

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION

DATE:

Tuesday, June 21st, 2022

PLACE: TOWN HALL/ZOOM

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) April 5th, 2022 ~ May 17th, 2022 – if available
- 6) **NOTICE OF DECISION**
- 7) **ELECTION OF OFFICERS**
 - a) Chair, Vice Chair, Secretary
- 8) **PUBLIC HEARING**
- 9) **NEW BUSINESS**
 - a) 155 Harold L. Dow Highway (Map 29/Lot 24 & 25), PID # 029-024-000 and 029-025-000), PB22-10: Site Plan Review and Change of Use – Marijuana Products Manufacturing Facility – Sketch Plan Review
 - b) Review Election Results
- 10) **OLD BUSINESS**
 - a) 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
- 11) **CORRESPONDENCE**
 - a) Town Planner update – written or verbal – if available
- 12) **SET AGENDA AND DATE FOR NEXT MEETING**
 - a) June 28th, 2022
 - b) Upcoming Planning Board Schedule and Submission Deadlines
- 13) **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: **820 8728 8774 #**
 2. When prompted to enter Attendee ID **press #**
 3. When prompted enter meeting password: **624233 #**
- c) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.
- d) Press *9 to raise your virtual hand to speak


Carmela Braun – Chair

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

1 **ITEM 1 - ROLL CALL**

2
3 Present: Carmela Braun – Chair, Jeff Leathe – Vice Chair, Lissa Crichton – Secretary,
4 Jim Latter, and Christine Bennett.

5
6 Also Present: Jeff Brubaker, Town Planner; Kearsten Metz, Land Use Administrative
7 Assistant; Attorney Phil Saucier.

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

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

13
14 **ITEM 3 – MOMENT OF SILENCE**

15
16 **ITEM 4 – PLANNING BOARD TRAINING (5:05 PM to 6:00 PM)**

17
18 **A. Introductions**

19
20 Ms. Braun invited Mr. Sullivan to speak.

21
22 Mr. Sullivan said that I just wanted to introduce myself and to tell you how much I
23 appreciate your work, recognize how difficult your work is and admire the time and
24 effort that you put in to it. You've really been a great Board and will continue to be a
25 great Board. I also have to say I appreciate having the opportunity to work with Ms. Metz
26 and Mr. Brubaker. Mr. Brubaker is an incredibly talented, very bright, and incredibly
27 dedicated. As I and the Chair have had discussions, sometimes we have to make sure that
28 we don't give him too much work to do because he will take on all kinds of work. He's
29 really good at it. So, I really appreciate, Mr. Brubaker, working with you and, Ms. Metz,
30 working with you. We have a really great team, here. To bring up a sore subject this time
31 of year, I do want to remind people that it is budget season. We need to have people come
32 out and vote and I hope that people will vote for the SB budget. We've built into it
33 money for training not only for the Planning Department but for other departments in
34 different aspects. We've been very careful about not announcing a slate of trainings
35 because, if we don't get the money, it only defeats the morale of the employees. We want
36 to make sure we're careful with that. We also need to adjust some salaries and make us
37 more competitive with other communities. We don't want to lose good employees and
38 you have some great employees in your department to other communities. My friend, Ms.
39 Metz, is sitting on an interview process for land use for Rye, NH. She was invited as she
40 is seen as the guru of the Seacoast land use assistant program. I was happy to lend her to
41 that effort over in Rye and I just reminded the Town Manager in Rye that she couldn't
42 ask her to apply. I'm willing to loan her to them. I'm not willing to gift her to them. So,
43 we really need to realize how important it is to invest a little bit more in Eliot. In my
44 budget there's investments in roads. The Budget Committee doesn't agree with me on
45 that and that's okay. I think we need to invest more in the infrastructure but we also need
46 to invest more into the most important aspect of government and that's the human capital

47 we have in this building. All your friends, I hope you encourage them to go out and vote
48 the 14th of June and vote for the SB budget. With that, I wish you great success tonight
49 and thank you vary much, Madam Chair for allowing me to say a few words. I've
50 enjoyed the ride for the first six months. This is the last few weeks of my probationary
51 period. I haven't heard any rumors but if you hear anything let me know. Have a great
52 night.

53
54 Mr. Brubaker said that I second all that Mr. Sullivan said. I appreciate all of the work you
55 guys are putting in as volunteer civil servants for the Town. So, I second that appreciation
56 and I also second his praise for Ms. Metz. Thank you for all you do, Ms. Metz. There is
57 so much that she does for the PB but there's also so much that she does that you don't
58 see. Thank you for all the grub, too.

59
60 Ms. Crichton thanked Mr. Brubaker for all he does. You keep us all in line, keep us on
61 the right track, steer us back in when we go way out. It's greatly appreciated.

62
63 Mr. Brubaker said that I'm grateful to work here and we have a lot of exciting things
64 we've got upcoming, some of which we are going to talk about tonight. With that, unless
65 there is anybody else that wanted to say something, we will turn it over to our esteemed
66 legal counsel, Phil Saucier.

67
68 **B. Presentation by Bernstein Shur (Attorney Phil Saucier)**

69
70 Attorney Saucier said that I'm going to review, sort of, the following three buckets. I'm
71 going to talk about the PB's jurisdiction, what it is this Board is given jurisdiction to
72 review. I'm going to talk a little bit about conflicts of interest and I'm going to talk about
73 FOAA (Freedom of Access Act), which includes things like what we can talk about in
74 and out of meetings and site visits. These are some components of FOAA. Before we get
75 into those three, when I do these trainings with boards, I like to go over what I call some
76 general primers for public officials. It's an honor to serve on a town board and it's also a
77 responsibility and it's good, sometimes, to remember the responsibilities that were given
78 to you. Really, the way I look at it is to uphold citizens trust in the process of
79 government. For you, it's land use applications, for other boards it will be different
80 topics, but the idea being that people in your Town will have a sense that there's fairness
81 when applications are before you, that you're reviewing them with all sincerity and
82 civility, and giving people the opportunity to speak and participate. That goes a long way
83 to having people then trust in your decisions, even if they disagree with them. And that's
84 a big part of service, I think, on a board. In doing that, we all recognize that you don't let
85 your personal feelings or priorities influence your decision in an application. Instead, you
86 have a fiduciary duty to serve the Town and apply the ordinances as enacted by your
87 Town Meeting. That's your job. I've served on a number of boards myself, a zoning
88 board. I'm currently on a board of education. I've been on a conservation committee. I've
89 not always agreed with the ordinances, as they apply, particularly when I was on the
90 board of appeals but it's your job to apply them as written. If people don't like the
91 ordinances, then you can direct them to the Board of Selectmen and then the Town
92 Meeting to see if you can change those ordinances but, as they are today, that's how you

93 have to apply them. I don't need to tell this board, just hearing the introduction you guys
94 get along pretty well, but civility in today's world is an increasingly important thing.
95 Again, for government and trust in government and decorum in the process. It's always
96 important for people to feel like they're being heard, both an applicant and people who
97 oppose projects. If the process is civil and you work through the procedural aspects in
98 sort of a dispassionate way, people feel like at least there's a process they can trust and
99 that sometimes goes a long way in avoiding appeals and costly litigation, which
100 unfortunately, that's when we're called in to help in a town. Our jobs, as municipal
101 attorneys, is to prevent that from happening as much as we can, and I think civility goes a
102 long way. Board proceedings are almost always public under Maine's Freedom of Access
103 Act so everything you do, and I'm going to get into this in a little more detail in a minute
104 when I go over the FOAA, just as tonight people could be coming into this room if they
105 wanted to and listen to this training. But that doesn't mean that there is unlimited
106 participation by members of the public. So, there are usually rules and you can enforce
107 those rules, particularly for example if you have a controversial decision that a lot of
108 people want to participate in. You're certainly able to limit the time periods that people
109 could speak, for example, and prohibit sort of unduly repetitious testimony. But people
110 can certainly come and watch and participate under the rules that you have. In that sense,
111 I always say, however, that I do think that deference to providing more time is often a
112 good thing. When the process feels rushed, that sometimes leave people to think that you
113 hadn't heard all the issues or thought through the issues or, perhaps, there was already a
114 predisposition to a decision. So, if it feels like you need more time, then take it if you're
115 able to. One of my mentors once told me that her philosophy was 'more process was
116 better process'. That sometimes can be frustrating because it means it can make things
117 take longer but, again, I think it's always better to defer on the side of allowing people to
118 participate. A general principle on that participation is that you really need to base your
119 decisions on applications on materials and evidence that's presented to you as part of that
120 application an avoid or bringing in additional materials or testimony on your own. As a
121 board member, think of yourself as sitting like a judge. A judge doesn't go out and do
122 their own research about the facts. The facts and evidence are presented to you and then
123 you decide. That's important for a couple of reasons and a difficult concept, sometimes,
124 for some boards members to understand because I get the fact that you may be curious or
125 you may disagree, for example, with some facts that are being presented to you. You may
126 want to go out and do your own research but a fundamental component of these types of
127 decisions is something we call due process. In essence, what due process means is there's
128 a procedure, there's process, around the application that everyone has the ability to hear
129 and participate in so everyone deserves the same information. A way to think about is
130 that an applicant presents information to you. Any opponent can see and hear that
131 information and then present alternative arguments on why they disagree and then the
132 applicant can respond to that. But, if you do your own research and inform your decision
133 that way, that doesn't give anyone the opportunity to actually rebut what you may have
134 found or enough notice to really think about it. So, that's one of the reasons why we don't
135 do that. At the end of the day, it's also an application and you just hear applications, you
136 don't go out and do your own investigation. One thing on that is that we are all human
137 and we all come to our jobs with our own personal backgrounds and information. If
138 you're a real estate agent, you can't ignore the fact that you know how much properties

139 cost, and that sort of thing. If you're an engineer, you know how certain systems work.
140 It's not that you have to ignore your personal backgrounds, it just that you shouldn't go
141 outside and start digging around. Before I go into jurisdiction, I'm going to pause and see
142 if anyone has anything to add, here.
143

144 Ms. Bennett said that it was good that you clarified that you can come with your own
145 knowledge, your own expertise or professional background. But you mentioned this due
146 process, we get this information from the applicant and you mentioned that someone
147 opposed can something they could provide as their own evidence or rebuttal to that
148 information provided. When does that opponent or public get to do that.
149

150 Attorney Saucier said that, typically, there is a public hearing portion of any application
151 so members of the public get to speak after the application is presented. Typically, the
152 way it works in a PB context is that an applicant applies for some kind of approval, such
153 as a site plan, and those materials are available ahead of time for anyone to see; that they
154 are filed in the Planning Office. The applicant gets to present their case because they're
155 the ones asking for something, then the board can ask questions, and then there's a public
156 portion where the public gets to stand up and you get to hear from members of the public.
157 If you're someone that dislikes it so much that you might be inclined to appeal it to
158 Superior Court, for example, which would be the next step after PB, it's actually a
159 prerequisite to appeal a PB decision that you participated in the underlying decision. So,
160 you have to set that marker, you have to stand up and say something to show that you
161 participated or submit a letter if you are unable to show up in person and say why you
162 couldn't participate. So that's the way the public typically gets to weigh in.
163

164 Ms. Bennett said that a lot of times the public hearing is the same evening we're going to
165 make our decision. The public hearing feels very pro forma; that the public gets to come,
166 they get to talk about why they're opposed or ask questions, but it's not really part of our
167 decision process. They get to do that and then I guess they get to appeal. Is that correct.
168

169 Attorney Saucier said that that's right. Testimony is considered evidence. I know you're
170 sort of quick and have to react in the moment but you are able to take testimony as part of
171 your evidence and to help you form a decision on an application. And to the extent that
172 someone says something or presents something to you that raises questions, that may be a
173 reason for you to say you need one more meeting and let's table it. You obviously don't
174 want to do that for a long time. You have to make a decision at a certain point and it's
175 only fair to the applicant, as well. But there are certain times when you just think you
176 might need more time and you'd like the applicant, for example, to respond to some
177 questions. Something you've heard, for example, has led you to believe you want a little
178 more information. Like, for example, maybe someone is challenging someone's right,
179 title, or interest to develop something on a property and you don't have enough in front of
180 you to really make even a baseline determination that I'm going to get into that you have
181 to grant. You may say that this is a question for me and rather than potentially having to
182 deny it I'd like to hear a little bit more from the applicant. So, that's the kind of thing you
183 can do if you hear something from the public but, certainly, you should listen to them

184 and, to the extent you're able to react in the moment, do it. If you need more time,
185 suggest you need more time.

186
187 Ms. Bennett asked if they are allowed to provide testimony earlier in the process because
188 what we're talking about is that we're moments away from a decision. Or maybe one
189 meeting away from a decision that could now span months. Are they allowed to submit
190 information in writing.

191
192 Attorney Saucier said yes. Typically, I'll see that in a lot of communities. People
193 certainly do write in. I think Mr. Brubaker would say that people in Eliot do submit in
194 writing ahead of time and to the extent they're able to get it in in time before a packet
195 goes out, for example, or before the meeting, and is distributed. You will see sometimes,
196 and I'll admit I'm one of these offenders in the few times I represent private entities,
197 because of timing, or whatever, you don't get your letter written until the day of the
198 hearing. That actually frustrates board members quite often because sometimes you will
199 write something substantive and the board will not have time to read it. The board will
200 take it, it will be officially part of the record, but really may not get considered in much
201 detail. And that's a risk I think people really run if they want to get something before the
202 board, to get something in a timely way and, if not, it's really too late for you to think
203 about it. I have seen certain information submitted, though, that was enough even though
204 the board didn't really have a chance to consider it, to say that they wanted one more
205 meeting to digest it. So, I guess you take it on a case-by-case basis.

206
207 Mr. Brubaker said that when I or Ms. Metz received correspondence, we try to either
208 include it in the packet or email it to you.

209
210 Ms. Braun said that I often do recognize members of the public that have something to
211 say at a non-public hearing meeting, even though we can't do anything about it; that at
212 least we have the information

213
214 Attorney Saucier said that that's a good practice.

215
216 Attorney Saucier said that the first thing I want to talk about is something called
217 '**jurisdiction**'. The reason that's important is because every board can only act in a way
218 that some authority, some law or ordinances, give them the authority to act. For example,
219 your board has no authority to send a budget warrant to the Town Meeting. That's not
220 something that the Charter or the ordinance does, so you wouldn't be able to do that. All
221 you can do is what the statutes and ordinance has given you the authority to do. What you
222 have, interestingly enough for planning boards, they aren't mentioned that much in Maine
223 municipal statutes, unlike boards of appeal. Boards of appeal are a required type of board
224 if you have a zoning ordinance and there are a couple of specific statutes that govern
225 boards of appeal. There's no such statute for planning boards so planning boards are
226 really a creature of the local municipality in terms of what kind of jurisdiction you have.
227 Planning boards are mentioned a couple places in State law and I want to point those out
228 to you. It's typically called a 'municipal reviewing authority'. The first one is subdivision
229 review. In State law, subdivision review is required in every town and it says that the

230 municipal reviewing authority must review subdivisions and you are the municipal
231 reviewing authority for Eliot. The planning board also has to hold public hearings before
232 any zoning or shoreland zoning ordinance or amendment is enacted so you're the official
233 hearing body, if you will, for any zoning amendment. You've probably sat in that role
234 before; that I knew Mr. Brubaker has been doing a very good job going through your
235 ordinances and you guys recommending some changes. Your job is literally to just hold
236 the hearing, under the law, and then you typically have recommendations that go up to
237 the Select Board. Then finally, there is a provision for appeals to planning board, which is
238 relatively new, and is 30 days from your vote; so, appeals to superior court or, in towns
239 that allow, appeals to the zoning board. Your local rules, your Charter and local
240 ordinances, also give you a little more specificity. You have jurisdiction over site plan
241 review, subdivisions (through State law), and make recommendations on land use articles
242 under the Charter, so your recommendations actually appear on the warrant articles. I
243 only bring that up because some towns start to do things they have no jurisdiction to do
244 and I get those questions somewhat frequently. We then have to go and basically undue
245 the whole process because the board didn't have the authority to do what they did; that it
246 has no meaning but creates a lot of confusion for people. So, you kind of stick to what the
247 ordinances tell you that you have the authority to do and, in this case, it's subdivisions
248 and site plan review for the most part. There are some other small areas. **'Standing'**. This
249 came up and I know this is a question you guys had. So, first you look at jurisdiction and
250 then you look to see if an applicant has standing to appear before you. For an applicant to
251 stand before you to ask for a permit they have to have something we call sufficient right,
252 title, or interest. What that means is, and this is a quote from a court case, "You have a
253 legally cognizable expectation of having the power to use the property in the ways that
254 would be authorized by the permit if you were to be approved". So, for example, if you
255 want to build a house then you have the authority to build a house on that land. If you
256 want to build a road, you have an easement or you have the fee interest. That sort of
257 thing. This has gotten a little more complicated, and I'm going to try to not make it
258 complicated for you but, up until a couple years ago, I would say this to you – you have
259 no authority to decide disputes over title. People will come to the board and they will
260 make those arguments in front of you. For example, a boundary dispute, an easement
261 dispute (how much someone can use an easement versus not). Those are considered
262 private property disputes that the board has no authority or jurisdiction to hear. Only a
263 court can decide title questions and ownership of title questions. What the board can do if
264 someone presents a deed, you can take that at face value unless there's some obvious
265 reason, like someone comes in and says that was actually transferred over and here's the
266 deed that shows the opposite. If you just have a deed, a lease, an options contract (ex:
267 option to buy a piece of land) is sufficient. A purchase and sale agreement is considered
268 sufficient for right, title, or interest. It's got to be some form of document that gives
269 someone the approval to move forward with something on the land for what they're
270 asking for. You'll see option contracts as an example quite often, particularly with larger
271 developers because people don't want to spend all the money if they don't get a permit.
272 You'll see that they just have an option contract purchase and sale agreement that is
273 contingent upon receiving local approvals. But that is consider right, title, and interest
274 because it's a binding contract that they have with the underlying landowner. So, you
275 have no jurisdiction to decide private restrictions and disputes. Another area where this

276 comes up, and it often comes up through the planner's office to me, is that people often
277 bring up that there are private declarations or deed restrictions that may prohibit someone
278 from doing something that they are asking you for and, again, that's a private issue.
279 Think of it this way – there's a public regime, public law, which is what we're doing, and
280 then there may be private contractual restrictions on someone's land. That's separate. The
281 Town is not a party to those contracts and, so, we have no duty or ability to enforce them.
282 That can be very complicated, for good reason, to landowners and opponents to the
283 projects but the courts have been very clear on that. Private contracts and restrictions are
284 separate and distinct from zoning. We only have the authority to do zoning. So, you can
285 come get approval to build a subdivision, for example, but maybe there's some covenant
286 on the land and you may not be able to do it because there is a private dispute but the
287 Town is not a party to that. Are there any questions on standing before I move forward.
288 I'm going to say one more thing because I started by saying my advice has changed a bit
289 in the last two years and I don't want to go into too much detail because it would get
290 confusing. There was a case out of the Town of Castco relatively recently called
291 *Tomasino v. Town of Castco*. In that case, it was a dispute over an easement. So, the
292 dispute was whether the person who was applying for a driveway permit had the ability
293 to remove trees in a way that they needed to get the driveway to build their house. The
294 underlying landowner with the easement sat on top of said no they do not. They do not
295 have the ability to remove these trees or make it too wide. The board of appeals in that
296 case said that they don't have sufficient right, title, or interest or at least there's enough of
297 a question, here, because they're arguing about it. Before the easement came down, I
298 would have said that they have an easement that says they can travel on it and that's
299 probably enough. What the Maine Supreme Court has said, not, is if there is a dispute
300 like that that brings into question the ability of someone to use the land (again in the way
301 they are asking the board to), then the board should basically stop or deny the permit until
302 the private property dispute goes to court and they settle it outside of court and deal with
303 it outside of court. Then they can come back to you once there's a ruling from the court.
304 That's not just anyone so, in other words, so I don't think that's anyone who has a
305 question about someone's title. It's when you have a legitimate dispute between two
306 owners of a piece of land that the board may say that this is too close and, under that case
307 we're not a title court, not a court of law, so you guys are essentially going to have to get
308 a court order that says you have the ability to use the property in the way that you're
309 asking us to give you permission for. That's the kind of thing that Mr. Brubaker would
310 bring to my attention and you may not have to worry about that too much if that sort of
311 thing comes up. I did just want to point that distinction out. A quick review about
312 **conflicts of interest**. This is a very important part of serving on a board. There is one
313 statute in Maine law that applies to municipalities – 30A M.R.S.A. §2605 – and that's the
314 Financial Conflict of Interest Statute. What that statute says is, that it is sort of black
315 letter law that it is presumed that an official or deciding party is self-interested in
316 connection with decision-making if you have a financial or pecuniary conflict of interest
317 as defined by what we call the 10% Rule. I think you have a paper I presented so I'm not
318 going to go over this in a lot of detail. But, in short, if you're an officer, director, or
319 shareholder of a private corporation in which the subject of the body, like a company is
320 applying for something from you and you are an officer of that and you have at least 10%
321 ownership, then you are per se financially conflicted and you need to step down.

322 Otherwise, it could taint the entire process. That's the easy way because it's pretty clear.
323 There's a test. What's not as clear is when you have what we call an indirect conflict or
324 an appearance of a conflict of interest, which the statute also requires municipal officials
325 to avoid. For example, an indirect financial interest might be something less than 10% so
326 you're a 5% owner or a high-level manager of a company that's before you. You may get
327 some financial benefit, for example, if that company moved forward and built their new
328 facility. Even if you don't meet that direct test, it's probably a good idea, to uphold the
329 process, for you to step down in this particular case because you're too close to the
330 company in a financial way. You have to avoid the appearance of conflict. That also is a
331 little more gray and that goes to potential bias or predisposition that you may have, and
332 I'll give you the easy and the hard. The easy is that you have a project coming into town
333 and you are one of the people going around circulating petitions to stop the process. And
334 I've seen that happen while you're also sitting on the planning board. So, you are
335 publicly predisposed. You've told people you don't want this to happen even if they meet
336 the standards of the ordinance. So, you should step down to avoid the appearance of a
337 conflict and the tainting of the process. The harder one is an internal bias that only you
338 know. If you just don't like a particular type of industry, you don't like that particular
339 person, and you're inclined to vote against it for those reasons and not because they
340 didn't meet the standards in the ordinance, for example. That's a question only you can
341 answer for yourself but, if you feel that way, that's another reason why you should step
342 down. Particularly because someone could know that and they could raise that in the
343 future. You might have said something to someone or that kind of thing. The other type
344 of conflict of interest is familial, or family, conflict of interest. This is another what we
345 call per se conflict of interest, which just means there is a conflict. There is no question.
346 You're not supposed to sit on an application of anyone who is essentially second cousins,
347 inclusive; second cousins or closer. In family law, we call it 'consanguinity to the sixth
348 degree'. In shorthand, it just means if you are second cousins or closer, your uncle, your
349 husband, your wife, kids, that sort of thing, you should step down, even if you feel you
350 can be unbiased. It's just a per se conflict because people may not believe you when you
351 say you're unbiased and it's your own family. The process if there is a conflict – if there
352 is a perception of a conflict but you think that you can participate (you might just know
353 the person), and this happens in Maine all the time, as it is unavoidable, but you just point
354 out that you go to church with that person, for example, you're friendly with him but you
355 don't know anything about this application and, in your view, you can review this in an
356 unbiased way without predisposition. You don't think there's a conflict and then you ask
357 members of the board to vote on that to allow you to do that. That's how you handle that
358 if there's an appearance, that you really do think you can be unbiased in the way that you
359 sit on the application. The final thing I'll mention on this is that the consequence is, if
360 you do sit and you do have a conflict of interest or bias, the consequences of the action
361 could be voidable if appealed. Your vote could be completely undone, even if it's only
362 one member. It's considered tainting the whole process and the court could overturn it if
363 you meet one of these standards. You will see that you have to preserve that, for the most
364 part, so you will sometimes here, particularly if it's an attorney who opposes it, they will
365 allege there is a conflict, even if you move forward with the application and you sit there.
366 They are preserving that argument to raise in the court in the future. So, if you hear them
367 make a point of it and you say let's move on, the reason they are doing that is because

368 they have to preserve the fact that they think there's some sort of bias, predisposition, or
369 conflict in the hearing. That's all I have on conflicts. Are there any questions on that.
370 There were none.

371
372 Attorney Saucier said that I'm going to move into the **Freedom of Access Act (FOAA)**.
373 Everyone's favorite topic. As I mentioned to Mr. Brubaker, the legislature just last year
374 amended the FOAA statute to require planning boards to get training. There's always a
375 training requirement for elected officials and certain other officials but they just expanded
376 it to require planning board members, CEOs, and some others to now have training. So,
377 this will qualify as your training, which has to cover a general review of the law. I would
378 direct you to this, if you have any questions on this, that on the Ombudsman's page, a
379 division of the Attorneys General Office, there's a person in that office whose job is to
380 work with public officials and members of the public on FOAA-related questions and
381 issues. There's an FAQ on there on some various topics and just reading that FAQ
382 technically complies with the training requirements. So, if you have any additional
383 questions, I'd go back and look at that FAQ, as they go through some highlights of issues
384 that may come up. Maine's FOAA is our general law. In other states, it's called the
385 'Sunshine Law' or, under federal law, it's called FOIA (Freedom of Information Act).
386 The Declaration of Intent is that public proceedings exist to aid in the conduct of the
387 people's business. It was the legislature's intent that actions be taken openly and records
388 are open to public inspection and people can hear and watch your deliberations. This law
389 says specifically that this law shall be liberally construed and applied throughout its
390 intents and purposes. That's a directive to courts actually, so, if there's every any
391 challenges in the courts, the legislature said that this shall be liberally applied, which
392 means on the side of openness in public access. The law is basically broken up into two
393 segments – public proceedings or meetings and public documents. Public meetings
394 covers any public body you can think of from the legislature, its committees and
395 subcommittees, any boards and commissions of the State, any boards or commissions of
396 any municipality or county, and some other entities, like Maine Municipal Association
397 (MMA) and even Maine Public Broadcasting Station. It's very specific on who it applies.
398 For your purposes, anything in the Town, any meeting in Town of a board or
399 commission, or any other kind of group, is a public meeting. People can come to it. It
400 does not apply to staff meetings and things like that. It's the citizen board. There's an
401 open meeting requirement, meaning it's always open unless you can fall under one of the
402 executive session provisions, which rarely apply to planning boards but, sometimes, it
403 does happen from time to time. The courts have actually, with a case up in Wiscasset,
404 reaffirmed the right of planning boards to have executive sessions; that that was actually
405 challenged in a court case. There was a legal proceeding, and I believe it was on remand
406 from a court, and they had an executive session with their attorney and one of the
407 opponents said that that wasn't allowed for planning boards. They have no reason to be in
408 executive session but the court said sure they can. Executive sessions apply for any
409 public body as long as you fit within one of the allowed reasons for going into executive
410 session. The only one that would really apply to you, there is the general, catch-all legal
411 application dealing with your rights and responsibilities and your attorney has to be there
412 and have that executive session. You can't just hold it on your own under that particular
413 exception. The idea being that you're getting legal advice of some kind so you're allowed

414 to hear it in private. That's the only one that would likely apply. The other ones deal with
415 things like employment matters, which is more Select Board, selling of real estate.
416 There's a notice requirement. This surprises some people. A notice requirement is simply
417 that you have to give notice in an ample amount of time to allow members of the public
418 to get that notice and disseminate it in a manner that's reasonably calculated to notify the
419 general public. That's the only State law required for notice for a general public meeting.
420 Local municipalities can have something more specific and restrictive, if they want to.
421 Sometimes you'll see seven day or ten day or no newspaper or the website. All that
422 would be a local rule. The only State rule is that it is reasonable notice to the public.
423 Communications outside of public meetings. This is the one that trips people up the most.
424 It does not prohibit all discussions. What it prohibits outside of a meeting is any sort of
425 substantive discussion. Things about the work of the public body. In your case, it would
426 be the application or even the ordinance amendments, potentially. That work should be
427 done in public so that the people can see and hear your thought process and what you're
428 going to do. A meeting of three or more members is a meeting. It's usually not one-on-
429 one but I just want to say that doesn't mean you can still talk about substantive matters
430 dealing with an application. You should never talk about, particularly the planning board
431 or zoning board, boards we call 'quasi-judicial', which are hearing applications. You
432 should never talk about that outside of your meeting here, your official meetings. You
433 can ask staff questions, sometimes, but to the extent the staff produces information that
434 has to be shared with everybody. Sometimes a board member will ask a question and to
435 the extent a staff member will produce a memo, it's shared with the public and members
436 of the board and everyone. Everybody has the same information, to get back to what I
437 said at the beginning of this meeting. Common violations you will see are chance
438 meetings at the grocery store and you start talking about it, and more and more now it's
439 on Facebook or texting about it. I'll get into that in a minute on public documents but just
440 remember that texting and anything like that is all going to be considered public and
441 someone can ask for a copy of your personal text messages if they relate to the public
442 business. Just because it's a personal email account or a personal text message that
443 doesn't mean it's not 'public' for the purposes of the FOAA. The short answer is just
444 don't talk about it outside the meeting. Talk about them when you're in your public
445 meetings. The public has the right to attend and record your meetings. In some towns,
446 people are really into doing that, and it may be a little strange when you first see it, but
447 they can show up with a video camera and record your meetings personally if they want
448 to, as long as they don't interfere with your hearing. You are required to make a record of
449 your public hearing but again, like the notice, it's a little bit more general than minutes.
450 Minutes aren't required per se by State law. What is required is a very basic set of records
451 and the record is that you have to record the date, time, and place of your meeting; the
452 members who are absent or present; and then all motions and votes that were taken by
453 individuals if there's a roll call. Now the law has been changed that audio and video
454 recordings actually satisfy that requirement, so it doesn't have to be written. So, if you
455 don't take minutes or you forgot to take minutes, if you have an audio or video recording,
456 that actually satisfies the State law requirement. More and more towns are taking their
457 meetings and satisfying it in that way. Written decisions are a very important thing and
458 you are lucky to have Mr. Brubaker. Professional staff are very helpful and especially

459 good, professional staff like Mr. Brubaker that help you with findings of fact and
460 conclusions of law on applications.

