitted March 4, 2022

- Revised Site Plan (Sheet C2)

PB21-29: 16 Arc Rd. (Map 45/Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**

Type of review needed (3/15 update)

Public hearing

Zoning

Commercial-Industrial (C/I); Shoreland: Resource Protection (RP) and Limited Commercial (LC)

Use

Marijuana establishments and medical marijuana establishments are SPR uses in the C/I district. Marijuana stores and medical marijuana caregiver retail stores are SPR uses in the LC shoreland zoning district.

Affidavit of ownership (33-106)

The deed and authorizing resolutions are in your previous packet. An ownership/lease chart related to JD Investments, Green Truck Farms II, LLC, and Green Truck Farms III, LLC, was in your previous packet and is in your current packet as it was resubmitted by the applicant.

Recall that your previous packet had correspondence between the applicant’s legal counsel and OMP’s legal counsel regarding the following State co-location regulation (Adult Use Program Rule 2.4.6.A):

No licensee may sell or offer for sale to consumers adult use marijuana and adult use marijuana products within the same facility or building in which the licensee also sells or offers for sale to qualifying patients marijuana and marijuana products for medical use pursuant to 22 MRS, chapter 558-C.

OMP’s legal counsel confirmed that the following statement from the applicant’s legal counsel was correct:

A Medical Marijuana Store and Adult Use Store may exist in the same building in separate units, provided that there is a registered caregiver for the Medical Marijuana Store and the registered Caregiver is neither that Adult Use Store Licensee nor an owner of that Adult Use Store Licensee.

OMP Conditional License

3/15 update: The applicant is still waiting for their renewed Conditional License from OMP and expects to provide it by the meeting. If it is still outstanding by then, that would be one reason to continue the item to a future meeting.

Summary of documented previous land use actions

Most recently, the property was approved on May 18, 2021, by the Planning Board for an adult use marijuana cultivation facility.

Dimensional requirements (45-405)

Dimension	Standard	Met?
Min lot size (ac)	3	Yes (~8.4 acres)
Lot line setbacks (ft)	30 front/rear, 20 side	Apparent from visual analysis of site plan
Max building height (ft)	35 (shoreland zoning)	Yes, see #21 on Shoreland Zoning Permit Application and site plan showing 1-story building

PB21-29: 16 Arc Rd. (Map 45/Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**

Max lot coverage	10%	Yes, 2.7% shown on Plan Sheet C2, Note 7
Min street frontage (ft)	300	Yes, >300 ft. along Arc Rd.
Max sign area (sf)	Max. 50 sf for wall-mounted, 100 sf for common freestanding	Need more info from applicant on proposed signage. See Note 12 on Plan Sheet C2. Per 45-529, off-premise signs need Board of Appeals approval and written authorization from the owner of the land on which the sign will be placed. <i>3/15 update: Note 12 has been changed on revised Sheet C2 to reference the Board of Appeals approval requirement in Section 45-529 for off-premise signs.</i>

Traffic (45-406)

Safe access to and from public and private roads (3/15 update)

Arc Rd. is a private, paved road leading to the site and has traffic from adjacent commercial parcels that use it as an access. As noted in the Traffic Impact Assessment (TIA), previously reviewed by the PB, Arc Rd. has about 24 ft. paved width with 1-2 ft. gravel shoulders.

To my understanding, Arc Rd. is owned by WIN Waste Innovations/Wheelabrator, owner and operator of the ARC site (22 Arc Rd.), and right-of-way is referenced in the 16 Arc Rd. deed previously provided by the applicant. (Referencing a 1989 deed from Hardy to Dow with access/egress and utility installation/maintenance rights.)

On 3/8, I conducted a site visit with the applicant team to discuss traffic and the width and condition of Arc Rd. Spot measurements were taken of pavement width near the driveway and the Sturgeon Creek crossing. Measurements exceeded 20 ft. of pavement, but in some cases pavement deterioration, potholes, and dirt patches narrowed the “effective width” of the road. Some parts of the shoulder were observed to not slope properly away from the pavement edge, creating possible puddling areas. There is also no stop sign at the road’s approach to Route 236. While my own summary is not an engineering assessment, it seems that some pavement and shoulder restoration, and a stop sign installation at the Arc Rd. approach to Route 236, would be beneficial.

However, questions remain about who would be responsible for what (on this private road) and how this does and doesn’t relate to the PB’s review of 16 Arc Rd. under this performance standard. You have the applicant’s perspective and the TIA to reference, and my summary/quotes below, including the TIA conclusion that “No project-specific [traffic] mitigation is warranted...” You may agree and conclude that this standard is met with no further requirements of the applicant. Similarly, I would caution against concluding that deteriorated pavement *alone* along a development’s only access is enough to say that this standard *isn’t* met. However, the consideration of existing and projected traffic along with the existing condition of the road may warrant a further discussion of whether this standard is met, or would be met subject to a reasonable condition of approval. Can Arc Rd. “work” in its current state with the ARC facility truck traffic plus the retail customer and employee traffic at 16 Arc Rd.?

Also under consideration is the applicant’s ongoing communications with MaineDOT about the Traffic Movement Permit, and I have sought more information from WIN Waste on if they have any road upgrade plans this year. Finally, there is the question of the WIN Waste sign at Route 236, which the Code Enforcement Officer and I have been in contact with WIN Waste about. More updates to

PB21-29: 16 Arc Rd. (Map 45/Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**

be provided at the meeting if received. I also took some photos of Arc Rd. that can be referenced at the meeting if necessary.

Some potential options for the PB:

- Continue the item to allow more time to review this topic and the Traffic Movement Permit process
- Conclude that this standard is met, given the findings of the TIA
- Conclude that this standard is met, given the findings of the TIA, subject to a condition related to repairs of Arc Rd. up to the 16 Arc driveway (e.g. pavement restoration, shoulder repair, stop sign, etc.) needed to adequately support expected traffic volumes. For example, if WIN Waste and Green Truck Farms were to agree to share the cost of such upgrades, the condition could address that.

Adequate number and location of access points; avoid unreasonable adverse impact on the town road system

See TIA and my review.

Assure safe interior circulation within the site

See proposed parking area aisles (typical 20 ft. in width) and turnaround bays.

Traffic Impact Assessment (TIA) review

To address the PB's requirement for a traffic study under 33-153, the applicant has included a Traffic Impact Assessment (TIA) from consultant GPI, dated February 7, 2022. My summary and comments are as follows:

- Arc Rd. is a paved road, unstriped, ~24 ft. wide with 1-2 ft. gravel shoulders
- Route 236 in the area has an average annual daily traffic (AADT) of about 15,000
- There are no STOP signs or STOP lines at the (assumed) stop-controlled approach of Arc Rd. to Route 236
- Between 2015-2021, three (3) reported crashes occurred, 2 with deer and 1 rear-end collision. TIA concludes: "These collisions do not indicate a particular collision pattern and the low occurrence of crashes in the vicinity of the intersection indicates no significant safety issue exists."
- Available sight distances at the Driveway-Arc Rd. and Arc-236 intersections are currently adequate, except for an existing ARC / Shipyard Waste Solutions sign partially blocking sight distance for drivers on Arc Rd. looking left (east) down Route 236.
 - My review: I have followed up with the Code Enforcement Officer (CEO) on the status of this sign, which isn't the applicant's sign
- Traffic counts from 2019 near Route 236-Beech and ARC facility trip generation from a previous TIA for the ARC facility informed the TIA's background traffic volumes
- Trip generation estimates used the ITE Trip Generation Manual's (11th Ed.) "marijuana dispensary" land use code as well as empirical traffic data collected from a similarly-sized medical+adult use dispensary in Lowell, MA. The TIA argues that the number of cash registers, rather than the size of the facility, are a more consistent way to project trips. The TIA states: "As the proposed facility will provide large display cases and areas for viewing products, as well as large lounge areas for customers to wait for order to be processed, the proposed facility is likely to generate fewer trips per square foot as compared to facilities with

PB21-29: 16 Arc Rd. (Map 45/Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**

more compact customer spaces.”

Time Period/Direction	ITE Trip Rates (LUC 882) ^a	Empirical Trip Rates	
		Per 1,000 SF ^b	Per Register ^c
Weekday Daily	1,266	912	441
Weekday AM Peak Hour:			
<i>Enter</i>	33	24	11
<i>Exit</i>	<u>30</u>	<u>22</u>	<u>11</u>
<i>Total</i>	63	46	22
Weekday PM Peak Hour:			
<i>Enter</i>	57	41	20
<i>Exit</i>	<u>57</u>	<u>41</u>	<u>20</u>
<i>Total</i>	114	82	40
Saturday Daily	1,556	948	458
Saturday Midday Peak Hour:			
<i>Enter</i>	87	53	26
<i>Exit</i>	<u>86</u>	<u>53</u>	<u>25</u>
<i>Total</i>	173	106	51

^a ITE LUC 882 (Marijuana Dispensary) based on 6,000 SF.

^b Based on empirical trip generation rates per 1,000 SF collected at Patriot Care in Lowell, MA, applied to 6,000 SF proposed facility.

^c Based on empirical trip generation rates per register collected at Patriot Care in Lowell, MA, applied to 5 registers proposed.

Figure 1. Excerpt from TIA showing trip generation per 1000 sf and per register (5 registers proposed)

- 16 Arc Rd. site projected trip generation (trips distributed to network to create “Build” scenario turning movements):
 - AM weekday peak hour: 22
 - PM weekday peak hour: 40
 - Saturday midday peak hour: 51
- At 236-Arc Rd. under Build scenario using Synchro software:
 - All traffic on 236 will operate at level of service (LOS) A or B (the two highest or best traffic “grades”)
 - Traffic exiting Arc Rd. will operate at LOS D during the AM peak hour and LOS E during the PM peak hour
 - Volume-to-capacity ratio will be below 1.0 and queues are not expected to be longer than 2 vehicles
 - The TIA explains the counterintuitive reason the Synchro model shows an improvement in LOS with more traffic under the “Build” scenario, i.e. that the mix of vehicles would be expected to shift to have a greater percentage of cars vs. trucks, and cars can more easily find gaps in the 236 traffic stream. So the “average” LOS shows improvement despite more traffic.
- Note the conclusions bullet list and overall conclusion: “Based on the findings above, the proposed marijuana dispensary can be safely and efficiently accommodated along the existing roadway network. No project-specific mitigation is warranted based on the incremental impacts of the Project.”

My additional comments:

- From measuring the aerials, it looks like Arc Rd. is closer to 20 ft. than 24 but spot measurements are recommended. Maneuverability is more of a concern if the road is a narrower 20 ft. with waste trucks passing by retail traffic.
- The 4/18/2020 intersection movement injury crash is shown located at 476 HL Dow

PB21-29: 16 Arc Rd. (Map 45/Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**

(Transfer Station) but the MaineDOT online Public Crash Query Tool map puts it at Arc Rd.

- Note that the overall weekday PM peak hour trips for the Lowell dispensary was 79 and the Saturday peak hour trips were 102. This dispensary had 7 retail points of sale and 3 medical.
- I appreciate the TIA’s use of both ITE rates (still a work in progress with regard to marijuana use trip data) and empirical data. However, it would be good to see the Northeast ITE conference presentation on the pros of using “per cash register” rates instead of “per 1000 sf” rates. This assumption drastically lowers the 16 Arc Rd. trip generation. Also, assuming cash registers are a reliable independent variable for estimating trip generation, it is difficult to keep track of cash registers under normal building inspection frequencies.
- I may have other comments at the meeting, but PB members are encouraged to review and comment on the TIA.

Noise (45-407)

No review comments at this time.

Dust, fumes, vapors, gases (45-408)

No review comments at this time, but see Odor Remediation Plan in previous packet.

Odor (45-409)

See Odor Remediation Plan provided previously.

Glare (45-410)

See lighting plan with illuminance levels at lot lines and proposed lighting on the buildings.

2/7 cover letter notes: “Lighting Plan Sheet L1: Added a new light at the rear entrance door to the proposed building with updated site photometric”. The 2/7 submittal also includes a luminaire specification.

Stormwater runoff (45-411)

See site plan and drainage analysis. Similar to PB20-22, a stormwater detention pond, storm berm level spreader, and emergency spillway are proposed. P. 5 of the drainage analysis shows reductions in peak runoff for both analysis points for the 50-year storm (Town of Eliot standard).

Erosion control (45-412)

See planset, sheet D1 and drainage analysis.

Preservation of landscape (45-413)

Plan shows the building setback from the normal high-water line of adjacent Sturgeon Creek, and percent of non-vegetated surface staying under 20% in the shoreland zone (calculated value is 11%), per 44-35(b)(4).

Relation of buildings to environment (45-414)

N/A – applies to village and suburban districts

Soil suitability for construction (45-415)

See soils report in previous packet.

PB21-29: 16 Arc Rd. (Map 45/Lot 17): Site Plan Review, Change of Use, and Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store – **Public Hearing**

Sanitary standards for sewerage (45-416)

See SSWDS (septic) application in packet for a design flow of 980 gpd, with similar proposed leach field location as with PB20-22. On January 25, it was clarified that as shown in the details on Sheet C5, the septic system will have an alarm. See also additional information on Sheet C5 noted by the 2/7 cover letter.

Buffers and screening (45-417)

Forested buffer appears on all sides of the lot in Sheet C2.

Explosive materials (45-418)

No such liquids, solids, or gases proposed or apparent in the submittal.

Water quality (45-419)

No such discharges or chemical storage facilities proposed

Conservation Commission review

ECC reviewed at their March 1 meeting. Topics included the location of the driveway with regard to wetlands, native plantings (see planting schedule in updated Sheet C2), and the current condition of the site (as seen by the PB and ECC members who were on the 2021 site walk for the previous proposal for property).

Parking

While the required calculation is 1 space per 150 sf, not 1 per 300 as shown in Sheet C2, Note 9, the calculation arrives at about the same number required by the Town Code because it also calculates spaces for employees. So the parking requirement in Section 45-495 is met.

Note that per PB feedback the ADA space location has changed to reduce its mixing with the vehicle loading zone and give it an access aisle to an accessible entrance.

If the actual trip generation is significantly higher than estimated in the TIA, for example on Saturday peak hours (40 trips), I can see situations where parking demand would be over capacity. There are 25 spaces available for customers, but 40 trips over a peak hour would probably see some turnover within the hour. However if actual peaks are significantly higher even with turnover there may be some at-or over-capacity parking situations.

Requested information waivers

None

Recommendation: At the time of this report, with the OMP conditional license outstanding and further discussion recommended on traffic, I recommend continuance of the item.

Motion templates to be provided at the meeting

* * *

Respectfully submitted, Jeff Brubaker, AICP; Town Planners

ATLANTIC AQUA FARMS USA I
PO BOX 716
ELIOT, ME 03903

WHEELABRATOR HOLDCO 1 INC
100 ARBORETUM DR SUITE 310
PORTSMOUTH, NH 03801

BETH, DAVID J
438 HAROLD L DOW HWY
ELIOT, ME 03903

WHEELABRATOR HOLDCO 1 INC
100 ARBORETUM DR SUITE 310
PORTSMOUTH, NH 03801

HENRIE REALTY TRUST
GAGNON, STEPHEN & GAGNON,
PO BOX 431
TOPSFIELD, MA 01983

HENRIE REALTY TRUST
MARIE & MATTHEW GAGNON TR
PO BOX 431
TOPSFIELD, MA 01983

HENRIE REALTY TRUST
GAGNON, STEPHEN & GAGNON,
PO BOX 431
TOPSFIELD, MA 01983

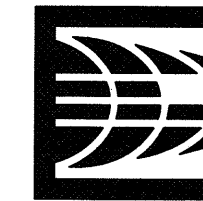
SMITH BROTHERS MAINTENANC
398 HAROLD L DOW HWY
ELIOT, ME 03903

TOBEY, DANA LLC
126 FORE RD
ELIOT, ME 03903

TOWN OF ELIOT
1333 STATE RD
ELIOT, ME 03903

TOWN OF ELIOT
TRANSFER STATION
1333 STATE RD
ELIOT, ME 03903

WHEELABRATOR HOLDCO 1 INC
100 ARBORETUM DR
SUITE 310
PORTSMOUTH, NH 03801



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-8202
Fax (603) 436-2316

NOTES:

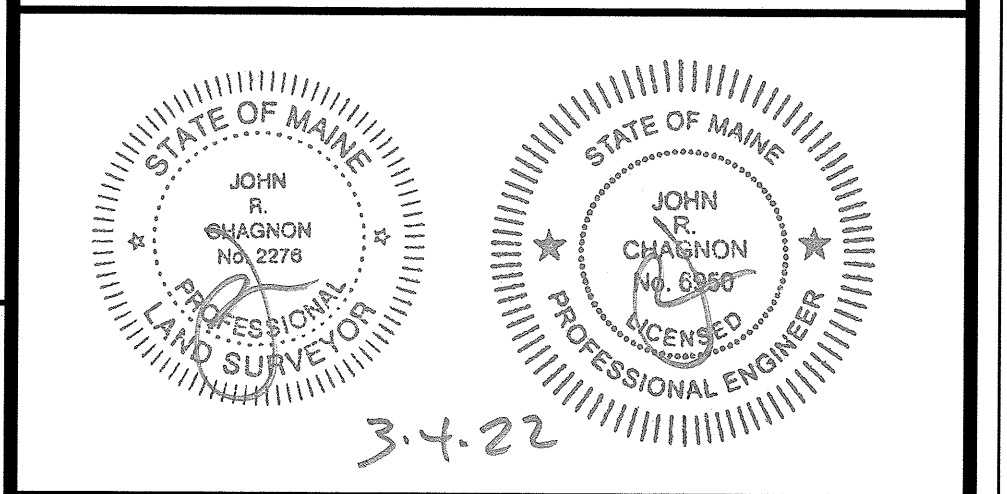
- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 45 AS LOT 17.
- 2) OWNER OF RECORD:
JD INVESTMENTS, LLC
19 BUFFUM ROAD, UNIT 6
NORTH BERWICK, ME 03906
18185/576

PROPOSED TENANTS:
GREEN TRUCK FARMS II, LLC
GREEN TRUCK FARMS III, LLC
- 3) PARCEL IS IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 2301490010B. EFFECTIVE DATE JUNE 5, 1989. PROPOSED IMPROVEMENTS ARE NOT IN FLOOD HAZARD AREA. ESTIMATED FLOOD ELEVATION 18.0. BUILDING LOWEST ELEVATION IS 27.50.
- 4) EXISTING LOT AREA:
367,135 S.F.±
8.43 ACRES±
- 5) PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL DISTRICT, RESOURCE PROTECTION (CREEK) AND LIMITED COMMERCIAL SHORELAND ZONES.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED DEVELOPMENT ON TAX MAP 45 LOT 17 IN THE TOWN OF ELIOT.
- 7) PROPOSED BUILDING COVERAGE:
STRUCTURES: 9,762 SF

9,762 SF / 367,135 SF = 2.7%
- 8) ARCHITECTURAL PLANS BY PATCO CONSTRUCTION INC. DATED 10/13/21.
- 9) PROPOSED USE: MEDICINAL & ADULT USE MARIJUANA RETAIL-2 SHOPS. NO CULTIVATION PROPOSED
PARKING:
RETAIL SALES:
1 SPACE PER 300 S.F. REQUIRED.
6,000 S.F./300 = 20 SPACES REQUIRED.
1 SPACE REQUIRED PER EMPLOYEE.
16 EMPLOYEES X 1 PER EMPLOYEE = 16 REQUIRED.
36 TOTAL SPACES REQUIRED.
41 SPACES (2 ADA) PROVIDED.
- 10) PROPOSED CLEARED AREA:
90,865 S.F.; 24.7% OF LOT
- 11) HOURS OF OPERATION:
EMPLOYEE HOURS: MONDAY THROUGH SATURDAY 7:00AM-8:00PM
SUNDAY 7:00AM-5:00PM
STORE HOURS: MONDAY THROUGH SATURDAY 8:00AM-7:00PM
SUNDAY 8:00AM-4:00PM
- 12) IF A BUSINESS SIGN ALONG ROUTE 236 IS DESIRED APPROVAL FROM THE BOARD OF APPEALS WOULD BE REQUIRED.

**SITE DEVELOPMENT
PROPOSED BUILDING
16 ARC ROAD
ELIOT, MAINE**

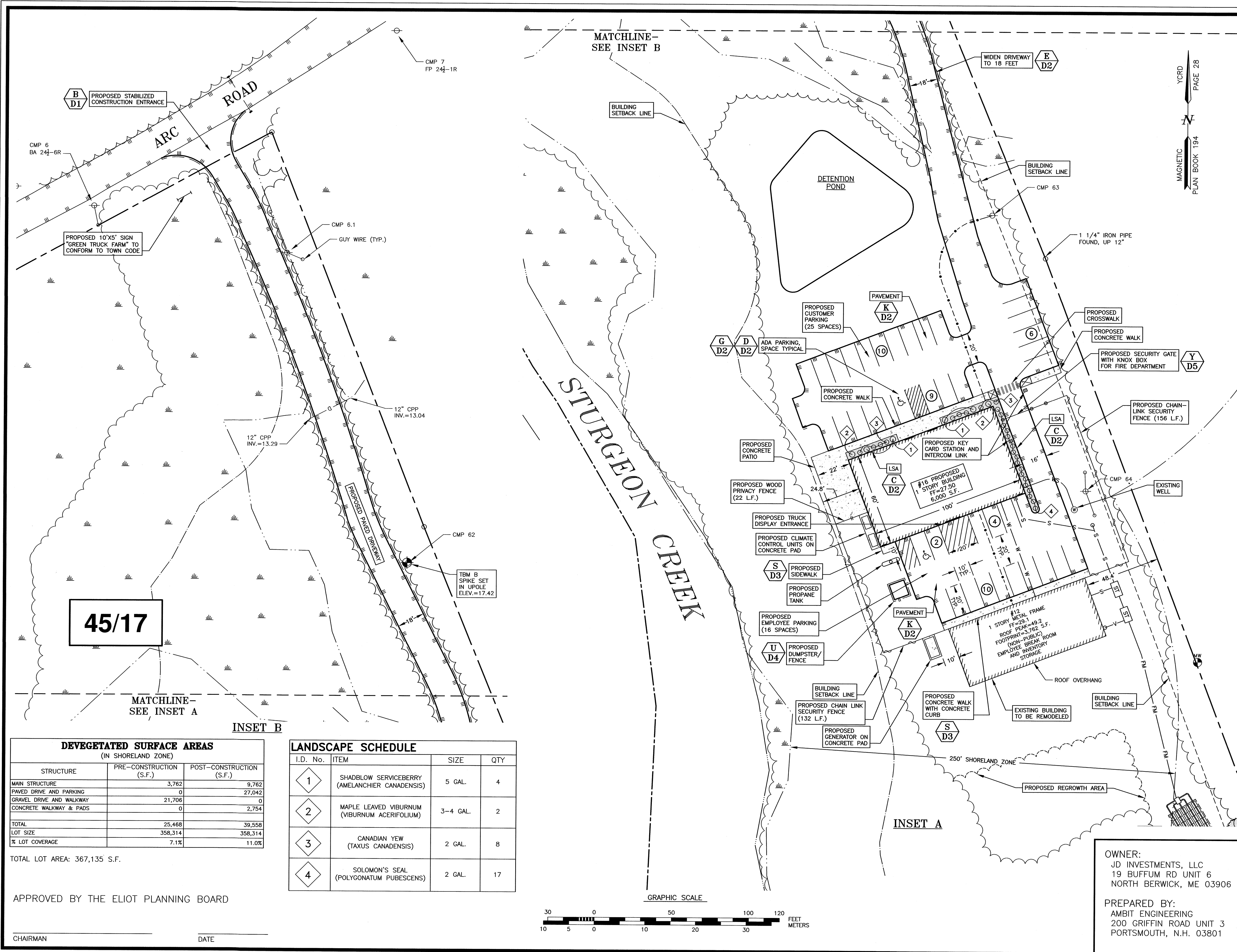
NO.	DESCRIPTION	DATE
4	LANDSCAPE SCHEDULE	3/4/22
3	NOTE 12	2/14/22
2	ADA SPACE, WALKWAY	2/1/22
1	LANDSCAPING, DETAILS	1/4/22
0	ISSUED FOR COMMENT	11/1/21



SCALE: 1"=30' OCTOBER 2021

SITE PLAN

C2



45/17

**DEVEGETATED SURFACE AREAS
(IN SHORELAND ZONE)**

STRUCTURE	PRE-CONSTRUCTION (S.F.)	POST-CONSTRUCTION (S.F.)
MAIN STRUCTURE	3,762	9,762
PAVED DRIVE AND PARKING	0	27,042
GRAVEL DRIVE AND WALKWAY	21,706	0
CONCRETE WALKWAY & PADS	7,101	2,754
TOTAL	25,468	39,558
LOT SIZE	358,314	358,314
% LOT COVERAGE	7.1%	11.0%

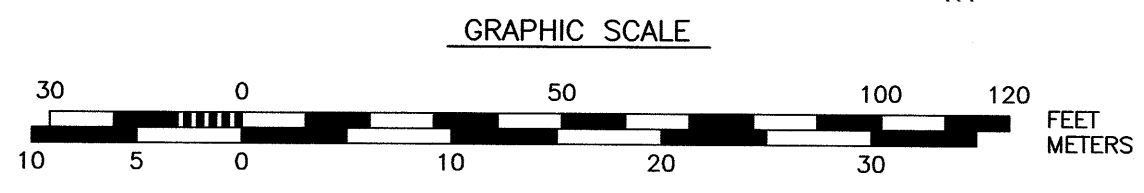
LANDSCAPE SCHEDULE

I.D. No.	ITEM	SIZE	QTY
1	SHADBLOW SERVICEBERRY (AMELANCHIER CANADENSIS)	5 GAL.	4
2	MAPLE LEAVED VIBURNUM (VIBURNUM ACERIFOLIUM)	3-4 GAL.	2
3	CANADIAN YEW (TAXUS CANADENSIS)	2 GAL.	8
4	SOLOMON'S SEAL (POLYGONATUM PUBESCENS)	2 GAL.	17

TOTAL LOT AREA: 367,135 S.F.

APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN _____ DATE _____



From: [Jeff Brubaker](#)
To: [Kearsten Metz](#)
Subject: FW: Seeking review comments - 16 Arc Rd - Marijuana Retail Store
Date: Tuesday, March 8, 2022 10:43:57 AM

Can you ensure to include this in the 16 Arc item for the PB packet

Jeff Brubaker, AICP
(207) 439-1817 x112

From: Chief Jay Muzeroll <eliotfirechief@hotmail.com>
Sent: Friday, February 11, 2022 2:40 PM
To: Jeff Brubaker <jbrubaker@eliotme.org>
Subject: Re: Seeking review comments - 16 Arc Rd - Marijuana Retail Store

Good Afternoon,

I have reviewed the latest site plan again and still have the following requirements

Both building to be reviewed by the Maine Fire Marshal for access/egress compliance, construction permits and ADA compliance. Results to the Eliot Fire Chief prior to occupancy

Both buildings to have Knox Box's installed, location approved by the Eliot Fire Chief. Keys available in box's not key fobs or magnetic cards for building and alarm access. Prior to occupancy

Fire Alarm system to be installed by licensed provider. System to be tested by Fire Department prior to occupancy.

18' clear road width minimum maintained year-round and all-weather conditions.

Please pass this along to those that need it.

Jay P. Muzeroll
Eliot Fire Chief
NFPA Certified Plans Examiner

From: Jeff Brubaker <jbrubaker@eliotme.org>
Sent: Thursday, February 10, 2022 17:13
To: Fire Chief <eliotfirechief@hotmail.com>; Harbor Master <harbormaster@eliotme.org>; Heather Muzeroll-Roy <hmuzeoll@eliotcsd.com>; Kari <kschank@yahoo.com>; Police Chief <emoya@eliotpolice.org>; Shelly Bishop <sbishop@eliotme.org>; Steve Robinson <srobinson@eliotme.org>; Brent Martin <bmartin@eliotme.org>; Jay Muzeroll <eliotfirechief1@gmail.com>

Cc: Kearsten Metz <kmetz@eliotme.org>

Subject: Seeking review comments - 16 Arc Rd - Marijuana Retail Store

All,

See attached. This will be reviewed at next Tuesday's Planning Board meeting, but it has not yet been deemed complete, so there will be future reviews.

Let Kearsten and myself know if you have any comments.

Jeff

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

Draft proposed for Planning Board public hearing, March 15, 2022

Short title (DRAFT)

Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

Ballot question (DRAFT)

ARTICLE #__: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems” be enacted?

Background and rationale (DRAFT)

Currently, there are no land use regulations in the Town Code specific to utility-scale solar energy systems. The Town Code definition of “solar energy system” limits the applicability of such a system to “a principal use or structure located on the same lot as the system, or on an abutting lot in the case of a common system serving more than one principal use or structure”. The current definition therefore does not cover larger systems used or subscribed to by a greater number of users that are farther from the system than the same lot or abutting lot. These ordinance amendments establish specific land use regulations for utility-scale solar energy systems. The need for such amendments has been expressed by the Planning Board, Select Board, and State Representative Meyer.

The amendments add several definitions related to solar energy to Section 1-2. The current definition of “solar energy system” is replaced by a definition that distinguishes two types of systems based on size and location. “SES-SR” refers to smaller-scale, ground-mounted solar energy systems (less than 15,000 square feet in ground coverage) or roof-mounted systems of any size. “SES-LG” refers to larger-scale (15,000 square feet or greater) ground-mounted systems. Another Section 1-2 change clarifies how lot coverage is measured for solar energy systems. The definition of “public utility” is changed to sync with the State law definition, such that solar energy systems would no longer be applicable to that definition.

The amendments clarify allowability for the two system types in the land use tables in Chapter 44 (Shoreland Zoning) and Chapter 45 (Zoning). An SES-SR, like the currently-defined “solar energy system”, would continue to be a “by right” use in all zones – allowed with just the pertinent building permits – and allowed in shoreland zones. SES-LGs would be SPR uses, except they would be prohibited in the Village district and all shoreland zoning districts. Section 33-191 establishes new application content requirements for SES-LGs, and current Section 45-462 is overhauled to establish a set of performance standards, primarily for SES-LGs, with goals of protection of habitat, ecologically sensitive areas, and agricultural land, as well as decommissioning and removal requirements.

(New text underlined in bold)

~~Deleted text in strikethrough~~

Sec. 1-2. - Definitions and rules of construction.

[abridged to only show changes]

[...]

Distributed generation resource means an electric generating facility with a nameplate capacity of less than 5 megawatts that uses a renewable capacity resource and is located within the service territory of a transmission and distribution utility in the State.

State law reference – 35-A MRSA 3481(5)

[...]

Lot coverage (as applied to a lot with a solar energy system) means the percentage of the lot covered by all buildings plus the percentage of the lot whose airspace (vertical space above the ground) includes a solar panel or a solar panel support, rack, or mounting pole. Roof-mounted solar energy systems do not add to lot coverage in excess of the building to which they are mounted, except that any portion of a roof-mounted solar energy system that overhangs a roof above ground shall be counted toward lot coverage. Lot coverage for ground-mounted solar energy systems installed with tracking devices shall account for all airspace through which a panel passes in its tracking course.

[...]

~~Public utility means any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, transportation or water to the public.~~ **a “public utility” as defined by 35-A MRSA Section 102, as may be amended.**

[...]

Rated nameplate capacity (of a photovoltaic solar energy system) means the maximum rated output of electric power production of the system in watts of direct current (DC).

[...]

Renewable capacity resource means a source of electrical generation:

- (1) Whose total power production capacity does not exceed 100 megawatts and relies on one or more of the following:**
 - (a) Fuel cells;**
 - (b) Tidal power;**
 - (c) Geothermal installations;**
 - (d) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator;**
 - (e) Biomass generators that are fueled by wood, wood waste or landfill gas; or**
 - (f) Anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse; or**
- (2) That relies on wind power installations or solar power installations.**

State law reference – 35-A MRSA 3481(5)

[...]

~~*Solar energy system* means a system designed and used to obtain energy from the sun in order to supply energy to a principal use or structure located on the same lot as the system, or on an abutting lot in the case of a common system serving more than one principal use or structure, for the purpose of reducing the consumption of fuel for heating or electricity. A solar energy system may include solar hot water or air heating or photovoltaic systems. Solar energy systems are allowed only as accessory uses or structures.~~

***Solar energy system* means a system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted. Solar energy systems are categorized by a combination of area and location as follows:**

1. A small-scale or roof-mounted solar energy system (SES-SR) is either:

- (a) a ground-mounted solar energy system whose area, based on total airspace projected over the ground, is less than 15,000 square feet (approximately one-third of an acre); or**
- (b) a roof-mounted solar energy system**

2. A larger-scale solar energy system (SES-LG) is a ground-mounted solar energy system whose area, based on total airspace projected over a roof or the ground, is equal to or greater than 15,000 square feet. Within any three-year period, construction of two or more ground-mounted solar energy systems on the same

property, where the total combined area, based on total airspace projected over the ground, of those systems is equal to or greater than 15,000 square feet, shall be collectively considered an SES-LG.

Solar energy system, agrivoltaic means a solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

Solar energy system, ground-mounted means a solar energy system that is structurally mounted to the ground and is not roof-mounted.

Solar energy system, photovoltaic means a solar energy system whose primary purpose is to generate electricity.

Solar energy system, roof-mounted means a solar energy system that is mounted on the roof of a building or structure.

[...]

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

Section 1-25. Fee schedule.

[abridged to only show changes]

PLANNING BOARD			
PURPOSE		FEE	
Site Plan Review (Sec. 33-128) <i>(Public hearing fees not included)</i>	Rural, Suburban, Village, Commercial/Industrial Zoning Districts	General site plan review application (non Shoreland zone)	\$100.00 per acre up to 5 acres; \$50.00 each additional acre (minimum fee \$100.00)
		Change of use (no site changes or major structural changes or additional square footage)	\$25.00
		Home business; home occupation	\$25.00
		Lodging businesses (bed & breakfasts, hotels, motels, boarding homes, inns, etc.)	\$25.00 per room for lodging businesses in lieu of acreage-based fee
		<u>Larger-scale solar energy systems (SES-LG), in addition to general site plan review fee</u>	<u>\$500.00</u>
	Shoreland Zoning Districts	General site plan review application	\$100.00/acre up to 5 acres. \$50.00 each additional acre

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

		(minimum fee \$100.00)
	Piers, docks, wharves, bridges and other structures extending over or below the high-water line	\$50.00
	Road & driveway construction permits	\$50.00
	Non-conforming structures, uses and lots per Sec. 44-32	\$75.00
	Revisions to final site plans after planning board approval (Sec. 33-140)	\$100.00
Subdivisions (Sec. 41-142)	Subdivision application fee	\$200.00 per lot or dwelling unit
	Mobile home park application fee	\$50.00 per unit
	Final plan fee for subdivisions and mobile home parks (Sec. 41-171)	\$50.00
	Revisions to final subdivision plans after approval (Sec. 41-182)	\$200.00 per lot or dwelling unit affected by change
Public hearing fees (includes abutter notification via certified mail and advertising in 2 local newspapers)		\$175.00

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

[Planner note: The following change would establish an annual licensing program for larger-scale solar energy systems (SES-LG). It is in response to PB direction on March 1. However, having consulted with our Tax Assessor and Town Attorney, I do not recommend establishing an annual licensing program at this time for the following reasons.

- *The program should be based on cost recovery and cannot be a source of revenue. The cost of inspections and cost of disposal could potentially be covered by a license fee, but those costs are already addressed by inspection and re-inspection fees in Section 1-25 and by the proposed decommissioning financial guarantee requirements.*
- *It's not clear if any other municipalities in Maine have an annual licensing programs/fees for utility-scale solar arrays.*
- *Based on similar past examples (e.g. York in 2018 regarding residential solar assessments), there may be a risk of litigation if solar licensing fees are not carefully established and based on cost recovery. More time would be needed to further explore this before proceeding with any licensing program.*
- *Regarding concerns about capturing revenue, as has been discussed at past meetings, while solar energy systems are exempt from property taxes, municipalities receive half the assessed valuation back from the state as a reimbursement.*
- *If the licensing program were extended to small-scale and roof-mounted systems (SES-SR), that could disincentivize small-scale solar and the Town likely doesn't have the workforce to run the program.*

It is recommended the PB vote on whether to include this section in the proposed ordinance amendments, before voting to recommend the overall amendments to be on the ballot. My recommendation is to omit this from the recommended amendments.]

Chapter 11 – ~~MARIJUANA ESTABLISHMENTS~~ **BUSINESS LICENSES AND REGULATIONS**

[recodify current Chapter 11 – Marijuana Establishments as Article I. - Marijuana Establishments within Chapter 11]

[Add a new article:]

ARTICLE II. – SOLAR ENERGY SYSTEMS

Sec. 11-16. – Purpose.

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

The purpose of this article is to provide for and regulate the issuance of local licenses for larger-scale solar energy systems (SES-LG) to recover the costs to the Town of inspection of such systems.

Sec. 11-17. – Authority.

This article is established pursuant to 30-A MRSA 3701 et. seq.

Sec. 11-18. – License required; Planning Board approval; building permits

No SES-LG shall begin operation until a license for such operation has been granted for such operation by the Select Board. An initial license for an SES-LG shall not be applied for until such SES-LG has been granted approval by the Planning Board. A license may be applied for in conjunction with application to the Code Enforcement Officer for any required building permits; however, such license shall not become active until after a certificate of occupancy has been granted for the SES-LG.

Sec. 11-19. – Application; contents

The owner or operator of an SES-LG, or their authorized agent, shall submit an application to the Select Board for review. The application shall include the following content, unless not applicable:

- (1) The applicant’s full legal name and any other names used by the applicant in the preceding five years.
- (2) Current business address or another mailing address for the applicant.
- (3) The business name, location, legal description, mailing address and phone number.
- (4) The name and business address of the statutory agent or other agent authorized to receive service of process.
- (4) The location of the lot(s) for which the license is sought, including the street address and tax map and lot number(s)
- (5) The Notice of Decision for the Planning Board approval.

Sec. 11-20. – Transfer of ownership and change of location.

- (a) Licenses issued under this article are not transferable to a new owner.
- (b) Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.

Sec. 11-21. - Appeals.

Any appeals of decisions made under this article shall be filed with the state superior court.

Sec. 11-22. - Enforcement and violations.

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

(a) The operation of any SES-LG without the required license or in violation of the requirements of this article shall be a violation of this chapter.

(b) Fines shall be set forth for violation of any of the provisions of this article; violators shall be punished by a civil penalty of not less than \$20.00 and not more than \$200.00 for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the town. Each day a violation is committed, or permitted to continue, shall constitute a separate violation and shall be fined as such.

(c) The town may suspend or revoke a permit granted under this article based on three or more violations of the provisions of this article.

(d) Right of entry. Town officers or their designees may, to carry out the provisions of this article or to determine compliance with any laws, ordinances, permit approvals, decisions, or conditions:

(1) Enter any SES-LG property and inspect the perimeter of the SES-LG at reasonable hours for compliance with the laws or ordinances set forth in accordance with this article.

(2) Enter the limited-access area within the perimeter fence with the consent of the owner, occupant, or agent to inspect the developed and occupied area for compliance with the laws or ordinances set forth in the Town Code.

(e) Inspections shall take place at least twice per year.

Sec. 11-23 – License fee.

To recover the cost of inspections, including communication with the owner, property owner, or agent; inspection preparation; inspection; post-inspection report; and license tracking, the annual license fee shall be \$750.00.

Sec. 11-24 – Renewal.

Licenses shall be valid for one year. To renew their license, license holders shall submit a renewal application in the same form and with the same content as required by Section 11-19.

Sec. 33-175. Commercial and industrial establishments—Landscaping.

- (a) 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.
- (b) 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.
- (c) A partial foundation planting shall be provided in front and side yard areas.

(T.M. of 11-2-82; T.M. of 3-19-88; T.M. of 12-20-89, (§ 404.1); T.M. of 3-20-04)

Cross reference(s)—Site plan requirements for commercial and industrial establishments, § 33-127; landscaping requirements under the zoning regulations, § 45-413-; **performance standards for solar energy systems, § 45-462.**

[Add a new section:]

Sec. 33-191. – Larger-scale solar energy systems

In addition to the required elements in Section 33-127, all larger-scale solar energy system (SES-LG) site plan review applications must include the following:

- (a) A decommissioning plan consistent with Section 45-462(d)(10). A decommissioning plan (or advanced draft of such plan) required by 35-A MRSA 3491 through 3496 may be provided as long as it is consistent with Section 45-462(d)(10).
- (b) Documentation of the financial guarantee required by 35-A MRSA 3491 through 3496. The Town shall have the option to be an obligee on a surety bond or otherwise hold a financial assurance.
- (c) Environmental information, as applicable:
 - (1) Summary of known occurrences of species or habitats of concern for the project site provided by the Maine Department of Inland Fisheries and Wildlife (MDIFW)
 - (2) Documentation regarding Endangered, Threatened, or Rare/Special Concern species or their habitat on the project site, pursuant to the Maine Endangered Species Act (MESA; 12 M.R.S.A. §12801 eq. seq.)
 - (1) Significant Wildlife Habitats (SWHs) defined and protected pursuant to the Natural Resources Protection Act (NRPA; 38 M.R.S.A §480-B (10)) and Maine Department of Environmental Protection (DEP) SWH rules (06-096 CMR 335; 09-137 CMR 10), including, but not necessarily limited to, Deer Wintering Areas (DWAs) or Travel Corridors
 - (3) Mapped vernal pools on, or within 250 feet of the property, and the following related information: Maine State Vernal Pool Assessment Forms completed by a qualified wetland scientist, vernal pool significance determinations from MDIFW; mapped Critical Terrestrial Habitat (CTH) buffers, as required by NRPA (38 M.R.S.A. §480-BB) and DEP CTH rules (06-096 CMR 305 and 335); and associated CTH impact calculations. An applicant may omit the aforementioned assessment forms and-or vernal pool determinations if:
 - i. because of the time of year at which the application is submitted, conducting a seasonally valid vernal pool survey would delay application review by at least two months; and
 - ii. the applicant treats all vernal pools on the property as “potentially significant” and designs the project as if they were significant and DEP CTH rules apply
 - (4) Delineated wetlands. Wetland delineation for wetlands shown on the site plan must have been completed by a qualified wetland scientist within the last five years.

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

- (5) Archaeological and historical resources, including but not limited to correspondence from the State Historic Preservation Commission
 - (6) A summary of DEP NRPA permit requirements and the status of applications for said permits
 - (7) An estimate of the location of prime farmland or soils of statewide importance
 - (8) Environmental assessment and alternatives analysis. Applicants for SES-LGs shall submit an environmental assessment and alternatives analysis that documents how the siting decision was made; an assessment of different locations and sizes of solar array on the parcel to be developed; a narrative describing impacts to wildlife, documented significant natural areas, watersheds; and a discussion of how these impacts will be avoided, minimized, or mitigated.
- (d) *Environmental information exemptions.* Applications for SES-LG systems, at least 90 percent of which would cover already impervious area (such as a parking lot), or which are entirely within documented brownfield sites, are exempt from providing the above information, unless the Planning Board makes a motion to require it.
- (e) Locations of proposed new power lines serving the site, information about anticipated upgrades to existing power distribution lines or poles, and a summary of the project's status with power company/grid operator required approvals/documents
- (f) *Operations and Maintenance Plan.* The applicant shall submit a plan for the operation and maintenance of the SES-LG, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.
- (b) *Emergency Services.* The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. The owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked. The owner or operator shall provide to the Code Enforcement Officer the name and contact information of a responsible person for public inquiries throughout the life of the installation.

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

Sec. 44-34. Table of land uses.

All land use activities, as indicated in table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in section 44-33 and other applicable ordinances. The district designated for a particular site shall be determined from the official zoning map.

Key to table 1:

Yes	-	Allowed (no permit required but the use must comply with all applicable land use standards)
No	-	Prohibited
SPR	-	Allowed with site plan review and approval by the planning board
CEO	-	Allowed with permit issued by the code enforcement officer
LPI	-	Allowed with permit issued by the local plumbing inspector

Abbreviations:

RP	-	Resource protection
LR	-	Limited residential
LC	-	Limited commercial
GD	-	General development
SP	-	Stream protection

The following notes are applicable to the land uses table on the following page:

Note: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and public shorefront parks.

Table 1. Land Uses in the Shoreland Zone

Land Uses		Districts				
		SP	RP	LR	LC	GD
Uses or Activities Without Structures						
(1)	Clearing of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO	CEO	CEO
(2)	>Emergency operations	yes	yes	yes	yes	yes
(3)	Fire prevention activities	yes	yes	yes	yes	yes
(4)	Forest management activities, except for timber harvesting and land management roads	yes	yes	yes	yes	yes

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

(5)	Mineral exploration	no	no	no	yes ²	yes ²
(6)	Mineral extraction, including sand and gravel extraction	no	no	no	SPR	SPR
(7)	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
(8)	Nonintensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
(9)	Soil and water conservation practices	yes	yes	yes	yes	yes
(10)	Surveying and resource analysis	yes	yes	yes	yes	yes
(11)	Wildlife management practices	yes	yes	yes	yes	yes
Principal Structures or Uses						
(12)	Principal structures and uses:					
	a. One- and two-family residential	SPR ⁴	SPR ⁹	CEO	CEO	CEO
	b. Multifamily dwelling	no	no	SPR	SPR	SPR
	c. Commercial (not listed elsewhere)	no ¹³	no ¹³	no ¹³	SPR	SPR ⁵
	d. Industrial	no	no	no	no	SPR
	e. Governmental and institutional	no	no	no	SPR	SPR
	f. Small nonresidential facilities for educational, scientific or nature interpretation purposes	SPR ⁴	SPR	CEO	CEO	CEO
(13)	Agriculture	CEO	SPR	CEO	CEO	CEO
(14)	Aquaculture	SPR ¹⁰	SPR ¹⁰	SPR ¹⁰	SPR	Yes
(15)	Auto graveyard	no	no	no	no	no
(16)	Auto hobbyist storage area	no	no	no	no	no
(17)	Auto junkyard	no	no	no	no	no
(18)	Auto recycling operation, limited	no	no	no	no	no
(19)	Auto recycling operation, principal	no	no	no	no	no
(20)	Bed and breakfast	no	no	SPR ¹⁰	SPR ¹⁰	SPR
(21)	Boardinghouse	no	no	SPR ¹⁰	SPR	SPR
(22)	Campgrounds	no	no ⁷	no	no	SPR
(23)	Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
(24)	Fireworks sales	no ¹⁷	no ¹⁷	no ¹⁷	no ¹⁷	no ¹⁷

DRAFT Proposed Town Code Amendments of Chapter 1 – General Provisions, Chapter 33 – Planning and Development, Chapter 44 – Shoreland Zoning, and Chapter 45 – Zoning, Related to Solar Energy Systems

(25)	Gambling Casino	no	no	no	no	no
(26)	Marijuana establishment					
	a. Marijuana store	no	no	no	SPR	SPR
	b. Marijuana cultivation facility	no	no	no	SPR	SPR
	c. Marijuana products manufacturing facility	no	no	no	no	SPR
	d. Marijuana testing facility	no	no	no	SPR	SPR
(27)	Marinas					
	a. Full service	no	no	no	no	SPR
	b. Limited	no	no	no	SPR	SPR
(28)	Medical marijuana establishment					
	a. Medical marijuana dispensary	no	no	no	SPR	SPR
	b. Medical marijuana cultivation facility	no	no	no	SPR	SPR
	c. Medical marijuana caregiver retail store	no	no	no	SPR	SPR
	d. Medical marijuana products manufacturing facility	no	no	no	no	SPR
	e. Medical marijuana testing facility	no	no	no	SPR	SPR
(29)	Off-site parking	no	no ⁷	no	no	no
(30)	Public and private recreational areas involving minimal structural development	SPR	SPR	SPR	SPR	CEO
(32)	<u>Solar energy system, larger-scale</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
Accessory Structures or Uses						
(31)	Structures accessory to allowed uses, not otherwise listed	SPR ⁴	SPR	CEO	CEO	CEO
(32)	Essential services	SPR ⁶	SPR ⁶	SPR	SPR	SPR
	a. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²
	b. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	SPR ⁶	SPR ⁶	CEO	CEO	CEO
	c. Non-roadside or cross-country distribution lines	SPR ⁶	SPR ⁶	SPR	SPR	SPR

