

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION
PLACE: TOWN HALL/ZOOM

DATE: Tuesday, April 19th, 2022
TIME: 6:00 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) March 1st to April 12th 2022 – if available
- 6) **NOTICE OF DECISION**
- 7) **PUBLIC HEARING**
- 8) **NEW BUSINESS**
 - a) 15 Cedar Road (Map 63/Lot 10), PID # 063-010-000, PB22-6: Site Plan Review and Change of Use – Business Office and New Garage for a Heating, Ventilation, and Air Conditioning (HVAC) Business – Sketch Plan Review
 - b) 0 Harold L. Dow Highway / Pine Tree Business Park (Map 29/Lot 31), PID # 029-031-000, PB21-35: Site Plan Amendment/Review and Change of Use – Adult Use Marijuana Retail Store – Sketch Plan Review
 - c) 22 Arc Road (Map 46/Lot 5), PID #046-005-000, PB22-8: Site Plan Amendment – Trailer Tarping Station
- 9) **OLD BUSINESS**
- 10) **CORRESPONDENCE**
 - a) Town Planner update (written or verbal) – if available
- 11) **SET AGENDA AND DATE FOR NEXT MEETING**
 - a) May 3rd, 2022
- 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: **824 1773 2284 #**
 2. When prompted to enter Attendee ID **press #**
 3. When prompted enter meeting password: **570781 #**
- 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, Jeff Leathe – Vice Chair, Lissa Crichton – Secretary,
4 Jim Latter, and Christine Bennett.

5
6 Also Present: Jeff Brubaker, Town Planner.

7
8 Voting members: Carmela Braun, Jeff Leathe, Lissa Crichton, Jim Latter, and Christine
9 Bennett.

10
11 Note: Ms. Braun said that, beginning April 1st the PB will be meeting at 6PM as opposed
12 to 7PM.

13
14 Mr. Brubaker said that that new start time has been out on the website as well as it will be
15 in the newspaper. We are having a change to the mask mandate for future meetings. I just
16 wanted to note that that will be going into effect with the removal of the requirement
17 although folks are still obviously encouraged to wear masks at meetings. Then, we did go
18 out to bid today for the first contract of the Route 236 Water and Sewer Project. That
19 advertisement will be out there until the bid opening on the 31st.

20
21 Ms. Braun asked, regarding mask mandates, can individual boards still make their own
22 decision about masking.

23
24 Mr. Brubaker said that, if you have a preference, I can share that with Mr. Sullivan and
25 see what he has to say.

26
27 **ITEM 2 – PLEDGE OF ALLEGIANCE**

28
29 **ITEM 3 – MOMENT OF SILENCE**

30
31 **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

32
33 Mr. (Gene) Wypyski, Creek Crossing, said that I have a comment about the upcoming
34 Solar Energy Systems ordinance.

35
36 Ms. Braun said that that is on tonight’s agenda so, if you wouldn’t mind waiting until we
37 get to that point.

38
39 Mr. Wypyski agreed. Secondly, since you all are in the business of planning, I’d like for
40 you all to plan for the last Saturday in September (24th), the 41st Eliot Festival Day
41 Celebration and 5K run. We had our first meeting yesterday so the planning has begun.
42 Please mark your calendars. We’d love to see everyone there.

43
44 Mr. Brubaker said that, in response to a public comment, we have started printing an
45 additional packet that will be available either for a member of the public or the press,
46 with a sign-in sheet, to make sure that folks know where it is.

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ITEM 5 – REVIEW AND APPROVE MINUTES

Ms. Bennett moved, second by Ms. Crichton, to approve the minutes of January 18, 2022, as amended.

**VOTE
5-0
Motion approved**

ITEM 6 – NOTICE OF DECISION

0 Odiorne Lane – PB21-16

Ms. Bennett moved, second by Mr. Latter, that the Planning Board accept the Decision Letter for PB21-16, as amended.

**VOTE
5-0
Motion approved**

2135 State Road – PB21-36

Ms. Braun moved, second by Ms. Bennett, that the Planning Board accept the Notice of Decision for PB21-36, as written.

**VOTE
5-0
Motion approved**

72 Harold L. Dow Highway – PB22-04

Ms. Bennett moved, second by Ms. Crichton, that the Planning Board accept the Notice of Decision Letter for PB22-04, as amended.

**VOTE
5-0
Motion approved**

ITEM 7 – NEW BUSINESS

A. 64 Harold L. Dow Highway (Map 23/Lot 16), PB22-03: Site Plan Amendment and Change of Use – Addition of swim lessons in above-ground pool to an existing daycare business.

**Received: January 31, 2022
1st Heard: March 1, 2022 (Site Plan Amendment/Minor Change/Approval)
Site Walk: N/A
Approval: March 1, 2022**

Amanda Gunter, applicant, was present for this application.

93
94 Ms. Gunter said that I'm the Director at Good to Grow Childcare, formerly Tide Pools.
95 I'm looking to do a minor amendment to add an above-ground pool. It is on the same
96 property but not affiliated with Good to Grow. The purpose is to basically teach swim
97 lessons to our community and make sure that our kids are aware of water safety and
98 prepared for any situation that may happen.
99

100 Ms. Bennett asked how many swimmers are you thinking about at a time, how many days
101 a week, to try to get an idea of what this looks like.
102

103 Ms. Gunter said that I am looking to have three sessions for the pre-school and under
104 group; that that would start anywhere between June 30 and finish the first week of
105 September so that is for three-week sessions, four weeks each session. Then, for school-
106 age kids, to accommodate public school calendar, would be two sessions of five weeks.
107 The class size would be no more than 10 students. This would include myself as a
108 lifeguard and WSR Water Safety Instructor and two additional lifeguards. Where I run a
109 daycare, ratio is obviously a very big aspect and, so, making sure we are well-staffed and
110 hands are on-deck for the purpose of the safety. I taught swim lessons years and years
111 ago then became the oceanfront water guard. That was before I had children myself. Now
112 that I've had children, my water safety paranoia is even more intense. I brought my
113 father-in-law so he could probably testify how obnoxious I am with water safety. It's
114 been a priority of mine to just really make sure that water safety is on everybody's mind.
115 We are a coastal community, we're so close to the ocean, we have bodies of water all
116 around. I just want to make sure that everybody is on the same page and that, if a child
117 was to fall into the water fully clothed, that they would know what to do in that situation.
118

119 Ms. Bennett asked what would be the hours this would be happening.
120

121 Ms. Gunter said that the first lesson would start at 9:15 AM and the last lesson, which
122 would be in the kindergarten and older group, would end at approximately 5:30 PM,
123 Monday through Thursday.
124

125 Ms. Bennett said that my last question pertains to sanitary facilities. There are bathrooms
126 in the daycare and asked if those would be used by the swim students.
127

128 Ms. Gunter said that we have 30- to 35-minutes sessions so, presumably, the class would
129 come dressed and prepared for that. That being said, toddlers need to go to the bathroom
130 when they need to go to the bathroom, even if they went five minutes ago. I have
131 considered the idea of having a sanitizing port-a-potty. I'm not sure how I feel about that
132 but we do have access to the restroom.
133

134 Ms. Braun asked who owns Tide Pools Learning Center.
135

136 Ms. Gunter said Tegan Teske owns it. We are currently trying to dissolve the name Good
137 to Grow from his hands into my hands. So, I will soon to be the owner of Good to Grow
138 but he is still the property owner.

139
140 Ms. Braun said okay; that there was nothing in here that said you had permission to do
141 this.
142
143 Ms. Gunter said that I do. I submitted that with the application and I have that form with
144 me.
145
146 Ms. Braun asked if you will be giving these lessons while you have other children in the
147 daycare.
148
149 Ms. Gunter said that I am the Director of Good to Grow so, yes, there will be children
150 there who have teachers fully staffed. So, I will be removing myself from that title, per
151 se, to make sure that I'm there for swim lessons.
152
153 Ms. Braun asked about the parking.
154
155 Ms. Gunter said that I was able to have the ability to see where our parking lines match
156 up. I'm just going to push back the parking a little bit more and that will allow a few
157 more extra spaces by having some of those trees removed and the land leveled out.
158
159 Ms. Braun asked if you would be marking those parking spaces out or do they park
160 wherever there is space.
161
162 Ms. Gunter said that I like things structured. I would love to have it all marked out.
163
164 Ms. Braun asked how many children you will have in each session.
165
166 Ms. Gunter said no more than 10.
167
168 Ms. Braun said that you will then have 10 extra vehicles coming into the property so
169 many couple of hours. Is that how long a session is.
170
171 Ms. Gunter said 30 minutes.
172
173 Ms. Braun said that you will have them coming in and going out, probably at the same
174 time.
175
176 Ms. Gunter said yes.
177
178 Ms. Braun said that I want to see that you have permission for this.
179
180 Ms. Gunter said yes, absolutely. In the application I sent in, there is a part where it asks
181 for that signature from the property owner.
182
183 Ms. Bennett said that Tegan Teske signed your application.
184

185 Ms. Gunter said correct.

186

187 Mr. Leathe said that, in the Planner's memo, the proposed project lists 'retail store in
188 existing building'.

189

190 Mr. Brubaker apologized, saying that that was a typo. I sometimes recycle portions of
191 staff memos and that was not removed.

192

193 Mr. Leathe asked Mr. Brubaker if that side setback compliance had become confirmed.

194

195 Mr. Brubaker said that I might point to the applicant, asking if you intend to, with your
196 sketch plan, conform to the side setback.

197

198 Ms. Gunter said yes, 100%. I have already looked into all of that and I have enough space
199 out there. It's not even a concern of going outside of what the setback is.

200

201 Mr. Brubaker said that, in this case, that would be 20 feet.

202

203 Ms. Gunter said yes.

204

205 Ms. Crichton asked if the above-ground pool need a fence around it.

206

207 Ms. Gunter said yes. Technically it doesn't because it's an above-ground pool but, going
208 back to my paranoia of water safety, I'm still going to put a fence around it, which will
209 follow the setback rules.

210

211 Mr. Leathe asked if this pool was existing.

212

213 Ms. Gunter said no, not yet. It depends on how tonight goes.

214

215 Ms. Braun asked what the PB would like to do with this application. Do you think it's a
216 minor change or needs a full site plan review.

217

218 The PB agreed that this was a minor change.

219

220 **Ms. Bennett moved, second by Mr. Leathe, that the Planning Board approve**
221 **application PB22-3 as a Minor Change to the existing use, with the following**
222 **conditions of approval:**

223

224 **1. The property may be developed and used only in accordance with the plans,**
225 **documents, material submitted, and representations of the applicant made**
226 **to the Planning Board. All elements and features of the use as presented to**
227 **the Planning Board are conditions of approval and no changes in any of**
228 **those elements or features are permitted unless such changes are first**
229 **submitted to and approved by the Eliot Planning Board. Copies of approved**
230 **permits from Maine DEP, Army Corps of Engineers, if applicable, and State**
shall be provided to the CEO before construction on this project may begin.

277 Mr. Leathe said that it would simply be a replacement.
278
279 Mr. Gray said a replacement with just finished space, pretty much like an open room.
280 Some of it is going to be cold storage for kayaks and whatnot, and eventually actually use
281 the garage for a garage.
282
283 Ms. Crichton asked if I read somewhere that it's going to have two floors.
284
285 Mr. Gray said yes.
286
287 Ms. Crichton asked if anything is going on the second floor or is everything just going to
288 be open.
289
290 Mr. Gray said that it would be a little loft space going on the top floor.
291
292 Ms. Braun said that there would be no apartment.
293
294 Mr. Gray said no. The gentleman who owns the garage has solar panels and is taking
295 them down but wants to put solar panels on the roof side. I wasn't sure if that is
296 something I would approach here or if that would strictly be through the building permit
297 process.
298
299 Mr. Brubaker said that that would be through a building permit process.
300
301 Ms. Crichton asked if you need to meet any requirements from the DEP.
302
303 Mr. Gray said that we got approval from them. I sent that over.
304
305 Mr. Brubaker said that I did see that permit-by-rule and, then, you did mention how you
306 updated DEP on the new modifications.
307
308 Ms. Crichton said that the application fees have been paid.
309
310 Mr. Gray said yes.
311
312 Mr. Brubaker asked if everyone was clear on the 'greatest practical extent' review and
313 also the reasoning behind the need to shift it from 65' to 75'.
314
315 The PB agreed that they were.
316
317 Ms. Braun asked what happens to the driveway when you take the garage down.
318
319 Mr. Gray said that, currently, the driveway has an area in the middle that used to have
320 two big bull pines that they took down. They use it as a garden right now. It's like a tight
321 loop that's there so, we're just moving into that a little bit more, about 10 feet. They're
322 not concerned with it. The worst case, if they decided they wanted to do something, they

323 could take a slight corner of that for turning in. They have small cars and it's going to be
324 a small garage.

325

326 Ms. Braun said that you're not increasing the impervious surface, then, right.

327

328 Mr. Gray said no.

329

330 Ms. Braun asked what the PB would like to do with this application.

331

332 Mr. Brubaker said that I think that space opened up by the old garage, nudging it, you
333 said that will be...

334

335 Mr. Gray said that that will just be grass. Where it will be moved 10 feet, it won't be
336 more impervious but more drainable soil. It's really shaded so you can't grow much
337 there.

338

339 Ms. Braun said okay, as long as you're not increasing the impervious surface.

340

341 Mr. Gray said no.

342

343 **Mr. Leathe moved, second by Ms. Crichton, that the Planning Board approve the**
344 **Shoreland Zoning Permit application for PB22-2 – 25 Alden Lane – with the**
345 **following findings of fact (in addition to other applicable findings of fact to be**
346 **included in the Notice of Decision):**

- 347 1. **All applicable sections of the Shoreland Zoning Ordinance (Chapter 44),**
348 **Shoreland Zoning Permit Application have or will be met.**
349 2. **Applicant has met §44-32 – Nonconformance. Without limiting the generality of**
350 **this finding, the Planning Board also specifically finds that the applicant has**
351 **demonstrated:**
352 a. **The garage replacement is in compliance with the water body setback**
353 **requirement to the greatest extent practical. The new garage is being moved**
354 **back to at least 75 feet from the river, and further relocation eastward would**
355 **pose a challenge for maintaining driveway access for properties to the south.**
356 3. **Based on the information presented by the applicant and in accordance with**
357 **§44-44, the Planning Board finds that the proposed use:**
358 a. **Will maintain safe and healthful conditions;**
359 b. **Will not result in water pollution, erosion, or sedimentation to surface**
360 **waters;**
361 c. **Will adequately provide for the disposal of all wastewater;**
362 d. **Will not have an adverse impact on spawning grounds, fish, aquatic life,**
363 **bird, or other wildlife habitat;**
364 e. **Will conserve shore cover and visual, as well as actual, points of access to**
365 **inland and coastal waters;**
366 f. **Will protect archaeological and historic resources as designated in the**
367 **comprehensive plan;**
368 g. **Will avoid problems associated with floodplain development and use; and**

369 **h. Is in conformance with the provisions of section 44-35, land use standards.**
370 **The approval includes the following conditions:**

- 371 **1. The property may be developed and used only in accordance with the plans,**
372 **documents, material submitted, and representations of the applicant made**
373 **to the Planning Board. All elements and features of the use as presented to**
374 **the Planning Board are conditions of approval and no changes in any of**
375 **those elements or features are permitted unless such changes are first**
376 **submitted to and approved by the Eliot Planning Board. Copies of approved**
377 **permits from Maine DEP, Army Corps of Engineers, if applicable, and State**
378 **shall be provided to the CEO before construction on this project may begin.**
- 379 **2. The permit is approved on the basis of information provided by the**
380 **applicant in the record regarding the ownership of the property and**
381 **boundary location. The applicant has the burden of ensuring that they have**
382 **the legal right to use the property and that they are measuring required**
383 **setbacks from the legal boundary lines of the lot. The approval of this**
384 **permit in no way relieves the applicant of this burden. Nor does this permit**
385 **approval constitute a resolution in favor of the applicant of any issues**
386 **regarding the property boundaries, ownership, or similar title issues. The**
387 **permit holder would be well-advised to resolve any such title problems**
388 **before expending money in reliance on this permit.**
- 389 **3. The applicant authorizes inspection of premises by the Code Enforcement**
390 **Officer during the term of the permit for the purposes of permit**
391 **compliance.**
- 392 **4. The erosion and sediment control best management practices listed in §45-**
393 **412 of the Town Code shall be implemented, as applicable, during any**
394 **ground disturbance.**
- 395 **5. No later than 20 days after completion of the development, the applicant**
396 **shall provide post-construction photographs clearly showing shoreline**
397 **vegetation on the property and the developed site.**
- 398 **6. If required by the DEP, an updated NRPA permit-by-rule (PBR) shall be**
399 **provided prior to beginning construction.**

400
401 **VOTE**
402 **5-0**
403 **Motion approved**
404

405 Ms. Braun said that the application stands approved and there is a 30-day period from
406 which the PB decision can be appealed by an aggrieved person or parties – move forward
407 but move forward cautiously.