461
462 Mr. Brubaker said that we're also talking about Ms. Lemire and her comprehensive
463 _____, and Attorney Saucier, she's a _____, too. (44:28)

464
465 Attorney Saucier said absolutely. Whoever is helping there is doing a good job and that's
466 not always the case. Unfortunately, and it's often not these boards' fault. A lot of these
467 small boards are simply not staffed at all and, so, it's just volunteers trying to do their
468 best and this is difficult work. Sometimes you'll just get a decision that literally says
469 'approved' and that's more frequent than you would think. Or just a letter with a
470 paragraph that says we heard your application and we approved it. And then, of course,
471 someone appeals it that didn't like the decision and then that's when I come in because
472 there's a case filed in superior court appealing it. The judges are very clear on this, now,
473 so that if I get a decision like that and asked to defend a town the first thing I do is
474 remand it back to the board before we spend time and money because a judge is going to
475 do the same thing. It might be a year later and multiple motions and the money it takes to
476 do that. So, if I get a decision like that, and it's been appealed, I call the plaintiff's
477 attorney and say let's agree that we all need better findings here. Let's have an order to
478 extend it back and have the board fill in the blanks. And that doesn't mean you're re-
479 doing your decision. You're just articulating the reasons why you made your decision.
480 Then you can go challenge it if you want. It's essential to have a written decision. The
481 FOAA requires it but, more importantly, the courts require it. It provides a clear record
482 for the court to review what you've done. It provides a clear record for both the applicant
483 and any opponent to understand the basis of your decision. And, quite frankly, I don't
484 think this used to be this way before my time of practicing but, now, the judges just have
485 no patience for it. I think back that they maybe used to sort through the record,
486 themselves, and try to figure out what the planning board did. They will not do that. They
487 are too busy. The law has developed in a way that they're really not supposed to be doing
488 that. So, if there is no basis for your decision, they'll immediately kick it back and
489 remand it for further proceedings. You have Mr. Brubaker and others there to help you
490 with that and that's great. What you need to do is have written findings on each of the
491 standards that apply to the application and a rationale, even if it's a sentence or two, but a
492 decision under each ordinance provision on why you decided one way or the other.
493 Finally, violations of the FOAA. If there was an illegal meeting, your action can be null
494 and void. There can be, relatively minor, fines of \$500 for willful or intentional violations
495 of FOAA. More importantly, there could be attorney's fees on behalf of defending a town
496 if the town has been found to violate FOAA. The town may have to pay the plaintiff's
497 attorney fees. That's where more substantial funds get into this. I find that most public
498 officials do try to do the right thing and wouldn't try to violate this willfully or
499 intentionally. I haven't seen a case of that before. It's more an inadvertent or mistaken
500 violation of FOAA that happen. It's just best to understand what's required of you.
501 Speaking to Mr. Brubaker, I think I just covered everything you sent me. We have about
502 10 minutes left. I want to stop here and take any questions of issues and topics that may
503 have come across your desks as you've been sitting as a board. Happy to answer
504 anything.

505 **Discussion prohibition with family/friends**

506
507 Ms. Bennett said that I have a question you discussed under FOAA, mainly no
508 communications outside of public meetings. Does this prohibit us from actually speaking
509 about any application or proposed amendments with members of our family or friends or
510 someone who isn't part of the board. Are we basically not allowed to discuss planning
511 board matters outside of public meeting.

512
513 Attorney Saucier said that's right. You can say that it's on your agenda. You can
514 acknowledge that that's before your board but what you shouldn't do is discuss the
515 substantive part of that meeting – I don't think they're going to meet the setback standard
516 or I don't think they're going to meet 'this' standard. I need more information. The kind
517 of thing you would normally be doing during a meeting. That's what you're prohibited
518 from doing. You raised a good question, though, because you are allowed to have sort of
519 non-substantive conversations about your work. But what that means is agenda-setting,
520 quorums, dissemination of information, the kind of things you probably already do today.
521 That's allowed to happen. You're not talking about the substantive part of the
522 application. You're just getting information out. It's when you start talking about what
523 they think about the density issue on this question or you start diving into the application
524 or ordinance provisions. That's what you're not supposed to do, even with friends and
525 family.

526
527 **One-way communication of information**

528
529 Mr. Brubaker said that I know that MMA talks a little bit about one-way communication
530 of information. So, if the planning board member, for example, feel that there is an
531 important bit of information that they'd like to share with the board, could they email the
532 Chair and, if the Chair agrees, can this information be put in the agenda packet. Then it
533 all becomes public. Is that okay to do. Like maybe they found an article with technical
534 information or something like that.

535
536 Attorney Saucier said that the first thing I would say is that that shouldn't really be
537 happening in the first place, finding articles and bringing them into the evidence because,
538 again, you're supposed to be just taking information that is presented to you by the
539 applicant or members of the public. However, that sometimes does happen and maybe
540 it's inadvertent or some other reason, but the way you sort of fix the problem that you've
541 presented other evidence, is that you do share it with everybody, as you suggest. I only
542 prefaced that because it should be the exception rather than the rule, extrinsic evidence
543 introduced. If, for whatever reason, a board member does say that they have found this
544 article, they think it's relevant, and wants people to see it, then everyone has to see it,
545 including the applicant, the public, and post it with the packet. You then provide an
546 opportunity, particularly for the applicant, to respond to that new piece of information
547 that was just introduced.

548
549 **Site walk guidance**

550 Ms. Bennett asked if there is any guidance about site walks – how you conduct site
551 walks, is there any need for minutes, that sort of stuff.

552
553 Attorney Saucier said good question. And I apologize, Mr. Brubaker did tell me to talk
554 about site walks and I skipped over it. Very generally, site walks are an opportunity for
555 members to go take a look at the place. The general rules for the site walk are that you
556 should not use the site walk opportunity for substantive discussions because it's not the
557 place to debate the application. It really is for you to take in the site. That's what it's
558 designed for. You can ask basic questions like where does the property line go to.
559 Questions related to understanding the site but not the details of the application. Members
560 of the public are allowed to come; that it's posted like a regular meeting. But again, you
561 should limit your questions to just understanding the site. Where things are or where is it
562 going to be located on the site, that kind of very basic information. The idea is that the
563 substantive discussion should be in the room you're in today or Zoom, if that's a proper
564 venue, so there's a broader audience, typically, for the meetings than there are for the site
565 walk. For minutes, I would defer to your local practice if there is an ordinance or you do
566 minutes for your meetings. I think basic minutes probably makes sense, such as 'we met
567 at the site and walked around' or Mrs. Smith showed us the property', that kind of thing
568 so there is a record of it.

569
570 Ms. Bennett asked if quorum rules applied to site walks.

571
572 Attorney Saucier said that that's a good question. In my mind they do not because it's not
573 an official meeting. It's for anyone available is what I have to say because, again, you're
574 not debating the business. There could be other lawyers with a different view but that's
575 the view I've always had consistently. It's a site walk where anyone could come and, in
576 some ways, it's for members of the public, too. It's just to view the site and that's another
577 reason, however, we shouldn't talk about the substance because you do have to go back
578 to the meeting and then you do need a quorum to start discussing the substance of the
579 application.

580
581 Ms. Crichton said that I was newly on the planning board this past August and we had a
582 site walk. I got there early and I started chatting with the engineer who was part of the
583 application process. We took a walk around the site and I'm usually one to start asking a
584 lot of questions and chit chat. Then I was told I shouldn't do that because it is a public
585 meeting. It is of record. And everything I had asked was repeated to everybody else. I did
586 not know I shouldn't have done that.

587
588 Attorney Saucier said that it is a public meeting but I think of it differently for quorum
589 purposes. A public meeting meaning that members of the public can come and they have
590 a right to here. To the extent you have questions that are informational and general, it's
591 not that you have to be silent. It's not that. You can ask basic questions about the site but
592 you have to make sure everyone can hear you. That's the biggest complaint that we get,
593 even if it wasn't your intent. If there was some private conversation going on between a
594 board member and the applicant, everyone is not able to hear what you're saying and you

595 may have information that other people do not have. So, I would just say to make sure
596 that everyone can hear when someone asks a question or answers a question.

597
598 Ms. Braun said, suppose we're at a site walk and there are members of the public. A
599 member of the public tries to pass you some documentation about the project. My way of
600 looking at that is that I cannot accept that at a site walk. Am I correct in my assumption.

601
602 Attorney Saucier said that I agree with that. I would just direct them to the planning
603 office or the appropriate way to submit. If you want to submit something, you go through
604 the planning office and that way it will be disseminated to everybody.

605
606 Attorney Saucier said that I'm sorry we only had an hour but I'm happy to come back
607 any other time you have questions. Thank you for having me.

608
609 The PB thanked him for coming and for his time.

610
611 **ITEM 5 – BREAK (6:00 PM to 6:20 PM)**

612
613 **ITEM 6 – PLANNING BOARD RETREAT (6:20 PM)**

614
615 **A. Open Roundtable discussion. Topics may include, but are not necessarily limited**
616 **to:**

- 617 **1. Planning Board meetings and procedures**
618 **2. Planning issues and hot topics in Eliot**
619 **3. Planning issues and hot topics in Eliot**
620 **4. Comprehensive Plan Update**

621 **B. Wrap-up and summary of discussion**

622
623 Ms. Braun said let's talk about the training we just had. Does anyone have any insights
624 into it or did they learn anything they didn't know before.

625
626 Ms. Crichton said that it seemed like a condensed version of what the MMA sessions
627 were about but into understandable language very quickly. I thought he did a great job.

628
629 Ms. Braun agreed. And he clarified the conflicts as far as the one-on-one meetings and
630 what you can discuss, etc. It was a good session. He's very good.

631
632
633 Ms. Braun asked if everyone was happy with the way the meetings have been going,
634 pleased with the direction we're heading, and stuff like that.

635
636 Everyone agreed that they had no complaints or comments.

637
638 Ms. Braun said that I think we're pretty clear on the procedures and all of that. There's
639 nothing we need to discuss or talk about, right.

640

641 The PB agreed.
642
643 Mr. Brubaker said that I have one suggestion for discussion. I'm always available to give
644 a presentation on an application at the beginning and I would suggest that we consider
645 doing that. I think, by-and-large, we see that a lot of applicants and applicant's
646 representative are forthright, they want to provide information to the PB, so nothing
647 against them. But I do think that by starting off with my presentation I think that allows
648 for a more neutral preview of each application.
649
650 Ms. Braun said that I think that's a good idea. It's much better for everyone in the room
651 to know where the topics are and what's happening, etc.
652
653 Mr. Leathe asked if that would be a general overview or a deep dive down more into the
654 Planner's Report. Would you strictly look at identified issues and suggest we may want
655 to think about 'this' or 'that'.
656
657 Mr. Brubaker said that I try and keep it brief, and you know that's not always my
658 specialty, but I try to keep it brief and not go into every last detail but point you to the
659 staff report for more detail.
660
661 Mr. Leathe asked if the staff report would come before the pre-submission or after.
662
663 Mr. Brubaker clarified the written staff report is in the packets.
664
665 Ms. Braun added that this overview would be during the meeting. If we had to go beyond
666 the first meeting, then your comment at the beginning would be more of a deep dive.
667
668 Mr. Brubaker said that if there are particular issues that PB members express questions
669 about at the meeting or if there is a particular important issue that I think need a little bit
670 of a deeper dive, I would go into that. Otherwise, I would try and summarize or hit the
671 highlights in my oral presentation.
672
673 Ms. Crichton asked if the applicants got that.
674
675 Mr. Brubaker said that they get all my staff reports because they can see the packages,
676 just like you can. Then, presumably they would be at the meetings so they would be able
677 to hear my own presentation and I would always offer an opportunity to either affirm or
678 rebut anything that I say.
679
680 Ms. Metz said that typically those planner's reports come into my inbox and they go out
681 to the applicant first, especially if they are requesting. That way the applicant has the
682 knowledge of Mr. Brubaker's overview of the application. Mr. Brubaker is also
683 phenomenal at touching base with those applicants consistently to make sure they are on
684 the same page we are going into the meeting. That way there's no mis-communication on
685 where we're headed in the process. We try to make it as clear as possible on exactly
686 where we're at in the process.

687
688 Ms. Bennett said that I think that would be very valuable to do. Especially in the complex
689 projects. The ones where we're getting new site plans like every meeting, sometimes just
690 before meetings, with substantial changes. I think it would be really helpful to lay out,
691 you as the neutral party, to say this is what we're seeing today. This isn't relying on the
692 applicant to tell us where we're at.

693
694 Ms. Metz said that we've also tried to cut down on those last-minute submissions and
695 we've made it quite clear when our submission deadlines are for each packet. Obviously,
696 there are changes in site plans when you're on the April 12th meeting and then you're also
697 on the April 19th meeting; that there will be some changes in that aspect. We've tried to
698 narrow down the window of when we expect the material for the PB to review because it
699 is so detailed. If it's done by 'this' date there is a chance it won't be considered at 'that'
700 meeting and could be something that could be considered at the following meeting.

701
702 Ms. Crichton said that we would be able to say that we are going to hold this over
703 because we haven't had time to review it yet.

704
705 Ms. Metz added that we've said that. We've kind of put that road block up before it even
706 gets to you. This is Monday and has come in at 5 PM, with the meeting tomorrow.
707 There's no way I can get that information out to you guys in a professional and prompt
708 manner, not to mention having to review it before the meeting 24 hours later.

709
710 Mr. Latter said that there has been a lot of back-and-forth about is there a package
711 available, and not just the agenda, but is the information we get available online.

712
713 Ms. Braun said that yes, it is. If you notice on all the agendas, now, I had Ms. Metz put
714 that information right there where they can go to look for it. We put the link right on the
715 PB's page (web).

716
717 Mr. Latter commented we don't kill a forest of trees for every meeting.

718
719 Ms. Braun said no. That's one of the reasons why I had her do that.

720
721 Ms. Metz said that it is available on the Planning Department webpage. Also available on
722 the PB page, as I duplicate it in both areas. It is, first and foremost, on the PB page that
723 calls out PB materials right off the bat and it's in numerical order from January 2022, as
724 an example. I think it goes back to when I started.

725
726 Mr. Latter said that, sometimes, they're too big to email and you'll send us a link to the
727 PB page.

728
729 Ms. Braun said right. That's pretty much where it is so, if a member of the public wants
730 to get a specific piece of information, it's up to them to go there. If for some reason they
731 want the whole packet, they can always come in to Ms. Metz and she will be happy to
732 make that packet for them. We try to avoid that but it does happen. Now that we don't

733 have too many people coming to the meetings because they've gotten used to the Zoom
734 process, they are looking everything up online. So, there's no sense to kill a thousand
735 trees just to make a packet, especially with the ones that are big.
736
737 Mr. Latter said that I haven't seen any press.
738
739 Ms. Braun said that when I first started, there were press that showed up periodically.
740
741 Ms. Lemire said that they have never been big at the PB unless there's a known
742 controversy. It's the SB they've always showed up for, and they haven't even been doing
743 that.
744
745 Ms. Braun said that we are having one packet printed and at the door; that there is a sign-
746 up sheet if they want to take it. To have a whole packet that ends up in the circular file at
747 the end makes no sense. First of all, that comes out of our budget, the cost to print, and
748 Ms. Metz' time comes out of our budget and we don't have that big a budget.
749
750 Mr. Brubaker said that we can't physically print the large plan sheets, either.
751
752 Ms. Lemire said that that's why you request the 10 copies.
753
754 Ms. Metz said that they always ask me if we need to 10 copies and I always say yes, I
755 want them.
756
757 Ms. Braun agreed, saying that some of them are so small that I need a magnifying glass
758 to read them
759
760 Mr. Leathe said that, on this same topic, I have the same issue with those really small
761 plans. I brought in several sizes of plans I have. It seems to me that 'this' is sort of the
762 standard developer size. I went through my stuff today and found 'this' one that's half
763 size and then we sometimes get 'this' (very small). When I look at something 'this' large,
764 especially with those projects that have a lot of moving pieces, that's great because you
765 have the notes, the references, everything. We obviously don't have a lot of room and I
766 guess they are expensive or we can't make them.
767
768 Ms. Metz said that I can't make a size that big. What is provided to us are even bigger
769 plans than those and then 11'X17', which is what I typically send to you folks. The big,
770 big ones go to Ms. Bishop and into the file for documentation down the road.
771
772 Mr. Brubaker said that those big ones provided are about 24'X36'.
773
774 Ms. Braun said that they used to bring those to the meeting and do them on the board but
775 they haven't been doing that lately. Everything has been on the computer, which is even
776 more difficult.
777
778 Mr. Leathe said that it would be really helpful to read the notes and references separately.

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Ms. Metz said that it's definitely a conversation that we can have with the applicant as this year unfolds, making the larger copies available to the PB. Again, that kind of stresses on making sure they're utilized. As Ms. Braun said about them ending up in the circular file, that's one of my biggest pet peeves. But I'd be happy to provide them if they are going to be used, if the engineers would provide them because I can't make copies that big.

Mr. Leathe commented that many probably would end up in the file so maybe it's not worth it. But, on projects that are more complicated that have a significant legend over 'here' that we're really digging in on for a variety of reasons, it might be more helpful.

Ms. Braun asked if it would be possible to have them print up the legend in addition to what they're sending for the site plan.

Ms. Metz said yes. It's definitely a conversation with the engineers. We work with some of the firms pretty consistently so it's definitely a conversation I'm happy to have with their office staff or the engineers, themselves.

Ms. Braun said that if they know how to do the bigger pieces for us, if they want to just give us the notes.

Ms. Lemire said that they used to. Mr. Chagnon and Mr. Wood, and others, used to bring a large site plan in to the meeting, itself. They would put it on the easel so that people could look at it. That was before COVID and it was standard practice.

Ms. Metz said that now we are doing in-person meetings again, maybe that's something we can request they do for you folks; that they do bring those larger maps in for you. Again, that's a conversation that I would be more than happy to have with the engineers that we work with.

Ms. Braun said that the only problem would be for the Zoom people.

Mr. Leathe said that we do put them up on the screen.

Mr. Latter said that it's right in your home but, when you're sitting here, I can't see it.

Mr. Brubaker said that what I've seen with a lot of planning boards is a larger, clearer projection. I fully agree that the projector we have leaves something to be desired but I think that the gold standard is a large, very good projector. And this again gets back into what our Town Manager was saying about the budget.

Mr. Leathe asked how much something like that would cost.

Mr. Brubaker said that, for the really good ones, maybe \$500 to \$1,000. I like the ones that can be mounted in an unobstructive way, like on the ceiling.

825
826 Ms. Metz said that we've discussed having a larger screen but that's all budgetary
827 concerns.

828
829 Mr. Latter said that there is a project moving forward to re-do the whole Town facility.
830 We actually met yesterday on the Capital Improvement Committee (CIC) and the IT and
831 fixtures in facilities are all included in the proposed cost of the project.

832
833 Mr. Leathe asked about the time horizon for that.

834
835 Mr. Latter said about 2½ years. In discussion in the meeting, one of the things we wanted
836 to avoid was being completely disrupted during the presidential election.

837
838 Mr. Leathe said that the folks coming in to present to the committee are benefitting by
839 being able to come in and present their information to us. Is there any way to sort of share
840 the cost of something like that with them; so, an extra fee for a while until we amortize
841 off the \$1,000. I think it would be great if I could take a pointer and really show the
842 people exactly where things are because we sort of fumble around in the dark a little bit.
843 Maybe they'd be willing to help support the fund.

844
845 Ms. Braun said that my only comment to that is that we're having difficulty getting them
846 to pay their fees upfront. I agree with you but that's the issue.

847
848 Ms. Metz said that I think the fee schedule is something we should have a conversation
849 about because the cost to put out an ad in the newspaper and send a certified mailing,
850 which is \$7.33 per envelope now. I send out, depending on the application, between 17
851 and the biggest one we worked on was 200, that it's usually 100. I personally bring them
852 to the Post Office but they don't always get picked up; that those envelopes come back to
853 me and sit in a binder behind my desk to prove that we sent those mailings out. It is very
854 expensive.

855
856 Mr. Latter asked if they could be delivered.

857
858 Ms. Metz said that I hope not. That would cost me even more.

859
860 Mr. Latter said that, if somebody had to deliver 200 notices, could you hire somebody for
861 one day to deliver those notices.

862
863 Ms. Metz said that I don't know. I feel that a certified mailing is very specific to the
864 postal service so I don't know how that would affect the legality of it. With the public
865 hearing notice, I send it to the Portsmouth Herald and that costs \$278 each time. It's a lot
866 of money going out. We charge \$175 and that's just another piece that we should really
867 try to think about. For mw to send out those mailings, it takes me an hour to an hour and
868 a half, so it's my pay, the \$7,33 per envelope, and the mileage to go back and forth to the
869 Post Office. It comes down to a lot and the application fees that we're taking in aren't

870 necessarily covering those costs. That is something we should consider and, obviously,
871 that has to go to the voters.

872
873 Ms. Lemire said that the public hearing fees have been the same since Moses walked the
874 earth.

875
876 Ms. Crichton asked if the Sentinel was as much.

877
878 Ms. Metz said that it is not.

879
880 Ms. Crichton asked if they were the ones that forgot to put in the notices.

881
882 Ms. Metz said no, that was the Portsmouth Herald.

883
884 Ms. Crichton asked if, somehow, we could do it with the Sentinel and then post online
885 and Eliot Town News that this is where all of the public hearings will be posted from
886 here on in.

887
888 Ms. Metz said that Eliot is currently posted that way for the Planning Department.

889
890 Mr. Brubaker said that we do like the Sentinel because they do respond immediately, and
891 I won't get into the issues we've had with the Herald, as I've already talked about those.
892 With the Sentinel, the timing doesn't always work because it's a Friday. So, we should
893 technically be getting notices to them by the end of Tuesday but, if the PB meets on
894 Tuesday and decides on a public hearing day two weeks from then, we usual can come
895 into the office first thing Wednesday morning and the Sentinel is good about getting us in
896 for that Friday's publication but sometimes the timing doesn't work.

897
898 Ms. Metz added or Wednesday morning gets out of hand and we miss that timing so
899 some days they can't post it. With the Portsmouth Herald, if I send them a notice, they
900 are usually within two days. With our current noticing requirements, we are very careful
901 and very specific. If we can't use the Sentinel then we have to use the Portsmouth Herald.

902
903 Ms. Crichton said that people are used to consistency, I think.

904
905 Ms. Metz said exactly. When you back-and-forth a little bit it's hard and the rest of the
906 Town Hall uses the Portsmouth Herald strictly.

907
908 There was a brief discussion regarding the Sentinel not coming to everyone.

909
910 Ms. Braun said that, if we had a project like a subdivision, that's when I think we should
911 be getting the larger copies.

912
913 Mr. Brubaker said, just to clarify, would everybody like a larger copy.

914

915 The PB agreed that they would like the first couple of sheets, to include the site plan and
916 legends.

917
918 Mr. Latter said that I'm okay with what we get but, when they're presenting, I'd like to
919 see the full size.

920
921 The PB agreed.

922
923 Ms. Bennett said that when I was first on the PB, and working in land conservation I
924 worked with huge surveys so I asked for that copy, and I remember there were a number
925 of occasions where all the PB members were looking at my copy. So, if we had one or
926 two amongst us, I think that might be good, and the applicant would have to provide that.

927
928 Mr. Latter said that this goes back to what we charge in fee structures and the argument
929 can be made that nobody wants to raise fees but every dollar that we don't re-coop by
930 fees for this business is coming away from sidewalks, coming away from parks. It's
931 coming away from other good stuff that the Town is doing. And that's the argument we
932 have to make to raise the fees.

933
934 The PB agreed.

935
936 Ms. Crichton asked how we raise fees.

937
938 Ms. Braun said that it is an ordinance change that would have to be voted on by the
939 voters. We could put it on the list for November.

940
941 Mr. Latter asked if you were thinking about raising the fee schedule for everything.

942
943 Mr. Brubaker said that we would love to engage in that but we are a really limited
944 workforce. It affects Ms. Bishop, too, and our CEO is interested in seeing what fees on
945 her side might need to be updated, as well. What we really need is the kind of the staff
946 space and time to dive into that. Do a survey of peer communities and think about costs
947 from a cost-recovery perspective. What I would also call legitimate costs would be the
948 cost of the equipment in the meeting room that helps to run the meetings and base some
949 fee recommendations on that. It's really finding the time to do that.

950
951 Mr. Leathe asked if it would be possible to have a subcommittee of this PB to take on a
952 project like that.

953
954 Ms. Braun said as long as we're not discussing applications, I guess, based on what we
955 just heard, that would be okay.

956
957 Mr. Brubaker said that I think it would be okay as long as it's within the open meetings.
958

959 Ms. Braun agreed it would have to be an open meeting and it would have to be here.
960 Everything we do has to be public, even that. So, I think we should if we can have the
961 time to sit and try to get the information. It has to happen.
962

963 Ms. Lemire said that we already have a good data base because you (Ms. Metz) are
964 familiar with the PB fees and Ms. Bishop is familiar with the CEO fees.
965

966 Ms. Metz said right. All of those go through my desk.
967

968 Ms. Lemire said that you would know, then, and you could put together a spreadsheet.
969

970 Ms. Metz said yes, easily.
971

972 Ms. Lemire said that then someone could be calling other towns.
973

974 Ms. Metz said that the fee schedules are already in a spreadsheet form pretty clearly, I
975 believe, even for the Shoreland Zoning and so on and so forth. It's within our code so it's
976 already available and I'll happily send it out for you guys to look at. It might be
977 something you guys should consider looking at for November.
978

979 Mr. Brubaker said that I would love to figure out a good way to crowd source it where
980 every PB member could take three Maine communities and have a shared spreadsheet or
981 do a survey.
982

983 Ms. Lemire asked if we know how many towns post their fees online.
984

985 Ms. Metz said that it should be public knowledge and, even if it's not readily available, I
986 have a really good relationship with most of the towns around us.
987

988 Ms. Lemire agreed. I've done research with different towns before, like when I was
989 involved with the Comp Plan, and I never had any problem getting information.
990

991 Ms. Metz agreed, saying that the towns surrounding us are absolutely phenomenal so I
992 wouldn't even hesitate to reach out to them.
993

994 Mr. Brubaker said that I did a survey of about 10 other Maine communities for marijuana
995 license fees and I was able to find all of those. Sometimes they're a little scattershot in
996 terms of where they are but you can usually find them if you look. So maybe we could do
997 that, crowd source it a little bit and maybe I could see if SMPDC could offer a little bit of
998 a direction.
999

1000 Mr. Latter said that sometimes phone calls with kindred spirits can make a difference
1001 sharing information.
1002

1003 The Town fees are posted on the Town website. It is in §1-25 of the code.
1004

1005 Ms. Braun said that one of my pet peeves is that they don't pay the fees prior to
1006 submitting the application. We have held public hearings when they haven't paid the fee
1007 for the public hearing.

1008
1009 Ms. Metz said that I will say that that's not always entirely their doing. I will be quite
1010 honest with that. If any of you have ever walks into my office when I'm 50 pages into a
1011 project, I can't even look at them when they drop off a packet, and I tell them they can
1012 talk to Mr. Brubaker about this later. I'll talk to you guys later. So, it's not always their
1013 fault that they don't have that fee right in front of me and I'm ready to hand them their
1014 receipt back and enter that in our fee tracker. Most of them are wonderful at asking and
1015 some applicants don't know the process as well.

1016
1017 Mr. Latter said that, in my mind, I differentiate between the homeowner or property
1018 owner who this is the one time in their life they are doing this and others who come here
1019 regularly. I have a lot more patience and compassion for them than the frequent flyers
1020 (Those who don't come in with a check in-hand).

1021
1022 Ms. Braun said that that's the one I have a problem with.

1023
1024 Ms. Lemire said that they are usually the ones that come in with subdivisions or solar
1025 arrays, something complex.

1026
1027 Ms. Braun said that I hate to put in a Notice of Decision 'fees shall be paid before permit
1028 will be issued'.

1029
1030 Mr. Leathe said that we should never let it get that far.

1031
1032 Mr. Brubaker agreed, saying that I can be better about holding some of those professional
1033 applicant's representatives to that.

