

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

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

DATE: Tuesday, May 17th, 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 25th, 2022 ~ May 2nd, 2022 – if available
- 6) NOTICE OF DECISION
 - a) 16 Arc Road (Map 45/ Lot 17) – if available
 - b) 23 Park Street (Map 6/Lot 30) – if available
- 7) PUBLIC HEARING
- 8) NEW BUSINESS
 - a) 150 Harold L Dow Highway (Map 30/ Lot 3), PID # 030-003-000, PB22-07: Site Plan Amendment – Excavation Company
 - b) 771/787 Main Street (Map 6/ Lots 43, 44, 154), PID # 006-043-000, 006-044-000 and 006-154-000, PB22-09: Clover Farm Subdivision (8 lots) – Sketch Plan Review
- 9) OLD BUSINESS
- 10) CORRESPONDENCE
 - a) Town Planner Update – written or verbal – if available
- 11) SET AGENDA AND DATE FOR NEXT MEETING
 - a) June 7th, 2022
- 12) ADJOURN

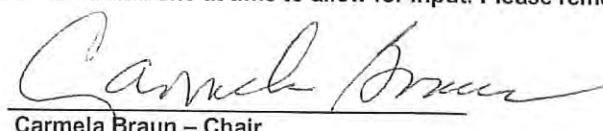
NOTE: All Planning Board Agenda Materials are available on the Planning Board/Planning Department webpages for viewing.

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: **865 3565 1651 #**
 2. When prompted to enter Attendee ID **press #**
 3. When prompted enter meeting password: **904536 #**
- c) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at time to allow for input. Please remember to state your name and address for the record.
- d) Press *9 to raise your virtual hand to speak



Carmela Braun

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 Present: Carmela Braun – Chair, Jeff Leathe – Vice Chair, Lissa Crichton – Secretary,
3 Jim Latter, and Christine Bennett.

4 Also Present: Jeff Brubaker, Town Planner.

5 Voting members: Carmela Braun, Jeff Leathe, Jim Latter, Lissa Crichton, and Christine
6 Bennett.

7 **ITEM 2 – PLEDGE OF ALLEGIANCE**

8 **ITEM 3 – MOMENT OF SILENCE**

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

10 Mr. (James) Parent, Pheasant Lane, read from a prepared document regarding The
11 Village at Great Brook:

12 *"For the record, my name is James Parent and I reside at 34 Pheasant Lane in Eliot,
13 Maine. There are critical infrastructure issues associated to the homes located in "The
14 Village at Great Brook" that have not been fully completed by the developer/builder to
15 date. Some residents date back over 5 years. **THE DETAILED CONCERNS OF THE
16 RESIDENTS OF THIS COMMUNITY WERE IDENTIFIED IN THE DOCUMENTS
17 PROVIDED TO THE PLANNING BOARD ON 16 NOVEMBER 2021 AND THE
18 SELECT BOARD ON 24 MARCH 2022. THIS PETITION WITH 49 NAMES FROM
19 "THE VILLAGE AT GREAT BROOK" RESIDENTS IS PROVIDED FOR THE
20 RECORD.** This memorandum is provided to document and identify the major issues that
21 have not been resolved to include:*

- 22 • **Verification of a Fully Functional Sewer System.** (Certified, Clear, and
23 Functional Sewer Line prior to the developer/builder leaving the Project or when
24 Phase III is complete).
- 25 • **Poor Community Wide Road and Resident Driveways.** (Paved prior to the
26 developer/builder leaving the project or when Phase III is complete).
- 27 • **Swales that are not Maintained and Repaired.** (To address stormwater run-off
28 prior to the developer/builder leaving the Project or when Phase III is complete).
- 29 • **Holding Ponds that are not Maintained or Repaired.** (Significant safety issues
30 for the residents. All Holding Ponds-connection to the holding ponds at the end of
31 Pheasant Lane prior to the developer/builder leaving the Project or when Phase
32 III is complete/effects of the new Town Ordinance on the HOA).
- 33 • **Trees (widowmakers) that have not been cleared.** (Safety issues for the
34 residents).

35 *The developer/builder continues to receive permits from the Town of Eliot while the
36 occupants' concerns have not been remedied. The current plan for "The Village at Great
37 Brook" approved by the Town of Eliot Planning Board on April 11, 2007 should be*

updated and a full review of the plan should be conducted to support the residents and taxpayers located in this community.

50 *Thank you and have a great meeting tonight.”*

52 Ms. Braun said that, before we go any further, I want to disclose that I am a resident at
53 The Village at Great Brook and I have previously recused myself from any discussions of
54 a Planning Board nature of the development. I've done it before and I'm going to keep
55 saying it every time The Village comes up. I will not participate in any Planning Board
56 discussions.

ITEM 5 – REVIEW AND APPROVE MINUTES

Ms. Bennett moved, second by Mr. Latter, to approve the minutes of February 1, 2022, as amended.

VOTE
5-0
Motion approved

Mr. Latter moved, second by Ms. Crichton, to approve the minutes of February 15, 2022, as amended.

VOTE
5-0
Motion approved

ITEM 6 – NOTICE OF DECISION

There were no Decision Letters.

ITEM 7 – NEW BUSINESS

A. 23 Park Street (Map 6/Lot 30), PB22-05: Shoreland Zoning Permit Application – Permanent Fixed Pier, Seasonal Gangway, and Seasonal Floats.

Received: January 4, 2022

1st Heard: March 15, 2022 (shoreland site plan review/fixed pier)

2nd Heard: . 2022 (continued review)

Public Hearing: , 2022

Site Walk: N/A

Approval: _____, 2022

Mr. (Ryan) McCarthy, Tidewater Engineering & Surveying, Inc. was present for this application.

Mr. Brubaker gave a brief summary. This is the first review for a permanent fixed pier, seasonal gangway, and seasonal floats. The application fee has been paid and the zoning

is Village with the typical Shoreland Resource Protection and Limited Residential overlay along the water. I did discuss with the Harbor Master and he has no concerns, in my discussion at least. A couple of things to keep in mind is that the Army Corps has occurred and the DEP review is ongoing. This is one of the first reviews where you'll see that the pier actually encroaches on one of the riparian setbacks. In that case, it's allowed if the applicant provides documentation from the neighboring property that they are amenable to that and the applicant has done that. The shore frontage requirement is grandfathered in, in this case, for a legally, non-conforming lot of record, which this has about 70 ft. to 80 ft. of shore frontage. With that, I will end my presentation.

Mr. McCarthy said that this pier will be constructed by Riverside & Pickering Marine Contractors. The pier is 4'X85', which leads to a 3'X40' gangway aluminum ramp that goes down to the floats. In this situation, we needed a landing float for that gangway that is 6'X30' long. That 'T's off a main float that's 8'X30' long. We have access down to the pier from a set of stairs, timber stairs that come from the top of the bank down to the pier and, then, at the beginning of the pier we have another set of stairs that leads down to the actual beach. The location of the pier has been chosen because it's centrally located on this parcel. As the Planner mentioned, there is not a lot of shore frontage here. We have 26-foot riparian setbacks from the extensions to low water. However, because of how narrow it is, it encroaches along the southerly abutter's 25-foot riparian setback. We do have a conference letter from that abutter agreeing that it is acceptable to them. This location also provides the shortest length to deep water, which results in the least amount of impact to the intertidal sensitive habitats. The floats have been designed so that they do not rest on that intertidal surface at any of the tides. There are two pilings at the beginning of the landing float and there will be a brace coming across between those two so that, when the float comes down at very low tide, it will actually rest on top of that brace so it doesn't hit the mud. As the Planner said, we have our Army Corps of Engineers permit in hand and we are in the DEP (NRPA) review. We anticipate that that would be received in June. So, we're asking the PB to review this application concurrent with the DEP's application. With that, if you have any questions, I would be happy to answer them.

Ms. Crichton asked, with the photos of the existing pilings, are those coming out or is that just something that is going to stay there.

Mr. McCarthy said that the existing pilings will be removed.

Ms. Crichton said that I didn't read anywhere where the actual slope is from the property down to the beach. Are there any trees in there that are coming out.

Mr. McCarthy said no. I think I have a better photo I can provide you for that but there is a lot of scrub, shrub-type vegetation there, but no trees, so no trees will be removed.

Ms. Crichton said that I guess you won't have any issue with the bats.

Mr. McCarthy said no.

139

140 Mr. Leathe said that I noticed a note from the Planner about the slope information of the
141 landing and the stairs and whether or not the slope around there is stable or not stable.

142

143 Mr. McCarthy explained that a lot of the Piscataqua River coastline is identified as
144 potentially unstable coastal bluff by the State's geology maps. These are like a higher-
145 level view where they are not analyzing every individual property. So, along this
146 shoreline there are locations where we start to see undermining of the bottom of the
147 slope. However, where we are proposing the pier has a lot of riprap at the bottom, there,
148 and it's actually a pretty stable location in comparison to some of the other spots so that's
149 where we chose to put this pier. The posts for the stairs that go down, they are 4'X4'
150 wood posts. Riverside drills down into the ground, places them, and then pours concrete
151 at the base of them so that those posts are bearing, not on the surface of that float, but
152 down 4 or 5 feet. The impact is pretty minimal. We don't have any concern about the
153 stability of the slope. However, I thought this might be helpful and brought some photos
154 of a very similar pier to be constructed and then the stairs going down so you can see how
155 that interacts.

156

157 Ms. Crichton asked if you pour the concrete there or is it like a sonotube where it comes
158 prepared.

159

160 Mr. McCarthy said that I'm not sure and will have to ask Pickering about that. From the
161 ones I've actually seen them do they are actually pouring. They put the posts down into
162 the ground and pour the concrete around the posts vs a traditional deck where you have
163 sonotubes that stick up out of the surface with the wood posts resting on them.

164

165 Ms. Crichton wondered if that has the same affect that pouring concrete into a wetland
166 has with the different chemicals.

167

168 Mr. Brubaker said that I don't know what more I can add to that.

169

170 Mr. McCarthy said that, either way, you'd be pouring the concrete. It's not like you're
171 placing a pre-cast on a piece of concrete there. And where those 4'X4' posts for the
172 stairwell are going is all in the uplands. It's not in the resource. He passed out photos of
173 where we're actually going to put the pier so you can see there is the existing stairwell
174 coming down to 'this' location right next to some large riprap to stabilize.

175

176 Mr. Latter said that you made reference to the old pilings. Was there a dock here once
177 upon a time.

178

179 Mr. McCarthy said that I pulled an old pair of photographs of this assuming that I was
180 going to find something. We looked back; that I think it goes back as far as the 1960's,
181 and we still couldn't definitively tell what was there. Clearly, there was something
182 because there are pilings there but the riprap you find between the pilings indicates that
183 there was cribbing that created some type of structure but I don't have any history on
184 what that was used for.

185

186 Ms. Crichton said that all this shrubby scrub will remain.

187

188 Mr. McCarthy said that it will all have to be cut down for the stairs coming down the
189 slope but it will remain under there. It's not going to get dug out. It will just be cut down
190 lower.

191

192 Mr. Leathe said that I saw the letter from the abutter on the south east side. On the north,
193 where Park Street comes down, is there any public access at the end of Park Street to the
194 water.

195

196 Mr. McCarthy said that there is private access. All the properties along Park Street were
197 tagged and made out at different times. It wasn't an official subdivision. So, certain
198 parcels were granted rights to that area for access to the water. I know, at one point, the
199 actual street was conveyed to the Town so I believe it's a public street. When they did
200 that, they conveyed the fee of that street and they stopped it at the high-water mark. I
201 don't know the legalities behind whether or not any of the public acquired any interest to
202 the area between the high water and the low water. But either way, our rights stop at the
203 edge of Park Street.

204

205 Mr. Leathe said that just a little beyond Park Street the other neighbor (M6/Lot 31) has a
206 pier. I think there's a picture I saw on here, asking if those are closer together than maybe
207 they seem. Is there any concern about access/egress of boating activity. I don't know how
208 close they are.

209

210 Mr. McCarthy said that we don't have concern with boats interacting with each other or
211 interfering with the navigation between them. There is a good distance between them and
212 I can get you the exact distance for the next meeting. The design of this pier is almost
213 identical to the design of that one.

214

215 Mr. Leathe asked if they are similar lengths.

216

217 Mr. McCarthy said yes, probably within a few feet of where the floats are, the end of the
218 floats. And it's the same design where the ramp comes down to the landing float that
219 extends out to a float that's perpendicular to it. If it's helpful, I can bring in a better aerial
220 for you.

221

222 Mr. Leathe said that just as long as you are comfortable. I'm not familiar with that area
223 and it's a very small lot; a third of an acre, non-conforming and up tight to the road, then
224 the other neighbor is right there. I just wondered if there was enough room for all of this.

225

226 Mr. McCarthy said that if you look at the plan you have, 45 feet to the end of Park Street
227 and then you have the width of Park Street, and then you probably have another 25 feet if
228 they are complying with their riparian setbacks. So, you've got at least 75 feet and that's
229 pretty good distance.

230

231 Ms. Bennett said, going back to the stairs going down to the landing, one of your pictures
232 showing existing site conditions showed that there were ties or wood that created stairs in
233 the banking. Is that going to remain or is it going to be removed.

234
235 Mr. McCarthy said that that's a good question. I don't know the answer to that. Let me
236 talk to Riverside to see what their plan is as to whether or not they get removed and that
237 slope gets some vegetation added to it. I think that slope, there, grows very quickly. So, if
238 they do get removed, there's no need for them anymore. Do you have a preference on
239 what happens to them.

240
241 Ms. Bennett said that it's not to be disturbed because of the sedimentation and erosion
242 exploding the soil. I think my gut is to leave them there.

243
244 Mr. McCarthy said that I've gone back and forth on it, too. You make a good point. The
245 other side to that is, if you leave them, they are going to rot and deteriorate and that may
246 create an unstable situation, too. If there's a way to dismantle them and re-vegetate that
247 slope, I would prefer that. I also don't want to see people still using it. I want them
248 coming down the stairs, turning, and coming down the next one to go to the beach and
249 not using that, as it's really not a very safe situation.

250
251 Ms. Bennett said that you'll ask Riverside how they are going to do it.

252
253 Mr. McCarthy said yes.

254
255 Mr. Leathe said that I also noticed that floats are going to be stored off-site, which I think
256 is a really a great idea. I think that's more helpful than maybe trying to store them on the
257 river, itself.

258
259 Mr. McCarthy said that they don't allow you to do that anymore. There are places where
260 they still do it; that they are kind of grandfathered in that way, but you can't store your
261 floats below the tide line.

262
263 Mr. Brubaker added one more point on the stairway that goes down to the beach. That is
264 allowed in our Shoreland Zoning chapter if the DEP approves it because they extend over
265 the HAT line.

266
267 Ms. Braun asked for PB member input about any reservations, etc.

268
269 Ms. Crichton said that it seems pretty straightforward and the application is very
270 complete. What was the reasoning for having the marina...I guess they were looking for
271 dock space for their boats. Is that the reason for their won dock.

272
273 Mr. McCarthy said that part of the DEP application is that they want you to look at the
274 capability of having your dock at a different location; at a public marina or the Town's
275 mooring field. So, they have us reach out to the different marinas in this vicinity to see

276 the availability, the size, how long is the waiting list to have them determine whether or
277 not this is necessary.

278
279 Mr. Latter asked what size boat would go with this dock here.
280

281 Mr. McCarthy said that it's a 30-foot float and you're going to see anything over 21 feet
282 in length. The other thing we do; that you'll notice that this configuration has the
283 pier...it's not creating a 'T' but creating an 'L' situation and that's a more efficient use of
284 those floats because people are going to have friends with boats, too. If they come to visit
285 the property, they need a place to dock and that allows them to swing in on the back side
286 and actually put a full-size boat with it. If you make a 'T' configuration, you don't have
287 enough space.

288
289 Mr. Latter said that you could have a visiting boat on the shoreside of that dock.
290

291 Mr. McCarthy said that you could, yes.
292

293 Mr. Latter said that the Army Corps signed off on that and it isn't really our purview.
294

295 Mr. Brubaker agreed; that the main focus of the PB review is §44-35 (c). I think the
296 biggest thing with the floats is that the floats, themselves, is not extending too far out. I
297 think he's shown that, ensuring that they don't hit the bottom, and he includes the
298 reflectors.

300 Ms. Crichton asked if there are any sort of lighting required on the end of the dock so that
301 other boats coming by don't hit it.
302

303 Mr. McCarthy said that there's no requirement for lighting. That's where the reflectors
304 come into play. Pretty much all the docks do have pac lighting. It's just safer to have
305 them. So, you'll typically see lighting at the very end. Some people sometimes get a little
306 more elaborate with their dock design and they do underlighting along the railings, which
307 is kind of hidden, but provides enough illumination so it's more than just the reflectors.
308

309 Ms. Braun said that if everyone is comfortable with a finding of completion, the Chair
310 will accept a motion.
311

312 **Mr. Latter moved, second by Mr. Leathe, that the Planning Board accept the**
313 **Shoreland Zoning Permit Application for PB22-5 (23 Park Street) for a permanent**
314 **fixed pier, seasonal gangway, and seasonal floats is found to be complete.**

315
316 VOTE
317

318 5-0
319

320 The Public hearing was set for May 3, 2022.
321 Motion approved

322 The Chair thanked Mr. McCarthy for his thoroughness.
323

324 **ITEM 8 – OLD BUSINESS**
325

326 **A. 16 Arc Road (Map 45/Lot 17), PB21-29: Site Plan Review, Change of Use, and**
327 **Shoreland Zoning Permit Application – Adult Use Marijuana Retail Store and**
328 **Medical Marijuana Caregiver Retail Store.**
329

330 **Received: November 15, 2021 (update January 13, 2022)**
331 **1st Heard: January 25, 2022 (sketch plan review)**
332 **2nd Hearing: February 15, 2022 (site plan review/completeness)**
333 **3rd Hearing: March 15, 2022 (continued review)**
334 **Public Hearing: March 15, 2022**
335 **4th Hearing: April 12, 2022 (continued review)**
336 **Site Walk: N/A**
337 **Approval: April 12, 2022**
338

339 Mr. (John) Chagnon, (Project Engineer, Ambit Engineering, Inc.), Mr. (Robert) Bollinger
340 (Traffic Engineer, Greenman-Pederson, Inc.), and Mr. (Joshua) Seymour, (applicant)
341 were present for this application.
342

343 Mr. Brubaker said that the public hearing was held on March 15th so this is a post-public
344 hearing deliberation time. We've gone over the basics so I just wanted to discuss what's
345 in your packet tonight:
346

347 Mr. Brubaker said that the only change with the site plan is the slight moving of the
348 propane tank with the additional boulders in front of it for safety. You have a letter from
349 Delmar Law Offices to the Town Planner and then you have my response in there, as
350 well, with attached email correspondence. The MaineDOT Traffic Movement Permit
351 application was provided by DPI with the traffic consultant on the applicant team. Then a
352 supplemental staff report emailed to you guys and the applicant by me on April 8th. This
353 afternoon, everybody received written correspondence from WIN Waste Innovation's
354 Senior VP and General Counsel. I wanted to make sure that everyone had seen that and
355 received that. Then, I just wanted to remind you of the review timeline. Under §33-131,
356 since we had the completeness determination on February 15th, 75 days after that is May
357 1st but the reason an overall action is needed tonight, unless the applicant agreed to
358 extend that, is because we are coming up on 30 days (April 14) from the public hearing.
359 But we are in the deliberation phase and it's a time for the PB to deliberate on all the
360 information you've received prior to considering an overall action. So, traffic has been
361 one of the hot topics for this application, pointing to the standard (§45-406) for this
362 application review, which he read in part: Paragraph (a): "*The proposed development*
363 *shall provide for safe access to and from public and private roads.*" As a reminder, Arc
364 Road is a private, paved road. There has been some mention in the WIN Waste
365 Innovation's correspondence about who actually owns the road but I think it could be
366 assumed that whoever owns the road that a lot of the properties along the road do have
367 deeded access from Route 236 to their property. As you see from past reviews, there's a

368 kind of legal precedent that you have deeded access and it's clear that you also have the
369 right to maintain that access, including fixing the road, if you need to, to maintain that
370 access. Per §33-153, the PB did require, and the applicant provided, a traffic impact
371 assessment (TIA). Just to remind you, the applicant did provide you some conclusions in
372 that TIA, including the width (24 feet) and shoulders (1-2-foot gravel) on Arc Road. A
373 low number of collisions (3). They talked about stopping site distance at intersections like
374 this and intersection site distance were adequate. They reported the peak hour vehicle
375 trips as well as the daily vehicle trips using two different measurement methodologies.
376 Then they did a level of service analysis and found that there was not anticipated to be an
377 increase in average delay on any given movement by more than three seconds per
378 vehicle. The conclusion was "based on the findings above, that the proposed marijuana
379 dispensary can be safely and efficiently accommodated along the existing roadway
380 network. No project-specific mitigation is warranted based on the incremental impacts of
381 the Project." As a reminder, this is their trip generation summary (shown on the screen)
382 from the TIA, which projected between 441 and 948 daily trips, depending on the
383 methodology used and the day; and between 22 and 106 peak hour trips again depending
384 on the methodology and the day. The other methodology that they used were trips per
385 register, based on empirical data from another co-located adult use and medical
386 marijuana dispensary in Massachusetts; that they then applied the per-register rate to their
387 proposed application, assuming a total of five (5) registers. This is their turning-
388 movement count projection from the TIA, as well (shown on the screen). With that, my
389 supplemental staff report recommends approval, with conditions. It does have conditions
390 with respect to requiring repair of Arc Road, both the pavement and the shoulders, as
391 well as any requirements that come out of the Traffic Movement Permit process at
392 MaineDOT, and in your packet you have the Traffic Movement Permit application. The
393 motion template for approval has conditions in there; that the other options are
394 disapproval and continuance, if agreed to by the applicant. In my supplemental staff
395 report you also have some photos of the conditions of Arc Road that was based on my
396 site visit with the applicant on March 8th. With that, I will turn it over to the Chair.
397

398 Ms. Braun asked if Mr. Chagnon had anything to add.
399

400 Mr. Chagnon said just that that was a great summary. Thank you, Mr. Brubaker, and
401 thank you members of the PB. With me is Mr. (Joshua) Seymour, from the applicant
402 team. We met with you, as mentioned, on March 15th, had the public hearing, and there
403 was a request to move the propane tank and put some boulder protection on, which we
404 did update, and the plan should show that. The TMP was submitted to the MaineDOT
405 and with us tonight is Bob Bollinger from the traffic consulting group, who will speak
406 later. In addition, we met with the abutters, the WIN Waste team to talk about the road
407 improvements and the condition of the road. As a result of that meeting, it was clearly
408 stated to us that they didn't have any desire to assist in the repairs or improvements to the
409 road but they were very-well positioned to let us go ahead and do the work, and the
410 applicant has agreed to do all the work. So, there will be no participation in the
411 improvements to road from the WIN Waste people. The staff memo mentions that the
412 applicant, subject to your conditions, will be required to do certain things. So, repairs of
413 road and we take that to mean to fill in the pot holes that exist. The applicant is ready,

414 willing, and able to do that; to repair the shoulders of the road. Essentially what that
415 means is, over time as the road has been sanded over many years, the sand has built up on
416 the side, which causes a damming effect on the edge, which means the water runs down
417 to other places and becomes more erosive. So, it's just a matter of scooping up that extra
418 dirt and leveling it off so the shoulder will continuously drain off the road. Again, the
419 applicant is ready, willing, and able to do that work. The performance guarantee that is
420 also mentioned as a condition of approval is fine with the applicant. He is ready to do
421 that. He's also willing to take it one step further. I know this is at the meeting but we had
422 to take some measurements and I'd like to present a little plan that shows some widening
423 of the road in a certain area that the applicant is ready, willing, and able to do, if I might.
424

425 The PB agreed.

426
427 Mr. Chagnon gave copies of the plan to the PB and described what they would like to do.
428 As Arc Road comes down, it takes an 'S' turn at the crossing of Sturgeon Creek and that
429 is shown on the top, left side. The road at that point has some jersey barriers but it also
430 has a riprap slope down to the adjacent ground. There's a large area between the edge of
431 the road and the beginning of the slope that is run over, in bad shape, and really shows
432 that, for the trucks and other vehicles to use the road efficiently, they are kind of going
433 outside of the usual lane to make that turn. So, the 24 feet, you will see a line that's a
434 little bit to the north towards the top of the page from the eastern edge, that stretch will be
435 widened to 24 feet. That will provide for extra maneuvering in that 'S' turn and also to
436 recognize the way that people want to go straight through there and not physically
437 wiggle. So that's agreeable, and the applicant is ready, willing, and able to add that as a
438 part of the repair of the road section with your proposed conditions of approval. If there's
439 no questions at this point, I might turn it over to Mr. Bollinger to update on a few things.
440

441 Mr. Bollinger, Greenman-Pederson, said it's a pleasure to be before the PB tonight. I'm
442 here to talk about a few traffic issues, if I may. First and foremost, just because it's
443 already been mentioned, I did want to comment on the fact that we did submit our
444 MaineDOT Traffic Movement Permit application. As of today, unfortunately, we have
445 not received any comments but we're well-aware of the potential condition of approval
446 whereby we obviously have to complete that process. The applicant is well-aware of that
447 and we are certainly willing to work with MaineDOT in fulfilling whatever requisite
448 items that they will require from us moving forward. Secondly, I did just want to
449 comment briefly on the site distance. It's my understanding that there may have been a
450 few outstanding questions related to site distance. We have revisited the issue. We
451 basically started over. We revisited the matter completely last week and we feel entirely
452 satisfied that all site distance requirements are satisfied. However, for the PB's
453 reassurance, we anticipate that being a matter of review for MaineDOT, as well, so it's
454 kind of a belt-and-suspenders approach, if you will. We feel, obviously, that safety and
455 access and egress to and from Arc Road is important. We know it's important. We feel
456 it's important and MaineDOT will have an opportunity to comment on that, as well, but
457 we feel all requirements are satisfied. The last item I would like to comment on briefly is
458 that we did receive the letter late today from WIN Waste and I'll comment just briefly on
459 trip generation. I think Mr. Brubaker did a very good job of summarizing the entire

460 analysis that was performed by our office and I thank him for doing so. We feel very
461 confident with the trip generation numbers that were presented. We did present an array
462 of rates. Some was based on national data. Some was based on local data. And what we
463 have found in performing studies for this type of use, specifically the co-located site
464 where you allow recreational as well as medical, basing trip generation on a per register
465 basis is the most reflective of the anticipated operation. That being said, I'll regurgitate
466 slightly what Mr. Brubaker already presented to you. We're expecting, based on our
467 methodology, approximately 440 trips on a weekday daily up to about 460 trips, plus or
468 minus, on a Saturday. With peak hour trips, you're talking about 22 total during the AM
469 peak hour and approximately 40 during the PM peak hour and roughly 51 during the
470 Saturday mid-day peak hour. Again, we know that this is going to be subject to review by
471 MaineDOT as part of the TMP process but, as I speak to you this evening, I feel very
472 comfortable with those traffic projections and the overall conclusions of the study that
473 there's sufficient roadway capacity at the intersection of Arc Road and where it connects
474 to the State highway to adequately accommodate the projected traffic for this site. Out of
475 respect for your time, I will try to keep it brief. Obviously, I'm able to take any of your
476 questions that the PB or staff may have. Thank you very much for your time this evening.
477 I greatly appreciate it.