408 *****

409 NOTE: Mr. Latter said that I have a 4 AM wake-up call tomorrow morning for an 8 AM
410 flight so I will beg your indulgence. I will not be at the next meeting so, if there is an
411 issue with the quorum, reach out and let me know.

412
413 Ms. Braun said that you are excused. Have a wonderful vacation.

414 *****

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B. Ordinance Amendments

1. Stormwater – Erosion & Sedimentation Control; Update on Stormwater Permit; Low-impact Design (LID).

Ms. (Kristie) Rabasca said that Mr. Brubaker and I have been in discussions for a little over a year about some upcoming ordinance changes. I'm going to give you an overview of this tonight. In particular, the first set of ordinance changes that are going to be coming up are related to erosion & sediment control at construction sites though these changes do not need to be adopted until June 30, 2023, so we have some time. Hence, I'm giving you a 10,000-foot view and we'll be digging into the details as we move forward in the coming months. Tonight, I will quickly give you the preview of why we are having to do them. I'll provide you examples of what the changes are going to look like and, then, a couple of options for adopting those ordinance changes and a few topics for future PB discussions. And again, Mr. Brubaker and I will be in the background providing you with more details on those things as decisions need to be made. So, these ordinance changes are required by the General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer System. We call it the Stormwater General Permit or the MS4 General Permit because of the 'M' and the four 'Ses'. The Town has been regulated by this permit since 2003. This permit is issued and enforced by the Maine Department of Environmental Protection (DEP). They started issuing permits for stormwater discharges for Maine municipalities in 2003. These are required by law to be 5-year permits. Right now, we are working on our third General Permit to try to protect stormwater from becoming polluted. With this permit, the Maine DEP has had quite a few issues in getting this finalized. The permit was finalized this November 2021 and the new permit begins July 1, 2022. These ordinance changes are required by this new permit that has come into effect and, again, Mr. Brubaker and I and the Public Works Department and the Town Manager have been working behind the scenes to develop a plan, review the permit requirements as they come forward and become finalized. We've written this 5-year plan providing a lot more detail on how the permit is going to affect the municipality. The full document is available for you on the Public Works Stormwater page. These general stormwater permits are called general permits because they apply to multiple municipalities in the State. There are actually over 7,000 communities across the United States that are regulated for their stormwater discharges. Here in Eliot, as across the United States, those communities are decided by the US Census Urbanized Areas. Those are areas with a high population density and high impervious surface percentage. Your areas are shown 'here' (screen share) in pink and they are the designations from the US Census from 2000 and 2010. The 2020 Census does not kick in into this permit, yet, mostly because they are trying to change the definition of Urbanized Area and have not settled on that yet. These pink areas are going to be our regulated areas. As the PB did last year with the post-construction permit, as we make these ordinance changes, you'll want to keep in mind that the General Permit only requires that we make these ordinance changes apply to the Urbanized Area but, for better water quality protection, you may opt, as a PB, as do all 30 communities are going to be trying to decide if they want to make these ordinance changes apply municipal-wide or just in the Urbanized Areas.

Upcoming Ordinance Changes

High impervious cover (paved and roofed areas)

Allows pollutants to build up

Which are released to waters when it rains.



Graphic credit: www.NSA.gov

460 This is for the public. You all seem knowledgeable about impervious surfaces and the
461 potential for stormwater to become polluted but this graphic is a nice depiction from the
462 Chesapeake Bay area of how these impervious surfaces can become polluted by brake
463 dust, dripping grease and oil from cars, so roadways, parking lots, driveways can all
464 accumulate pollutants. When it rains, it always smells nice and clean because all of that
465 washes down into the storm drains and then goes straight out to our water bodies,
466 typically in our case, ends up in the Piscataqua River, Spinney Creek, without treatment.
467 So, keeping the impervious surfaces clean and making sure...one of the things I like
468 about this, in particular, is that it does show construction vehicles. When you're doing
469 construction, and clearing and grubbing sites and exposing soil, soil is not only a
470 pollutant, in and of itself, but it also picks up hitchhiker pollutants like oil, grease and
471 pesticides and fertilizers, all kinds of things, and takes it out to the water bodies. So,
472 regulation of the sediment and erosion control under the MS4 General Permit. It's been
473 required since 2003 but our requirements are going to be stepping up a little bit. With
474 this permit, as many of you know, it has six different areas that touch all aspects of
475 municipal operations. The one we will be talking about today is 'Construction Run-off
476 Control'. You've been pretty familiarized with 'Post-Construction Run-off Control'.
477 The 'Pollution Prevention/Good Housekeeping' is mostly implemented by Public
478 Works, which is street-sweeping, catch basin cleaning. Lots of 'Public
479 Education/Outreach and 'Public Participation'; that we work with the Conservation
480 Commission on some of that. Then, 'Illicit Discharge Detection and Elimination', which
481 is going out, mapping the storm drain system, looking for things that shouldn't be in the
482 storm drains and eliminating them. Our focus is to make sure that erosion and sediment
483 are controlled at construction sites. The following is the specific language from the
484 General Permit:
485

486

Erosion Sediment Control (ESC) Requirements

- Create or Update an ordinance or other regulatory mechanism that requires the use of erosion and sediment control BMPs at construction sites consistent with the minimum standards outlined in Appendix C, *Erosion and Sedimentation Control, Inspections and Maintenance and Housekeeping* of this GP (which is same as Chapter 500 State Requirements in Appendices A, B, and C), including waste control for some additional items.

487
488

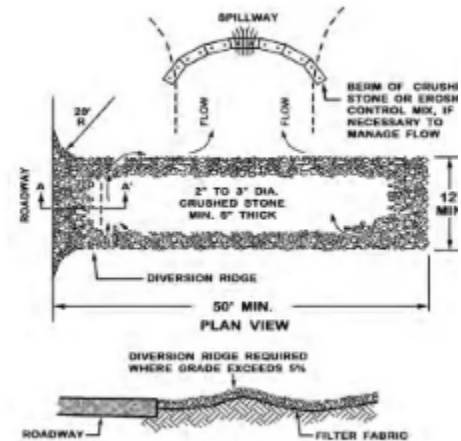
489 Basically, what the State did is to take the State standards, Chapter 500, and put them into
490 our MS4 Permit. They are requiring us to adopt the State standards for local enforcement.
491 These requirements that we will have to adopt are already State requirements under
492 Chapter 500. They are the A, B, and C Appendices. There are so many of them that we
493 will not be able to cover them all tonight. So that's why I'm going to give you a few
494 examples. Our threshold for applying these erosion and sediment control requirements is
495 going to be any site that is in the Urbanized Area that disturbs one or more acres of land
496 and that will include subdivisions that are phased subdivisions. Some of the requirements
497 from those general dependencies are that the measurements have to be in place before
498 construction begins. So, you want to put your sediment barriers down first around the
499 exterior of your site so that, when you start disturbing the soil, there are natural
500 protections of the natural resources there. It has to remain in place throughout
501 construction and there has to be adequate and timely maintenance of whatever measures
502 are being used. There are many more details in the Appendices, themselves, but this is
503 kind of drilling down a little bit more into that adequate and timely maintenance and how
504 that gets done. That's kind of a hard thing to regulate. Some of the specifics that
505 developers are already having to comply with is that the Maine DEP requirements say
506 that inspections during construction by the contractor/developer need to happen weekly
507 and that will be in the municipal ordinance now. Inspections always before an anticipated
508 rain event to make sure those measures are in place and functioning properly. Inspections
509 after a rain event to make sure that nothing happened. Nothing broke through. The silt
510 fence didn't fall over and no off-site issues. And they have to keep a log for the Town to
511 inspect. These are already State requirements. They're just going to get embedded into
512 the municipal ordinances. Then, there are some very specific requirements about when do
513 repairs of the erosion and sediment control BMPs need to be conducted. The repairs or
514 enhancements have to be initiated upon discovery by the contractor or a third-party
515 inspector. They have to be completed before the end of the next workday but, if more
516 time is needed, then there are some exceptions to allow completion within seven days but
517 always repairs need to be made prior to any rain event. Another example:

518

Sampling of ESC Requirements

Stabilized Construction Entrances

- ✓ Aggregate and filter fabric
- ✓ Protects public right of way
- ✓ Maintenance required until all areas are stabilized.



MAINE EROSION AND SEDIMENT CONTROL BMPs – 10/2016

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I think most people are familiar with the bark mulch berms and the silt fences; that one of the BMPs, measures, that are used at these sites that you may have seen the details of on plans that come through the PB, is a stabilized construction entrance. This is something that most constructions sites are implementing now. It's basically some aggregate (2"-3" crushed stone) placed at the entrance to the construction site adjacent to either the public or private road. What that will do, as you have construction vehicles leaving the site, they're not going to be tracking the dirt out onto the public way. What's important for the MS4 is that, if you have a catch basin right down the road, and we see this all the time on the construction inspections, all this crushed stone is going to be catching all that dirt so it doesn't make its way out onto the paved road and into the catch basin and then out into the resources. There are some spillways. There is some specific grading that is associated with these kinds of construction entrances. Maintenance is required until all areas are permanent and stabilized. This has been pretty standard practice in the State of Maine for quite a while but, again, it's going to be a specific requirement that will be enforceable by the Town of Eliot. There are some definitions that we're going to have to go through and they are very good definitions for what is permanent stabilization. When is the site done. When does the construction phase end and the post-construction phase begin. Regarding winter construction, we have some very unique conditions here in Maine. It almost always rains in the middle of winter and that and you have to make sure your construction BMPs are working in winter. They usually have more stringent requirements for BMPs during winter construction; sites that have to winter over. As you can imagine, there will be a few sections of the code we will have to be updating. We do want to make sure that the thresholds are correct for the Eliot ordinances as well as making sure that the performance standards are properly referenced. So, we'll be going through the definition sections. Chapter 33 Planning and Development, Chapter 41 Subdivisions. We'll be looking at Chapter 44 Shoreland Zoning and Chapter 45 for site plans and Site Development Planning. All those sections we'll have to go through in detail. Then, I

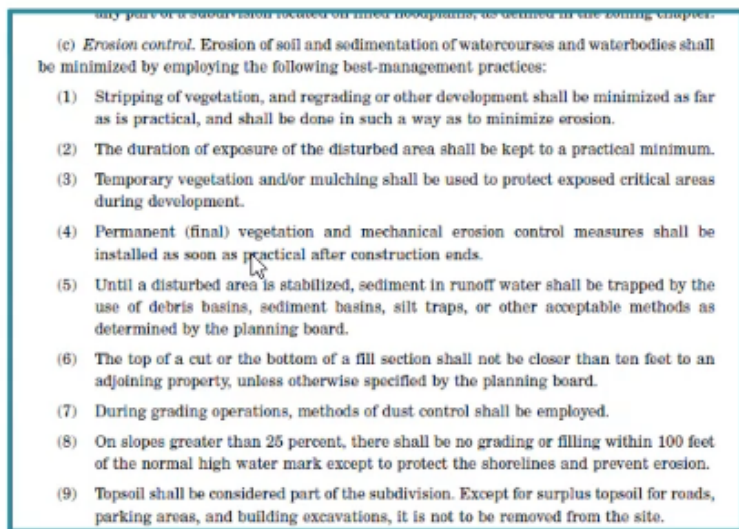
548 wanted to give you a little perspective of what your code says now about sediment and
549 erosion control knowing what the level of detail that is going to be required under the
550 ordinance changes. Some of Eliot’s specific references are in Chapter 33 §33-127 under
551 Site Plan Review. You do require a soil erosion and sediment control plan (11) but that
552 isn’t explicitly defined anywhere. The standards are referenced in Chapter 45. Also, the
553 thresholds will have to be looking at the Table of Permitted and Prohibited Uses (§45-
554 290). I think we’ll probably put a note at the bottom making sure that everybody knows
555 that the erosion and sediment control standards apply to all those uses. Then this, for your
556 site plan review:

Eliot-Specific References to Update

Chapter 41 Subdivisions

41-214 Soil quality. (c) Erosion Control

(Chapter 45 Zoning 45– 412 Erosion Control is mostly same)



557
558 When people have to do a soil erosion and sedimentation control plan, it’s going to have to be
559 in accordance with the State standards but this is the listing on what erosion control
560 means in the Town of Eliot. It’s these nine fairly generalized statements and it’s the same
561 in Chapter 41 for subdivisions. So, when people come through for PB, this is pretty much
562 the set of local performance standards that they have to meet. They are significantly
563 different than the Chapter 500 standards so this will be the meat of what we end up
564 updating, these two sections here, along with any other references to them. There are
565 always many ways to get your ordinance changes done but Mr. Brubaker has been on a
566 committee with the five communities I work with down here in York as well as 14
567 communities that are regulated in the Portland area. We’ve come up with, starting off at
568 #3, a Model Ordinance, which is in your PB packet. That just got finalized in the last
569 couple of weeks. There was also a checklist that is in the PB packet. The easiest way to
570 do it would be to reference Chapter 500 directly (**Option #1**). All three of these will
571 require us to go through the whole code and make sure we’re always pointing to the right
572 thing. The PB has to decide what the right thing is going to be. With the first option, the
573 City of Saco very kindly jumped the gun and, way ahead of the deadline, they went ahead
574 and changed their ordinances and then ran it by the Maine DEP to see if this language

575 would be acceptable to the Maine DEP for the MS4 Permit. So, the City of Saco has this
576 nice language that says any “erosion control plan shall include comprehensive erosion
577 and sediment control provisions as summarized below:

1. The plan shall show the use of erosion and sediment control best management practices (BMPs) at construction sites consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control BMPs shall be designed, installed and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents:
 - a) Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers
 - b) Maine Erosion and Sediment Control Practices Field Guide for Contractors