1034
1035 Mr. Latter asked if there's any way to set the fee structure with cost+ because there's a
1036 difference between someone who wants to bump out their garage and someone who
1037 wants to put in a subdivision. There should be differentiation in the fee structure for that,
1038 shouldn't there.

1039
1040 Ms. Metz said that I feel like there is. For a homeowner who wants to have a home
1041 business, we're not charging them \$500 versus somebody who is coming in for a 17-lot
1042 subdivision. Those pay by the lot, etc. There are multiple tiers to what folks are paying
1043 when they sit in front of you. That one home business that comes in front of you and is a
1044 minor and kind of moves through is a lot quicker and less expensive than someone whose
1045 project will take months.

1046
1047 Mr. Brubaker said that that's a legitimate policy discussion. If we look at it from a cost-
1048 recovery perspective and zeroing in on a public hearing fee of \$175, just the advertising
1049 cost, alone, is a lot more than that. So, if you raise that to a cost-recovery level, would the
1050 Town like to discount it for a home business who also has to go through the public

1051 hearing process. So, I think there's a tension there between helping the littler applicant,
1052 so to speak, and true cost recovery. But that would be a policy discussion around what we
1053 want to do.

1054
1055 Mr. Leathe suggested separating residential versus commercial. You could have a
1056 different fee schedule entirely for such as a home business or one property versus
1057 commercial.

1058
1059 Ms. Lemire said that the only problem I can think of is in areas like the Village where
1060 there's so many abutters, which would still have an expensive mailing. I don't know if
1061 you could compensate for that on the other end.

1062
1063 Mr. Latter said there can be a lot of people within the 500-foot parameter required.

1064
1065 Ms. Lemire asked if you can legally reduce the 500 feet.

1066
1067 Mr. Brubaker said that our code says 500 feet.

1068
1069 Ms. Metz said that I have abutters that fall just 501 feet outside and I get a call wondering
1070 why my neighbor got a notice and I didn't. They just don't make that cut-off. That GIS
1071 circle is quite clear and the list is concise every single time.

1072
1073 Mr. Brubaker said that I'm certainly willing to discuss the fees. Maybe you want to put it
1074 on an agenda for a future meeting.

1075
1076 Ms. Braun agreed we should have it on a future admin meeting.

1077
1078 The PB agreed.

1079
1080 Mr. Leathe said that I don't think it would be a huge job. It's going to be pretty obvious
1081 what the average, mean, and medium is.

1082
1083 Ms. Lemire added that you have the information on how much it costs now versus how
1084 much it's actually covering.

1085
1086 Ms. Braun said that it's not covering much.

1087
1088 Ms. Metz agreed.

1089
1090 Ms. Braun asked how long that schedule has been in effect. I would imagine awhile.

1091
1092 Ms. Metz said long before Mr. Brubaker and I started.

1093
1094 Ms. Lemire said that the fee schedule has been in place since before I got here.

1095
1096 Mr. Leathe said that I think it should almost be on the agenda annually or bi-annually.

1097
1098 There was a brief discussion regarding the possibility of adjusting automatically for
1099 inflation and it was decided not to do that.

1100
1101 Ms. Braun asked if there were any other issues under this topic.

1102
1103 Mr. Latter said that my only other issue, and it was only the one overwhelming project, is
1104 just the workload. There was an article in the paper and on the news that was about solar
1105 arrays and towns saying that they are overwhelmed by the complexity and can't process
1106 this at the resource level with what is coming at them. We need to totally manage that if
1107 we find ourselves in that situation again. In my mind, it was kind of crazy. I came on the
1108 PB in July and it had been going on for several months, several iterations, and every time
1109 we tried to wrap our head around what was going on, it was just more resources and this
1110 and that. It was frustrating. I couldn't give it the due diligence I wanted to give it because
1111 it kept changing and we only have so much bandwidth.

1112
1113 Ms. Braun agreed. Hopefully, if the ordinance passes, it will help us with that. It will at
1114 least give us some tools to work with.

1115
1116 Ms. Bennett agreed, with solar. But I think with subdivisions, also, there can be a lot.
1117 And I wonder if there isn't any way to give feedback to the applicant before they actually
1118 initiate the PB process Are they really ready because it feels like there have been, and
1119 that they know; that the engineer just puts something down on paper, don't give it any
1120 consideration on what our ordinance is, and just says 'go'. They know that, once we
1121 accept an application, they know that we are under a clock that is ticking, and whatever
1122 decision we make is going to have to happen within a timeframe. When every meeting
1123 it's a new iteration, and I don't know that it's necessarily intentional but it creates a
1124 stressful, impossibly sloppy process, in my opinion. You would have to be the gatekeeper
1125 on that.

1126
1127 Mr. Brubaker said that this is like a big topic for me because one, to Mr. Latter's point,
1128 I'm really sensitive to your workload being the dedicated volunteers that you are. There
1129 was one meeting where, my fault, I recommended a way too packed agenda and, after
1130 that meeting, we had a new PB member resign. I always feel at fault for scaring that PB
1131 member away. So, I really do try to be mindful of the workload and credit to Ms. Braun
1132 when we discuss the agenda. The other thing is that I could be better at review letters. I
1133 do review letters for a number of different applicants but not always and there have been
1134 times when something got to you guys and realized I should have caught it before. One
1135 example on each side is that you will likely soon see a new marijuana store application.
1136 They had submitted an application several months back and I reviewed that and found out
1137 that their proposal wasn't meeting the front setback. So, you haven't seen them yet
1138 because they had to go back to the drawing board and change their site plan. But there
1139 was another time that it got to the PB and, once it got scheduled for the PB, I then
1140 realized there was a side setback issue. I think I need to make sure I'm consistent every
1141 time with those review letters before they get to the PB. I also suffer from juggling
1142 workload. I'm trying to do not only what's called current planning application review but

1143 also long-range planning, the water and sewer project management, and capital project
1144 management.

1145
1146 Ms. Lemire added sewer, stormwater, etc.

1147
1148 Ms. Metz said not that I'm overprotective of Mr. Brubaker, but that's why I was going to
1149 say that I've seen him sit down with applicants right next to my desk and he goes
1150 through, telling them that several things are not going to pass muster, go back. And the
1151 folks we work with are amazing and they typically do do those things and come back.
1152 But, if you were to look at his schedule, you would be amazed, and I know you are
1153 aware. I'm just trying to reinforce, going back to what Mr. Sullivan said at the beginning,
1154 even having somebody to have a brain like Mr. Brubaker's, who is looking at those
1155 proposals before they even hit his desk, I don't have that brain. I don't have that time. But
1156 having somebody before him saying that side setback's not right, that back setback's not
1157 right, or there's an abutter right there within that 500-foot for a marijuana issue would be
1158 super useful for you. Maybe also looking at the water and sewer and moving that off your
1159 plate so that you do have more time to sit and focus on those that may be minor changes;
1160 but once they get to you guys, you are like that doesn't make sense. Why is it 10 feet and
1161 not 20 feet.

1162
1163 Ms. Bennett said more to my issue is when these plans radically change in the course of
1164 PB review. The solar application is a great example; that the application was determined
1165 to be complete and there were four more iterations coming at us, especially all the
1166 changes with the wetlands, and the clock is ticking and the pressure is on. Now, we are in
1167 a pressurized environment to take something that's complex that very few of us have any
1168 experience with.

1169
1170 Mr. Latter said not very few of us, very few, period.

1171
1172 Ms. Bennett agreed. And almost every town is dealing with this right now. I don't know
1173 if it's a State statute that makes that timeframe or is this an internal timeframe that we
1174 have in our ordinance that we've got 30 days.

1175
1176 Mr. Brubaker said the post 30-day public hearing thing.

1177
1178 Ms. Bennett said yes, and the 75-day to final decision. Those two things, and my question
1179 is whether it's local ordinance or State statute we have to adhere to. If it's not State
1180 statute, I would suggest that we give ourselves some **ease**. We don't have to go that long
1181 but there are instances when we...

1182
1183 Mr. Latter said or, at what point do changes to the proposal allow us to revisit excepting
1184 the proposal. Do you say that this is enough of a change that we're going to have to reset
1185 (new application). We could then look at the prospective applicant and say it is their call.
1186 Do you want to reset or do you want to press on with what we had. The applicant can say
1187 that, if I press on with what we had, it has so many problems it's going to fail. We can
1188 say okay but you can't have your cake and eat it, too.

1189
1190 Mr. Brubaker said that I think this is a great discussion. The lens I look at it through is
1191 what is a balance between healthy and unhealthy plan changes. I would argue that there is
1192 a healthy form of plan changes. That's when the PB applies the zoning to the site plan the
1193 applicant proposes and realize that they're not meeting 'X' standard or 'Y' standard and I
1194 will change the plan then. Ms. Bennett, what you are saying is something that's kind of
1195 more fickle and quick.

1196
1197 Ms. Bennett agreed. There have been maybe 4 or 5 proposals that I have experienced
1198 where it feels like the applicant didn't really think it all the way through in the beginning
1199 and just wanted to get it done.

1200
1201 Mr. Latter asked if it could be as simple as whoever makes a motion feels that this change
1202 has changed the scope to the point that we need a new approval. Multiple member bodies
1203 make decisions by majority rule.

1204
1205 Mr. Brubaker said that that may be a potential future code update.

1206
1207 Ms. Lemire said that I really like that. That's like the reset you were talking about.

1208
1209 Mr. Leathe said that, as it is now, if we've approved an application and then it changes,
1210 as has happened, we're stuck, I think.

1211
1212 Mr. Latter said that, sometimes, it might be a good thing and we would all be okay with
1213 that. If someone doesn't make the motion, then it doesn't get reset. All it takes is for one
1214 person to say let's try to reset this. The person can't do it on their own but at least it puts
1215 the issue in front of the PB. Then the PB makes a decision as it makes any decision.

1216
1217 Mr. Brubaker said that I think a good example of that would be that they have provided
1218 everything, including a stormwater analysis that is called in our code a drainage plan.
1219 Then, you guys say you went through the list and it looks complete. You then go on to
1220 public hearing and, after the public hearing, perhaps there's a plan change. So, they
1221 change something but they don't update their stormwater plan. The issue there is that the
1222 PB deemed you complete before but now you have kind of reverted to being incomplete.
1223 The drainage plan doesn't match the new site plan. We need to sharpen that in our
1224 Chapter 33 standards.

1225
1226 Mr. Leathe said that I know I don't have the experience that a lot of you have but I know
1227 that I feel pressure, sometimes, when the Chair asks if this is complete, and everyone just
1228 looks at each other. And I'm not totally sure we've hit all of them. It would be nice to
1229 have another way.

1230
1231 Ms. Braun said that you don't say something and it's perfectly okay to say something.

1232
1233 Mr. Leathe said that I wouldn't know what to say, necessarily. I just think that there are
1234 times when we need more time; that I'm not entirely sure why.

1235
1236 Ms. Crichton said that Attorney Saucier said that, if you feel you need more time then ask
1237 for more time. I agree, too. When I was watching that appeal, the board members were all
1238 discussing among themselves and I don't know if we've ever really done that. The public
1239 hearing closed and they sat back; no decisions were made but it was an open conversation
1240 with just the board and nobody else.

1241
1242 Mr. Latter said that we had that because there were people trying to interject. Once they
1243 closed the public hearing it was their time to talk.

1244
1245 Ms. Braun said that, at the end of every public hearing, I say let's discuss it. That's our
1246 time to be up there. It's very hard to be up there and have a discussion. This is much
1247 better. I have to say that, sometimes, you guys frustrate me because you don't say
1248 anything.

1249
1250 Ms. Crichton said that I think the thought process has to happen quickly and there is so
1251 much information. When you say, Ms. Braun, does anyone have anything else I'm with
1252 Mr. Leathe. I think I do but I just don't know what it is.

1253
1254 Ms. Braun said that you should. That's what the process is all about. I don't want anyone
1255 to feel pressured about anything as a board. I want it to be your own decision whatever
1256 you decide. If you have a question or you want more time, you should say so. That's
1257 when I would say we need more time for this. We'll have to get back to you.

1258
1259 Ms. Lemire said that that's a very legitimate thing. Your job is to process that
1260 information on that site review plan. And if you feel like you haven't been able to do that
1261 yet, then you have every legitimate right to say we need to put the brakes on for a minute.

1262
1263 Ms. Bennett said that, honestly, I'm no longer afraid of just jumping in and asking
1264 questions or chatting it up. But that's sometimes behavior for me as I've been on this PB
1265 for a very long time and kind of having to fight my way through to have a voice. To me, I
1266 think some of the most enjoyable and fruitful decisions that were made by the PB have
1267 been the ones where there's been dialogue between members of the PB and no applicant
1268 talking, no public talking. Just the Planner and the PB. I would just throw out that 'this'
1269 doesn't feel right but it would start a conversation that then would allow me to frame my
1270 thoughts on it, get challenged, challenge other people's thinking. Some of the people who
1271 were philosophically different from me became my best buddies on the PB because we
1272 developed a huge amount of respect for each other and it's great to challenge your
1273 thinking. That's why we have more than one of us on this PB. There's no stupid question.

1274
1275 Ms. Metz said that I haven't been in municipalities for very long but I hosted so many of
1276 you when I first got here. So, there can be differences between all of you and I 150%
1277 agree with you, Ms. Bennett, with the different ways of thinking and how people
1278 challenge. I don't know if you've watched a Board of Appeals meeting. There are so
1279 many different thoughts but it's such an awesome conversation and it's so fun watching
1280 one member say one thing and the other will say what about this; oh, I didn't think about

1281 it that way. Having that curtain, almost, ‘you’ guys are done. It’s our turn. We’re not
1282 talking to you. We’re talking to each other and we don’t want to hear any more voices
1283 unless we ask for them, they answer, and you shut the curtain again, going back to your
1284 discussion and pretend like they don’t even exist.

1285
1286 Ms. Lemire said that part of that is learned; that the Board of Appeals has always been
1287 that way. When Bruce Trott was on the board nobody said anything because he was very
1288 rigid about that. And it’s really important. Just as Ms. Bennett said, you have to have that
1289 dialogue back and forth. Everybody has a different view. You all have different
1290 backgrounds and different perspectives and that’s why you work well together. It’s a
1291 strength not a weakness.

1292
1293 Ms. Metz agreed. I can’t tell you how many times I’ve said that to Mr. Brubaker. I’ve
1294 seen the PB change over the few years I have been here and I’m so thankful for this PB
1295 because you guys have such a great difference but it really helps bring those applicants
1296 together. I have had multiple applicants who come into my office who know who I am
1297 who say they really like going in to Eliot’s PB. I can talk to them and have a good
1298 conversation. They’re helpful. They’re consistent. These applicants use each other to
1299 bounce off. These are people who work with towns all around us that would rather come
1300 sit in Eliot. You guys have a phenomenal reputation of being a board that is
1301 understanding and thoughtful and careful and intelligent with your questions. Having that
1302 voice and speaking out saying, Hang on a second. I’m not ready yet.” or “Listen, I’m
1303 ready. This is what I think. I’m making this motion.” That’s the thing you guys should be
1304 doing. Like Ms. Bennett said, this is something you have to learn and you’re newer as a
1305 team. Especially being in person, reading your body languages, knowing when something
1306 is frustrating one versus the other and trying to kind of dig that out a little bit. The Board
1307 of Appeals has been the same board for a long time and, so, they’re used to each other
1308 and used to see what so-and-so is doing so let’s hear about it. And you guys will be that
1309 way, as well.

1310
1311 Ms. Crichton said that Ms. Braun is very good at speaking up when people are talking
1312 when they shouldn’t be after everything’s closed. It’s nice that you have no problem
1313 saying that the public hearing is closed and we will have no more. Unfortunately, we’ve
1314 had a couple of meetings where you’ve had to bang the gavel.

1315
1316 Ms. Braun said that I don’t like to bang the gavel. You know I’m upset if the gavel comes
1317 out.

1318
1319 Ms. Crichton said that the board is pushed too far. If someone is taking advantage, or
1320 trying to take advantage, you have no problem speaking up, which is great. That’s what a
1321 Chair should do.

1322
1323 Ms. Braun said that I’m trying to protect you guys, too, because I can’t have people just
1324 being nasty, for lack of a better word, or disruptive. That just doesn’t work for me. I think
1325 confidence will come as you work with the ordinances more, especially when there are
1326 multiple applications on the same vein, such as marijuana, which is a topic that’s hot in

1327 Town right now. Mr. Brubaker's staff reports are beyond excellent. They are very
1328 helpful.

1329
1330 Ms. Crichton said that he can recite them.

1331
1332 Ms. Braun agreed. He can quote the exact ordinance to me. I'll remember the ordinance
1333 and go home and look it up and he's right.

1334
1335 Mr. Latter commented that, on all the marijuana applications I've seen, it's a perfect
1336 example of cut-and-dry. 'This' is what the zoning says and you apply the law and the
1337 facts and make a decision. There are some areas where I think it's open to a little more
1338 interpretation.

1339
1340 Ms. Metz agreed, saying that that ordinance is a lot newer. There is a lot more that has
1341 gone into that one because we've learned. Mr. Brubaker makes phenomenal changes on
1342 them, but we learn, and now we have an ordinance that you can literally say 'this' is what
1343 it says, 'this' is what your application said. They match, move on.

1344
1345 Mr. Latter said that I did have a conversation regarding 'allowing' another marijuana
1346 place and my response was that we didn't allow it. We didn't have a reason to disallow it.

1347
1348 Ms. Braun said that's right. We are ruled by the ordinances. We have rules by ordinances
1349 in every case.

1350
1351 Mr. Latter said that the people voted for that ordinance not that long ago. There are some
1352 laws of unintended consequences.

1353
1354 Ms. Braun said exactly. If it's in the book, that's what we go by. If it's not in the book, or
1355 if you hope it to be in the book, we can't consider that right now. This is what's in the
1356 book right now. And that's what's hard sometimes. That's what was so difficult about
1357 that one project that we had that went on, it seemed, forever, but we had to deal with
1358 what was on the book at the time. Some people don't understand.

1359
1360 Ms. Crichton said that I've asked this before but is there any point where we can cap the
1361 amount of marijuana places on Route 236.

1362
1363 Mr. Brubaker said that other communities have done caps. Again, if the community
1364 wants, and the PB wants, to revisit that, that is something you can pursue as an ordinance
1365 amendment.

1366
1367 Mr. Latter said that our issue is the whole water and sewer project in that the type of
1368 development that is economically feasible in those areas is limited because it doesn't
1369 have the infrastructure. If the infrastructure becomes more robust then more development
1370 will come. I would like to see a more robust infrastructure and a better re-development of
1371 some of that property. Because some property becomes more valuable than it is as a
1372 marijuana dispensary. It will be something else.

1373
1374 Ms. Bennett asked if we're too late to put anything on the ballot this year.
1375
1376 Ms. Lemire said that for June we are.
1377
1378 Ms. Bennett asked what about a non-binding question.
1379
1380 Ms. Metz agreed that June would be difficult because I believe it would have to pass
1381 through public hearing here and the SB prior to being placed on the ballot and it would
1382 have to be to Ms. Rawski by the 15th of this month.
1383
1384 Ms. Bennett asked if you do have to do a public hearing for a non-binding question.
1385
1386 Ms. Braun came Mr. Widi came before us for the agricultural thing, he did a non-binding
1387 thing and we didn't have to do a hearing.
1388
1389 Ms. Metz said that that was a petition versus a non-binding question. I don't know the
1390 answer. That's a Ms. Rawski question.
1391
1392 Mr. Latter asked how do you do a petition.
1393
1394 Ms. Lemire said that you get a certain number of signatures and submit it to the Town
1395 Clerk.
1396
1397 Ms. Bennett said that I just wondered about that. I was thinking, maybe, where we could
1398 start, in November with a non-binding question on the ballot with a potential capping of
1399 the number of marijuana dispensaries.
1400
1401 Mr. Latter said that, in Massachusetts, every municipality that voted for recreational
1402 marijuana had to give a minimum of 10% of alcohol licenses as marijuana licenses but
1403 we set a cap right off the bat.
1404
1405 Ms. Crichton said that it's so expensive there that they now come here to buy it.
1406
1407 Ms. Lemire said that it's not legal in New Hampshire. When New Hampshire opens up,
1408 and they're working on it, things may change here.
1409
1410 Mr. Latter agreed.
1411
1412 Mr. Brubaker added especially if the bill moves forward to basically have the State sell
1413 recreational marijuana at liquor stores.
1414
1415 Ms. Braun said that the only thing I would say about a PB member standing at the
1416 Transfer Station asking for signatures is that I don't think that would be ethical. That
1417 would be an Attorney Saucier question. It would be showing your bias. The other thing I
1418 see is if there were any other issues to come before us on that particular ordinance, you

1419 would have to recuse yourself, because you have made a pre-determination that you want
1420 them changed. As a PB member, you have to be very, very careful of what you say in a
1421 public setting. In that situation, you are showing them that you want the number to be
1422 changed, that you have a pre-disposition. So, if the topic came back up to the PB,
1423 especially an amendment to a marijuana ordinance, you would have to recuse yourself
1424 from discussion and voting.

1425
1426 Mr. Brubaker said that I would still like Attorney Saucier to weigh in on this. You could
1427 set out to have it a non-binding advisory referendum but you could almost pursue it like
1428 you do other ordinance amendments. If you want it on the November ballot, in May or
1429 June you start working on a draft and it would presumably be a simpler process because it
1430 would only be in question language and that strikethrough and bold, underline changes.
1431 You could then go to public hearing and say this is what the PB recommends but we pass
1432 it along to the SB. Then it's you, as a policy body for the Town of Eliot pursuing this,
1433 like you do other ordinance amendments. Everything is happening in an open meeting so
1434 there is no issue there. You could even choose to, at your discretion, have a public
1435 hearing on that even if you might not exactly need it, and maybe do it that way.

1436
1437 Mr. Latter said that the only thing that just popped into my mind regarding the non-
1438 binding question is, if it did pass, we'd be opening up a gold rush of a whole bunch of
1439 people trying to get applications in.

1440
1441 Ms. Braun said that the workload would then definitely increase.

1442
1443 Ms. Bennett said so be it. What else is percolating for the November ballot.

1444
1445 Mr. Brubaker said that the main one we talked about, and you've heard Ms. Rabasca's
1446 presentation, is erosion and sedimentation control. So, we have the benefit of legwork
1447 already being done by our model ordinance from the Southern Maine Stormwater
1448 Working Group (SMSWG). That would be a plug-in-play kind of a thing where we could
1449 mold that model ordinance to our ordinance or simply reference State standards relating
1450 to erosion and sedimentation control. That's at the top of my list as Town Planner. I do
1451 think, based on the SB review of our June ordinance amendments, we will have what I
1452 would call informally, clean-up legislation on the solar ordinance, should it be passed by
1453 voters, and tweak a small number of things there, one based on a request from the SB.
1454 I've already seen one or two typos and clarifications of language that we could clear up a
1455 little bit more. So, I think there will be an opportunity to fine-tune the solar ordinance if
1456 the voters pass it in June.

1457
1458 Ms. Bennet said that something I have mentioned is that there is a pretty earth-shattering
1459 housing bill being proposed at the legislature right now. Erath-shattering in the sense that
1460 there are mandates for every town to change the density of the residential development in
1461 all zones. There are also accessory dwelling units. The goal there is to create more
1462 housing in the State of Maine. It is being furiously being deliberated in the halls of
1463 Augusta right now.

1464

1465 Mr. Latter said not to be confused with the chambers.
1466

1467 Ms. Bennett said that they are not in the chambers. They are literally calling...Paul
1468 Schumacher got a call yesterday from the Governor's Office right after I had a call with
1469 him about this because there's some real concerns about how it will basically take away a
1470 lot of our ability to zone. It's probably going to pass; politically it's probably going to
1471 pass but we don't know exactly how it looks. I've been participating in the Maine's
1472 Association of Legislative Policy Committee meetings because I want to become a
1473 standing member in the next session and they are almost unanimously opposed to this for
1474 a lot of reasons. The biggest one is that it has an effective date of 2023 so we are talking
1475 about whatever changes we need to make to be able to get ourselves in line with whatever
1476 comes out, has to happen in November. That was what I was pushing on yesterday, to try
1477 to get that date changed. So, I just put that in as a head's up.
1478

1479 Mr. Brubaker asked if the latest version of the legislation elaborate on the point about 'by
1480 right' density, so to speak. I know earlier versions of the legislation was essentially going
1481 to be tantamount to a State mandate of wherever single-family homes are allowed,
1482 whichever zoning district they're allowed, a minimum of basically a quadraplex would be
1483 mandated to be allowed in the same zones. So, if you take your 3-acre rural lot, you could
1484 put a four-family.
1485

1486 Ms. Bennett added a single and two ADUs. You could get to whatever four dwelling
1487 units without having to increase the acreage. An open lot could get four houses on it. The
1488 push that was coming from some other planning, and Grow Smart Maine weighed in on
1489 this too, was to put back in some of the original language that would take away 'in all
1490 zones' and into a priority development zone. Either density like that if a municipality had
1491 a priority development zone or if the lot is serviced by water and sewer.
1492

1493 Ms. Lemire said the Village.
1494

1495 Ms. Bennett said yes, where we have one-acre zoning, which may be Comp Plan or more
1496 just the will of the PB to implement the last Comp Plan and the zoning for the Village
1497 and follow what was recommended 12 or 13 years ago. Change the Village to have ½-
1498 acre zoning. We'll know next week.
1499

1500 Mr. Latter said, speaking of sewer and water, has anyone caught wind of the 900-unit
1501 development on Dennett Road. It's in Kittery but it will have an impact on the Kittery
1502 Water District.
1503

1504 Mr. Brubaker said that the water and sewer project, as you all know, will expand our
1505 water and sewer system, especially along Route 236. The idea there is that, once it's built
1506 and under operation, over time you're adding more and more sewerage to the system
1507 needing to be treated by the Kittery Wastewater Treatment Plant. Eliot sewerage is
1508 treated at that plant with the Intermunicipal Agreement with Kittery (just approved). Just
1509 two weeks ago, the capacity increase doubled for us, with a million peak flow and from
1510 200,000 to 400,000 gpd. We have purchased that capacity at the Kittery Wastewater

1511 Treatment Plant so our piece should all be set up to accommodate that growth once the
1512 water and sewer project is operational.

1513
1514 Ms. Lemire said that I don't think this 900-unit is a surprise to Kittery at all. I think it's
1515 been part of the planning for a long time.

1516
1517 Ms. Braun said that that's where they were going to put the casino. They tried twice and
1518 the York County area said no, that they didn't want it. It's not only going to be housing
1519 but it will have restaurants and shops, like a little small town. If you look at it, you can
1520 see it from the turnpike, as it's right off the turnpike. Whether they'll put an entrance off
1521 the turnpike there, I doubt it.

1522
1523 Ms. Lemire said that I had read that they were thinking of closing the first exit but they
1524 changed their minds. They are doing some more work on that on-ramp/off-ramp.

1525
1526 Mr. Brubaker said that what I heard they are doing is that, if you are going northbound
1527 across the bridge, the advance sign that says Exit 1 to Eliot, for whatever reason, Maine
1528 DOT is going to remove Eliot from that sign.

1529
1530 Mr. Latter said personally, I moved here a year ago and the first half of the year I didn't
1531 think there was a road in Town because there was so much construction and Route 236
1532 was come-and-go-, come-and-go. Since they've opened that, I find myself on State Road
1533 a lot, that I live on State Road anyway. I find myself coming through Town a lot more.
1534 It's anecdotal and I don't know if you want that or don't want that but I'm not on Route
1535 236 nearly as much as I used to be.

1536
1537 Mr. Brubaker said, to pick up on that, is there anything you guys would be interested in
1538 with respect to seeking a courtesy review for that project in Kittery. I then also wanted to
1539 bring back to the discussion, because it is an important discussion, what other
1540 perspectives or ideas on housing and how to respond to changes that will come with the
1541 legislation.

1542
1543 Ms. Bennett said that I think a courtesy review would be nice. I've already had people
1544 ask my opinion about it on how this is going to impact Eliot. It's not that a review would
1545 answer our questions but I think it would give us a deeper understanding of what is going
1546 to happen there so that when we go forward with whatever happens on our side of the
1547 border and integrate with that or respond to that.

1548
1549 Ms. Metz said that that would give you an opportunity to view it and get your views on it.
1550 We are a lot better access than Kittery is to them. If they call me, they want answers. If
1551 they call Mr. Brubaker, they want an answer. Whereas with Kittery, it might be...I don't
1552 know how Kittery's makeup is and it would be nice to have that opportunity to talk to
1553 you guys about it, too, because I'm sure there are residents here that would come to that
1554 meeting and ask those questions.

1555

1556 Ms. Lemire said that I think it would be a good thing to inform the Comprehensive Plan
1557 when developing policies and strategies and ordinances, to your point, because of what
1558 they build there. I know there's a percentage that has to be low income.

1559
1560 Mr. Brubaker said that, from my understanding from hearing this from the Kittery
1561 Planning Director with that, there are some inclusionary housing provisions in some
1562 zones but this one isn't currently in the plans.