478
479 Ms. Crichton asked who would be responsible if a stop sign were to go in. Would that be
480 the DOT that would require a stop sign.

481
482 Mr. Brubaker said that I believe that would be addressed through the TMP process. I was
483 surprised when I didn't see a stop sign out there.

484
485 Mr. Chagnon said that I just wanted to reiterate what Mr. Bollinger said about the sign;
486 that the existing WIN Waste sign does not present a hazard to site distance. There was
487 speculation earlier that it might and I think the Town has been talking to them. They took
488 a second look at it and I don't think there was anything required of WIN Waste in regard
489 to the sign, confirming that with Mr. Bollinger.

490
491 Mr. Bollinger agreed. We see no obstruction vertically or horizontally with the
492 characteristics of the roadway. Nor do we see any issue with the sign. We believe
493 adequate site distance is provided.

494
495 Ms. Crichton said that when you were talking about the client taking care of the road, is
496 that from Route 236 to the 'S' turn and into your drive.

497
498 Mr. Chagnon said yes. From Route 236 to the 'S' turn, the road is in very good shape.
499 From the 'S' turn to our client's drive is needing repair.

500
501 Ms. Crichton said that when you were talking about widening the road 24 feet all the
502 way, is that where you see the 21 feet, trying to clarify the exact portion of the road
503 included in this plan.

- 505 Mr. Chagnon agreed. This plan will delineate where the widening occurs and only in this
506 place
- 507
- 508 Mr. Brubaker had one question regarding the registers. Asking if you are amenable to that
509 condition limiting to five registers, total, since that was verified by your TIA.
- 510
- 511 Both Mr. Gagnon and Mr. Seymour said yes; that that is acceptable.
- 512
- 513 Mr. Brubaker said that I ask because I believe the previous floor plan submitted may have
514 suggested that there would be more. I think that that may be something to just wordsmith
515 that condition that we probably want to see an updated floor plan reflecting the five
516 registers.
- 517
- 518 Ms. Braun said that it is my understanding that you have no problem with any the
519 conditions of approval, as stated. Is that correct.
- 520
- 521 Mr. Chagnon said yes, that is correct.
- 522
- 523 Mr. Brubaker said that, in addition to the correspondence from WIN Waste, I did receive
524 an email from Eliot Lee from East Coast Cannabis saying that he plans to follow up on
525 this application. He did come into the office today verbally expressing concerns with this
526 project. I just wanted to share that with the PB.
- 527
- 528 Ms. Braun said that you don't have anything in writing and he isn't here, in person, to
529 voice his concerns.
- 530
- 531 Mr. Brubaker agreed.
- 532
- 533 Ms. Braun said that Mr. Hughes is on Zoom and asked if he wished to say something.
- 534
- 535 Mr. Hughes said no, thank you. I appreciate the opportunity. Our written comments have
536 been submitted and we are good with that. We appreciate your consideration.
- 537
- 538 Ms. Braun pulled the discussion back to the PB and asked if members had any concerns
539 for anything missing or reservations about the project.
- 540
- 541 Mr. Leathe said that my major concern was repair of the road and I think the applicant
542 has answered those questions very well.
- 543
- 544 Ms. Bennett said to Mr. Brubaker that we know that Route 236 is scheduled for an
545 overhaul up to Arc Road, correct.
- 546
- 547 Mr. Brubaker said that the latest from the DOT is that Route 236 will be resurfaced this
548 year up to Depot Road - north. Then, it is uncertain when the section between Depot
549 Road and Bolt Hill Road will be resurfaced. There are still ongoing discussions about
550 what kind of improvements and when will be made.

551

552 Ms. Bennett said that I recall that there was some discussion of creating wider shoulders
553 and turning lanes on Route 236. Is that something that is still being considered or is that
554 something that is actually in the planning stage.

555

556 Mr. Brubaker said that that is something that was recommended by the corridor study that
557 was recently completed by KACTS (Kittery Area Comprehensive Transportation Study)
558 and Southern Maine Planning Development Commission (SMPDC) working with the
559 Town and the DOT. So that is a recommendation of that corridor study but there is still
560 discussion about when, where, and what of implementation of different aspects of that
561 study.

562

563 Ms. Bennett said that one of my concerns, and this is a personal concern, is the maximum
564 trips that will be happening on Saturday. Saturday, when our Transfer Station is open and
565 I am often going to the Transfer Station, I have to pull in on the small shoulder that we
566 have and drive over pot holes to take a right into our Transfer Station. Sometimes it's
567 almost impossible to take a left. Now, this isn't really reflected in this traffic study; that
568 there's never any indication that there's going to be any problem with anyone getting on
569 or off Route 236 because of the additional trips. Processing into our Transfer Station, I
570 feel like we're going to start experience problems, somewhat, from this. I just needed to
571 voice that and have it on the record. We may start to see accidents on a Saturday when
572 the Transfer Station is operational and its ability is at its peak.

573

574 Mr. Brubaker said that we, as staff, continue to be dialoging with the DOT and SMPDC
575 to keep talking about the potential limitation of those recommendations in that study,
576 including center turn lanes and other things.

577

578 Ms. Bennett said that maybe they could just come and widen the shoulders prior to our
579 Transfer Station. That would increase the safety for at least Eliot residents on Route 236
580 on Saturdays.

581

582 Ms. Crichton said that I concur with Ms. Bennett. I just also think...you can do all the
583 traffic studies you want, and I think they are very informative, but you've got East Coast
584 'here', Arc Road 'here', and they're so close. East Coast is just nonstop, nonstop traffic,
585 as Ms. Bennett said, on Saturdays. It's almost impossible to get in or out of the Transfer
586 Station. I think the traffic is going to be more than everybody thinks it is. I've been
587 watching East Coast, now, for 6 or 7 months. It's a huge business and, now, they're
588 building a larger building of their own, with more cars. And I don't want to disprove your
589 business but I'm just seeing that the traffic is going to be an issue.

590

591 Ms. Braun agreed.

592

593 Ms. Bennett said that I think it's getting to the point, now, of dangerous congestion on
594 this section of Route 236, which is our Commercial/Industrial District. I have no fault
595 with the applicant. It's just something that has accumulated. I hope that the process with
596 the DOT can go forward and keep consideration of the fact of what the existing and,

597 perhaps, future of what we can sort of forecast is going to come with additional retail
598 uses on Route 236. A comment for future discussion is that we are getting to the point
599 where we see traffic impact assessments and traffic movement studies are going to be
600 critical for any applicant that comes before us on Route 236.

601

602 Ms. Crichton said that, not only that, I think a lot of these people are not sober. Smoke
603 pot before they go to buy the pot, buy the pot, and smoke it on the way. It's just the way
604 it is, which makes it that much more dangerous.

605

606 Mr. Latter said, to follow that to a point, would we be concerned if it was a cell phone
607 store, with people driving in and out texting the whole time. I am just playing contrarian
608 in that the capacity on Route 236, and I think that's a general conversation, is how much
609 development can that area support as configured – a legitimate conversation. But for this
610 application, nobody has rebutted with the traffic studies they brought forward. In the big
611 picture, as much as you see traffic going to East Coast, it's not what one would consider a
612 high traffic volume business. It's not a Market Basket. It's not something that generates
613 thousands of trips a day. They are willing to move forward and do the improvements on
614 Arc Road that are necessary to support their business. As much as I appreciate the traffic
615 concern, I don't think that not approving this particular implementation because of our
616 traffic concerns would really matter in the grand scheme of things.

617

618 The PB agreed.

619

620 Ms. Braun said that it's there, it's an issue, but you have to trust that the Maine DOT is
621 going to do their part and make some corrections to this.

622

623 Mr. Latter added that there are opportunities with resurfacing, restriping, and
624 reconfiguration. I think there's enough room, there, to make it safe for the capacity that
625 we have there and then some. I don't think it's optimal as it's configured today.

626

627 Ms. Braun said no. But I think the widening will help the passage of, especially when you
628 have the WIN Waste trucks coming in and they're going to widen that section, which
629 should make it a little bit better for WIN Waste and everybody going back and forth
630 without too much difficulty.

631

632 Ms. Bennett said that I think it's laudable that you guys will make these improvements to
633 Arc Road up to your property.

634

635 Ms. Braun agreed, saying that the traffic is the traffic and not their fault that there's
636 traffic on Route 236 that's congested. And it's not just Route 236. All the roads in the
637 area have the same issue.

638

639 Ms. Bennett said that this is a major arterial that is now beginning to not function as a
640 major arterial. This is part of the problem.

641

642 Ms. Braun said that the only way to solve this is to widen it and I don't know if they're
643 going to do that.

644

645 Mr. Brubaker said that you all are making good points. It's kind of a separate realm
646 discussion but still related to every development on Route 236. We do need to as a Town,
647 keep engaging, as a Town, with the DOT and SMPDC to push forward some of these
648 improvements because 2-lane, undivided, with no turn storage has real problems develop
649 as more and more trips keep loading from these public and private rights-of-way
650 intersections off of Route 236. There is a lot that is happening at a staff level, there, but
651 just in general, both our Town Manager and myself and others have been pushing the
652 DOT. And we do have a great ally in SMPDC who finished this study you have reviewed
653 draft versions of; that that does provide a nice starting point for recommendations for the
654 types of improvements on Route 236.

655

656 Mr. Chagnon asked to speak as a resident, if I could. Obviously, this study, I don't know
657 how old it is. But there was a study done about 15 years ago and what it said is that Route
658 236 is an arterial and what you're going to do, first of all, is put in dedicated left turn
659 lanes here and there and then, when traffic gets to be congested again, then you're going
660 to put in the dividers and make it a divided road. Then you will need more of those
661 connections on the side, like we have with the mall. The DOT tried to do something at
662 the Depot Road intersection and I was kind of disappointed that the residents told the
663 DOT that they weren't interested.

664

665 Ms. Braun said that a problem is that we are a major access to the shipyard and all people
666 from New Hampshire. They all come down Route 236 and it's very congested. Actually,
667 there isn't any time of the day that Route 236 is not congested.

668

669 Mr. Chagnon said that the shipyard has done a good job meeting the traffic. They have
670 the flexible start and that helps a lot.

671

672 Ms. Braun said that this has nothing to do with your application but just a conversation
673 that it is becoming an issue. Let's get back to this particular application. Are we missing
674 anything. Do we want something else, Are we ready. Does anyone have any reservations.

675

676 Ms. Bennett said no. I think everything has been worked through to a successful ____.

677

678 Ms. Crichton agreed.

679

680 Mr. Leathe agreed, saying I have no reservations.

681

682 Mr. Latter agreed.

683

684 Mr. Brubaker asked if I may add some notes as to the mechanics of this. You have the
685 motion template but it clearly needs to have a little bit of wordsmithing. So, one option is
686 that we could do it in real time, with shared screen, or, if the applicant is amenable, we

687 can keep doing it next week. But it does seem like we do have some time right now to
688 wordsmith.

689
690 Ms. Braun said that we should wordsmith it now and that way everyone knows where
691 they stand.

692
693 The PB and applicant agreed.

694
695 Mr. Brubaker asked the applicant for a status update of the Stormwater PBR.

696
697 Mr. Chagnon said that there would be an update to the Stormwater PBR. Regarding the
698 'repair of pavement' condition, I assume that was talking about filling the potholes, not
699 proving that the road was built to that standard.

700
701 Mr. Brubaker said yes; that you could certainly suggest any wording that the PB might
702 consider.

703
704 Edits were made and agreed to by the PB and applicant, reflecting State requirements,
705 which are reflected in the formal motion below.

706
707 Mr. Hughes said that, assuming this goes to a vote tonight and gets approved, when the
708 road improvements are being conducted on the road, what sort of considerations on the
709 impact of our traffic are going to be taken into account, as far as the modifications at the
710 entrance to 16 Arc Road or the crossing at Sturgeon Creek.

711
712 Mr. Chagnon said that it would not be good for the applicant to interrupt the operations
713 on adjacent landowner. One lane of traffic will be open during construction would be the
714 neighborly thing to do. Probably on a Sunday we might close the road because their
715 business is closed but they would coordinate

716
717 Ms. Braun asked if that was acceptable with Mr. Hughes..

718
719 Mr. Hughes said yes. I was just looking for something that could be incorporated into the
720 approval, assuming it passes, and memorialize that understanding.

721
722 After discussion, the PB agreed that this was a private matter, as the road is a private
723 road, and determined they could not add that as a condition of approval.

724
725 The applicant and WIN Waste agreed that a schedule coordinating repairs would be
726 acceptable.

727
728 **8:05 PM** Note: While Mr. Brubaker made the edits to the motion and printed copies out,
729 the PB took a 10-minute break.

730
731 **8:15 PM** The PB returned.

733 **Ms. Bennett moved, second by Mr. Latter, that the Planning Board approve PB21-**
734 **29 – Site Plan Review, Change of Use, and Shoreland Zoning Permit Application for**
735 **an Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail**
736 **Store at 16 Arc Road (Map 45/Lot 17), with the following findings of fact (in**
737 **addition to other applicable findings of fact to be included in the Notice of Decision):**

739 **Note:** Ms. Bennett asked the Town Planner to recite the conditions. He agreed.

- 741 **1. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and**
742 **Shoreland Zoning Permit Application have been or will be met.**
- 743 **2. Based on information presented by the applicant and in accordance with**
744 **§44-44, the Planning Board finds that the proposed use:**
 - 745 **a. Will maintain safe and healthful conditions;**
 - 746 **b. Will not result in water pollution, erosion, or sedimentation to surface**
747 **waters;**
 - 748 **c. Will adequately provide for the disposal of all wastewaters;**
 - 749 **d. Will not have an adverse impact on spawning grounds, fish, aquatic**
750 **life, bird or other wildlife habitat;**
 - 751 **e. Will conserve shore cover and visual, as well as actual, points of access**
752 **to inland and coastal waters;**
 - 753 **f. Will protect archeological and historic resources as designated in the**
754 **Comprehensive Plan;**
 - 755 **g. Will avoid problems associated with floodplain development and use;**
 - 756 **h. Is in conformance with the provisions of §44-35, land use standards.**
- 757 **3. The project includes greater than one acre of disturbed area and is subject to**
758 **Chapter 35 of the Town Code – Post-Construction Stormwater Management.**
759 **The applicant has proposed stormwater management best practices (BMP's)**
760 **that will remain privately owned and an erosion and sedimentation control**
761 **plan consistent with §45-412. The Drainage Analysis meets the applicable**
762 **Chapter 35 requirements. Per §45-411, peak 50-year runoff is modeled to**
763 **decrease, in the post-construction scenario relative to the pre-construction**
764 **scenario, in the 50-year storm for all design points.**
- 765 **4. The Planning Board notes the following from the traffic impact assessment**
766 **(TIA): “Arc Road is not striped, but is approximately 24 feet wide with 1-2-**
767 **foot gravel shoulders. Therefore, the roadway provides adequate width to**
768 **accommodate two-way traffic flow for both passenger vehicles and truck**
769 **traffic.” However, during the application review process, apparent**
770 **deterioration of pavement and shoulders along parts of Arc Road have been**
771 **discussed between the applicant, WIN Waste Innovations, Planning Board,**
772 **and Town Planner, which are reasonably likely to affect compliance with**
773 **§45-406 given the traffic volume projected to be generated by the use in**
774 **addition to existing traffic for other uses along the road. Additionally, a**
775 **Traffic Movement Permit (TMP) for the Route 236 – Arc Road intersection**
776 **may be required by MaineDOT and has been applied for. The Planning**
777 **Board finds that §45-406 is likely to be satisfied with conditions of approval**
778 **related to the TMP and repair of said pavement and shoulders.**

779

780 **The approval includes the following conditions:**

- 781 1. The property may be developed and used only in accordance with the plans,
782 documents, material submitted, and representations of the applicant made
783 to the Planning Board. All elements and features of the use as presented to
784 the Planning Board are conditions of approval and no changes in any of
785 those elements or features are permitted unless such changes are first
786 submitted to and approved by the Eliot Planning Board. Copies of approved
787 permits from Maine DEP, Army Corps of Engineers, if applicable, and State
788 shall be provided to the CEO before construction on this project may begin.
- 789 2. The permit is approved on the basis of information provided by the
790 applicant in the record regarding the ownership of the property and
791 boundary location. The applicant has the burden of ensuring that they have
792 the legal right to use the property and that they are measuring required
793 setbacks from the legal boundary lines of the lot. The approval of this
794 permit in no way relieves the applicant of this burden. Nor does this permit
795 approval constitute a resolution in favor of the applicant of any issues
796 regarding the property boundaries, ownership, or similar title issues. The
797 permit holder would be well-advised to resolve any such title problems
798 before expending money in reliance on this permit.
- 799 3. The applicant authorizes inspection of premises by the Code Enforcement
800 Officer during the term of the permit for the purposes of permit
801 compliance.
- 802 4. Prior to, or along with, submittal of a building permit application:
 - 803 a. The applicant shall provide the Town with a copy of any permits
804 required by the Maine Department of Environmental Protection
805 (DEP).
 - 806 b. The applicant shall provide the Town with an updated floor plan
807 showing compliance with all applicable Planning Board conditions of
808 approval.
- 809 5. During construction, weed-free hay shall be used for site restoration to
810 minimize spread of invasive species.
- 811 6. Prior to a Certificate of Occupancy being issued:
 - 812 a. The applicant shall provide a copy of a Traffic Movement Permit
813 (TMP) issued by MaineDOT, or documentation from MaineDOT
814 indicating that a TMP is not required, to the Town's Code
815 Enforcement Officer, Town Planner, and Public Works Director. If a
816 TMP is required, the applicant shall make any improvements
817 required by the TMP (including, but not necessarily limited to,
818 culvert repair at the Route 236 – Arc Road intersection) within the
819 time period or sequencing prescribed by the TMP or otherwise
820 acceptable to MaineDOT, except that all TMP-required
821 improvements shall be completed and accepted by DOT prior to
822 Certificate of Occupancy. The applicant shall keep the
823 aforementioned Town staff updated on the status of such
824 improvements and their inspection/acceptance at MaineDOT

- 825 **b. The applicant shall enter into a Maintenance Agreement for**
826 **Stormwater Management Facilities with the Town (“Agreement”),**
827 **based on Appendix 1 of Chapter 35 of the Town Code. Nothing in**
828 **this condition shall be construed to relieve the applicant of any other**
829 **stormwater commitments (e.g. those related to the Maine**
830 **Department of Environmental Protection permit, if required), and if**
831 **there is a conflict between various permit/agreement requirements,**
832 **the stricter requirement shall control.**
- 833 **c. Arc Road shall be in a condition adequate to satisfy §45-406.**
834 **Specifically:**
- 835 *i. Repair of pavement in deteriorated areas shall take place in*
836 *accordance with §37-71 and the “Driveway Improvement*
837 *Plan” (Sheet C6) submitted by the applicant April 12.*
- 838 *ii. Repair of shoulders shall take place as needed to achieve*
839 *stabilized shoulders, with a minimum width of two (2) feet, in*
840 *accordance with §§37-70 and 37-73.*
- 841 *iii. The above improvements shall be reviewed by a third-party*
842 *engineer hired by the Town, at the expense of the applicant.*
- 843 *iv. Nothing in this condition is intended to prevent the applicant*
844 *from entering into an agreement with other parties (e.g. Arc*
845 *Road abutters) to share in the costs or work to satisfy these*
846 *conditions.*
- 847 **7. Without limiting the applicability of (and commitment by the applicant to)**
848 **other such performance standards, the applicant shall:**
- 849 *a. Limit the number of points of sales/registers to five (5) total for the*
850 *entire building (between the marijuana retail store and medical*
851 *marijuana caregiver retail store), consistent with the Traffic Impact*
852 *Assessment (TIA);*
- 853 *b. Comply with all State Office of Marijuana Policy (OMP) rules*
854 *regarding the co-location of a marijuana retail store and medical*
855 *marijuana retail store within the same building;*
- 856 *c. Ensure the operation of each store includes identification checks as*
857 *required by §33-190(4)(f)(6);*
- 858 *d. Comply with Chapter 45, Article XI – Signs, for all proposed signage,*
859 *including but not limited to, §45-528 for wall-mounted identification*
860 *signs.*
- 861 **8. No later than 20 days after completion of the development, the applicant**
862 **shall provide post-construction photographs of the shoreline vegetation**
863 **along Sturgeon Creek and the developed site to the Code Enforcement**
864 **Officer.**

865 **VOTE**

866 **5-0**

867 **Motion approved**

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

872

873 ITEM 9 – CORRESPONDENCE

874

875 A. Planner Update, if available.

876

877 Mr. Brubaker said that I have nothing to report but if there are any questions you might
878 have, I'd be happy to answer.

879

880 Mr. Leathe said that we have talked about putting a [non-binding] question on the ballot
881 for general discussion and I was just wondering about the process of doing that. We were
882 thinking about that, specifically, to query the Town about their interest in improving
883 marijuana facilities out on Route 236, or something of that nature.

884

885 Mr. Brubaker said that I will try to report back in my Planner's Report next Tuesday on
886 that. I do have to look into that more and will talk with our Town Clerk.

887

888 Ms. Braun suggested that we could also have regular meetings with the SB to kind of
889 share what each of us are involved in. Could that be considered. I think that would be
890 beneficial to us and to them if they were aware of some of our projects that we are facing
891 and they could understand our point of view on these things, as well.

892

893 Mr. Latter said that a referendum question would be a great agenda item to have a reason
894 to have a short meeting.

895

896 Ms. Bennett added that that would be one specific item in a larger context in envisioning
897 what we want for our C/I Zone, what we want it to look like. I don't have an update from
898 Augusta on the housing bill I told you about that I've been tracking and have a lot of
899 concerns about.

900

901 Mr. Latter said that I know the MMA has been really hot on trying to get people to pay
902 attention to it.

903

904 Ms. Bennett agreed. If it passes, we may be looking at creating a 'priority growth zone'
905 within our Town.

906

907 Ms. Lemire said that, to some degree, that is manifested in the Comp Plan in the Village
908 District area.

909

910 Ms. Bennett said yes. What we will be looking at, if it passes, is a new requirement from
911 the State that every residential lot accept three dwelling units. That means an existing lot
912 can have a duplex and an ADU or a single residence and two ADU's. There is a real
913 concern on how this could have a huge sprawling effect in areas like ours.

915 Ms. Braun said that I would venture that the SB is not aware of that so this would be
916 another avenue to have a meeting to make them aware of this.
917

918 Ms. Bennett said yes, getting together and having some really high-level conversations.
919

920 Ms. Braun said yes, how they feel about it and what they think about this and then we can
921 use that as some sort of groundwork. I would like to see it. I don't know how they feel
922 about it but I know that all of us, pretty much, want to do that, right.
923

924 There was agreement.
925

926 Ms. Lemire said that I just wanted to interject that, when Mr. Brubaker comes in before
927 the SB, he does a very good job of educating them. They are more informed now than
928 they ever have been before because of what Mr. Brubaker does there.
929

930 Ms. Braun agreed, having been at some of those meetings.
931

932 Mr. Brubaker said that I think in terms of powerpoints so that is how I present to them.
933 One of the things that I and the Town Clerk did talk about is perhaps the SB would want
934 a preview of the ordinance amendments. It depends on how quickly we need to react to
935 any of this housing legislation but, typically for the November ballot, you guys will hold
936 the public hearing in August and then the SB's second August meeting will approve for
937 the ballot. So, I'm suggesting that, perhaps, we could have the first August admin
938 meeting and seek to have them joint forum meeting.
939

940 Mr. Latter asked if it was possible to hold a public hearing concurrent at a joint meeting.
941

942 Ms. Lemire said that I think that would interfere with the people's ability to make
943 suggestions, changes, deletions and, then, you would be having to discuss that, at a
944 minimum and maybe make changes.
945

946 Ms. Braun said that that would be an Attorney Saucier question. I don't know if that's
947 allowed.
948

949 Mr. Brubaker said that, if August is when we want to do that, we have time to think about
950 the mechanics of that and dialogue with the SB.
951

952 ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

953 There is a meeting next week to review a few applications.
954

955
956
957 The next regular Planning Board Meeting is scheduled for April 19, 2022 at 7PM.
958
959
960

961 **ITEM 13 – ADJOURN**

962

963 **The Planning Board agreed by consensus to adjourn.**

964

965

966 The meeting adjourned at 8:35 PM.

967

968

969

970

971

972

973

974

975 **Respectfully submitted,**

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977 **Ellen Lemire, Recording Secretary**

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Lissa Crichton, Secretary

Date approved: _____

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: PB22-05 – SHORELAND ZONING	MAP/LOT: 6/30 23 PARK STREET	DATE OF DECISION: MAY 3, 2022
PERMIT APPLICATION/ NEW RESIDENTIAL PIER, LANDING, ACCESS STAIRWAYS, GANGWAY, & FLOATS		

May 13, 2022

DRAFT

Tidewater Engineering, Inc.
ATTN: Ryan McCarthy, P.E., P.L.S.
1021 Goodwin Road, Unit 1
Eliot, Maine 03903

Riverside and Pickering Marine, Inc.
34 Patterson Lane
Newington, NH 03801

Susan P. and Steven P. Wittrock
23 Park Street
Eliot, Maine 03903

To: Ryan McCarthy
Susan and Steven Wittrock
Riverside & Pickering Marine, Inc.