578
579
580 (Includes BMPs, all three Appendices, and Chapter 500 requirements, as well as the two
581 guidance documents that designers use.) This is the kind of language that the Town of
582 Eliot could adopt. That’s the first and easiest option and it really shows the developers in
583 Town that you are pulling those requirements and you are going to be able to enforce
584 against them, also. That one is pretty straightforward. Regarding **Option 2**, you’ve
585 probably looked through the checklist. Lots of small print on the checklist but, basically,
586 a three-column checklist where we list out each and every standard (1st column). We talk
587 about, in the next column, what does the Town of Eliot say about this standard in
588 particular and, then, we have a recommend list of changes, how we ought to change that
589 section. Sometimes this is a really nice way. I did a lot of ordinance changes with New
590 Hampshire back in 2004-2005 when they had to update their ordinances for a similar
591 thing. We used this and the PB really liked it because it was “this section needs to say
592 this...this section needs to say this and you have the requirement over here and here’s
593 why”. So, this checklist is a nice way of making sure we’re getting everything done that
594 we need to get done if you want to have each and every standard embedded in your
595 ordinances. **Option #3** is the Model Ordinance that this Ordinance Committee has been
596 developing for basically the last year. This was reviewed by Mr. (Jim) Katsiaficus, a
597 lawyer at Perkins Thompson, and he has done a lot of other model ordinance reviews and
598 work. This was in your packet and you will see that the Model Ordinance has a three-
599 color coded ordinance. Anything in the black text is what’s required. Anything in the blue
600 text is an optional set of standards. The optional set of standards came from the
601 Ordinance Committee, basically a lot of stormwater practitioners who know that Chapter
602 500 is not perfect. These people see a lot of things in their communities and at different
603 construction sites. They’re out there doing these so the blue text in the Model Ordinance
604 has a lot of optional things for you to consider. Then, the green text is usually like
605 standard ordinance language that we just have to make sure it fits. If you’re going to
606 adopt this whole ordinance, as a whole new chapter and have everything point to this new
607 ordinance, we just want to make sure that that green text jibes with all of the other
608 sections – enforcement, Board of Appeals, proper references that you have in the Town
609 of Eliot. I like the Model Ordinance, was actually the primary author for the Model

610 Ordinance, and one of the things we decided to do with that is that we put most of the
611 technical standards in an appendix, which we could also pull out and just use for the
612 Town of Eliot. We had two kinds of alternate appendices, one of which has all the A, B,
613 and C standards from Chapter 500 listed in it, and another one that, again, kind of points
614 to Chapter 500 but says that we're also going to go a little bit above-and-beyond. We're
615 going to adopt some of these climate change items. Maybe we're going to apply erosion
616 and sediment control standards at a smaller threshold in our community and we're going
617 to require that a qualified professional do erosion and sediment control, which isn't
618 always required by the State. Also, there's a few sections in here for requiring phasing in
619 of, if you have a large site, making sure that they're really showing, when they do phase
620 one, this is exactly what all the erosion and sediment control is going to look like. Then,
621 when they do phase two, this is what the erosion and sediment control will look like,
622 rather than having it all on one big plan. So, there will be a few optional things that Mr.
623 Brubaker and I will be calling out and presenting to you, but you can get the preview of
624 them in the Model Ordinance, also. I feel like this is a lot of information. We're trying to
625 keep it high-level but still give you the feeling for it. So, we've had some discussions,
626 even this month, with the Town Manager, Code Enforcement, Public Works, and
627 Planning about how these inspections are going to get done. The inspections, themselves,
628 by the Town; that the contractor who is going to have to do his own inspections, the
629 Town also has specific inspection requirements and we made a decision in February that I
630 think the PB is aware of that very likely on all sites that trigger this we're going to be
631 requiring a third-party inspector do the inspections. One before the site breaks ground to
632 make sure that erosion control BMPs are in place, a few times during construction to
633 make sure they're doing what they ought to do, filing formal written reports with photos
634 and findings, checking the contractor's log and, also, making sure that whoever this
635 developer is that they are going to have to pay for this third-party inspector; that it will be
636 a pass-through fee and they will have to pay for that up front. So, we made that decision
637 with the Town Manager. Mr. Brubaker said that the Town code does allow that and I
638 think that will tighten up the sedimentation and erosion control at construction sites and
639 the enforcement of that.

Summary for Planning Board

Planning Board Decisions to be made:

1. How will you implement the ESC Ordinance change requirements?
 - Reference Chapter 500 – call out any optional standards
 - Use Checklist (line by line updates)
 - Use Model Ordinance (still requires line by line updates, and can use Appendix 1 or Alt Appendix 1)

2. Will you implement Town-wide or Urbanized Area only?

3. Will you implement any of the optional elements recommended by the Ordinance Committee (for Climate change or general water quality benefit)?

640 These are some discussion points for you to go through and consider, maybe not tonight,
641 but on a day when you don't have so many things on your agenda. Some decisions to be
642 made by the PB, some considerations to be made.
643

644
645 Mr. Leathe said, regarding #2, we had a pretty spirited discussion around Town-wide
646 versus Urbanized Area only and I was wondering if you could go back to that, understand
647 what other towns are doing, what your thoughts are on that, and what, if anything, or
648 when would we have to make that decision.

649
650 Ms. Rabasca shared the Urbanized Area map of Eliot on the screen while discussing. We
651 did have a spirited discussion and I've been following along with developments in the
652 Town. Not to the level of detail you go through, especially tonight, but I do follow what
653 sites are being developed and where and I do this for nine other communities that are
654 being regulated. In almost every community, the larger developments, the ones that are
655 disturbing an acre or more, are outside the Urbanized Areas. They are 'here' around all
656 these corners (edge of the Urbanized Areas) and it's not because they are doing that on
657 purpose. It's because that's where the green fields are and that's where the larger, more
658 available parcels are for development. It's just kind of how it works. So, even though I
659 think the intent of the permit is good, limiting the erosion and sediment control
660 requirements to the Urbanized Areas only, you aren't going to have very many. For
661 example, with the post-construction General Permit, which is the last time we discussed
662 this, if that had been Urbanized Area only and that ordinance has been in effect since
663 2008, since 2008 there has only been one development site in the Urbanized Area in Eliot
664 that has disturbed one acre or more of land. I think the number is more like 6 or 7 sites in
665 the other parts of Town and those numbers are fairly comparable in other communities.in
666 other communities. In some cases, like an order of magnitude more sites outside the
667 Urbanized Areas that are getting developed, the larger sites.

668
669 Mr. Leathe said that that's what I remember from the last visit. The numbers are pretty
670 consistent across the different communities and it seems like for a Town like us to go
671 through this amount of work and change for one potential development every whatever,
672 we may be missing the point. And the point would be to monitor and control any site
673 within the Town that's disturbing that amount of acreage. I remember coming away from
674 that last conversation feeling like we needed to expand our thought process here in terms
675 of what we're really trying to accomplish. Because you're right. I know the larger
676 projects are not going to take place in those pink areas. They're just not. But they
677 certainly are going to, and probably increasingly as we've seen, in the other areas. Are
678 other towns going town-wide.

679
680 Ms. Rabasca said that you are actually the first town I've met with the PB on this for so I
681 can't tell you what everybody else is going to do yet.

682
683 Mr. Brubaker said that we are Town-wide for post-construction.

684
685 Ms. Braun said that that just passed in November. It makes sense to me to be consistent
686 and have it all be Town-wide.

687
688 Mr. Leathe said that, having watched some projects in the last couple years, I'm not
689 convinced that they're getting enough scrutiny when they leave the PB room. I think one

690 of the major points in this potential change is the fact that there's going to be a really
691 strong supervisory aspect to this that you talked about a minute ago. I think that has
692 simply been lacking here and probably would be very helpful. I think the pushback is that
693 that just gives the Town employees too much more work to do but probably not if it can
694 be hired out to a third party.

695
696 Ms. Rabasca said that it will definitely be less work for staff to have the third-party
697 inspector do that work. It will be a pass-through expense so it shouldn't be significantly
698 more costly for the Town to have the third-party inspector do that. Someone does have to
699 manage that work. Someone has to make sure the third-party inspector is under contract,
700 that the escrow funds get collected and distributed properly, and that the inspector is
701 doing their work. And that, when enforcement needs to be done, it gets done. So, the
702 reports need to be read, followed, and logged.

703
704 Ms. Braun thanked Ms. Rabasca, saying that that was very helpful. I'm sure we'll be
705 hearing from you again.

706
707 Ms. Rabasca said that you will be hearing from us again. We did just want to introduce
708 this now but, again, we do have time until June of 2023.

709

710 **2. Solar Energy Systems**

711

712 Mr. Brubaker said that I know it's late and Mr. Wypyski has been very patient. I just
713 wanted to quickly summarize the updates that I made. I have now changed the size of the
714 system from three to two. So, the small, that's a building permit. That's any roof-
715 mounted and small ground-mounted, so continuing that same one of 1/3 of an acre. Then,
716 everything after that would be a large system, which is on page 3.

717

718 Mr. Leathe said that as I was reading through this did I see the word 'medium' in there in
719 some places or has that been struck.

720

721 Mr. Brubaker said that I have to update that part. Then, I did add some fees and these
722 would be over and above normal PB Site Plan Review (SPR) fees.

723

724 Ms. Braun asked if these were annual fees or just once per application.

725

726 Mr. Brubaker said that these would be one time per application.

727

728 Ms. Braun asked if we want to consider making them annual fees.

729

730 Mr. Brubaker said that I will leave that up to the PB. I know that's been offered as a
731 suggestion. I think we could eventually consider that but, really, the Town needs to build
732 up a formal licensing program for different uses. It is certainly up to the PB to decide.

733

734 Ms. Braun said that, for now, we will try the one-time shot and see how it goes, then
735 consider doing an annual fee; that maybe we should have an annual fee eventually.

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Mr. (Gene) Wypyski, Creek Crossing, said that I'm here to express my support for the effort to create a solar energy systems ordinance by the Town. Thank you for your work. I think you're underpaid seeing all the real work you really do...so much detail. I feel strongly that the ordinance needs to include an annual license fee for solar installations. I think fees should be \$10 per kilowatt per year. Annual fees for typical home-based, rooftop systems would be in the \$50 to \$65 range, a 5-to-6-kilowatt installation. With large utility-scale systems, the fees could be upwards of \$25,000 a year for these 2 or 3 or 4 megawatt systems. The Town Planner and I have discussed the fee and we respectfully disagree on its impact on the deployment of solar energy systems in the Town. I understand that solar energy is a public policy priority for the State and the Town does not want to dissuade anyone from installing solar. But just as excise tax won't keep me from buying a new Honda or upgrading my boat and trailer or getting the building permit for my new barn, a small license fee for a solar installation wouldn't deter me because I believe in the technology. I think, really, the issue is that the Town deserves the fee. These systems are miniature power plants, with live current, invertors, lithium batteries, and connections to the public power grid. Thousands of watts of DC power is generated in the typical rooftop system and converted to over 100 amps of AC power. It's a power plant. It's not just a couple panels. We need a heightened fire department awareness, training that goes along with issues surrounding electrical fires that goes to a residence on a call. They need to know there are these Tesla batteries in the garage before they get there. So, they need records, annual records, updated as these systems come online. So, we want to make sure the fire department knows so they can be prepared. We, as a Town, want to know as these systems are installed because, basically, they're impacting the public power grid as more come online, for good or bad. We want to make sure that the owners and operators are current and compliant, especially for the new ordinances we're putting in. And I think, I hate to say it this way, it's a courtesy fee to the Townspeople. There's wear and tear to roads and land and the views are interrupted. We're changing the rural nature of the place as we promote and these systems proliferate. So, there's something changing in the Town. I just think that an annual license fee would lessen the impact to other Town resources. You have the inspections, additional work for the Planner, PB, we may need outside expertise for permitting or inspections. If we want to do it for our sedimentation and silting, I think we should do it, too, for new power systems coming online. So, thank you for considering an annual license fee of \$10 a kilowatt hour in Eliot.

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Mr. Leathe said two things. One – I totally agree with what you call the fee and how you do it, I'm not sure, but the Town is not receiving directly from these facilities, these power plants, which they are public utilities. We're not receiving any revenue to the Town, directly, and yet we have a lot of overhead to support those facilities over the course of time so I think it's absolutely a fair thing. Two – if you are building a facility like that, \$25,000 a year is not going to move the meter in terms of whether we do that project or not. That \$25,000 a year, and it may be \$50,000, would cover another employee in Town Hall. So, I think it's penny-wise and pound-foolish, given that the State of Maine does not require these types of facilities to A. pay property tax. We do get a 50% rebate but it comes out of the State of Maine tax coffers not the owners of the property. So, I think it's

782 a very fair request to consider. What you call it and how you manage it, I leave to the
783 experts but I think we're leaving the citizens of the Town short-handed financially really
784 for no reason. So, I fully support the idea.

785
786 Ms. Braun said that I do, too. We should have it.

787
788 Ms. Bennett said, with the solar, I would be happy to pay the nominal fee. I think your
789 characterization is more appropriate to the large-scale installations than a roof-mounted
790 system. At the same time, I think the value of my system is abated from my tax bill. The
791 value is taken off the value of my property when my taxes are assessed because that's the
792 State policy; that they allow for that. I was unaware that that was going to be a possibility
793 when I put my solar panels on my house. You did characterize, at least my motivation, as
794 I wouldn't have been dissuaded. I didn't know that I was going to get that property
795 abatement and, so, I would be happy to pay the additional fee. So, I just wanted to say
796 that the small systems have nearly the impact on Town services. or require Town
797 services.

798
799 Mr. Leathe said that the folks with smaller systems, like you, are contributing to the
800 Town and paying taxes. You're on the PB. You're part of the community and you're just
801 making a difference versus these bigger commercial outfits that are from Connecticut, or
802 wherever, and they are here just to get a good deal. I'm not sure that the smaller
803 residential property owners in Town would be subject to a user fee or anything like that.
804 So, maybe focus it more on the former medium and now large.

805
806 Mr. Brubaker said that I'd be happy to draft up additional language for the 15th.

807
808 Ms. Bennett said, regarding the ground-mounted arrays, I recall that you were restricting
809 those to the larger scale and not the residential areas.

810
811 Mr. Brubaker said that the newest language still does have up to 1/3 of an acre for
812 ground-mounted able to be under that smaller scale. But that's certainly up for discussion
813 if the PB feels.

814
815 Ms. Bennett said that I would say that I actually support the idea that we could allow
816 homeowners that flexibility when they have the right roofs, right place, right direction.
817 There are some in Town and I've seen them in other communities that aren't very large.
818 As long as they don't exceed our height requirements that we have for a building. We
819 should allow that. My other comment might need a little more discussion. I would
820 propose that there be no solar arrays be sited in areas of State-wide ecological
821 significance. There's always a balancing act between different objectives and different
822 interests, one of which is that solar is helping to address climate change by converting
823 away from carbon-base and that's great. That supports not just us but everyone on the
824 planet. Climate change is really a serious issue. It's an issue that is going to be coming to
825 the PB soon. There is a bill before the legislature that would require to do climate change
826 resiliency assessments and planning for climate change, specifically for the possibility of
827 a 4-foot sea level rise in the next 100 years. One of the critical pieces of the zoning that

828 our community has is our ecological areas, our natural, undeveloped spaces. Our
829 wetlands, our forest lands, our buffers from water. And so I feel like we should try to
830 make a balance that allows for this innovative and critical piece that we need to address
831 on our change in energy but not at the expense of throwing out the natural resources that
832 we have in our own community, not trade it off. So, I would like to add that as a
833 consideration. There are areas throughout the State that have been deemed so biologically
834 rich and so intrinsically valuable for their geology and their _____ that they have
835 designated them as ecologically significant, and we happen to have one or part of one in
836 our area.

837
838 Mr. Brubaker said that I'd be happy to add that. I'm just waiting for others to comment.

839
840 Ms. Braun said that it makes sense. There was general agreement.