1563
1564 Ms. Bennett said that I don't think they've deemed this one complete, yet. They are still
1565 considering amending the zone. I was thinking there are a couple other things, and it's
1566 not the State law that's coming. I've thought for a really long time that our elderly
1567 housing definition and ordinance is just not working. Next year I'm eligible for elderly
1568 housing. I don't feel elderly. I don't act elderly. And I don't think it's appropriate that we
1569 should be incentivizing for my age group necessarily.

1570
1571 Ms. Lemire said that elderly housing has been misused here.

1572
1573 Ms. Bennett agreed, saying that we've been incentivizing elderly housing and, therefore,
1574 other age groups or other types of housing aren't being built, especially for a very long
1575 time. The other piece is that it's starting to ruin affordable housing. What that is or what a
1576 strategy is, I'm not fully convinced that zones is how you get to affordable housing. But I
1577 do think that adjusting elderly housing could and I think underlying this housing bill right
1578 now in the legislature is the idea that if you just build enough new houses, those aren't
1579 affordable for people of modest means. The person of modest means can't buy a new
1580 house anywhere, especially here. But the idea is that there is a filtering effect. So,
1581 someone will go buy that new house and they'll sell there 1,500-year-old house to
1582 someone who can then afford to live in it, probably not up to the codes that are out-of-
1583 date, now. Probably it's **spent** equity now. So that's sort of how you get affordable
1584 housing. People aren't leaving their houses. They're not selling. If you've got yours right
1585 now in our area, you're staying where you are. With the idea behind the elderly housing,
1586 my belief is that it was here so that we could provide an opportunity for people to age in
1587 place in our community; that they could down-size from the family home that is probably
1588 2,000 to 3,000 square feet and just get something smaller and be in our community. The
1589 elderly housing we are building is not that small and it's not for people in Town,
1590 necessarily. People who are growing older in our Town are not moving into the elderly
1591 housing for a very long time and that's why we have this Aging-in-Place Committee
1592 now. Our attempt at creating something for elderly folks in our community is not
1593 working.

1594
1595 Mr. Latter said that one thing that I have seen that has been more supportive of aging-in-
1596 place is accessory dwelling units.

1597
1598 Ms. Bennett said exactly. That's why I built one.

1599
1600 Ms. Lemire said that that's a really good answer. I took three webinars on housing issues
1601 in Maine. One of the things is that they take a neighborhood that has different types of

1602 homes in it and they convert a lot of them – to townhouses, to apartment buildings, to
1603 ADUs that are attached and unattached to the main house. You’d never know. It looks
1604 like a neighborhood. There has been a perception, whether it’s correct or not, in Eliot
1605 especially for a very long time that elderly housing and ADU housing, especially
1606 workforce housing, means poor, crime, all these negative connotations to it. And it’s not
1607 true at all. I looked at the pricing for senior apartments over by Eliot Commons. It is
1608 ridiculous. There is no way I would pay that kind of money to live in an apartment with
1609 no yard and maybe not even a porch. The perception around this I think is going to be the
1610 hardest battle and if we have examples of what it actually looks like, it might help.
1611 There’s lots of them around the country. It’s happening in a lot of different places.

1612
1613 Ms. Bennett said that it’s not unique to Eliot, Maine. It’s nation-wide that we have a
1614 housing supply issue and an affordability issue.

1615
1616 Mr. Brubaker said that I’m glad for the mentions of various housing types that have come
1617 up, too, because I think, in the planning community, there’s a battle raging over what’s
1618 the best strategy for promoting workforce or affordable housing. I think a lot of nuances
1619 get lost because there’s the supply-siders who say ‘no, no, we need a ton of density or
1620 keep building units’.

1621
1622 Mr. Latter said that, what you have there, is that you create ‘hot’ housing that actually
1623 works against you. You know this hot, new neighborhood and the market goes ‘oh,
1624 shiny’. It drives up the cost. It’s good for local property owners who are getting ready to
1625 dump their houses who could have sold it for \$400,000 a year ago and they got \$600,000.
1626 And you’re right. There’s a difference between extremely low affordable housing; that I
1627 have dealt with this on a lot of levels with different kinds of affordable housing. And we
1628 do need housing for the people who literally need social support. It’s good to put those
1629 together with services but then there is the working poor, which is different from
1630 workforce housing for the people who are doing menial jobs that need a place to live.
1631 You have situations where you can’t have nurses and teachers living in your town.

1632
1633 Ms. Bennett said right, and they make a lot more than people who work for a non-profit,
1634 like I do. The reason I landed in Eliot was because this was the most affordable house I
1635 could find in four towns that I was looking at. It had black mold and a bum septic system
1636 and a cracked door. The circuit breaker was completely a fire hazard but I could afford it.
1637 The time I spent, almost every single dime I’ve had, and every spare moment making that
1638 home my forever home. I know what I can afford and then I have to do this. I guess I
1639 would fall into the workforce. How do we have our police and firemen and people who
1640 provide social services and work in non-profits who don’t make six figures, and you have
1641 to make six figures to buy a house in Eliot.

1642
1643 Ms. Lemire said that this may be a way for people to actually keep their homes, the larger
1644 homes, to be able to convert them. Right now it was a struggle just to get the ADU
1645 bigger.

1646

1647 Ms. Bennett said that I noticed that the State has taken the minimum house size at 194
1648 feet.

1649
1650 Ms. Metz said that one of the biggest questions that hits my desk is can I put my tiny
1651 home there.

1652
1653 Ms. Bennett said that I think it's the mobile home of this time. Mobile homes are
1654 excellent workforce housing and we are the only town that still allows mobile homes. It's
1655 outlawed in all the surrounding towns. There is that sort of we don't want that kind of X,
1656 Y, Z _____. I think we need to think in terms of how we can provide that housing.

1657
1658 Ms. Lemire said that I live in Marshwood and it's a mess on all kinds of levels. The
1659 person who owns the park doesn't really care. He only does what he is forced to do. They
1660 just replaced a huge culvert in the park but he didn't have a choice because it was
1661 collapsing. Part of the frustration is in being able to find people who will be good care-
1662 takers of things like this because people just don't want anymore of that in my town.

1663
1664 Ms. Bennett said that in all that we're doing, you try to figure out what the unintended
1665 consequences are, and we never can. So, we chase them, we have to go back and fine-
1666 tune the ordinance, we have to go back and think about this. It's important work. Is it too
1667 big for November, probably, but it's just that segue in you were going to tell us about the
1668 Comp Plan update.

1669
1670 Mr. Brubaker started by asking what PB members knew about this 2009 document.

1671
1672 Mr. Latter said that I'm glad to know it exists.

1673
1674 Ms. Bennett said that I've cited it many times.

1675
1676 Ms. Lemire said that there's a lot of good stuff in there.

1677
1678 Mr. Brubaker said that I think there's a lot of good stuff in there. SMPDC did it and they
1679 did a good job. There was a Comprehensive Planning Committee. You can see the
1680 members in there, including Ms. Lemire. It does have a pretty good vision statement, I
1681 think. I've seen a lot of plans where the vision statement is so broad that it's almost
1682 meaningless and I like how this Comprehensive Plan's vision statement actually has
1683 some kind of specifics about what kind of community do we want. Does Eliot want to
1684 stay Eliot. It was developed with four public meetings and there was a survey sent to
1685 every household.

1686
1687 Ms. Lemire said that the survey had an excellent response.

1688
1689 Mr. Brubaker said yes. 650 responses. I think the idea is that, as great as the 2009
1690 document is, it's a while ago. A lot of things have changed. We had a recession back
1691 then. Marijuana. We had the COVID pandemic, which has fundamentally changed how
1692 we look at certain aspects of life. It's now 13+ years removed. We did get a budget

1693 allocation of \$35,000 to update the Comprehensive Plan. What I wanted to do, then, is
1694 wait until our entire team was on board and kind of settled then move forward with the
1695 update. \$35,000 isn't a whole lot of money so, I think the idea is that we would have to
1696 pick and choose how comprehensive our update would be. 'This' certainly won't be
1697 thrown out. It will be an update so I think it will be kind of refining this. I could see a
1698 new document. Probably one that would be a little less text heavy and more image and
1699 graphic heavy. I obviously see a committee again but I would suggest, perhaps, having
1700 some groups of different topics within that committee.

1701
1702 Mr. Latter asked if that was within budget capacity to bring some professionals in to help
1703 facilitate that.

1704
1705 Mr. Brubaker said that I previously worked in the consulting world and many consultants
1706 would frankly pass if they knew that the budget was \$35,000. So, that will be a logistical
1707 challenge.

1708
1709 Ms. Lemire said that we have a good foundation to start with, though.

1710
1711 Mr. Brubaker agreed, saying that, from there, I would just put it out to the group and say
1712 what do you want to reflect on about this plan or priorities for the update.

1713
1714 Ms. Lemire said that some of what is in there is happening, like the bike and walk
1715 project. That's part of the vision that is in there. The environment, preserving and
1716 protecting natural resources, like all of the things that came out from Odiorne. It's a
1717 perfect example of all the different things because we have so much here, and we have no
1718 idea. It took me a very long time to realize all that we have here. We are really unique.
1719 And this is not a pride thing. There's a lot here and the vision was to preserve and to be
1720 able to incorporate it in the way we live here. A place where people feel safe and they can
1721 walk, and they can have a village environment, an actual Town center, which is why they
1722 wanted sewer and water in the Village, and to increase the density. Have mom and pop
1723 shops or a little park, and sidewalks, apartments over stores, and things like that. Like a
1724 typical town would have. I don't think that it will ever be quite that. I don't think it's
1725 going to work here but I think we can come close to it and just create our own vision for
1726 what that would look like. I love the idea of graphics and images. And there is so much
1727 out there available to bring together and compile, and we could pick and choose what we
1728 want.

1729
1730 Ms. Bennett said that I think a few sub-committees like the way the original one was
1731 done.

1732
1733 Ms. Lemire agreed, adding that we all did it and we didn't get paid. It was a lot of work
1734 and it was very satisfying. It was fascinating and it was really interesting to learn just
1735 what we have here.

1736
1737 Ms. Metz asked if that would include parks and recreation, as well.

1738

1739 Ms. Lemire said yes, absolutely.
1740

1741 Ms. Metz said that we were in a meeting this morning and the Town Manager said that
1742 we have parks but it's park, park, park, one, one, one instead of there is one over on 'this'
1743 side of Eliot and one down 'here' and there's a beautiful walking trail that leads from the
1744 library to the other side of Eliot. There was a PB member who is no longer on the PB
1745 who had some fantastic ideas about changes and updates to parks and recreation. Like
1746 creating a space for teens and for younger kids that could meet up on a Friday and have a
1747 concert by a local band, for example, and stuff like that. We do a little bit of that, now,
1748 but having a significant space like Dover has. I grew up in Dover and I love Henry Law
1749 Park. It is absolutely gorgeous. My son has been to that park.
1750

1751 Ms. Lemire said that it's an incredible use of the space.
1752

1753 Mr. Brubaker asked if you see kids there all the time.
1754

1755 Ms. Metz said all the time. It wasn't always like that. It came from some disaster and
1756 wasn't a place you wanted to walk around at night. But now, even the skate park has been
1757 renovated and all the playgrounds. The Children's Museum is right there and it's just a
1758 really cool place to go. I feel like we're missing that and we do have a lot of young
1759 families coming in.
1760

1761 Mr. Latter said that one of our challenges is economies of scale. Dover is a city with a
1762 base of 40,000 people. It does have a more diverse tax base. That's one of the trade-offs
1763 between living in a rural town like Eliot and living in a city like Dover. How do we get
1764 some of the look and feel of some of those aspects within our budget capacity.
1765

1766 Ms. Lemire said that one of the first things we did was we got, I don't know if it was a
1767 whiteboard or bulletin board, but everyone wrote down whatever they wanted to have.
1768 What do you want to see in Eliot. What do you want to build. What do you want to
1769 create. What kind of stores, what kind of homes, walking, bicycling, jogging. One person
1770 was really focused on the Boat Basin and wanted to turn it into a place where people
1771 could come for hiking, and other things I can't remember. Everyone put their ideas out on
1772 this board and we all talked about them. And we decided, well, what would work 'here',
1773 and what can we afford, and what would not work. What would we really have to fight
1774 hard to convince people they really want. What are we hearing around in the community.
1775 That's a really great way to start doing it.
1776

1777 Mr. Brubaker said that I think one thing you see all through this document, and I always
1778 hear from the community, I think one of the essential things of Eliot is the rural character
1779 and retention of the rural character. I think that's been the idea of the importance of local
1780 agriculture has only been amplified with our new Town Manager coming in and basically
1781 working with the SB to start this Agriculture and Food Security Committee, which is a
1782 new committee that they have now; that it's taking a look at ideas for enhancing
1783 agriculture, preserving agriculture, and opportunities for local markets, and things like
1784 that.

1785
1786 Ms. Metz said even local walking trails in that same aspect. Wagonhill Farm (Durham) is
1787 just a big, open area. It's huge, gigantic. People park the car and walk the dog or you just
1788 walk around. It's just this wide-open space. Nobody is policing it. Nobody is doing
1789 anything with it, but it's beautiful. There are properties in Town similar to that.
1790
1791 Ms. Bennett said a good steward, Great Works Regional Land Trust, has Douglas
1792 Memorial Woods, which is a little muddy and then there is the Goodwin Forest.
1793
1794 Ms. Lemire suggested we could have the Scouts build bridges over the muddy spots.
1795
1796 Ms. Bennett said that Kennebunk Savings Bank put \$10,000 into building bridges in
1797 Douglass Memorial Woods a long time ago. There are the trails at Dead Duck.
1798
1799 Ms. Metz said even increasing the knowledge base for that.
1800
1801 Ms. Lemire agreed, saying that nobody knows anything.
1802
1803 Ms. Metz agreed, saying I haven't heard of half of those and I sit at that desk.
1804
1805 Mr. Brubaker said one example is that Eliot is a community that's on a 2,800-mile
1806 greenway. It's called the East Coast Greenway that goes from Florida to the tip of Maine.
1807 Within that, Eliot is in the Eastern Trail. The Comprehensive Plan recommends that Eliot
1808 promote the Eastern Trail and be part of that Eastern Trail Management District.
1809
1810 Ms. Lemire said that we used to be.
1811
1812 Mr. Brubaker said, and yet, at some point a budget committee decided to simply stop
1813 paying the nominal Eastern Management District fee.
1814
1815 Ms. Lemire said that it was the SB. They decided that it was too much money and what
1816 were we getting out of it, and it went away.
1817
1818 Mr. Brubaker said that there are those aspects of the Comp Plan that are part of it that are
1819 not really being adhered to. Another example is that, in our zoning, park & rides are
1820 essentially banned in all zoning districts but the Comp Plan states that park & rides along
1821 Route 236, I believe, should be promoted. There's actually a State statute that says that.
1822 MDOT often works with private property owners to locate park & rides for the purpose
1823 of car-pooling, reducing traffic, reducing congestion. In full disclosure, MaineDOT is
1824 now in full discussions with a property owner here about a park & ride to promote the
1825 shipyard workers who live in the area. And there is a State statute that says zoning
1826 provisions that are inconsistent with the Comp Plan are only advisory with respect to the
1827 State; in other words, when the State is an applicant before the PB. That might mean that
1828 something like a park & ride that the zoning chapters completely ban, if the State were to
1829 move forward, might not apply. Then of course, there's the minimum lot size in the
1830 Village District and Comp Plan, too. So, there are a number of things in the Comp Plan.

1831 Anyway, that was kind of a tangent. I kind of took that from talking about walking, open
1832 space, and trails, and things like that.

1833
1834 Ms. Lemire said that you can make a nice park & ride; that you could put trees and
1835 shrubs. It doesn't have to be just this pavement.

1836
1837 Ms. Bennett said that a not-so-nice thing that I think our Comp Plan needs to address
1838 substantially is climate change and there is climate change legislation that is coming
1839 about planning around climate resiliency. Oftentimes regional planning but we need to
1840 seriously look at that. Our wetlands are going to be rising and we need to look at our
1841 setbacks. We need to start to think in terms of avoiding what we can expect. And also
1842 identifying the pieces of our Town infrastructure that will either need some substantial
1843 investments, which will take time to get that budgeted or get a grant for, or we're going
1844 to have to find routes, a way around. We may not be able to cross over to Kittery at some
1845 point. Parts of our Commercial/Industrial Zone may become inundated in 30 to 40 years.
1846 Should we be looking at this. Should we be building up now and saying, "That's for the
1847 PB 30 years from now that has to deal with that." or should we start dealing with it now.
1848 Anyway, I think that needs to be a real stake in the Comp Plan around climate resiliency.

1849
1850 Mr. Brubaker said that I see that as being a significant topic, perhaps, even like a sub-
1851 working group.

1852
1853 Ms. Bennett added that there is grant funding around this for regional solutions.

1854
1855 There was discussion regarding the update to the FEMA flood mapping; that it wasn't
1856 determined if it has been fully implemented yet. There have been legal matters over this
1857 map.

1858
1859 Mr. Brubaker asked what else we can talk about with the Comp Plan. We talked about
1860 housing. We talked about climate change. Open space and trails. A little bit about
1861 density.

1862
1863 Ms. Lemire added the districts, too. That was a big deal in that Comp Plan, especially on
1864 Route 236. We have the actual Commercial/Industrial District and then, near the end
1865 toward Kittery, we wanted to create a General District Zone. We then wanted to create a
1866 Village Center Zone, which would be a little bit different from the actual Village Zone.

1867
1868 Mr. Latter asked what the zone was over towards the shipyard side of Town.

1869
1870 Ms. Bennett said that that was Commercial/Industrial, too.

1871
1872 Ms. Lemire added that there are wetlands there, like Mr. Pickett's property.

1873
1874 Mr. Brubaker said that that's an interesting one because that's not showing up on our
1875 Shoreland zoning, not as a resource protected by Shoreland zoning. I think there have
1876 been past questions about whether that shouldn't be in our Shoreland zoning overlay. It

1877 does seem to be a continuous wetland of 10+ acres, which would then fall under local
1878 jurisdiction but, for whatever reason, it's not on our Shoreland zoning map.
1879
1880 Ms. Lemire said that the map we created with all the different districts shows it and
1881 there's a lot of information on that that talks about the different things that would be
1882 going into them and why.
1883
1884 Mr. Latter asked what the big changes were that were put into the Comprehensive Plan.
1885
1886 Ms. Lemire said one was creating several districts that we don't have.
1887
1888 Mr. Latter asked, sitting on a committee then, what has been successful and what hasn't.
1889
1890 Ms. Lemire said not much. Part of it was that people didn't have the time.
1891
1892 Mr. Latter asked if there were certain kinds of development that happened.
1893
1894 Ms. Lemire said that we tried. Open Space Subdivisions was one thing and that has
1895 failed.
1896
1897 Ms. Bennett said that it hasn't been exercised that often.
1898
1899 Ms. Lemire agreed, saying that of the one or two that have, at least one of them has been
1900 a failure. It didn't work as intended but I don't think the ordinance is well-written.
1901
1902 Mr. Brubaker said that it's like cluster housing.
1903
1904 Ms. Lemire said that there are many policies and strategies and they are attributed to
1905 different boards and committees. I haven't seen a lot of movement on any of the boards I
1906 pay attention to. Additionally, part of it was with some of the major things, like the re-
1907 districting in the Village that was dependent on sewer and water because everything is
1908 pretty tight already.
1909
1910 Ms. Braun asked if that document was available online.
1911
1912 Mr. Brubaker said yes. It's on the website but I think the easiest is if you Google Eliot,
1913 Maine Comprehensive Plan. That should be one of the first links.
1914
1915 Ms. Lemire said that a lot of it is ordinance re-writing, re-writing districts, and being able
1916 to spend the time to think about unintended consequences, and getting the language right.
1917 So, it's going to be as time-consuming as all the other stuff you do.
1918
1919 Ms. Braun asked if there is a timeframe within which you want to accomplish this or is
1920 that open for discussion.
1921

1922 Mr. Brubaker said that, in my experience, it's tough to commit to a specific timeframe.
1923 Sometimes they can take a year or two but sometimes certain communities can kind of
1924 prolong the Comp Plan update process, particularly if there is something controversial
1925 being hotly debated.
1926
1927 Ms. Bennet asked if we were required to.
1928
1929 Mr. Brubaker said that we used to be required to but I think that is gone.
1930
1931 Ms. Lemire said that I think just tweaking it would help a lot. One thing I've noticed is
1932 that I think people are coming together more in Eliot over the vision. I hear a lot more
1933 people saying similar things about preserving and protecting and creating environments
1934 where we can live and walk and breathe. So, I don't see that tug that we had back then as
1935 much.
1936
1937 Mr. Brubaker said that I would hope that we could, especially if it's a little more of a
1938 minor update than a major overhaul, accomplish it in a 2-year period. Not to say that
1939 would take a whole 2 years but just to be conservative with it.
1940
1941 Mr. Leathe asked who spear-headed that. Was there one person or committee.
1942
1943 Ms. Lemire said that it was mandated for any town who had zoning had to have one.
1944 There was a steering committee, Select Board members, and people who had been
1945 heavily involved in the community for a long time.
1946
1947 Mr. Leathe said that it wasn't something that the Planning office was driving.
1948
1949 Ms. Lemire said that we didn't have a planning department like we have now. Betsy
1950 O'Donoghue was on it, Tony Manero.
1951
1952 Mr. Brubaker added Bill Hamilton, Heather Muzeroll.
1953
1954 Ms. Bennett added Diane Brandon, Liz Lane, members of Great Works Regional Land
1955 Trust.
1956
1957 Ms. Lemire said that we had some good people.
1958
1959 Mr. Brubaker added Phil Lytle, former Select Board member. And Paul Schumacher,
1960 who kind of wrote it as a consultant from SMPDC. He is still with them.
1961
1962 Ms. Lemire said that it was a good plan but it was hard to get boards and committees to
1963 start developing it. And it was time-consuming. The PB had the State Model Ordinance
1964 for Streets and Sidewalks and it took them a year, with the model.
1965
1966 Ms. Braun said that it's something we need to work on as time permits, depending on the
1967 workload.

- 1968
1969 Ms. Bennett said that I sort of see it as sitting in your department.
1970
1971 Mr. Brubaker said that I think now is a good time to move forward. So, I think what I see
1972 is that, over the next few months, working on scoping the process and getting your input
1973 on it.
1974
1975 Mr. latter suggested that, once we have the November ballot settled, then there is that lag
1976 time and we could work on it then.
1977
1978 Mr. Brubaker said yes, exactly. I can see in the summer maybe a committee formation,
1979 followed by rolling up sleeves and doing the actual public participation, and policy
1980 analysis or review of this document. Seeing what will change, maybe a survey. Again,
1981 we're operating on a kind of limited budget but we'll see what we can do within that
1982 budget. We may try to do some kind of consultant selection to see what we can get but it
1983 is, I think, something that could be a challenge.
1984
1985 Ms. Bennett said that I think that, with the last Comp Plan, the committee had a booth at
1986 Eliot Festival Day and that was one of the opportunities to survey the community.
1987
1988 Ms. Lemire said yes, they did. That's an excellent idea.
1989
1990 Mr. Brubaker agreed, saying that I think there will need to be some good volunteer
1991 participation by us. As long as there's a really solid process that prevents kind of a traffic
1992 jam of ideas, the more hands on deck, I think, the better planning.
1993
1994 Ms. Lemire said that we had subcommittees. We didn't let people just pile in. When we
1995 had the initial meeting, the process was explained, then we had the board to hold all the
1996 ideas thrown against it. But then, different people had different expertise, different
1997 backgrounds, different interests and they had subcommittees laid out for all the different
1998 areas and people volunteered for those particular ones. There was only a little bit of
1999 overlap. That worked out really well. Our Land Use Subcommittee was 10 people.
2000
2001 The PB thought that the meeting went well tonight.
2002
2003

2004 **ITEM 7 – SET AGENDA AND DATE FOR NEXT MEETING**

- 2005
2006 Ms. Braun said that there is a meeting next Tuesday (12th) at 6 PM. We have another one
2007 on the 19th.
2008
2009
2010 The next regular Planning Board Meeting is scheduled for April 12, 2022 at 7PM.
2011
2012
2013

2014 **ITEM 8 – ADJOURN**

2015
2016 The meeting adjourned at 8:37 PM.

2017
2018
2019

2020
2021

Lissa Crichton, Secretary
Date approved: _____

2022
2023
2024

2025 **Respectfully submitted,**

2026
2027 **Ellen Lemire, Recording Secretary**

2028
2029
2030

PB22-10: 155 Harold L. Dow Hwy. (Map 29, Lot 25): Site Plan Review and Change of Use –
 Marijuana Products Manufacturing Facility – **Sketch Plan Review**



TOWN OF ELIOT MAINE

PLANNING OFFICE
 1333 State Road
 Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Art Guadano, AIA, LEED AP BD+C, AG Architects PC, Applicant’s Representative
 Jeff Cutting, C-Port Enterprises, Applicant
 Shelly Bishop, Code Enforcement Officer
 Kearsten Metz, Land Use Administrative Assistant
 Date: June 14, 2022 (report date)
 June 21, 2022 (meeting date)
 Re: PB22-10: 155 Harold L. Dow Hwy. (Map 29, Lot 25): Site Plan Review and Change of Use –
 Marijuana Products Manufacturing Facility – **Sketch Plan Review**

Application Details/Checklist Documentation	
✓ Address:	155 Harold L. Dow Hwy.
✓ Map/Lot:	29/25
✓ PB Case#:	22-10
✓ Zoning:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	None
✓ Owner Name:	155 HDH LLC
✓ Applicant Name:	Green Blossoms LLC
✓ Proposed Project:	Marijuana Products Manufacturing Facility
Application Received by Staff:	May 19, 2022
✓ Application Fee Paid and Date:	\$300 (SP Amend.: \$100; Chg. of Use: \$25; PH: \$175) May 19, 2022
Application Sent to Staff Reviewers:	Not yet sent
Application Heard by PB	June 21, 2022 (scheduled)
Found Complete by PB	TBD
Site Walk	TBD
Site Walk Publication	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
Deliberation	TBD
✓ Reason for PB Review:	Site Plan Amendment, Change of Use, Marijuana Establishment

Overview

Applicant Green Blossoms LLC (property owner: 155 HDH LLC; agent: AG Architects, PC) seeks Site Plan Amendment/Review and a Change of Use approval for a marijuana establishment (marijuana products manufacturing facility) at 155 Harold L. Dow Hwy. (Map 29, Lot 25), an approximately 7.7-

PB22-10: 155 Harold L. Dow Hwy. (Map 29, Lot 25): Site Plan Review and Change of Use –
Marijuana Products Manufacturing Facility – **Sketch Plan Review**

acre lot. The establishment would be located in a rental unit (Unit 2) in the existing two-unit commercial building, which currently also has a restaurant (Dunkin Donuts). As stated in the application:

There will be no changes to the outside of the building. We plan to build a small commercial Manufacturing space for the purpose of producing edible cannabis products.

There will be no retail sales from this location or processing of raw cannabis product from this location. All Cannabis products will be purchased in distillate form and introduce[d] into our produces in a liquid form. The end result of our production will be to wholesale this product to licensed retail cannabis locations and medical dispensaries in the State of Maine.

Application contents

Submitted March 28, 2022

- Cover letter/job memorandum dated 5/19/22
- Site Plan Review application signed 5/19/22
 - Additional signature page signed by property owner, 5/24/22
- Application narrative, including progress plan, odor and dust control plan, and product disposal plan
- Agent authorization letter for AG Architects and C-Port Enterprises
- OCP (formerly OMP) Conditional License AMF1160 – Adult Use
- Marijuana Products Manufacturing Facility, to Green Blossoms LLC (expires 2/27/23)
- Marked-up version of site plan set, various revision dates 2004-05, from Attar Engineering
 - Added sheet C2.5 – new lighting plan
 - Added sheet A2.1 – floor plan
- Sheet E1.0 – Power & lighting plans
- Sublease agreement signed 5/4/22
- Security plan narrative, received 6/9/22

Type of review needed

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

If the Planning Board believes the application is complete (considering inapplicable content requirements and any waivers you may grant), consider a completeness motion and the setting of a public hearing.

Zoning

Commercial-Industrial (C/I); no shoreland zoning

Use

Marijuana establishments (e.g. products manufacturing facilities) are SPR uses in the C/I district.

Section 1-2 definition

Marijuana products manufacturing facility shall mean a “products manufacturing facility” as that term is defined in 28-B M.R.S.A. § 102(4243), as may be amended. A *marijuana products*

PB22-10: 155 Harold L. Dow Hwy. (Map 29, Lot 25): Site Plan Review and Change of Use –
 Marijuana Products Manufacturing Facility – **Sketch Plan Review**

manufacturing facility is an entity licensed to purchase adult use marijuana; to manufacture, label and package adult use marijuana products; and to sell adult use marijuana products from a marijuana cultivation facility only to other *marijuana products manufacturing facilities*, or marijuana stores and marijuana social clubs.

There is a typo in the statutory reference in the latter definition; likely it refers to 28-B M.R.S.A. § 102(43), which is “Products manufacturing facility”. That definition is:

“Products manufacturing facility” means a facility licensed under this chapter to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Affidavit of ownership (33-106)

A sublease has been provided for Unit 2. The sublease term is 5 years with 3 options for 5-year extensions. The sublease is available in the Planning office if any PB members would like to review. The sublease terms cover the proposed use.