This is to inform you that the Planning Board has acted on your Shoreland Zoning application for a new residential fixed pier, landing, seasonal gangway, seasonal landing float, main float, permanent timber stairway (pier), and permanent timber stairway to beach as follows:

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

SUBMITTED FOR APRIL 12, 2022:

1. Shoreland Zoning permit application received March 10, 2022, with the following documentation:
 - a. Cover letter from Ryan McCarthy, P.E., P.L.S., Tidewater Engineering & Surveying, Inc.
 - b. Application for a Natural Resources Protection Act Permit (NRPA), dated February 7, 2022.
 - c. Army Corps of Engineers General Permit Authorization Letter, #NAE-2022-00447.
 - d. Project Summary.
 - e. Agent letter of authorization from Susan P. and Steven P. Wittrock, authorizing Riverside & Pickering Marine Contractors, Inc. and Tidewater Engineering & Surveying, Inc. as their representatives for this project, dated November 18, 2021.
 - f. Public Notice: Notice of Intent to File & Certification, dated January 11, 2022.
 - g. Abutter Notification Letters & Certified Receipts by Tidewater Engineering & Surveying, Inc., dated November 22, 2021.
 - h. Proposed Pier & Float Site plan prepared by Tidewater Engineering & Surveying, Inc., dated January 11, 2022.
 - i. GIS Project Location Map.
 - j. Tax Map showing abutters.
 - k. Warranty Deed: Book 16518, Page 308-309, registered at the York County Registry of Deeds, dated January 28, 2013.

- i. Pre-Construction Project Site photos.
 - m. Construction Details.
 - n. Alternatives Analysis
 - o. Erosion Control Plan
 - p. Site Condition Report
 - q. Letter from US Department of the Interior. Re: List of threatened and endangered species, dated November 22, 2021.
 - r. Notice of Intent sent to the Maine Historic Preservation Commission and the Five Indian Tribes.
 - s. Appendix A: NRPA Field Survey Checklist.
 - t. Appendix B: Intertidal & Shallow Subtidal Field Survey Checklist
 - u. Appendix D: NRPA Project Description Worksheet.
 - v. Letter from Great Cove Boat Club stating that all slips and moorings are leased for the 2022 season, with a wait list of 100 individuals requesting slips and moorings, dated January 11, 2022.
2. Memo from Jeff Brubaker, Town Planner, dated April 5, 2022.
3. Letter from Cindy Furbish, abutter, acknowledgement and acceptance of proposed tidal docking project within 25 feet of shared boundary, dated January 25, 2022.

SUBMITTED FOR MAY 3, 2022:

1. Memo from Jeff Brubaker, Town Planner, dated April 28, 2022.
2. Abutters List.
3. Additional Site Photos.
4. Public Hearing Notice to Town of Eliot, dated April 22, 2022.
5. Legal Public Hearing Notice published in the Weekly Sentinel April 22, 2022.

FINDINGS OF FACT:

1. The owners of the property are: Susan P. & Steven P. Wittrock (mailing address: 23 Park Street, Eliot, Maine 03903).
2. The applicant agent is: Tidewater Engineering & Surveying, Inc. (mailing address: 1021 Goodwin Road, Unit 1, Eliot, Maine 03903).
3. The Agents of Record are: Ryan McCarthy, P.E./P.L.S., Tidewater Engineering & Surveying, Inc. (mailing address: 1021 Goodwin Road, Unit 1, Eliot, Maine 03903) and Construction Contractor, Riverside & Pickering Marine, Inc. (mailing address: 34 Patterson Lane, Newington, NH 03801).
4. The property is located at 23 Park Street in the Village Zoning District and Resource Protection and Limited Residential Shoreland Zone (shoreland overlay), identified as Assessor's Map 6, Lot 30, and containing 0.33 acres.
5. The applicant proposes to construct a pier structure to consist of a 4' x 85' permanent fixed timber residential pier, a 3' x 40' gangway (seasonal), a 6' x 30' seasonal landing float, an 8'X30' main float, a 4'X4' landing, 4'X13' timber stairway (pier), and 4'X13' timber stairway (beach/shoreline).
6. The use of the proposed structure will be "*Permanent, residential pier*", as listed in the Table of Land Uses (Sec. 44-34(34)(b)).
7. The applicant submitted the proposal to the DEP, ACE, Maine Historic Preservation Commission, and the Five Indian Tribes.
8. Applicant has filed for a full DEP NRPA.
9. Applicant submitted a US ACE (Army Corp of Engineers) Maine General Permit approval application, Permit # NAE-2022-00447.
10. Regarding riparian setbacks, per §44-35(c)(12), the docking structure encroaches on the southerly 25-foot riparian setback and applicant has reached an agreement with the abutter, provided in a conference letter, that that is acceptable to them. Agreement will be registered with the York County Registry of Deeds.
 - The pier does not encroach on the northern riparian line for Park Street.
11. Reflectors will be installed, per §44-35(c)(14).

12. Copies of the application and supporting materials were provided to the Code Enforcement, Public Works, Police and Fire Departments, Conservation Commission, and Harbor Master. No concerns raised during verbal discussion with Planner and Harbor Master (April 4, 2022).
13. The Planning Board reviewed the application at the following regular meeting:
 - April 12, 2022 (site plan review/completeness)
 - May 3, 2022 (site plan review/public hearing)
14. A site walk was not held.
15. The Planning Board found the application complete April 12, 2022.
16. In accordance with Sec. 33-128 & 129, a public hearing was advertised in The Weekly Sentinel on April 22, 2022 and held on May 3, 2022. There were no public comments.
17. The following fees have been paid by the applicant:
 - Shoreland Zoning Permit Application, Residential Pier: \$50.00 (paid March 10, 2022)
 - Public Hearing Fee: \$175.00 (paid March 10, 2022)
18. Shoreline frontage of 73+- feet for this legally, non-conforming lot of record is grandfathered in. Requirement has been met, per §44-32(e)(1).
19. The total length of the pier structure is approximately 185 feet, which meets the requirement of §44-35(c)(10b).
20. Pier does not extend beyond the mean low water mark.
21. Pier is centrally located on the parcel.
22. Proposed docking structure provides shortest length to deep water.
23. Per DEP requirement, applicant requested slip and mooring availability in the area. All slips and moorings are leased for 2022 with large (100+) waiting lists.
24. Per §44-35(b)(6) Stairways, it was found that, with Department of Environmental Protection approval because it goes over the HAT line, this standard will be met. This will be a condition of approval.
 - Existing stairway is deteriorated and will be removed for safety and to lessen multiple access to the beach, further protecting the slope. Erosion control measures will be utilized to regrade and stabilize the slope.
 - Vegetation on either side will be left.
25. Slopes along this part of the Piscataqua River are consider potentially unstable coastal bluffs by the Maine Geologic Survey Bluff Map. However, location of proposed pier has an abundance of riprap along the bottom and applicant has no concern for the stability of the slope.
26. Regarding Erosion and Sedimentation Control Plan, proposed activity does not include grading, bulldozing, digging, scrapping the earth, or filling so erosion control measures are not necessary.
 - No open excavation is proposed or necessary within the resource or below the highest annual tide.
 - A barge will be used for installation, which limits foot traffic along the shoreline.
 - Installation of erosion control measures, themselves, will exceed the disturbance from installing the pilings.
27. In the off season, gangway will be stored on the fixed pier and floats will be stored off-site on uplands by a third-party company.
28. The uplands adjacent to the proposed pier are developed as lawn area. No trees will be removed during the construction of this project.
29. Existing pilings will be removed.
30. There is no impact to the Northern Long-eared Bat pups.
31. This project is designed to have minimal impact to the tidal wetland resource and avoidance of any navigational interference.

CONCLUSIONS:

1. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have or will be met.
2. Based on the information presented by the applicant and in accordance with Sec. 44-44, the Planning Board finds that the proposed use:

- a. Will maintain safe and healthful conditions;
- b. Will not result in water pollution, erosion, or sedimentation to surface waters;
- c. Will adequately provide for the disposal of all wastewater;
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;
- g. Will avoid problems associated with floodplain development and use; and
- h. Is in conformance with the provisions of section 44-35, land use standards.

DECISION:

Based on the above facts and conclusions, on May 3, 2022 the Planning Board voted to approve your application to construct a pier structure to consist of a 4' x 85' permanent fixed timber residential pier, a 3' x 40' aluminum gangway (seasonal), a 6' x 30' seasonal landing float, an 8'X30' main float, a 4'X4' landing, 4'X13' timber stairway (pier), and 4'X13' timber stairway (beach/shoreline), as detailed in the plans and materials submitted.

CONDITIONS OF APPROVAL:

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. [If needed] prior to, or along with, their building permit application, the applicant shall provide to the Code Enforcement Officer an approved Department of Environmental Protection (DEP) Natural Resource Protection Act (NRPA) Permit for the project.
5. Per §44-35(b)(6), the portion of the stairway leading from the pier to the beach, over the normal high-water line, may only be built if the DEP approves it.
6. No later than 20 days after the completion of the development, the applicant shall provide to the Code Enforcement Officer post-construction photographs of the shoreline vegetation and developed site.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals for Shoreland Zoning permits granted by the Eliot Planning Board have expiration provisions specified in Section 44-45 of the Town of Eliot Code of Ordinances, which states:

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

The holder of an approved permit should take care to ensure that the approval granted on May 3, 2022 does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after May 3, 2022 by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Carmela Braun, Chair
Eliot Planning Board

This letter reviewed and approved by the Planning Board on _____, 2022.

CC: Thomas Phillips, Harbormaster
Brent Martin, Assessor
Shelly Bishop, Code Enforcement Officer
Jay Muzeroll, Fire Chief
Steve Robinson, Public Works Director
Elliott Moya, Police Chief

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: PB21-29- AMENDED SITE PLAN/SITE PLAN REVIEW/SHORELAND ZONE APPLICATION/CHANGE OF USE	MAP/LOT: 45/17 16 ARC ROAD	DATE OF DECISION: APRIL 12, 2022
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5/10/2022

DRAFT

Ambit Engineering, Inc.
c/o John Chagnon
200 Griffin Road, Unit 3
Portsmouth, NH 03801

JD Investments, LLC
Green Truck Farms III, LLC
Attn: Joshua Seymour
19 Buffum Road, Unit 6
North Berwick, Maine 03906

To: Mr. Seymour
Mr. Chagnon

This Notice of Decision is to inform you that the Planning Board has acted on your Amended Site Plan/Shoreland Application to construct a 6,000 square-foot, 1-story building, retention of existing structure (3,762 square feet), and Change of Use to Marijuana Establishment – Adult Use Marijuana Retail Store & Medical Marijuana Caregiver Retail Store, with associated site improvements.

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

Submitted for January 25, 2022:

1. Site Plan Review Application/Shoreland Zoning Permit Application, received November 15, 2021 (original); January 13, 2022 (updated).
2. Original Application/Plan Set submitted for sketch plan review:
 - Cover Letter from John Chagnon, PE (Ambit Engineering, Inc.), dated November 15, 2021.
 - Previously-approved Notice of Decision for PB20-22, dated May 18, 2021.
 - Memo from Fire Chief Muzeroll, dated April 5, 2021.
 - Warranty Deed: Book 18185, Page 578, registered at the York County Registry of Deeds, dated March 3, 2020.
 - Resolution from Green Truck Farms II, LLC authorizing Joshua Seymour as representative for this application.
 - Resolution from JD Investments, LLC authorizing Joshua Seymour as representative for this application.
 - Affidavit from Joshua Seymour regarding lease agreement between JD Investments, LLC and Green Truck Farms, LLC, dated September 15, 2020.

- Caregiver Registration Card
- OMP Conditional License for Green Truck Farms II, LLC, Registration #AMS622 - Adult Use Marijuana Store, expires February 4, 2022.
- GIS Official Zoning Map showing Shoreland Zoning Critical Resource Overlay.
- Site Location District Map.
- GIS Map showing 500-foot setback boundary.
- Floor Plan, drawn by PATCO Construction, Inc., dated October 15, 2021.
- Front Elevation, drawn by PATCO Construction, Inc., dated October 13, 2021.
- Cover Sheet – Proposed Site Expansion
 - i. Sheet C1 – Existing Conditions Plan, dated March 10, 2021.
 - ii. Sheet C2 – Site Plan, dated November 1, 2021.
 - iii. Sheet C3 – Utility and Operations Plan, dated November 1, 2021.
 - iv. Sheet C4 – Grading, Drainage, & Erosion Control Plan, Dated November 1, 2021.
 - v. Sheet C5 – Septic Location Plan, dated November 1, 2021.
- 3. Revised Application/Plan Set
 - Cover Letter from John Chagnon, PE (Ambit Engineering, Inc.), dated January 15, 2022
 - Warranty Deed: Book 18185, Page 576, registered at the York County Registry of Deeds, dated March 3, 2020.
 - Resolution from Green Truck Farms II, LLC authorizing Joshua Seymour as representative for this application, dated January 13, 2022.
 - Resolution from Green Truck Farms III, LLC authorizing Joshua Seymour as representative for this application, dated January 13, 2022.
 - Resolution from JD Investments, LLC authorizing Joshua Seymour as representative for this application, dated January 12, 2022.
 - Ownership Disclosure.
 - Supplemental Information and Documentation regarding co-location of a medical marijuana caregiver retail store and adult use marijuana store from the State Office of Marijuana Policy (OMP).
 - Caregiver registration card (redacted for confidentiality).
 - OMP Conditional License for Green Truck Farms II, LLC, Registration #AMS622 - Adult Use Marijuana Store, expires February 4, 2022.
 - a. Joshua J. Seymour, Principal and 100% Owner.
 - Security Plan.
 - Disposal of Plant Material.
 - Odor Remediation Plan.
 - Drainage Analysis.
 - Subsurface Wastewater Disposal System Application, HHE-200; total design flow: 980 gpd, dated November 23, 2021.
 - Custom Soil Resource Survey/Report, Natural Resources Conservation Service, for York County.
 - Trip Generation Calculation from Ambit Engineering, Inc., dated January 10, 2022.
 - Cover Sheet – Proposed Site Expansion (Revised January 4, 2022).
 - Sheet C1 – Existing Conditions Plan.

- Sheet C2 - Proposed Site Plan.
 - Sheet C3 – Utility and Operations Plan.
 - Sheet C4 – Grading, Drainage, & Erosion Control Plan.
 - Sheet C5 – Septic Location Plan.
 - Sheet L1 – Lighting Plan.
 - Sheets D1 through D5 – Detail Plans.
4. Memo from Jeff Brubaker, Town Planner, dated January 21, 2022.

Submitted for February 15, 2022:

1. Cover Letter from John Chagnon, PE (Ambit Engineering), dated February 7, 2022.
2. Updated Sheets: C2, C3, C4, C5, and L1.
3. Ownership Disclosure.
4. Caregiver Registration Card.
5. Revised Disposal of Waste Marijuana Products Document.
6. Luminaire Specifications Document.
7. Traffic Impact Assessment Technical Memorandum from Rebecca Brown, PE for GPI (Greenman-Pederson, Inc.).
8. Letter from Attorney Michelle DelMar (applicant's attorney) re: pending Maine Conditional Adult Use License (#AMS1217) from OMP.
9. Review Letter from Fire Chief Muzeroll, dated February 11, 2022.
10. Memo from Jeff Brubaker, Town Planner, dated February 10, 2022.

Submitted for March 15, 2022:

1. Memo from Jeff Brubaker, Town Planner, dated March 8, 2022.
2. Public Hearing Notice to the Town of Eliot, dated March 4, 2022
3. Legal Notice of Public Hearing published in the Weekly Sentinel, dated March 4, 2022.
4. Abutter's List.
5. Revised Site Plan (Sheet C2), March 4, 2022.
6. Copy of Memo from Fire Chief Muzeroll, dated February 11, 2022 (attached).

Submitted for April 12, 2022:

1. Memo from Jeff Brubaker, Town Planner, dated April 7, 2022.
2. Conditional Use License for Adult Use Marijuana Store, # AMS1217, issued by Maine OMP, expires March 10, 2023.
3. Revised Sheet C2 – Site Plan, dated March 4, 2022.
4. Revised Sheet C6 – Driveway Improvement Plan, dated March 11, 2022.
5. Letter of concern re: approval process from Attorney Michelle DelMar (applicant's attorney), dated April 5, 2022.
6. Response Letter to Attorney DelMar from Jeff Brubaker AICP, Town Planner, dated April 7, 2022.
7. Email correspondence related to traffic and road improvements
8. Maine DOT Traffic Movement Permit (TMP) Application, submitted April 4, 2022.
9. Supplemental Staff Report from Jeff Brubaker, Town Planner, dated April 8, 2022.
10. New Sheet C6 – 'Driveway Improvement Plan', submitted April 12, 2022.

FINDINGS OF FACT:

1. The owner of the property is: JD Investments, LLC (mailing address: 19 Buffam Road, North Berwick, Maine 03906).
2. The applicant is: Green Truck Farms, LLC., re: Joshua Seymour (mailing address: 19 Buffam Road, North Berwick, Maine 03906).
3. The property is located at 16 Arc Road, Eliot, ME and is 8.43 acres.
4. Property can be identified as Assessor's Map 45/ Lot 17 and is located in the Commercial/Industrial Zoning District and Shoreland Zoning Limited Commercial and Resource Protection Overlays.
5. The applicant proposes to amend a previously-approved Site Plan (PB20-22) for a change of use from existing 'Cultivation' to construct a 6,000 square-foot 1-story building, retention/remodeling of existing structure (3,762 square feet), and Change of Use to Marijuana Establishment – Adult Use Marijuana Retail Store & Medical Marijuana Caregiver Retail Store, with associated site improvements
 - a. In the Shoreland, marijuana establishments and medical marijuana establishments are SPR use in the Commercial/Industrial District. Marijuana stores and medical marijuana caregiver stores are SPR uses in the Limited Commercial Shoreland Zoning District overlay.
 - b. Existing 3,762 square-foot building will be remodeled and used for employees, owner, and management only.
 - c. The co-located Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store will be divided by a separator wall, per State OMP requirements. There will be different principal proprietors for each of the two businesses.
6. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Public Works, Conservation Commission, and Code Enforcement. The Police Chief, Public Works, and Code Enforcement Officer had no comments. The submitted Fire Chief Memo is attached. The applicant agreed to the Fire Chief requests.
7. Applicant met with the Conservation Commission March 1, 2022. Discussed was the location of the driveway with regard to wetlands, native plantings, and current condition of site.
8. The Planning Board reviewed the application at the following regular meetings:
 - January 25, 2022 (site sketch plan review for initial/revised application).
 - February 15, 2022 (preliminary site plan review of revised application/ found complete).
 - March 15, 2022 (public hearing/site review for revised application).
 - April 12, 2022 (continued site plan review/ approval).
9. The following application fees have been paid by the applicant, in accordance with §1-25:
 - Site Plan Review/Shoreland Zoning Application Fee (Amendment): \$100 (paid November 16, 2021).
 - Public Hearing Fee: \$175.00 (paid November 16, 2021).
 - Change of Use Fee: \$25.00 (paid November 16, 2021).
10. In accordance with §33-129 & 130, a public hearing was advertised in The Weekly Sentinel on March 4, 2022 and held on March 15, 2021 In accordance with §33-129 & 130, abutting land owners were notified via certified mail. Public comments: Mr. Hughes (WIN Waste) was concerned with the timeliness of receiving the application to review this application's impact. He did say that he will actively engage with Mr. Chagnon to better familiarize himself with the project. Mr. Brubaker received written comments concerned with impact to wildlife and watershed, traffic and construction traffic, suggesting a possible environmental review.

- a. Mr. (Eliot) Lee, East Coast Cannabis, emailed that he had concerns, came in to the office to verbally express concerns, but there is nothing in writing and he did not attend the meeting to make public comment.
- 11. A site walk was not held by the Planning Board. The Town Planner and applicant team held a site walk on March 8, 2022 to discuss traffic and the width and condition of Arc Road. Planner observation was that some pavement and shoulder restoration, along with a stop sign installation at the Arc Road approach to Route 236 would be beneficial.
- 12. There were no waivers requested.
- 13. Arc Road is a paved, private roadway with rights-of-way for access and egress and utility installation/maintenance rights to other property owners off Arc Road but will not participate in the work, itself.
- 14. Because Arc Road needs improvements, the applicant has agreed to repair of pavement and shoulders from the Arc Road 'S' curve up to the project entrance. Additionally, applicant will repair the culvert and widen and stabilize the portion of the road that includes the 'S' turn – 'Driveway Improvement Plan' – Sheet C6. WIN Waste stated that they are very-well positioned for the work to go ahead. **Applicant will coordinate with Arc Road businesses during proposed repairs to Arc Road with a repair schedule and leave one lane open for traffic operations for those businesses during operating hours.**
- 15. The Planning Board accepted the revised shoreland/site plan review applications (Adult Use Marijuana Retail Store and Medical Marijuana Retail Store/building construction) as complete on February 15, 2022.
- 16. A detailed Affidavit of Ownership was submitted to the Planning Board. (Attached).
- 17. The applicant submitted an OMP Maine Adult Use Marijuana Program Conditional License #AMS1217 (Retail Store) dated April 12, 2022, with an expiration date of March 10, 2023.
- 18. A copy of the Caregiver Registration Card was submitted to the Planning Board.
- 19. OMP legal counsel confirmation of applicant's legal counsel that states: "A Medical Marijuana Store and Adult Use Store may exist in the same building in separate units, provided that there is a registered caregiver for the Medical Marijuana Store and the registered Caregiver is neither that Adult Licensee nor an owner of that Adult Use Store Licensee."
- 20. The proposed use location meets the required 500-foot buffer from sensitive uses.
- 21. There were no requested waivers.
- 22. Applicable ordinances are: §33-190 Performance Standards, §45-405 Dimensional Standards, Chapter 44, Chapter 35, and Chapter 11.
- 23. The parcel includes a special flood hazard zone. Proposed improvements are not located in the flood hazard area. (**Note #3 on the Site Plan states, in part: "Proposed improvements are not in flood hazard area. Estimated flood elevation 18.0 feet. Building lowest elevation is 25.0 feet at loading dock. Previous approval" NOTE: Nothing was said about this. Should the whole reference be deleted?**
- 24. The property is served by a private well.
- 25. The applicant submitted a new septic system design per their HHE200 Subsurface Wastewater Disposal System Application. Septic system will have an alarm connected with the pump tank. It is connected back to the building in a box that has both light and sound.
- 26. The Planning Board and applicant agreed on a third-party engineer to review the proposed stormwater management for the site and the drainage analysis, hired by the Town at the expense of the applicant.

Proposed building coverage is 2.7%. Post-construction impervious area will be at 7.1%. Total shoreland de-vegetated area 11.0%.

27. Total Post-construction disturbed area is greater than one acre (total cleared area is 90,865 square feet) and requires Post-construction Stormwater Management, per Chapter 35. Stormwater agreement (Chapter 35, Appendix 1) includes a proposed stormwater detention pond, storm berm level spreader, and emergency spillway.
28. Traffic Movement Permit application has been filed by the applicant to the Maine Department of Transportation. Permit or letter of no need is required prior to a Certificate of Occupancy.
 - a. From the Traffic Engineer (Robert Bollinger), Traffic Movement Permit analysis showed:
 - i. All site distance requirements are satisfied.
 - ii. The applicant will work with the MaineDOT in fulfilling any requisite items the MaineDOT will require from the applicant.
 - iii. With trip generation numbers, there is a high level of confidence that basing trip generation on a per register basis is the most reflective of the anticipated operation.
 - iv. No obstruction vertically or horizontally was seen with the characteristics of the roadway.
29. The issue of no stop sign at the intersection of Arc Road and Route 236 will be addressed through the TMP process.
30. Per §33-153, the applicant provided a Traffic Impact Assessment (TIA). The conclusion was that, based on the findings, the proposed marijuana dispensary can be safely and efficiently accommodated along the existing roadway network. No project-specific mitigation is warranted based on the incremental impacts of the Project.
31. Traffic Study: Based on the safety review that showed there ~~was~~ were no significant safety concerns and the traffic operations analysis that showed that the traffic could be handled on the adjacent roadways, ~~we did~~ it was concluded that the intersection ~~there~~ at Route 236 and Arc Road, as well as the Arc Road in and of itself could safely handle the traffic that ~~we~~ is generated on this project.
32. The 75-foot wetland buffer in the developed areas will not be impacted. The driveway, located in the 75-foot buffer, has been previously approved by the Department of Environmental Protection (DEP).
 - a. Applicant will update the Stormwater Permit with the DEP and submit as part of the record.
33. Lighting is minimized to the greatest extent practicable, to include dark sky compliance and directed downward. Plan has been updated to cover all required locations.
34. Plantings are shown on the plan. Applicant will have foundational plantings immediately adjacent to the building. Per the Conservation Commission recommendations, only native plantings will be used. Forested buffers appear on all sides of the lot.
35. Weed-free hay will be used for site restoration.
36. Previous condition of approval - The driveway will be widened to 18 feet, per previous approval. Widening will be done on the northeast side, per the Conservation Commission request. Current application - Driveway to proposed project is paved. Entrance to be widened and stabilized and driveway widened to 18 feet per Fire Chief request, with two-foot graveled shoulders along its entire length, per Sheet C2. Shoulders will be stabilized using Geotextile fabric and riprap.