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		involving 11 or more poles in the shoreland zone					
	d.	Other essential services	SPR ⁶	SPR ⁶	SPR	SPR	SPR
(33)		Fences	yes ^{11A}	yes ^{11A}	yes ^{11A}	yes ^{11A}	yes ^{11A}
(34)		Filling and earthmoving of < 10 cubic yards	CEO	CEO	yes	yes	yes
(35)		Filling and earthmoving of > 10 cubic yards	SPR	SPR	CEO	CEO	CEO
(36)		Home business	no ^{12A}	no ^{12A}	SPR ^{10A}	SPR ^{10A}	no
(37)		Home occupations; regular and water-dependent	no	no	no	no	no
(38)		Home Office	CEO	no	CEO	CEO	CEO
(39)		Individual, private campsites	CEO	CEO	CEO	CEO	CEO
(40)		Piers, docks, wharves, bridges and other structures and uses and extending over or below the normal high-water line or within a wetland:					
	a.	Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
	b.	Permanent residential	SPR	SPR	SPR	SPR	SPR
	c.	Permanent commercial	SPR ¹⁴	SPR ¹⁴	SPR ¹⁴	SPR	SPR
	d.	Limited commercial	SPR ⁵	SPR ⁵	SPR ⁵	SPR	no
(41)		Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
(42)		Road and driveway construction	SPR	no ⁸	SPR	SPR	SPR
(43)		Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
(44)		Signs.	yes ^{9A}	yes ^{9A}	yes ^{9A}	yes ^{9A}	yes ^{9A}
(45)		Solar energy system, small-scale ground-mounted or roof mounted	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵
(46)		Small wind energy system	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶	SPR ¹⁶
(47)		Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
(48)		Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
(49)		Uses similar to uses requiring a SPR permit	SPR	SPR	SPR	SPR	SPR
(50)		Waste containers	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}	CEO ^{5A}

Footnotes:

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- ¹ In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
- ² Requires permit from the code enforcement officer if more than 100 square feet of surface area, in total, is disturbed.
- ³ In RP not allowed in areas so designated because of wildlife value.
- ⁴ Provided that a variance from the setback requirement is obtained from the board of appeals.
- ⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only (see note on previous page).
- ^{5A} Only as an accessory use to an allowed principal use on the lot. Must conform to the requirements of [section] 45-422, Waste containers.
- ⁶ See further restrictions in subsection 44-35(1)(2), essential services.
- ⁷ Except when area is zoned for resource protection due to floodplain criteria in which case a site plan review is required from the planning board.
- ⁸ Except as provided in subsection 44-35(h).
- ⁹ Single family residential structures may be allowed by special exception only according to the provisions of subsection 44-44(f), Special exceptions. Two-family residential structures are prohibited.
- ^{9A} See sign ordinance section.
- ¹⁰ Except for commercial uses otherwise listed in this table, such as marinas and campgrounds, that are allowed in the respective district.
- ^{10A} Must conform to the requirements of section 45-456.1, Home business.
- ¹¹ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- ^{11A} Must conform to the requirements of section 45-423, Fences.
- ¹² Permit not required, but must file a written "notice of intent to construct" with CEO.
- ^{12A} "No" except in conjunction with aquaculture, small nonresidential facilities for educational, scientific or nature interpretation purposes or limited commercial piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.
- ¹³ Use is "No" except when permitted under another specific land use entry.
- ¹⁴ Only commercial aquaculture allowed on piers in this zone, with no other commercial pier uses. Pier must meet the requirements of a residential pier in these zones.

Note: A person performing any of the following activities shall require a permit from the department of environmental protection, pursuant to title 38, M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland,

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great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- b. Draining or otherwise dewatering;
- c. Filling, including adding sand or other material to a sand dune; or
- d. Any construction or alteration of any permanent structure.

¹⁵ Must conform to the requirements of section 45-462.

¹⁶ Must conform to the requirements of section 45-461.

¹⁷ See chapter 12 for additional regulations pertaining to the sale and use of fireworks.

(T.M. of 11-06-2018(3); T.M. of 7-14-2020(4) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(3) , art. 36; T.M. of 6-8-2021(4) , art. 31)

Sec. 45-290. Table of permitted and prohibited uses.

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	C/I
Accessory dwelling unit	CEO	CEO	CEO	CEO
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes ¹	12	SPR ^{1&8}	no
Animal husbandry	yes ¹	yes ¹	yes ¹	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR ⁸	no
Assisted living facility	no	SPR/SD	SPR/SD	SPR/SD
Auto graveyards	SPR	no	no	no
Auto hobbyist storage area	SPR	SPR	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation, principal	9	no	no	SPR
Auto recycling operation, limited	9	9	no	SPR
Auto repair garages	14	14	SPR ⁸	SPR
Auto service stations	no	9	no	SPR
Banks	no	no	SPR	SPR

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Bathroom	11	11	no	no
Bathing beach	yes	yes	yes	no
Bed and breakfasts	14	14	SPR ⁸	SPR
Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR ²
Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR
Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Day nurseries	SPR	16	SPR ⁸	SPR
Earth material removal, less than 100 cubic yards	yes	yes	yes	yes
100 cubic yards or greater	SPR	SPR	SPR	SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD
Emergency operations	yes	yes	yes	yes
Equipment storage, trucks, 3 or more	no	no	no	yes
Essential services	yes	yes	yes	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	CEO
Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	no
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	no ¹⁹
Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
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

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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
Landfill, dump	no	no	no	no
Libraries	SPR	SPR	SPR	SPR
Life care facility	no	SPR/SD	SPR/SD	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸	SPR
Marijuana establishment*	no	no	no	SPR ²⁰
Medical marijuana establishment*	no	no	no	SPR ²⁰
Mobile home parks	SPR/ SD ⁷	SPR/SD ⁷	SPR/SD ⁷	no
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR
New construction of telecommunication structure 70 feet and higher	9	9	no	SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR ⁸	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR ⁸	SPR
Public utility facilities	SPR	SPR	SPR	SPR
Recreational facilities, nonintensive	SPR	SPR	SPR	no
Recreational use not requiring structures	SPR	yes	yes	no
Restaurant	9	9	SPR ⁸	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR ⁸	SPR
Road construction	CEO	CEO	CEO	SPR
Schools	SPR	SPR	SPR	SPR
Sewage disposal systems, private	CEO	CEO	CEO	CEO

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Signs, 6 square feet	CEO	CEO	CEO	CEO
Signs, other	CEO	CEO	CEO	CEO
Single-family dwellings	CEO	CEO	CEO	no ⁶
Small wind energy system	SPR	SPR	SPR	SPR
Solar energy system, <u>small-scale ground mounted or roof-mounted</u>	CEO ²¹	CEO ²¹	CEO ²¹	CEO ²¹
Solar energy system, larger-scale	SPR²¹	SPR²¹	No	SPR²¹
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
Truck terminals and storage	no	no	no	SPR
Two-family dwellings	CEO	CEO	CEO	no ⁶
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO ³	CEO ³	CEO ³	CEO ³
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	SPR
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR	SPR

*Marijuana establishment and medical marijuana establishment are defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.
4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.
5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.
8. Must conform to the requirements of section 45-456.1 Home business.

9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.
13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.
18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.

21. Must conform to the requirements of Section 45-462.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 207); T.M. of 12-15-93; Amend. of 3-25-95; T.M. of 3-27-99(1), § 5; Ord. of 3-25-00(1); T.M. of 3-16-02, (art. 3), (art. 4); T.M. of 6-19-01, (art. 6), (art. 7); T.M. of 11-5-02; T.M. of 11-4-03; T.M. of 11-4-03; T.M. of 3-20-04; T.M. of 6-14-08; T.M. of 6-12-2010(3); T.M. of 6-18-2011(6); T.M. of 11-8-2011; T.M. of 6-16-2012(1); T.M. of 6-16-2012(2); T.M. of 11-5-2019(5); T.M. of 7-14-2020(5) ; T.M. of 6-8-2021(2) , art. 33; T.M. of 6-8-2021(4) , art. 31)

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Cross reference(s)—Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

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Sec. 45-462. – Solar energy systems.

~~Solar energy systems must comply with all applicable building, plumbing and electrical codes and with all applicable dimensional requirements of this chapter (Zoning) and chapter 44 (Shoreland Zoning).~~

[Add new language:]

- (a) *Purpose.* The purpose of this section is to establish performance standards for solar energy systems.
- (b) *Objectives.* This section is intended to achieve the following objectives:
 - (1) Support the goals of the 2009 Comprehensive Plan, such as Critical Natural Resource Policy 1: “Work to preserve rare and endangered plant and animal habitat and other important natural resource systems within Eliot and adjacent communities”
 - (2) Avoid or minimize potential adverse impacts of solar energy systems on abutting properties and the environment, including rare plant populations; habitat for rare or exemplary natural communities; and large, undeveloped blocks of forestland
 - (3) Encourage the siting of solar energy systems on land that has already been developed or disturbed, such as:
 - a. on top of buildings
 - b. in parking lots
 - c. on closed landfills
 - d. on significantly disturbed sites such as brownfields
 - e. on land where previous development was located or significant grading has taken place, and,
 - f. in regenerating wooded areas that are not comprised primarily of important farmland soils
 - (4) Encourage the siting of solar energy systems on land that is not prime farmland or soils of statewide importance
 - (5) Provide performance standards appropriate for the scale of the proposed solar energy system and its potential adverse impacts
 - (6) Provide for the proper decommissioning and removal of panels and supporting structures when the panels have indefinitely stopped producing electricity
- (c) *Performance standards for all solar energy systems.* Solar energy systems must comply with all applicable building, plumbing and electrical codes and with all applicable dimensional requirements of this chapter (Zoning) and chapter 44 (Shoreland Zoning).
- (d) *Performance standards for larger-scale ground-mounted solar energy systems.* The following standards shall apply to the development and maintenance of all larger-scale solar energy systems (SES-LGs). Planning Board site plan review applications shall provide adequate information to demonstrate how the proposed development will comply with these standards.
 - (1) *Buffering and screening.* SES-LGs shall comply with buffering and screening requirements in Section 33-175 and Section 45-417. Without limiting the generality of the foregoing:

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- a. SES-LGs shall be visually screened from abutting properties that have existing residential use or from streets, town ways, or public ways, by a continuous vegetated buffer that is at least 50 feet in depth.
 - b. An opening in the buffer along a street, public way, or town way is allowed only to the extent needed for vehicular access.
- (2) *Fencing*. SES-LGs shall comply with the fence requirements in Section 33-175 and Section 45-423. Without limiting the generality of the foregoing:
- a. Fencing for SES-LGs shall be provided if required by the National Electrical Code (NEC), and shall be designed, installed, and maintained in accordance with the NEC.
 - b. When used, fencing around the perimeter of an SES-LG shall be elevated by a minimum of 6 inches to allow for passage of small terrestrial animals.
 - c. Where there is a documented potential or need for passage of larger wildlife, the Planning Board may require that an SES-LG include fence or gate design features at reasonable intervals to allow for such passage while ensuring site security and NEC compliance, including, but not necessarily limited to game fences designed with larger openings at the bottom and progressively smaller openings moving to the top of the fence, or wooden escape poles of five-inch or larger diameter, and no more than 3 feet higher than the height of the fence, in at least two locations along the fence
- (3) *Land Clearing*. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of SES-LGs or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances. Removal of mature trees shall be avoided to the extent possible. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the system.
- (4) *Wetlands*. Wetland alteration shall be avoided or minimized to the extent practicable. If the project is subject to a Natural Resources Protection Act permit from the Maine Department of Environmental Protection and the applicant has not provided such approved permit as part of application review, the Planning Board may make the provision of such permit prior to, or along with, the building permit application a condition of approval.
- (5) *Habitat*. SES-LGs shall comply with the following performance standards regarding protection of sensitive wildlife habitat and corridors, as applicable:
- a. Significant, potentially significant, or assumed significant vernal pools, and their associated Critical Terrestrial Habitat (CTH), shall be protected to the extent required by DEP
 - b. Documented habitats for State Endangered, Threatened, or Special Concern bat species shall be avoided, including but not necessarily limited to winter hibernacula and maternity roost trees
 - c. Deer Wintering Areas, Deer Travel Corridors, Northern Black Racer habitat, and New England Cottontail habitat shall be protected to the extent required by MDIFW

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- d. Unless otherwise required by DEP or MDIFW, SES-LGs shall not be located within 250 feet of:
 - 1. Known or discovered Great Blue Heron colonies
 - 2. Wetlands with documented use by ribbon snakes, Blanding’s turtles, or spotted turtles
 - 3. Wetlands with confirmed or probable use by the ringed boghaunter dragonfly
 - e. SES-LGs shall not be allowed in Focus Areas of Statewide Ecological Significance as defined by the Maine Natural Areas Program, except for land within such focus areas where significant grading has already taken place, such as quarries, or where development has already occurred.
 - f. Without limiting the foregoing, impacts to sensitive wildlife habitats shall be avoided or minimized to the extent practicable
- (6) *Ecological site maintenance.* Native, pollinator-friendly seed mixtures shall be planted and maintained to the extent possible. Mowing shall be minimized to the extent practicable. Herbicide and pesticide use shall be prohibited. Only mechanical means of weed and pest control is allowed.
- (7) *Archaeological Resources.* Sign-off by the State Historic Preservation Commission regarding archaeological and historical resources shall be provided with all applications.
- (8) *Utility Connections.* Overhead or pole-mounted electrical wires shall be avoided to the extent possible within the facility.
- (9) *Signage.* A sign identifying the owner of an SES-LG and providing a 24-hour emergency contact phone number shall be placed such that it is clearly visible at the entrance of the facility.
- (10) *Fire safety.* Knox Box access and adequate vehicle turnaround areas for emergency vehicles shall be provided.
- (11) *Decommissioning and removal.* All ground-mounted solar energy systems that have discontinued operation shall be removed. For the purpose of this paragraph, “discontinued operation” means that the system has operated at 10 percent or less of its rated nameplate capacity for a continuous period of at least twelve (12) months. The owner or operator shall physically remove the installation no more than 365 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. At minimum, decommissioning shall consist of:
- a. Physical removal of all solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Native, pollinator-friendly seed mixtures shall be used to the maximum extent possible.
 - d. For SES-LGs, in addition to the above requirements, decommissioning shall be consistent with the decommissioning plan required by Section 33-

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191. Where there is a conflict between two requirements, the stricter shall control.

DRAFT

DRAFT Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Placement Standards for Signs and Making Minor Formatting Corrections

Draft for Planning Board public hearing, March 15, 2022

Short title (DRAFT)

Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Placement Standards for Signs and Making Minor Formatting Corrections

Ballot question (DRAFT)

ARTICLE #__: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Placement Standards for Signs and Making Minor Formatting Corrections” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale (DRAFT)

These ordinance amendments clarify that there are no front lot line setbacks for signs along Route 236 for properties that abut Route 236. Currently Section 45-405 and Paragraph (h) of Section 45-532 are ambiguous about whether the front lot line setback is 0 feet or 8 feet. If adopted, signs would simply have to be fully on the property and not encroach on the Route 236 right-of-way. It generally requires signs that are not designed to safely break away in the event of a motor vehicle collision (e.g. are anchored into the ground with concrete) to be at least 20 ft. from the edge of Route 236 pavement, unless a qualified, licensed engineer can demonstrate that a lesser edge-of-pavement setback complies with applicable safety standards and does not obstruct drivers’ free and clear vision, as laid out in 45-532(i). The amendments establish a one-year period for unpermitted Route 236 signs that were previously not compliant with front lot line setbacks, but are now compliant with Chapter 45, to obtain an after-the-fact permit without relocation of the sign. Finally, the amendments make various minor footnote, wording, and formatting corrections to Section 45-405. Currently, some of the footnote references are off by one letter, and the units are missing from some numerical standards.

DRAFT Proposed Town Code Amendments of Chapter 45 – Zoning, Related to Placement Standards for Signs and Making Minor Formatting Corrections

New text in bold underline

~~Deleted text in strikethrough~~

Sec. 45-405. Dimensional standards.

Lots and structures in all districts shall meet or exceed the following minimum requirements:

District	Rural	Suburban	Village	C/I	MHP
Min. lot size (acres or ft. ²)	3	2	1	3	6,500 ft ² n 12,000 ft ² n 20,000 ft ² n
Min. yard dimensions (ft.)					
Front yard	30	30 ^P	30 ^P	50 ^{a,p} 30	20°
Side yards	20	20 ^P	20 ^P	20 ^P 100 ^b	20°
Rear yard	30	30 ^P	30 ^P	20 ^P 100 ^b	10°
Accessory building ^c					
Front yard setback	30	30	30	50 ^a 30 ^a	5°
Side and rear yard setback	10	10	10	20 100 ^b	5°
Accessory dwelling unit	u	u	u	u	—
Max. height (ft.)	35	35	35	55 ^d	35
Max. lot coverage (%)	10	15 ^q	20 ^q	50 ^q	50°
Setback-normal high water mark (feet) ^e	75	75	75	75	75
Dwelling units:					
Min. size (sq. ft. per unit)	650 ^g	650 ^{g,r}	650 ^{g,r}	r	650
Min. area (acres):					
1 unit	3	2	1	—	o
2 units	6	4	2	—	—

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Each additional unit	3	1	½ ^g	—	—
Assisted living facility	—	s	s	s	—
Elderly housing	—	g	g	g	—
Life care facility	—	t	t	t	—
Max. number of principal structures per lot	h	h	h	v	1
<u>Signs:</u>					
Signs <u>Max. sign area</u> (sq. ft.)	6	6	6	100	6
<u>Max. sign area (sq. ft.), c</u> Commercial establishments only	12	12	12	100 ⁱ	12
<u>Max. sign area (sq. ft.), n</u> New residential subdivisions	50 ^j	50 ^j	50 ^j		50 ^l
Min. setback <u>(ft.)</u> (front lot line only)	8 ^k	8 ^k	8 ^k	<u>—</u> ^k	8 ^k
Min. st. frontage (ft.) ^l	200	150	100	300	50/75/100 ⁿ
Backlots ^m					

Notes:

- a. A front yard abutting a state or town road shall have a minimum depth of 50 feet from the right-of-way line. A front yard abutting an interior street within the proposed site shall have a minimum depth of 30 feet from the right-of-way line. All parking areas shall conform to setback requirements.
- b. All side and rear yards abutting an existing residential use shall have a minimum depth of 100 feet from the side or rear lot lines.
- c. Accessory buildings shall be located no less than 30 feet from any principal buildings on adjacent property.
- d. Rooftop antennas and other telecommunications structures shall conform to the requirements of sections 33-185 and 45-460. Steeples and spires shall be exempt from maximum height requirements.
- e. Setbacks and setback measurements in shoreland zones shall follow requirements of chapter 44.
- f. (Reserved.)**

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~~f.g.~~ The minimum acreage for elderly housing in all districts, where allowed, shall be one acre for the first dwelling unit and one quarter acre for each additional unit. Minimum acreage requirements shall revert back to dwelling unit requirements if elderly housing is discontinued. Dwelling unit minimum size (square feet per unit) requirements do not apply to federal or state elderly housing.

~~g.h.~~ In the rural, suburban and village districts, more than one principal structure may be located on a single lot, provided each such structure is located in such a fashion that it could be separately conveyed on a separate lot in compliance with all dimensional requirements of the district (except that any lawfully existing structure which does not meet all minimum dimensional requirements may continue that nonconformity).

~~h.i.~~ See section 45-528(c) for other requirements applicable to two or more commercial or industrial establishments under separate ownership on one parcel within the commercial/industrial district.

~~i.j.~~ Signs identifying subdivisions of ten or more lots shall be posted at the entrance of the subdivision and shall be approved by the planning board. Signs shall contain only the name of the subdivision.

~~j.k.~~ A sign shall not be located nearer than eight feet from the right-of-way boundary or nearer than eight feet from the edge of the travelled way. See section 45-532(h) for other **additional sign placement** requirements.

~~k.l.~~ Street frontage shall be measured along one street. The planning board is authorized to vary frontage requirements for new subdivisions according to section 41-255(g). Such lots shall be treated as conforming lots for the purpose of this chapter.

~~l.m.~~ Back lot requirements are contained in section 45-466.

~~m.n.~~ Lots within a mobile home park shall be a minimum of:

6,500 feet² if served by public sewer. Minimum lot width is 50 feet.

12,000 feet² if served by central subsurface wastewater disposal approved by the state department of human services. Overall density of park, including road rights-of-way and buffer strips shall be 20,000 feet² per dwelling. Minimum lot width is 75 feet.

20,000 feet² if served by onsite subsurface wastewater disposal. Minimum lot width is 100 feet.

~~n.o.~~ See section 41-276 et seq. for specific requirements.

~~o.p.~~ Elderly housing, nursing facility, assisted living facility and life care facility shall have setbacks of 50 feet from lot line or 100 feet from residential dwelling unit, whichever is greater.

~~p.q.~~ Life care facility shall have a maximum lot coverage of 50 percent. Elderly housing, nursing facility or assisted living facility individually shall have a maximum lot coverage of 35 percent.

~~q.r.~~ Each dwelling unit in an assisted living facility shall have a minimum of 300 square feet.

~~r.s.~~ One acre for the first dwelling unit and then one-fifteenth acre for each additional dwelling unit provided all other dimensional requirements are met.

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~~s.t.~~ One acre for the first dwelling unit and then one-fifteenth acre for each additional assisted living facility dwelling unit plus one-fourth acre for each additional elderly housing dwelling unit plus district acreage requirement (1-village, 2-suburban, 3-C/I) for each single family dwelling unit provided all other dimensional requirements are met.

Example: A 15-acre suburban district lot could contain three single family dwelling units (five acres) plus 61 assisted living facility dwelling units (five acres) plus 17 elderly housing dwelling units (five acres) plus a nursing facility (0 acres) provided all dimensional requirements are met.

~~t.u.~~ See section 45-459 for requirements.

~~u.v.~~ In the C/I district, more than one principal structure may be located on a single lot which meets the minimum lot size and street frontage requirements for the district. Each such structure must maintain required yards adjacent to the front, side, and rear lot lines and must be located no closer than 20 feet (as viewed from the front lot line) to any other such structure on the lot. Such structures need not comply separately with the minimum lot size and frontage requirements, but the aggregate of all the structures on the lot shall not exceed the maximum lot coverage requirement. Nonconforming lots of record, with existing commercial structures, at the time of adoption of this section change may also contain more than one principal structure provided the setback and expansion requirements are met. Separation of structures shall not be less than 20 feet.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 305); T.M. of 12-15-93; Amend. of 3-26-94; Ord. of 3-25-00(1); T.M. of 6-19-01, (art. 8); T.M. of 3-16-02, (art. 4); T.M. of 11-5-02; T.M. of 6-14-05; T.M. of 6-18-2011(5); T.M. of 6-14-2016(1); T.M. of 11-6-2018(5))

Cross reference(s)—Requirements unique to mobile home park subdivisions, § 41-276 et seq.; other district regulations, § 45-286 et seq.

ARTICLE XI. SIGNS

Sec. 45-526. Definitions.

(See section 1-2).

Editor's note(s)—A Town Meeting held on Nov. 6, 2001, art. 4, revised § 45-526, which pertained to definitions. See the Code Comparative Table at the end of this Code for complete derivation. Former provisions of this section can now be found in § 1-2 of this Code.

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Sec. 45-527. Sign area.

The aggregate area of all signs upon a lot or premises, except where otherwise provided in this article, shall not exceed the maximum area permitted in that district.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 335.2))

Sec. 45-528. Measurements.