OMP Conditional License

AMF1160: Adult Use Marijuana Products Manuf. Facility; Green Blossoms LLC, exp. 2/27/23

Dimensional requirements (45-405)

Dimension	Standard	Met?
Min lot size, lot line setbacks, max building height, max lot coverage		N/A – no new lot creation; no new buildings, additions, or expansions
Min street frontage (ft)	300	Lot has 200 ft. frontage (it appears to have previously been two contiguous 100-foot-wide lots), presumptively legally nonconforming
Max sign area (sf)	Max. 50 sf for wall-mounted, 100 sf for common freestanding	No freestanding or wall-mounted sign proposed for this use/unit. Signs only on entry doors. [See 45-528(d) regarding allowability of these signs.] See Sheet C2.2, Note 10; Sheet C2.3; and Sheet A2.1.

Site walk (33-64)

This is at the PB’s discretion, but with the scale of the proposed use (e.g. use of existing building, no new buildings/additions/expansions, and limited traffic generation), I recommend foregoing it.

Sketch/Site Plan Review contents – Planner review (33-105; 33-127)

See attached checklist

Marijuana performance standards (33-190)

Paragraph	Standard summary	Met?
(1)	Screening per 33-175	No additional plantings proposed. Currently, Route 236 frontage has low-growing bushes around freestanding Dunkin Donuts sign and tree buffers along the sides of the lot. Another part of the frontage is devoted to the septic field. Areas by driveways should be kept clear for adequate sight distances (45-406).
(2)	Comply with applicable parking requirements (45-495)	Appears to be met. See C2.2 parking calculation. 1 space per employee, largest shift would have 4 employees. Spaces provided: 15 (designated from overall parking pool). See Attar’s original Note 8 for the overall site: 67 spaces required; 70 provided, with 4 being ADA.
(3)	Signage and advertising	Appears to be met. Entry door signs/decals are the only ones proposed
(4a)	Activities conducted indoors, no outdoor sales	Met. No such activities proposed, no sales proposed.
(4b)	Odor management	Appears to be met. See Odor Control narrative.
(4c)	Noxious gases and fumes	Per narrative, appears to be N/A but PB may wish to inquire about general ventilation system in building.
(4d)	Smoke, dust, debris, fluids, substances	Per narrative, appears to be N/A.
(4e)	Waste disposal plan	See narrative. Existing dumpster is at rear of the site, by drive-through loop. Town has been contacted by property owner about enlarging dumpster area; however, latest is that they will keep dumpster area as is.
(4f)	Security measures	Security narrative provided; a paper version is in your packet for review, omitted from packet PDF – please keep confidential. All standards appear to be met. Lighting plan appears adequate to provide exterior lighting illuminating exterior walls. See Sheet C2.5 for lighting specs and illuminance values.
(5)	“500 foot rule” separation/buffering	N/A – proposed use (manufacturing) is not the type of use subject to this section
(6)	Hours of operation	Applicant reported in an email communication that the hours would be Monday-Friday, 9am to 5pm.
(7)	Cultivation area limitation	N/A
(8)	Sale of edible products	N/A
(9)	Drive-through and home delivery prohibition	N/A
(10)	Pesticides, packaging, and labeling	Defer packaging and labeling requirements to State OCP review.
(11)	Inspections	Relates to building permit/Fire Chief review
(12)	Change/addition of use	Met – current proposal under review by PB.
(13)	Other laws remain applicable	Defer to State OCP review

Traffic (45-406)

Safe access to and from public and private roads

No change to existing access configuration.

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

No change to existing access points; traffic generation for proposed use appears to be insignificant.

Assure safe interior circulation within the site

No change to internal circulation.

Odor (45-409)

See narrative – odor and dust control.

Stormwater runoff (45-411)

No change to impervious surface. 2004-05 site plan (Attar) shows proposed stormwater features (level spreader, check dams, swales) now in existence.

Erosion control (45-412)

No change to impervious surface/disturbed area.

Preservation of landscape (45-413)

No change to landscape/natural features.

Water and sewer (45-416)

Building is connected to existing water and private septic system, with septic field in the site's frontage, between driveways. I have not yet been able to locate the previous septic system permitting information but will keep looking for that in the Town's files.

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

The PB may wish to discuss with the applicant the potential to add some more vegetative screening and plantings within the frontage, but septic field and need to preserve sight distances at driveways constrains options.

Parking and loading

See site plan C2.2 – parking calculation. 1 space per employee; largest shift = 4 employees. 15 spaces provided, designated from overall parking pool for the property. Per Attar plans (2004-05), 67 spaces provided and 70 provided for overall site. 4 ADA spaces provided, 2 for each unit. 1 loading bay is provided to share between the 2 units.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

Green Blossoms LLC
16 Old Mill Rd
South Berwick Maine

5/19/2022

Members of the Select Board of Eliot Maine,

I Julie Cutting-Kelley of Breen Blossoms LLC authorizes Art Guadano of AG Architects and Jeffrey Cutting of C-Port Enterprises to represent me in all matters pertaining to the permitting of a commercial manufacturing facility at 155 Harold L. Dow Highway in Eliot Maine

A handwritten signature in black ink that reads "Julie Cutting-Kelley". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

Julie Cutting-Kelley

Owner

Green Blossoms LLC

Case No. _____

Site review? Yes No

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

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

Tax Map Map 29 Lot# 24&25 Lot Size 334976 Zoning District: C/I

Your Name Green Blossoms LLC Your mailing address 16 Old Mill Rd

City/Town South Berwick State: Maine Zip: 03908 Telephone: 207-752-7616

Who owns the property now? 155 HDH LLC

Address (Location) of the property 155 Harold L Dow Highway Eliot Maine 03903

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? Manufacturing of Cannabis edible products
(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:

Our proposal is to build out a currently available rental location at 155 Harold Dow Highway In Eliot Maine.
There will be no changes to the outside of the building. We plan to build a small commercial Manufacturing space for the purpose of producing edible cannabis products.

There will be no retail sales from this location or processing of raw cannabis product from this location. All Cannabis products will be purchased in distillate form and introduce into our produces in a liquid form.
The end result of our production will be to wholesale this product to licensed retail cannabis locations and medical dispensaries in the State of Maine.

Case No. _____

Site review? Yes No

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

- All zoning districts Drawing C2.1
- The location of all existing and/or proposed buildings Drawing C2.3
- The setbacks of all existing and proposed structures or uses. Drawing C2.3

- The location of proposed signs, their size, and direction of illumination.
 Drawings C2.3, A2.1

- The location of all existing and/or proposed entrances and exits. Drawing C2.3

- All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.) Drawing C2.3

- Plans of buildings, sewage disposal facilities, and location of water supply.
 Drawings C2.3, A2.1

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

Applicant *Julie Gutting-Velley* Date 5/19/22
Property Owner _____ Date _____

Step 6 Application received by Planning Assistant

Date received by the PA _____ PA initials _____

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

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

PART 1 - THE PROCEDURE

Case No. _____ Site review? Yes No

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

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

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

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

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

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

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

Applicant _____ Date _____

Property Owner *Hete* Date *5/24/2022*

Step 6 Application received by Planning Assistant

Date received by the PA _____ PA initials _____

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

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

PART 1 - THE PROCEDURE

Case No. _____

Site review? Yes No

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

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

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

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

(STEP 5) Board visits site with applicant.

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

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

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

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

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

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

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

PART 2

Case No. _____

Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

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

- Sketch Plan- (See Section 33-105) showing:
 - All zoning districts Drawing C2.1
 - Existing and proposed structures Drawing C2.3^d
 - Existing and proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.) Drawing C2.3
 - Existing and proposed Streets and entrances Drawing C2.3
 - Existing and proposed setbacks Drawing C2.3
 - Other site dimensions and area Drawing C2.3
 - Site and public improvements and facilities Drawing C2.3
 - Areas of excavation and grading N/A Existing
 - Any other site changes N/A Existing
 - Location Map-This is to be submitted along with or as part of the Sketch Plan (See Section 33-104) and includes:
 - Scale of 500 ft to the inch Drawing C2.1
 - Show all area within 2000 ft of property lines Drawing C2.1
 - All surrounding existing streets within 500 ft Drawing C2.1
 - Abutters lots and names within 500 ft of property boundary Drawing C2.1
 - Zoning districts within 500 ft Drawing C2.1
 - Outline of proposed development showing internal streets and entrances Drawing C2.3

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

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

If other Local, State or Federal agencies or officers (Section 33-102) should review Sketch Plan.

If applicable, MaineDOT driveway permit is **required** prior to local approval for anyone installing, physically changing or changing the use of a driveway on state highway. N/A

If review by Eliot Fire Chief ____, Police Chief ____, or Road Commissioner ____ is required.

Case No. _____

Site review? Yes No

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

Chapter 33 required information

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

4.1.1. Development name, owner, developer, designer name and Drawings address and names and addresses of all abutters and abutters land use. C2.1, C2.2

4.1.2. Certified perimeter survey showing a north arrow, graphic scale, corners of parcel, total acreage, etc. This means a survey of the property using the standards of practice established by the State of Maine Board of Licensure for Professional Land surveyors, MRSA Chapter 121. Drawings C2.2, C2.3

4.1.3. Temporary markers. N/A Existing

4.1.4. Contour lines at 5-ft intervals or as Board decides. N/A Existing

4.1.5. A list of the provisions of Chapter 45 (Zoning) which are applicable to this area and identification of any zoning district boundaries affecting the development. Drawing C2.2

4.1.6. Storm water Drainage Plan. (50 year storm) N/A Existing

4.1.7. Required bridges or culverts. N/A Existing

4.1.8. Location of natural features or site elements to be preserved. N/A Existing

4.1.9. Soil Erosion and Sediment Control Plan. N/A Existing

4.1.10. High Intensity Soils Report. N/A Existing

4.1.11. Locations of sewers, water mains, culverts and drains. Drawing C2.3

4.1.12. Water supply information. Drawing C2.3

4.1.13. Sewerage System Plan. N/A

4.1.14. Septic System Survey. N/A Existing

4.1.15. Estimated progress schedule. See attached Narrative

4.1.16. Construction drawings for CEO which show floor areas, ground coverage, location of all structures, setbacks, lighting, signs, incineration devices, noise generating machinery likely to generate appreciable noise beyond the lot lines, waste materials, curbs, sidewalks, driveways, fences, retaining walls, etc. Drawings C2.3, C2.5, A2.1

4.1.17. Telecommunication tower details as required. N/A

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

Other Chapter 33 Site Review Ordinance Requirements.

4.4. Traffic data if applicable (Section 33-153) N/A

4.5. Campground requirements if applicable (33-172) N/A

4.6. Commercial Industrial requirements if applicable

4.6.1. Landscaping (Section 33-175) Drawing C2.4

Case No. _____

Site review? Yes No

- 4.6.2. Vibration (33-176) N/A
- 4.6.3. Site Improvements (33-177) Drawing C2.3
- 4.6.4. Electromagnetic Interference (33-178) N/A
- 4.6.5. Parking and Loading Areas (33-179, 45-487, 45-495) Drawing C2.3
- 4.6.6. Glare (33-180) Drawing C2.5

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

Chapter 35 Post-Construction Stormwater Management

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

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

- 4.9. Dimensional Standards (Section 45-405) Drawing C2.3
- 4.10. Traffic (Section 45-406) N/A
- 4.11. Noise (Section 45-407) N/A
- 4.12. Dust, Fumes, Vapors and Gases (Section 45-408) See attached Narrative
- 4.13. Odor (Section 45-409) See attached Narrative
- 4.14. Glare (Section 45-410) Drawing C2.5
- 4.15. Storm-water run-off for a 50 year storm. (Section 45-411) N/A
- 4.16. Erosion Control (Section 45-412) N/A
- 4.18. Preservation of Landscape (Section 45-413) N/A
- 4.19. Relation of Buildings to Environment (Section 45-414) N/A
- 4.20. Soil Suitability for Construction (Section 45-415) N/A
- 4.21. Sanitary Standards for Sewage (Section 45-416) N/A
- 4.22. Buffers and Screening (Section 45-417) N/A
- 4.23. Explosive Materials (Section 45-418) N/A
- 4.24. Water Quality (Section 45-419) N/A
- 4.25. Refuse Disposal (Section 45-421) Drawing C2.3, See attached Narrative
- 4.26. Specific Activities (Article IX) which include:
 - 4.26.1. Accessory Use or Structure (Section 45-452) N/A
 - 4.26.2. Home Occupation (Section 45-455) N/A
 - 4.26.3. Mobile Homes (Section 45-457) N/A
 - 4.26.4. Off-street Parking and Loading (Article X) Drawing C2.3
 - 4.26.5. Signs (Article XI) Drawings C2.3, A2.1
- 4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

Case No. _____

Site review? Yes No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

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

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

Application for Site Plan Review - Narrative

Green Blossoms, LLC

AG Architects Project No. 21-791.1

6 May 2022

Progress Plan:

Green Blossoms would like to start the building process by taking the existing unfinished space and bringing it up to a finished space consisting of electrical, plumbing, mechanical, and finished walls after our first Planning Board review in June of 2022.

We would propose obtaining a building permit to start this work in July and complete this phase of the project by the end of August of 2022.

Once the Town and State permits are received for manufacturing Cannabis edible products at this address, we would place our equipment, receive our certificate of occupancy, and begin producing product by September of 2022.

Odor and Dust Control:

This facility will be producing products using Cannabis distillate purchased from reputable State approved suppliers. The process would be similar to adding vanilla extract into a cooking process and emits no smell. There will be no raw Cannabis on site at any time. The equipment we are using is electric and used for melting chocolate and the electric convection oven to bake any product.

The convection ovens are similar in cooking method to the ones used by Dunkin Donuts and Cumberland Farms to prepare breakfast sandwiches. The smell would be similar to the smell emitted at these two locations. Therefore, there should be no need for external filtering of the building.

Disposal of Product:

As there is no raw cannabis on site, we will not have to worry about the risk of raw product being consumed by others at time of disposal. Nearly all of our waste will be cardboard and plastic similar to any other manufacturing facility.

Any finished product that is considered unsalable would be kept in a locked secured storage area until ready to be disposed of. Before disposing the product, it would be pulverized down until it is mixable with peat moss. The peat moss and the pulverized product are mixed together by our employee and then placed in a locked dumpster until disposed of by a reputable waste hauler.

All distillate must be tracked through the State of Maine tracking system both when bought and disposed of.

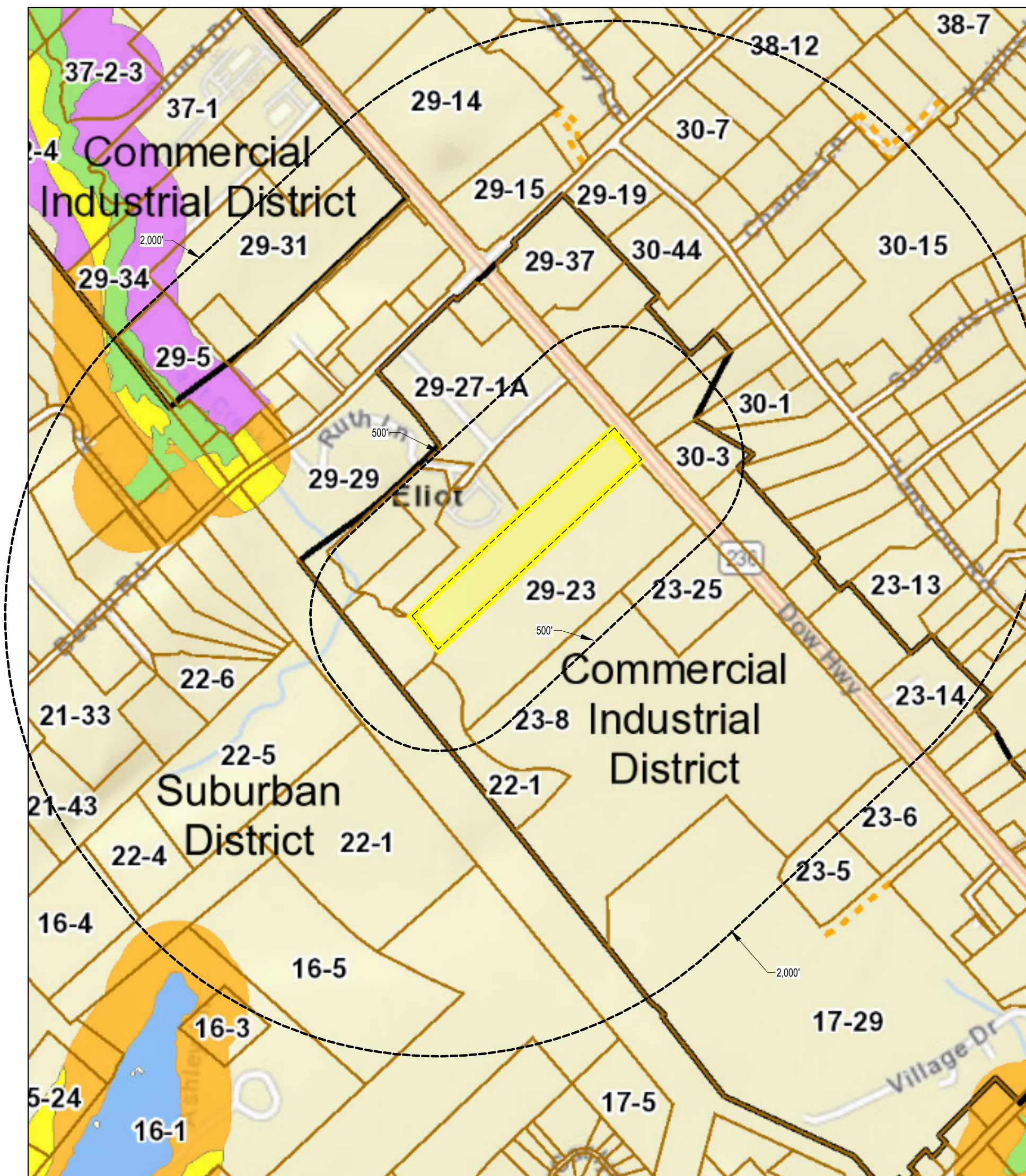
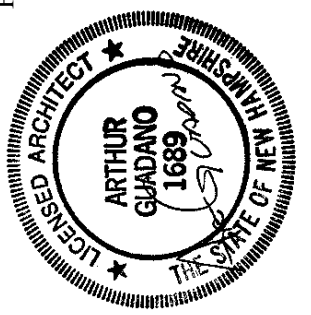
Green Blossoms

OWNER/DEVELOPER: C-PORT ENTERPRISES
155 STATE STREET
PORTSMOUTH, NEW HAMPSHIRE 03801
ATTN: JEFF CUTTING, JULIE CUTTING-KELLEY

DESIGNER: AG ARCHITECTS, PC
634 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
ATTN: ART GUADANO, JAMES GIBBONS



AG Architects, PC
634 Central Avenue, Dover, NH 03820
E-Mail: ag@agarchitects.com
www.agarchitects.com
Phone: 603-743-3700
Fax: 603-743-3777



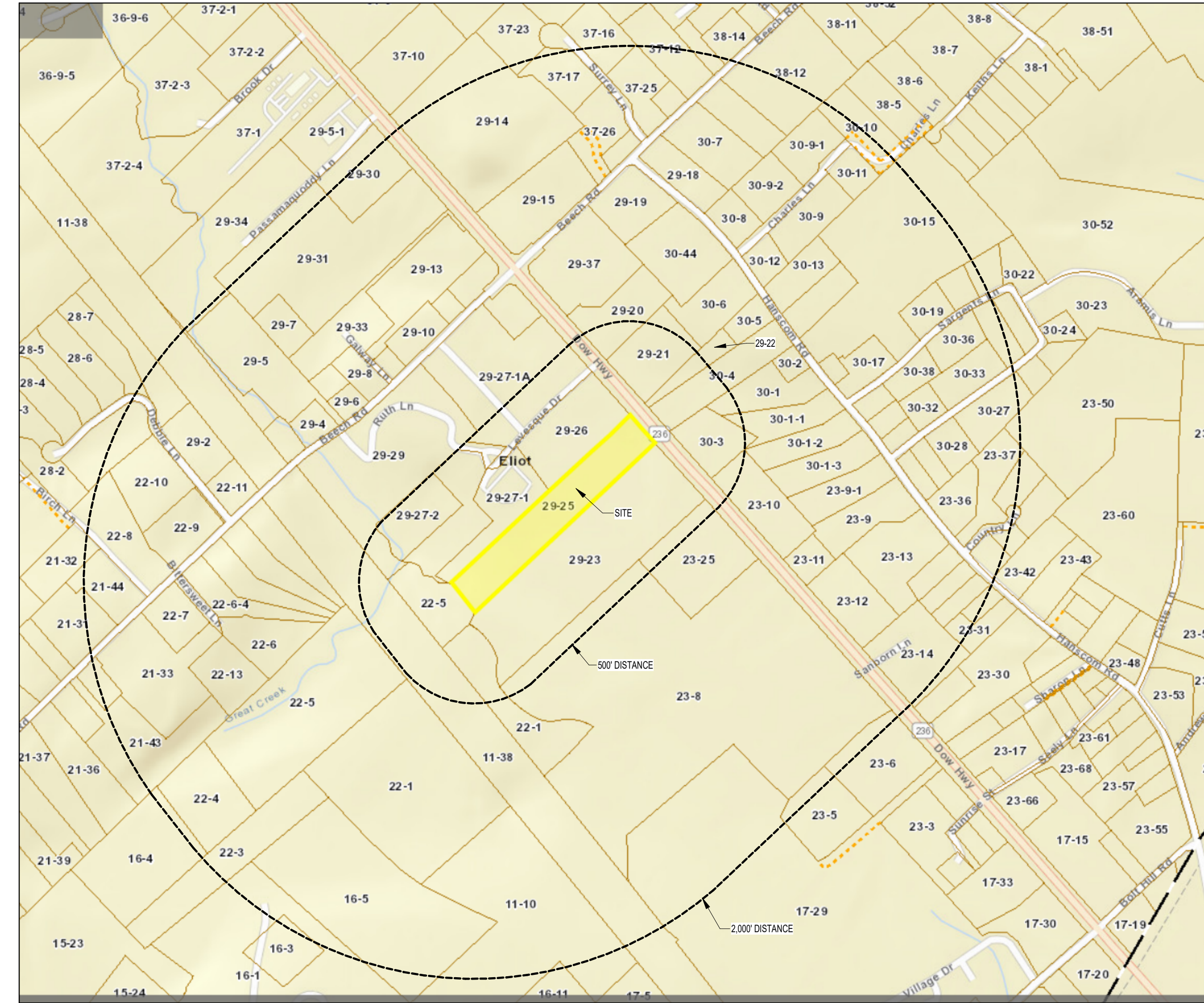
1 Zoning Distances
Scale: 1" = 500'-0"

OWNER

LOT NO. OWNER
29-25 155 HAROLD DOW HIGHWAY, LLC
84 MARGINAL WAY, SUITE 600
PORTLAND, ME 04101-2480

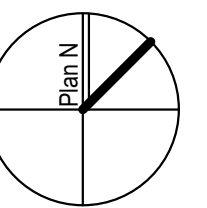
LIST OF ABUTTERS WITHIN 500 FEET

LOT NO.	OWNER	LAND USE
11-38	PUBLIC SERVICE CO. OF NH DBA EVERSOURCE ENERGY PO BOX 270 HARTFORD, CT 06141-0270	INDUSTRIAL LAND
22-1	ROBERTA LEAVITT IRREVOCABLE TRUST JEANETTE LASORSA TRUSTEE 1172 STATE ROAD ELIOT, ME 03903	RESIDENTIAL
22-5	SETH HERBOLD 13 BITTERSWEET LANE ELIOT, ME 03903	RESIDENTIAL
23-8	TIM PICKETT PO BOX 242 ELIOT, ME 03903	COMMERCIAL
23-10	JOHN ERIC POLLARD AND CARL LEONARD ARCHER PO BOX 61 ELIOT, ME 03903	COMMERCIAL
23-25	TIM PICKETT PO BOX 242 ELIOT, ME 03903	RESIDENTIAL
29-20	PATHFINDER BUSINESS OFFICES, LLC 33 CREEKVIEW DRIVE ELIOT, ME 03903	COMMERCIAL
29-21	IRVING OIL LIMITED ATTN: CORPORATE REAL ESTATE PO BOX 868 CALAIS, ME 04619	COMMERCIAL
29-22	MICHAEL AND DONNA GROGAN PO BOX 482 ELIOT, ME 03903	RESIDENTIAL
29-23	DAVID LAWRENCE 21 LYNCH LANE KITTERY, ME 03904	COMMERCIAL
29-26	GUYS REALTY, LLC 16 HOMESTEAD LANE BRENTWOOD, NH 03833	COMMERCIAL
29-27-1	MH PARSONS AND SONS LUMBER CO. WOODBIDGE ROAD YORK, ME 03909	COMMERCIAL
29-27-1A	SEADOG REALTY, LLC 86 NEWBURY STREET PORTLAND, ME 04101	COMMERCIAL
29-27-2	ELIOT COMMONS SENIOR HOUSING C/O PHOENIX MANAGEMENT CO. PO BOX 759 SACO, ME 04072	COMMERCIAL
29-29	YORK/CUMBERLAND MANAGEMENT CORP. BARON PLACE LABRECQUE PROPERTY MANAGEMENT PO BOX 460 SEBATTUS, ME 04280-0460	EXEMPT
30-1	JONATHAN AND BRENDA GREEN 235 HANSCOM ROAD ELIOT, ME 03903	RESIDENTIAL
30-1-1	SHIRLEY DODGE 229 HANSCOM ROAD ELIOT, ME 03903	RESIDENTIAL
30-1-2	CRAIG POLLOCK 223 HANSCOM ROAD ELIOT, ME 03903	RESIDENTIAL
30-3	NANCY SHAPLEIGH 28 SANDY HILL LANE ELIOT, ME 03903	COMMERCIAL
30-4	MICHAEL AND AMANDA WILLIAMS 247 HANSCOM ROAD ELIOT, ME 03903	RESIDENTIAL