841
842 **3. Updates on February 15 review drafts**

843
844 Mr. Brubaker said that our attorney has reviewed all three and provided some comments;
845 that there will be some minor word changes on Signs and Site Plan Contents for the 15th.
846 Then, with the marijuana performance standards there was a great discussion about odor
847 management. So, I loaded up some additional odor management standards. I also wanted
848 to point out one additional change post-packet that our Town Manager and I agreed to
849 make that would be to, when a marijuana application comes in for renewal, instead of
850 them re-submitting the same document that hasn't changed and is still valid, they could
851 just put in a letter saying it hasn't changed. It reduces paperwork and staff review time.
852 Other than that, I think that's the only post-packet change I had.

853
854 Ms. Braun asked, regarding 'Separation (buffering) from sensitive uses' (5a.), it says:
**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.**

855
856
857 In 5b. it says:
**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,
place of worship, residential property, or childcare facility.**

858
859
860 I think 5b. should also say 'This standard may not be relaxed by variance or waiver.' I
861 don't think we should ever, ever grant a waiver of 500 feet for those. How does everyone
862 feel about that.

863
864 PB members agreed.

865
866 Ms. Braun asked Mr. Brubaker if he would add that.

867
868 Mr. Brubaker agreed.

869
870 Ms. Braun said that that was my only comment. The odor management stuff was terrific.

871
872 Mr. Brubaker said that I wanted to recognize Ms. Bennett, who provided some ideas on
873 that, and the whole PB as well for ideas on that. It's a battle and I know there are some
874 concerns that residents have.

875
876 Ms. Braun said that I have heard a lot of comments on the number of marijuana facilities
877 we have in Town

878
879 **Growth Ordinance Review:**

880
881 Mr. Brubaker said, regarding the annual growth permit cap, that we do this every
882 election, typically, and it's accompanied by the growth management report you have in
883 your packets. The amount is 28; that that's the cap. We typically fall well below that cap
884 for the number of growth permits issued but we are required to increase the cap slightly
885 each year. We did issue seven ADU growth permits last year so we are seeing an
886 interest in that. I did have in this a little background on some of the housing stuff that is
887 going on at the State and I had gotten some resources from Ms. Bennett, too, on that. You
888 can see that in the draft report. A good motion for tonight would be to have the growth
889 permit question plus marijuana, signs, site plan content, and solar all go officially to
890 public hearing on the 15th.

891
892 **Ms. Bennett moved, second by Ms. Braun, that the Planning Board put before the**
893 **voters a Growth Permit cap of 28 for the coming year and Solar Energy Systems,**
894 **the updates for Signs, Site Plan Content, and Marijuana Performance Standards for**
895 **Public Hearing on March 15, 2022.**

896
897 **VOTE**
898 **4-0**
899 **Motion approved**

900
901 Mr. Leathe said that we don't have the surveys back so we don't even have any data to
902 discuss tonight. Is that correct.

903
904 Mr. Brubaker said that we have enough data to know that 28 needs to be the starting point
905 but we don't have the full surveys back from staff. So, we don't know how the staff and
906 department heads feel about the impact of that number of growth permits.

907
908 Ms. Braun asked if we would have that back by the 15th.

909
910 Mr. Brubaker said yes.

911
912 Mr. Leathe said that, for the 15th, we'll have a more comprehensive package for that
913 growth discussion.

914
915 Mr. Brubaker said yes.

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4. Event Centers

Mr. Brubaker said that we are working on this. We have had some interest from folks in having event centers on their property, not in the C/I District. This would be the kind of thing, like barns, that could host occasional events like weddings. We hear about them. We also know that it's a potentially very sensitive use with potential significant impacts for abutters. This is not something we would consider for June and it is something that we are having SMPDC look into. David Galbraith has provided a starter memo and that's being reviewed internally by Town staff so we can get their input on the impact of such an allowed use should it be included in our code.

Ms. Braun asked if this is something that should only be in a certain district in Town. It shouldn't be in the Village, I wouldn't think because residences are too close together.

Mr. Brubaker said that limitations and performance standards would definitely be talked about extensively if we even decide to move forward with it.

Ms. Braun said that Mr. Brubaker let me know that they are relaxing the mask standard for the Town. How would you feel about not masking. Do you want to continue to mask up and ask the public to mask up at our meetings or are you agreeable to not masking up.

Ms. Bennett said that, personally, I will continue that regardless what the policy is.

Several members agreed they would, too.

Ms. Braun asked if you want to allow anyone to come into our meetings without a mask or would you prefer to have it as we have it now.

After further discussion, the PB wanted to know from the Town Manager if we could continue with masking in our meetings.

Mr. Brubaker said that he would find out.

Ms. Crichton said that you (Mr. Brubaker) have one little sheet, here, and on the back it says the DOT is moving forward with building two weigh stations (Route 236, one on each side of the middle school).

Mr. Brubaker said yes. I have voiced my concerns to DOT on that location.

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ITEM 9 – CORRESPONDENCE

There was no correspondence.

ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for March 15, 2022 at 7PM.

ITEM 11 – ADJOURN

Ms. Crichton moved, second by Ms. Bennett, that the Planning Board adjourn.

VOTE

4-0

Motion approved

The meeting adjourned at 9:40 PM.

Lissa Crichton, Secretary
Date approved: _____

Respectfully submitted,
Ellen Lemire, Recording Secretary

PB22-6: 15 Cedar Rd. (Map 63, Lot 10): Site Plan Review and Change of Use – Business Office and New Garage for a Heating, Ventilation, and Air Conditioning (HVAC) Business – Sketch Plan Review



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Mihai C. Popescu, Applicant
 Shelly Bishop, Code Enforcement Officer
 Kearsten Metz, Land Use Administrative Assistant
 Date: April 13, 2021 (report date)
 April 19, 2022 (meeting date)
 Re: PB22-6: 15 Cedar Rd. (Map 63, Lot 10): Site Plan Review and Change of Use – Business Office and New Garage for a Heating, Ventilation, and Air Conditioning (HVAC) Business – **Sketch Plan Review**

| Application Details/Checklist Documentation | |
|--|----------------------------|
| ✓ Address: | 15 Cedar Rd. |
| ✓ Map/Lot: | 63/10 |
| ✓ PB Case#: | 22-6 |
| ✓ Zoning District: | Suburban |
| ✓ Shoreland Zoning: | N/A |
| ✓ Owner Name: | Mihai C. Popescu |
| ✓ Applicant Name: | Mihai C. Popescu |
| ✓ Application Received by Staff: | March 31, 2022 |
| Application Fee Paid and Date: | Not yet paid |
| ✓ Application Sent to Staff Reviewers: | April 12, 2022 |
| Application Heard by PB | April 19, 2022 (scheduled) |
| Found Complete by PB | TBD |
| Site Walk | TBD |
| Site Walk Publication | TBD |
| Public Hearing | TBD |
| Public Hearing Publication | TBD |

Overview

Applicant Mihai C. Popescu seeks Planning Board Site Plan Review and Change of Use approval to establish a business office and construct a new 3-vehicle garage for his heating, ventilation, and air conditioning (HVAC) business at his residential property on 15 Cedar Rd. (Map 63, Lot 10). The ~1.08-acre property abuts Cedar Rd. where it parallels and is adjacent to Route 236, just north of Depot Rd. The applicant’s cover letter has more information about his business, the property, and its surroundings. Generally, to the west, north, and east (across Route 236) of the property, there are existing business uses, while to the south there are residences.

PB22-6: 15 Cedar Rd. (Map 63, Lot 10): Site Plan Review and Change of Use – Business Office and New Garage for a Heating, Ventilation, and Air Conditioning (HVAC) Business – Sketch Plan Review

Application contents

Submitted March 31, 2022

- Cover letter
- Site Plan Review (SPR) application filled out through Step 4 – Sketch Plan
- Location map with notes
- Sketch plan
- 3D rendering of proposed garage with notes

- Photos of the property and surroundings

Provided by Town staff

- Property deed downloaded from Registry of Deeds online records

Zoning

Suburban, no shoreland zoning

Type of review needed

Sketch plan review – ask questions of the applicant, seek more information, provide feedback on the plan.

Uses

Proposed use in the application: business office

Definitions and allowability

| Use | Section 1-2 definition | Section 45-290 land use table allowability, Suburban zone |
|---|---|--|
| Business office (cited in SPR application) | “a place of business where professional or clerical duties are performed.” | Note 14: “Use is ‘SPR 8’ [home business] 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.” |
| Professional offices | “an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which primarily use training or knowledge of.” | Note 14: “Use is ‘SPR 8’ [home business] 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.” |
| Home occupation (regular and water-dependent) | “an occupation or profession customarily carried on within a dwelling unit or accessory structure and clearly incidental to the use of the dwelling unit for residential purposes...” | Note 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.” |

Key question for the Planning Board

- For the purpose of this review, does the property abut Route 236?
 - If so, it can be reviewed as a business office and-or professional office (SPR)

PB22-6: 15 Cedar Rd. (Map 63, Lot 10): Site Plan Review and Change of Use – Business Office and New Garage for a Heating, Ventilation, and Air Conditioning (HVAC) Business – Sketch Plan Review

- If not, there may be other options for the applicant to consider
- In my opinion, it is a reasonable interpretation for the PB to review this as a property that abuts Route 236. The applicant has shown that the portion of the Cedar Rd. right-of-way in front of his property appears to be at least partially coterminous with Route 236 and has shown photos of Route 236’s proximity to his property. Cedar Rd. is a town way and Route 236 is state-maintained. If more information is needed, an official right-of-way map could be requested of DOT. The immediate surrounding area does have some abutting residential properties but also has a number of commercial businesses and Route 236.

As a note on the history of this property, in 1990, a home business (home day care) was applied for when there was a different owner.

Dimensional standards (45-405)

| Dimension | Standard | Met? |
|--------------------------|--|---|
| Min lot size (ac) | 2 | Presumptively legally non-conforming |
| Lot line setbacks (ft) | 30 front, 20 side, 30 rear (principal) 30 front, 10 side and rear (accessory) | Yes, the proposed garage meets accessory setbacks as shown on the sketch plan (which shows it meeting stricter, principal structure setbacks) |
| Max building height (ft) | 35 | To be confirmed, but see 3D rendering in application packet |
| Max lot coverage | 15% coverage by buildings | Presumptively but applicant should do calculation to confirm |
| Min street frontage (ft) | 150 | Apparently met, per GIS |
| Max sign area (sf) | 12 | To be confirmed |

Parking spaces (45-495)

In addition to inside the proposed garage, two outdoor spaces are shown adjacent to the garage. Full SPR application should show parking calculation/justification per 45-495.

Traffic (45-406)

- *Driveway:* there is an existing driveway on the property to the residential garage from Cedar Rd. To the north of the property, there is a private right-of-way on the abutting property shown on the sketch plan and a photo that is proposed for access to the new garage. The PB may want to ask for more information about this right-of-way and access for the applicant.
- *Road access:* via Cedar Rd.
- *Trip generation:* application reports that the garage would house the business vehicles, so trip generation would apparently be limited to the vans coming and going
- *Safe interior circulation:* more information suggested for how the vehicles would access the garage and the proposed southern (outdoor) parking spaces

PB22-6: 15 Cedar Rd. (Map 63, Lot 10): Site Plan Review and Change of Use – Business Office and New Garage for a Heating, Ventilation, and Air Conditioning (HVAC) Business – Sketch Plan Review

Stormwater (45-411)

Could be addressed at full SPR application stage but PB members may wish to ask about how roof drainage from the new garage would be routed.

Water and sewer

The site is served a well and septic system, shown on sketch plan. The septic system would be upsized. More information on the proposed enlarged septic system would be required with full SPR application.

Buffers and screening (33-175, 45-417)

The PB may wish to seek more information from the applicant on if buffers and screening are proposed around the proposed new garage, particularly for sightlines from nearby residential properties to the south.

* * *

Respectfully submitted,

Jeff Brubaker, AICP,
Town Planner

Case No. _____

Site review? Yes No

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

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

Tax Map 63-10 Lot# 63-10 Lot Size 1.15 Ac Zoning District: SUBURBAN

Your Name MIMI C. POPE SCU Your mailing address 15 CEDAR RD

City/Town ELIOT State: ME Zip: 03903 Telephone: 6033803284

Who owns the property now? MIMI C. POPE SCU

Address (Location) of the property 15 CEDAR ROAD, ELIOT, ME

Property located in a flood zone? ___ Yes ___ X No

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

install@mcp HVAC.com

Step 2 (establish your legal interest in the property)

Attach a copy of the Purchase and Sales Agreement, Deed, Tax records, Signed Lease, or other documents to the satisfaction of the Planning Assistant. If you are representing a corporation, provide documentation that you have authority to speak for the corporation. (DO NOT HAVE ONE)

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

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

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

I would like to build a 3 car garage bay that would accommodate a business office (HVAC). Please see attached documents.
located along route 236.

| |
|---|
| Case No. _____ Site review? Yes No |
|---|

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

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


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

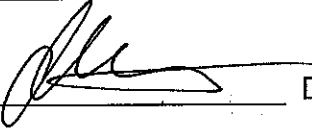
- The location of all existing and/or proposed entrances and exits.

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

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

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

Applicant  Date 3/22/2022

Property Owner  Date 3/22/2022

Step 6 Application received by Planning Assistant

Date received by the PA _____ PA initials _____

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

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

PART 1 - THE PROCEDURE

Case No. _____
Site review? Yes No

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

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

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

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

(STEP 5) Board visits site with applicant.

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

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

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

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

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

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

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

PART 2

Case No. _____

Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

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

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

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

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

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

Case No. _____

Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. _____

Site review? Yes No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

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

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

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

Case No. _____
Site review? Yes No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

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

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

Planning Board,

My name is Mihai Popescu, and I am the owner of MCP HVAC. I am originally from Eastern Europe, and I arrived here about 7 years ago. I came to the USA, legally, in 2015 and started working in the HVAC industry.

After working for many reputable companies in the area, I decided to open my own HVAC business in July of 2020. We mostly operate in the residential side and are licensed in Maine and New Hampshire.

During the same year that I opened my business, I found an amazing property in Eliot and decided to purchase it. Living here, I realized that I wanted to contribute to my newfound community by providing HVAC services locally. We launched campaigns to increase our sales around Eliot by offering people a better deal. It has been proven effective and successful.

With the growth of the business, I realized I needed to expand. Unfortunately, there are no local properties available to house our office. This led me to start looking closer at my property and how it could become an asset to my business. I realized that around my house, 70% of the surrounding area consists of businesses and I'm primarily located on Route 236. This motivated my relocation to Eliot and purchasing the property.

Located on Cedar Road, all I see from my window every morning is traffic on Route 236. I understand that most of the businesses around me were placed in periods of less regulation. I see this as an excellent opportunity to further establish my business in Eliot. With this, I would like to request permission to bring my HVAC business to Eliot, ME, which would be discrete and abstain from impacting our neighbors negatively.

My business does and would continue to reduce our carbon footprint. We are currently working to transition our fleet into all electric vans. While striving to preserve the environment, we would also create a positive impact on the community by providing HVAC services. This would further our reach to potential customers, who are finding that technicians are retiring at a fast rate. This would also bring tax benefits to the community since there would be one more business servicing our neighbors.

Becoming more involved in our community by providing a fair service, I believe that opening a small shop would prove successful and benefit those in the area. There would be no infringement on any environmental regulations or town ordinances with area coverage and other limits.

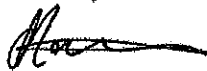
My plans include a clear drawing that describes the building envelope and our goals. It would be a small shop with a couple of vans. It would regularly be kept clean and organized, adding to the aesthetic appeal of the neighborhood.