- (a) Sign measurements shall be based upon the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. In determining the area of a wall sign, the aggregate area of all characters shall be credited toward allowable sign area at one-half the measurement.
- (b) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.
- (c) In a commercial or industrial establishment under separate ownership on one parcel within the commercial/industrial district, a common freestanding structure shall be permitted adjacent to a town way or interior street, provided that such sign:
 - (1) Identifies establishments located within the parcel;
 - (2) Does not exceed one sign per use;
 - (3) Does not exceed ten square feet per sign in area;
 - (4) Does not exceed 100 square feet in size.
- (d) On any parcel containing two or more commercial or industrial establishments, each establishment may have one wall-mounted identification sign not exceeding 50 square feet in size. The sign may be placed on the exterior of the building housing the establishment. Signs which are placed inside store windows shall be exempt from the maximum allowable area requirement and do not require a sign permit.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 335.3))

Sec. 45-529. Message.

Signs shall identify or advertise only a use or activity conducted on the lot in which they are placed, unless the appeals board, upon request, makes a determination that an offsite sign conforming to those district regulations in which the sign is located is necessary to protect the

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interests of a use not occupying the same lot. Written authorization for such signs shall be required from the landowner of the lot in question.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 335.4))

Sec. 45-530. Illumination.

- (a) The color or format of any sign shall not resemble or conflict with traffic signs or signals. Signs with flashing lights or moving parts shall be prohibited, and gas-filled light tubes shall be allowed only when used for indirect illumination and when placed in such a manner that light tubes are not exposed to public view. Illumination of signs shall be designed and conducted in such a manner as to reflect light away from residential properties and motorists' vision.
- (b) Neon or tubular gas-filled signs shall be permitted in the commercial-industrial zone; provided they are located at least 200 feet from any existing residential use or are effectively screened from view of any existing residential use located less than 200 feet from such signs by trees, shrubs, fences, walls, berms or any combination thereof.
- (c) Direct or indirect illuminated signs shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless the appeals board, by variance, makes a determination that the nature of the businesses or services offered require that the sign be illuminated.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 335.5))

Sec. 45-531. Structural characteristics.

The following limitations shall apply to freestanding, projecting, parallel and wall signs:

- (1) Freestanding signs shall not exceed 20 feet in height.
- (2) Projecting signs shall not be higher than the eave line or parapet wall of the principal building and shall have a minimum clearance of eight feet above grade when located and adjacent to or projecting over a pedestrian way. Projecting signs shall not extend horizontally in excess of four feet from the building wall, except where such sign is an integral part of an approved canopy or awning.
- (3) Wall signs and parallel signs shall not be higher than the eave line or parapet wall of the principal building. No part of a wall sign, including cutout letters, shall project more than six inches from the building wall. No part of a parallel sign, including the display surface, shall project more than 12 inches from the building wall.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 335.6))

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Sec. 45-532. Placement.

- (a) Signs of a political or promotional nature shall be permitted, provided they do not exceed three square feet in area, and are not to be in place in excess of 90 days prior to the intended use or activity. Such signs shall be removed no later than eight days after the completion of the function for which they were intended.
- (b) A sign and structure shall not be attached or placed closer than eight feet to a utility pole or structure which supports wires or cables. The owner of the utility pole or structures shall be exempt from this subsection.
- (c) Temporary construction signs shall be permitted provided they are removed upon completion of the use or activity involved. Construction signs which also advertise buildings or space for sale or lease shall be removed no later than 12 months after completion unless an extension of time is granted by the planning board.
- (d) Directional signs which are freestanding or projecting nonilluminated, conform to a standardized design, and do not exceed six inches by 30 inches in dimension may be erected in any district without a required permit.
- (e) Residential identification signs which are freestanding, projecting, or wall signs may be erected on the same lot with any single-family dwelling. Such signs shall not exceed three square feet, shall not exceed two signs per premises, and shall not require a permit.
- (f) Signs not exceeding two square feet in area and relating to trespassing and hunting shall be permitted in all districts and shall not require a permit.
- (g) Sale or rental signs which are nonilluminated or wall signs shall be permitted in any district if not exceeding six square feet in area.
- (h) **For properties abutting Route 236, no sign that will be anchored into the ground or is otherwise not designed, according to applicable safety standards, to break away in the event of a motor vehicle collision may be located wholly or partially within the Route 236 right-of-way. In no case shall such a sign be located nearer than 20 feet from the edge of the Route 236 pavement. In other locations, such a A-sign shall not be located nearer than eight feet from the right-of-way boundary or nearer than eight feet from the edge of the travelled way, and A lesser distance from the edge of pavement may be allowed by the permit-issuing authority upon written justification by a qualified, licensed engineer that such a sign complies with applicable clear zone standards for the adjacent roadway's design speed and complies with paragraph (i) below.**
- (i) **No sign shall be located** in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device or otherwise constitute a hazard to pedestrian or vehicular traffic. All such signs shall be erected in accordance with the provisions of 23 M.R.S.A. ch. 21, pertaining to outdoor advertising.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 335.7))

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Sec. 45-533. Discontinued or nonconforming signs.

(a) It is unlawful to maintain any sign for more than 30 days which has become obsolete because of the discontinuance of the business, service, or utility which it advertises; because of the removal of the activity from the location to which the sign directs; or for any other reason. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this article.

(b) **Except as provided in subsection (c), n**Nonconforming signs which were in existence at the time of the adoption or applicable amendment of this article shall be permitted to remain.

(c) On properties abutting Route 236, signs currently installed along Route 236 that:

(1) do not have a valid sign permit issued by the Code Enforcement Officer;

(2) currently comply this Chapter, but were not in compliance with this Chapter prior to June 15, 2022, because they were located closer than 8 feet from the front lot line; and,

(3) do not otherwise constitute a hazard to safety or public welfare;

are eligible to receive an after-the-fact sign permit and maintain their current location as long as such permit is applied for by June 15, 2023.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 335.8))

Sec. 45-534. Road signs.

All roads shall bear appropriate signs installed by the person proposing or requesting acceptance of the same by the town. The signs shall comply with all applicable local and state ordinances, statutes and regulations. The road commissioner or code enforcement officer shall approve the location and size of each sign so erected. The applicant shall bear all costs of providing and installing such sign and any related fees for the same.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 335.9))

DRAFT Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Performance Standards for Marijuana Uses

Draft for Planning Board public hearing, March 15, 2022

Short title (DRAFT)

Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Licensing and Performance Standards for Marijuana Uses

Ballot question (DRAFT)

ARTICLE # __: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Licensing and Performance Standards for Marijuana Uses” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

These ordinance amendments add new standards to the set of performance standards, in Section 33-190, that must be met by certain adult use and medical marijuana establishments.

If adopted, marijuana cultivation and manufacturing uses would be required to have in place a wastewater disposal plan and dispose of wastewater in compliance with all applicable local, state, and federal laws. These requirements are similar to requirements in state regulations (Adult Use Marijuana Program Rule; 18-691 C.M.R., paragraph 2.4.2(B) and Section 10).

The amendments rewrite the odor management standard, making clear that marijuana-related odors shall not be perceptible beyond lot lines or by people on abutting properties or public ways. The amendments delete existing paragraph 33-190(4)b and replace it with new subsection 33-190(14). This has the effect of removing the “exterior of the building” as a receptor point for odors – with the property line seen as a more realistic and important receptor point for mitigating odor impacts – but also now requires the demonstration of specific odor management techniques for cultivation and manufacturing uses. The amendments also move existing paragraphs 33-190(4)c and d – regarding mitigation of noxious gases, fumes, and other substances – to new subsection 33-190(14) to keep related odor/emissions provisions in one place. Other related changes: Notification on the odor management standard is required for marijuana establishment license public hearings under Section 11-8, and odor complaints may be considered during license renewal.

The amendments also include a requirement for new marijuana retail stores (or existing marijuana retail stores seeking site plan amendments involving a potential change to trip generation or traffic circulation) to include a traffic impact assessment (TIA) with their site plan review applications. While Section 33-153 already authorizes the Planning Board to require a similar study for any application it believes may have a potentially significant traffic impact, the amendments make a TIA a default requirement for applications for marijuana retail stores, for which the trip generation and trip peaking characteristics are not well known. The amendments

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would also require that any approval motion include a condition (unless waived by the Planning Board) that the marijuana retail store conduct post-construction traffic counts.

The amendments increase the parking requirement for marijuana retail stores to 1 space per 100 square feet of retail floor area (with a minimum of 10 spaces), which is more spaces than required for other retail uses (1 space per 150 square feet). Since marijuana uses are only allowable in the Commercial-Industrial (C/I) zoning district, marijuana uses are, or could be, located either right on Route 236 or near it on a commercial side street. Inadequate on-site parking spaces could lead to spillover parking near or within the Route 236 right-of-way or side streets in the or informal satellite parking nearby, causing potential safety issues.

Currently, Section 33-190(5) contains a 500 ft. separation (buffering) requirement between adult use marijuana retail stores, medical marijuana caregiver retail stores, and medical marijuana dispensaries and certain sensitive uses. The separation (buffering) requirement from public and private schools may not be relaxed by variance or waiver, as it mirrors state law. Paragraph 33-190(5)b contains other sensitive uses (public facility, place of worship, residential property, or childcare facility). The amendments apply the same provision preventing the 500 ft. separation (buffering) to be relaxed by variance or waiver to these other sensitive uses.

Finally, the amendments streamline the Chapter 11 renewal application process for non-expired local marijuana licenses by allowing applicants to omit certain information if they attest that it hasn't changed and is still valid.

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New text in bold underline

~~Deleted text in strikethrough~~

Sec. 11-8. Issuance of local marijuana license.

(a) Responsibilities and review authority.

(1) The local licensing authority shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this chapter or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

(2) No local marijuana license shall be granted by the local licensing authority until the police chief, the fire chief, the code enforcement officer, and if applicable the health inspector have all made their recommendation upon the applicant's ability to comply with this article. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the town authorized to make the inspection at any reasonable time that admission is requested.

(b) Upon the filing of a completed application for a marijuana license, the town manager shall immediately schedule a public hearing on the application before the town select board to occur within 30 days. The town manager shall provide written notice of the public hearing to the applicant and to the select board within five days of the filing of a completed application. At least ten days before such hearing, notices shall be posted in at least three prominent places, advertised in a newspaper with local circulation, and forwarded to the clerk of an adjacent municipality in the case where the premises for which the local marijuana license is sought is located within 500 feet of a municipal boundary. Abutters shall be notified by certified mail, return receipt requested. **Notices to abutters for new or renewal license applications for marijuana cultivation facilities, medical marijuana cultivation facilities, marijuana products manufacturing facilities, and medical marijuana products manufacturing facilities shall include summary information on odor management standards in Section 33-190.**

(1) At the public hearing on the local marijuana license application, the select board shall take testimony of the applicant and any interested members of the public. The hearing shall focus upon the criteria for issuance of a permit.

(2) The select board shall issue to the applicant written notice of its decision to grant or deny the license. If the board denies the permit, the written notice shall set forth the board's reasons for the denial. The select board shall grant a marijuana license unless it finds that the issuance of the license would be detrimental to public health, safety or welfare, as demonstrated by the following criteria:

a. An applicant is less than 21 years of age.

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b. An applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.

c. The establishment is in a location where a marijuana establishment is not permitted.

d. Any establishment in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):

1. Been declared by a court of law to be a nuisance; or

2. Been subject to an order of closure.

3. Been convicted of or pled guilty or nolo contendere to a specified criminal activity.

e. A person who has had a license for a marijuana establishment and/or medical marijuana establishment revoked by the town or by the state.

f. An Applicant who has not acquired all necessary state approvals and licenses and other required local approvals prior to the issuance of a local marijuana license.

(c) The town may suspend or revoke a license for any violation of this chapter, chapter 45 or any other applicable building and life safety code requirements. The town may suspend or revoke a license if the licensee has a state license for a marijuana establishment and/or medical marijuana establishment suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and the address of the business. The license shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time that the business is occupied by patrons or is open to the public.

(e) **Except as provided in this paragraph and in Section 11-10(b), a** local marijuana license renewal application shall be subject to the same review standards as applied to the initial issuance of the license and the same notice requirement as a new application. As part of the renewal process, the select board shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. **This may include a version of the odor complaint log referenced in Section 45-409(b) that redacts the name and address of complainants.**

(T.M. of 11-5-2019(2); T.M. of 6-8-2021(4) , art. 31)

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Sec. 11-10. - License expiration and renewal.

(a) Each local marijuana license issued shall be effective for one year from the date of issuance.

(b) Renewal applications must be submitted at least 30 days prior to the date of expiration of the annual local marijuana license. **Renewal applications for non-expired licenses may omit certain content required Section 11-7(b) if they include a signed letter from the licensee attesting that such information is unchanged from their previous application and attesting that each license, form of identification, statement, approval, agreement, or other documentation required by Section 11-7(b) is still valid and current. Otherwise, renewal applications shall include the information required in Section 11-7(b).** An application for the renewal of an expired license shall be treated as a new license application.

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Sec. 33-190. Performance standards for marijuana establishments and medical marijuana establishments.

Notwithstanding anything to the contrary of 1 M.R.S.A. § 302 or any other law, to any application relating to the establishment or operation of a proposed marijuana establishment or medical marijuana establishment, whether or not such application had become "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this section.

All marijuana establishments and medical marijuana establishments require site plan review and approval from the planning board prior to the issuance of any building permit or certificate of occupancy. The review of an application for a marijuana establishment shall not begin until the applicant has submitted to the town a valid state-issued conditional license to operate the marijuana establishment pursuant to 28-B M.R.S.A. § 205. The following performance standards are to be used by the planning board in reviewing site plan applications and compliance with the same shall serve as requirements for approval of such site plans.

Reference section 11-3 for definitions related to this section.

- (1) All marijuana establishments and medical marijuana establishments shall be screened in accordance with section 33-175.
- (2) All marijuana establishments and medical marijuana establishments shall comply with applicable parking requirements of ~~subsection~~ **Section** 45-495(15).
- (3) Signage and advertising.
 - a. All signage and advertising for any marijuana establishment or medical marijuana establishment shall comply with the signage, advertising, and marketing provisions in 22 M.R.S.A § 2429-B and 28-B M.R.S.A § 702, as may be amended, in addition to all applicable provisions of chapter 45 in this Code. No interior signage, advertising as described above shall be visible from the exterior of the building in which the marijuana establishment is located. Signage containing misleading or deceptive marketing or marketing towards individuals under the age of 21 is prohibited.
 - b. There is a compelling governmental interest to the town in marijuana establishments and medical marijuana establishments abiding by the signage, advertising, and marketing provisions in 22 M.R.S.A § 2429-B and 28-B M.R.S.A § 702, as may be amended, including, but not limited to, reducing the likelihood of reaching persons under 21 years of age, who may frequently ride in (or may be old enough to drive) vehicles upon streets, town ways, or public ways from which signage is visible and legible. Many persons in this age range may understand words such as "marijuana" and "cannabis", or any other word, phrase or symbol commonly understood to refer to marijuana. The use of these terms may increase the appeal or awareness of marijuana establishments, medical marijuana establishments, or marijuana use to these persons. To reduce the likelihood of this appeal and awareness, no signage visible from a street, town way, or public way

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may use the word "marijuana" or "cannabis", or any other word, phrase or symbol commonly understood to refer to marijuana.

- (4) Area of activities for all marijuana establishments and medical marijuana establishments; ~~control of odors and emissions; sealed walls; disposal plans; security.~~

a. All activities of marijuana including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors. Marijuana establishments and medical marijuana establishments are not permitted to conduct outdoor sales or services of any kind. Any common areas, including, but not limited to, storage areas and building facilities, shared with another marijuana establishment and/or medical marijuana establishment must be clearly identified as such on the site plan application.

~~[see new subsection below] b. Odor management. For all marijuana establishments and medical marijuana establishments, odor of marijuana must not be perceptible at the exterior of the building at the premises or at any adjoining use of the property. Marijuana stores, marijuana product manufacturing facilities, marijuana testing facilities, medical marijuana caregiver retail stores, medical marijuana product manufacturing facilities, and medical marijuana testing facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the town does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.~~

~~[see new subsection below] c. Noxious gases and fumes. Marijuana product manufacturing facilities, marijuana testing facilities, medical marijuana manufacturing facilities, and medical marijuana testing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.~~

~~[moved to new subsection below] d. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment must be provided at all times.~~

~~e.b.~~ Prior to planning board approval and for the duration of their operation;

1. All marijuana establishments shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All trash receptacles on the premises used to discard marijuana products must have a metal cover or lid that is locked at all times. Security cameras must be installed to record activities in the area of such trash receptacles.

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- 2. All marijuana cultivation facilities, medical marijuana cultivation facilities, marijuana products manufacturing facilities, and medical marijuana products manufacturing facilities shall have in place a plan for disposal of wastewater from the facility. Wastewater generated during the cultivation or manufacturing of marijuana or medical marijuana shall be disposed of in compliance with all applicable local, state, and federal laws.**

~~f.c.~~ Sufficient and appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana must be provided at all times. Security measures shall include, at a minimum, the following:

1. Security surveillance cameras installed and operating 24 hours a day, seven days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
2. Door and window intrusion robbery and burglary alarm systems with audible and police department notification components that are professionally monitored and maintained in good working condition;
3. A locking safe or secure storage container permanently affixed to the premises that is suitable for storage of all adult use marijuana product and cash stored overnight on the premises;
4. Exterior lighting that illuminates the exterior walls of the premises and complies with applicable provisions of this Code;
5. Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g. windows); and
6. Identification checks ensuring that areas within the premises where marijuana or marijuana product cultivation, storage, weighing, manufacturing, sampling, packaging, preparation for testing, transfer or retail sale take place are only accessed by authorized persons displaying individual identification cards or authorized contractors of the marijuana establishment or medical marijuana establishment who are aged 21 and older and who display a valid visitor identification badge.

All security recordings shall be preserved as the state requires. All marijuana establishments shall provide the police chief or their designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the town may provide notice of any operating problems associated with the establishment.

(5) Separation (buffering) from sensitive uses.

- a. No marijuana establishment or medical marijuana establishment shall be sited within 500 feet of the lot lines of a public or private school. This standard may not be relaxed by variance or waiver.
- b. No marijuana store, medical marijuana caregiver retail store, or medical marijuana dispensary shall be sited within 500 feet of the lot lines of any public facility,

DRAFT Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Performance Standards for Marijuana Uses

place of worship, residential property, or childcare facility. **This standard may not be relaxed by variance or waiver.**

The planning board will not preclude a sensitive use listed in a. and b. above from opening at a location within the applicable buffer zones solely because the sensitive use is within such buffer zones.

A marijuana store, medical marijuana caregiver retail store, or medical marijuana dispensary may continue to operate in its present location as a pre-existing use if a sensitive use as listed in a. and b. above later locates within the applicable buffer zone; however, the marijuana store-does so at its own risk, and town-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana store, near a sensitive use listed in a. and b. above.

The distance cited in this subsection shall be measured as the aerial straight-line distance between the nearest point of the operating boundary of the marijuana establishment or medical marijuana establishment and the nearest point along a lot line of the site of the use listed in a. or b. above.

For purposes of this measurement, if a marijuana establishment or medical marijuana establishment is in a freestanding building, the operating boundary shall consist of the outer walls of the building. If a marijuana establishment or medical marijuana establishment leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the operating boundary of such establishment shall be the outer wall of the room or suite of rooms being leased by the establishment.

- (6) Hours of operation. Marijuana stores, medical marijuana caregiver retail stores and medical marijuana dispensaries are limited to the same hours of operation as those for establishments serving or selling alcoholic beverages or products in accordance with chapter 6 section 11 or as may be set forth in state statute. When there is a conflict between state statute and local zoning, the more restrictive hours of operation shall apply.
- (7) Cultivation area limitation. The number of plants or area of the plant canopy in a marijuana cultivation facility shall not exceed the number of plants or area of the plant canopy allowed by the facility's cultivation facility license tier issued by the state in accordance with 28-B M.R.S.A. § 301. The number of plants or area of the plant canopy in a medical marijuana cultivation facility shall not exceed the number of plants or area of the plant canopy allowed by 22 M.R.S.A. § 2423-A, para. 2, as may be amended. The site plan shall include the facility's cultivation area allowance and show or list the square footage of the proposed cultivation area.
- (8) Sale of edible products. No food products shall be sold, prepared, produced or assembled by a marijuana establishment except in compliance with all operating and other requirements of state, local law and regulation, and compliance with this Code including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

DRAFT Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Performance Standards for Marijuana Uses

(9) Drive-through and home delivery. Marijuana establishments and medical marijuana establishments are prohibited from having drive-through pick-up facilities. Marijuana stores are prohibited from providing home delivery services. Adult use marijuana customers may only purchase and obtain adult use marijuana products from within a marijuana store.

(10) Applications for new marijuana retail stores (or existing marijuana retail stores seeking site plan amendments involving a potential change to trip generation or traffic circulation) shall include a traffic impact assessment that addresses, at minimum, Sections 33-153 and 45-406. Unless waived by the Planning Board, any approval motion shall include a condition requiring the applicant to collect turning movement counts for all site driveways for, at minimum, one full weekday and one full weekend day that the marijuana retail store is open, and submit such data to the Town Planner. Such count data shall be disaggregated by the hour, or a shorter time period, to show peaking characteristics. Nothing in this paragraph is intended to prevent the Planning Board from requiring traffic information or otherwise exercising its review authority under the aforementioned sections when reviewing applications for other marijuana establishments or medical marijuana establishments.

~~(10)~~**(11)** Pesticides. The only pesticides allowed to be used in marijuana establishments and medical marijuana establishments are non-synthetic substances, unless specifically listed as "prohibited" on the National List of Allowed and Prohibited Substances in 7 CFR Part 205, as may be amended from time to time, and pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time. All marijuana establishments and medical marijuana establishments shall comply with all packaging and labeling requirements from the state.

~~(11)~~**(12)** Inspections. The code enforcement officer or their designee will inspect all marijuana establishments and medical marijuana establishments prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with the application submitted, the land use approval(s) issued and the requirements of this section, local and state building codes and electrical codes. The fire chief or their designee will inspect all marijuana establishments prior to issuance of a certificate of occupancy, to verify that the facilities are constructed and can be operated in accordance with the requirements of all applicable state and local fire codes. The initial inspection shall occur after the establishment is ready for operation, but no marijuana, marijuana products will be permitted on the premises until the inspection is complete and a certificate of occupancy is issued. Nothing herein shall prevent the fire chief or their designee from inspecting marijuana establishments at random intervals, but not to exceed four times a year, and without advance notice provided that the inspection is during normal business hours of the establishment.

~~(12)~~**(13)** Change of use/addition of use. If any type of marijuana establishment or medical marijuana establishment is to change to another type of establishment or to add another type of marijuana establishment or medical marijuana establishment to its existing operations,

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such change of use or additional use must be reviewed and approved by the planning board for compliance with this section.

(14) Management of odors and emissions.

- a. **Marijuana establishments and medical marijuana establishments shall provide odor control measures so that marijuana-related odor generated on site is mitigated at the property line of the lot containing the marijuana-related use and not perceptible by people on abutting properties or traveling on streets, town ways, or public ways.**
- b. **Applications for marijuana cultivation facilities, medical marijuana cultivation facilities, marijuana products manufacturing facilities, and medical marijuana products manufacturing facilities must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans, or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.**
- c. **Marijuana establishments and medical marijuana establishments not listed in subparagraph b. may either demonstrate compliance with subparagraph b. or demonstrate that the nature of their operation will not, under normal circumstances, cause marijuana-related odor to be perceptible by people on abutting properties or traveling on streets, town ways, or public ways.**
- d. **Noxious gases and fumes. Marijuana products manufacturing facilities, marijuana testing facilities, medical marijuana products manufacturing facilities, and medical marijuana testing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of production or testing.**
- e. **Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment or medical marijuana establishment must be provided at all times.**

(13)**(15)** Other laws remain applicable. A marijuana establishment or medical marijuana establishment shall meet all operating, local and state licensing and other requirements of state and local laws and regulations. To the extent the state has adopted or adopts in the future any stricter law or regulation governing adult use marijuana and/or medical marijuana establishments, the stricter law or regulation shall control.