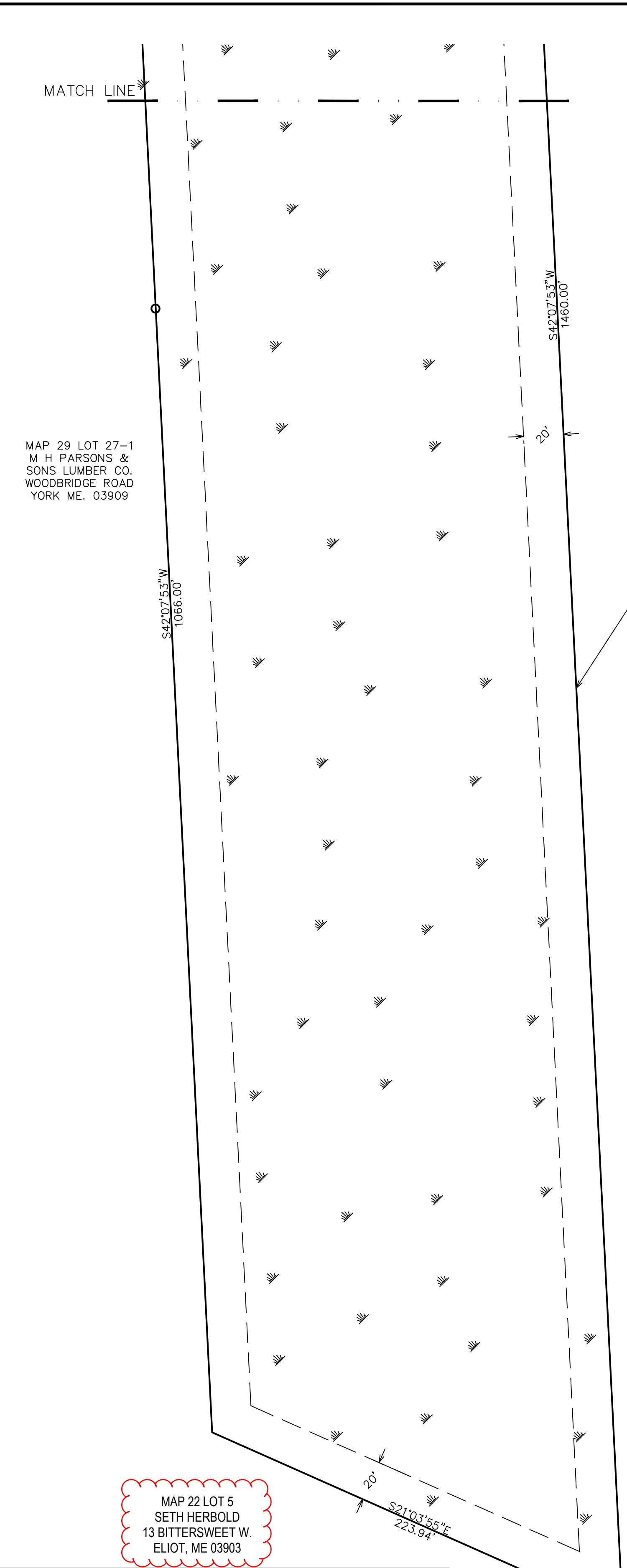


2 Abutters Location Plan
Scale: 1" = 500'-0"

Green Blossoms Eliot, Maine

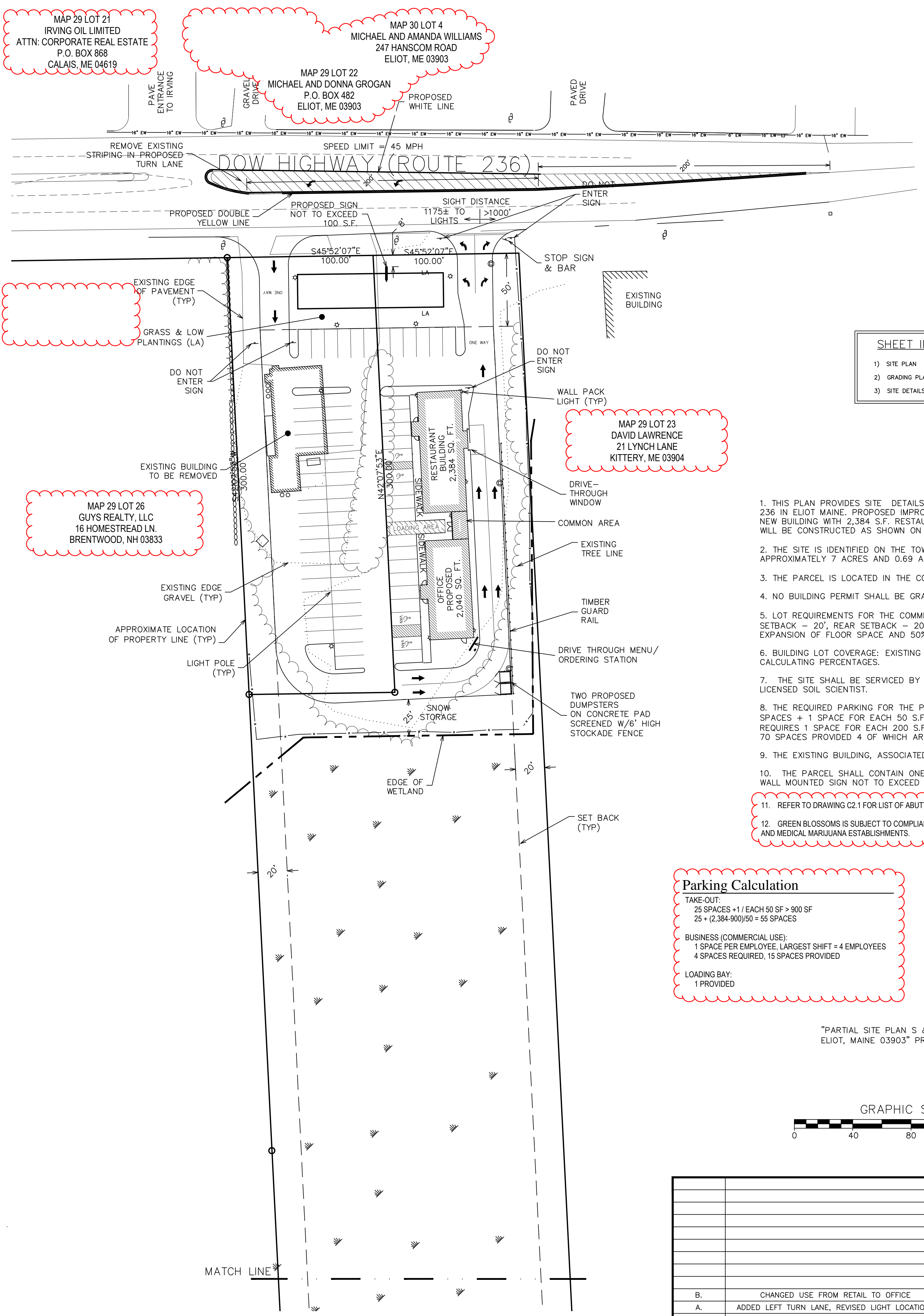


© AG Architects, PC	
Consultant:	
Revisions:	
Date:	6 May 2022
Scale:	As indicated
Drawn By:	JG
Checked By:	AG
Sheet:	1 of 5
Project No.:	21-791.1
Sheet Title: Zoning Plan, List of Abutters	
Sheet Number: C2.1	



TOWN OF ELIOT PLANNING BOARD	DATE

MAP 11 LOT 38
PUBLIC SERVICE CO OF NH
DBA EVERSOURCE ENERGY
P.O. BOX 270
HARTFORD, CT 06141-0270



MAP 29 LOT 21
IRVING OIL LIMITED
ATTN: CORPORATE REAL ESTATE
P.O. BOX 868
CALAIS, ME 04619

MAP 30 LOT 4
MICHAEL AND AMANDA WILLIAMS
247 HANSCOM ROAD
ELIOT, ME 03903

MAP 29 LOT 22
MICHAEL AND DONNA GROGAN
P.O. BOX 482
ELIOT, ME 03903

MAP 29 LOT 23
DAVID LAWRENCE
21 LYNCH LANE
KITTERY, ME 03904

MAP 29 LOT 26
GUYS REALTY, LLC
16 HOMESTREAD LN.
BRENTWOOD, NH 03833

MAP 22 LOT 5
SETH HERBOLD
13 BITTERSWEET W.
ELIOT, ME 03903

SHEET INDEX

- 1) SITE PLAN
- 2) GRADING PLAN
- 3) SITE DETAILS

GENERAL NOTES

1. THIS PLAN PROVIDES SITE DETAILS FOR THE CONSTRUCTION OF A DUNKIN DONUTS RESTAURANT AND AN OFFICE BUILDING LOCATED ON ROUTE 236 IN ELIOT MAINE. PROPOSED IMPROVEMENTS INCLUDE REMOVAL OF THE EXISTING DOWN EAST DOUGHNUTS FACILITY AND CONSTRUCTION OF A NEW BUILDING WITH 2,384 S.F. RESTAURANT, 209 S.F. COMMON SPACE, AND 2,040 S.F. OFFICE SPACE. ADDITIONAL PARKING AND ACCESS AREAS WILL BE CONSTRUCTED AS SHOWN ON THIS PLAN.
2. THE SITE IS IDENTIFIED ON THE TOWN OF ELIOT TAX ASSESSOR'S MAP 29 AS LOTS 24 AND 25. TOTAL ACREAGE OF THE LOTS IS APPROXIMATELY 7 ACRES AND 0.69 ACRES RESPECTIVELY.
3. THE PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL DISTRICT.
4. NO BUILDING PERMIT SHALL BE GRANTED UNTIL MAP 29 LOT NUMBERS 24 AND 25 ARE LEGALLY COMBINED.
5. LOT REQUIREMENTS FOR THE COMMERCIAL/INDUSTRIAL DISTRICT ARE AS FOLLOWS: MINIMUM LOT SIZE - 3 ACRES, FRONT SETBACK - 50', SIDE SETBACK - 20', REAR SETBACK - 20', MIN. STREET FRONTAGE - 300', MAXIMUM LOT COVER - 50% INCLUDING A 25% POTENTIAL FOR EXPANSION OF FLOOR SPACE AND 50% FOR EXPANSION OF PARKING AREAS.
6. BUILDING LOT COVERAGE: EXISTING IS 2,711 S.F. OR 0.81%, PROPOSED IS 4,633 S.F. OR 1.38%. A LOT SIZE OF 7.69 ACRES WAS USED IN CALCULATING PERCENTAGES.
7. THE SITE SHALL BE SERVICED BY MUNICIPAL WATER. WASTEWATER WILL BE HANDLED BY AN ON SITE WASTEWATER SYSTEM DESIGNED BY A LICENSED SOIL SCIENTIST.
8. THE REQUIRED PARKING FOR THE PROPOSED DEVELOPMENT IS CALCULATED AS FOLLOWS: TAKEOUT RESTAURANT REQUIRES A MINIMUM OF 25 SPACES + 1 SPACE FOR EACH 50 S.F. OF FLOOR SPACE IN EXCESS OF 900 S.F. (25 + ((2,384 - 900) / 50) = 55 SPACES), PROFESSIONAL OFFICE REQUIRES 1 SPACE FOR EACH 200 S.F. OF RETAIL FLOOR AREA (2,040 S.F. / 200 S.F. = 12 SPACES), A TOTAL OF 67 SPACES ARE REQUIRED WITH 70 SPACES PROVIDED 4 OF WHICH ARE ADA ACCESSIBLE. REFER TO NEW PARKING CALCULATIONS BELOW.
9. THE EXISTING BUILDING, ASSOCIATED PARKING AREA, AND UTILITIES TO BE LEGALLY DISPOSED OF BY THE CONTRACTOR.
10. THE PARCEL SHALL CONTAIN ONE FREE STANDING SIGN WITH A TOTAL AREA OF LESS THAN 100 S.F., EACH ESTABLISHMENT WILL HAVE A WALL MOUNTED SIGN NOT TO EXCEED 50 S.F. REFER TO DRAWING C2.3 AND A2.1 FOR SIGNS FOR GREEN BLOSSOMS.
11. REFER TO DRAWING C2.1 FOR LIST OF ABUTTERS WITHIN 500 FEET.
12. GREEN BLOSSOMS IS SUBJECT TO COMPLIANCE WITH ELIOT MUNICIPAL CODE OF ORDINANCES, SECTION 33-190, PERFORMANCE STANDARDS FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENTS.

Parking Calculation
TAKE-OUT:
25 SPACES + 1 / EACH 50 SF > 900 SF
25 + (2,384-900)/50 = 55 SPACES
BUSINESS (COMMERCIAL USE):
1 SPACE PER EMPLOYEE, LARGEST SHIFT = 4 EMPLOYEES
4 SPACES REQUIRED, 15 SPACES PROVIDED
LOADING BAY:
1 PROVIDED

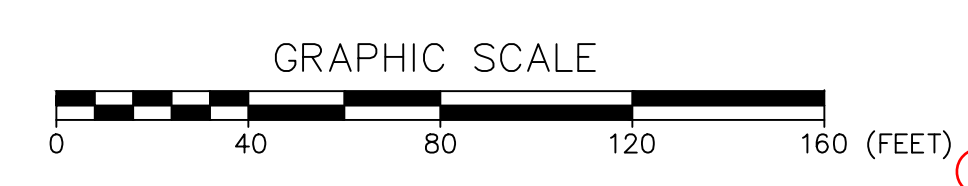
C2.2 Existing Site Plan Amendment
Green Blossoms
AG Architects Project No. 21-791.1
6 May 2022
ORIGINAL SITE PLAN INFORMATION PROVIDED BY ATTAR ENGINEERING, INC.



REFERENCE

"PARTIAL SITE PLAN S & J ENTERPRISES, INC. ROUTE 236, ELIOT, MAINE FOR: S & J ENTERPRISES, INC. 44 CEDAR ROAD ELIOT, MAINE 03903" PREPARED BY ATTAR ENGINEERING, INC. DATED: 10/7/99

OWNER OF RECORD: 155 HAROLD DOW HIGHWAY, LLC
MAILING ADDRESS: 84 MARGINAL WAY, SUITE 600
PORTLAND, ME 04101-2480



C2.2 SITE PLAN
DUNKIN DONUTS DEVELOPMENT
DOW HIGHWAY (RT. 236) ELIOT, MAINE

FOR:	JOSE SALEMA 199 CONSTITUTION AVE. PORTSMOUTH, NH 03801
ATTAR ENGINEERING, INC. CIVIL • STRUCTURAL • MARINE 128 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128	
SCALE: 1" = 40'	APPROVED BY:
DATE: 9/27/03	DRAWN BY: BRW
REVISIONS:	REVISION : DATE
B. CHANGED USE FROM RETAIL TO OFFICE 09/30/04	B: 09/30/04
A. ADDED LEFT TURN LANE, REVISED LIGHT LOCATIONS 09/07/04	
NO. DESCRIPTION DATE	
JOB NO: C071-04	CAD FILE: DD BASE
	SHEET 1 OF 3

C2.3 Existing Site Plan Amendment

Green Blossoms
 AG Architects Project No. 21-791.1
 6 May 2022

AG Architects, PC
 634 Central Avenue, Dover, NH 03820
 E-Mail: ag@agarchitects.com
 www.agarchitects.com
 Phone: 603-743-3700
 Fax: 603-743-3777

ORIGINAL SITE PLAN INFORMATION PROVIDED BY ATTAR ENGINEERING, INC.

Light Fixtures

- EX EXISTING
- W1 WALL MOUNT
- W2 SOFFIT
- W3 FLOOD LIGHT

LEGEND

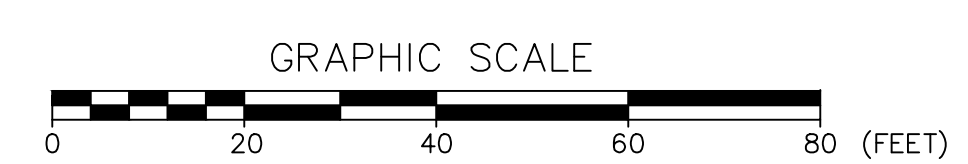
- EXISTING CONTOUR ---XXX---
- FINAL CONTOUR ———XXX———
- WETLAND BOUNDARY ———
- UTILITY POLE ○
- EXT. OVERHEAD UTIL. ———OHU———
- PRP. UTILITY ———PUGU———
- LANDSCAPED AREA LA
- VERTICAL GRANITE CURB VGC
- FOUND IRON PIN ○
- STONEWALL ———
- SILTATION FENCE ———x———

DRAINAGE STRUCTURE SCHEDULE

DESC	RIM ELEV	INV IN	INV OUT
CB 1	100.0'	12" PE 97.5'	12" PE 97.3'
CB 2	99.5'	12" PE 96.2'	12" PE 96.0'
CB 3	97.5'	12" PE 94.8'	12" PE 94.8'

STORM DRAINAGE SCHEDULE

DESC	LENGTH	INV IN	INV OUT
SD 1	147'	12" PE 97.3'	12" PE 96.2'
SD 2	123.5'	12" PE 96.0'	12" PE 94.8'
SD 3	28'	12" PE 94.8'	12" PE 94.8'



C2.3

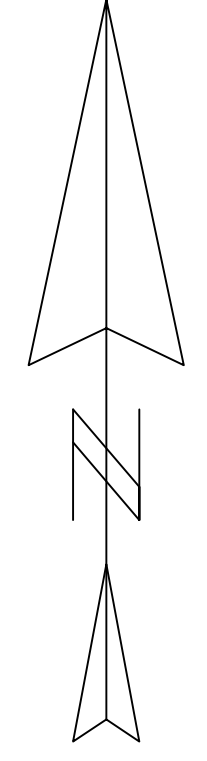
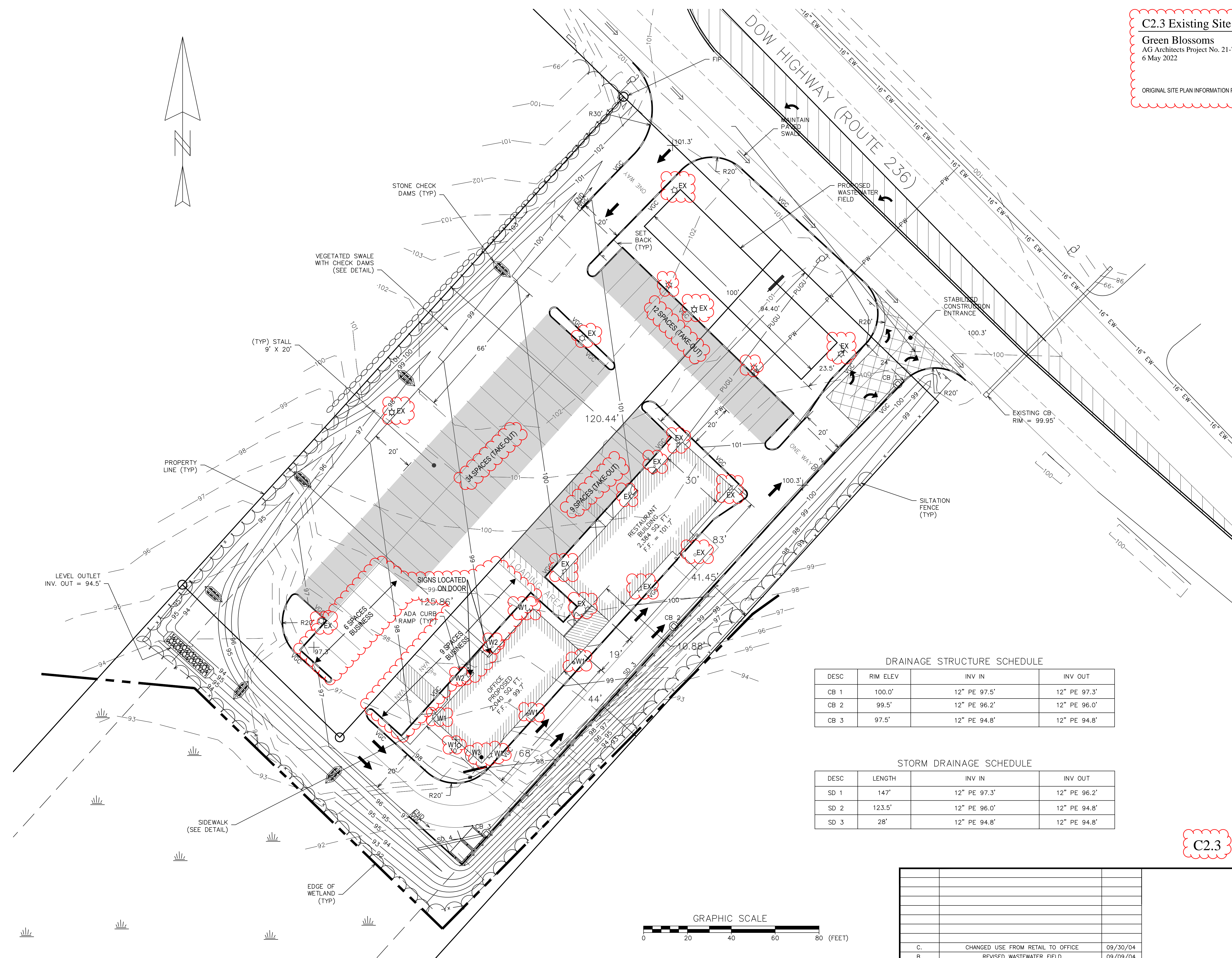
**GRADING PLAN
 DUNKIN DONUTS DEVELOPMENT
 DOW HIGHWAY RT. 236 ELIOT, MAINE**

FOR: JOSE SALEMA
 199 CONSTITUTION AVENUE
 PORTSMOUTH, NEW HAMPSHIRE 03801

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

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: BRW
DATE: 09/27/03		REVISION : DATE C: 09/30/04
JOB NO: C071-04	CAD FILE: DD BASE	SHEET 1 OF 1

NO.	DESCRIPTION	DATE
C.	CHANGED USE FROM RETAIL TO OFFICE	09/30/04
B.	REVISED WASTEWATER FIELD	09/09/04
A.	MOVED LIGHT POLES, REVISED EXIT	09/07/04
	REVISIONS	

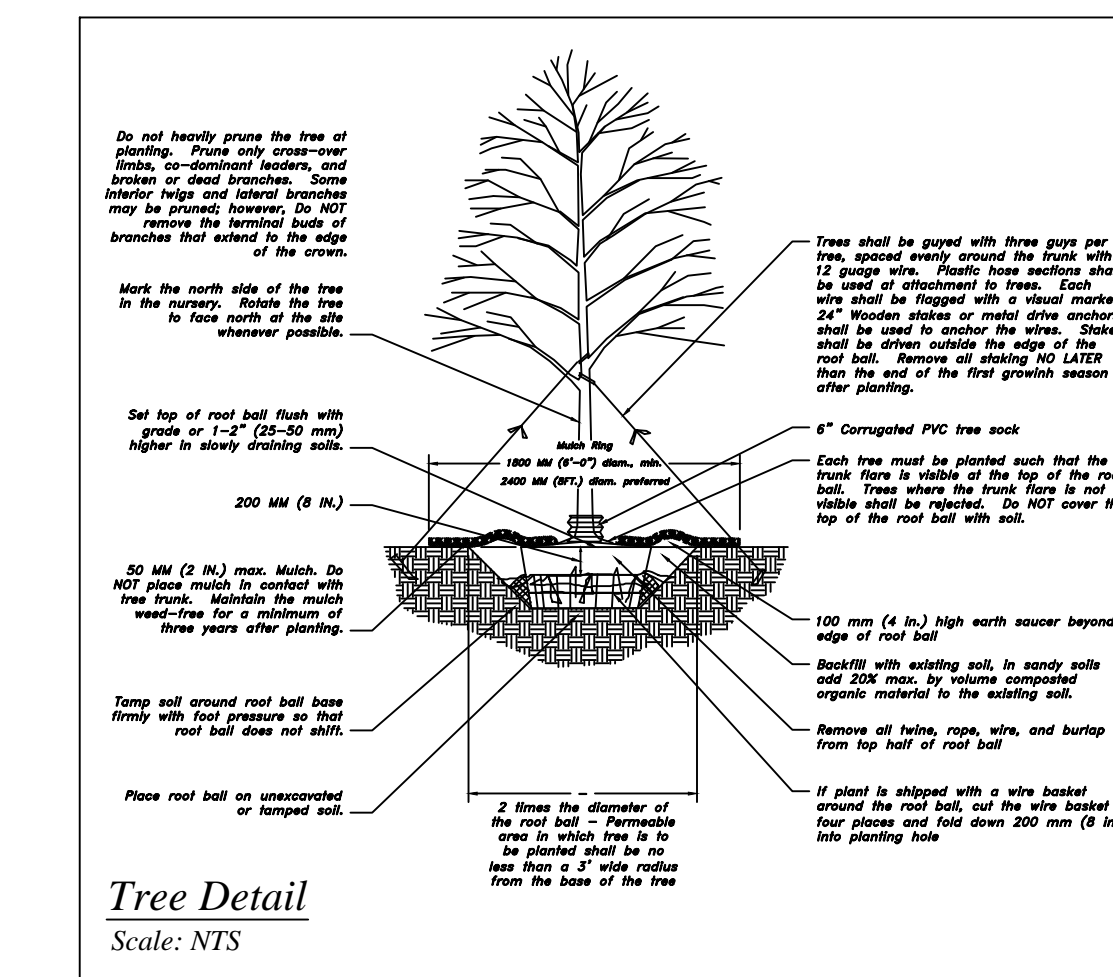


C2.4 Existing Site Plan Amendment

Green Blossoms
AG Architects Project No. 21-791.1
6 May 2022

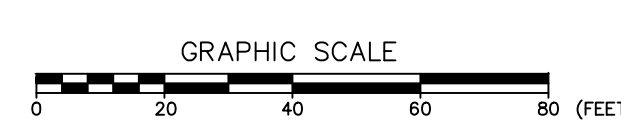
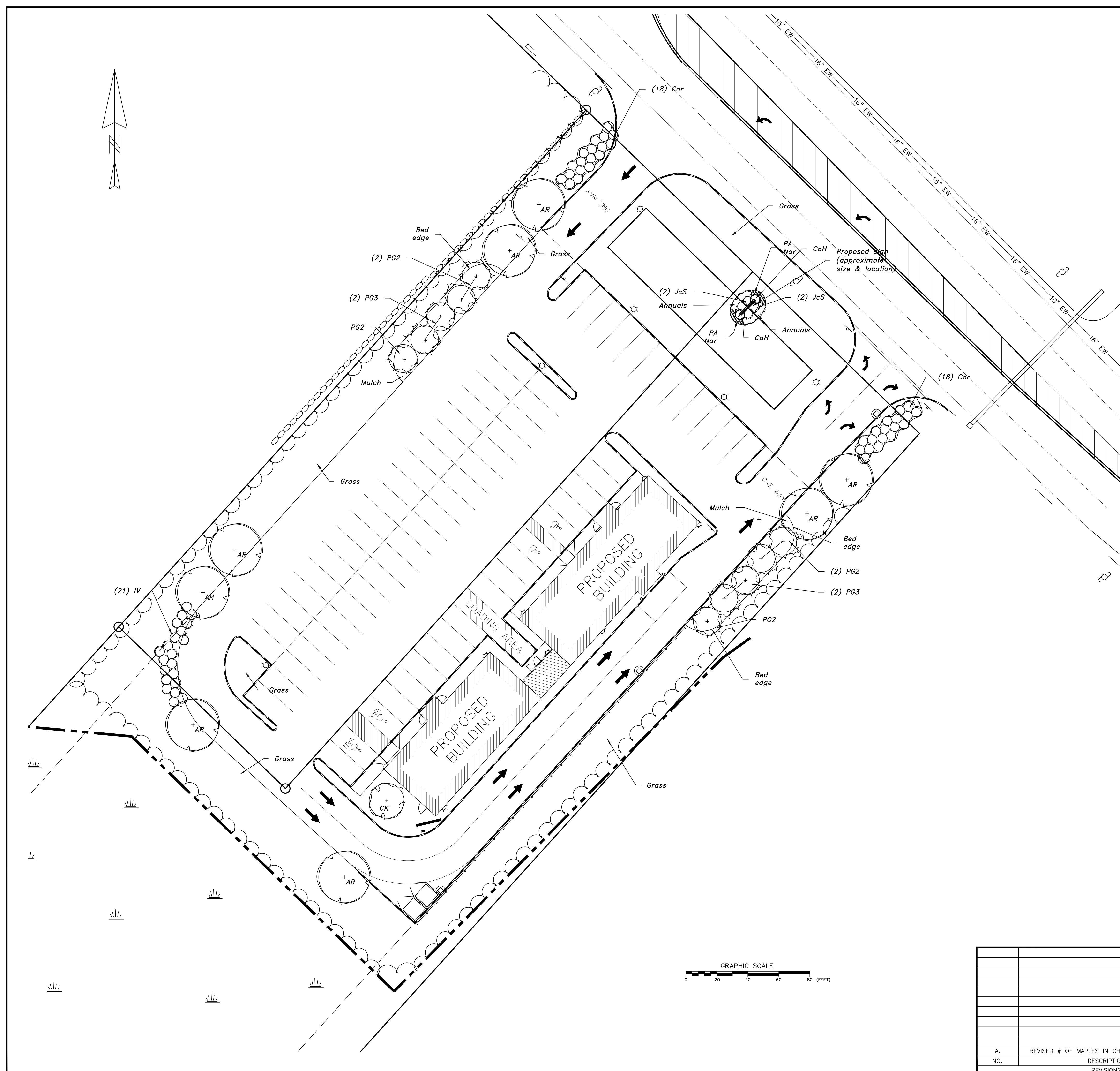
AG Architects, PC
634 Central Avenue, Dover, NH 03820
E-Mail: ag@agarchitects.com
www.agarchitects.com
Phone: 603-743-3700
Fax: 603-743-3777

ORIGINAL SITE PLAN INFORMATION PROVIDED BY ATTAR ENGINEERING, INC.