37. Required loading berth, per §45-494, will be 20 feet wide to allow for two trucks side-by-side and has a loading bay overhead door. Inventory will come in hand-carried boxes. It will also serve as a truck display for the Green Truck old pickup, viewable by retail customers.
38. Current emergency contact protocols will be submitted to the Planning Department, Fire Department, and Police Department.
39. There will be gated employee access only to the rear building of the facility. This building will be used for an employee break room, cafeteria, locker room, bathroom, and inventory storage.
40. The area behind the back building is designated as a proposed re-growth area and will be left to grow back and not maintained as open.
41. As this project only includes Retail Stores, there will be no production, cultivation, or manufacturing and there will be no raw waste material from the retail operations. All marijuana products entering the facility will be properly packaged in child-resistant packaging, based on OMP requirements. In the event there is a return or failed product that needs disposing of, there is a policy in place to properly dispose of such products. All waste containers will be located in the rear parking lot, within the secured fence area, and screened from public view. Dumpster will be locked at all times with security cameras active at all times.
42. Parking spaces provided are forty-one (41), including two (2) ADA parking spaces, with access aisles. One ADA parking space location has been changed to reduce its mixing with the vehicle loading zone. This gives the ADA parking space an access aisle to an accessible entrance. Customer parking will be in front of the retail stores, with employee parking to the side and additional parking between the existing structure and to the rear of the proposed new structure.
43. Number of employees will be sixteen (16).
44. Hours of operation: Employee hours – Monday through Saturday 7AM to 8PM; Sunday – 7AM to 5PM; Store hours – Monday through Saturday 8AM to 7PM, Sunday – 8AM to 4PM. (See site plan, note 11).
45. Signs: There will be a 10'X5' sign at the entrance to the facility off Arc Road, per §45-130. Note 12 was added to Sheet C2 referencing the Board of Appeals approval requirement in §45-529 for off-premises signs, if needed.
46. §33-190 requires Code Enforcement Officer and Fire Chief (or designee) inspections prior to issuance of Certificate of Occupancy.
47. Planning Board members discussed their concern around the impact of the scheduled Route 236 overhaul. The Planner clarified that the work would only be from Depot Road, north, this year.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (*Revisions to final site plans after planning board approval*).
2. 'Adult Use Marijuana Retail Store and Medical Marijuana Caregiver Retail Store' are permitted uses in the Commercial/Industrial Zoning District/Shoreland Zoning District Limited Commercial Overlay under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (20) by the Eliot Planning Board under §45-290 and §44-34(28)(c).
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.

4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Planning & Development, Article III, Division 6, Chapter 11, Chapter 35, Chapter 44, and Chapter 45.
5. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have been or will be met.
6. Based on information presented by the applicant and in accordance with §44-44, the Planning Board finds that the proposed use:
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewaters;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archeological and historic resources as designated in the Comprehensive Plan;
 - g. Will avoid problems associated with floodplain development and use;
 - h. Is in conformance with the provisions of §44-35, land use standards.
7. The project includes greater than one acre of disturbed area and is subject to Chapter 35 of the Town Code – Post-Construction Stormwater Management. The applicant has proposed stormwater management best practices (BMP's) that will remain privately owned and an erosion and sedimentation control plan consistent with §45-412. The Drainage Analysis meets the applicable Chapter 35 requirements. Per §45-411, peak 50-year runoff is modeled to decrease, in the post-construction scenario relative to the pre-construction scenario, in the 50-year storm for all design points.
8. The Planning Board notes the following from the traffic impact assessment (TIA): "Arc Road is not striped, but is approximately 24 feet wide with 1-2-foot gravel shoulders. Therefore, the roadway provides adequate width to accommodate two-way traffic flow for both passenger vehicles and truck traffic." However, during the application review process, apparent deterioration of pavement and shoulders along parts of Arc Road have been discussed between the applicant, WIN Waste Innovations, Planning Board, and Town Planner, which are reasonably likely to affect compliance with §45-406 given the traffic volume projected to be generated by the use in addition to existing traffic for other uses along the road. Additionally, a Traffic Movement Permit (TMP) for the Route 236 – Arc Road intersection may be required by MaineDOT and has been applied for. The Planning Board finds that §45-406 is likely to be satisfied with conditions of approval related to the TMP and repair of said pavement and shoulders.

DECISION:

Based on the above facts and conclusions, on April 12, 2022, the Planning Board voted to approve your application to amend a previously-approved Site Plan (PB20-22) to construct a 6,000 square-foot, 1-story building, retention of existing structure (3,762 square feet), and Change of Use to Marijuana Establishment – Adult Use Marijuana Retail Store & Medical Marijuana Caregiver Retail Store, with associated site improvements.

CONDITIONS OF APPROVAL:

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Prior to, or along with, submittal of a building permit application:
 - a. The applicant shall provide the Town with a copy of any permits required by the Maine Department of Environmental Protection (DEP).
 - b. The applicant shall provide the Town with an updated floor plan showing compliance with all applicable Planning Board conditions of approval.
5. During construction, weed-free hay shall be used for site restoration to minimize spread of invasive species.
6. Prior to a Certificate of Occupancy being issued:
 - a. The applicant shall provide a copy of a Traffic Movement Permit (TMP) issued by MaineDOT, or documentation from MaineDOT indicating that a TMP is not required, to the Town's Code Enforcement Officer, Town Planner, and Public Works Director. If a TMP is required, the applicant shall make any improvements required by the TMP (including, but not necessarily limited to, culvert repair at the Route 236 – Arc Road intersection) within the time period or sequencing prescribed by the TMP or otherwise acceptable to MaineDOT, except that all TMP-required improvements shall be completed and accepted by DOT prior to Certificate of Occupancy. The applicant shall keep the aforementioned Town staff updated on the status of such improvements and their inspection/acceptance at MaineDOT
 - b. The applicant shall enter into a Maintenance Agreement for Stormwater Management Facilities with the Town ("Agreement"), based on Appendix 1 of Chapter 35 of the Town Code. Nothing in this condition shall be construed to relieve the applicant of any other stormwater commitments (e.g. those related to the Maine Department of Environmental Protection permit, if required), and if there is a conflict between various permit/agreement requirements, the stricter requirement shall control.
 - c. Arc Road shall be in a condition adequate to satisfy §45-406. Specifically:
 - i. Repair of pavement in deteriorated areas shall take place in accordance with §37-71 and the "Driveway Improvement Plan" (Sheet C6) submitted by the applicant April 12.
 - ii. Repair of shoulders shall take place as needed to achieve stabilized shoulders, with a minimum width of two (2) feet, in accordance with §§37-70 and 37-73.
 - iii. The above improvements shall be reviewed by a third-party engineer hired by the Town, at the expense of the applicant.

- iv. Nothing in this condition is intended to prevent the applicant from entering into an agreement with other parties (e.g. Arc Road abutters) to share in the costs or work to satisfy these conditions.
- 7. Without limiting the applicability of (and commitment by the applicant to) other such performance standards, the applicant shall:
 - a. Limit the number of points of sales/registers to five (5) total for the entire building (between the marijuana retail store and medical marijuana caregiver retail store), consistent with the Traffic Impact Assessment (TIA);
 - b. Comply with all State Office of Marijuana Policy (OMP) rules regarding the co-location of a marijuana retail store and medical marijuana retail store within the same building;
 - c. Ensure the operation of each store includes identification checks as required by §33-190(4)(f)(6);
 - d. Comply with Chapter 45, Article XI – Signs, for all proposed signage, including but not limited to, §45-528 for wall-mounted identification signs.
- 8. No later than 20 days after completion of the development, the applicant shall provide post-construction photographs of the shoreline vegetation along Sturgeon Creek and the developed site to the Code Enforcement Officer.

PERMITS:

The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals for Shoreland Zoning permits granted by the Eliot Planning Board have expiration provisions specified in Section 44-45 of the Town of Eliot Code of Ordinances, which states:

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

The holder of an approved permit should take care to ensure that the approval granted on **April 12, 2022** does not expire prior to commencement of work or change.

APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **April 12, 2022** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

Carmela Braun, Chair

This letter reviewed and approved by the Planning Board on _____, 2022.

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



Final

Ownership Disclosure

The Applicant, JD Investments, LLC is an asset holding company and the owner of property at 16 Arc Road Eliot, Maine.

JD Investments, LLC plans to lease a portion of the property to Green Truck Farms II, LLC for purpose of ADULT USE MARIJUANA RETAIL ESTABLISHMENT (See attached, Conditional Adult-Use Store License):

Green Truck Farms II, LLC is Maine cannabis entity owned by:

Joshua Seymour, Sole Manager, Member
8 Deer Ridge Lane Kittery, ME 03904

Davis Drolet — Member
184 Pine Hill Road Berwick, ME 03901

Andrew Beasley — Member
50 Long Swamp Road Berwick, ME 03901

JD Investments, LLC plans to lease a portion of the property to Green Truck Farms III, LLC for purpose of MEDICAL MARIJUANA RETAIL ESTABLISHMENT (See attached, Emily Rochette's Maine Caregiver card):

Green Truck Farms III, LLC is Maine cannabis entity owned by:

Joshua Seymour, Sole Manager, Member
8 Deer Ridge Lane Kittery, ME 03904

Davis Drolet — Member
184 Pine Hill Road Berwick, ME 03901

David Drolet — Member
34 Stowecroft Drive Hampton, NH 03842

Andrew Beasley — Member
50 Long Swamp Road Berwick, ME 03901

Comments submitted by Fire Chief:

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

Good Afternoon,

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

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

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

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

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

Please pass this along to those that need it.

Jay P. Muzeroll
Eliot Fire Chief
NFPA Certified Plans Examiner



TOWN OF ELIOT

1333 STATE RD., ELIOT, ME 03903

Received
APR 06 2022
Karen L. Kef

REQUEST FOR PLANNING BOARD ACTION

(FOR MISCELLANEOUS USES OR CHANGES)

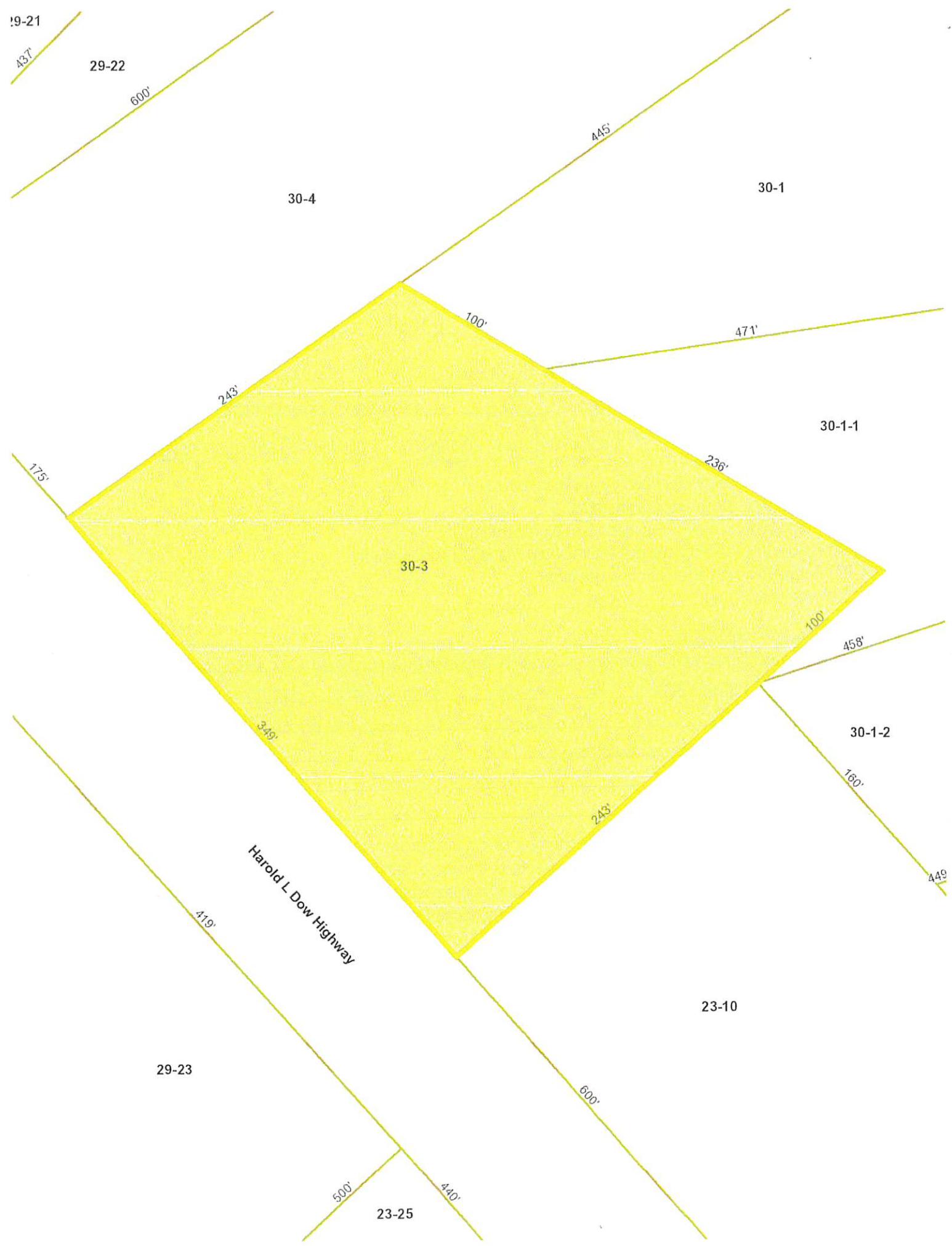
- Applicant Jason Rowe / Riversview Contracting Inc
Mailing Address 1843 State Road City Eliot State M.E Zip 03903
Telephone # 207-651-7693 Email address Jason@riversview-contracting.com
(TO RECEIVE MEETING NOTICES)
- Property Owner Nancy Shapleigh
Mailing Address 28 Sandy Hill Lane City Eliot State M.E Zip 03903
- Property address 150 Herald Highway Tax Map # 30 Lot # 3
Size (acres) 2.87 Zoning District C/I Shoreland Overlay District? No
- Conforming Lot? 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 Officier (letter from corporation)
 Other (identify: _____)
- Nature of action requested:
(Example: Request to amend a previously approved site plan by adding a 10' x 20' addition)
Request to amend a previously approved site plan by adding a 10' x 20' addition to include 85' x 100' of storage for materials, trucks, and equipment for excavation company
- 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 John K. Rowe Date 02/15/2022
- Property owners signature Nancy Shapleigh Date 02/15/22

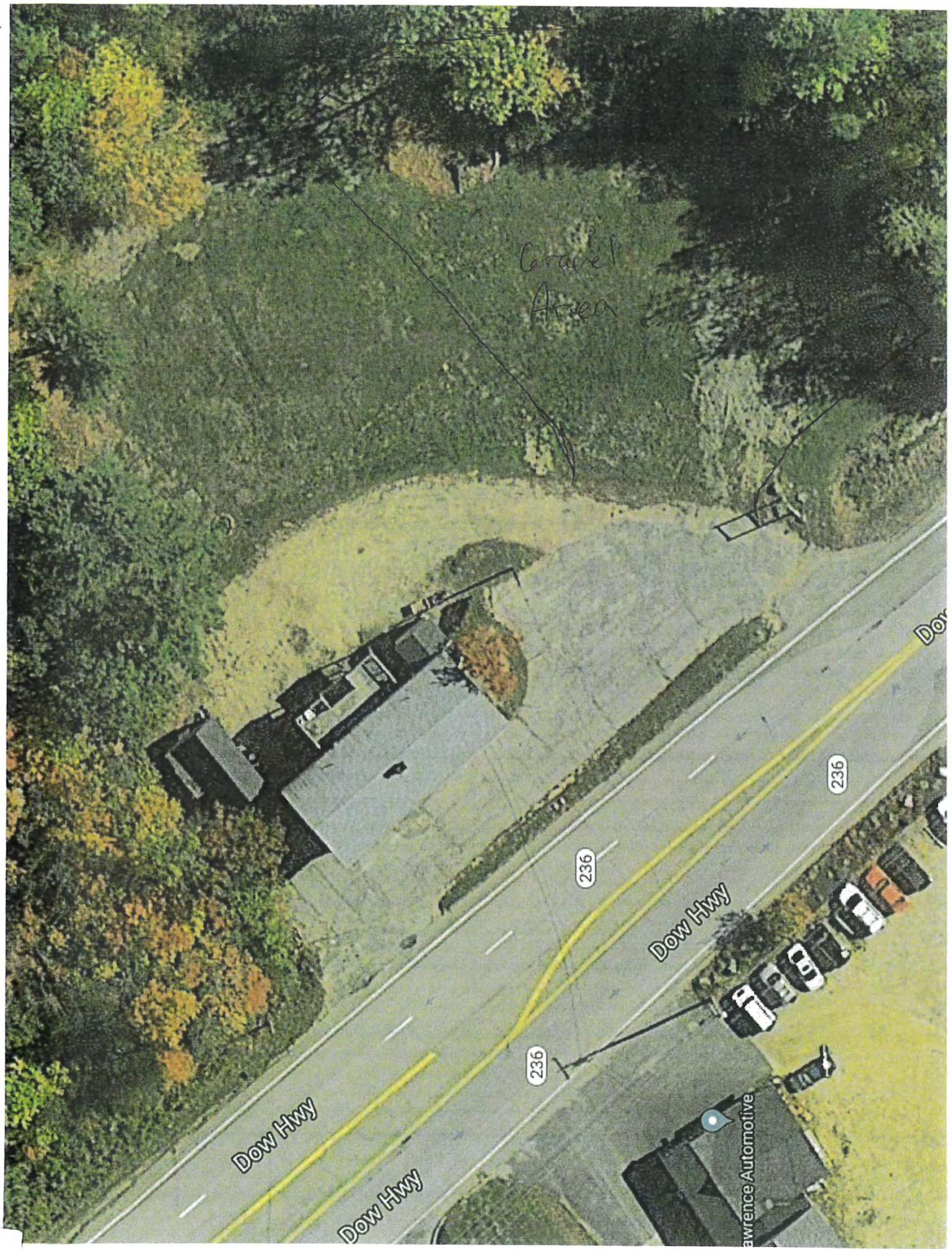
TO BE COMPLETED BY PLANNING ASSISTANT

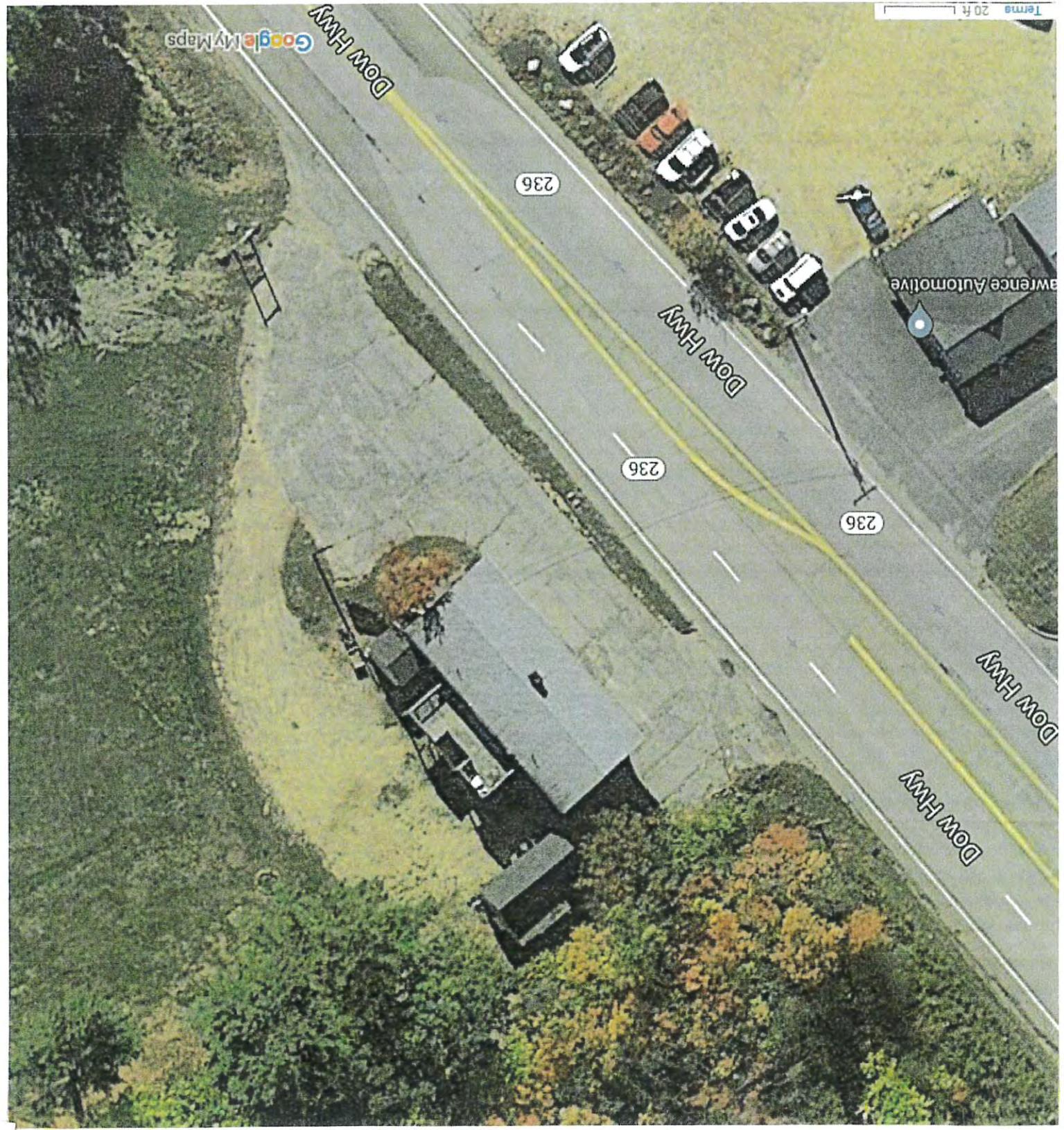
Date application received by PA _____ PA signature _____

Sketch plan required? YES NO

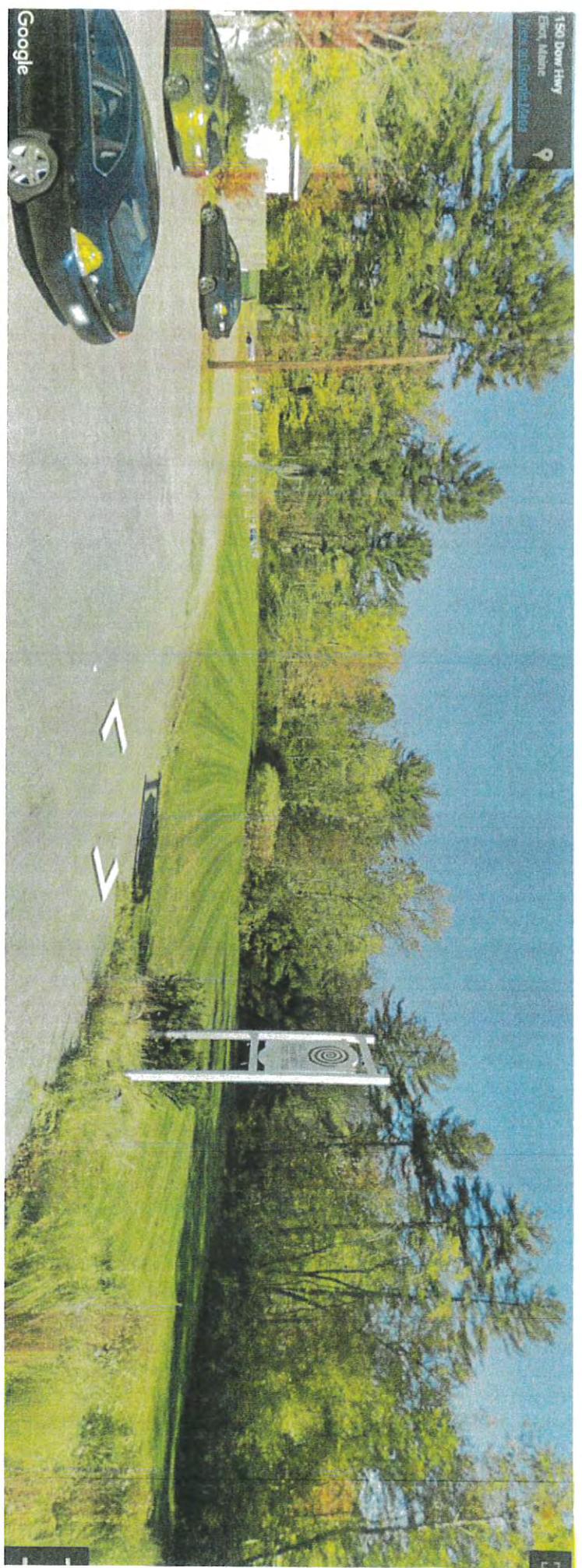
FEE AMOUNT \$ _____ DATE PAID: _____ FORM OF PAYMENT: _____







150 Dow Hwy
Elliott, Maine
Dawn at Gandy's Plaza



Google



150 HAROLD L DOW HWY

Location 150 HAROLD L DOW HWY

Mblu 30/3//

Acct#

Owner SHAPLEIGH, NANCY E

Assessment \$354,500

Appraisal \$354,500

PID 1227

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$135,500	\$219,000	\$354,500
Assessment			
Valuation Year	Improvements	Land	Total
2021	\$135,500	\$219,000	\$354,500