Since I purchased my property, I've constantly tried to improve its appearance, since it's located on the second busiest road in the state. I cleaned the back lot by removing a dump truck's worth of waste (tires, plastic, glass, etc.) and continue to upkeep the property on a regular basis. Rest assured, adding a small shop on the property would not only benefit the community, but it would also be discrete, clean, and visually appealing.

I have dreams and goals just like everyone else and I am asking you to consider my proposal to open a secondary business location in this beautiful community that I now call home.

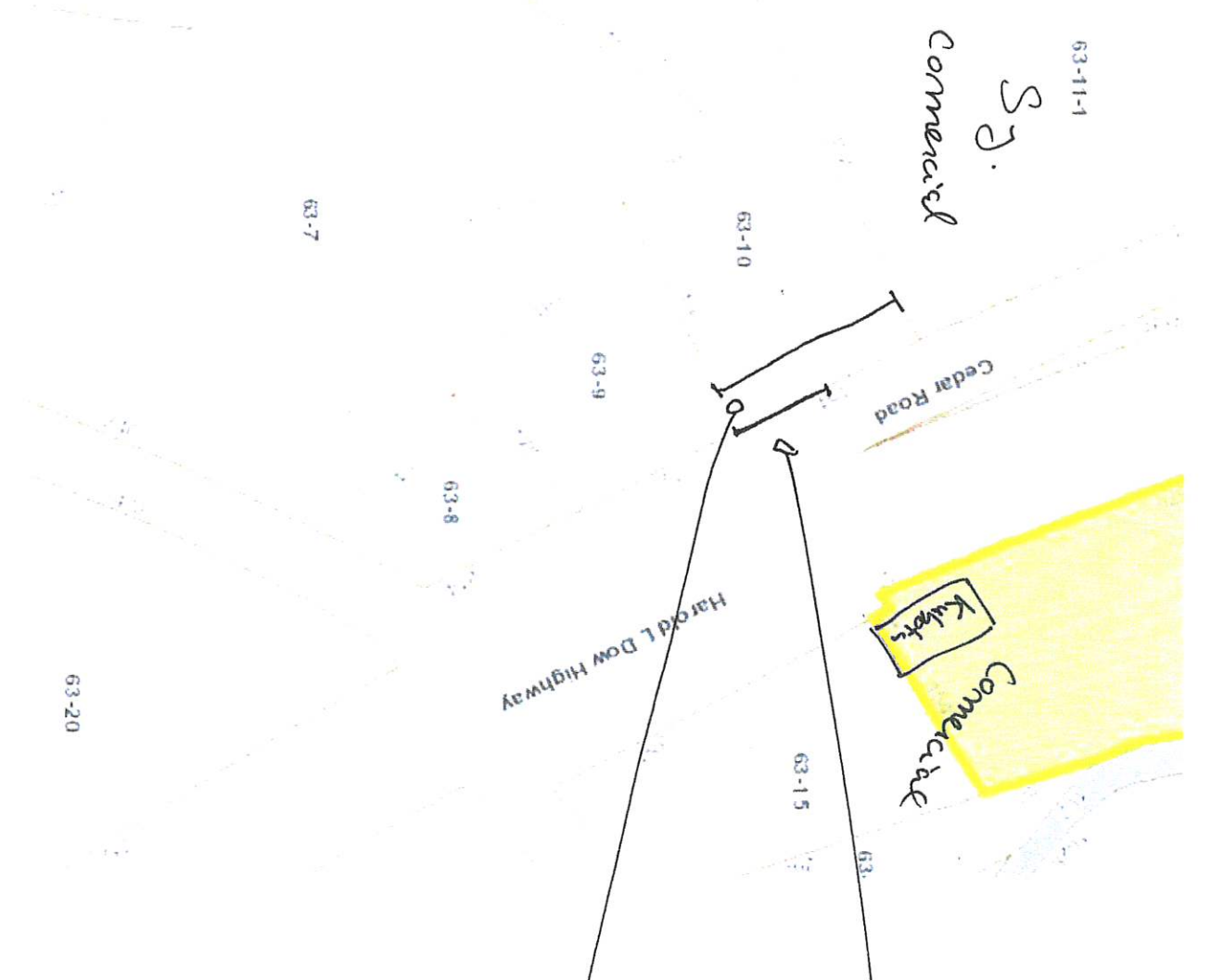
Thank you for your time and consideration.

Sincerely,



Mihai Popescu

Owner, MCP HVAC



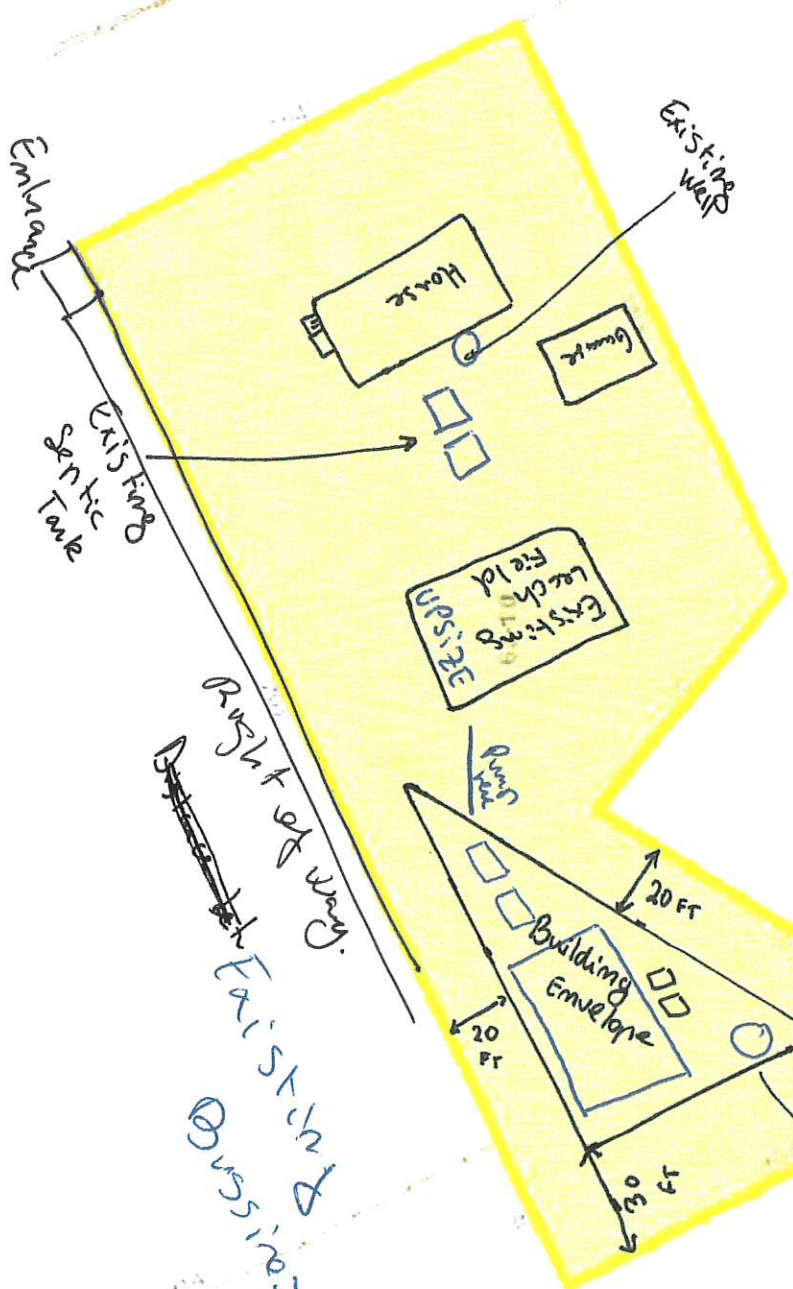
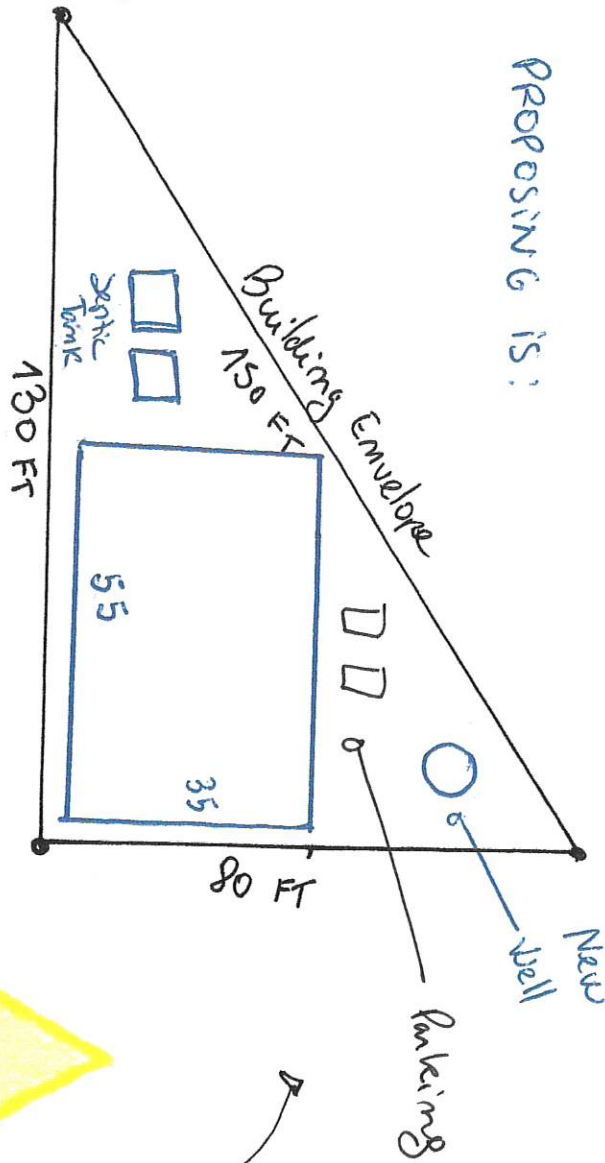
Source : axis.gis.com/eliot.html
 Barnierky : 63-10

Exposed to 236 directly

Exposed to 236

Surrounded by Commercial Activities as Excavating and other Services (Rentals, Chimneys etc)

The BUILDING I AM PROPOSING IS:



Existing Business

Harold L. Dow Highway

Cedar Road

B-129

Right of Way

Existing Business

Existing Business

New Well

Parking

80 FT

Building Envelope

150 FT

130 FT

Septic Tank

55

35

House

Garage

Existing Well

Existing Upsize Leach Field

Proposed

20 FT

20 FT

19 FT

36 FT

Building Envelope

Existing Septic Tank

Envelope



MCP HVAC

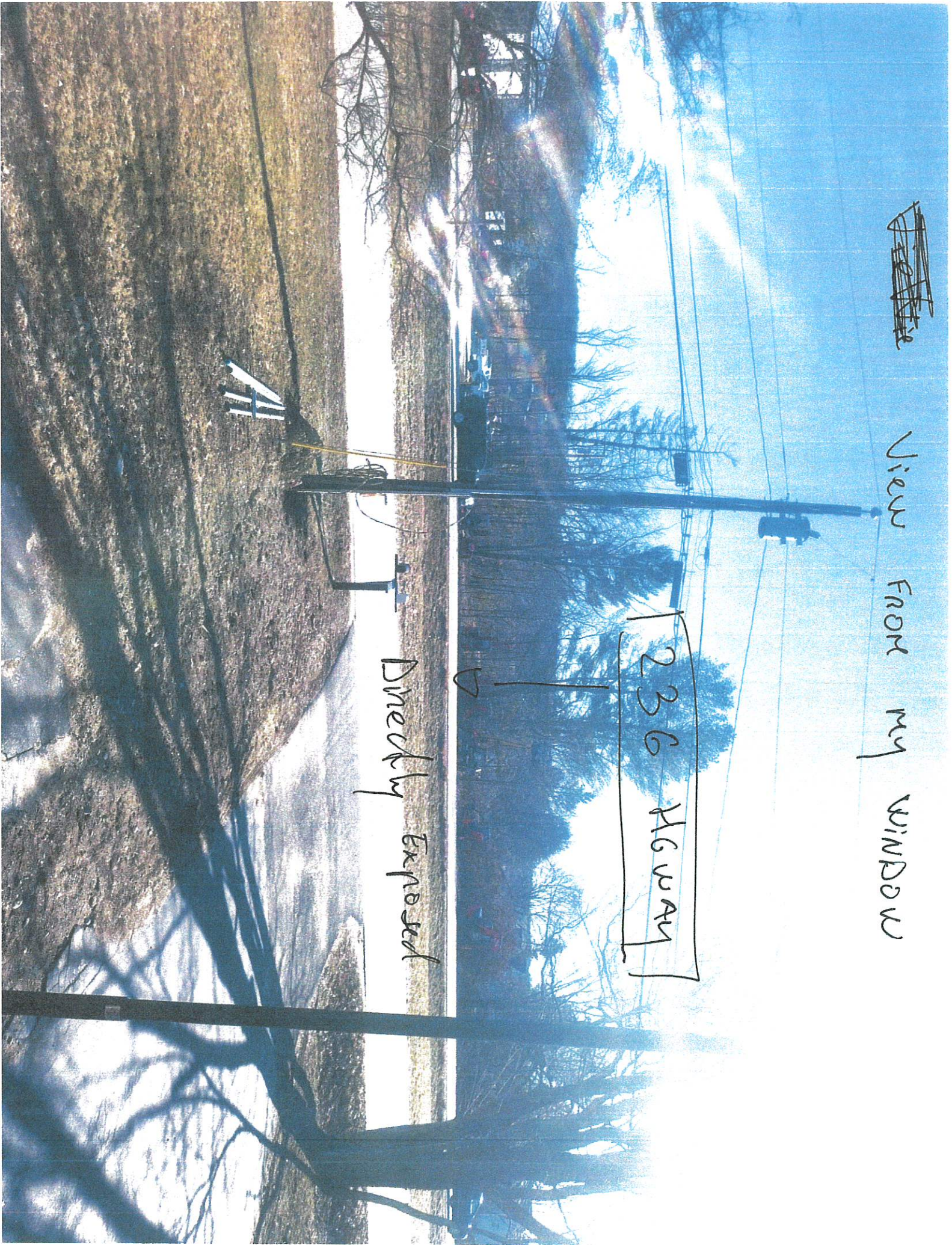
- Building will satisfy the Building Envelope.
- Will create no impact to the neighbors
- Diminimize Eliot Business Community and directly impact the residents since now they have one more HVAC contractor available.
- Most of the Eliot Based contractors are retiring. I am coming to you to ask permission to open a location here at 15 Cedar Road.
- I am directly on 236 as per axis GIS.