Plant List

TREES					
Symbol	Botanical Name	Common Name	Quantity	Size	Comments
CK	Cornus kousa	Kousa Dogwood	1	2-2.5' cal	
PG1	Picea glauca	White Spruce	2	6-7' BB	
PG2	Picea glauca	White Spruce	5	7-8' BB	
PG3	Picea glauca	White Spruce	2	8-10' BB	
AR	Acer rubrum 'October Glory'	October Glory Red Maple	8	2-2.5' cal	
SHRUBS					
Symbol	Botanical Name	Common Name	Quantity	Size	Comments
CaH	Clethra alnifolia 'Hummingbird'	Hummingbird Compact Summersweet	63	18-24" BB	
Cor	Cornus sericea 'Kelsey'	Kelsey's Dwarf Dogwood	69	2-3'	
IV	Ilex verticillata 'Red Sprite'	Red Sprite Winterberry	45	2.5-3' BB	
IV	Ilex verticillata 'Jim Dandy'	Male Winterberry	9	2-3'	
JcS	Juniperus chinensis 'Sargent'	Sargent Juniper	4	18"-24"	
PERENNIALS, GROUNDCOVERS, VINES and ANNUALS					
Symbol	Botanical Name	Common Name	Quantity	Size	Comments
annuals	Annuals by Owner	annuals by Owner	60	6" pot	by Owner
PA	Pachysandra terminalis	Japanese Spurge	100	50"/flat	
Nar	Daffodil Mix; Narcissus 'King Alfred'	Bright Yellow Trumpet Daffodil	30	top size	
	Narcissus 'Ice Ladies'	White w/ bright yellow large-cupped daffodil	30	top size	



C2.4

LANDSCAPE PLAN
DUNKIN DONUTS DEVELOPMENT
DOW HIGHWAY (RT. 236) ELIOT, MAINE

FOR: JOSE SALEMA
199 CONSTITUTION AVE.
PORTSMOUTH, NH 03801

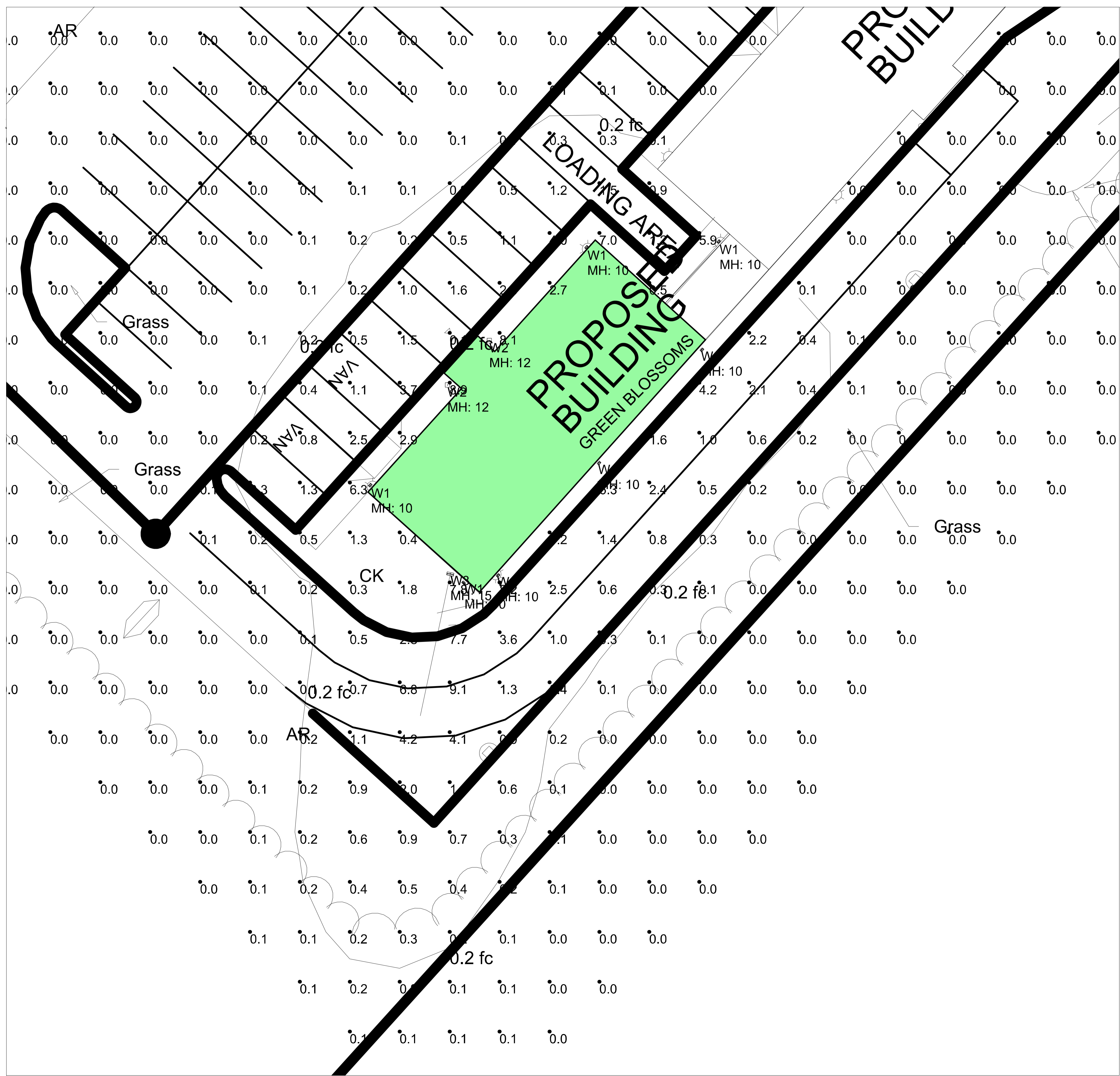
ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • MARINE
128 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 20'
DATE: 11/14/03

APPROVED BY: _____
DRAWN BY: BRW
REVISION : DATE
A: 06/02/05

JOB NO: C071-03 CAD FILE: DD BASE SHEET 1 OF 1

NO.	REVISIONS	DATE
A.	REVISED # OF MAPLES IN CHART (NOT REVIEWED)	06/02/05



PLAN VIEW

- NOTES:
- 1) EXACT MOUNTING DETAILS TO BE DETERMINED AT JOBSITE BY OTHERS.
 - 2) CALCULATIONS MAY OR MAY NOT SHOW THE EFFECT OF SHADOWING CAUSED BY BUILDINGS AND OBJECTS WITHIN THE CALCULATED SPACE.
 - 3) READINGS SHOWN ARE INITIAL HORIZONTAL FOOTCANDLES TAKEN AS SHOWN IN CALCULATION SUMMARY UNLESS OTHERWISE INDICATED.
 - 4) THIS CALCULATION IS BASED ON LIMITED INFORMATION SUPPLIED BY OTHERS TO SWANEY LIGHTING ASSOCIATES AND STANDARD ASSUMPTIONS OF THE SPACE.
 - 5) CONFORMANCE TO CODES AND OTHER LOCAL REQUIREMENTS AS DETERMINED BY THE AHJ ARE THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.
 - 6) THIS LAYOUT DRAWING MUST BE COORDINATED WITH THE SITE LOCATION FOR CORRECT FIXTURE ORIENTATION.
 - 7) DOCUMENTS PRINTED OR PLOTTED FROM ELECTRONIC FILES MAY APPEAR AT OTHER THAN THE DESIRED OR ASSUMED GRAPHIC SCALES. IT IS THE RESPONSIBILITY OF THE RECIPIENT TO VERIFY THAT THE PRINTED OR PLOTTED-TO-SCALE DRAWING IS PRINTED TO SCALE.

Luminaire Schedule (note fixture catalogue numbers are not complete)

Tag	Qty	Lum. Lumens	LLF	Lum. Watts	Description
W1	7	2054	0.900	21.616	SG1-20-3K7-FT
W2	2	4450	0.900	30.405	VSH-30-4K7-UNV CANOPY
W3	1	6364	0.900	51.7	RFL3-90L-50-3K7-M

Calculation Summary

Room Name	Avg	Max	Min	Avg/Min	Max/Min
site	0.20	9.1	0.0	N.A.	N.A.

W1 Hubbell Sling SG1

W2 Hubbell Vanish

W2 ALT Eclipse Lighting RM833

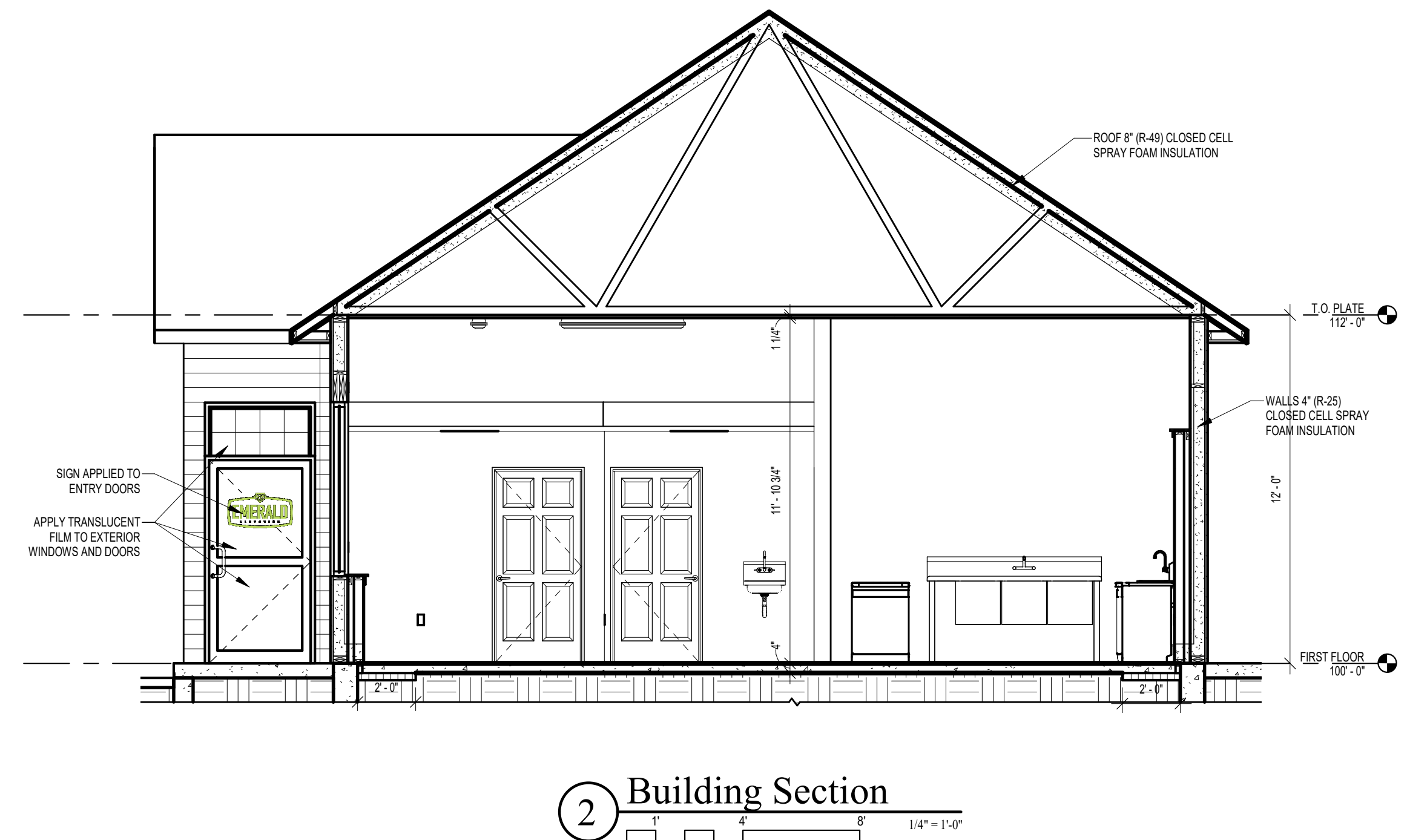
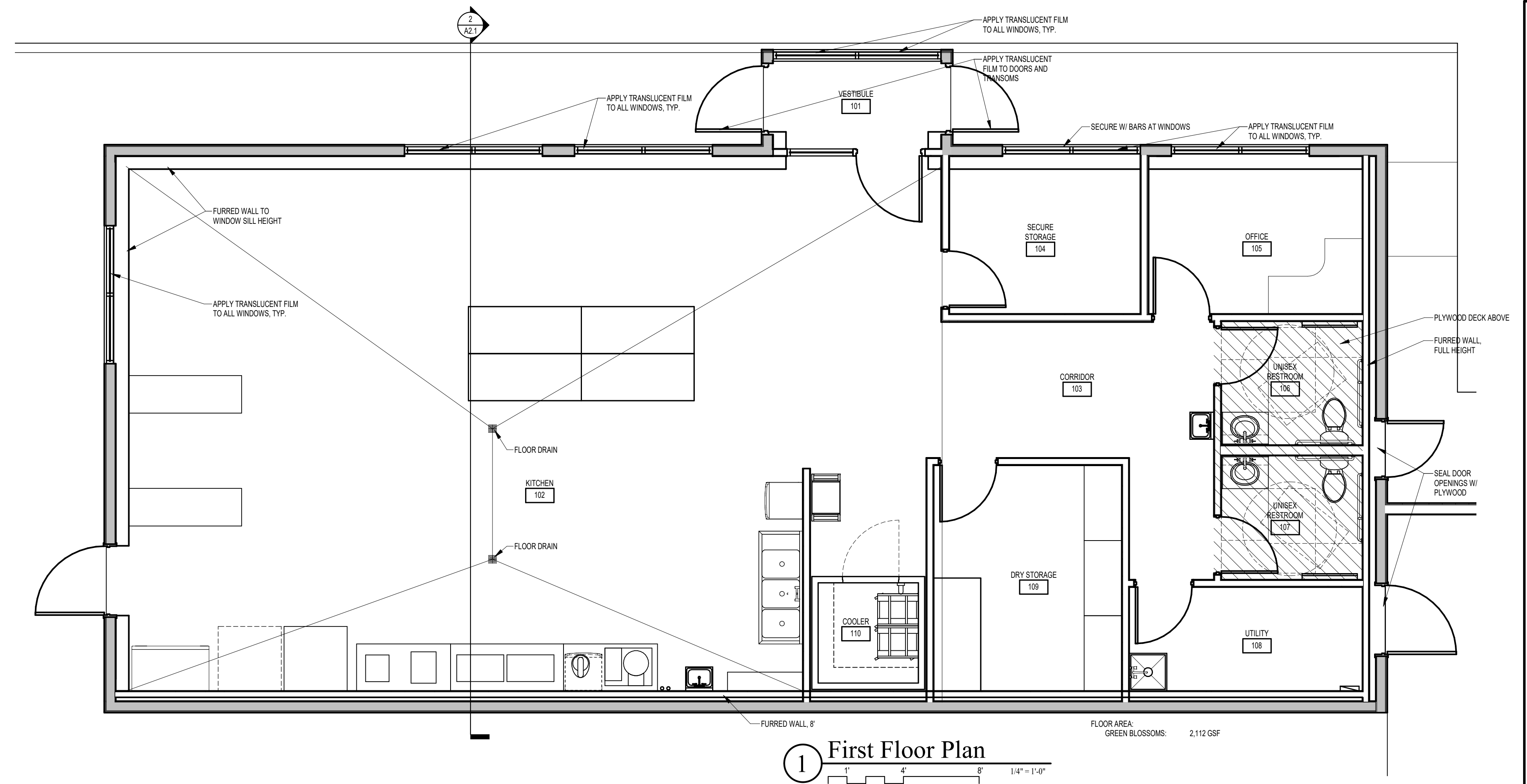
W3 Hubbell Ratio Flood

C2.5 Existing Site Plan Amendment
 New Exterior Lighting Illumination
 Green Blossoms
 AG Architects Project No. 21-791.1
 6 May 2022

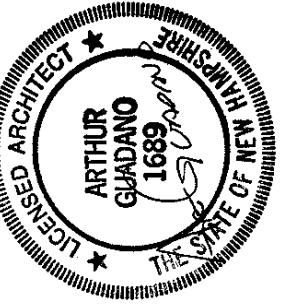
AG Architects, PC
 534 Central Avenue, Dover, NH 03828
 E-Mail: ag@agarchitects.com
 www.agarchitects.com
 Phone: 603-243-3700
 Fax: 603-243-3777

GENERATED FOR: **AG ARCHITECTS**
 SCALE: AS SHOWN
 DATE: 5/10/2022
 PAGE: 1 of 1
 TITLE: **GREEN BLOSSOMS SITE LIGHTING LAYOUT**
 REF. NO. site 5-5-22_AGI
 GENERATED BY SWANEY LIGHTING, SCARBOROUGH ME - 207-883-7100 - swaneylighting.com

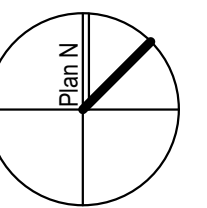
NOTICE: THIS DRAWING IS THE EXCLUSIVE PROPERTY OF SWANEY LIGHTING ASSOCIATES. CONFIDENTIAL. THIS DRAWING IS TO BE USED FOR NO PURPOSE OTHER THAN AS DETAILED HEREIN AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SWANEY LIGHTING ASSOCIATES. ANY VARIATION IN FIXTURE PERFORMANCE FROM THAT SHOWN IN THIS DRAWING IS THE RESPONSIBILITY OF THE RECIPIENT TO VERIFY THAT THE PRINTED OR PLOTTED-TO-SCALE DRAWING IS PRINTED TO SCALE. IT IS THE RESPONSIBILITY OF THE RECIPIENT TO VERIFY THAT THE PRINTED OR PLOTTED-TO-SCALE DRAWING IS PRINTED TO SCALE. IT IS THE RESPONSIBILITY OF THE RECIPIENT TO VERIFY THAT THE PRINTED OR PLOTTED-TO-SCALE DRAWING IS PRINTED TO SCALE.



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 Phone: 603-743-3700
 Fax: 603-743-3777



Green Blossoms Eliot, Maine



© AG Architects, PC	
Consultant:	
Revisions:	
Date:	6 May 2022
Scale:	1/4" = 1'-0"
Drawn By:	JG
Checked By:	AG
Sheet:	3 of 5
Project No.:	21-791.1
Sheet Title: First Floor Plan, Section	
Sheet Number:	

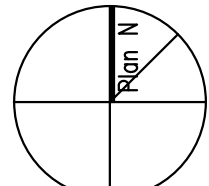
A2.1



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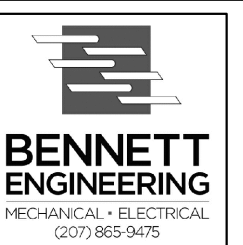
Green Blossoms

Eliot, Maine



© AG Architects, PC

Consultant:



4853

Revisions:

Date: 25 MAY 2022

Scale: As Noted

Drawn By: JLC Checked By: SAJ

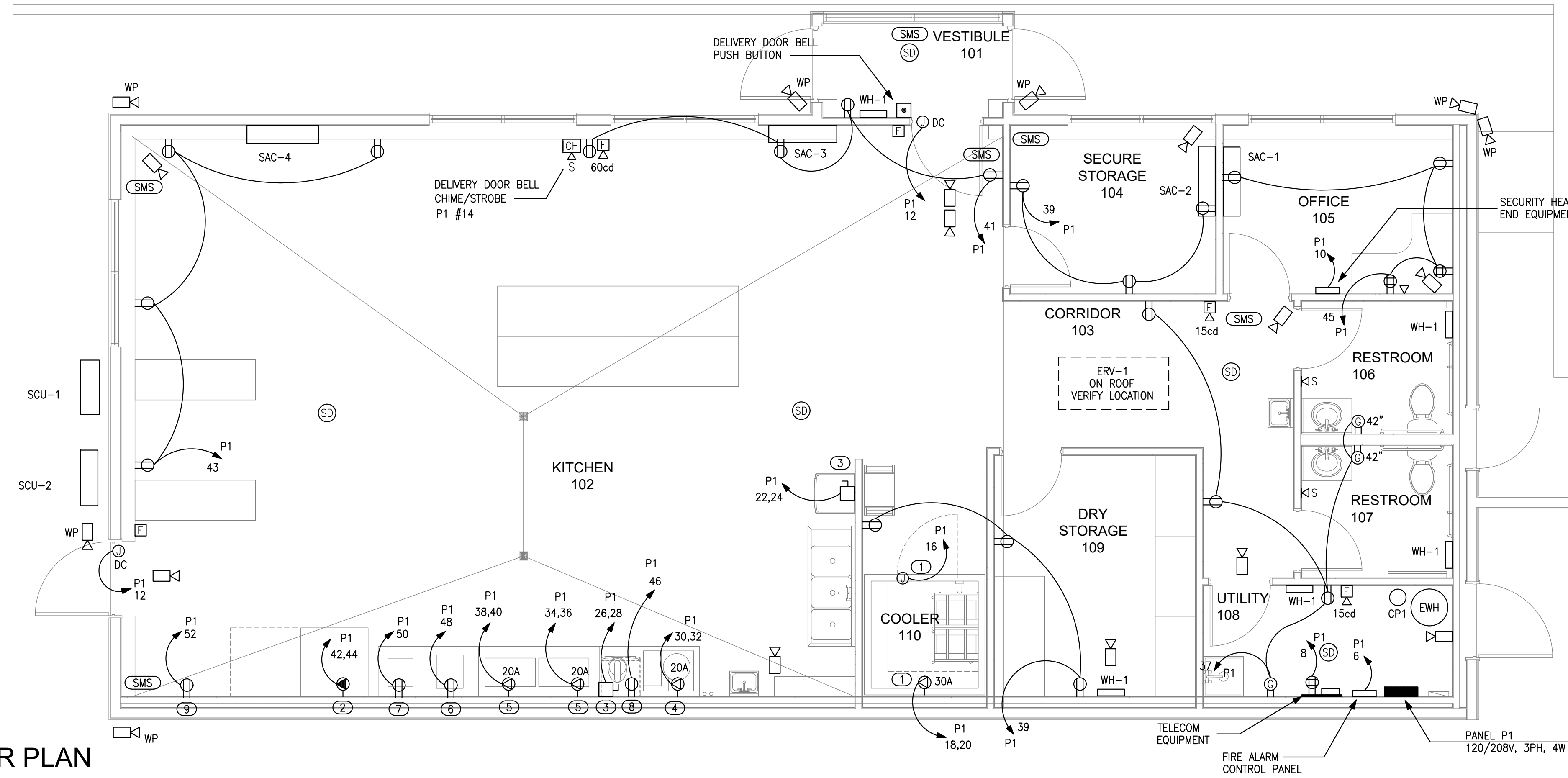
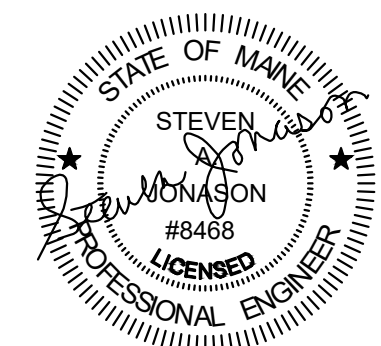
Sheet: 2 OF 2 Project No.: 21-791.1

Sheet Title:

Power & Lighting Plans

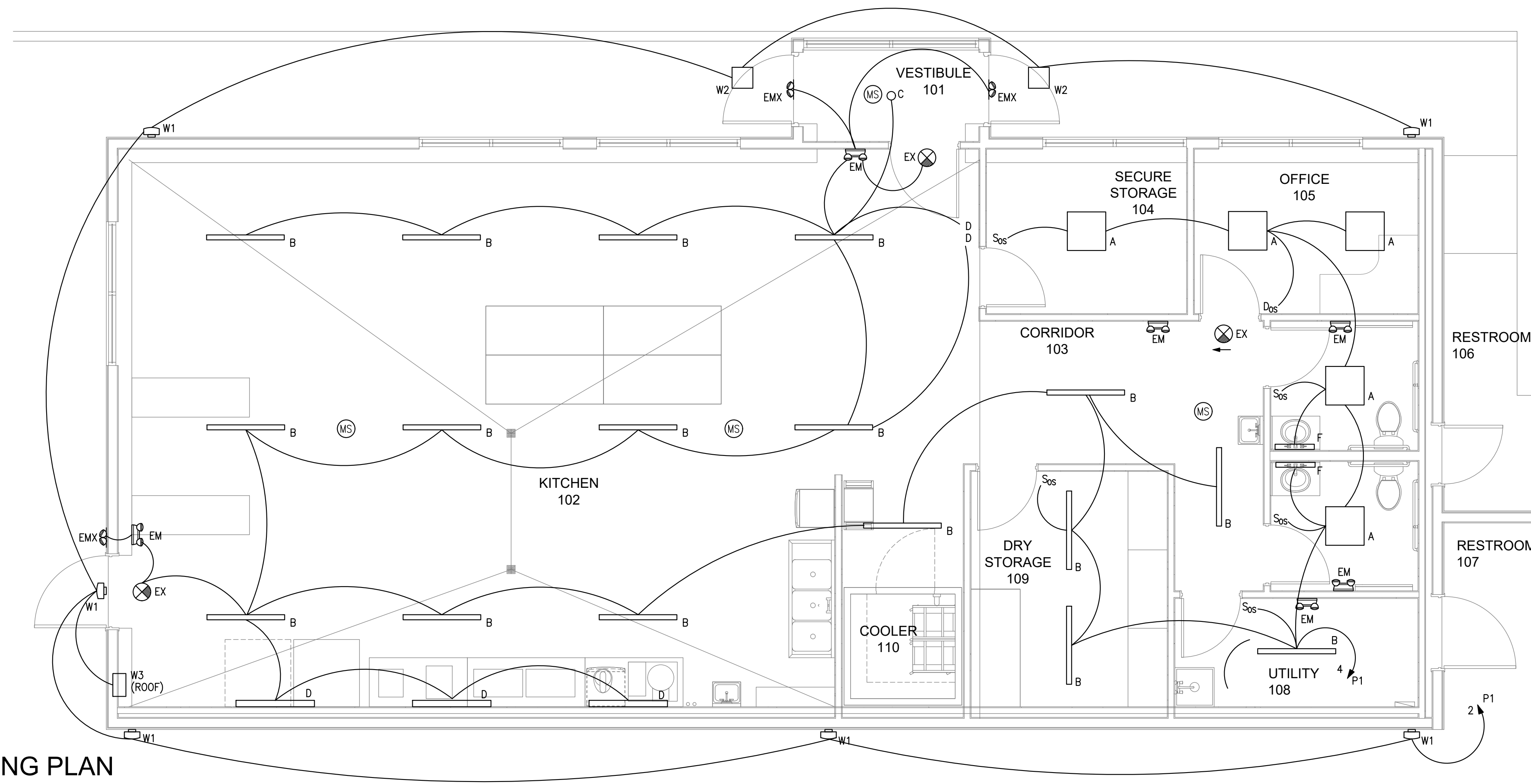
Sheet Number:

E1.0



1
E1 POWER PLAN

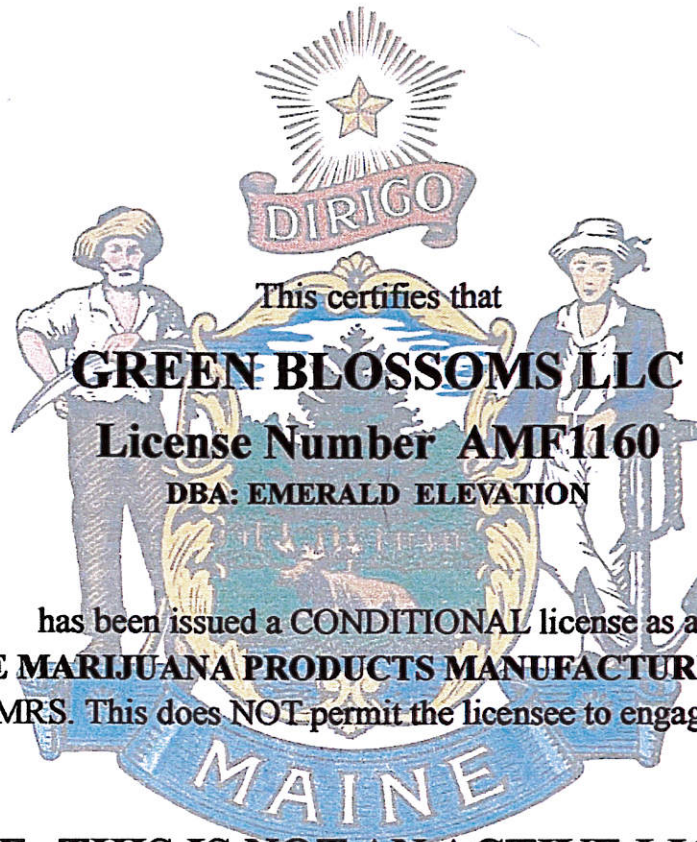
SCALE: 1/4" = 1'-0"



2
E1 LIGHTING PLAN

SCALE: 1/4" = 1'-0"

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



This certifies that
GREEN BLOSSOMS LLC
License Number **AMF1160**
DBA: **EMERALD ELEVATION**
has been issued a **CONDITIONAL** license as an
ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITY
under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
February 28, 2022

Expires on:
February 27, 2023

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

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

The Conditional License for AMF1160 has been issued based on the following organizational structure:

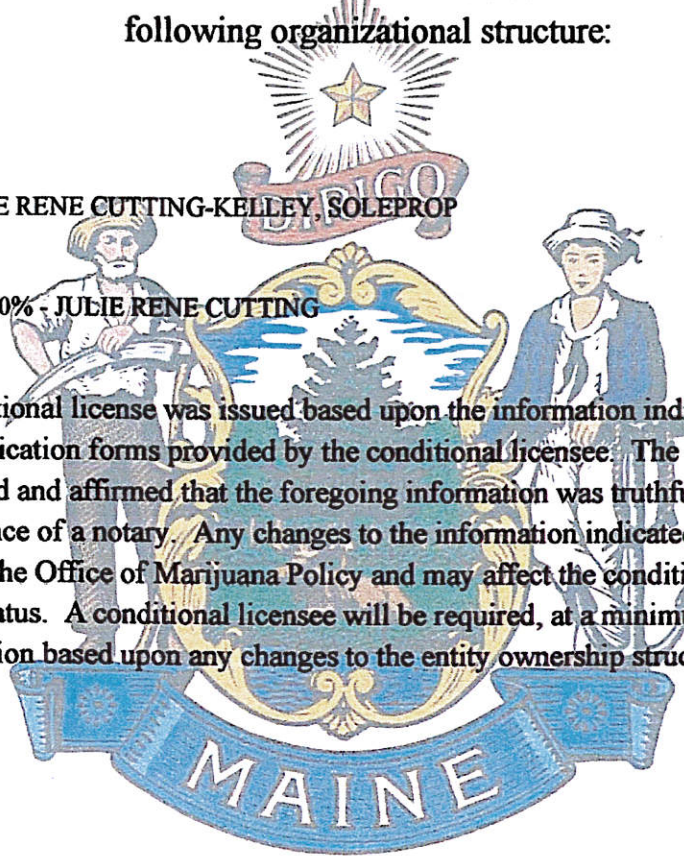
Principals:

JULIE RENE CUTTING-KELLEY, SOLEPROP

Owners:

100.00% - JULIE RENE CUTTING

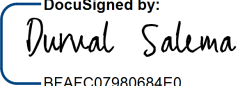
NOTICE: This conditional license was issued based upon the information indicated above and submitted on application forms provided by the conditional licensee. The conditional licensee acknowledged and affirmed that the foregoing information was truthful and complete in the presence of a notary. Any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



The Sublandlord and Subtenant have caused this Lease to be signed in counterpart originals, as of the day and year first above written.