(T.M. of 11-5-2019(4); T.M. of 6-8-2021(4) , art. 31)

DRAFT Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Performance Standards for Marijuana Uses

Sec. 45-409. - Odor.

(a) No nonfarming land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, measured either at ground or habitable elevation.

(b) In addition to subsection (a), marijuana establishments and medical marijuana establishments are subject to the odor management requirements in Section 33-190(14). For the purpose of this section, marijuana cultivation facilities and medical marijuana cultivation facilities shall be considered nonfarming land uses or establishments. Any substantiated complaints received by the Code Enforcement Officer pursuant to Section 33-190(14) and division 2 of article III of this chapter shall be logged, and such log may be presented to the Select Board in their review of a license renewal application pursuant to Section 11-8(e).

DRAFT Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Performance Standards for Marijuana Uses

Sec. 45-495. Schedule of minimum required offstreet parking spaces.

	Use	Standards
(1)	Dwelling units	alternately, 2 for the first unit, 3 for the second unit, 2 for the third unit, and so on
(2)	Lodging business and motels	1 space for each sleeping room and for each person anticipated to be employed on the largest shift
(3)	Home occupation	1 for each employee and customer up to 10 maximum, not counting residential use
(4)	Camper park	1 space per site
(5)	Takeout restaurant	minimum 25 parking spaces plus 1 space for each 50 square feet (or fraction thereof) of floor space in excess of 900 square feet, and 1 space for every exterior table
(6)	Other restaurants or places serving food	1 space for each 3 seats, permanent or otherwise
(7)	Wholesale or retail sales, or service establishment	1 space for each 150 square feet of retail floor area; 1 space for each 100 square feet of retail floor area (minimum 10 spaces) for marijuana retail stores
(8)	Automobile, truck and tractor repair and filling stations	1 parking space for each regular employee plus 1 space for each 50 square feet of floor area used for service work
(9)	Public building and professional offices (excluding medical and dental offices), nonprofit medical marijuana dispensaries	1 parking space for each 200 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas
(10)	Medical and dental offices	7 parking spaces for each physician, dentist or other medical practitioner
(11)	Commercial and industrial uses not specifically enumerated	1 space for each person employed or anticipated to be employed on the largest shift
(12)	Schools	Day nursery—2 parking spaces for each nursery room plus 1 space for each adult instructor Elementary and junior high schools—1 parking space for each adult employee plus 15 parking spaces for each 100 students, or major fraction thereof, of total enrollment
(13)	Theaters, auditoriums, churches, arenas, and libraries	1 parking space for every 4 seats, or for every 100 square feet of assemblage space if no fixed seats

DRAFT Proposed Town Code Amendments of Chapter 11 – Marijuana Establishments; Chapter 33 – Planning and Development; and Chapter 45 – Zoning, Related to Performance Standards for Marijuana Uses

(14)	Hospital, sanitariums or nursing homes	1 space for each 500 square feet (or major fraction thereof) of floor area, exclusive of basement
(15)	Adequate spaces shall be provided to accommodate customers, patrons, and employees for permitted uses not listed above	

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 333.3); T.M. of 6-18-2011(6))

DRAFT

DRAFT Proposed Town Code Amendments of Chapter 33 – Planning and Development, Related to Site Plan Review Content Requirements

Draft for Planning Board public hearing, March 15, 2022

Short title (DRAFT)

Proposed Town Code Amendments of Chapter 33 – Planning and Development, Related to Site Plan Review Content Requirements

Ballot question (DRAFT)

ARTICLE #__: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 33 – Planning and Development, Related to Site Plan Review Content Requirements” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale (DRAFT)

These ordinance amendments update Section 33-106, renaming it from “Affidavit of ownership” to “Right, title, and interest” and clarifying what documentation is needed from an applicant before the Planning Board to show that they have the legal ability to make the improvements to a site as approved by the Board. Clarification is added for the types of ownership/lease documents and options that may be necessary or sufficient. The amendments add a requirement for building elevation drawings and building heights to allow the Planning Board to better review proposals against dimensional standards and the aesthetic aspects of proposals.

DRAFT Proposed Town Code Amendments of Chapter 33 – Planning and Development, Related to Site Plan Review Content Requirements

Sec. 33-106. - Affidavit of ownership. **Right, title, and interest**

The developer shall submit with the sketch plan application an affidavit of ownership or valid option of at least 90 days. The affidavit shall include the acquisition date of the property, book and page number of the recorded conveyance legal and contract owners of the property, and, if any corporations are involved, a complete list of all directors, officers and stockholders owning more than five percent of any class of stock in each corporation. The developer shall also provide the name, address and telephone number of an authorized agent who shall receive all notices required by this article.

The applicant shall submit, with the sketch plan application, documents and information sufficient to show that, if their application is approved, they have right, title, and interest to construct the development as approved, in compliance with the Town Code and any other applicable laws. As applicable, such documentation shall include, but shall not necessarily be limited to:

- (1) **A deed, recorded in the York County Registry of Deeds, conveying the property to the current property owner (required);**
- (2) **A purchase and sale agreement, or similar purchase option, valid for at least 90 days from the date of receipt of the application, between the property owner and the applicant, or the applicant's lessor;**
- (3) **A lease or rental agreement, or a lease option valid for at least 90 days from the date of receipt of the application, between the property owner and the applicant;**
- (4) **Any easement or right-of-way agreements applicable to the development;**
- (5) **If any corporations are involved (for example S, C, and non-profit corporations; Limited Liability Companies; sole proprietorships; and partnerships), a complete list of all directors, officers and stockholders owning more than five percent of any class of stock in each corporation;**
- (6) **If requested by the Planning Board, a chart summarizing ownership or lease agreements and connections between individuals and business entities involved; or**
- (7) **Similar documentation as listed above**

If the applicant will have an authorized agent representing them for Planning Board review and permitting, the applicant shall provide an agent authorization letter (or similar document) with the agent's contact information.

Sec. 33-127. Contents; required information.

The developer shall submit two originals of a site plan, drawn at a scale not smaller than one inch equals 20 feet, and ten copies reduced to 11 inches by 17 inches, and showing the

DRAFT Proposed Town Code Amendments of Chapter 33 – Planning and Development, Related to Site Plan Review Content Requirements

following information unless the planning board waives these requirements, upon the written request of the applicant:

- (1) Development name or identifying title and the name of the town.
- (2) Name and address of record owners, developer and designer.
- (3) Names and address of all abutters and their present land use.
- (4) Perimeter survey of the parcel made and certified by a state-registered land surveyor, relating to reference points, showing true north point, graphic scale, corners of the parcel, date of survey, total acreage, existing easements, buildings, watercourses and other essential existing physical features.
- (5) The location of temporary markers adequate to enable the planning board to locate readily and appraise the basic layout in the field.
- (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.
- (7) Provisions of chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development.
- (8) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
- (9) Preliminary designs of any bridges or culverts which may be required.
- (10) The location of all natural features or site elements to be preserved.
- (11) A soil erosion and sediment control plan.
- (12) A high-intensity soils report by a state-certified soils scientist identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon compliance with any recommendations included in such report.
- (13) The location and size of any existing sewers and water mains, culverts and drains on the property to be developed.
- (14) Connection with existing water supply or alternative means of providing water supply to the proposed development.
- (15) Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.
- (16) If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and groundwater conditions, depth to maximum groundwater level, location and results of soils testing.
- (17) An estimated progress schedule.

**DRAFT Proposed Town Code Amendments of Chapter 33 – Planning and Development,
Related to Site Plan Review Content Requirements**

- (18) Construction drawings sufficient to enable the code enforcement officer to verify the following information:
- a. Total floor area, ground coverage, height, and location of each proposed building, structure or addition.
 - b. Elevation drawings of each proposed building, structure, or addition including dimensions and architectural features**
 - ~~b.c.~~ All existing and proposed setback dimensions.
 - ~~e.d.~~ The size, location and direction and intensity of illumination of all major outdoor lighting apparatus and signs.
 - ~~d.e.~~ The type, size and location of all incineration devices.
 - ~~e.f.~~ The type, size and location of all machinery likely to generate appreciable noise beyond the lot lines.
 - ~~f.g.~~ The amount and type of any raw, finished, or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
 - ~~g.h.~~ The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts together with all dimensions.
 - ~~h.i.~~ All landscaped areas, fencing and size and type of plant material proposed to be retained or planted.
 - ~~i.j.~~ 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.
 - ~~j.k.~~ Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this Code. If these submission requirements conflict with the requirements of the chapter 41, the stricter standards shall apply.

(19) Site plans and construction drawings for new and existing structures listed as "SPR" in section 45-290 shall be submitted to the Eliot Fire Chief for review and comment prior to final approval by the planning board.

(T.M. of 11-2-82; T.M. of 3-19-88; T.M. of 12-20-89, (§ 204.4); T.M. of 3-27-99(1), § 8; T.M. of 6-12-2010(3); T.M. of 6-18-2011(5))

Cross reference(s)—Landscaping, § 33-175; landscape requirements under the zoning regulations, § 45-413.

Proposed Warrant Article for June 2022 Town Meeting & Referendum

Establishing the Maximum Number of Growth Management Permits for 2023 (Chapter 29 of the Municipal Code of Ordinances of Eliot, Maine)

Shall the Town of Eliot allocate a maximum of 28 growth permits for new residential dwelling units for calendar year 2023, as recommended by the Eliot Planning Board, in accordance with §29-5 of the Growth Management chapter of the Municipal Code of Ordinances of Eliot, Maine?*

*Note: In the event this article does not pass, the number of growth permits allocated in 2023 will be 105% of the mean number of permits issued for new residential dwelling units during the previous ten years, as required by M.R.S.A. 30-A §4360. That number is estimated to be 18



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Matt Hughes, WIN Waste Innovations / Wheelabrator, Applicant
 Shelly Bishop, Code Enforcement Officer
 Date: March 8, 2022 (report date)
 March 15, 2022 (meeting date)
 Re: PB22-1: 22 Arc Road (Map 46/Lot 5), PID #046-005-000, PB22-1: Site Plan Amendment – Trailer Tarping Station at Waste Transfer Facility

Application Details/Checklist Documentation	
✓ Address:	22 Arc Rd.
✓ Map/Lot:	46/5
✓ PB Case#:	22-1
✓ Zoning:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	Limited Commercial and Resource Protection associated with Sturgeon Creek on the property but not in the proposed tarping station location
✓ Owner Name:	WIN Waste Innovations / Wheelabrator
✓ Applicant Name:	WIN Waste Innovations / Wheelabrator (contact: Matt Hughes)
✓ Proposed Project:	Trailer tarping station
Application Received by Staff:	Update to be provided at the meeting
Application Fee Paid and Date:	Not yet paid
Application Sent to Staff Reviewers:	Not sent
Application Heard by PB	March 15, 2022 (scheduled)
Found Complete by PB	Not needed if PB deems a minor amendment
Site Walk	TBD
Site Walk Publication	TBD
Public Hearing	Not needed if PB deems a minor amendment
Public Hearing Publication	Not needed if PB deems a minor amendment
Deliberation	TBD
✓ Reason for PB Review:	Site Plan Amendment

Overview

Applicant WIN Waste Innovations / Wheelabrator seeks Planning Board review of a Site Plan Amendment at 22 Arc Rd. (Map 46, Lot 5) to add a trailer tarping station along the site driveway of the ARC facility. The station would consist of two raised platforms with steps to allow for garbage trucks to be tarped over to prevent debris from falling out in transit.

Application contents

- Request for Planning Board Action
- Location map and plan
- Detailed drawings
- Warranty deed

Type of review needed

Applicant seeking minor amendment. See motion templates.

Zoning

Commercial-Industrial (C/I). No shoreland zoning in the proposed station location.

Affidavit of ownership (33-106)

Deed provided

Dimensional requirements (45-405)

Presumptively met.

Other notes

- Applicant has confirmed they believe the tarping station will not have an impact on Littlebrook Airpark, as the site topography means that the station will be well below the flight path
- Fee not yet paid
- CEO and I have been in discussion with WIN Waste about their Route 236 off-premise sign – whether it is permitted and possibility it is hindering intersection sight distance

Recommendation

Approval with conditions, as long as fee is paid prior to meeting. Otherwise, continuance.

Motion templates

Approval as a minor site plan amendment, with conditions

Motion to approve PB22-1 as a Minor Site Plan Amendment and Change of Use for a to add a trailer tarping station at 22 Arc Rd.

The Planning Board finds that the proposed revisions are minor and do not result in any substantial changes to the approved development or further impact abutters. The following are conditions of approval:

1. [Standard conditions]

2. All previous conditions of approval remain in effect.
3. Prior to building permit approval for the trailer tarping station, the current off-premise sign on Route 236 shall be removed. The applicant may seek a sign permit to reinstall the sign along Route 236 in accordance with Article XI of Chapter 45, including, but not limited to, receiving Board of Appeals approval for an off-premise sign. In accordance with Section 45-532(h), the sign permit application shall demonstrate that the new sign location will not obstruct intersection sight distance.
4. [Other conditions if desired]

Major Site Plan Amendment needing to go through the Site Plan Review process

Motion to find that the revisions proposed in PB22-1 are substantial. The applicant must seek approval through a site plan review process, beginning with submittal of a Site Plan Review application.

Disapproval

Motion to disapprove PB22-1 for the following reasons:

1. _____
2. _____
3. _____

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

Received
1/4/2022
Kearsten MTH



TOWN OF ELIOT

1333 STATE RD. , ELIOT, ME 03903

REQUEST FOR PLANNING BOARD ACTION

(FOR MISCELLANEOUS USES OR CHANGES)

Applicant Wheelabrator Holdco1
Mailing Address 22 ARC Road City Eliot State ME Zip 03903
Telephone # 207-439-5574 Email address mhughes@win-waste.com

(TO RECEIVE MEETING NOTICES)

Property Owner Wheelabrator Holdco1
Mailing Address 90 Arboretum Drive Suite 300 City Portsmouth State NH Zip 03801

Property address 434 Dow Highway Tax Map # 46 Lot # 5
Size (acres) 31.5 Zoning District C/I 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 previously approved site plan by adding a 10' x 20' addition*)
Installation of a trailer tarping station on the side of an existing haul road.

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 12/17/21

Property owners signature [Signature] Date 12/17/21

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: _____

Maine R.E. Transfer Tax Paid

QUITCLAIM DEED WITH COVENANT

DLN: 1002040102057

AGGREGATE RECYCLING CORPORATION, a Maine limited liability company with a mailing address of 434 Dow Highway, Eliot, ME 03903, for consideration paid, grants to WHEELABRATOR HOLDCO I INC., a Delaware corporation, with a mailing address of 100 Arboretum Drive, Suite 310, Portsmouth, NH 03801, with QUITCLAIM COVENANT, certain lots or parcel of lands with any improvements thereon, located in Eliot, York County, Maine, more particularly bounded and described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, AGGREGATE RECYCLING CORPORATION has caused this instrument to be signed as an instrument under seal by John J. Doherty, its President hereunto duly authorized, this 15th day of JULY 2020.

WITNESS:

Jamie M. Stewart

Aggregate Recycling Corporation

John J. Doherty
By: John J. Doherty
Its: President

STATE OF MAINE
COUNTY OF YORK

7/15, 2020

Then personally appeared the above-named John J. Doherty and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Aggregate Recycling Corporation.

Before me

Foster Stewart

Notary Public

Print Name: Foster Stewart

Commission Expires: _____

Maine Attorney

EXHIBIT A

PARCEL ONE

Lot 1:

A certain parcel of unimproved land located off of but not adjacent to the easterly side of Route 236, so-called, in Eliot, County of York, and State of Maine, and being more particularly described as follows:

Beginning at a point in the middle of "Great Brook", so called, at the Northerly side of a 50' easement as shown on a plan of land entitled, "Standard Boundary Survey Prepared for Lora M. Dow, Eliot, Maine", dated May 17, 1990, and prepared by Thomas F. Moran, Inc., recorded in the York County Registry of Deeds in Plan Book 194 Page 28, thence following the northerly side of said right-of-way to land n/f of John E. Hardy; thence turning and running along said Hardy land N 28° 56' 02" W a distance of 116.49 feet to a point; thence turning and running N 41° 09' 41" W still along said Hardy land a distance of 156.52 to a point at land of the Town of Eliot; thence turning and running in a Southwesterly direction, along land of the Town of Eliot a distance as determined by Great Brook as a monument to the middle of great Brook; thence turning and running in a southerly direction along the middle of Great Brook, to the point of beginning.

TOGETHER WITH an easement in common with others for a 50' right-of-way over the remaining land now or formerly of Jan L. McKenney f/k/a Jan L. Hardy as shown on the above described plan, said easement including the right of access and egress by foot or vehicle and to install, connect and maintain utilities over, under and across said right-of-way.

Further reference is made to a plan entitled, "Plan of Land for John E. Hardy, Jr., Eliot, Maine" Scale 1" = 200', dated November 22, 1982, prepared by Thomas F. Moran, Inc.

Also conveying all such additional land as may lay west of the 50' right-of-way shown and described on the above described "Standard Boundary Survey" and being a portion of the land described in a "Confirmation Deed" from Lora M. Dow by Elaine L. Paul (under Power of Attorney) dated July 31, 1990, and recorded at the York County Registry of Deeds at Book 5496, Page 186.

The grantee herein acknowledges the existence of Littlebrook Airpark, a private airport which lies in close proximity to the land hereby conveyed, and does for itself, its successors and assigns, covenants not to erect or construct any structure lights, poles or other obstacles which will interfere with the current flight path of aircraft taking off or landing at said airport or with the airspace around said airport, nor shall this grantee engage in any activity or do any act that would cause Littlebrook Airpark to be in violation of any current local, state or federal statute rule or ordinance in the operation of a private airport.

For source of title, reference is made to a warranty deed from Jan L. McKenney f/k/a Jan L. Hardy to Aggregate Recycling Corporation dated December 31, 1997 and recorded in the York County Registry of Deeds in Book 8586, Page 61.

Lot 2:

A certain parcel of unimproved land located off of but not adjacent to the easterly side of Route 236, so-called, in Eliot, County of York and State of Maine, being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of a 50 foot wide right-of-way as shown on a "Proposed fifty foot right-of-way Plan n/f of John E. Hardy, Jr., Littlebrook Lane, Eliot, Maine", at a point on the easterly corner of land n/f of Jan L. Hardy and proceeding along said right-of-way along a curve having a radius of 544.33 feet, a distance of 88.24 feet to a point; thence turning and running N 52° 09' 44" E a distance of 462.00 feet to a point; thence continuing along said right-of-way, along a curve having a radius of 920.13 feet, for a distance of 94.76 feet to a point; thence continuing along said right-of-way N 46° 15' 41" E a distance of 134.10 feet to a point; thence continuing along a curve having a radius of 434.22 feet a distance of 115.88 feet to a point; thence continuing along a curve having a radius of 1577.88 feet a distance of 260.00 feet to a point; thence turning and running N 35° 55' 56" W a distance of 33.75 feet to an iron pin in a stone wall at land n/f of Leslie W. Pike; thence turning and running N 37° 09' 02" W along said stone wall and land of said Pike, a distance of 112.86 feet to a drill hole set at end of stone wall; thence turning and running N 82° 59' 50" W a distance of 56.07 feet to a drill hole set at angle point of intersecting stone wall; thence running N 76° 12' 53" W a distance of 90.92 feet to a drill hole set at angle point of stone wall; thence turning and running N 83° 23' 57" W still along said stone wall, a distance of 112.81 feet to a drill hole set; thence turning and running along said stone wall N 80° 25' 03" W a distance of 175.84 feet to an iron pin set in said stone wall; thence turning and running along said stone wall N 87° 40' 38" W a distance of 45.45 feet to a drill hole set in a stone wall intersecting from the north; thence turning and running S 73° 07' 51" W a distance of 68.84 feet to a point marked by a ten inch leaning pine with barbed wire fence remains; thence turning and running S 79° 12' 11" W a distance of 102.66 feet to a 15 inch oak with barbed wire fence remains; thence turning and running S 73° 49' 14" W a distance of 57.97 feet to an iron pin set on barbed wire fence remains; thence turning and running S 79° 05' 24" W a distance of 108.60 feet to a 14 inch hickory at the corner of a barbed wire fence remains; thence turning and running S 17° 34' 23" E a distance of 159.63 feet to a point marked by a 18 inch white pine; thence turning and running S 19° 41' 53" E a distance of 121.24 feet to a point marked by a 16 inch white pine with barbed wire; thence turning and running S 19° 25' 06" E a distance of 215.25 feet to a point marked by a 12 inch pine stump with barbed wire; thence turning and running S 19° 55' 31" E a distance of 152.55 to a point marked by a three inch hornbeam with barbed wire; thence turning and running S 17° 24' 11" E a distance of 49.60 feet to an iron pin set at a point marked by a 10 inch leaning maple with barbed wire fence remains; thence turning and running S 80° 36' 48" W a distance of 289.66 feet to a point at the Northerly corner of land n/f owned by Jan L. Hardy; thence turning and running S 41° 09' 41" E a distance of 156.52 feet to a point; thence turning and running S 28° 56' 02" E a distance of 116.49 feet, more or less, to the point of beginning.

Reference is hereby made to a plan entitled, "Standard Boundary Survey prepared for Lora M. Dow, Eliot, Maine" by Thomas F. Moran, Inc., dated May 17, 1990, recorded at York County Registry of Deeds in Plan Book 194, Page 28 and to a progress print entitled, "Plan of Land prepared for John E. Hardy, Jr., Eliot, Maine," by Thomas F. Moran, Inc., dated November 22, 1982, and to a plan entitled "Proposed fifty foot right-of-way" prepared for land n/f of John E. Hardy, Jr., Littlebrook Lane, Eliot, Maine, prepared by Great East Land Survey Company of 2538 Lovell Road, Sanbornville, NH 03872, December, 1997.

Also conveyed herewith is an easement in common with others, for a right-of-way over land lying between Route 236 and the above described property for the purpose of access and egress by foot or vehicle and to install, connect and maintain, utilities over, under and across said right-of-way all as shown on the "Standard Boundary Survey Prepared for Lora M. Dow, Eliot, Maine" referred to above. Said right-of-way is appurtenant to the herein conveyed property and Lot 1 described above.

Also conveyed herewith is an easement over a land now or formerly of John E. Hardy, Jr. as shown on a "Proposed fifty foot right-of-way", land n/f of John E. Hardy, Jr. as described above. Said easement is granted for the purpose of access and egress by foot or vehicle and for the installation, connection and maintenance, over, under and across said right-of-way as described.

The grantee herein acknowledges the existence of Littlebrook Airpark, a private airport which lies in close proximity to the land hereby conveyed, and does for itself, its successors and assigns, covenants not to erect or construct any structure lights, poles or other obstacles which will interfere with the current flight path of aircraft taking off or landing at said airport or with the airspace around said airport, nor shall this grantee engage in any activity or do any act that would cause Littlebrook Airpark to be in violation of any current local, state or federal statute rule or ordinance in the operation of a private airport.

For source of title, reference is made to a warranty deed from John E. Hardy, Jr. to Aggregate Recycling Corporation dated December 31, 1997 and recorded in the York County Registry of Deeds in Book 8586, Page 63.

SUBJECT TO an easement from Aggregate Recycling Corporation to Central Maine Power Company and New England Telephone and Telegraph Company dated September 25, 2000 and recorded in said Registry of Deeds in Book 10303, Page 343.

PARCEL TWO

Lot 1:

A certain lot or parcel of land located easterly of, but not adjacent to Route 236, in Eliot, County of York and State of Maine, and being more particularly described as follows:

Beginning at the southerly corner of the locus parcel, being a 1/2" iron pin set inside a 1 1/4" iron pipe, at land conveyed to John E. Hardy by Deed recorded in Book 3006, Page 47 and land now

or formerly of Hans Baumann, being shown on a plan entitled "Division of Land For Hans Baumann, Route 236, Eliot, Maine", by Anderson-Livingston Engineers, dated Sept. 1998 and recorded in Plan Book 254, Page 46. Thence proceeding by land of Baumann on the following courses: N 20° 44' 22" W, nine hundred thirty-two and eighty-six hundredths (932.86) feet to an existing 1/2" diameter galvanized pipe; North 22° 15' 52" W, two hundred seventy-six and twenty-two hundredths (276.22) feet to an existing iron pin and land conveyed to John E. Hardy in deed recorded in Book 3006, Page 47; thence on the following courses by land of Hardy; S 66° 56' 01" E, five hundred ninety-four (594.00) feet to a point; thence S 05° 26' 01" E five hundred ten and twenty hundredths (510.20) feet to an existing iron pin; thence S 07° 57' 24" E one hundred ninety-three and thirty-five hundredths (193.35) feet to the remains of a barb wire fence in a 28" beech stump; thence S 34° 21' 49" E, eighty-four and fifty hundredths (84.50) feet to a point; thence S 61° 41' 30" W, two hundred sixty-six and seventeen hundredths (266.17) feet to the point of beginning.