Owner of Record

Owner SHAPLEIGH, NANCY E

Sale Price \$0

Co-Owner

Certificate

Address 28 SANDY HILL LN

Book & Page 2136/0489

ELIOT, ME 03903

Sale Date 07/01/1976

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Sale Date	
SHAPLEIGH, NANCY E	\$0		2136/0489	07/01/1976	

Building Information

Building 1 : Section 1

Year Built: 1970

Building Photo

Living Area: 3,332

Building Photo

Replacement Cost: \$274,026

(http://images.vgsi.com/photos/EliotMEPhotos/00006P1040838_6464.JPG)

Building Percent Good: 48

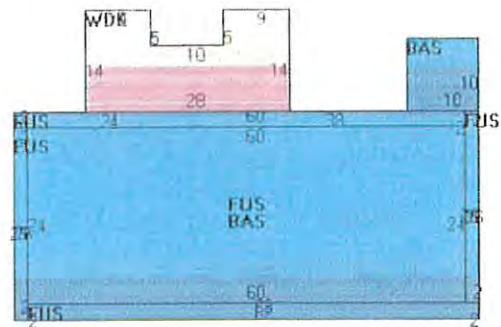
Replacement Cost:

Less Depreciation: \$131,500

Building Attributes

Field	Description
Style:	Comm/Apartment
Model	Commercial
Grade	Average
Stories:	2
Occupancy	4.00
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	Plywood Panel
Interior Floor 1	Carpet
Interior Floor 2	
Heating Fuel	Electric
Heating Type	Electr Basebrd
AC Type	None
Struct Class	
Bldg Use	OFFICE BLD
Total Rooms	
Total Bedrms	05
Total Baths	3
1st Floor Use:	3400
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	8.00
% Comm Wall	0.00

Building Layout



(http://images.vgsi.com/photos/ElliottMEPhotos//Sketches/1227_2684.jpg)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
FUS	Upper Story, Finished	1,792	1,792
BAS	First Floor	1,540	1,540
WDK	Deck, Wood	342	0
		3,674	3,332

Extra Features

Extra Features

Legend

No Data for Extra Features

Land

Land Use

Land Line Valuation

Use Code 3400

Size (Sqr Feet) 125017

Description	OFFICE BLD	Frontage	0
Zone	C/I	Depth	0
Neighborhood		Assessed Value	\$219,000
Alt Land Aprr	No	Appraised Value	\$219,000
Category			

Outbuildings

Outbuildings							Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #	
PAV1	PAVING-ASPHALT			2000.00 S.F.	\$4,000	1	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$173,700	\$164,400	\$338,100
2019	\$173,700	\$164,400	\$338,100
2018	\$173,700	\$164,400	\$338,100

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$173,700	\$164,400	\$338,100
2019	\$173,700	\$164,400	\$338,100
2018	\$173,700	\$164,400	\$338,100

Property Location 150 HAROLD L DOW HWY
Vision ID 1227 Account #

Map ID 30/311

State Use 3400
Print Date 10/25

021 3:38:28 P

Property Location 150 HAROLD L DOW HWY
Vision ID 1227 Account #

Map ID 30/3/11 Bldg # 1

Bldg Name Sec # 1 of 1 Card # 1 of 1

State Use 3400
Print Date 10/25/2021 3:38:29 P

CONSTRUCTION DETAIL

Style: Comm/Apartment

Model: Commercial

Grade: Average

Occupancy: 2

Stories: 4.00

Exterior Wall 1

Interior Wall 2

Roof Structure 03

Roof Cover 03

Interior Wall 1

Interior Wall 2

Interior Floor 1

Interior Floor 2

Heating Fuel 04

Heating Type 04

AC Type 07

Bldg Use 01

Total Rooms 3400

Total Bedrms 05

Total Baths 03

Heat/AC 00

Frame Type 02

Baths/Plumbing 02

Ceiling/Wall 06

Rooms/Ptns 02

Wall Height 8.00

% Conn Wall 0.00

1st Floor Use: 3400



Property Card: 150 HAROLD L DOW HWY
Town of Eliot, ME

Parcel Information	
Parcel ID: 030-003-000 Vision ID: 1227 Owner: SHAPLEIGH, NANCY E Co-Owner: Mailing Address: 28 SANDY HILL LN ELIOT, ME 03903	Map: 30 Lot: 3 Use Description: 3400 Zone: Land Area in Acres: 2.870000
Sale History	
Book/Page: 2136 0489 Sale Date: 7/1/1976 Sale Price: 0	Assessed Value Land: \$219,000 Buildings: \$131,500 Extra Bldg Features: \$0 Outbuildings: \$4,000 Total: \$354,500

Building Details: Building # 1	
<input type="checkbox"/> Model: Commercial Living Area: 3332 Appr. Year Built: 1970 Style: Comm/Apartment Stories: 2 Occupancy: OFFICE BLD No. Total Rooms: No. Bedrooms: No. Baths: No. Half Baths:	Int Wall Desc 1: Drywall/Sheet Int Wall Desc 2: Plywood Panel Ext Wall Desc 1: Vinyl Siding Ext Wall Desc 2: Roof Cover: Asph/F Gls/Cmp Roof Structure: Gable/Hip Heat Type: Electr Basebrd Heat Fuel: Electric A/C Type: None



www.cai-tech.com

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

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 30 Lot# 3 Lot Size 2.87 Zoning District: C/I

Your Name Jason Rowe Your mailing address 1843 State Road

City/Town Eliot State: M.E Zip: 03903 Telephone: 207-651-7693

Who owns the property now? Nancy Sharpiegh

Address (Location) of the property 150 Herold Dow Highway Eliot, Maine

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? Equipment Storage and 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:

Store All Equipment and Storage of trucks and Equipment
on right side of lot.



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Ken Wood, PE, Attar Engineering, Applicant's Representative
Mike Sudak, EIT, Attar Engineering, Applicant's Representative
Kearsten Metz, Land Use Administrative Assistant
Shelly Bishop, Code Enforcement Officer
Date: May 13, 2022 (report date)
May 17, 2022 (meeting date)
Re: PB22-9: 771 & 787 Main St. (Map 6, Lots 43, 44, & 154) – Clover Farm Subdivision (8 lots) – Sketch Plan Review

Application Details/Checklist Documentation	
Address:	771 & 787 Main St.
Map/Lot:	6/ 43, 44, & 154
PB Case#:	22-9
Zoning District(s):	Village
Shoreland Zoning District(s):	Limited Residential, Resource Protection
Property Owner(s):	Mark McNally, LJE Property Development LLC, Jesse Realty LLC
Applicant Name(s):	Mark McNally Building Maintenance, LLC, LJE Development LLC, Jesse Realty LLC
Proposed Project:	8-lot conventional residential subdivision
Sketch Plan	
✓ Application Received by Staff:	April 12, 2022
✓ Application Sent to Staff Reviewers:	May 10, 2022
Application Reviewed By PB:	May 17, 2022 (scheduled)
Site Walk	TBD
Site Walk Publication	TBD

Overview

Applicants Mark McNally Building Maintenance, LLC, LJE Development LLC, and Jesse Realty LLC (agent: Attar Engineering; property owners: Mark McNally, LJE Property Development LLC, Jesse Realty LLC) are seeking review of a subdivision application for three existing lots (Map 6, Lots 43, 44, & 154) currently addressed as 771 and 787 Main St. The application proposes a conventional residential subdivision with eight (8) lots. (The previous application proposing a 19-unit elderly housing subdivision plus 2 single-family lots, under PB21-30, was withdrawn.)

The assembled parcels comprise 10.95 acres. Subdivision Lots 5-6 are on the shore of the Piscataqua

River. Existing tax map 6, lot 44 – which includes proposed subdivision Lot 6 – already has a growth and building permit associated with it, and a previous PB review approved a residential pier system, which is shown on the sketch plan. The sketch plan notes that the “existing sidelines between [the existing] parcels shall be abandoned”, which will make way for the new lot lines.

Application contents

Submitted April 12, 2022

- Cover letter dated 4/12/22
- Subdivision application and checklist
- Agent authorization letters from Jesse Realty, LLC; LJE Property Development, LLC; Mark McNally Building Maintenance, LLC (unsigned)
- Location map (1" = 2,000')
- 100 ft. abutters list

- Easement and land exchange agreement
- Warranty deeds
- FEMA FIRM flood map, dated 6/5/89
- Traffic Impact Assessment from Sewall dated 1/5/22
- Sketch plan

Affidavit of ownership

Warranty deeds for Jesse Realty, LLC; LJE Property Development, LLC; and Mark McNally

Zoning

Village; Limited Residential and Resource Protection shoreland zoning

Dimensional requirements

Standard	Planner review
Min. lot size: 1 acre [41-255; 41-218(e); 45-405]	Met. Lots vary from 1.07 to 1.63 ac. Subdivision to be served by municipal sewer, so 41-218(e) requirement for potential larger lot sizes for septic system lots is N/A.
Min. street frontage: 100 ft.	Appears to be met for Lots 1-4 and 7-8. Lots 5-6 show <100 ft. of frontage: <ul style="list-style-type: none">• Lot 5: 90.60 ft.• Lot 6: 64.71 ft. This is not necessarily uncommon for lots on a cul-de-sac, and 41-255(g) allows the PB to modify the street frontage requirement by up to 50% for cul-de-sac lots. PB modification needed for Lot 5-6 frontages per 41-255(g) and 41-66. See sketch plan Notes 3 & 6 (applicant's waiver request).

PB22-9: 771 & 787 Main St. (Map 6, Lots 43, 44, & 154) – Clover Farm Subdivision (8 lots) – Sketch Plan Review

Setbacks: appropriate for location of subdivision and type of development/use contemplated [41-255]. 45-405 setbacks: 30' front/20' side/30' rear	30/20/30 setback lines shown on plans. 45-405 appears to be met , and no lesser setbacks are proposed.
Min. shore frontage: 100 ft. [44-35(a)(1)]	Visually appears to be met for Lots 5-6, but total shore frontage should be shown on plan.
Structure shoreline setback: 75 ft. from top of unstable coastal bluff [44-35(b)(1)]	Appears to be met. Setback line shown on plan with proposed structures behind it. See also sketch plan Note 3.
Max. non-vegetated footprint in shoreland zone: 20%	See sketch plan Note 7. Calculation should be updated and clarified to show that both Lots 5 & 6 meet the 20% standard accounting for all proposed non-vegetated surfaces.

Subdivision road

Per cover letter: the subdivision will be served by a “~700 [linear foot] roadway designed to Minor Road standards and ending in a cul-de-sac.” See minor road standards in Sec. 37-70 and 37-71. 41-221(b)(2) requires that proposed streets meet Ch. 37 standards.

Minor road (<15 lots) standard (Ch. 37)	Planner review
Min. right-of-way: 40 ft.	Met. 50 ft. R/W shown on plan
Min. width of traveled way: 18 ft.	Met. 18 ft. pavement shown on plan
Min. width of shoulders: 2 ft.	Met with regard to shoulder width, as shown on plan. However, per 37-73, “Street curbs, gutters, and catchbasins may be required on all streets within growth areas as designated by the comprehensive plan, and shall be required at the direction of the planning board when considered advisable for runoff or other reasons.” Comp plan describes Village zone as a growth area (see p. 174, for example).
Sidewalk width (if used): 5 ft.	Not currently met. Sidewalk not proposed but required by 41-221(a)(4).
Min. grade: 0.5%	Should be addressed in preliminary plan
Max. grade: 8.0%	Should be addressed in preliminary plan
Max. grade at intersections: 3%	Should be addressed in preliminary plan
Min. angle of street intersections: 75 degrees	Visually appears to be met.
Min. centerline radius of curves: 100 ft.	Appears to be met.
Min. tangent length b/t reverse curves: 100 ft.	Appears to be met.
Roadway crown: $\frac{1}{4}''$ per ft. of lane width	Should be addressed in preliminary plan
Min. curb radius at 90-degree intersections: 20 ft.	Should be addressed in preliminary plan
Min. right-of-way radii at intersections: 10 ft.	Should be addressed in preliminary plan
Cul-de-sac concentric radii: 30'/40'/65'/70'	Met. Radii shown on plan.
Cul-de-sac suitable snow storage and landscaping	Snow storage area recommended to be shown on sketch plan; PB may require landscape plan per 45-215

Min. cul-de-sac pavement width around the center island: 25 ft.	Appears to be met.
Sight distance	Generally addressed in TIA but more details should be provided in preliminary plan.
Section 37-71 – Street construction standards	Should be addressed at future plan stages

Subdivision road entrance on Main St.

As with the PB21-30 application, the proposed entrance is at the midpoint between Park St. and Aqua Ave. About 700 ft. separate these roads, so the entrance is less than 400 ft. from both, which would not meet the frequency (separation) standard for entrances onto collector streets (37-69(g)). A waiver from this requirement may be requested of the Planning Board (37-57(2)).

On December 15, 2020, the Board denied a Section 37-57 waiver request made by the 787 Main St. subdivision applicant in order to locate that subdivision's proposed entrance approximately 145 ft. centerline-to-centerline to Aqua Ave. The PB21-30 application also needed a waiver but was withdrawn prior to the PB acting on the waiver request.

See attached Traffic Impact Assessment (TIA) memo from Diane W. Morabito, PE, PTOE (licensed and registered professional engineer in Maine) of Sewall (4/12/22).

Excerpt from Town Code – Section 37-57 – Waivers and deviations

Where the planning board finds that due to special documented circumstances of a particular street, the provision of certain performance standards is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of the topography of the street site the planning board may waive such requirements subject to appropriate conditions.

- (1) ...[applies to streets existing prior to December 2, 1978]...
- (2) For streets constructed on or after December 2, 1978. Only the material and dimensions specified in this chapter may be used unless specific requirements are waived by the planning board.
 - a. Such waivers shall require a concurring vote of at least four planning board members.
 - b. A separate waiver request must be submitted for each item requested to be waived. Each request must include engineering rationale with supporting reference documentation. Each request must include a statement signed by a registered professional engineer licensed in the state that the proposed deviation reflects good engineering practice and will not result in decreased quality or durability of the proposed street.
 - c. Each waiver request must include signed review comments from the town road commissioner, police chief, and fire chief.
 - d. All waivers approved by the planning board shall be indicated in the notes of the final plan to be recorded.
- (3) Waivers granted by the planning board shall be so noted in the report of the municipal officers at the town meeting called for accepting the street as a public street.
- (4) In granting waivers, the planning board shall require such conditions, as will, in its judgment, secure substantially the objectives of the requirements so waived.

Summary/Planner comments on the Traffic Impact Assessment (TIA) from Sewall

- Memo was forwarded to Fire Chief, Police Chief, and Public Works Director on 5/10/22
 - So far, the Public Works Director has commented and has no issues with the road.
 - I will update the Board on any other comments received.
- The TIA reports that the proposed subdivision “will generate a limited number of new trips to Main Street. Six (6) one-way trips are projected for the AM peak with 8 during the PM peak hour...This level of traffic is not expected to have a significant impact on off-site traffic operations. Generally, a project will not have a significant impact unless it generates in excess of 25 new lane trips. The currently proposed single-family homes will generate a maximum of five (5) lane hour trips. Given this there would be no off-site impact on capacity.” The TIA predicts average weekday trip ends to be 76.
- Using 2019-21 Maine DOT crash data, the TIA reports: “there are no high crash locations on Main Street (Route 103) in the vicinity of the site. A total of 7 crashes occurred along the study segment. Hence, no further accident review or evaluation is necessary. It is important to note that accidents have decreased from the previous 3-year period when there were 10.”
- There is only one reported injury crash in the 2019-21 crash summary (attached to the TIA): at the intersection of Main St. and Cross St. – about 4,000 ft. down Main St. from the proposed subdivision entrance. That was a “C” injury, the most minor in what’s known as the KABCO scale of crash severity. Generally, C injury crashes deal with minor injuries, possible injuries, or complaints of pain. The crash that occurred at the intersection of Aqua Ave., as cross-checked in MaineDOT’s online crash query tool, was a “went off road”/“property damage only” (PDO) crash that occurred in 2019. No reported crashes occurred near Park St. from 2019-21, but there was a “went off road”/PDO crash that occurred in 2018 near Park St.
- TIA reports good sight distance at the proposed entrance to Main St. in both directions of travel (exceeding 450 ft.), with the entrance centered between Aqua Ave. and Park St. It does recommend “no signage or landscaping be located in the driveway sight triangle which could obscure or limit the access drive sight distances in the future”. The sketch plan shows intersection sight distances of 484 ft. to the north and 891 ft. to the south.
- TIA states: “MaineDOT does not have a minimum spacing for 30 mph arterials. The proposed 350’ far exceeds (is double) the MaineDOT standard for a higher level mobility arterial with higher speeds and higher volumes...MaineDOT also has a corner clearance standard...[of] 125’ for the highest level mobility arterial classification and only 75’ for a drive adjacent to an unsignalized intersection, which is the case here. The proposed spacing to the access drive far exceeds these corner clearance standards.”
- TIA reports that the proposed 350 ft. exceeds a 300 ft. minimum intersection spacing guideline (for a 30 mph collector road) recommended by the Transportation Research Board (TRB).
- A previous analysis included existing turning movements coming from/to Aqua Ave. and Park St. while this TIA omits them. Other side streets, such as Hidden Meadows Ln., contribute additional trips to the vicinity of the proposed entrance. See Figure 1 below.
- Posted speed limit is reported, but it is more informative from a safety standpoint to know the actual operating speeds of traffic, which can be gained through speed data collection and analysis. Sewall’s memo in the previous review (PB21-30) made the case that there is enough sight distance even if 85th percentile speed was significantly higher than the posted speed limit. 85th percentile speed is the speed that is exceeded by 15 percent of drivers.

- TIA concludes: "...it is my professional opinion that the spacing and offset from the adjacent intersections is more than adequate to provide for both safe and convenient site access."

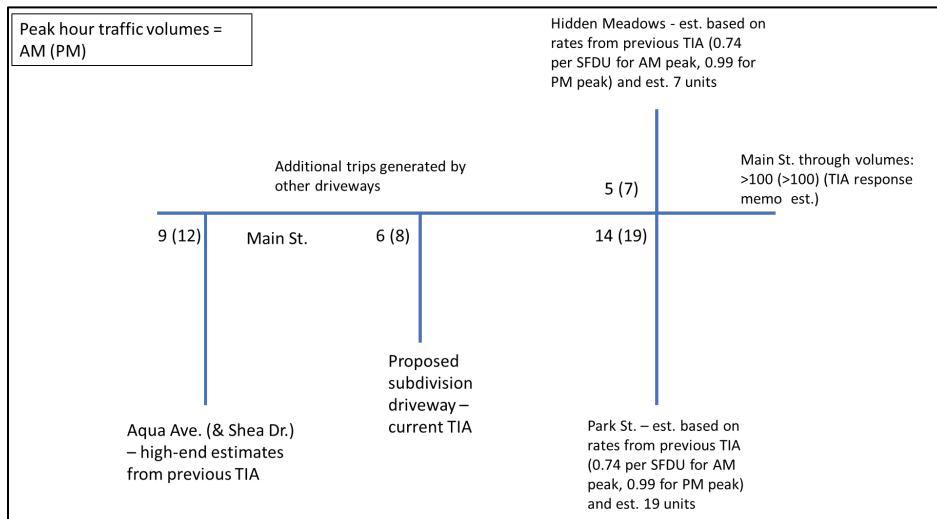


Figure 1. Conceptual summary of peak-hour traffic volumes based on data submitted or estimates from trip generation rates. Please note this is my own summary and not an excerpt from applicant submittals.

Stormwater/water quality; soils; erosion & sedimentation control

Subdivisions are required to meet the stormwater requirements in Section 41-213 and 45-419 – Water Quality and enter into post-construction stormwater management agreements per Ch. 35 (applicable to all sites/common plans of development with >1 acre of disturbance). A drainage plan will need to be submitted with the preliminary plan [41-150]. The site is in the MS4 urbanized area. Stormwater management, drainage, soil quality and suitability, and erosion & sedimentation control should be addressed in preliminary plan. [41-150; 41-213 and -214] The PB may want to inquire about the subdivision's initial ideas for stormwater management during sketch plan review.

Preservation of natural resources and scenic beauty (41-215)

See sketch plan note 9 and the provision of deer-resistant arbor vitae between proposed Lot 6 and the abutting property. The PB may require a landscape plan [41-215]. I recommend one be included in the preliminary plan and that the sketch plan better flush out and detail how the subdivision and the proposed road will be buffered and screened from neighboring properties per 41-215(b).

Preservation of historical and natural features and traditional land use pattern (41-216)

As noted in previous reviews, the site includes a family cemetery (shown on the sketch plan between Lots 4-5) and the historic Clover Farm property (771 Main St.), also until recently the site of an antique store. The farmhouse was demolished in 2021. The demolition contractor allowed for the Eliot Historical Society to conduct a historical recordation of the house prior to demolition. Large and small barns remain on the parcel; they would presumably need to be demolished or removed to accommodate proposed Lot 1 and the road but preservation options should be discussed as part of this review. Given their likely age they would be subject to the demolition delay ordinance (45-136). A landscape plan (41-215) and the preliminary plan historic statement [41-150(13)] could address what

to do with them. The applicant has previously suggested the large barn could be moved to another property in town.

Water and sewer service (41-217 and -218)

The subdivision proposes to connect to municipal water and sewer. 41-217 and 41-218 will need to be met and should be addressed in the preliminary plan [41-150(14) and (15)].

Community services, utilities, and open space (41-220)

Should be addressed in preliminary plan [41-150(17)]; however, the PB may wish to inquire at sketch plan review if the applicant plans to provide amenities such as open space/recreation or public sites. Unless the PB permits otherwise, utilities will need to be underground.

Traffic and streets (41-221)

See TIA summary/review above. Some requirements in this section could be addressed in the preliminary plan but some may be relevant to the sketch plan. However, a prerequisite of this review should be the PB considering the street separation waiver request. As discussed above, the internal subdivision road will need a sidewalk per 41-221(a)(4). As a future sidewalk and bicycle facilities are recommended along the subdivision's Main St. frontage in the Town's walking-bicycling plan, it is recommended that the sketch plan reserve or dedicate R/W or an easement beyond the current R/W line to accommodate these future envisioned improvements (e.g. additional 5 ft. strip or more).

Design standards (Ch. 41, Article V) – notes for sketch plan review

- PB should decide on appropriateness of land reservation (e.g. for recreational purposes) for the subdivision, as this may affect the sketch plan
- Subdivision is subject to 41-256(b) requiring waterfront land reservation

Recommendations

Street separation waiver

If at least four PB members are present and written responses have all been received from the Police Chief, Fire Chief, and Public Works Director, hold a vote on the street separation waiver in conjunction with Section 37-57.

For the previous application (PB21-30), for the reasons described in my 2/15/22 staff report, I recommended that the waiver be denied and the PB request that the applicant withdraw the application, which was done.

The current application no longer proposes an elderly housing subdivision. The reduction in units from 21 total in PB21-30 to 8 total in this application leads to a lower trip generation, resulting in less trip loading onto Main St. The TIA and sketch plan has demonstrated that there is adequate sight distance at the proposed intersection, assuming no new obstructions. The entrance is proposed at the midpoint between Aqua Ave. and Park St., maximizing the separation at about 350 ft. to each. The TIA reports no high-crash locations at/near the proposed entrance and no injury crashes in the vicinity

in the last 3 years. The TIA indicates that MaineDOT does not have a spacing standard for a road of this functional classification, and that even if Main St. were a higher-level mobility arterial, the spacing would far exceed the standard for those classifications. The TIA also demonstrates spacing in excess of TRB-recommended spacing guidelines. Finally, the TIA concludes that “the spacing and offset from the adjacent intersection is more than adequate to provide for both safe and convenient site access”. For these reasons, unless one or more of the Fire Chief, Police Chief, and Public Works Director do not concur, per Section 37-57, I recommend that the PB approve the waiver request, with conditions.

Motion template

Approval (recommended) – requires concurring vote of four PB members

Motion to approve a waiver of the applicable standard in Section 37-69(g), as applied to the location of the proposed subdivision street's intersection with Main St., as shown on the sketch plan dated 4/12/22. The waiver allows for the following distances (measured from centerline to centerline) from the proposed subdivision street intersection to the adjacent intersections:

- Aqua Ave to proposed intersection = 368'
- Proposed intersection to Park St = 356'

The Planning Board finds that:

1. The sketch plan and Traffic Impact Assessment (TIA) from the applicant's consultant (licensed, registered professional engineer Diane W. Morabito, PE, PTOE, of Sewall), dated 4/12/22, has demonstrated that there is adequate sight distance at the proposed intersection, assuming no new obstructions.
2. The entrance is proposed at approximately the midpoint between Aqua Ave. and Park St., nearly maximizing the separation to each adjacent street.
3. The TIA reports no high-crash locations at/near the proposed entrance and no injury crashes in the vicinity in the last 3 years.
4. The TIA indicates that MaineDOT does not have a spacing standard for a road of this functional classification, and that even if Main St. were a higher-level mobility arterial, the spacing would far exceed the standard for those classifications. The TIA also demonstrates spacing in excess of TRB-recommended spacing guidelines.
5. The TIA concludes that “the spacing and offset from the adjacent intersection is more than adequate to provide for both safe and convenient site access”.
6. If received by the meeting The Public Works Director, Police Chief, and Fire Chief have reviewed the request and have no objections.