~~236 Hwy~~

View FROM MY WINDOW

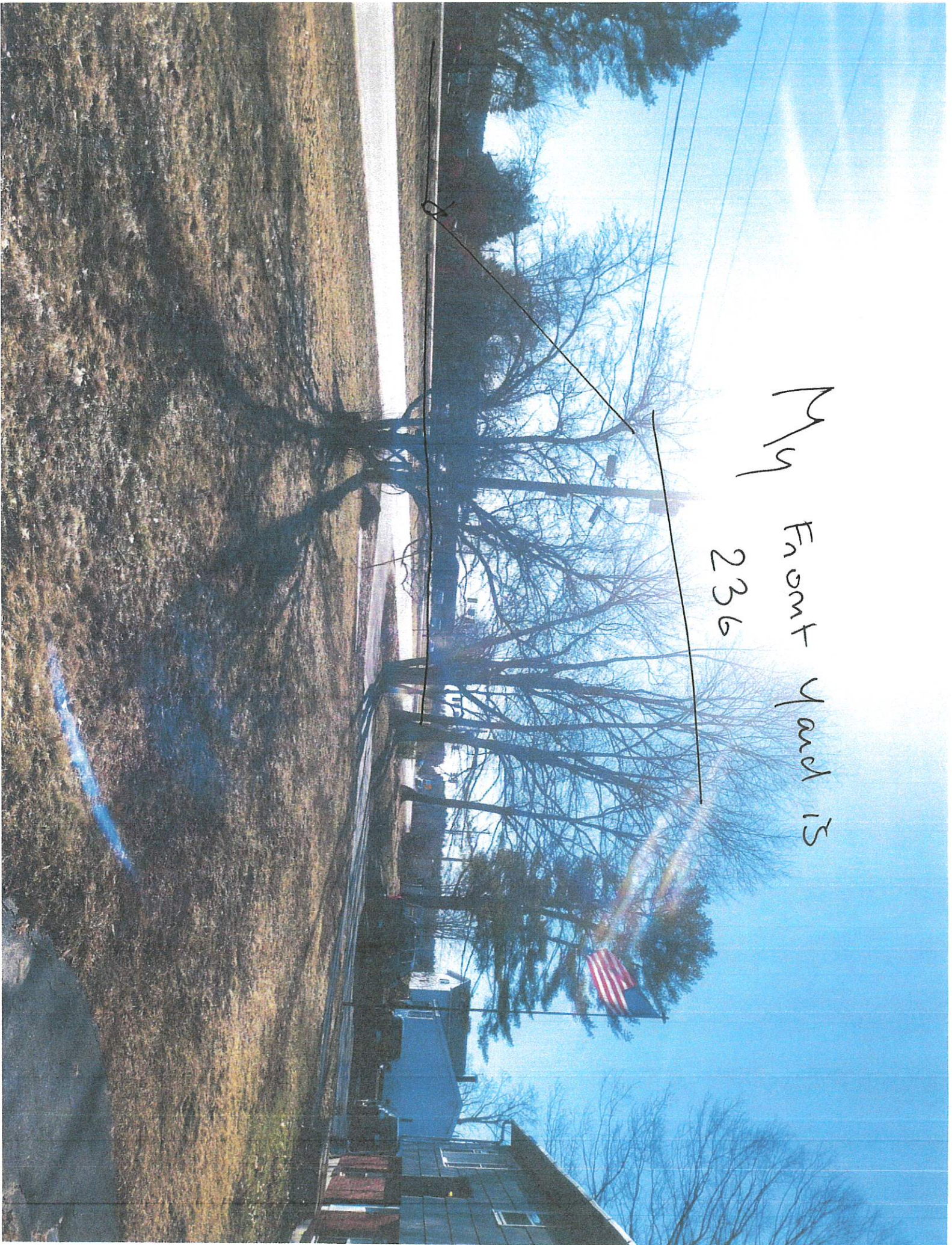
236 Hwy

Directly Exposed



My Front Yard is

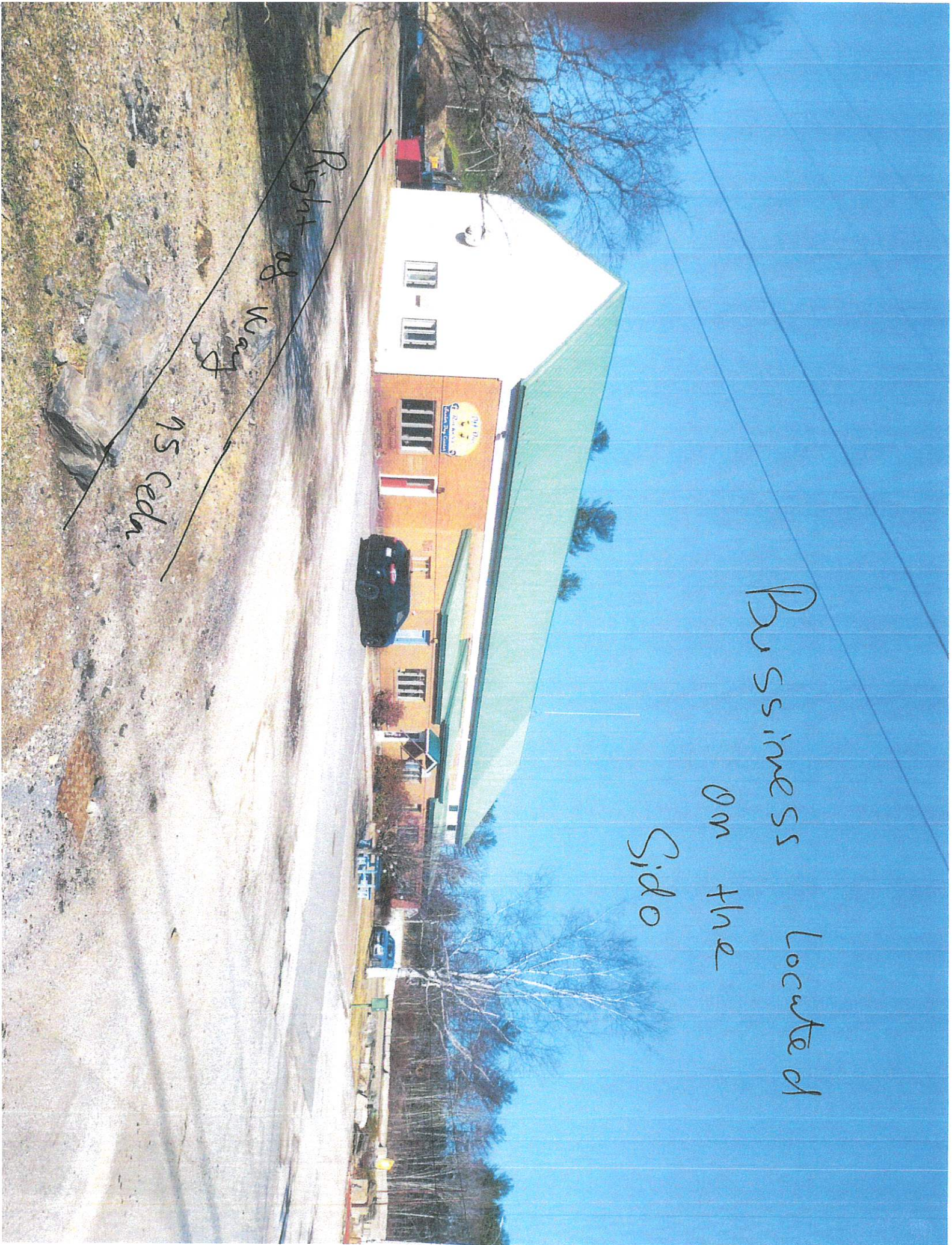
236



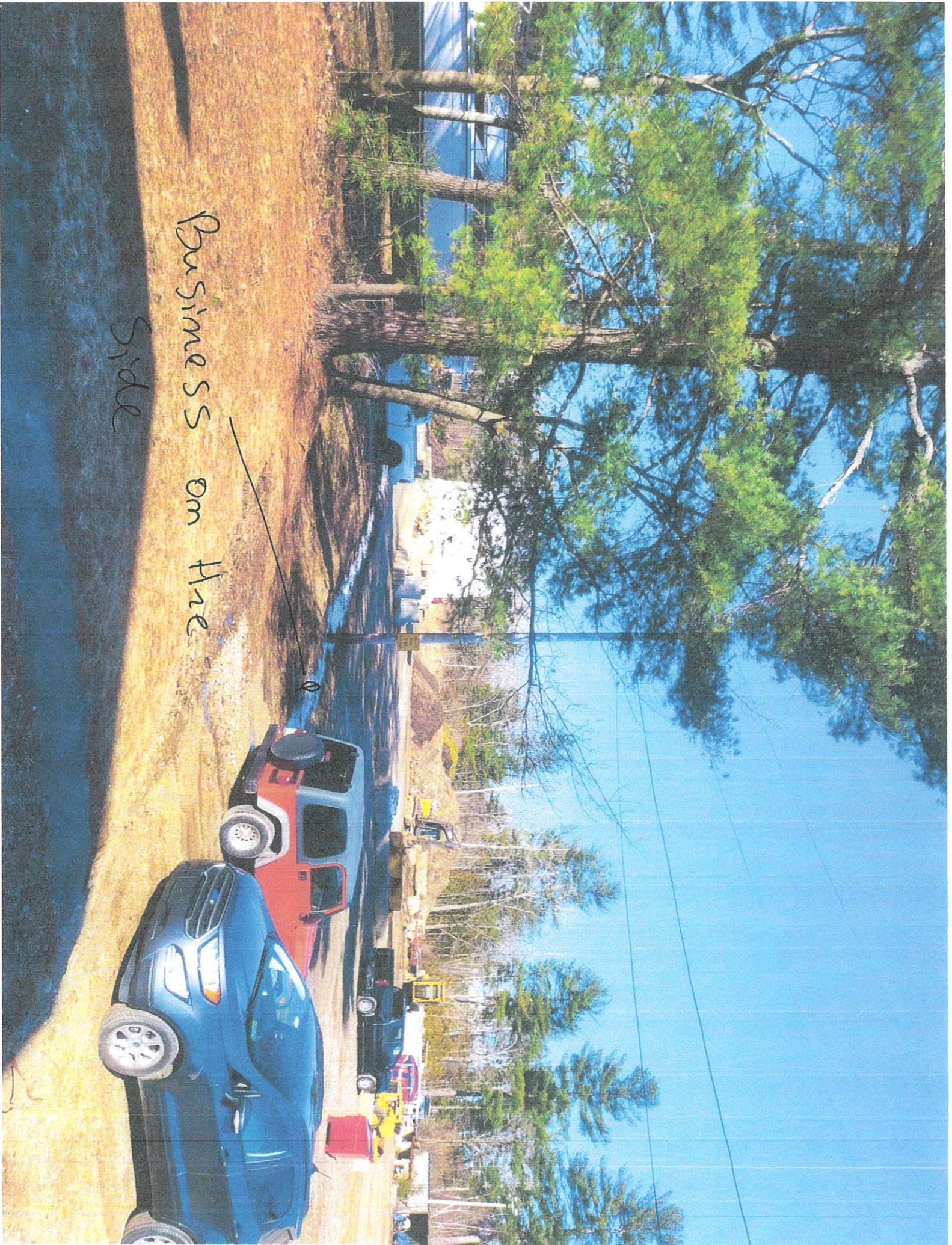
Business located
on the
Side

Right of Way

95 Cedar



Business on the
Side

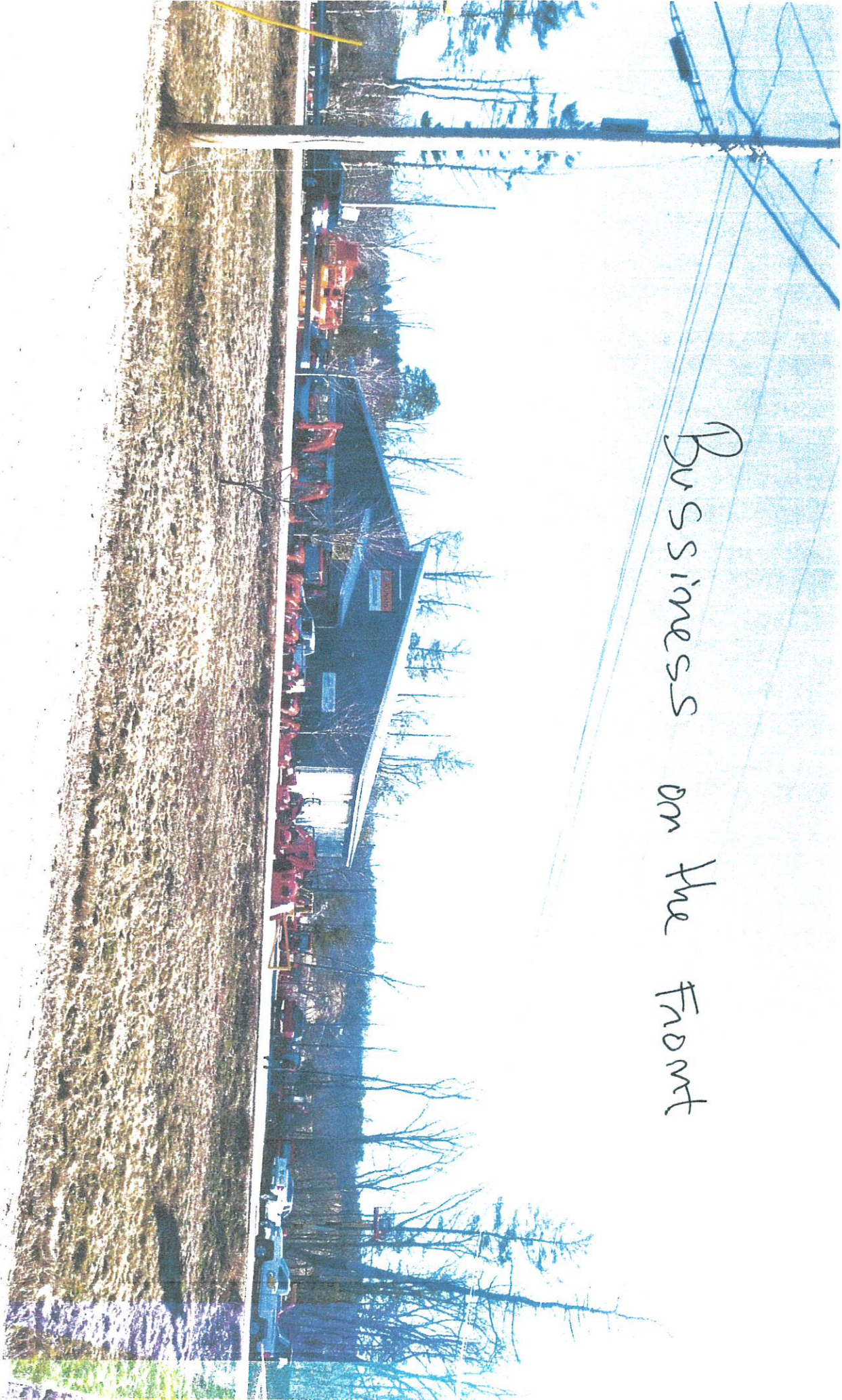




Business out Back

P

Business on the Front





TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Brian Nielsen, EIT, Attar Engineering, Applicant’s Representative
 Shelly Bishop, Code Enforcement Officer
 Kearsten Metz, Land Use Administrative Assistant
 Date: April 14, 2022 (report date)
 April 19, 2022 (meeting date)
 Re: PB21-35: 0 Harold L. Dow Hwy. / Pine Tree Business Park (Map 29, Lot 31): Site Plan Review and Change of Use – Adult Use Marijuana Retail Store – Sketch Plan Review

| Application Details/Checklist Documentation | |
|--|--|
| ✓ Address: | 0 Harold L. Dow Hwy. (Pine Tree Business Park) |
| ✓ Map/Lot: | 29/31 |
| ✓ PB Case#: | 21-35 |
| ✓ Zoning: | Commercial/Industrial (C/I) District |
| ✓ Shoreland Zoning: | Limited Commercial (LC) on property, not in location of proposed project |
| ✓ Owner Name: | M & T Realty, LLC |
| ✓ Applicant Name: | The High Society, LLC |
| ✓ Proposed Project: | Adult Use Marijuana Retail Store (Marijuana Establishment) |
| ✓ Application Received by Staff: | November 23, 2021 (original); March 28, 2022 (updated) |
| Application Fee Paid and Date: | Not yet paid |
| ✓ Application Sent to Staff Reviewers: | April 14, 2022 |
| Application Heard by PB | April 19, 2022 (scheduled) |
| Found Complete by PB | TBD |
| Site Walk | TBD |
| Site Walk Publication | TBD |
| Public Hearing | TBD |
| Public Hearing Publication | TBD |
| Deliberation | TBD |
| ✓ Reason for PB Review: | Site Plan Amendment, Change of Use, Marijuana Establishment |

Overview

Applicant The High Society, LLC (property owner: M & T Realty, LLC; agent: Attar Engineering, Inc.) seeks Site Plan Amendment/Review and a Change of Use approval for an adult use marijuana retail store (marijuana establishment) at Pine Tree Business Park (0 Harold L. Dow Hwy.; Map 29, Lot 31).