The bearings referenced herein are based on magnetic north, 1982.

Containing six (6) acres, more or less.

The northerly and easterly lines described herein are shown on an unrecorded plan entitled "plan of Land Prepared for John E. Hardy, Jr.," dated November 22, 1982, prepared by Thomas F. Moran, Inc. The westerly and southerly lines are shown on the previously mentioned plan prepared by Anderson-Livingston Engineers. The above parcel is a portion of the land shown on a plan prepared for Aggregate Recycling Corporation by Civil Consultants dated June 26, 2000 and recorded in said Registry of Deeds in Plan Book 256, Page 50.

For source of title reference is made to a warranty deed with covenants from John E. Hardy, Jr. and Jean M. Hardy to Aggregate Recycling Corporation dated July 14, 2000 and recorded in said Registry of Deeds in Book 10121, Page 270.

SUBJECT TO an easement from Aggregate Recycling Corporation to Central Maine Power Company and Northern New England Telephone Operations, LLC dated September 22, 2001 and recoded in the York County Registry of Deeds in Book 16198, Page 729.

Lot 2:

A certain parcel of land located easterly of, but not adjacent to Route 236, in Eliot County of York, State of Maine, and being more particularly described as follows:

Beginning at the southerly corner of the parcel of land conveyed to John E. and Jean M. Hardy by J.M.G. Corporation in Deed 3831, Page 108, later Aggregate Recycling Corporation, being a 1/2" iron pin set inside a 1 1/4" iron pipe, at land conveyed to John E. Hardy by Deed 3008, Page 47, and land now or formerly of Hans Baumann, being shown on a plan entitled "Division of Land for Hans Baumann, Route 236, Eliot, Maine" by Anderson-Livingston, Engineers, dated September 1998 and recorded in Plan Book 254, Page 46.

Thence proceeding by Aggregate Recycling Corporation land the following courses: North 61° 41' 30" East two hundred sixty-six and seventeen hundredths (266.17) feet to a point; thence North 34° 21' 49" West eighty four and fifty hundredths (84.50) feet to the remains of a barb wire fence in a 28" beech stump; thence North 07° 57' 24" West one hundred ninety three and thirty five hundredths (193.35) feet to an existing iron pin; thence North 05° 26' 01" West seventy and fifty hundredths (70.50) feet to a point; thence South 60° 35' 47" East along land conveyed to John E. Hardy in deed recorded in Book 3006, Page 47, five hundred forty four and forty-one hundredths (544.41) feet to a point; thence South 16° 03' 52" West two hundred fifty eight and fifty eight hundredths (258.58) feet to an existing iron pin located at the northwest corner of the tract of land conveyed by Faye M. Colburn and Roland H. Jenkins to Elizabeth T. and Anthony K. Manero in Deed 6971, Page 228, and land of Hans Baumann; thence the following courses by land of Baumann; North 75° 31' 36" West ninety eight and ninety hundredths (98.90) feet to a 22" hemlock; thence North 70° 34' 48" West one hundred fourteen and ninety five hundredths (114.95) feet to a 24" twin hemlock; thence North 50° 14' 39" West fifty one and eighty seven hundredths (51.87) feet to an existing iron pin; thence South 22° 40' 10" West eighteen and forty eight hundredths (18.48) feet to an existing iron pin; thence South 58° 10' 10" West four hundred twenty and forty two hundredths (420.42) feet to an existing iron pin; thence South 88° 40' 10" West, one hundred fifteen and fifty hundredths (115.50) feet to an existing iron pin located at Great Brook, so-called, thence North 49° 11' 34" West along Great Brook sixty eight and ninety seven hundredths (68.97) feet to an existing iron pin; thence North 54° 13' 46" East two hundred sixty nine and twenty eight hundredths (269.28) feet to the point of beginning.

The bearings referenced herein are based on magnetic north, 1982.

Together with all right, title, and interest in and to the centerline of Great Brook.

Containing 4.54 acres, more or less. Reference is also had to Deed 5496, Pages 182 and 184. The second and third lines described herein are shown on an unrecorded plan entitled "Plan of Land Prepared for John E. Hardy, Jr." dated November 22, 1982 prepared by Thomas F. Moran, Inc. The lines common to Baumann are shown on a plan entitled "Division of Land For Hans Baumann" dated September 1998 prepared by Anderson-Livingston Engineers, recorded in Plan Book 245, Page 48.

The above parcel is a portion of the land shown on plan for Aggregate Recycling Corporation by Civil Consultants dated June 26, 2000 and recorded in said Registry of Deeds in Plan Book 256, Page 50.

For source of title reference is made to a warranty deed with covenants from Jean M. Hardy to Aggregate Recycling Corporation dated July 14, 2000 and recorded in said Registry of Deeds in Book 10121, Page 272.

Lot 3:

A certain lot or parcel of and located easterly of, but not adjacent to Route 236, in Eliot, County of York, State of Maine and being more particularly described as follows:

Beginning at the northerly corner of the parcel of land conveyed to John E. and Jean M. Hardy by J.M.G. Corporation in Deed 3831, Page 108, now owned by Aggregate Recycling Corporation, and land now or formerly of Hans Baumann, being shown on a plan entitled "Division of Land For Hans Baumann, Route 236, Eliot, Maine", by Anderson-Livingston, Engineers, dated Sept. 1998 and recorded in Plan Book 254, Page 46, thence proceeding by land of Baumann N 21° 26' 00" W two hundred seventy four and thirty eight hundredths (274.38) feet to an existing iron rod at the southerly sideline of a fifty foot right of way;

Thence on the following courses along the southerly sideline of said Right of Way;

The first road course begins at a non-tangent curve, being concave to the northwest with a radius of five hundred ninety four and thirty three hundredths (594.33) feet with a length of ninety six and twenty one hundredths (96.21) feet, having a chord bearing of N 56° 47' 59" E with a length of ninety six and ten hundredths (96.10) feet, terminating at an existing iron pin;

Thence N 52° 09' 44" E. four hundred sixty two (462.00) feet to an existing iron pin;

Thence on a tangent curve, being concave to the northwest, with a radius of nine hundred seventy and thirteen hundredths (970.13) feet with a length of ninety nine and ninety one hundredths feet, having a chord bearing of N 49° 12' 43" E with a distance of ninety nine and eighty seven hundredths (99.87) feet, terminating at an existing iron pin;

Thence N 46° 15' 41" E, one hundred thirty four and ten hundredths (134.10) feet to an existing iron pin;

Thence on a tangent curve, being concave to the northwest, with a radius of four hundred eighty four and twenty two hundredths (484.22) feet with a length of one hundred twenty nine and twenty two hundredths (129.22) feet, having a chord bearing of N 38° 36' 58" E with a distance of one hundred twenty eight and eighty four hundredths (128.84) feet, terminating at an existing iron pin;

Thence on a non-tangent curve, being concave to the northwest, with a radius of one thousand six hundred twenty seven and eighty eight hundredths (1627.88) feet with a length of one hundred seventy eight and twenty six hundredths (178.26) feet, having a chord bearing of N 27° 50' 01" E with a distance of one hundred seventy eight and seventeen hundredths (178.17) feet, terminating at a point on an existing stone wall at land now or formerly of John E. Hardy, Jr., said point being located S 13° 18' 18" E, two and fifty eight hundredths (2.58) feet from an existing iron rod;

Thence on the following courses of land now or formerly of John E. Hardy, Jr.;

S 12° 55' 56" E, along the center line of a stone wall, fifty three and seventy two hundredths (53.72) feet to an existing iron pin set at the end of said wall;

S 00° 38' 14" E one thousand four hundred eighty eight and ninety three hundredths (1488.93) feet to an iron pin to be set;

S 53°24'06"E, five hundred fifteen and seventy-nine hundredths (515.79) feet to an iron pin, to be set;

S 16° 03' 52" W, ninety eighty and one hundredths (98.01) feet to a point at land conveyed from Jean Hardy to Aggregate Recycling Corporation dated July 14, 2000 and recorded in said Registry of Deeds in Book 10121, Page 272.

Thence N 60° 35' 47" W, by land of Aggregate Recycling Corporation five hundred forty four and forty one hundredths (544.41) feet to a point at land conveyed from John E. and Jean M. Hardy to the Grantee herein, of recent date.

Thence N 05° 26' 01" W. by land of Aggregate Recycling Corporation four hundred thirty eight and six hundredths (438.06) feet to a point;

Thence N 66° 56' 01" W. by land of Aggregate Recycling Corporation, five hundred ninety four (594.00) feet to the point of beginning.

The bearings referenced herein are based on magnetic north, 1982.

Containing 16.5 acres, more or less.

The above parcel is a portion of the land shown on a plan prepared for Aggregate Recycling Corporation by Civil Consultants dated June 26, 2000 and recorded in said Registry of Deeds in Plan Book 256, Page 50.

TOGETHER WITH an easement in common with others, as described in an Easement Deed from John E. Hardy, Jr. and Jean M. Hardy dated July 14, 2000 and recorded in said Registry in Book 10121, Page 277 as follows:

A right of way over land lying between Routes 236 and 101, the Harold L. Dow Highway and Goodwin Road, respectively, in Eliot, Maine, for the purpose of access and egress by foot or vehicle and to install, connect and maintain utilities over, under and across said right of way part of which is shown on a plan entitled, "Standard Boundary Survey Prepared for Lora M. Dow, Eliot, Maine" by Thomas F. Moran, Inc., dated May 17, 1990, recorded at the York County Registry of Deeds in Plan Book 194, Page 28, and part of which is shown on a plan entitled "Proposed Fifty Foot Right of Way" prepared for land now or formerly of John E. Hardy, Jr., Littlebrook Lane, Eliot, Maine, prepared by Great East Land Survey Company, dated December, 1997 and recorded at the York County Registry of Deeds. Said right of way is appurtenant to 26.97 acres of land conveyed by three separate deeds to Aggregate Recycling Corporation recorded in Book 10121, Page 270, Book 10121, Page 272, and Book 10121, Page 274.

SUBJECT TO an easement from Aggregate Recycling Corporation to Central Maine Power Company and Northern New England Telephone Operations, LLC dated August 14, 2012 and recorded in the York County Registry of Deeds in Book 16405, Page 938.

Lot 4:

A parcel of land located northeasterly of, but not adjacent to the Town Highway (also known as Route 236) in the Town of Eliot, County of York and State of Maine, depicted as "Area A" on a plan entitled "Lot Line Adjustment Plan" for properties off Dow Highway (Route 236) & Little Brook Lane, Eliot, York County, Maine, owned by John R. Lang & Aggregate Recycling Corporation, prepared by North Easterly Surveying, Inc., dated 7/1/08, and recorded in the York County Registry of Deeds in Book 330, Page 46 and being more particularly bounded and described as follows:

Beginning at a point in the thread (centerline) of Great Brook at the southwest corner of land now or formerly of Charles Anderson, said point also being the northwest corner of the herein described parcel, said point is located North 61° 41' 34" East a distance of 906 feet, more or less, from an iron pipe located at the easterly sideline of the Dow Highway; then from the point of beginning running North 61° 41' 34" East along land of said Anderson a distance of 84 feet, more or less, to an iron pipe; then continuing North 61° 41' 34" East along land of said Anderson a distance of 320.91 feet to an iron pipe at other land of Aggregate Recycling Corporation; then turning and running South 20° 44' 22" East along land of said Aggregate Recycling a distance of 352.80 feet to an iron pipe; then continuing South 20° 44' 22" East still along land of said Aggregate Recycling a distance of 137.87 feet to an iron pipe; then running South 54° 13' 46" West along land of said Aggregate Recycling a distance of 269.28 feet to a point; then running South 49° 11' 34" along land of said Aggregate Recycling a distance of 68.97 feet to a point at land now or formerly of A. R. MacLellan Realty Trust; then running South 51° 12' 18" West along land of said MacLellan Trust a distance of 26 feet, more or less to the thread of the Great Brook; then turning and running northerly along the thread of Great Brook a distance of 690 feet, more or less, to the point of beginning. This parcel contains 4.5 acres of land, more or less.

Stormwater Drainage Easement. The Maine Department of Environmental Protection has issued a "Site Location of Development Act Amendment — Findings of Fact and Order" for Sarnia Properties, Inc. and Eliot Business Park docketed June 11, 2007, number L-22727-26-B-A which was partially transferred to JL's Maxi Storage by Order dated March 24, 2008 and recorded at the York County Registry of Deeds in Book 15390, Page 167. Said Order dealt with reciprocal easements involving the right to discharge stormwater into a stormwater management system located on land now or formerly of Elliot Business Park. In so far as said Order impacts the 4.5-acre Lot 4 described above these premises are conveyed subject to the terms and conditions of said Order.

DEP Orders. The premises described in the deed of Sarnia Properties, Inc. to John R. Lang dated June 18, 2007 and recorded at the York County Registry of Deeds in Book 15187, Page 226 were conveyed subject to the terms, conditions, restrictions or requirements as set forth in a State of Maine Dept. of Environmental Protect, "Site Location of Development, Water Quality Certification Findings of Fact and Order" issued to Sarnia Properties for the Eliot Business Park II, order L-22727-26-A-N recorded in the York County Registry in Book 14798, Page 172 and subject to John Lang's Land Permit, as the same findings of fact and orders may be amended or

modified in connection with the development of John Lang's land. The conveyance of the above-described Lot 4 is subject to said Order in so far as it impacts said 4.5-acre parcel.

For source of title reference is made to a warranty deed from JL's Maxi Storage to Aggregate Recycling Corporation dated July 16, 2008 and recorded in the York County Registry of Deeds in Book 15454, Page 987.

PARCEL THREE

A certain lot or parcel of land situated in the Town of Eliot, County of York and State of Maine, lying generally southerly and westerly of, but not adjacent to, Goodwin Road and generally easterly of, but not adjacent to, Route 236, and being a tract of land containing 76.2 acres, more or less, known as the gravel pit, so-called, and shown on a plan entitled, "Land of Roland A. and Marjorie L. Goodwin, 'Goodwin Pit' off Route 236, Eliot, Maine," K.E. Moore and B.G. Staples, Land Surveyors, Dover, New Hampshire, September, 1983.

Said tract of land is bounded and described as follows; BEGINNING at a point in the westerly sideline of land now or formerly of Philip and Bonnie Jennison at the southeasterly corner of land now or formerly of Leslie W. Pike; thence S 01° 02' E along said Jennison land 150.00 feet to a point; thence S 31° 33' 35" E along said Jennison land 520.60 feet to a point at a brook near the northerly corner of land conveyed to Southern Maine Fish and Game Association by deed recorded in the York County Registry of Deeds in Book 2114, Page 611; thence S 64° 26' 18" E along said Jennison land 722.91 feet to a point; thence S 89° 20' 15" E along said Jennison land 624.50 feet to a point where stands an 18-inch elm tree; thence S 18° 14' 28" E along said Jennison land 241.44 feet to a point; thence S 29° 23' E along said Jennison land 767.75 feet to a point where stands an 18-inch hemlock tree at the southeasterly corner of said Jennison land and the westerly sideline of land now or formerly of David Leavitt, formerly of Doris Leavitt and formerly of Moses E. Goodwin; thence S 44° 41' 20" W along said Leavitt land 117.32 feet to a point; thence S 53° 01' 40" W along said Leavitt land 117.08 feet to a point; thence S 53° 36' 50" W along said Leavitt land 126.14 feet to a point; thence S 47° 12' 20" W along said Leavitt land 83.39 feet to an iron pipe found at land now or formerly of John E. Hardy and Nancy T. Hardy, formerly of John S. Barnard; thence N 47° 00' W along said Hardy land 115.68 feet to a point marked by a steel stake found; thence N 84° 47' 05" W along said Hardy land 741.97 feet to a point marked by an iron pipe found; thence S 03° 36' 10" W along said Hardy land 46.71 feet to a point marked by a steel stake found; thence S 04° 17' 40" W along said Hardy land 258.38 feet to a point marked by a steel stake found; thence N 78° 30' W along said Hardy land 103.99 feet to a point marked by a drill hole; thence N 77° 26' 50" W along said Hardy land 314.99 feet to a point marked by a drill hole; thence N 76° 22' 40" W along said Hardy land 342.98 feet to a point marked by an iron pipe found; thence N 78° 35' W along said Hardy land 408.54 feet to a point marked by a steel stake at other land of said Hardy, formerly of Eben Simpson; thence N 37° 33' W along said Hardy land 233.56 feet to a point marked by a drill hole; thence N 14° 35' 50" W along said land of Hardy 74.96 feet to a point marked by a drill hole; thence N 11° 56' 05" W along said land of Hardy 322.75 feet to a point marked by a drill hole by a large dead pine tree; thence N 12° 26' W along said Hardy land 145.00 feet to a point; thence S 77° 34' W along said Hardy land 68.00 feet to a point; thence N

12° 26' W along said Hardy land 300.00 feet to a point marked by an iron pipe at land now or formerly of Leslie W. Pike; thence S 82° 49' E along said Pike land 340.00 feet to a point marked by an iron pipe; thence N 14° 36' 10" W along said Pike land 285.20 feet to a point marked by an iron pipe; thence N 14° 36' 10" W along said Pike land 112.84 feet to a point where stands a 12-inch black birch tree with wire; thence N 08° 04' 15" W along said Pike land 169.87 feet to a point; thence N 12° 32' 45" W along said Pike land 143.64 feet to a point marked by an iron pipe found; thence N 11° 26' 15" W along said Pike land by a line of iron pipes 401.10 feet to a point; thence N 04° 47' W along said Pike land 150.56 feet to a point marked by an iron pipe found; thence N 08° 40' 35" E along said Pike land 18.69 feet to a point marked by an iron pipe found; thence N 44° 37' 45" E along said Pike land 21.84 feet to a point where stands a 24-inch pine tree; thence S 71° 59' E along said Pike land 184.50 feet to a point; thence S 79° 28' E along said Pike land 175.20 feet to a point marked by an iron pipe found; thence S 65° 03' 15" E along said Pike land 203.05 feet to a point marked by an iron pipe found; thence S 58° 07' 55" E along said Pike land 87.92 feet to the land of Jennison and the point of beginning. Excepting, however, from the above-described parcel that portion thereof conveyed to Southern Maine Fish and Game Association by deed recorded in the York County Registry of Deeds in Book 2114, Page 611.

The above described premises are hereby conveyed together with a right of way over the existing gravel road which crosses property described in Indenture of Lease from Alice E. Pike and Lena C. Fox to Roland A. Goodwin and Marjorie L. Goodwin dated September 28, 1965 and recorded in York County Registry of Deeds Book 1815, Page 258.

The above described premises are conveyed together with all rights and easements appurtenant thereto, however and whenever created, including without limitation the following:

1. The right of way referenced in the deed from Francis S. Payne to Roland A. Goodwin and Marjorie L. Goodwin dated December 15, 1958 and recorded in the York County Registry of Deeds in Book 1381, Page 441;
2. The right of way referenced in the deed from Morris Goodwin to John Russell Jr. et al. dated November 6, 1854 and recorded in the York County Registry of Deeds in Book 236, Page 425;
3. The easement granted to Roland A. Goodwin and Marjorie L. Goodwin by deed of John E. Hardy Jr. and Nancy T. Hardy dated May 12, 1977 and recorded in the York County Registry of Deeds in Book 2202, Page 324;
4. The right of way granted to Roland A. Goodwin by deed of Harold L. Dow and Lora M. Dow dated January 14, 1965 and recorded in the York County Registry of Deeds in Book 1540, Page 39; and
5. The right of way reserved in the deed from Roland A. Goodwin to David J. Beth and Judy M. Beth dated July 5, 1985 and recorded in the York County Registry of Deeds in Book 3577, Page 84.

For source of title reference is made to a warranty deed from Atlantic Sand and Gravel, Inc. to Aggregate Recycling Corporation dated February 2005 and recorded in said Registry in Book 14373, Page 396 and corrective deed from Atlantic Sand and Gravel, Inc. to Aggregate Recycling Corporation dated December 9, 2005 and recorded in Book 14699, Page 687.

EXCEPTING that portion conveyed to Atlantic Sand and Gravel, Inc. by corrective deed dated December 9, 2005 and recorded in said Registry in Book 14699, Page 689 as follows:

"A certain lot or parcel of land lying northeasterly of Route 236, but not adjacent thereto, in the Town of Eliot, York County, State of Maine, said lot or parcel of land being a portion of the land described in a deed from James P. Austin and Paul Parker to Atlantic Sand and Gravel, Inc. dated September 23, 1992 and recorded at the York County Registry of Deeds in Book 7647, Page 214, said lot or parcel also being a portion of the land depicted on a plan entitled "Land Of Roland A. and Marjorie L. Goodwin, 'Goodwin Pit' off Route 236, Eliot, Maine" by K.E. Moore and B.G. Staples, Land Surveyors, Dover, New Hampshire, dated September 1983. The four (4)-acre parcel is more particularly bounded and described as follows:

Beginning at an existing 5/8-inch diameter rebar at the southeast corner of land now or formerly of Leslie W. Pike, as described in York County Registry of Deeds Book 6115, Page 333, said rebar being the southwest corner of the herein described lot or parcel of land;

thence N 14° 36' 10" W, along land now or formerly of said Pike, a distance of three hundred ninety eight and four hundredths (398.04) feet to a 12-inch diameter black birch tree with wire;

thence N 08° 04'15" W, along land now or formerly of said Pike and the remains of a barbed wire fence, a distance of one hundred sixty nine and eighty-seven hundredths (169.87) feet to a point;

thence N 12° 32'45" W, along land now or formerly of said Pike, a distance of twenty one and twenty-one hundredths (21.21) feet to a point;

thence N 75° 23'50" E, through land conveyed to Aggregate Recycling Corp., a distance of two hundred seventy nine and ninety-one hundredths (279.91) feet to a point;

thence S 14° 36'10" E, through land conveyed to Aggregate Recycling Corp., a distance of five hundred eighty eight and no hundredths (588.00) feet to a point;

thence S 75° 23'50" W, through land conveyed to Aggregate Recycling Corp., a distance of three hundred and no hundredths (300.00) feet to the Point of Beginning.

The herein-described lot or parcel of land contains 4.00 acres.

Bearings contained herein are based on Magnetic North.

The herein described lot or parcel of land is hereby conveyed together with all rights and easements appurtenant thereto, however and whenever created. Further reference is made to York County Registry of Deeds Book 7647, Page 214 for a more particular reference to easements of record."