The following are conditions of approval:

1. The preliminary and final subdivision plans shall demonstrate that sufficient sight distance (per the stricter of Town and DOT standards) shall be maintained at the intersection. At a minimum, this shall be represented on the plans with sight distance triangles with no obstructions within them.
2. [Other conditions if desired]

PB22-9: 771 & 787 Main St. (Map 6, Lots 43, 44, & 154) – Clover Farm Subdivision (8 lots) – Sketch Plan Review

A lack of four concurring votes would result in the waiver not being approved. The PB may also wish to continue the item if you feel there is not enough information to take a vote, or lacking four voting members at the meeting.

Minimum street frontage waiver

I recommend that the requested minimum street frontage modification for Lots 5 & 6 be approved, per 41-66 and 41-255(g).

Motion template

Approval (recommended)

Motion to approve the modification to allow a reduced street frontage for proposed Lots 5 and 6, as follows:

- Lot 5 street frontage: 90.6 ft. (9.4% reduction)
- Lot 6 street frontage: 64.7 ft. (35.3% reduction)

The Planning Board finds that:

1. The modification will not have the effect of nullifying the intent and purpose of the official map, the comprehensive plan, or chapters 44 or 45.
2. The modification will not compromise public health, safety, and welfare.
3. The following special circumstances exist relating to Lots 5 and 6: they are located at the end of a cul-de-sac and it is not uncommon for such lots to have lesser frontages along a cul-de-sac relative to lots located along a street segment. Chapter 41 recognizes this and authorizes the Board to reduce street frontage for cul-de-sac lots by up to 50%.

Sketch plan review

Subject to the above waiver decisions, which should come first, I recommend that sketch plan review continue to a future meeting to allow for the Board to provide input on the plan tonight that can be incorporated in a revised sketch plan to come back before the Board. I also recommend the scheduling of a site walk as part of sketch plan review.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



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

April 12th, 2022
Project No. C174-21

**RE: Sketch Subdivision Application
Clover Farm Subdivision (Tax Map 6, Lots 43, 44, & 154)
771 & 787 Main Street, Eliot, Maine**

Dear Mr. Brubaker:

On behalf of Mark McNally Building Maintenance, LLC., LJE Development, LLC., and Jesse Realty, LLC., I have enclosed for your review and consideration a Sketch Subdivision Application and associated documents for the above-referenced project.

After discussion with Town staff and comments received from Planning Board members during meetings in January of 2022, the Applicants are proposing to abandon the previously-proposed Elderly Housing use and develop the subject parcels into an 8-lot conventional residential subdivision.

Nearly all parameters of the development remain the same as presented in the previous application. The proposed development shall be serviced by a ~700 L.F. roadway designed to Minor Road standards and ending in a cul-de-sac. The development shall be serviced by municipal water and municipal sewer.

Proposed Lots 5 & 6 occupy area within the Limited Residential overlay. A lot coverage calculation has been provided in General Note 7 showing compliance with the 20% maximum. Additionally, the shoreline of the subject parcels has been designated as an Unstable Coastal Bluff in the most recent Maine Geological Survey map. The 75' structure setback has been revised to be measured from the top of bank, which has been survey-located by Attar Engineering in April of 2022.

Lastly, this development shall still be subject to a waiver of §37-69(g) for minimum separation distance between entrances onto an existing collector street (Main Street). The location of the proposed roadway has not changed since the previous submission, remaining at the midpoint of the 700-foot span between Aqua Avenue and Park Street. A revised Traffic Impact Analysis to reflect the new proposed use is forthcoming and shall be provided to the Town upon receipt.

We look forward to discussing this project with the Planning Board at their next available meeting. Please contact me for any additional information or clarifications required.

Sincerely;

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

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

CASE NO. _____

**TOWN OF ELIOT
PLANNING BOARD
SUBDIVISION APPLICATION**

This application shall conform in all respects to the Land Subdivision Standards of Chapter 41 of the Planning Board of the Town of Eliot code of ordinances. Ten (10) copies of application and sketch plan shall be submitted.

Application for Sketch plan

- () Preliminary plan for major subdivision
() Final plan for minor subdivision

1. Proposed name of subdivision Clover Farm Subdivision
2. Location of property 771 & 787 Main Street
3. Tax Map 6 Lot # 43, 44, & 154 Size (acres) 10.95 acres (total)
4. Zoning District (circle one) Commercial/Industrial Rural Suburban Village 
5. Name of record owner Mark McNally, LJE Development, LLC., Jesse Realty, LLC.
Mailing address 1381 Elwyn Road, Portsmouth NH Phone # 603.275.6369
6. Name of applicant Mark McNally Building Maintenance, LLC.
Mailing address 1381 Elwyn Road, Portsmouth NH Phone # 603.275.6369
If corporation, name of agent Michael J. Sudak, Attar Engineering, Inc.
7. A complete statement of any easements relating to the property is attached hereto
(if none, so state) See Plan References on Sheet 1 of Plan Set
8. Deed or deeds recorded at County Registry of Deeds
Date 08/03/2020 Book # 18327 Page # 751 (Parcel 6/43)
Date 11/21/2018 Book # 17849 Page # 563 (Parcel 6/44)
Date 09/24/2020 Book # 18390 Page # 922 (Parcel 6/154)

CASE NO. _____

9. Do the owner and/or applicant have an interest in an abutting property as stated on the attached sheet? No. _____

10. Name, address and license # of Engineer, Land Surveyor, Architect, or Planner

Attar Engineering, Inc. - 1284 State Road, Eliot ME 03903 _____

11. Preliminary plan covers [Sketch Plan Application] _____

12. If applicable, has the owner and/or applicant been approved for a MaineDOT driveway permit for the installation, physical change or change of use a driveway located on a State highway? Not at this time. _____

13. Does owner propose to submit Final Subdivision Plan to cover the entire Preliminary Plan, or to file same in sections? Yes, Final SDV Plan shall cover Preliminary _____
If so, how many? _____

14. Does the preliminary plan cover the entire contiguous holdings of the applicant?

Yes. _____

15. Entrances onto existing or proposed collector streets do not exceed a frequency of one per 400' of street frontage? Yes No See Waiver Request Language & TIA

16. Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage? Yes No

17. A distance of at least 200' is maintained between centerlines of offset intersecting streets? Yes No

18. Does the applicant propose to dedicate to the public all streets, highways and parks shown on the plan? No. _____

CASE NO. _____

19. Give the number of acres which the applicant proposes to dedicate to public to use for park, playground and/or other purposes N/A

20. If any waivers of requirements are to be requested, list them on a separate sheet, referencing the Sections in Chapter 41 and give reasons why such requirements should be waived.

21. Is the property located in a flood zone? Yes.

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

Subdivider shall submit fees as specified in Sections 1-25 in the amount of \$200/lot prior to the second meeting with the Planning Board. Fees are not refundable.

Applicant signature Michael P Sudak Date 4/12/22
agent

Owner signature _____ Date _____

Planning Assistant _____ Date _____

FEES:

Major subdivision	\$200 per lot
Minor subdivision	\$200 per lot

CASE NO. _____

**Town of Eliot Planning Board
CHECKLIST FOR A SUBDIVISION APPLICATION
(All items will be reviewed unless otherwise noted or NA)**

- The owner of the property is Mark McNally, LJE Development, LLC., Jesse Realty, LLC.
- The applicant is _____ who has demonstrated a legal interest in the property by providing: Mark McNally Building Maintenance, LLC.
- Agents for the applicant are: Michael J. Sudak, Attar Engineering, Inc.
- The property is located at 771 & 787 Main St., in the Village zoning district, identified as Assessor's Map 6, Lot , and containing acres 43, 44, 154 10.95 (total)
- Application is for establishment of (new) modification to existing Major/Minor Subdivision.
- Existing Subdivision was approved by the Planning Board on _____.
- The name of the proposed subdivision is Clover Farm and it will contain 8 lots which range in size from 1.07 acres to 1.63 acres and are shown on Plan No. 1, dated 04/08/22.
- Easements and/or Rights of Way affected by or within the proposed subdivision are as follows:
- a. _____.
- b. _____.
- c. _____.
- Entrances onto existing or proposed collector streets do not exceed a frequency of one per 400' of street frontage? Entrances onto existing or proposed arterial streets do not exceed a frequency of one per 1000' of street frontage?
- Owner/applicant has been approved for a driveway permit from MaineDOT for the installation, change or change of use on any State highway, if applicable?
- Lots within the proposed Subdivision will have (private)(public) water supply and (private)(public)(private central) sewage disposal systems.
- Sketch Plan was accepted by the Planning Board on _____.
- Preliminary Plan approved by Planning Board on _____.
- A Site visit was conducted on _____.
- A public hearing was held on _____.
- _____ abutters spoke or submitted written correspondence at the Public Hearing or submitted written correspondence by mail.

CASE NO. _____

- _____ members of the public spoke or submitted written correspondence at the Public Hearing or submitted written correspondence by mail.
- The application was discussed by the Planning Board on _____, _____, _____.
- Plan for minimizing surface water drainage (Section 41-213) submitted: (Yes) (No) (Waiver requested).
- Soil Erosion and Sediment Control Plan (Section 41-214) submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Statement or plan showing effect upon air quality (Section 41-212) submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Soils Report and High Intensity Soils Survey [Section 41-150(11)] submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Location of all natural features or site elements to be preserved (Section 41-215) identified: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Statement or plan concerning historical sites and land use patterns (Section 41-216) submitted: (Yes) (No) (Waiver requested).
- Means of providing water supply to the proposed subdivision (Section 41-217) identified: (Yes) (No) (Waiver requested).
- Sanitary sewerage system (Section 41-218) identified: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Community services and impact statement (Section 41-220) submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Traffic congestion and safety plan (Section 41-221) submitted: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Public health and safety statement (Section 41-222) submitted: (Yes) (No) (Waiver requested).
- Compliance with Federal, State, and Local land use laws (Section 41-223) demonstrated: (Yes) (No).
- (Optional for Minor Subdivision)* Estimated Progress schedule [Section 41-150(21)] submitted: (Yes) (No) (Waiver requested).
- Adequate financing (Section 41-224) demonstrated: (Yes) (No) (Waiver requested).
- (Optional for Minor Subdivision)* Water Department approval provided for public water service [Section 41-174 (1)]
- (Optional for Minor Subdivision)* State of Maine, Department of Human Services approval for central water supply system provided [Section 41-174 (2)]

CASE NO. _____

- Soil Scientist approval for individual wells provided [Section 41-174 (3)]: (Yes) (No)
- Proposed subdivision Plan reviewed by the Department of Environmental Protection: (Yes) (No) (Waiver requested).
- Proposed subdivision Plan reviewed by the Department of the Army, Corps of Engineers: (Yes) (No) (Waiver requested)
- Proposed subdivision Plan reviewed by the York County Soil and Water Conservation District: (Yes) (No) (Waiver requested)
- Other _____

Jesse Realty, LLC
2552 Longboat Drive
Naples, FL 34104

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

April 11th, 2022

Dear Mr. Brubaker,

Please be informed that Kenneth Wood, P.E. and Michael J. Sudak, E.I.T. of Attar Engineering, Inc. will be acting as my agent for the applications and permitting of my project on Main Street in Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely;



Kris Glidden
Jesse Realty, LLC

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

LJE Property Development, LLC
2 Punkin Town Road, Suite 340
South Berwick, ME 03908

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

April 11th, 2022

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Please contact me if I can provide any additional information.

Sincerely;



Thomas Howarth
LJE Property Development, LLC

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

Mark McNally Building Maintenance, LLC
1381 Elwyn Road
Portsmouth, NH 03801
603-275-6369

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

April 11th, 2022

Dear Mr. Brubaker,

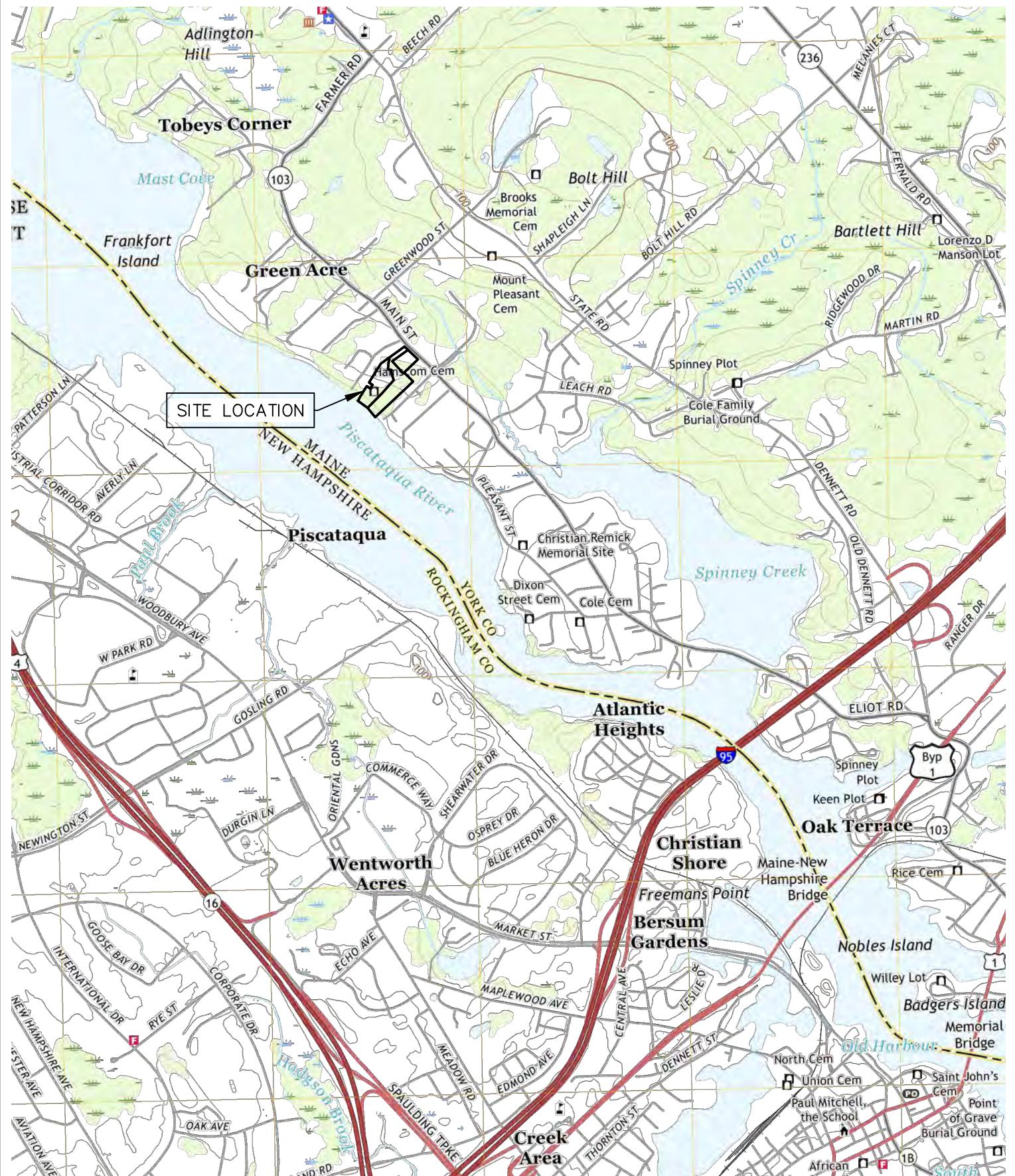
Please be informed that Kenneth A. Wood, P.E. and Michael J. Sudak, E.I.T. of Attar Engineering, Inc. will be acting as my agent for the applications and permitting of my project on Main Street in Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely;

Mark McNally
Mark McNally Building Maintenance, LLC.

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



ATTAR ENGINEERING, INC.

CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128



LOCATION:

CLOVER FARM SUBDIVISION
771 & 787 MAIN STREET, ELIOT ME
TAX MAP 6, LOTS 43, 44, 154

SCALE:
1" = 2,000'

DATE:
04/11/22

JOB NO: C174-21

APPROVED BY:

DRAWN BY:

MJS

REVISION DATE:

- - -

FILE: MAIN ST RES BASE.DWG

SHEET: 1

INFORMATION:

USGS LOCATION MAP
7.5-MINUTE SERIES
PORTSMOUTH QUADRANGLE

MARK MCNALLY,
BUILDING MAINTENANCE, LLC.
LJE DEVELOPMENT, LLC.
JESSE REALTY, LLC.



100 foot Abutters List Report

Eliot, ME
April 11, 2022

Subject Properties:

Parcel Number: 006-043-000 Mailing Address: MCNALLY, MARK
CAMA Number: 006-043-000 1381 ELWYN RD
Property Address: 771 MAIN ST PORTSMOUTH, NH 03801

Parcel Number: 006-044-000 Mailing Address: JESSE REALTY LLC
CAMA Number: 006-044-000 2552 LONGBOAT DR
Property Address: 787 MAIN ST NAPLES, FL 34104

Parcel Number: 006-154-000 Mailing Address: LJE PROPERTY DEVELOPMENT LLC
CAMA Number: 006-154-000 2 PUNKIN TOWN RD STE 340
Property Address: MAIN ST SOUTH BERWICK, ME 03908

Abutters:

Parcel Number: 006-030-000 Mailing Address: WITTRICK, SUSAN P WITTRICK,
CAMA Number: 006-030-000 STEVEN P
Property Address: 23 PARK ST 214 EAST SPRING ST
ALEXANDRIA, VA 22301

Parcel Number: 006-031-000 Mailing Address: HINES, SUSAN N REVOCABLE TRUST
CAMA Number: 006-031-000 SUSAN N HINES TRUSTEE
Property Address: 24 PARK ST 24 PARK ST
ELIOT, ME 03903

Parcel Number: 006-032-000 Mailing Address: SAURMAN, JANET A SAURMAN, BRYAN
CAMA Number: 006-032-000 D & MCNEIL, EMILY L
Property Address: 22 PARK ST 22 PARK ST
ELIOT, ME 03903

Parcel Number: 006-033-000 Mailing Address: MARSTON, JOHN E MARSTON, SIGRED
CAMA Number: 006-033-000 20 PARK ST
Property Address: 20 PARK ST ELIOT, ME 03903

Parcel Number: 006-034-000 Mailing Address: SIMPSON, ALLAN R SIMPSON, KATHY L
CAMA Number: 006-034-000 18 PARK ST
Property Address: 18 PARK ST ELIOT, ME 03903

Parcel Number: 006-035-000 Mailing Address: POISSON, NICHOLE M POISSON,
CAMA Number: 006-035-000 FREDERICK L
Property Address: 16 PARK ST 16 PARK ST
ELIOT, ME 03903

Parcel Number: 006-036-000 Mailing Address: NEWLAND, PAMELA M
CAMA Number: 006-036-000 14 PARK ST
Property Address: 14 PARK ST ELIOT, ME 03903



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are not responsible for any use for other purposes or misuse or misrepresentation of this report.



100 foot Abutters List Report

Eliot, ME
April 11, 2022

Parcel Number: 006-037-000
CAMA Number: 006-037-000
Property Address: 12 PARK ST

Mailing Address: CROSBY, ANITA J
12 PARK ST
ELIOT, ME 03903

Parcel Number: 006-038-000
CAMA Number: 006-038-000
Property Address: 10 PARK ST

Mailing Address: FARNHAM, DEBRA A FARNHAM,
STEVEN R
10 PARK ST
ELIOT, ME 03903

Parcel Number: 006-039-000
CAMA Number: 006-039-000
Property Address: 6 PARK ST

Mailing Address: REED, CAITLIN M REED, MICHAEL R
6 PARK ST
ELIOT, ME 03903

Parcel Number: 006-041-000
CAMA Number: 006-041-000
Property Address: 751 MAIN ST

Mailing Address: GRANT, CRISPIN
751 MAIN ST
ELIOT, ME 03903

Parcel Number: 006-042-000
CAMA Number: 006-042-000
Property Address: 767 MAIN ST

Mailing Address: RATCLIFF, WARDWELL
767 MAIN ST
ELIOT, ME 03903

Parcel Number: 006-045-000
CAMA Number: 006-045-000
Property Address: 793 MAIN ST

Mailing Address: KINNETT, CHARLES P McNAMARA,
STEPHANIE
793 MAIN ST
ELIOT, ME 03903

Parcel Number: 006-046-000
CAMA Number: 006-046-000
Property Address: 11 AQUA AVE

Mailing Address: HUTCHINSON FAMILY REVOCABLE
TRUST FRANKLIN & CAROLYN B
HUTCHINSON TRUSTEES
11 AQUA AVE
ELIOT, ME 03903

Parcel Number: 006-047-000
CAMA Number: 006-047-000
Property Address: 17 AQUA AVE

Mailing Address: SHEA, KATY
17 AQUA AVE
ELIOT, ME 03903

Parcel Number: 006-048-000
CAMA Number: 006-048-000
Property Address: 21 AQUA AVE

Mailing Address: CROSIER, DEBRA M & JOHN T
REVOCABLE TRUS DEBRA M & JOHN T
CROSIER TRUSTEES
21 AQUA AVE
ELIOT, ME 03903

Parcel Number: 006-071-000
CAMA Number: 006-071-000
Property Address: 794 MAIN ST

Mailing Address: BICKFORD, JONATHAN BICKFORD,
THOMAS L
794 MAIN ST
ELIOT, ME 03903

Parcel Number: 006-072-000
CAMA Number: 006-072-000
Property Address: 790 MAIN ST

Mailing Address: BEAGEN, BRIDGETTE R
790 MAIN ST
ELIOT, ME 03903

Parcel Number: 006-073-000
CAMA Number: 006-073-000
Property Address: 776 MAIN ST

Mailing Address: KELLY, DONNA L
776 MAIN ST
ELIOT, ME 03903



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100 foot Abutters List Report

Eliot, ME

April 11, 2022

Parcel Number: 006-074-000
CAMA Number: 006-074-000
Property Address: 768 MAIN ST

Mailing Address: KELSEY, KIM
768 MAIN ST
ELIOT, ME 03903

Parcel Number: 006-075-000
CAMA Number: 006-075-000
Property Address: 756 MAIN ST

Mailing Address: TARR, STEPHANIE J TARR, JEFFREY T
756 MAIN ST
ELIOT, ME 03903

AGREEMENT

NOW COME Mark McNally of 1395 Elwyn Road, Portsmouth, New Hampshire 03801 (“McNally”); Tom Howarth, LJE Property Development, LLC (“LJE”) of South Berwick, Maine; and Kris Glidden, Jesse Realty, LLC (“Jesse”) of Dover, New Hampshire (collectively, the “Parties”) this 20th day of August, 2021 (“Effective date) and agree as follows:

RECITALS

WHEREAS, McNally is the owner of certain real property with any improvements thereon located at 771 Main Street, Eliot, Maine, identified as Tax Map 6, Lot 43 on a certain plan entitled Subdivision Plan, Clover Farms, Main Street, Eliot, Maine, for ARCS Property Maintenance, 771 Main St., Eliot, Maine, 03903, dated 6/22/21, by Attar engineering, Inc. (The “Plan”);

WHEREAS, LJE is the owner of certain real property with any improvements thereon located at 787 Main Street, Eliot, Maine, identified as Tax Map 6, Lot 154, reconfigured lot 1, LJE Property Development, LLC on the Plan;

WHEREAS, Jesse is the owner of certain real property with any improvements thereon located at 787 Main Street, Eliot, Maine, identified as Tax Map 6, Lot 44 reconfigured lot 2, Jesse Realty, LLC on the Plan¹;

WHEREAS, McNally and LJE/Jesse each intend to develop their respective lot(s);

WHEREAS, the proposed LJE development is located to the South/South-West and adjacent to the planned McNally development;

WHEREAS, the proposed Jesse development is located to the South/South-West and adjacent to the planned McNally development;

WHEREAS, LJE/Jesse desire an easement over the McNally property as depicted on the Plan to access and develop their property directly to the South/South-West and adjacent to McNally respectively.

WHEREAS, McNally desires additional land added to his as depicted on the Plan;

WHEREAS, pursuant to this agreement, the Parties desire to accommodate each other with respect to development of their respective lots;

¹ All addresses are subject to change by the Town of Eliot.

CONDITIONS

NOW, THEREFORE, in consideration of the above recitals, and the entire contents of this agreement, which each party hereto agrees and acknowledges constitutes adequate consideration, the parties agree as follows:

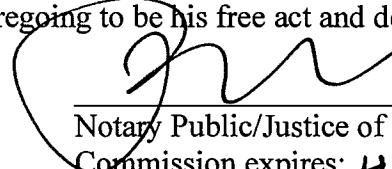
1. The Plan, which is to be recorded in the York County Registry of Deeds, is incorporated into this agreement as Exhibit 1.
2. At a closing date to be agreed upon by and between the parties, but no later than September 1st, 2021, McNally shall grant to LJE and Jesse a non-exclusive permanent easement over the entrance, driveway, or roadway or as it may be otherwise termed, running from Route 103 along the boundary of the McNally land as depicted on the Plan, running with the land, for pedestrian and vehicular access, ingress and egress, including, temporarily, construction vehicles to permit development of the LJE and Jesse lots as depicted upon the Plan.
3. The purpose of the easement is to connect the entrance, driveway, or roadway or as it may be otherwise termed, on the McNally parcel to the entrance, driveway, or roadway or as it may be otherwise termed to be built by LJE/Jesse on their respective parcels.
4. The driveway on the McNally parcel shall be constructed at McNally's sole expense. McNally shall also at his expense run utilities to the most southerly end of the entrance, driveway, or roadway or as it may be otherwise termed on his parcel, permitting LJE/Jesse to connect. Furthermore, The road materials existing within the current access drive, roadway to the respective LJE/Jesse parcels shall be moved and reinstalled on the LJE/Jesse parcels to extend the entrance, driveway, or roadway or as it may be otherwise termed.
5. At said closing, LJE/Jesse, shall deed to McNally via deed, the "L" shaped parcel bordering the approximate NW, and S/SW boundaries of the existing McNally parcel, Tax Map 6, Lot 43 as depicted on the Plan. Upon recording of the deed, exclusive use of said parcel shall be reserved to McNally and existing Tax Map 6 Lot 43.
6. In the event that one or more of the proposed developments are not approved, the easement(s) and deed contemplated herein shall survive.
7. This agreement is construed under the laws of the State of Maine. All parties agree to submit to the jurisdiction of Maine courts.
8. This document contains the entire agreement of the parties. Any previous discussions, written or oral or superseded and merged herein. No amendment to this agreement shall be effective unless in writing, executed by all parties hereto.
9. This agreement shall remain in full force and effect and shall survive any decision made, regardless of the outcome of permitting approval or decline by the town of South Berwick.