PB21-35: 0 Harold L. Dow Hwy. / Pine Tree Business Park (Map 29, Lot 31): Site Plan Review and Change of Use – Adult Use Marijuana Retail Store – Sketch Plan Review

Pine Tree Business Park was previously approved by the Planning Board on June 16, 2020, under PB19-23. The approval included nine (9) commercial condominium buildings with allowable commercial uses and four 30,000-gallon propane tanks, to be accessed by Passamaquoddy Lane (a private right-of-way), plus a 6,000-sf retail store building (Building 1) to be accessed off of Route 236. On April 20, 2021, the PB approved a minor amendment for the project under PB21-9 related to changing the Passamaquoddy Lane underground power lines to overhead power lines. The site is currently under construction.

A similar application to the current one was submitted in November 2021; however, during initial staff review, it was determined that the proposed marijuana retail store did not meet front yard/setback requirements.

The proposed marijuana retail store would occupy a new Building 2B, to be built near Passamaquoddy Lane. With this amendment, there would continue to be nine (9) total units in the main part of the Business Park, plus Building 1 (accessed directly from Route 236 with a new driveway); however, the orientation and size of some buildings and the access and circulation would change.

Application contents

Submitted March 28, 2022

- Cover letter dated 3/28/22
- Agent authorization letters for Attar Engineering from The High Society, LLC, and M & T Reality, LLC
- Purchase & Sales Agreement dated 10/4/21 and addendum dated 12/27/21
- Location map (1" = 2000')
- OMP Conditional License AMS1018 for The High Society LLC for an adult use marijuana retail store, expires November 30, 2022
- OMP Local Authorization Form with Section 1 filled out (this gets submitted by the Town to OMP after a local marijuana license is issued)
- Sketch plan dated 3/28/22

Type of review needed

Sketch plan review – ask questions of the applicant, seek more information as needed, provide input as needed on ordinance compliance. Some information may be provided with full SPR application.

Zoning

Commercial-Industrial (C/I); Shoreland: Limited Commercial (LC) in a portion of the site but not where the project is proposed

Use

Marijuana establishments are SPR uses in the C/I district

Affidavit of ownership (33-106)

A purchase & sales agreement (with addendum dated 12/27/21) was submitted.

OMP Conditional License

AMS1018 for The High Society LLC for an adult use marijuana retail store, exp. November 30, 2022

Dimensional requirements (45-405)

| Dimension | Standard | Met? |
|--------------------------|---|--|
| Min lot size (ac) | 3 | Yes (11.6 acres) |
| Lot line setbacks (ft) | 30 front/rear, 20 side | Yes, per sketch plan. Building 2B (the proposed marijuana retail store) is proposed to be set back 30 ft. from Passamaquoddy Ln. The PB19-23 approval only held the site to a 20 ft. front setback to Passamaquoddy Ln. The cover letter notes: “Building 2B and Building 3 will meet the 30’ setback. Building 4 is under construction, having received a building permit in accordance with the originally approved site plan, which has a 20’ setback to Passamaquoddy Lane.” |
| Max building height (ft) | 55 | Presumptively/to be confirmed |
| Max lot coverage | 50% | Yes, 9.06% calculated in Sketch Plan Note 4 |
| Min street frontage (ft) | 300 | Yes, 300 ft. along Route 236 |
| Max sign area (sf) | Max. 50 sf for wall-mounted, 100 sf for common freestanding | More information recommended for full SPR application submittal |

Marijuana performance standards (33-190)

Some information is expected for full SPR application; however, note the cover letter and sketch plan’s demonstration of compliance with 33-190(5), the “500 foot rule” for buffering/separation from sensitive uses.

Traffic (45-406)

Safe access to and from public and private roads

Passamaquoddy Ln. is a private road that is being improved for access to the Business Park’s commercial units, including Building 2B (marijuana retail store), while Building 1 would continue to be accessed directly from Route 236. The applicant obtained required DOT permits during PB19-23.

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

Because of the potentially significant impact of an adult use marijuana retail store upon any town streets or state-maintained or state-funded highways, it is suggested that the PB require a traffic engineering study / traffic impact assessment (TIA), per 33-153, with review from DOT and potentially a third-party reviewer.

Assure safe interior circulation within the site

Proposed paved parking area aisles are typical 24-30+ ft. in width. The site plan continues to show two access points for the Business Park from Passamaquoddy Ln. While this generally promotes adequate circulation, one potential pinch point is between the corner of Building 2A and the curb near Building 3. The PB may wish to ask for more info from the applicant about traffic circulation at this point and whether any site plan changes may be needed to address it.

PB21-35: 0 Harold L. Dow Hwy. / Pine Tree Business Park (Map 29, Lot 31): Site Plan Review and Change of Use – Adult Use Marijuana Retail Store – Sketch Plan Review

Odor (45-409)

More information may be suggested for full SPR application review, especially combined with the marijuana odor standards in 33-190; however, adult use marijuana stores may have limited odor impact compared to cultivation and manufacturing uses.

Stormwater runoff (45-411)

PB19-23 included DEP permits (Site Location of Development Act; NRPA; wetland alteration; and stormwater). As part of that application, a stormwater plan was submitted and the site plan included a stormwater wet pond and underdrained soil filter. The current sketch plan maintains the wet pond on the southern side of the site. More information expected for full SPR application.

Erosion control (45-412)

An erosion & sedimentation control plan was submitted for the previous PB19-23 and DEP reviews. More information expected for full SPR application.

Preservation of landscape (45-413)

Development mostly avoids shoreland zoning (see Sketch Plan Note 5). Previous PB19-23 received a DEP wetland alteration permit for 14,035 sf of forested wetland.

Water and sewer

A 35’x70’ subsurface wastewater disposal system (SSWDS) in the middle of the units was proposed in PB19-23 and remains in the current sketch plan. A municipal gravity sewer line will be constructed down Passamaquoddy Ln. as part of the Town’s Route 236 Water-Sewer Project, with expected completion in 2024.

The Business Park has an existing private water line running to it from Route 236, providing the site with municipal water. The applicant proposes some rerouting of on-site water lines.

Buffers and screening (45-417, 33-175, 33-190)

More information would be helpful, either during sketch plan review or at full SPR application, about any proposed plantings (e.g. partial foundation plantings) along the perimeter of the site or Building 2B specifically. The current sketch plan carries forward similar plantings approved in PB19-23, including grass along the perimeter of Passamaquoddy Ln., trees along Route 236 in front of Building 1, and trees in the central area of the main Business Park.

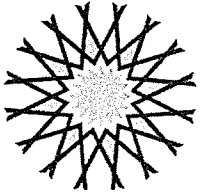
Parking

See Sketch Plan, Note 3. 112 spaces required and provided (including 10 ADA spaces).

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



ATTAR

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

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

March 28th, 2022
Project No. C248-21

**RE: Sketch Plan Application – The High Society, LLC (Building 2B)
Pine Tree Business Park, Route 236
Eliot, Maine**

Dear Mr. Brubaker:

On behalf of The High Society, LLC I have enclosed an Application for Sketch Plan Review and additional supporting documentation for the above referenced project. The 11.6-acre parcel, located on Passamaquoddy Lane off Route 236, is in the Commercial/Industrial Zoning district and partially within the Limited Commercial Shoreland Overlay Zone. It is not located in a flood hazard zone.

The applicant is proposing a Site Plan Amendment and Change of Use to allow the construction of an "Adult Use Marijuana Store," an allowed use in the C/I District, within Building 2B. The facility is not within 500 feet of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public facility.

There will be 2 employees total in Building 2B. Security will comply with State and Local standards. Waste management will also comply with State and Local standards.

This is the second sketch plan application for this project. Per your recommendation the site plan has been updated with a 30' setback from the Passamaquoddy Lane Right of Way.

Building 2B and Building 3 will meet the 30' setback. Building 4 is under construction, having received a building permit in accordance with the originally approved site plan, which has a 20' setback to Passamaquoddy Lane.

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

Sincerely;

Brian Nielsen, E.I.T.
Staff Engineer

cc: The High Society, LLC

| |
|---|
| Case No. _____ Site review? Yes No |
|---|

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

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

Tax Map 29 Lot# 31 Lot Size 11.6 Acres Zoning District: Commercial/Industrial (C/I)

Your Name Brian Nielsen, Attar Engineering Your mailing address 1284 State Road

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

Who owns the property now? M&L Realty LLC

Address (Location) of the property Passamaquoddy Lane

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

■ Step 2 (establish your legal interest in the property)

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

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

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

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

An Adult Use Marijuana Retail Store adjacent to Building 2 on the Site Plan.

| | |
|--|---------------------------|
| | Case No. _____ |
| | Site review? Yes No |

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

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

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

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

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

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

Applicant Brian New, Agent Date 3/28/2022

Property Owner Brian New, Agent Date 3/28/2022

Step 6 Application received by Planning Assistant

Date received by the PA _____ PA initials _____

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

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

PART 1 - THE PROCEDURE

The High Society, LLC
PO Box 5404
Portland, ME 04101-5404

Mr. Jeff Brubaker, AICP, Town Planner
Town of Eliot
1333 State Road
Eliot, ME 03903


January 6th, 2022

Dear Mr. Brubaker:

Please be informed that Brian Nielsen, E.I.T. of Attar Engineering, Inc. will be acting as my agent for the Site Plan Amendment application and permitting for Pine Tree Business Park on H.L. Dow Highway (Route 236) in Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely,

Ian Schlotman 
The High Society, LLC

cc: Attar Engineering, Inc.

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

Mr. Jeff Brubaker, AICP, Town Planner
Town of Eliot
1333 State Road
Eliot, ME 03903

January 6th,2022

Dear Mr. Brubaker:

Please be informed that Brian Nielsen, E.I.T. of Attar Engineering, Inc. will be acting as my agent for the Site Plan Amendment application and permitting for Pine Tree Business Park on H.L. Dow Highway (Route 236) in Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely,



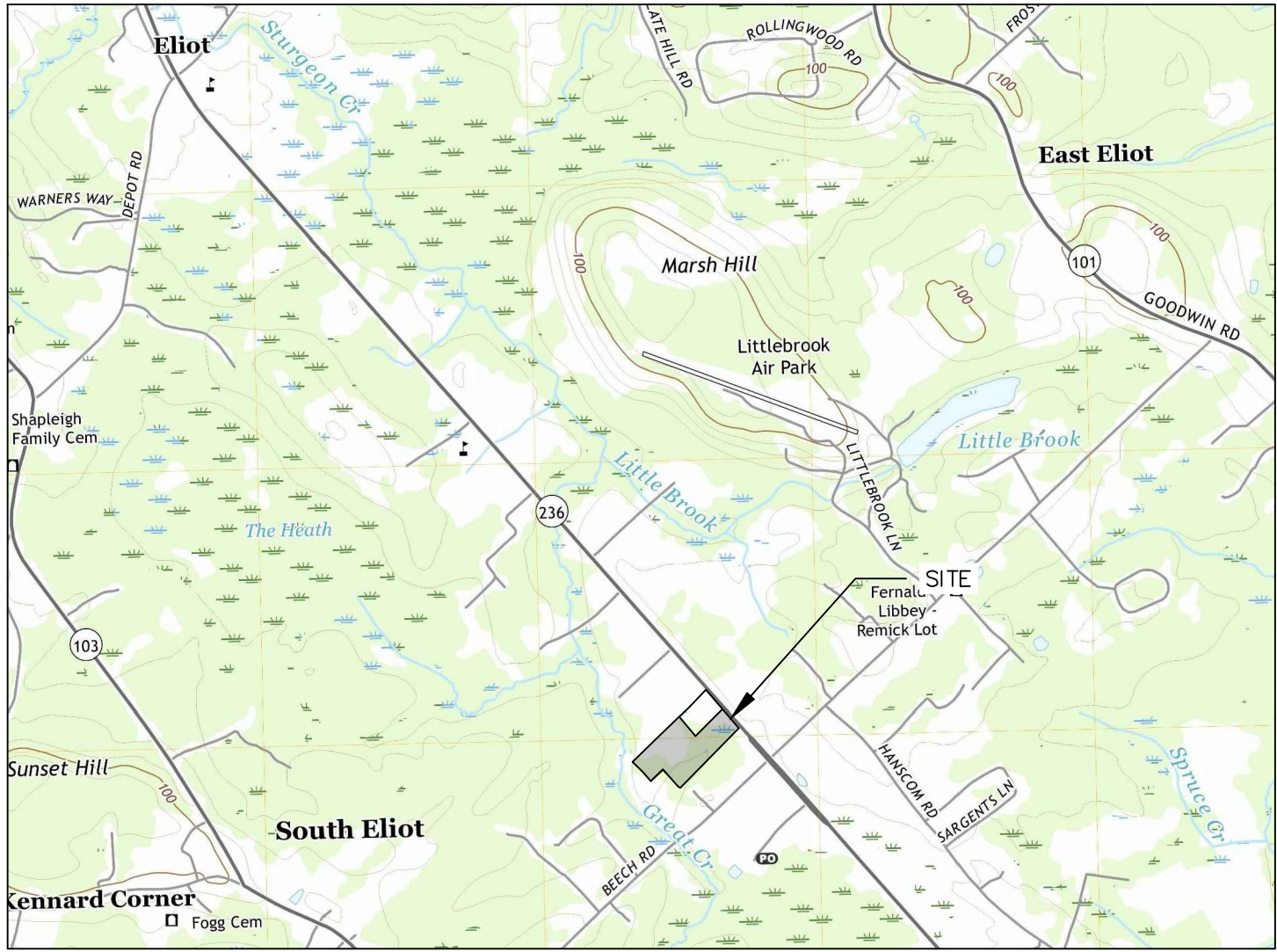
Michael Estes
M & T Realty, LLC

cc: Attar Engineering, Inc.

A confidential service agreement was previously recorded here. At the applicant's request for confidentiality, this document was removed from the packet posted online.

For more information, please contact Kearsten Metz, Land Use Administrative Assistant at kmetz@eliotme.org or 207-439-1817 x

109.