PARCEL FOUR

Lot 1:

A parcel of land located easterly of, but not adjacent to, Route 236 in the Town of Eliot, County of York, State of Maine, said lot or parcel of land is depicted on a plan entitled "PLAN OF A PROPOSED DIVISION OF LAND OWNED BY SWEET PEAS, LLC PREPARED FOR AGGREGATE RECYCLING CORPORATION FOR LAND LOCATED OFF STATE ROUTE 236 TOWN OF ELIOT — YORK COUNTY — MAINE" dated June 14, 2007 by Civil Consultants. Said lot or parcel of land being more particularly bounded and described as follows:

Beginning at a point on a tangent curve concave to the west, on the easterly sideline of a fifty foot wide right-of-way, at other land of Aggregate Recycling Corporation, as described in a deed recorded at the York County Registry of Deeds in Book 10121, Page 274, said point bears South $12^{\circ} 55' 56''$ East, a distance of 11.56 feet from an existing 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULT PLS 2059" at the westerly end of a stone wall;

then along said tangent curve as defined by the following curve elements: having a radius of 1,627.88 feet; an arc length of 138.38 feet; a central angle of $04^{\circ} 52' 14''$; a tangent of 69.23 feet and a chord which bears North $22^{\circ} 15' 41''$ East, a distance of 138.34 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set, at land now or formerly of John Chagnon and Joni-Lynne Joseph-Chagnon, Trustees Of The Blank Key Trust, as described in a deed recorded at the York Registry in Book 9472, Page 195;

then South $87^{\circ} 17' 43''$ East, along land now or formerly of said Blank Key Trust, a distance of 241.30 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set, at other land now or formerly of Aggregate Recycling Corporation, as described in a deed recorded at the York Registry in Book 14373, Page 396;

then the following six (6) courses along land now or formerly of said Aggregate Recycling Corporation:

South $12^{\circ} 48' 18''$ East, a distance of 297.00 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

South $89^{\circ} 11' 40''$ East, a distance of 52.14 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

South 13° 18' 18" East, a distance of 285.35 feet to an existing drill hole set at the northerly end of an existing stone wall;

South 13° 18' 18" East, along said stonewall, a distance of 269.71 feet to an existing drill hole;

South 38° 41' 54" East, along said stone wall, a distance of 90.88 feet to an existing drill hole at the end of said stone wall;

South 37° 51' 50" East, a distance of 142.63 feet to an existing 5/8" diameter rebar in a pile of stones, at land now or formerly of Sweet Peas, LLC, as described in a deed recorded at the York Registry in Book 15001, Page 551;

Then South 16° 03' 52" West, severing land now or formerly of said Sweet Peas, LLC, a distance of 667.93 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

then North 53° 43' 38" West, severing land now or formerly of said Sweet Peas, LLC, a distance of 253.49 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

then South 36° 16' 22" West, severing land now or formerly of said Sweet Peas, LLC, a distance of 200.00 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

then South 53° 43' 38" East, severing land now or formerly of said Sweet Peas, LLC, a distance of 327.11 feet to a 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULTS PLS 2009" to be set;

then South 16° 03' 52" West, severing land now or formerly of said Sweet Peas, LLC, a distance of 108.92 feet to an existing 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULT PLS 2059", at other land now or formerly of Aggregate Recycling Corporation, as described in a deed recorded at the York Registry in Book 10121, Page 274;

then North 53° 24' 06" West, along other land now or formerly of said Aggregate Recycling Corporation, a distance of 515.79 feet to an existing 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULT PLS 2059";

then North 00° 38' 14" East, along other land now or formerly of said Aggregate Recycling Corporation, a distance of 1,488.93 feet to an existing 5/8" diameter rebar with plastic cap inscribed "CIVIL CONSULT PLS 2059";

then North 12° 55' 56" West, along other land now or formerly of said Aggregate Recycling Corporation, a distance of 53.72 feet to the point of beginning.

Bearings herein are based on Magnetic North as observed in 1982.

The land described in this deed contains 19.65 acres, more or less.

Meaning to describe and conveying a portion of the premises described in the deed of Jean M. Hardy to Sweet Peas, LLC dated October 25, 2006 and recorded at the York County Registry of Deeds in Book 15001, Page 551.

Excepting and reserving to Sweet Peas, LLC, its successors and assigns a 50 foot wide easement to be used as a right of way over and across the above described 19.65 acre parcel. This right of way may be used on foot, or with vehicles, in common with others and for the installation, maintenance, repair and replacement of utilities, all as may be required to service the future development of land retained by Sweet Peas, LLC, its successors and assigns. This easement may be constructed, maintained, repaired and paved. The easement shall commence at the northwesterly corner of the above described 19.65 acre parcel and then extend in a southerly direction with the centerline to be the centerline of an existing gravel roadway.

The 50 foot wide easement described above is reserved subject to the right of grantee, its successors or assigns, to relocate the physical right of way at a future date, provided, however, that the points of beginning and ending of the centerline of the easement shall not be altered unless otherwise agreed to, in writing, by grantee, its successors and assigns and Sweet Peas, LLC, its successor and assigns. Such relocation shall be at the sole expense of grantee, its successors or assigns and shall not impede or make unreasonable the continued access of Sweet Peas, LLC, its successors and assigns across the right of way. Any relocated right of way shall be at least equal to the existing right of way in terms of width, construction and composition.

Lot 2:

Also conveying the fee simple interest in and to a certain parcel of property located in the Town of Eliot, County of York and State of Maine that is currently used as a 50 foot wide private right-of-way and is bounded and described as follows:

Beginning at a point on the northerly sideline of the herein described premises at a point on the easterly corner of land now or formerly of Jan I. Hardy; then from the point of beginning proceeding northeasterly along land of Aggregate Recycling Corp as described in a deed recorded at the York County Registry of Deeds in Book 8586, Page 63 on the following courses and for the following distances: on a curve having a radius of 544.33 feet, a distance of 88.24 feet to a point; then North 52° 09' 44" East a distance of 462 feet to a point; then along a curve having a radius of 920.13 feet for a distance of 94.76 feet to a point; then North 46° 15' 41" East a distance of 134.10 feet to a point; then along a curve having a radius of 434.22 feet a distance of 115.88 feet to a point; then along a curve having a radius of 1577.88 feet a distance of 260 feet to a point; then North 35° 55' 56" West a distance of 33.75 feet to an iron pin in a stone wall at land now or formerly of Leslie W. Pike; then turning and running South 87° 17' 43" East for a distance of 80 feet, more or less, to the location of a 5/8" rebar with plastic cap to be set; then southerly along the above described 19.65 acre parcel on a tangent curve having a radius of 1,627.88 feet; an arc length of 138.38 feet; a central angle of 04° 52' 14" a tangent of 69.23 feet and an arc length of 138.38 feet; then turning and running southwesterly along land of Aggregate Recycling Corp as described

in a deed recorded at the York County Registry of deeds in Book 10121, Page 274 on the following courses and for the following distances: running on a non-tangent curve to the southwest having a radius of 1627.88 feet with a length of 178.26 feet, having a chord bearing of South 27° 50' 01" West with a distance of 178.17 feet to an existing iron pin; then on a tangent curve to the southwest having a radius of 484.22 feet with a length of 129.22 feet, having a chord bearing of South 38° 36' 58" West a distance of 128.84 feet to an existing iron pin; then South 46° 15' 41" West 134.10 feet to an existing iron pin; then on a tangent curve with a radius of 970.13 feet with a length of 99.91 feet having a chord bearing of South 49° 12' 43" West with a distance of 99.87 feet to an existing iron pin; then South 52° 09' 44" West for 462 feet to an existing iron pin; then on a non-tangent curve with a radius of 594.33 feet with a length of 96.21 feet; having a chord bearing of South 56° 47' 59" West with a length of 96.10 feet; then turning and running northwesterly for a distance of 50 feet, more or less, to other land of said Aggregate Recycling as described in a deed recorded at Book 8586, Page 63 and being the point of beginning.

Excepting and reserving to Sweet Peas, LLC, its successors and assigns a 50 foot wide easement to be used as a right of way on the above described 50 foot wide premises, all as may be required to service the future development of land retained by Sweet Peas, LLC, its successors and assigns. This right of way may be used on foot, or with vehicles, in common with others and for the installation, maintenance, repair and replacement of utilities. The easement may be constructed, maintained, repaired and paved.

Also conveying an appurtenant 50 foot wide easement to be used in common with Sweet Peas, LLC and others, as a right of way over land lying between the easterly sideline of Route 236 and the westerly sideline of those premises owned by Aggregate Recycling Corporation as described in the deed recorded at the York Registry in Book 10121, Page 274. Said easement may be used on foot or with vehicles and to install, connect and maintain utilities over, under and across said right of way, all as may be required to service the future development of land owned by Aggregate Recycling Corporation, its successors and or assigns. The location of said easement is shown as "Right of Way or Easement" on a Standard Boundary Survey prepared for Lora M. Dow by Thomas F. Moran, Inc. dated May 17, 1990 and recorded at the York County Registry of Deeds in Plan Book 194, Page 28 and more particularly described as follows:

A certain right of way or easement extending easterly from Route 236 beginning at the easterly sideline of said Route 236 at land now or formerly of Tobey and running N 25° 35' 06" W along said easterly sideline 50 feet; thence turning and running N 64° 24' 54" E 194.16 feet to a curve to the left having a radius of 205.71 feet; thence running N 48° 24' 40" E 200 feet to a curve to the right having a radius of 300.49 feet; thence by said curve 114.28 feet to the end thereof; thence running N 70° 12' 2" E 327.88 feet to a curve to the right having a radius of 225 feet; thence by said curve 23.63 feet, more or less, to the center line of Great Brook; thence running S 17° 25' 55" E along said center line a distance of 50.13 feet to a point on a curve having a radius of 175 feet; thence by said curve westerly a distance of 21.57 feet to the end thereof; thence running S 70° 12' 02" W 327.88 feet to a curve to the left having a radius of 250.49 feet; thence by said curve 95.26 feet to the end thereof; thence running S 48° 24' 40" W 200 feet to a curve to the right having a radius of 255.71 feet; thence by said curve 71.43 feet to the end thereof; thence running S 64° 24' 54" W 194.16 feet to the point of beginning.

Also conveying an appurtenant 50 foot wide easement to be used in common with Sweet Peas, LLC and others, as a right of way on and over the private way known as Littlebrook Lane and from Littlebrook Lane to the 19.65 acre parcel of land described in this deed. From Littlebrook Lane this easement is to run northwesterly along an existing roadway to a taxiway located adjacent to and southwesterly of an existing airport runway. The easement is to extend along the taxiway to the southerly sideline of the above-described 19.65-acre parcel. This right of way may be used on foot, or with vehicles, in common with others and for the installation, maintenance, repair and replace of utilities all as may be required to service the future development of land owned by Aggregate Recycling Corporation, its successors and or assigns. This easement may be constructed, maintained, repaired and paved.

That section of the above described 50 foot wide easement extending from Littlebrook Lane is conveyed subject to the right of Jean M. Hardy, Sweet Peas, LLC or their successors or assigns, to relocate the physical right of way at a future date. Such relocation shall be at the sole expense of Jean M. Hardy, Sweet Peas, LLC or their successors or assigns and shall not impede or make unreasonable the continued access of grantee, its successors and assigns across the right of way. Any relocated right of way shall be at least equal to any existing right of way in terms of width, construction and composition.

The grantee herein acknowledges the existence of Littlebrook Airpark, a private airport which lies in close proximity to the land hereby conveyed and does for itself, its successors and assigns, covenants not to erect or construct any structure, lights, poles or other obstacles which will interfere with the current flight path of aircraft taking off or landing at said airport or with the airspace around said airport, nor shall this Grantee engage in any activity or do any act that would cause Littlebrook Airpark to be in violation of any current local, state or federal statute, rule or ordinance in the operation of a private airport.

For source of title, reference is made to a Quitclaim Deed with Covenant from Sweet Peas, LLC to Aggregate Recycling Corporation dated August 8, 2007 and recorded in the York County Registry of Deeds in Book 15231, Page 768.

Excepting that portion of the above described premises conveyed to John Chagnon and Joni Lynne Joseph-Chagnon by quitclaim deed dated December 19, 2008 and recorded in the York County Registry of Deeds in Book 15540, Page 778, bounded and described as follows:

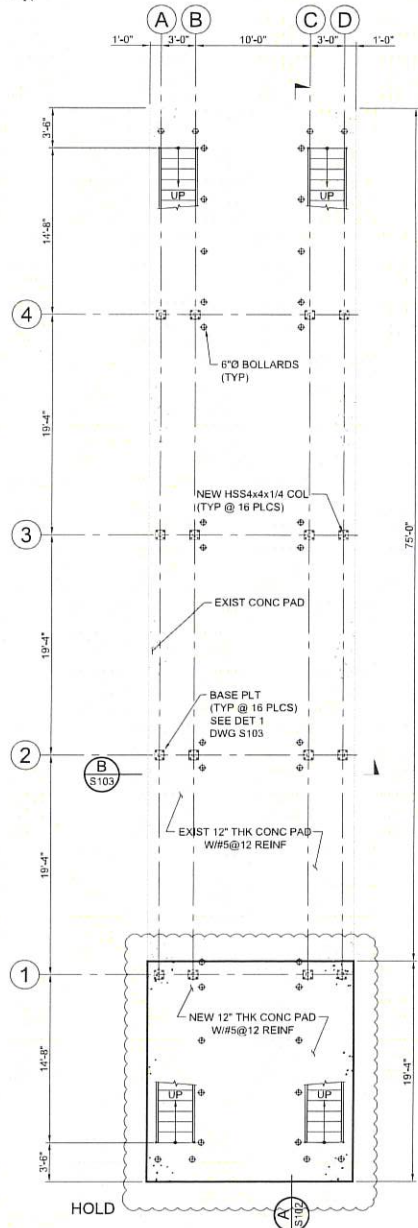
“That certain sliver of land, approximately 3,600 sq. ft. in size, bounded on its generally northerly side by the generally most northerly sideline of that certain lot or parcel of land described in a deed from Sweet Peas, LLC to Aggregate Recycling Corporation dated August 8, 2007 and recorded in the York County Registry of Deeds in Book 15231, Page 768, and being more particularly described and shown in Detail A on that certain survey plan entitled "Standard Boundary Survey for Blank Key Trust," drawn by Ambient

Engineering, Inc., dated November 6, 2008 and recorded in the York County Registry of Deeds in Plan Book 334, Page 37.

Meaning and intending to convey, and hereby conveying, that small, four-sided sliver of land shown in Detail A on said survey plan for the purpose of resolving a minor common lot line discrepancy between the parties to this deed. Reference may also be had to the deed into the Grantees herein, recorded in said Registry of Deeds in Book 9472, Page 195, in which the most southerly lot line of the Grantees' property as described therein is coincident with the most southerly lot line of the lot or parcel of land conveyed herein over a length of approximately 250.03' as shown in Detail A on said survey plan and also being coincident for that same distance as the southerly line of the Grantees' property as shown on another survey plan dated November 1989 and recorded in said Registry of Deeds in Plan Book 200, Page 25."

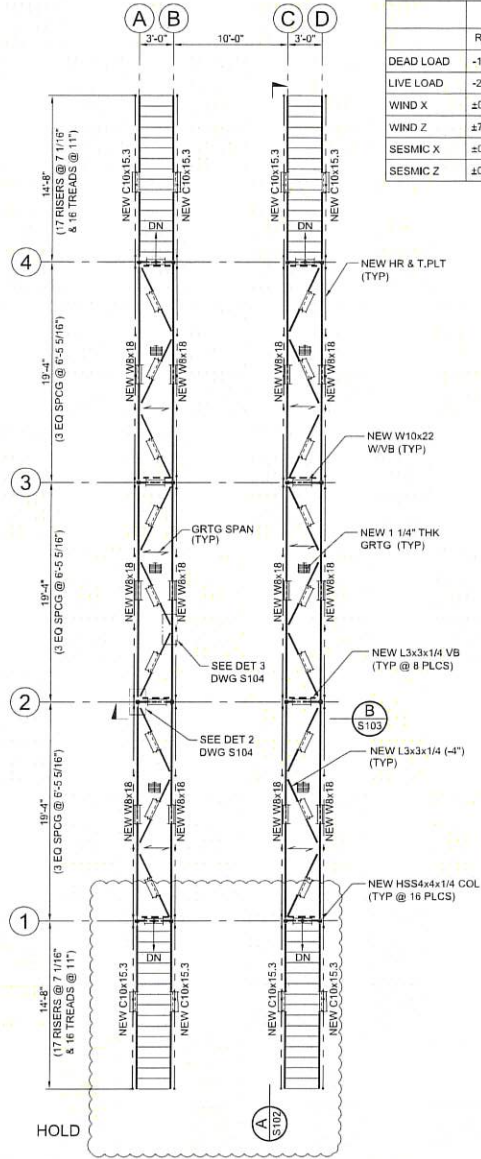


Proposed tarping location



FOUNDATION & BASE PLATE PLAN

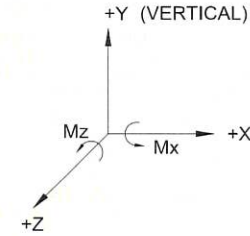
(SCALE: 3/16"=1'-0")



PLATFORM FRAMING PLAN

T/S EL 9'-10 3/4"
(SCALE: 3/16"=1'-0")

	A1 & D1		B1 & C1		A2 & D2		B2 & C2		A3 & D3		B3 & C3		A4 & D4		B4 & C4		TYP STAIR STRINGER LOAD							
	Ry	Rx	Rz	Ry	Rx	Rz	Ry	Rx	Rz	Ry	Rx	Rz	Ry	Rx	Rz	Ry	Rx	Rz	Ry	Rx	Rz			
DEAD LOAD	-1.1	0	0	-1.1	0	0	-1.3	0	0	-1.3	0	0	-1.3	0	0	-1.1	0	0	-1.1	0	0	-0.6	0.2	0
LIVE LOAD	-2.5	0	0	-2.5	0	0	-3.0	0	0	-3.0	0	0	-3.0	0	0	-2.5	0	0	-2.5	0	0	-1.7	0.5	0
WIND X	±0.3	±0.2	0	±0.3	±0.2	0	0	±0.2	0	0	±0.2	0	0	±0.2	0	±0.3	±0.2	0	±0.3	±0.2	0	±3	±0.5	0
WIND Z	±7.3	0	±2.6	±7.3	0	±2.6	±8.0	0	±2.6	±8.0	0	±2.6	±8.0	0	±2.6	±7.3	0	±2.6	±7.3	0	±2.6	±0.8	±1.2	±0.8
SESMIC X	±0.2	0	±0.2	0	0	0	0	0	0	0	0	0	0	0	0	±0.2	0	0	±0.2	0	0	±0.2	±0.3	0
SESMIC Z	±0.9	0	±0.3	±0.9	0	±0.3	±1.0	0	±0.3	±1.0	0	±0.3	±1.0	0	±0.3	±1.0	0	±0.3	±1.0	0	±0.3	±0.1	±0.2	0



ALL LOADS IN KIPS, MOMENTS IN KIP-FT

WIND & SEISMIC LOADS ARE ULTIMATE (FACTORED) LOADS IN ACCORDANCE WITH ASCE 7-10. ALL OTHER LOADS ARE SERVICE (UNFACTORED) LOADS.

(Ry) POSITIVE INDICATES UPWARDS FORCE AND (Ry) NEGATIVE INDICATES DOWNWARD FORCE. USE LOAD COMBINATIONS BASED ON ASCE 7-10

WIND & SEISMIC LOADS BASED ON ASCE 7-10 & IBC 2015.

NOTES:

1. FOR GENERAL NOTES SEE DWG S100

LEGEND:

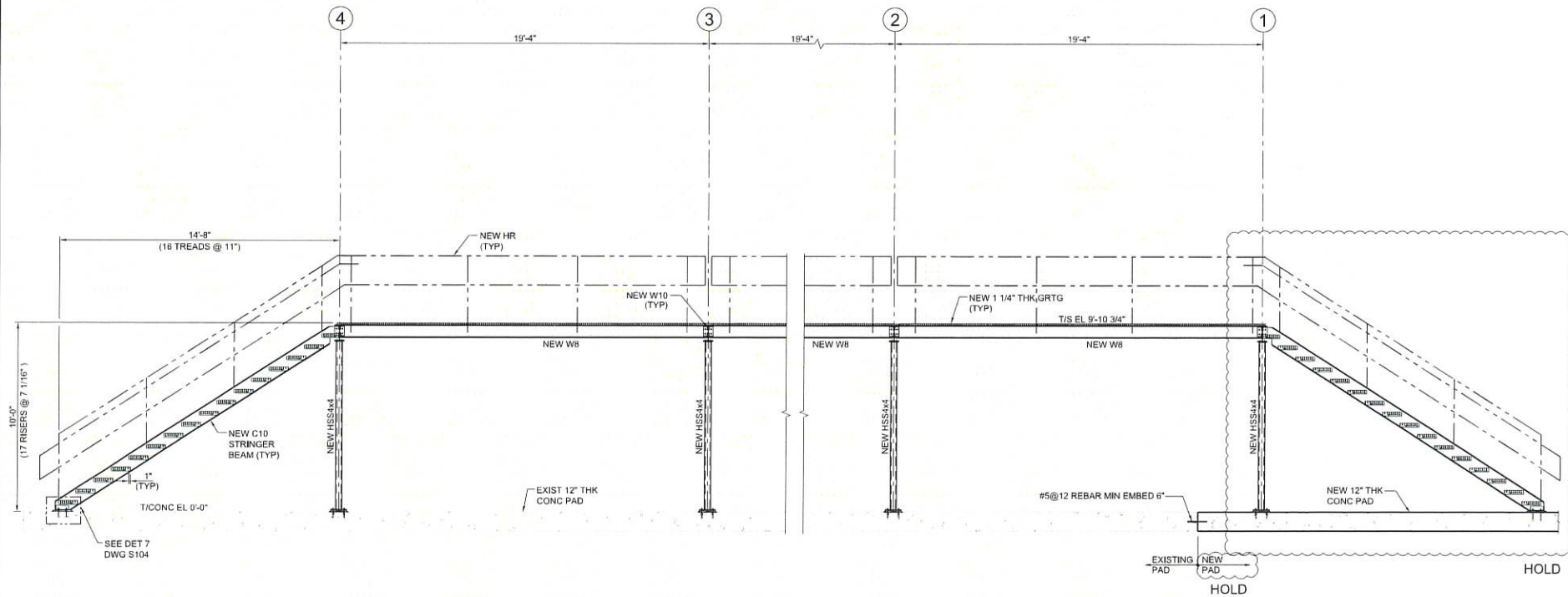
- 1. DENOTES EXISTING CONSTRUCTION
- 2. DENOTES NEW CONSTRUCTION

NO.	ISSUE / REVISION	DATE	APPROVE	DATE

WIN WASTE INNOVATIONS - AKS RECYCLING, INC.
NEW PLATFORMS ELLIOT, MAINE
FOUNDATION, BASE PLATE & PLATFORM FRAMING PLANS



PROJECT DATA
Project No.: 21-00182
Dwg No.: S101



SECTION A
 (3/8"=1'-0") (S101) S102

NOTES:
 1. FOR GENERAL NOTES SEE DWG S100

LEGEND:
 1. — DENOTES EXISTING CONSTRUCTION
 2. — DENOTES NEW CONSTRUCTION

NO.	ISSUE / REVISION	CHECK	APPROVE	DATE
1A	ISSUED FOR REVIEW & COMMENTS	AP	JR	8/16/21

WIN WASTE INNOVATIONS - AKS RECYCLING, INC.
 NEW PLATFORMS ELLIOT, MAINE

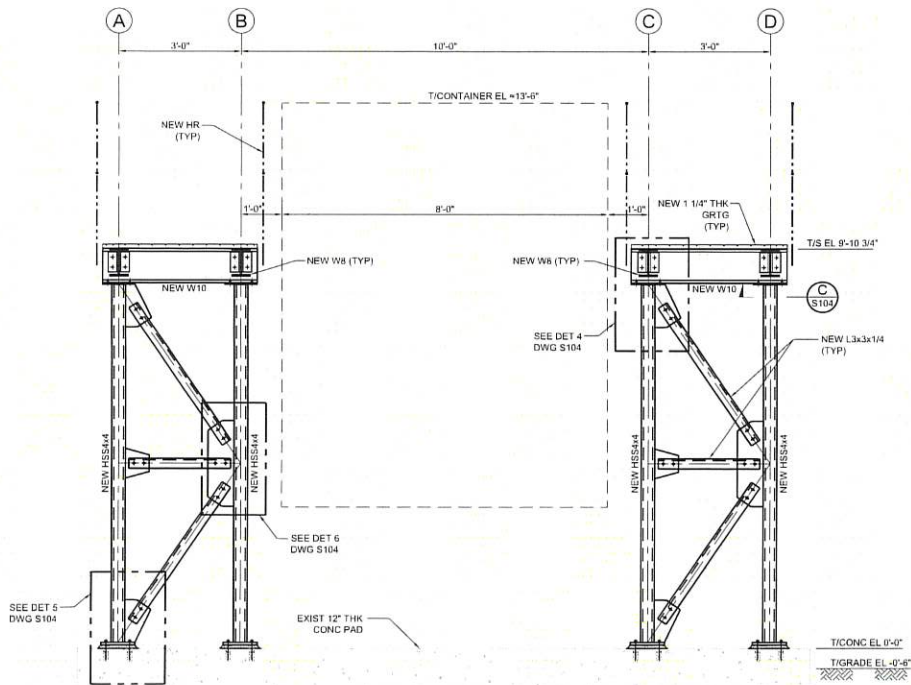
SECTIONS & DETAILS

Prepared for
WIN WASTE INNOVATIONS
 85 WASHINGTON ST., SUITE 200
 BOSTON, MA 02111

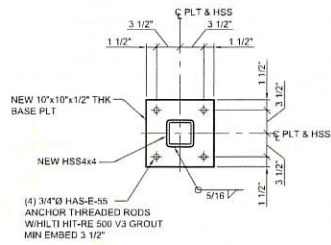
Prepared by
KIELY
 KIELY & ASSOCIATES, INC.
 100 STATE ST., SUITE 200
 BOSTON, MA 02111

PROJECT DATA

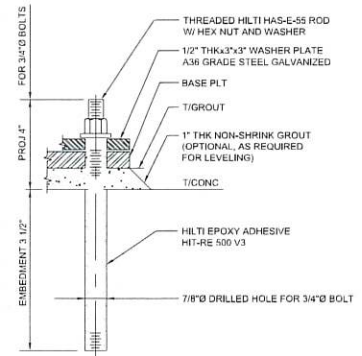
Project No.:	21-00182
Dwg No.:	S102



SECTION **B**
(34"x1'-0") (S101) S103



DETAIL **1**
(1 1/2"x1'-0") (S101) S103



**HILTI ADHESIVE
HIT-RE 500 V3
ANCHOR BOLT DETAIL**
(NTS)

ADHESIVE ANCHOR BOLT NOTES

- ANCHOR BOLT SHALL BE INSTALLED WITH HILTI ADHESIVE HIT-RE 500 V3 TYPE, AS MANUFACTURED BY HILTI FASTENING SYSTEMS, TULSA, OKLAHOMA (OR APPROVED EQUAL). INSTALLATION SHALL BE AS PER MANUFACTURERS RECOMMENDATIONS.