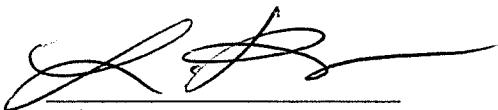

Witness

By: 
Mark McNally

STATE OF NEW HAMPSHIRE, COUNTY OF ROCKINGHAM

On this 15 day of August, 2021, personally appeared the above named Mark McNally, known to me and acknowledged the foregoing to be his free act and deed. Before me,


Notary Public/Justice of the Peace
Commission expires: 4/8/2025

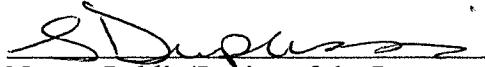


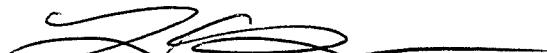
Witness

By: 
Tom Howarth, LJE Properties Development, LLC

STATE OF MAINE, COUNTY OF YORK

On this _____ day of August, 2021, personally appeared the above named Tom Howarth, on behalf of L JE Property Development, LLC, known to me and acknowledged the foregoing to be his free act and deed. Before me,


Notary Public/Justice of the Peace
Commission expires:
SARAH L. DUPLESSIS
NOTARY PUBLIC
State of Maine
My Commission Expires
January 23, 2022



Witness

By: 
Kris Glidden, Jesse Realty, LLC

STATE OF MAINE, COUNTY OF YORK

On this 14 day of August, 2021, personally appeared the above named Kris Glidden, on behalf of Jesse Realty, LLC, known to me and acknowledged the foregoing to be his free act and deed. Before me,


Notary Public/Justice of the Peace
Commission expires:
SARAH L. DUPLESSIS
NOTARY PUBLIC
State of Maine
My Commission Expires
January 23, 2022

Please Return To:

CPN Realty

Po Box 657

Eliot, ME 03903

DEBRA L. ANDERSON, REGISTER OF DEEDS

Bk 17849 PG 563

Instr # 2018049422

11/26/2018 11:15:32 AM

Pages 5 YORK CO



WARRANTY DEED

DLN: 1001840044452

KNOW ALL PERSONS BY THESE PRESENTS that JESSE REALTY, LLC, a Florida Limited Liability Company, with an address of 2552 Longboat Drive, Naples, Florida (34104), and CPN REALTY, LLC, a New Hampshire limited liability company, with an address of 31 Clark Road, Eliot, Maine (03903), and a mailing address of PO Box 657, Eliot, Maine (03903), for consideration paid, grant to JESSE REALTY, LLC, a Florida Limited Liability Company, with an address of 2552 Longboat Drive, Naples, Florida (34104), with Warranty Covenants:

A certain unimproved parcel of land, situated in the Town of Eliot, County of York, State of Maine, located on the westerly side of Main Street, containing approximately 4.455 acres of upland, and the associated tidal flats in the Piscataqua River, being a portion of the land of the grantor described in a deed recorded at the York County Registry of Deeds in Book 17481, Page 446 and shown as **PROPOSED LOT 2** on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled "PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME" – project 16-166.00, to be recorded (the "Plan"),

(reference is also made to a plan by CIVIL CONSULTANTS, entitled "BOUNDARY PLAN PREPARED FOR JAMES D. & ORLEY MAE WHITE, Site Location: 139 Main Street, Eliot, Maine", project number 89-115.01, dated June 21, 2005, recorded at the York County Registry of Deeds in Plan Book 302, Page 6; bearings as shown on the first referenced plan are based on Grid North, Maine State Plane Coordinate System, West Zone, NAD 83; bearings as shown on the second referenced plan are based on magnetic north; the orientation difference is 14°28'49")

and being more particularly described as follows:

UPLAND PARCEL

BEGINNING at a 5/8" diameter iron rebar with a cap marked "PLS 1311" in the westerly line of Main Street which marks the northeasterly corner of land now or formerly of the Fred King, Jr. Living Trust and the Beverly J. King Living Trust as described in a deed recorded at the York

5p ↓

Red Door Title, LLC

County Registry of Deeds in Book 8105, Page 151 and the most easterly corner of the herein-described parcel;

thence S 54°21'53" W, along said King land, 305.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

thence S 42°17'19" E, along said King land, 258.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

thence N 46°46'42" E, along said King land, 18.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

thence S 45°22'40" E, along land now or formerly of Jason Scott King as described in a deed recorded at the York County Registry of Deeds in Book 15988, Page 824, 99.07 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

thence S 45°22'40" E, along land now or formerly of Kent W. and Deanna L. Davis as described in a deed recorded at the York County Registry of Deeds in Book 16208, Page 514, 99.07 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311" in a stone wall;

thence S 46°28'30" W, along said stone wall and land now or formerly of Jeanne A. Thorvaldsen and Kenneth Wyman as described in a deed recorded at the York County Registry of Deeds in Book 15863, Page 285, land now or formerly of Debra A. and Steven R. Farnham as described in a deed recorded at the York County Registry of Deeds in Book 9954, Page 245, and land now or formerly of Barbara F. Gauthier as described in a deed recorded at the York County Registry of Deeds in Book 2699, Page 10, 221.19 feet to a point at the end of said wall;

thence S 46°48'03" W, along land now or formerly of Clinton and Pamela M. Newland as described in a deed recorded at the York County Registry of Deeds in Book 2133, Page 887, land now or formerly of Nichole M. and Frederick L. Poisson as described in a deed recorded at the York County Registry of Deeds in Book 11980, Page 184, land now or formerly of Barbara B. Wilson and Katherine H. Morin as described in a deed recorded at the York County Registry of Deeds in Book 14551, Page 713, land now or formerly of John E. and Sigred Marston as described in a deed recorded at the York County Registry of Deeds in Book 1985, Page 249, and land now or formerly of Janet A. and Julia M. Saurman as described in a deed recorded at the York County Registry of Deeds in Book 15517, Page 54, 349.49 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1302";

thence S 46°45'56" W, along land now or formerly of Gregory J. and Andrea M. Power as described in a deed recorded at the York County Registry of Deeds in Book 8136, Page 264, 97.36 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1302";

thence S 46°45'56" W, along said land now or formerly of Gregory J. and Andrea M. Power, 97.36 feet to a 5/8" diameter iron rebar with a cap marked "PLS 2059";

thence S 46°45'56" W, along said land now or formerly of Gregory J. and Andrea M. Power, 52.70 feet to a point at normal high water line of the Piscataqua River;

thence northwesterly by the meanders of the normal high water line of said river, approximately 190 feet to a point at the westerly end of a new division line, said point being located at a tie course and distance of N 39°03'15" W, 188.09 feet from the last described point;

thence N 44°45'45" E, along a new division, 305.15 feet to a point;

thence N 41°35'50" E, along a new division, 294.40 feet to a point in the westerly line of a proposed 50-foot wide access way;

thence N 41°35'50" E, along a new division and the southerly terminus of said access way, 25.09 feet to a point;

thence generally northerly, following the arc of a circular curve concave to the northeast and along the centerline of said access way, an arc length of 207.31 feet to a point, said curve is additionally defined by the following elements: radius=200.00 feet, central angle=59°23'25", chord bearing=N 23°53'29" W, chord length=198.15 feet;

thence N 05°48'14" E, along the centerline of said access way, 77.39 feet to a point;

thence generally northeasterly, following the arc of a circular curve concave to the east and along the centerline of said access way, an arc length of 84.75 feet to a point, said curve is additionally defined by the following elements: radius=100.00 feet, central angle=48°33'40", chord bearing=N 30°05'04" E, chord length=82.24 feet;

thence N 54°21'53" E, along the centerline of said access way, 259.87 feet to a point in the westerly line of Main Street;

thence S 46°14'14" E, along Main Street, 37.50 feet to the POINT OF BEGINNING;

together with all of the appurtenant tidal lands in the Piscataqua River, and

together with easements of record benefitting the herein-described parcel as are identified on the herein-referenced plans, and subject to easements also as identified on said plans;

TOGETHER WITH an easement for the benefit of the owners of PROPOSED LOT 2, in common with the owners of PROPOSED LOT 1 shown on the Plan, and identified on the Plan as "Proposed Private 50' Access Way," to be used as a shared driveway for ingress and egress from and to Main Street, by foot and by vehicle, and for the construction and maintenance of above ground and below ground utilities;

TOGETHER WITH AND SUBJECT TO the obligation of current and future owners of PROPOSED LOT 1 and PROPOSED LOT 2 (the "Lot Owners") to maintain the Proposed Private 50' Access Way in a good and useful condition, under all traffic and weather conditions.

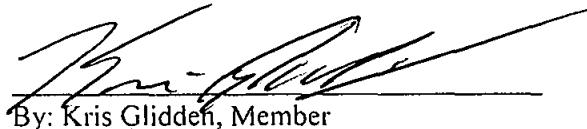
The Lot Owners shall equally share the cost of necessary maintenance and repairs, including but not limited to, snowplowing, snow removal, sanding and ice control, grading, installation and maintenance of ditches and culverts, cutting of brush and paving, all as applicable. This maintenance obligation shall be enforceable by either of the Lot Owners, their heirs, successors and assigns, and shall also be for the benefit of the mortgagees of the Lot Owners, such that any mortgagee of a mortgage of the premises referred to herein shall have the right to enforce this Agreement;

TOGETHER WITH an easement for the benefit of the owners of PROPOSED LOT 2, 10-feet in width, across PROPOSED LOT 1 shown on the Plan, in a mutually convenient location to allow for a connection to any existing or future waterlines constructed within the "30' Water Line Easement" shown on the Plan and described in deed recorded at the York County Registry of Deeds in Book 1985, Page 188;

MEANING AND INTENDING to describe and convey a portion of the premises conveyed by deed of Orley Mae White, Trustee of the Home Field Trust, said deed of near or even date and recorded herewith.

WITNESS my hand and seal on this 21 day of November, 2018.

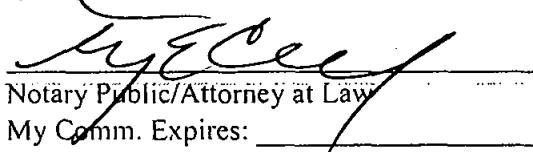
JESSE REALTY, LLC



By: Kris Glidden, Member

STATE OF New Hampshire
COUNTY OF Rockingham

Before me this 21 day of November, 2018, personally appeared the above-named Kris Glidden in the capacity as Member of Jesse Realty, LLC, and acknowledged the foregoing instrument to be her voluntary act and deed in said capacity.



Notary Public/Attorney at Law
My Comm. Expires: _____

Timothy E Cornwell
New Hampshire
Commissioner of Deeds
My Commission Expires
01/24/2023

WITNESS our hands and seals on this 21 day of November, 2018.

CPN REALTY, LLC

David L. Chase
By: David L. Chase, Member

Laurie A. Chase
By: Laurie A. Chase, Member

STATE OF New Hampshire
COUNTY OF Rockingham

Before me this 21 day of November, 2018, personally appeared the above-named David L. Chase and Laurie A. Chase in their capacity as Members of CPN Realty, LLC, and acknowledged the foregoing instrument to be their voluntary act and deed in said capacity.

Ty E Cee
Notary Public/Attorney at Law
My Comm. Expires: _____

Timothy E Cornwell
New Hampshire
Commissioner of Deeds
My Commission Expires
01/24/2023

Return to:
LJE Property Development, LLC

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED Bk 18390 PG 922
Instr # 2020047792
09/25/2020 04:01:19 PM
Pages 5 YORK CO

DLN:1002040112472

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **CPN Realty, LLC**, a New Hampshire Limited Liability Company, with a mailing address of P.O. Box 657, Eliot, ME 03903, for consideration paid grants to **LJE Property Development, LLC**, a Maine Limited Liability Company, with a mailing address of 2 Punkin Town Road, Suite 340, South Berwick, ME 03908, with WARRANTY COVENANTS:

A certain unimproved parcel of land, situated in the Town of Eliot, County of York, State of Maine, located on the westerly side of Main Street, containing approximately 4.115 acres of upland, more or less, and the associated tidal flats in the Piscataqua River, being a reconfiguration of two lots:

- 1) A portion of the lands of CPN Realty, LLC described in a deed recorded at the York County Registry of Deeds in Book 17849, Page 559 and shown as LOT 1 on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled "PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME" - project 16-166.00 (SHEET D1), and also as shown on a plan by CIVIL CONSULTANTS, dated December 12, 2018, entitled "PLAN OF LAND OF CPN REALTY, LLC â€" 787 MAIN STR., ELIOT, YORK COUNTY, ME" - project 16-166.00 (SHEET D2), recorded at the York County Registry of Deeds in Plan Book 399, Page 10, and
- 2) A portion of the lands of Jesse Realty, LLC described in a deed recorded at the York County Registry of Deeds in Book 17849, Page 563 and shown as LOT 2 on a plan by CIVIL CONSULTANTS, dated November 6, 2018, entitled "PROPOSED DIVISION OF LAND OF HOME FIELD TRUST, ORLEY MAE WHITE, TRUSTEE, 787 MAIN ST., ELIOT, YORK COUNTY, ME" - project 16-166.00, and also as shown on a plan by CIVIL CONSULTANTS, dated December 12, 2018, entitled "PLAN OF LAND OF JESSE REALTY, LLC - 787 MAIN STR., ELIOT, YORK COUNTY, ME" - project 16-166.00 (SHEET D3), recorded at the York County Registry of Deeds in Plan Book 399, Page 11.

(Reference is also made to a plan by CIVIL CONSULTANTS, entitled "BOUNDARY PLAN PREPARED FOR JAMES D. & ORLEY MAE WHITE, Site Location: 139 Main Street, Eliot, Maine", project number 89-115.01, dated June 21, 2005, recorded at the York County Registry of Deeds in Plan Book 302, Page 6; bearings as shown on the first three referenced plans are based on Grid North, Maine State Plane Coordinate System, West Zone, NAD 83; bearings as shown on the second referenced plan are based on magnetic north; the orientation difference is 14°28'49")

The reconfigured lot of 4.115 acres, more or less, is shown as "RECONFIGURED LOT 1" on a plan by CIVIL CONSULTANTS, dated February 5, 2020, entitled "PROPOSED LOT RECONFIGURATION OF LAND OF JESSE REALTY, LLC & CPN REALTY, LLC - 787 MAIN STR., ELIOT, YORK COUNTY, ME", project number 16-166.00 (SHEET D4), and is more particularly described as follows:

UPLAND PARCEL:

BEGINNING at the northeasterly corner of the herein described parcel, a point near the southerly common corner of land now or formerly of Franklin and Carolyn B. Hutchinson described in a deed recorded at the York County Registry of Deeds in Book 1888, Page 554 and land now or formerly of Christopher S. Hayden described in a deed recorded at the York County Registry of Deeds in Book 15753, Page 227, located at a tie course of S 54°21'53" W, 324.47 feet from a flat iron bar in the westerly line of Main Street which marks the southeasterly corner of land now or formerly of the June Remignant Revocable Trust as described in a deed recorded at the York County Registry of Deeds in Book 15451, Page 115 and the most northeasterly corner of "RECONFIGURED LOT 2" shown on the last referenced plan (SHEET D4);

Thence S 59°55'20" E, along "RECONFIGURED LOT 2", 29.48 feet to a point;

Thence generally southerly, following the arc of a circular curve concave to the east and along "RECONFIGURED LOT 2", an arc length of 44.07 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS", said curve is additionally defined by the following elements: radius=125.00 feet, central angle=20°12'00", chord bearing=S 15°54'14" W, chord length=43.84 feet;

Thence S 05°48'14" W, along "RECONFIGURED LOT 2", 77.39 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 05°48'14" W, along "RECONFIGURED LOT 2", 36.45 feet to a point;

Thence S 84°11'46" E, along "RECONFIGURED LOT 2", 50.00 feet to a point;

Thence generally southerly, following the arc of a circular curve concave to the east and along "RECONFIGURED LOT 2", an arc length of 25.99 feet to a point, said curve is additionally defined by the following elements: radius=75.00 feet, central angle=19°51'20", chord bearing=S 04°07'26" E, chord length=25.86 feet;

Thence S 14°03'06" E, along "RECONFIGURED LOT 2", 67.96 feet to a point;

Red Door Title □ 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 □ (207) 358-7500

Thence S 19°06'22" E, along "RECONFIGURED LOT 2", 73.48 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 41°35'50" W, along "RECONFIGURED LOT 2", 294.40 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 2", 270.00 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 2", 29.68 feet to a point marked by a 5/8" diameter rebar with a cap marked "PLS 1302 CIVIL CONSULTS";

Thence S 44°45'45" W, along "RECONFIGURED LOT 2", 5.47 feet to a point at normal high-water line of the Piscataqua River;

Thence northwesterly by the meanders of the normal high-water line of said river, approximately 190 feet to a point at the westerly end of a stone wall, said point being located at a tie course and distance of N 53°21'59" W, 188.06 feet from the last described point;

Thence N 30°44'22" E, along a stone wall and land now or formerly of Debra M. and John T. Croiser, trustees as described in a deed recorded at the York County Registry of Deeds in Book 16975, Page 166, 25.45 feet to the end of said wall;

Thence N 27°15'02" E, by said Crosier land, 44.22 feet to the end of another stone wall;

Thence N 31°53'32" E, along said Crosier land, 197.04 feet to a point in said wall and the northwesterly corner of the Remick Family Burial Ground;

Thence the following three courses and distances around said Burial Ground as defined by granite posts:

S 56°28'01" E, 66.91 feet;

N 32°41'05" E, 68.33 feet;

N 57°48'03" W, 67.82 feet to a point in the last prior-referenced stone wall and said land of Crosier;

Thence N 31°55'36" E, along said wall and land of Crosier, 20.04 feet to a 6" by 6", 4-foot-tall concrete post at the end of said wall;

Thence N 31°53'25" E, by said Crosier land, 180.28 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 31°53'25" E, by said Crosier land, 150.00 feet to a 6" by 6", 5-foot tall concrete post;

Thence N 54°21'53" E, by land now or formerly of Christopher S. Hayden as described in a deed recorded at the York County Registry of Deeds in Book 15753, Page 227, 100.00 feet to a 5/8" diameter iron rebar with a cap marked "PLS 1311";

Thence N 54°21'53" E, by said Hayden land, 34.58 feet to the POINT OF BEGINNING;

Together with all of the appurtenant tidal lands in the Piscataqua River, the division line common to "RECONFIGURED LOT 2", across the tidal lands, to extend on a course of S 43°47'23" W from the southwesterly corner of the herein-described upland parcel;

Together with easements of record benefitting the herein-described parcel, but excepting those existing between the parties herein, which are intended to be terminated and replaced by those rights as described herein, and

Subject to easements of record burdening the herein-described parcel, but excepting those existing between the parties herein, which are intended to be terminated and replaced by those rights as described herein;

The subject parcel is conveyed together with an easement to use the "PROPOSED PRIVATE ACCESS WAY" depicted on the last referenced plan (SHEET D4), in common with the owners of "RECONFIGURED LOT 2" as shown on said plan, for a joint driveway, for ingress and egress from and to Main Street, by foot and by vehicle, and for the construction and maintenance of above ground and below ground utilities;

The subject parcel is burdened by an easement to benefit the owners of "RECONFIGURED LOT 2", 10-feet in width, in a mutually convenient location, to allow for a connection to any existing or future waterlines constructed within the 30-foot water line easement described in deed recorded at the York County Registry of Deeds in Book 1985, Page 188;

The subject parcel is subject to and benefitted by mutually beneficial rights to use, for ingress and egress, the existing gravel road which extends southerly into "RECONFIGURED LOT 1" and "RECONFIGURED LOT 2" beyond the southerly limit of the easement area of the "PROPOSED PRIVATE ACCESS WAY" depicted on the last referenced plan (SHEET D4), in common with owners "RECONFIGURED LOT 2".

Red Door Title □ 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 □ (207) 358-7500

Meaning and intending to describe and convey the same premises conveyed to CPN Realty, LLC by virtue of a deed from CPN Realty, LLC and Jesse Realty, LLC dated February 24, 2020 and recorded in the York County Registry of Deeds at Book 18181, Page 913.

By executing this Deed, the undersigned further certify that they named in the Operating Agreement and Certificate of Formation as two of the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes them to take all steps necessary to convey the premises or interests described in the above deed on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

Executed this 24 day of September, 2020.

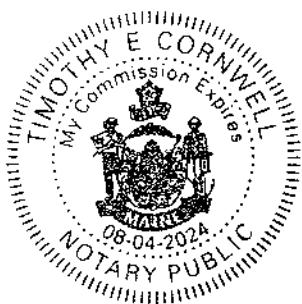
CPN Realty, LLC

By: Laurie A. Chase
Laurie A. Chase, Member

By: David L. Chase
David L. Chase, Member

State of Maine
County of York

Then personally appeared before me on this 24 day of September, 2020 the said Laurie A. Chase, Member and David L. Chase, Member of CPN Realty, LLC and acknowledged the foregoing to be their voluntary act and deed in their said capacity.



EyeCee
Notary Public
Commission expiration

Red Door Title □ 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 □ (207) 358-7500

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That I, Valentina Hong Thanh Luong, Trustee of the **Michael Anthony Boccia and Valentina Hong Thanh Luong Trust**, (Luong was incorrectly spelled in prior deed) u/d/t dated February 21, 2013 with a mailing address of 246 Main Street, Eliot, York County ME 03903, for consideration paid grant(s) to **Mark McNally**, Married, of 1381 Elwyn Road, Portsmouth, Rockingham County NH 03801, with WARRANTY COVENANTS:

A certain lot or parcel of land, together with the buildings thereon, situated in the Town of Eliot, County of York and State of Maine, and bounded and described as follows:

COMMENCING at the northerly corner of this parcel at a hub driven into the ground at the southwesterly sideline of Route #103 in said Eliot, which hub lies 75 feet southeasterly of the point of intersection of the fence marking the boundary line of property now or formerly of Hanscom heirs' and the southwesterly sideline of said Route #103; and running thence South 31-1/2° East for 218 feet to a hub driven into the ground at the southwesterly sideline of said Route #103 and at the easterly corner of the premises hereby conveyed; thence turning and running South 63° West for 318 feet to another hub driven into the ground designating the southerly corner of this parcel; thence turning and running North 28° West 258 feet to another hub driven into the ground designating the westerly corner of this parcel; thence turning and running North 70° East 305 feet to the first mentioned hub and place of beginning.

Meaning and intending to describe and convey the same premises conveyed to Michael A. Boccia, Trustee of the Michael Anthony Boccia and Valentina Hong Thanh Luong Trust from Fred F. King Jr Living Trust and the Beverly J. King Living Trust by virtue of a deed dated December 15, 2016 and recorded on December 16, 2015 in the York County Registry of Deeds at Book 17152, Page 537.

The property is not the residence of the grantor or the grantor's spouse and is not subject to homestead rights.

Executed this 3rd day of August, 2020.