SITE LOCATION MAP
1" = 2000'

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA PROGRAM



This certifies that


THE HIGH SOCIETY LLC
License Number AMS1018

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

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
December 01, 2021

Expires on:
November 30, 2022



Erik Gundersen, Director
OFFICE OF MARIJUANA POLICY
MAINE ADULT USE MARIJUANA
PROGRAM

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

The Conditional License for AMS1018 has been issued based on the following organizational structure:

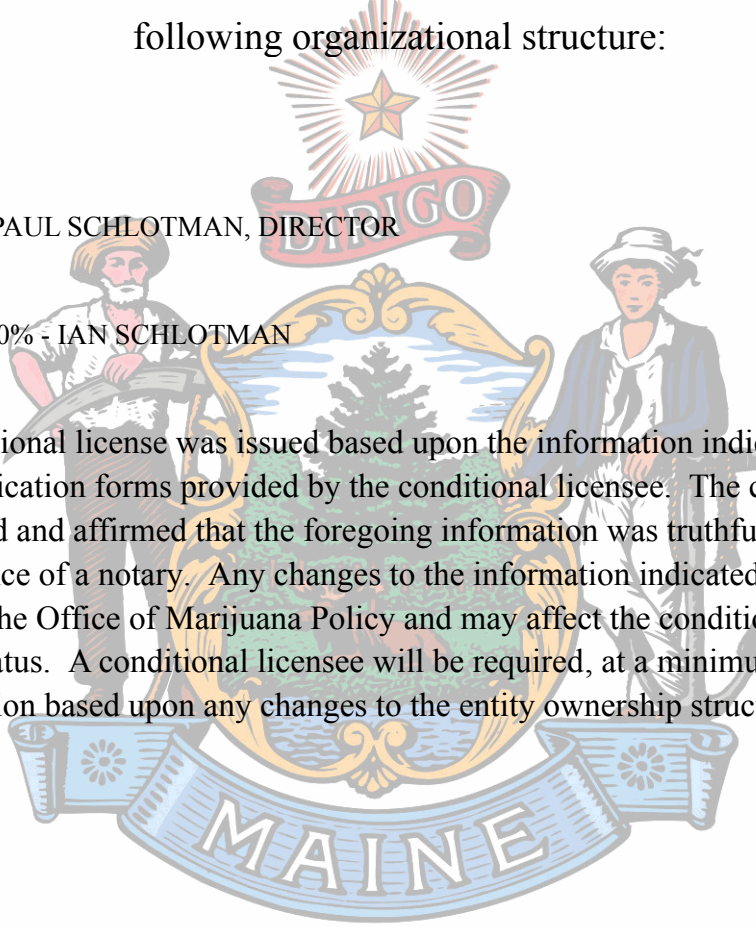
Principals:

IAN PAUL SCHLOTMAN, DIRECTOR

Owners:

100.00% - IAN SCHLOTMAN

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





OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Local Authorization Form

This Local Authorization Form must be completed by the host municipality, county commissioners or the Maine Land Use Planning Commission. The authorized local official responsible for completing this Form must forward the Form to the Office of Marijuana Policy at Licensing.OMP@maine.gov or 162 State House Station, Augusta, Maine 04333.

If the authorized local official in receipt of this Form has not recently met with the Office of Marijuana Policy to discuss the local authorization process and OMP's expectations for completion of this Form, please contact Elisa C Ellis, Director of Licensing, at Licensing.OMP@maine.gov or (207) 287-3282 prior to filing it out.

| Section 1: License Information. Information to be completed | | | | |
|---|---------------------------------------|--|-------|----------------------------|
| Business Legal Name: THE HIGH SOCIETY LLC | | Business DBA: | | License Number: AMS1018 |
| License Type: ADULT USE MARIJUANA STORE | | | | |
| Mailing Address: COHEN LAW MAINE PO BOX 5404 PORTLAND, ME 04101-5404 | | Facility Phone: +1 (207) 387-3192 | | |
| | | Primary Contact Person: JILL G POLSTER | | |
| | | Primary Contact Email: jill@cohenlawmaine.com | | |
| Section 2: Marijuana Establishment and Local Authorization Information. This section to be completed by the Municipality, County Commissioners, or Maine Land Use Planning Commission in receipt of request for Local Authorization. | | | | |
| Physical Location of Establishment (include unit number) | Municipality/Town/Plantation/Township | County | State | ZIP |
| Tax Map #: | | Tax Lot #: | | |
| Owner of Record of the Physical Location Listed Above: | | | | |
| Date Local Authorization Form Presented to the Municipality, County Commissioners, or Maine Land Use Planning Commission: | | Date Local Authorization Form Approved by Municipality, County Commissioners, or Maine Land Use Planning Commission: | | |
| If you are requesting Local Authorization from a <i>municipality</i> , complete Section 3. | | | | |
| If you are requesting Local Authorization from a <i>town, plantation or township in the unorganized and deorganized areas</i> through the county commissioners or the Maine Land Use Planning Commission, complete Section 4. | | | | |
| Section 3: Local Authorization of Marijuana Establishments within Municipalities. This section to be completed by the Municipality in receipt of request for Local Authorization. | | | | |
| Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article. A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment and a municipality may not accept as complete the person's request for local authorization unless the following questions are answered in the affirmative. | | | | |
| 1. Has the legislative body of the municipality voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? | | | | |

Yes No

2. Is a copy the local ordinance, warrant article, or other local regulation authorizing the siting of this establishment attached or included with the submission of this form?
 Yes No

Section 3(b): Minimum authorization criteria. A municipality may not authorize the operation of a marijuana establishment within the municipality unless the following questions are answered in the affirmative.

1. Is the marijuana establishment proposed to be located equal to or greater than 1,000 feet of the property line of a preexisting public or private school? If the municipality by ordinance or other regulation prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies.
 Yes No
2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment?
 Yes No

If yes, briefly explain:

Section 3(c): Local authorization required for operation of marijuana establishment within municipality. A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.

1. Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No
2. Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No

Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and Deorganized Areas. This section to be completed by the Maine Land Use Planning Commission, or if outside MLUPC's administration, by the appropriate county commissioners in receipt of request for Local Authorization.

Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township. A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.

1. In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form?
 Yes No Not applicable
2. In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form?
 Yes No Not applicable

Section 4(b): Minimum authorization criteria. The County Commissioners and Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.

1. Is the marijuana establishment proposed to be located equal to or more than 1,000 feet of the property line of a preexisting public or private school? If the County Commissioners or Maine Land Use Planning Commission prohibit the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies.
 Yes No
2. Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises (specify: _____) or by virtue of ownership of the premises?
 Yes No

Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas. A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.

1. Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses **not** relating to land use planning and development?
 Yes No Not applicable
2. Is a copy of the certification including a list of all applicable approvals, permits, or licenses **not** relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form?
 Yes No Not applicable
3. Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting “yes” below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy’s issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No Not applicable
4. Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.
 Yes No Not applicable

Statutory Guidance for Municipalities/County Commissioners/Maine Land Use Planning Commission

Pursuant to 28-B M.R.S. §§ 402-403, failure to act on a person’s request for local authorization to operate a marijuana establishment in a municipality, town, plantation, or township in an unorganized and deorganized area does not satisfy the local authorization requirement.

Typically, a request for local authorization should be approved or denied within 90 days. For additional information regarding failure to act on a person's request for local authorization and result appeal rights, see 28-B M.R.S. §§402-403.

Pursuant to 28-B M.R.S. §406, any changes in the status of local authorization require notification to the Office of Marijuana Policy within 14 days of the date on which the change occurs, including without limitation, withdrawing authorization or suspending or revoking a local license for the operation of a marijuana establishment.

The completed Maine Adult Use Local Authorization Form can be emailed to the Office of Marijuana Policy at Licensing.OMP@maine.gov or sent to Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162.

Municipality/LUPC Representative

| | | |
|--|-------|---------|
| Legal Name and Title of Municipality/County Commissioners/LUPC Representative: | City: | County: |
|--|-------|---------|

I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

| | |
|---|-------|
| Signature of Municipality/County Commissioners/LUPC Representative (Do not sign until witnessed by notary): | Date: |
|---|-------|

Notarization

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, at _____, Maine, by _____ to be his/her free act and deed.

| | |
|----------------------------------|-----------------------------|
| Name of Notary Public (Printed): | Signature of Notary Public: |
| Notary Public, State of Maine | STAMP/SEAL |
| My commission expires: | |
| | |

PB22-8: 22 Arc Road (Map 46/Lot 5), PID #046-005-000, PB22-1: Site Plan Amendment – Trailer Tarping Station at Waste Transfer Facility (Relocated)



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: April 14, 2022 (report date)
 April 19, 2022 (meeting date)
 Re: PB22-8: 22 Arc Road (Map 46/Lot 5), PID #046-005-000, PB22-1: Site Plan Amendment – Trailer Tarping Station at Waste Transfer Facility (Relocated)

| 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: | April 11, 2022 |
| Application Fee Paid and Date: | Anticipated to be paid by meeting time |
| ✓ Application Sent to Staff Reviewers: | Fire Chief; also sent to DEP for courtesy review |
| Application Heard by PB | April 19, 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 (“WIN Waste”) 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.

The PB approved a similar application on March 15, 2022 (PB22-1). WIN Waste has since decided to slightly relocate the tarping station down the site service drive to the southeast. The application package shows the new proposed location in relation to the previously-approved location. WIN Waste has confirmed that the design of the actual tarping station platforms would remain the same. Please refer to your March 15 packet for those drawings.

Application contents

- Request for Planning Board Action
- Location map
- Site plan
- Email correspondence from WIN Waste to Eliot Fire Chief

Type of review needed

Applicant seeking minor amendment. See motion templates.

Zoning

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

Affidavit of ownership (33-106)

Refer to deed previously provided for PB22-1

Dimensional requirements (45-405)

Presumptively met

Other notes

- Applicant has confirmed they believe the relocated 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
- DEP courtesy review had no major comments
- Applicant in contact with Chief Muzeroll to review the updated location. See condition in motion template.

Recommendation

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

PB22-8: 22 Arc Road (Map 46/Lot 5), PID #046-005-000, PB22-1: Site Plan Amendment – Trailer Tarping Station at Waste Transfer Facility (Relocated)

Motion templates

Approval as a minor site plan amendment, with conditions

Motion to approve PB22-8 as a Minor Site Plan Amendment and Change of Use to add a trailer tarping station at 22 Arc Rd., at the relocated location relative to PB22-1.

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. Approval from Fire Chief for the relocated tarping station location shall be received prior to beginning construction.
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 PB22-8 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 PB22-8 for the following reasons:

1. _____
2. _____
3. _____

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



TOWN OF ELIOT

1333 STATE RD. , ELIOT, ME 03903

REQUEST FOR PLANNING BOARD ACTION

(FOR MISCELLANEOUS USES OR CHANGES)

Applicant Wheelabrator Holdco1
 Mailing Address ~~434 Dow Highway~~ 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 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 Date 4/8/22
 Property owners signature Date 4/8/22

| 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: _____ |



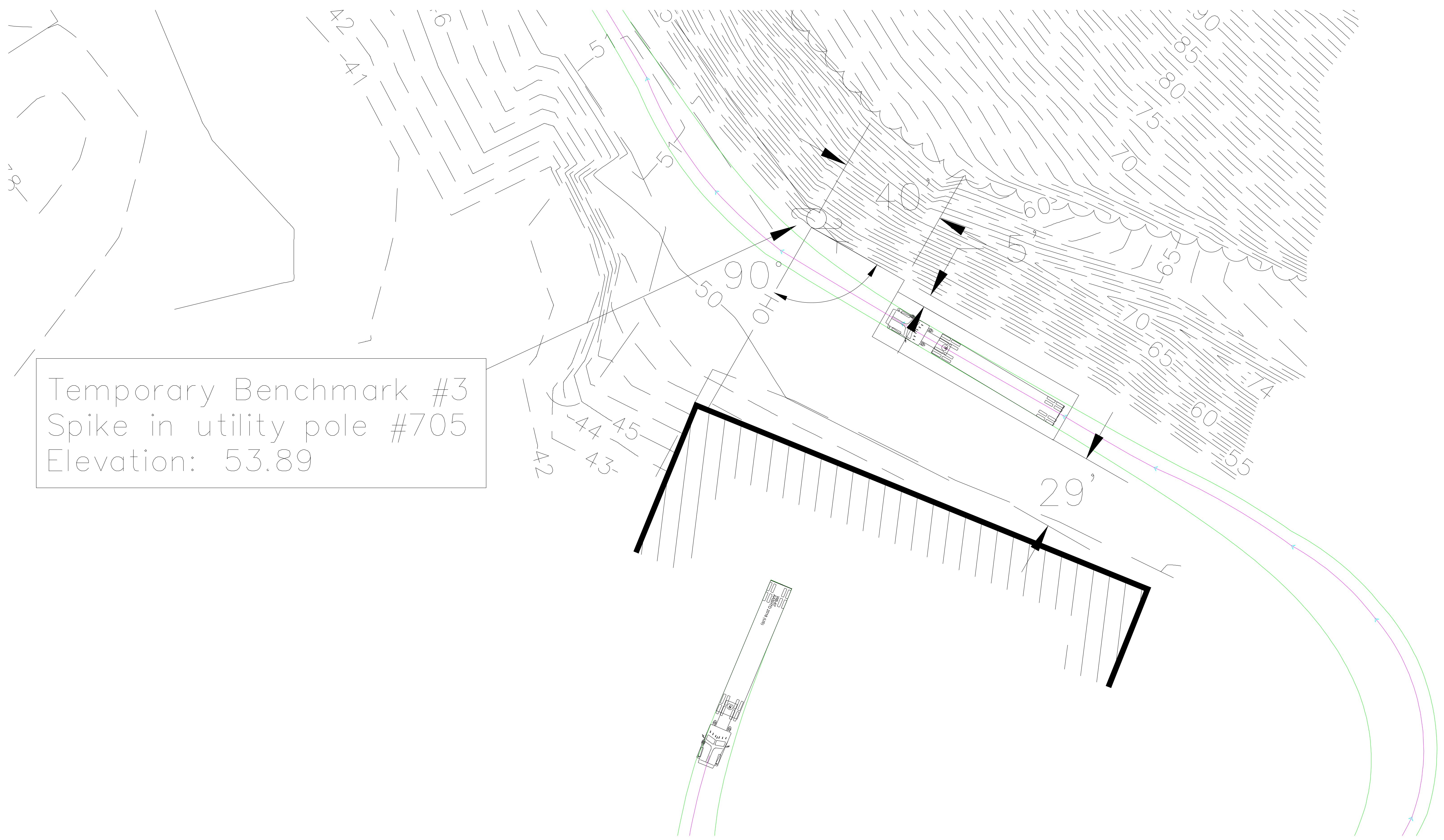
Previously Proposed tarping location

New Tarping Location

Thank you for your interest in trying Google Maps Background (Beta).

Disclaimer: This feature is still being evaluated. Please exercise your own judgment when using it on real projects. Any drawings saved using Google Maps Background may not be available in the future.

Temporary Benchmark #3
Spike in utility pole #705
Elevation: 53.89



From: [Matt Hughes](#)
To: [Chief Jay Muzeroll](#)
Cc: [Jeff Brubaker](#)
Subject: ARC Tarping Station-Eliot Planning Board Approval
Date: Thursday, April 7, 2022 6:21:00 PM
Attachments: [Traffic Pattern with Pad Location_final.pdf](#)
[2022-04-04_Final Pad Location.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Chief Muzeroll:

We are in the process of revising the approved location of the tarping station that was approved in March. Ahead of going before the Planning Board on the 19th I wanted to send you where the current proposed location of the tarping station is, and to see if you approve of the new location. I think from an access standpoint this is a better option than the one we originally proposed.

If you have any questions, please let me know.

Thanks.



PERFORMANCE FOR THE PLANET

Matt Hughes | Director, Environmental Compliance

Tel 603.929.3328 | Cell 603.303.0721
90 Arboretum Drive, Suite 300 | Portsmouth, NH 03801
www.win-waste.com



We have rebranded as WIN Waste Innovations! Please help us stay connected by notifying your IT department and/or email hosting company to whitelist our new domain name (DNS) win-waste.com, effective immediately.