NOTES:

- FOR GENERAL NOTES SEE DWG S100

LEGEND:

- DENOTES EXISTING CONSTRUCTION
- DENOTES NEW CONSTRUCTION

NO.	ISSUE / REVISION	CHECK / APPROVE	DATE
A	ISSUED FOR REVIEW & COMMENTS	AP	9/10/21

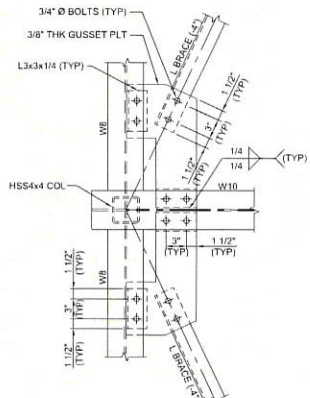
WIN WASTE INNOVATIONS - AKS RECYCLING, INC.
NEW PLATFORMS ELLIOT, MAINE

SECTIONS & DETAILS

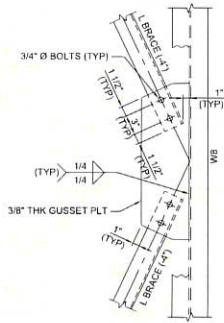


PROJECT DATA

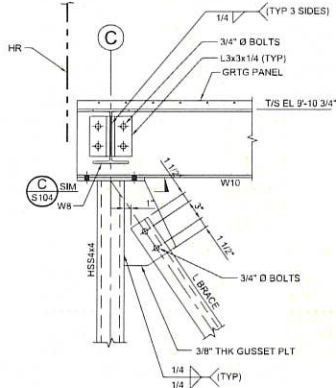
Project No.: 21-00182
Dwg No.: S103



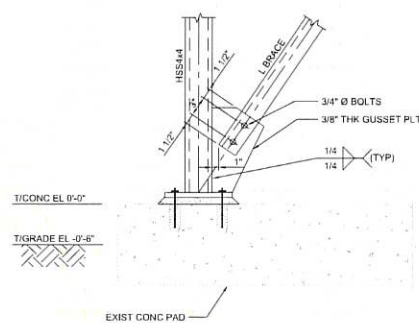
DETAIL 2
(1 1/2"x1'-0") (S101) S104



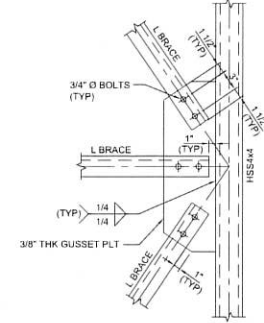
DETAIL 3
(1 1/2"x1'-0") (S101) S104



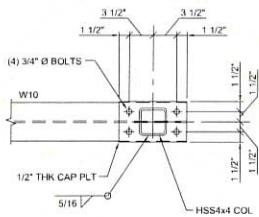
DETAIL 4
(1 1/2"x1'-0") (S103) S104



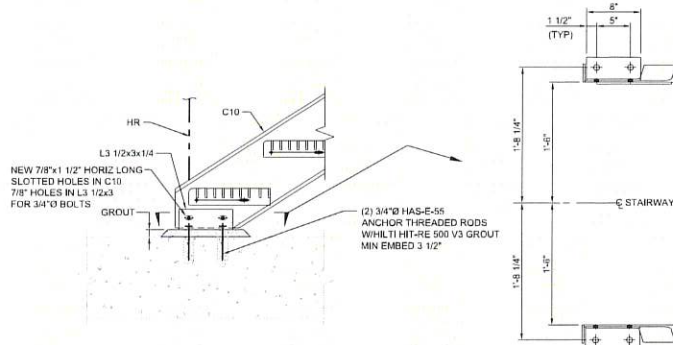
DETAIL 5
(1 1/2"x1'-0") (S103) S104



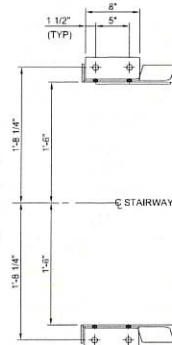
DETAIL 6
(1 1/2"x1'-0") (S103) S104



SECTION C
(1 1/2"x1'-0") (S103&S104) S104
TYP CAP PLT CONN



DETAIL 7
(1 1/2"x1'-0") (S102) S104



NO.	ISSUE / REVISION	CHECK	APPROVE	DATE
A	ISSUED FOR REVIEW & COMMENTS	AP	JR	8/10/21

WIN WASTE INNOVATIONS - AKS RECYCLING, INC.
NEW PLATFORMS ELLIOT, MAINE

SECTIONS & DETAILS

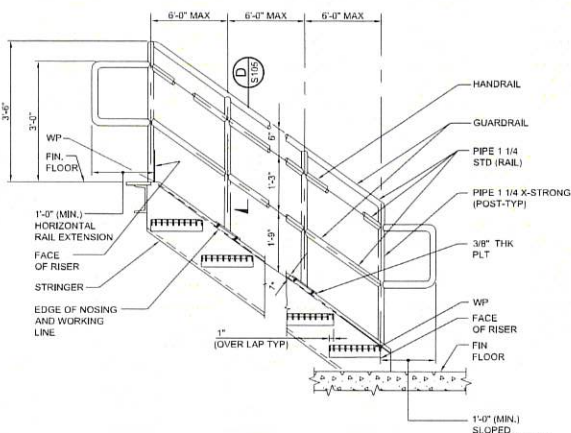
Prepared For:

Prepared By:

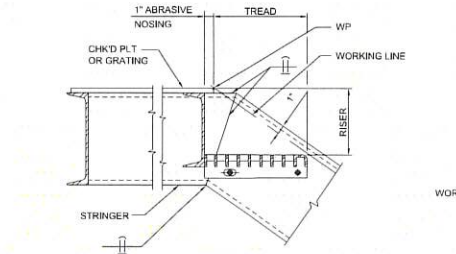
KIELY & ASSOCIATES
1000 WASHINGTON STREET
ANDOVER, MA 01810

PROJECT DATA
Project No.: 21-00182
Dwg No.: S104

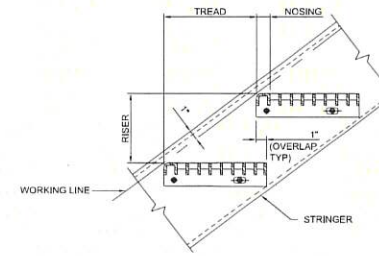
NOTES:
1. FOR GENERAL NOTES SEE DWG S100



TYPICAL GUARDRAIL AND HANDRAIL - STAIR



TYPICAL HEAD OF STAIR DETAILS - AT LANDING



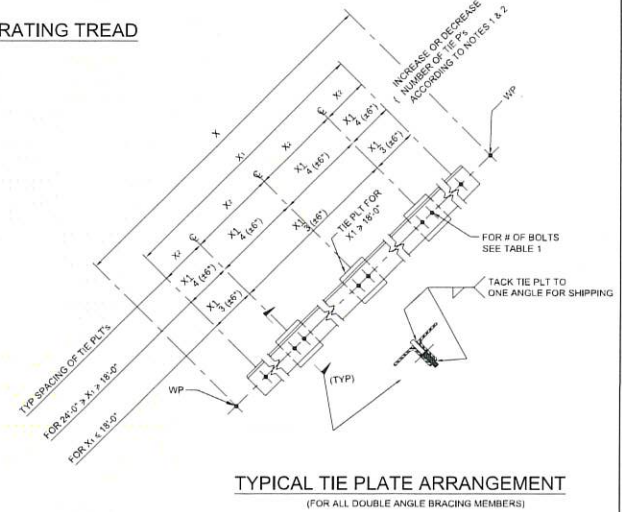
TYPICAL GRATING TREAD

TABLE 1 TYPICAL TIE PLATE CONNECTIONS FOR VERTICAL BRACING

TIE PLT	DESCRIPTION
	FOR 2L'S SINGLE GAGE

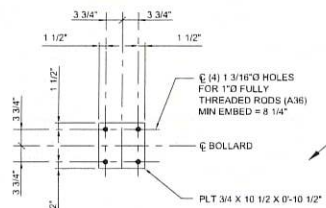
NOTES:

1. NO TIE P's (OTHER THAN END CONNECTIONS) ARE REQUIRED FOR $X_1 < 2'-9"$ AND ONLY ONE TIE PLATE REQUIRED FOR $2'-0" < X_1 < OR = 5'-0"$.
2. MAX. SPACING OF TIE PLATES, X_2 IN NO CASE TO BE MORE THEN 6'-0". FOR $L's > 1"$ THICK, X_2 TO BE LESS THEN 5'-4".

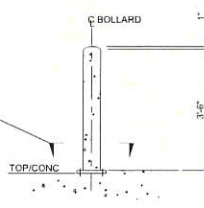


TYPICAL TIE PLATE ARRANGEMENT

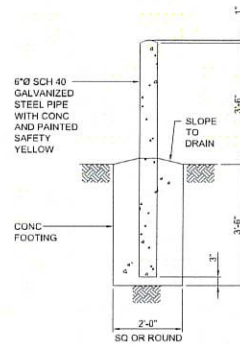
(FOR ALL DOUBLE ANGLE BRACING MEMBERS)



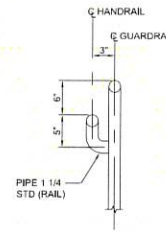
PLAN BOLLARD @ CONC FDN



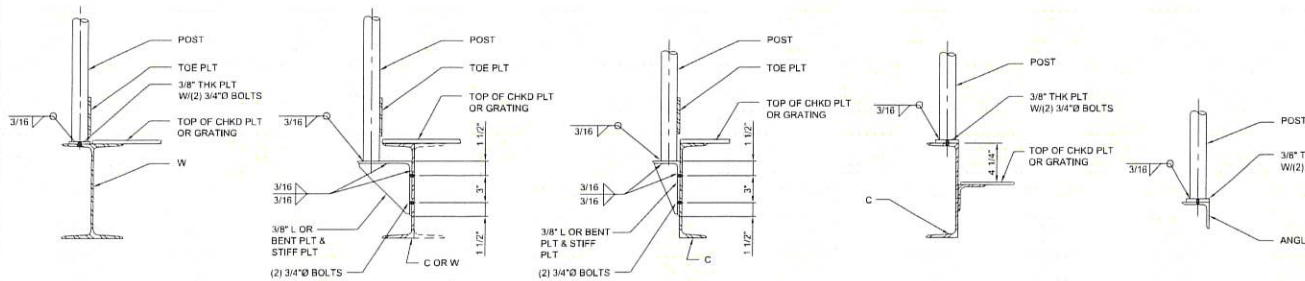
ELEVATION BOLTED BOLLARD



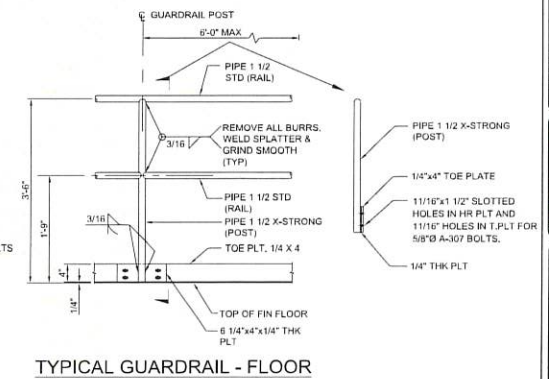
ELEVATION EMBEDDED BOLLARD



SECTION D (SCALE: NTS) (S105) (S105)



TYPICAL HANDRAIL POST CONNECTIONS - STEEL FLOOR



TYPICAL GUARDRAIL - FLOOR

NOTES:

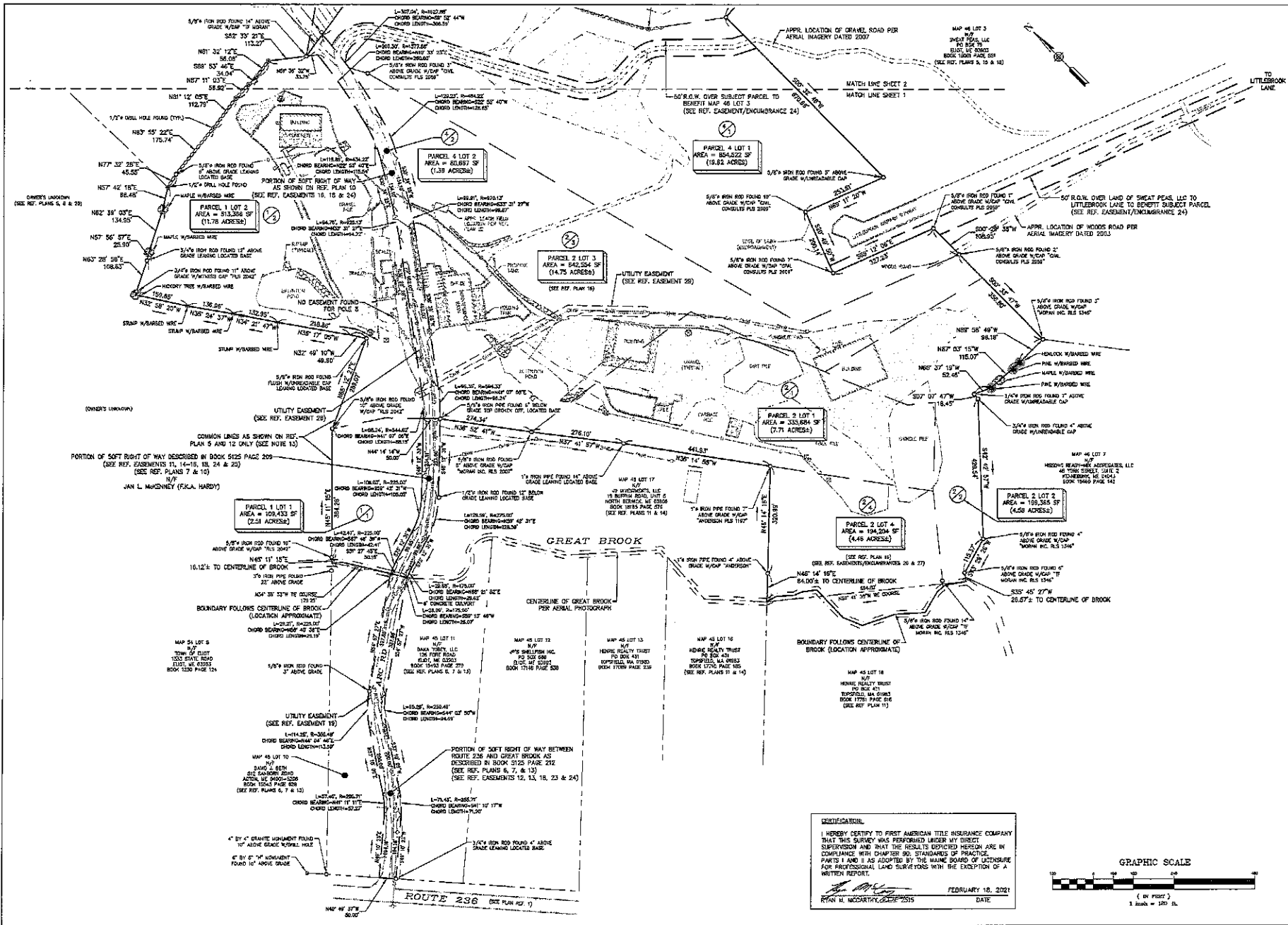
1. FOR GENERAL NOTES SEE DWG S100

NO.	DATE	CHECK	APPROVE	ISSUE / REVISION
A	9/18/17	AP	JR	ISSUED FOR REVIEW & COMMENTS

WIN WASTE INNOVATIONS - AKS RECYCLING, INC.
 NEW PLATFORMS ELLIOT, MAINE
 TYPICAL SECTIONS & DETAILS



PROJECT DATA
 Project No.: 21-00182
 Dwg No.: S105



FEBRUARY 18, 2021
 DATE
 2021
 SCALE

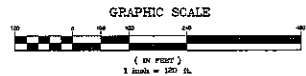
NO.	DATE	DESCRIPTION
1	2/18/21	REVISIONS PER COMMENTS FROM FIRST AMERICAN TITLE COMPANY
2		
3		
4		

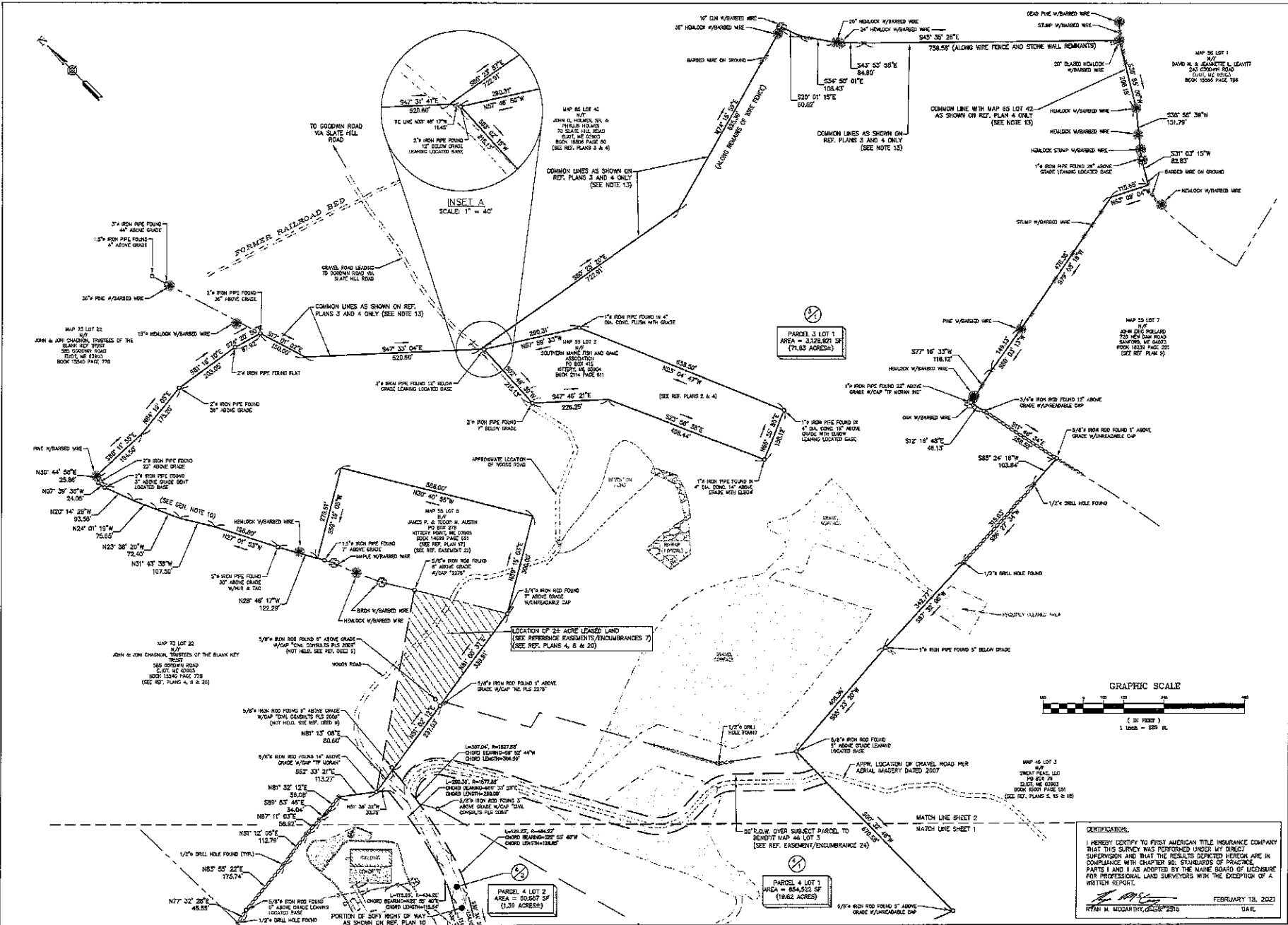
TIDEWATER
 ENGINEERING & SURVEYING
 89 STATE ST. SUITE 300
 PORTSMOUTH, NH 03801
 (603) 878-2222 • www.tidewater.com

CLIENT: WHEELABRATOR TECHNOLOGIES HOLDINGS, INC.
 100 ARBOREUM DRIVE, SUITE 310
 PORTSMOUTH, NH 03801
 PROJECT: BOUNDARY RETRACEMENT SURVEY FOR LAND OF WHEELABRATOR HOLDING 1, INC.
 LOCATED ON ARC ROAD, ELDT, YORK COUNTY, MAINE
 SHEET: SOUTHWESTERN PORTION OF LAND

SHEET A 23-131
 DATE: DEC 23, 2020
 SCALE: 1" = 120'

CERTIFICATION
 I HEREBY CERTIFY TO FIRST AMERICAN TITLE INSURANCE COMPANY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND THAT THE RESULTS OBTAINED HEREON ARE IN COMPLIANCE WITH CHAPTER 80, STANDARDS OF PRACTICE PARTS I AND II AS ADOPTED BY THE MAINE BOARD OF LICENSES FOR PROFESSIONAL LAND SURVEYORS WITH THE EXCEPTION OF A WRITTEN REPORT.
 RYAN M. MCCARTHY, LICENSE 2515
 DATE: FEBRUARY 18, 2021





TIDEWATER
ENGINEERING & SURVEYING, INC.
100 ARBOREUM DRIVE, SUITE 310
PORTSMOUTH, NH 03801
(603) 883-3322 • www.tidewater.com

REASONS FOR COMMENTS FROM FIRST AMERICAN TITLE COMPANY

NO.	DATE	REASONS FOR COMMENTS FROM FIRST AMERICAN TITLE COMPANY
1	2/18/21	STANDARD REVIEWED AND STAMPED

JOB #: 20-131
DATE: DEC. 23, 2020
SCALE: 1" = 120'
DRAWING

3 OF 3