Michael Anthony Boccia and Valentina Hong Thanh Luong Trust


Valentina Hong Thanh Luong, Trustee

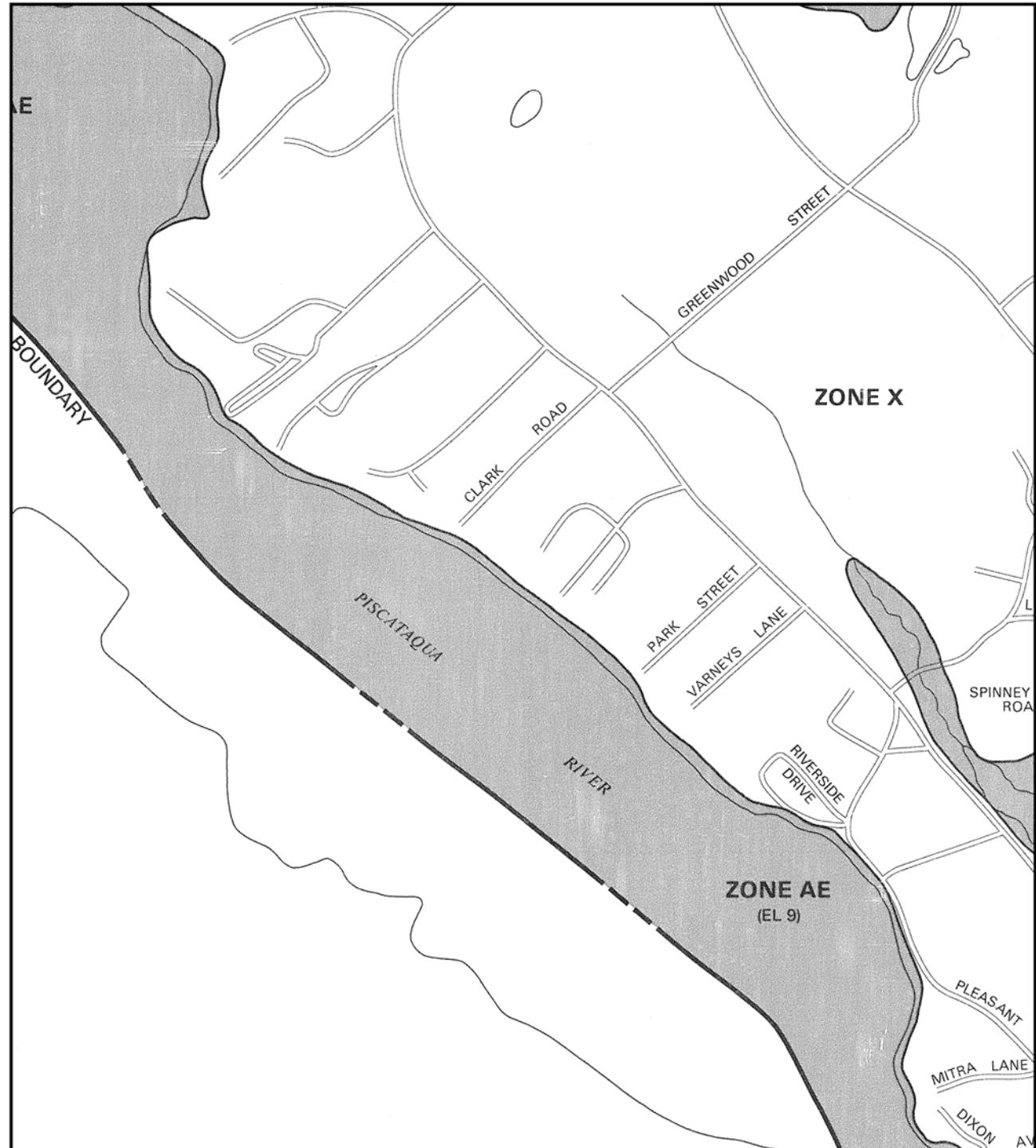
State of New Hampshire
County of Rockingham

August 3, 2020

Then personally appeared before me on this 3rd day of August, 2020, the said Valentina Hong Thanh Luong, Trustee of the Michael Anthony Boccia and Valentina Hong Thanh Luong Trust and acknowledged the foregoing to be her voluntary act and deed.

ELIZABETH A. MCWILLIAMS
Notary Public - New Hampshire
My Commission Expires
May 01, 2024

~~Notary Public/Justice of the Peace
Commission expiration: 5/1/2024~~



or depths have been established.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at (800) 638-6620.



APPROXIMATE SCALE

1000 0 1000 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**TOWN OF
ELIOT,
MAINE
YORK COUNTY**

PANEL 10 OF 10
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

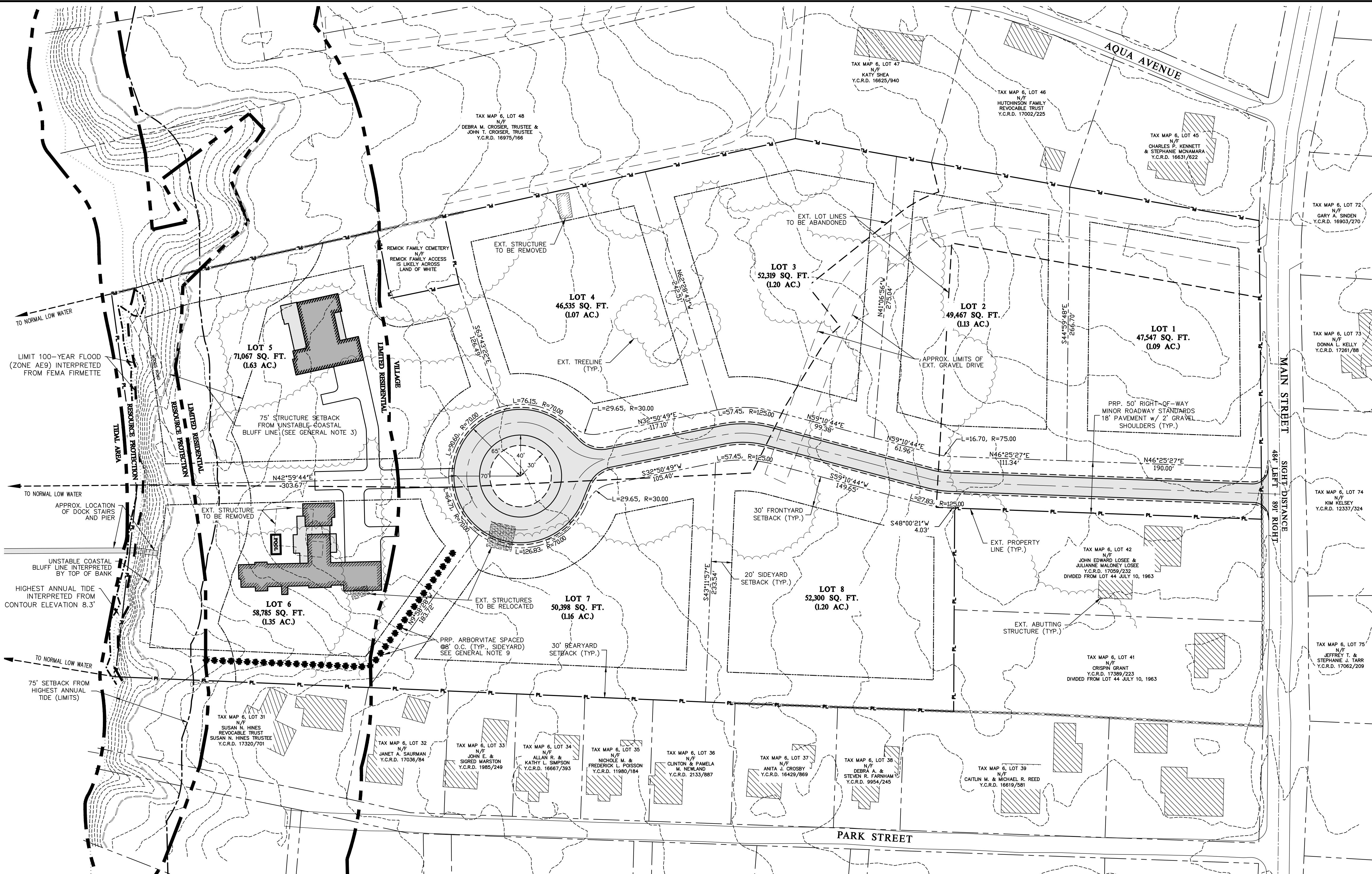
COMMUNITY-PANEL NUMBER
230149 0010 B

EFFECTIVE DATE:
JUNE 5, 1989

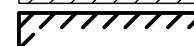


Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



OWNER OF RECORD:

LEGEND	
PROPERTY LINE	— PL — PL —
SETBACK	— - - - -
EXT. ABUTTER LINE	— - - - -
PRP. LOT LINE	— - - - -
CENTERLINE OF ROAD	— - - - -
EXT. GRAVEL	— - - - -
EXT. PAVEMENT	— — — — —
PRP. GRAVEL	— - - - - - - -
PRP. PAVEMENT	— — — — —
EXT. BUILDING	
PRP. BUILDING	
EXT. MAJOR CONTOUR	----- XXX -----
EXT. MINOR CONTOUR	----- XXX -----
EXT. TREELINE
TOWN ZONING BOUNDARY	[REDACTED]
COASTAL BLUFF BANK	[REDACTED]

PLAN REFERENCES

- TAX MAP 6, LOT 43:
MARK McNALLY
1381 ELWYN ROAD
PORTSMOUTH, NH 03801
Y.C.R.D. DEED BOOK 18327, PAGE 751

TAX MAP 6, LOT 44:
JESSE REALTY, LLC.
2552 LONGBOAT DRIVE
NAPLES, FL 34104
Y.C.R.D. DEED BOOK 17849, PAGE 563

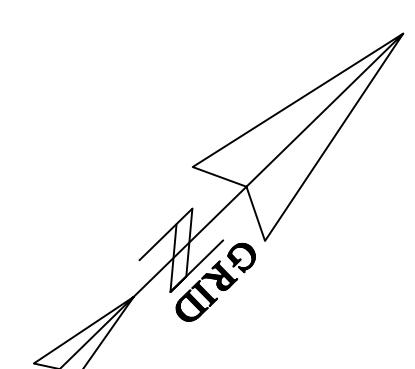
TAX MAP 6, LOT 154:
L.J.E. PROPERTY DEVELOPMENT, LLC.
2 PUNKIN TOWN ROAD, SUITE 340
SOUTH BERWICK, ME 03908
Y.C.R.D. DEED BOOK 18390, PAGE 922

9.) PROPOSED SIDEYARD VEGETATED SCREENING FOR LOT 6 SHALL BE INSTALLED AS PER §33-17.
PROPOSED PLANTINGS ARE DEPICTED ON THE PLAN SET. PROPOSED PLANTINGS ARE TO BE ARBORVITAE, 6'-HIGH AND SPACED AT 8' O.C. SELECTED ARBORVITAE SHALL BE OF A DEER-RESISTANT SUBSPECIES (THUJA - AMERICAN PILLAR OR APPROVED EQUAL).

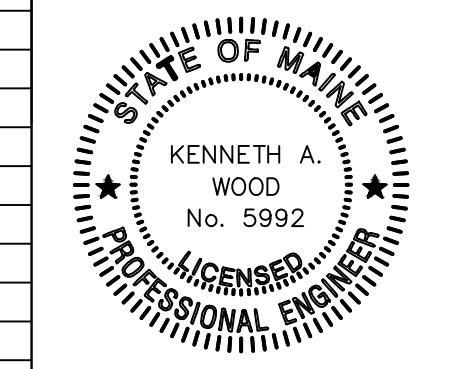
10.) THE PROPOSED DEVELOPMENT SHALL BE SERVICED BY MUNICIPAL WATER AND MUNICIPAL SEWER. ALL UTILITY MATERIALS, SIZES, AND CONSTRUCTION PRACTICES SHALL BE IN ACCORDANCE WITH THE KITTERY SEWER DISTRICT (KSD) AND KITTERY WATER DISTRICT (KWD).

11.) THE PROPOSED DWELLING DEPICTED ON LOT 6 IS SUBJECT TO THE FOLLOWING PERMITS:
BUILDING PERMIT #21-155, GRANTED 09/08/21
GROWTH PERMIT #21-012, GRANTED 08/09/21

GRAPHIC SCALE



TAX MAP 6 LOT 43 44 & 154



SKECH RESIDENTIAL SUBDIVISION PLAN
CLOVER FARM SUBDIVISION
MAIN STREET ELLIOT MAINE

MARK MCNALLY BUILDING MAINTENANCE, LLC.
1381 ELWYN ROAD

TAB ENGINEERING INC.

CIVIL ◆ STRUCTURAL ◆ MARINE
224 STATE ROAD • ELSTON, MAINE 04737

284 STATE ROAD - ELIOT, MAINE 03903
NE: (207)439-6023 FAX: (207)439-2128

APPROVED BY: DRAWN BY
MJS

REVISION DATE

-21 FILE: MAIN ST RES BASE.DWG SHEET: 1 C

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April 12, 2022

Mr. Michael J. Sudak, EIT
Civil Engineer
Attar Engineering, Inc.
1284 State Road
Eliot, Maine 03903

RE: TRAFFIC IMPACT ASSESSMENT FOR CLOVER FARM SUBDIVISION IN ELIOT

INTRODUCTION

This memorandum summarizes trip generation and traffic impact assessment for local Town of Eliot approval of the proposed Clover Farm Subdivision. The subdivision is to be located on the westerly side of Main Street in Eliot, Maine. Access is proposed via a single access drive to Main Street, centered between the existing Aqua Avenue and Park Street intersections.

Based upon the "Sketch Residential Subdivision Plan, Clover Farm Subdivision, Main Street, Eliot, Maine", prepared by Attar Engineering, Inc. and dated 4/12/2022, the currently proposed subdivision will provide for eight (8) single-family house lots.

TRAFFIC VOLUMES

Existing average annual daily traffic (AADT) data for Main Street was obtained from "Traffic Volume Counts, 2019 Reports", published by MaineDOT. This data is summarized below:

<u>Location Description</u>	<u>Average Annual Daily Traffic</u>	
	<u>2016</u>	<u>2019</u>
Main Street, northwest of Bolt Hill Road	1,400	1,290
Main Street, southeast of Pleasant Street (n. junction)	1,520	1,340

TRIP GENERATION ANALYSIS

The number of trips to be generated by the currently proposed residential development was estimated utilizing the most recent Institute of Transportation Engineers (ITE) "Trip Generation", 11th edition. Land use code (LUC) 210 – Single-Family Detached Housing was utilized on the basis of 8 dwelling units. The results are summarized below:

<u>Time Period</u>	ITE Trip Generation (one-way trip-ends)
	<u>Total Trips</u>
Weekday	76
AM Peak Hour	6
Entering	1
Exiting	5
PM Peak Hour	8
Entering	5
Exiting	3

Based upon the above analysis, the Clover Farm Subdivision will generate a limited number of new trips to Main Street. Six (6) one-way trips are projected for the AM peak with 8 during the PM peak hour. This is a reduction from the previously proposed subdivision, reviewed in my January 5, 2022 memorandum, which had 94 projected daily trips, 8 AM peak hour trips and 9 PM peak hour trips.

This level of traffic is not expected to have a significant impact on off-site traffic operations. Generally, a project will not have a significant impact unless it generates in excess of 25 new lane hour trips. The currently proposed single-family homes will generate a maximum of five (5) lane hour trips. Given this there would be no off-site impact on capacity. Additionally, given the daily volumes on Main Street there would be no existing capacity constraints. As a result, the remainder of this assessment will focus upon safety and standards.



SAFETY ANALYSES ACCIDENT REVIEW

The Maine Department of Transportation (MaineDOT) uses two criteria to determine high crash locations (HCLs). The first is the critical rate factor (CRF), which is a measure of the accident rate. A CRF greater than one indicates a location which has a higher than expected accident rate. The expected rate is calculated as a statewide average of similar facilities.

The second criterion, which must also be met, is based upon the number of accidents that occur at a particular location. Eight or more accidents must also occur over the three-year study period for the location to be considered a high crash location.

Updated accident data was obtained from MaineDOT for the most recent three-year period (2019 – 2021) for Main Street (Route 103) within the vicinity of the site; along Main Street from Moses Gerrish Farmer Road to Pleasant Street for a distance of 1 ¾ miles. The updated data is attached to this memorandum and summarized as follows:

Main Street Location Description	# of Acc.	CRF
Intersection of Clark Road	1	1.16
Between Greenwood Street and Aqua Avenue	2	1.32
Intersection of Aqua Avenue	1	1.13
Intersection of Pleasant Street	1	0.75
Between Pleasant Street and Pickering Drive	1	0.29
Intersection of Cross Street	1	0.95

As seen above, there are no high crash locations on Main Street (Route 103) in the vicinity of the site. A total of 7 crashes occurred along the study segment. Hence, no further accident review or evaluation is necessary. It is important to note that accidents have decreased from the previous 3-year period when there were 10.

DRIVEWAY SIGHT DISTANCE

One of the most important safety factors to consider for a project with limited trip generation is sight distance from the access drives. This sight distance is measured ten feet back from the edge of travel way at a driver's eye height of 3.5 feet to an object height of 4.25 feet. Sewall recommends a minimum of 300' of sight distance for the 30-mph posted speed limit on this section of Main Street.



MaineDOT Entrance Rules require a lesser minimum of 250'. Attar Engineering previously measured the drive sight distances and it is shown on the sketch plan. Based upon their measurements, sight distance will exceed 450' in both directions from the proposed drive so there are no sight distance concerns. It is important that no signage or landscaping be located in the driveway sight triangle which could obscure or limit the access drive sight distances in the future.

SITE PLAN REVIEW AND ACCESS MANAGEMENT

It is understood that the Town of Eliot has established an intersection spacing standard of 400' in their ordinance. The proposed access drive is located directly between Aqua Avenue and Park Street, maximizing spacing to both existing intersections. The plan provides approximately 350' of separation between the proposed access drive intersection to both Park Street and Aqua Avenue, nearly meeting the town spacing standard.

The proposed 350' intersection spacing was reviewed in regard to other Maine intersection and entrance spacing standards. Main Street in this area is classified by MaineDOT as a major collector roadway. MaineDOT intersection/drive spacing standards for higher level mobility arterials is 175' for 40 mph roadways. MaineDOT does not have a minimum spacing for 30 mph arterials. The proposed 350' far exceeds (is double) the MaineDOT standard for a higher level mobility arterial with higher speeds and higher volumes.

MaineDOT also has a corner clearance standard, applicable for driveway entrances in proximity to existing intersections. This minimum corner clearance is 125' for the highest level mobility arterial classification and only 75' for a drive adjacent to an unsignalized intersection, which is the case here. The proposed spacing to the access drive far exceeds these corner clearance standards.

The "Transportation Research Circular, Driveway and Street Intersection Spacing", published in 1996, discusses the following principles of access management:

- "Limit the number of conflicts
- Separate conflict areas
- Reduce interference with through traffic due to turns into or out of a site
- Provide sufficient spacing between at-grade intersection
- Maintain progressive speeds along arterial,
- Provide adequate on-site storage areas"

The resulting minimum intersection spacing guideline developed in this publication for a collector road with a 30-mph speed is 300'. Hence, the proposed 350' also exceeds this recommended standard.

SUMMARY

To summarize, the proposed Clover Farm Subdivision is expected to generate 6 one-way trips in the AM peak hour and 8 during the PM peak hour. This level of traffic will have no significant impact off-site beyond the access drive on capacity or traffic operations. Based upon the daily traffic volumes on Main Street in this area there are no existing capacity concerns. In terms of safety, there are no high crash locations within the vicinity of the site and sight distances from the proposed access drive will significantly exceed the recommended minimum.

The drive location has been centered to maximize spacing from both existing intersections, Aqua Avenue and Park Street. While the 350' spacing from each intersection does not meet the town intersection spacing of 400' it far exceeds MaineDOT spacing standards for higher volume, higher speed, and higher-level mobility arterials. Hence, it is my professional opinion that the spacing and offset from the adjacent intersections is more than adequate to provide for both safe and convenient site access.

As always, please do not hesitate to contact Sewall if you or the Town of Eliot have any questions or concerns regarding my findings or recommendations.



Sincerely,



Diane W. Morabito, P.E. PTOE
Vice President Traffic Engineering

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I Section Detail Crash Summary II 1320 Public 1320 Private 1320 Summary

REPORT DESCRIPTION

Eliot

Rte. 103/Main St. from Moses Gerrish Farmer Rd. to Pleasant St.

REPORT PARAMETERS

Year 2019, Start Month 1 through Year 2021 End Month: 12

Route: **0103X**

Start Node: **66293**

Start Offset: **0**

Exclude First Node

End Node: **54444**

End Offset: **0**

Exclude Last Node

Maine Department Of Transportation - Office of Safety, Crash Records Section

Crash Summary I

Node	Route - MP	Node Description	Nodes												
			U/R	Total Crashes	K	Injury	Crashes	Percent	Annual M	Crash Rate	Critical Rate	CRF			
					A	B	C	PD	Injury	Ent-Veh					
A51490	0103X - 4.61	Int of MAIN ST MAST COVE RD	1	0	0	0	0	0	0.0	0.000	0.00	0.00	0.16	0.00	
											Statewide Crash Rate:				
51458	0103X - 5.06	Int of CLARK RD MAIN ST	1	1	0	0	0	0	1	0.0	0.423	0.79	0.68	1.16	
											Statewide Crash Rate:				
51461	0103X - 5.31	Int of AQUA AV, MAIN ST	1	1	0	0	0	0	1	0.0	0.434	0.77	0.68	1.13	
											Statewide Crash Rate:				
51464	0103X - 5.67	Int of BOLT HILL RD MAIN ST	1	0	0	0	0	0	0	0.0	0.637	0.00	0.64	0.00	
											Statewide Crash Rate:				
51463	0103X - 4.85	Non Int MAIN ST	1	0	0	0	0	0	0	0.0	0.377	0.00	0.69	0.00	
											Statewide Crash Rate:				
51466	0103X - 5.70	Int of MAIN ST PLEASANT ST	1	0	0	0	0	0	0	0.0	0.626	0.00	0.65	0.00	
											Statewide Crash Rate:				
P54446	0103X - 5.16	Int of GREENWOOD ST MAIN ST	1	0	0	0	0	0	0	0.0	0.476	0.00	0.67	0.00	
											Statewide Crash Rate:				
57351	0103X - 4.71	Int of MAIN ST PARMLEY LN	1	0	0	0	0	0	0	0.0	0.379	0.00	0.69	0.00	
											Statewide Crash Rate:				
A51459	0103X - 5.15	Int of MAIN ST NNA	1	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00	
											Statewide Crash Rate:				
54444	0103X - 6.36	Int of MAIN ST PLEASANT ST	1	1	0	0	0	0	1	0.0	0.714	0.47	0.63	0.00	
											Statewide Crash Rate:			0.75	
51462	0103X - 5.44	Int of MAIN ST PARK ST	1	0	0	0	0	0	0	0.0	0.474	0.00	0.67	0.00	
											Statewide Crash Rate:				
P66293	0103X - 4.60	Int of MAIN ST MAST COVE RD MOSES GERRISH FARMEI	1	0	0	0	0	0	0	0.0	0.448	0.00	0.68	0.00	
											Statewide Crash Rate:				
60253	0103X - 6.07	Int of MAIN ST PICKERING DR	1	0	0	0	0	0	0	0.0	0.497	0.00	0.67	0.00	
											Statewide Crash Rate:				
51451	0103X - 6.16	Int of CROSS ST MAIN ST	1	1	0	0	0	1	0	100.0	0.527	0.63	0.66	0.00	
											Statewide Crash Rate:			0.95	
Study Years: 3.00			NODE TOTALS:		4	0	0	0	1	3	25.0	6.012	0.22	0.37	0.59

Crash Summary I**Sections**

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	K	Injury A	Crashes B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
51490	66293	3129136	0 - 0.01	0103X - 4.60 ST RTE 103	0.01	1	0	0	0	0	0	0	0.0	0.00004	0.00	-337.53	0.00
Int of MAIN ST	MAST COVE RD														Statewide Crash Rate: 214.77		
51490	57351	3113628	0 - 0.10	0103X - 4.61 ST RTE 103	0.10	1	0	0	0	0	0	0	0.0	0.00038	0.00	894.86	0.00
Int of MAIN ST	MAST COVE RD														Statewide Crash Rate: 214.77		
51463	57351	3113623	0 - 0.14	0103X - 4.71 ST RTE 103	0.14	1	0	0	0	0	0	0	0.0	0.00052	0.00	849.54	0.00
Non Int MAIN ST															Statewide Crash Rate: 214.77		
51458	51463	3121231	0 - 0.21	0103X - 4.85 ST RTE 103	0.21	1	0	0	0	0	0	0	0.0	0.00080	0.00	776.98	0.00
Int of CLARK RD	MAIN ST														Statewide Crash Rate: 214.77		
51458	51459	3122761	0 - 0.09	0103X - 5.06 ST RTE 103	0.09	1	0	0	0	0	0	0	0.0	0.00037	0.00	897.56	0.00
Int of CLARK RD	MAIN ST														Statewide Crash Rate: 214.77		
51459	54446	3118773	0 - 0.01	0103X - 5.15 ST RTE 103	0.01	1	0	0	0	0	0	0	0.0	0.00004	0.00	-411.79	0.00
Int of MAIN ST	NNA														Statewide Crash Rate: 214.77		
51461	54446	3113621	0 - 0.15	0103X - 5.16 ST RTE 103	0.15	1	2	0	0	0	0	2	0.0	0.00061	1089.14	823.45	1.32
Int of AQUA AV,	MAIN ST														Statewide Crash Rate: 214.77		
51461	51462	3113620	0 - 0.13	0103X - 5.31 ST RTE 103	0.13	1	0	0	0	0	0	0	0.0	0.00056	0.00	839.60	0.00
Int of AQUA AV,	MAIN ST														Statewide Crash Rate: 214.77		
51462	51464	3113622	0 - 0.23	0103X - 5.44 ST RTE 103	0.23	1	0	0	0	0	0	0	0.0	0.00108	0.00	723.60	0.00
Int of MAIN ST	PARK ST														Statewide Crash Rate: 214.77		
51464	51466	3132357	0 - 0.03	0103X - 5.67 ST RTE 103	0.03	1	0	0	0	0	0	0	0.0	0.00018	0.00	914.82	0.00
Int of BOLT HILL RD	MAIN ST														Statewide Crash Rate: 214.77		
60253	51466	3115169	0 - 0.37	0103X - 5.70 ST RTE 103	0.37	1	1	0	0	0	0	1	0.0	0.00181	184.61	635.40	0.00
Int of MAIN ST	PICKERING DR														Statewide Crash Rate: 214.77		
51451	60253	3139076	0 - 0.09	0103X - 6.07 ST RTE 103	0.09	1	0	0	0	0	0	0	0.0	0.00045	0.00	872.58	0.00
Int of CROSS ST	MAIN ST														Statewide Crash Rate: 214.77		
51451	54444	3113619	0 - 0.20	0103X - 6.16 ST RTE 103	0.20	1	0	0	0	0	0	0	0.0	0.00105	0.00	728.47	0.00
Int of CROSS ST	MAIN ST														Statewide Crash Rate: 214.77		
Study Years: 3.00				Section Totals:	1.76		3	0	0	0	0	3	0.0	0.00789	126.76	439.04	0.29
				Grand Totals:	1.76		7	0	0	0	1	6	14.3	0.00789	295.78	485.37	0.61