SUBLANDLORD:

155 REALTY, LLC

By:  5/4/2022
BEAEC07980684E0
Durval Salema, Vice President of Operations
Duly Authorized

SUBTENANT:

GREEN BLOSSOMS LLC

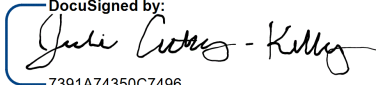
By:  5/4/2022
7391A74350C7496...
Julie Cutting-Kelley

EXHIBIT A
DESCRIPTION OF PREMISES AND ATTACHED PLAN

The Unit 2 consisting of approximately 2,000 square feet of rentable area, located at 155 Harold L Dow Highway, Eliot, Maine. but not including any access to the loading dock.

**EXHIBIT B
GUARANTEE**

GUARANTEE of Julie Cutting and C-Port Enterprises, LLC

From: [Jeff Brubaker](#)
To: [Kearsten Metz](#)
Subject: FW: PB22-10 - 155 HL Dow - Green Blossoms - Review for 6-21-22
Date: Tuesday, June 14, 2022 4:25:38 PM

For PB packet

Jeff Brubaker, AICP
(207) 439-1817 x112

From: Jrcutting@comcast.net <Jrcutting@comcast.net>
Sent: Thursday, June 9, 2022 12:02 PM
To: Jeff Brubaker <jbrubaker@eliotme.org>; 'Art Guadano' <art@agarchitects.com>
Subject: RE: PB22-10 - 155 HL Dow - Green Blossoms - Review for 6-21-22

Notice the question came up for hours of operation. We will be open for business Monday through Friday- 9am to 5pm

From: Jeff Brubaker <jbrubaker@eliotme.org>
Sent: Wednesday, June 8, 2022 6:11 PM
To: 'Art Guadano' <art@agarchitects.com>; Jeff Cutting <jrcutting@comcast.net>
Subject: PB22-10 - 155 HL Dow - Green Blossoms - Review for 6-21-22

Art and Jeff,

Hope you're both well. I am attaching a draft of my review memo for the 6-21 Planning Board meeting for your information.

My review comments/questions for now are:

- Unless I missed it in your current submittal, can you submit a security narrative or plan that addresses 33-190(4)(f)? We can review but keep parts confidential as needed.
- Can you provide an update on your kitchen / Maine DACF food license?
- Do you have electronic versions of your application?

Thank you, and happy to answer any questions you may have.

Jeff

Jeff Brubaker, AICP
(207) 439-1817 x112

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



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: June 15, 2022 (report date)
 June 21, 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; June 21, 2022 (scheduled)
✓ Site Walk	May 31, 2022
✓ Site Walk Publication	May 24, 2022 (Portsmouth Herald)

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, allowing 9 lots, 1 greater than proposed (see sketch plan, Note 4). 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 dated 4/12/22

Submitted June 1, 2022

- Agent authorization letter from Mark McNally Building Maintenance LLC (signed)

Submitted June 8, 2022

- Progress print sketch plan (superseded by 6/14/22 submittal)
- Plan of Land for Jesse Realty, dated 12/12/18, Sheets D2-D3
- Boundary plan/survey prepared for James D. & Orley Mae White, dated 6/21/05

Submitted June 14, 2022

- Cover letter dated 6/14/22
- Sketch Plan dated 6/14/22

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 (6/21 update)

Standard	Planner review
Min. lot size: 1 acre [41-255; 41-218(e); 45-405]	Met. Lots vary from 1.00 to 1.62 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.	<p>Appears to be met for Lots 1-4 and 7-8. Lots 5-6 show <100 ft. of frontage:</p> <ul style="list-style-type: none"> • Lot 5: 97 ft. • Lot 6: 69 ft. <p>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) and 6/14 cover letter.</p>
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. Currently it is unclear whether only buildings or all non-vegetated surfaces are accounted for.

Subdivision road (6/21 update)

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. 50-75 ft. R/W shown on plan. First ~300 lf has been widened to allow for shifting of road to the north to avoid utility pole and bring it further away from, and screen, abutting property (Map 6, Lot 42), plus accommodate a 5 ft. sidewalk.
Min. width of traveled way: 18 ft.	Appears to be met. 18 ft. pavement measured on 6/14 sketch plan, though previous sketch plan’s label “Prp. 50’ right-of-way, minor roadway standards, 18’ pavement w/ 2’ gravel shoulders (Typ.)” has been removed. For clarity it is recommended that an updated label be restored to the drawing.

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). At 5/17 meeting, applicant requested to not be required to have street curbs, gutters, and catch basins as they believe roadside swales would be sufficient. Current plan shows an asphalt curb where the sidewalk is.
Sidewalk width (if used): 5 ft.	Met. 5 ft. sidewalk proposed, per 41-221(a)(4). PB may wish to discuss with applicant if the other side of the road is a better location.
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: 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. R/W radius surrounding the cul-de-sac increased to 75 ft. to accommodate the sidewalk.
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. At 5/17 meeting, applicant agreed to show snow storage area on sketch plan.
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. (6/21 update)

The proposed entrance is near 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 previously 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
 - All have responded in writing. See attached.
- 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.”
- **6/21 update:** At the 5/17 meeting, the PB inquired about the method of calculating trip generation, including to what extent it accounted for this day and age’s typical level of delivery truck traffic. The ITE Manual’s trip generation methodology was summarized. The PB may wish to seek supplemental information from the applicant/applicant’s traffic consultant if you deem necessary for your review.

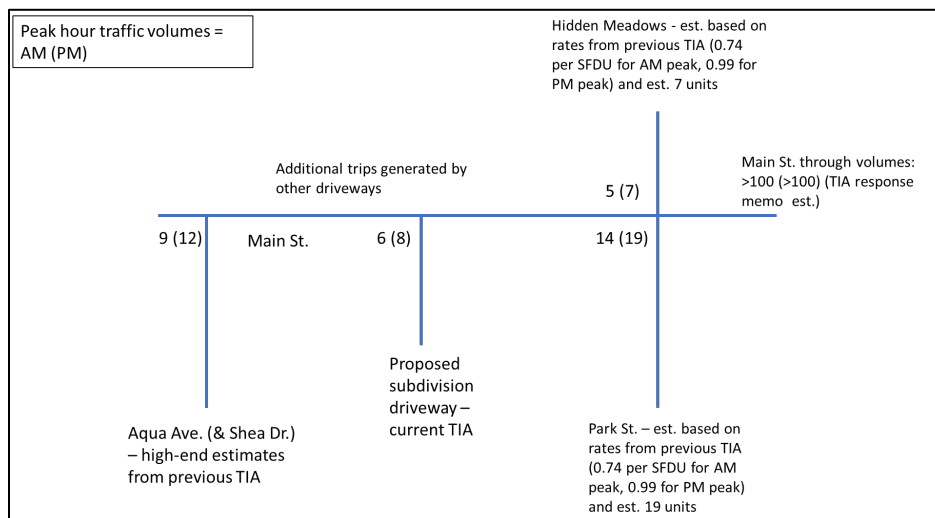


Figure 1. Conceptual summary of peak-hour traffic volumes based on data submitted or estimates from trip generation rates. Please note this is my own summary and not an excerpt from applicant submittals.

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) (6/21 update)

See sketch plan note 9 and the provision of deer-resistant arbor vitae between proposed Lot 6 and the abutting property. At the 5/17 meeting, the PB requested that the arbor vitae be maintained with irrigation and inquired about additional vegetative buffering between Park St. properties. The PB may require a landscape plan [41-215]. I recommend one be included in the preliminary plan.

The sketch plan now has a row of arbor vitae buffering between the proposed road and neighboring property Map 6, Lot 42 [41-215(b)].

Preservation of historical and natural features and traditional land use pattern (41-216) (6/21 update)

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. It is unclear when the small barn/accessory structures were demolished.

The large barn remains on the parcel. Given its presumptive age, it is subject to the demolition delay ordinance (45-136). A property owner on Brixham Rd. is interested in having the barn dismantled and

reassembled on her property. (See sketch plan.) This property owner has been in contact with Town staff and EHS and submitted a demolition permit application for the dismantling on June 14. The permit application is now subject to 45-136 and in the 90-day delay period. ***A PB public hearing is being scheduled/noticed for the June 28 PB meeting.*** The PB should issue an advisory opinion after conducting the public hearing. EHS and Maine Historic Preservation Commission will also be contacted for their input.

A landscape plan (41-215) and the preliminary plan historic statement [41-150(13)] could be required at preliminary plan stage.

Remick Cemetery

EHS has provided comprehensive research on Remick Cemetery, making the case that access to the cemetery will need to be via the proposed subdivision road, not via Map 6, Lot 48 (Aqua Ave.). See attached. The applicant has concurred and added a 20' access easement to the sketch plan, along the sidelines of Lots 4-5. If the road is to remain private, it should be clarified that the access easement also overlays the length of the private road out to Main St.

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.

6/21 update: Having gone on the site walk, it became clearer to me how close the proposed road was to abutting properties. With that in mind, I agree with the current revision to move the road north, away from those properties and clear of the existing utility pole, with vegetative screening, and revise my recommendation to reflect this new location. However, it is understandable should PB members first wish to request supplemental information on the TIA. If so, you should consider how the supplemental information would inform your consideration of the waiver request.

Motion template (6/21 update)

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 6/14/22. 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 = ~345’ *[confirm with applicant]*
- Proposed intersection to Park St = ~367’ *[confirm with applicant]*

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 near 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. The Public Works Director, Police Chief, and Fire Chief have reviewed the request and have no objections.
7. Per Planning Board and Site Walk input, the applicant has revised the road location, relative to previous submittals, to move it further away from abutting property Map 6, Lot 42; to provide more room for vegetative screening and a sidewalk; and to avoid an existing utility pole.

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]

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: 97 ft. (3% reduction)
- Lot 6 street frontage: 69 ft. (31% 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.

Site walk (6/21 update)

A site walk was held on May 31, 2022, including all PB members; the Conservation Commission Chair; several members of the applicant team; the Eliot Historical Society; and several members of the public. The group walked the site so as to see all proposed lots, the proposed road location, the shoreline, the large red barn, and the Remick Cemetery. Approximate lot corners and the road centerline were staked. PB members and members of the public asked questions and provided comments. Some highlights of the discussion include: a suggestion to move the road further away from abutters and be clear of the utility pole; preserving vegetative screening for abutting properties; and access to/maintenance of the Remick Cemetery. A copy of the audio recording file of the site walk is available from Town Hall.

Performance guarantee (41-176; 33-132)

Expected to be addressed at future submittals.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

SITE WALK MEETING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: 771 & 787 Main Street
DATE OF HEARING: Tuesday, May 31st, 2022
TIME: 3:15 pm

The Planning Board of the Town of Eliot, Maine, has scheduled a site walk for the following application on the above-referenced date:

- **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)**
 - Applicant: Mark McNally Building Maintenance, LLC, LJE Development LLC, Jesse Realty LLC
 - Property Owner: Mark McNally, LJE Development LLC, Jesse Realty LLC

This application is also expected to be included on the Planning Board's meeting agenda on Tuesday June 21st, 2022.



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: 771 Main Street
DATE OF HEARING: Tuesday, June 28th, 2022
TIME: 6:00 pm

The Planning Board of the Town of Eliot, Maine, has scheduled a public hearing for the following application on the above-referenced date:

- **771 Main Street (Map 6/Lot 43), PID # 006-043-000:** Demolition permit to deconstruct barn structure and reconstruct part of it and reuse parts of it on another property in Eliot. Due to the structure's age, it is subject to Town Code Section 45-136 – Demolition Delay for Historic Structures.

ADAMS, RALPH
ZIMMERMAN, B DIANE
10 STAPLES ST
ELIOT, ME 03903

DAVIS, RITA REVOCABLE TRU
RITA L DAVIS TRUSTEE
17 ELIZABETH LN
KITTERY POINT, ME 03905

HAMBLETT, BARBARA M
HAMBLETT, JOHN C
21 PARK ST
ELIOT, ME 03903

AMSDEN, NATHAN C
AMSDEN, HEIDI P
799 MAIN ST
ELIOT, ME 03903

DIXON, ROBERT A
DIXON, LINDA E
806 MAIN ST
ELIOT, ME 03903

HAMMEKEN, MARQUITA
HAMMEKEN, ELAINA
38 VARNEY LN
ELIOT, ME 03903

ANDERSON, DOUGLAS A REVOC
DOUGLAS A ANDERSON TRUSTE
224 PLEASANT ST
ELIOT, ME 03903

DOHERTY, JAY MICHAEL
816 MAIN ST
ELIOT, ME 03903

HANNIGAN, ELINOR C
20 AQUA AVE
ELIOT, ME 03903

BEAGEN, BRIDGETTE R
790 MAIN ST
ELIOT, ME 03903

EMERY, JOYCE
EMERY, CHRISTOPHER
730 MAIN ST
ELIOT, ME 03903

HINES, SUSAN N REVOCABLE
SUSAN N HINES TRUSTEE
24 PARK ST
ELIOT, ME 03903

BICKFORD, JONATHAN
BICKFORD, THOMAS L
794 MAIN ST
ELIOT, ME 03903

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

HURLEY, LUCY A
12 PATRIOTS LN UNIT 7
ELIOT, ME 03903

BOCCIA, MICHAEL A & LUONG
MICHAEL A BOCCIA & VALENT
16926 VISTA BRIAR DRIVE
SAN ANTONIO, TX 78247

FONTAINE, NANCY
FONTAINE, ROBERT J
144 BOLT HILL RD
ELIOT, ME 03903

HUTCHINSON FAMILY REVOCAB
FRANKLIN & CAROLYN B HUTC
11 AQUA AVE
ELIOT, ME 03903

BOYD, DUNCAN L
709 MAIN ST
ELIOT, ME 03903

FRISBEE FAMILY REVOCABLE
ROGER A & JEAN D FRISBEE
717 MAIN ST
ELIOT, ME 03903

JORDAN, HEIDE
15 PARK ST
ELIOT, ME 03903

BUZZELL, RICHARD L
11 PATRIOTS LN #2
ELIOT, ME 03903

FURBISH, CINDY W
25 PARK ST
ELIOT, ME 03903

KELLY, DONNA L
776 MAIN ST
ELIOT, ME 03903

CROSBY, ANITA J
12 PARK ST
ELIOT, ME 03903

FURBISH, JEFFREY H
6 FOURTH AVE
ELIOT, ME 03903

KELSEY, KIM
768 MAIN ST
ELIOT, ME 03903

CROSIER, DEBRA M & JOHN T
DEBRA M & JOHN T CROSIER
21 AQUA AVE
ELIOT, ME 03903

GRANT, CRISPIN
751 MAIN ST
ELIOT, ME 03903

KINNETT, CHARLES P
MCNAMARA, STEPHANIE
793 MAIN ST
ELIOT, ME 03903

LAFORGE, ANDREW P
12 PATRIOTS LN 5
ELIOT, ME 03903

MANERO, STEPHEN M
MANERO, BRITT F
12 ANTHONYS LNDG
ELIOT, ME 03903-1705

POISSON, NICHOLE M
POISSON, FREDERICK L
16 PARK ST
ELIOT, ME 03903

LEPERE, PAUL R
PO BOX 668
HAMPTON FALLS, NH 03844

MANERO-EARLEY, MARY ELLEN
18 ANTHONYS LNDG
ELIOT, ME 03903

PRATT, CHARLES JR
826 MAIN ST
ELIOT, ME 03903

LYTLE, NATHANIEL H
722 MAIN ST
ELIOT, ME 03903

MARSTON, JOHN E
MARSTON, SIGRED
20 PARK ST
ELIOT, ME 03903

RATCLIFF, WARDWELL
767 MAIN ST
ELIOT, ME 03903

MACDONALD FAMILY REVOCABL
CHARLES R & LUCIE F MACDO
1986 STATE RD
ELIOT, ME 03903

MCKENNA. ROBERT/DOWNEY, A
ROBERT F MCKENNA/ANNE M D
1 PARK ST
ELIOT, ME 03903

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

MACDONALD, CHARLES R
MACDONALD, LUCIE F
C/O DEGRAPPO BUILDERS LLC
ELIOT, ME 03903

MCKENNEY, RALPH A
834 MAIN ST
ELIOT, ME 03903

ROBINSON, MARK
ROBINSON, LEIGH B
744 MAIN ST
ELIOT, ME 03903

MANERO, ANTHONY K
MANERO, ELIZABETH T
32 ANTHONYS LNDG
ELIOT, ME 03903

MORIN, STEPHANIE L
MORIN, DANIEL
11 PATRIOTS LN 3
ELIOT, ME 03903

SAKLAD, CYNTHIA L
1 MARJORIE WAY
ELIOT, ME 03903

MANERO, ANTHONY T
MANERO, CANDACE S
31 ANTHONYS LANDING
ELIOT, ME 03903

NEWLAND, PAMELA M
14 PARK ST
ELIOT, ME 03903

SAKLAD, RICHARD J
1 MARJORIE WAY
ELIOT, ME 03903

MANERO, ANTHONY T
MANERO, CANDACE S
31 ANTHONYS LNDG
ELIOT, ME 03903

ORR, SHARON LYNNE
11 PATRIOTS LN UNIT 1
ELIOT, ME 03903

SAURMAN, JANET A
SAURMAN, BRYAN D & MCNEIL
22 PARK ST
ELIOT, ME 03903

MANERO, STEPHEN M
12 ANTHONYS LANDING
ELIOT, ME 03903

PATRIOTS LANE MASTERCARD
PATRIOTS
ELIOT, ME 03903

SHEA, KATY
17 AQUA AVE
ELIOT, ME 03903

MANERO, STEPHEN M
MANERO, BRITT F
12 ANTHONY'S LANDING
ELIOT, ME 03903

POIRIER, CHRISTOPHER ALLA
POIRIER, KELLY ANN
7 PARK ST
ELIOT, ME 03903

SHEA, LEROY/KAREN REV TRU
LEROY/KAREN SHEA TRUSTEES
24 SHEA DR
ELIOT, ME 03903

SHEA, LEROY/KAREN REVOCAB
LEROY W/KAREN A SHEA TRUS
24 SHEA DR
ELIOT, ME 03903

SHEMATEK, ELEANOR M
1200 STEWART ST UNIT 921
BALTIMORE, MD 21230

SIMPSON, ALLAN R
SIMPSON, KATHY L
18 PARK ST
ELIOT, ME 03903

STRANGE, MALLORY
11 PATRIOTS LN UNIT 4
ELIOT, ME 03903

TALBOT, JOHN D
19 PARK ST
ELIOT, ME 03903

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

VOLTAIRE, JOANNE
12 PATRIOTS LN UNIT 6
ELIOT, ME 03903

WINTER, LOUIS G
WINTER, ELIZABETH A
803 MAIN ST
ELIOT, ME 03903

WITTROCK, SUSAN P
WITTROCK, STEVEN P
214 EAST SPRING ST
ALEXANDRIA, VA 22301



ATTAR

ENGINEERING, INC

CIVIL • STRUCTURAL • MARINE

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

June 14th, 2022
Project No. C174-21

**RE: Sketch Subdivision Review – Site Walk Plan Revisions
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 revised Sketch Subdivision Plan and associated attachments for the above-referenced project. Revisions have been made to satisfy comments and questions brought up at the 17 May 2022 Planning Board meeting as well as the 31 May 2022 Site Walk.

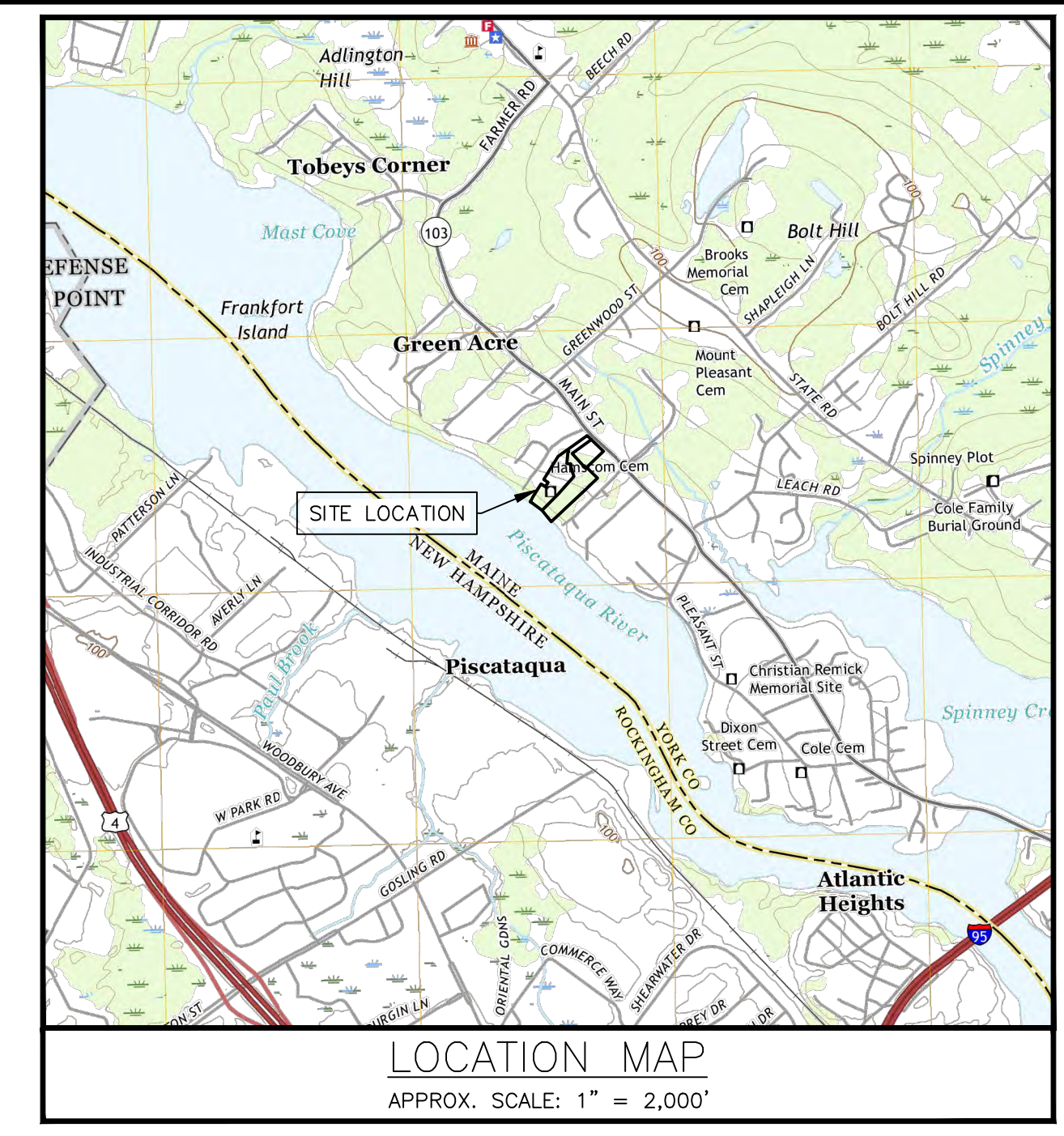
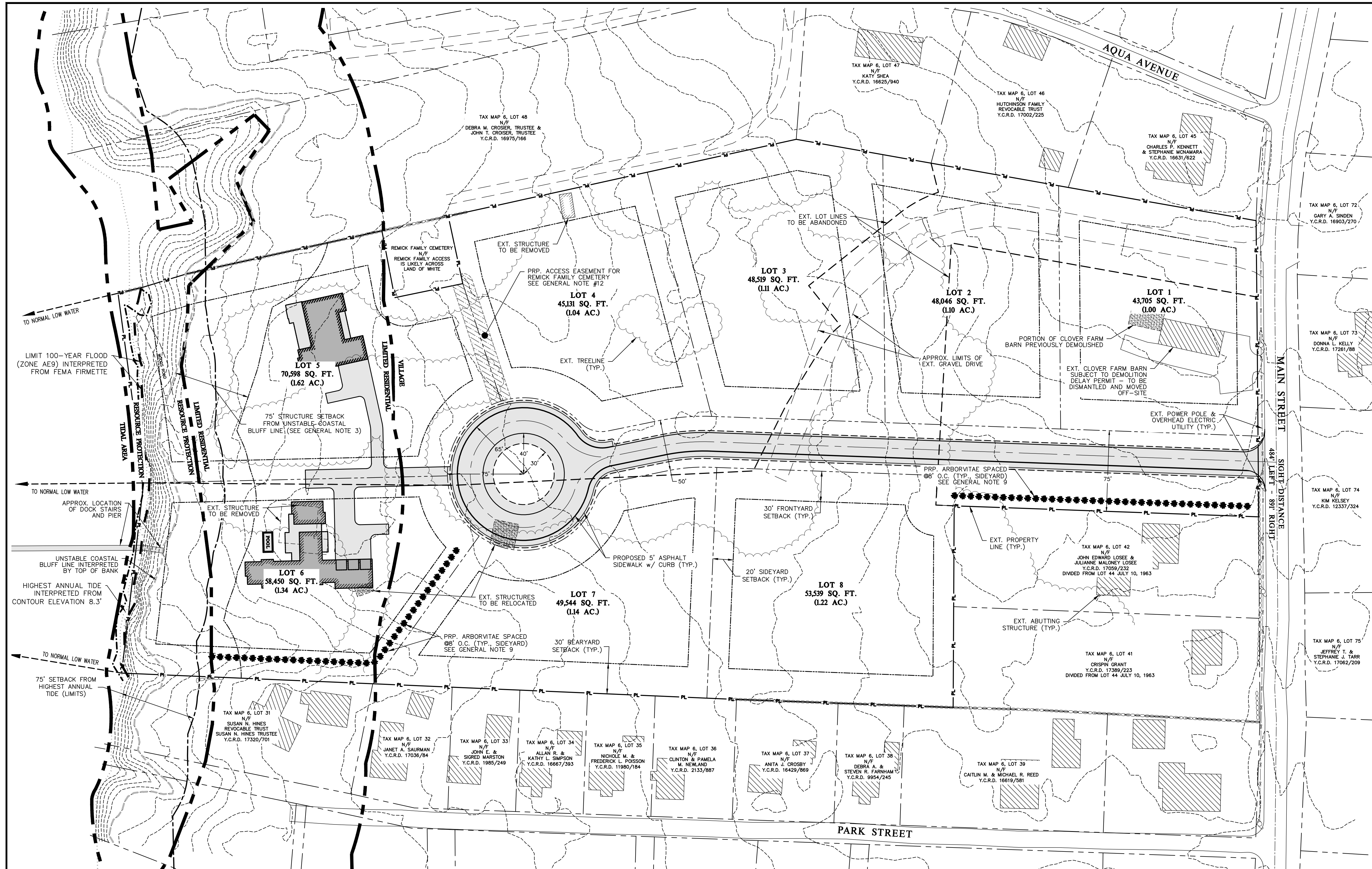
- The Sketch Subdivision Plan has been revised to depict the existing utility pole along Main Street that lines up where the former centerline of the proposed roadway would have intersected Main Street. The proposed right-of-way has been widened to 75' for the first ~300 linear feet for the stretch where the travelway closely abuts the southerly abutter Tax Map 6, Lot 42. This additional space allows for the existing utility pole to remain in place and not be impacted, as well as provide sufficient space for a 5' curbed sidewalk and the necessary vegetative screening to shield the abutting residences from the proposed travelway.
- Sidelines for Lots 1, 2, 3, and 4 have been slightly revised to continue to have all proposed lots satisfy the minimum lot size requirement of the Village zone. Additionally, the radius for the proposed right-of-way surrounding the cul-de-sac has been widened from 70' to 75' to accommodate for the added sidewalk. All proposed lots affected by this change have had their lot sizes adjusted accordingly. This right-of-way change has increased the frontages of Lots 5 & 6 to 97' and 69' respectively, so the requested waiver for these two lots is still required. Lastly, the residential density calculation in General Note #4 has been updated to reflect the right-of-way changes.
- Several callouts have been added to the Subdivision Plan regarding the existing Clover Farm Barn and the existing Remick Family Cemetery. General Note #12 has been added to include Plan Reference #4, which states that access to the Remick Family Cemetery shall occur through one of the subject parcels (Tax Map 6, Lot 154) of this development. As such, a 20' access easement has been proposed along the sideline between Lots 4 & 5 extending from the cul-de-sac to service the cemetery. Additionally, reference has been made to the soon-to-be ongoing Demolition Delay Permit for both portions of the remaining Clover Farm Barn on proposed Lot 1 that were discussion points of the meeting with Town Staff and the Epping Historical Commission that occurred on 14 June 2022.

We look forward to discussing this project with the Planning Board at the 21 June 2022 Planning Board Meeting. Please contact me for any additional information or clarifications required.

Sincerely;

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

cc: Mark McNally Building Maintenance, LLC., LJE Development, LLC., Jesse Realty, LLC.
C174-21 Sketch SDV Cover Rev 14Jun2022.doc



GENERAL NOTES

- THIS PLAN DEPICTS THE DEVELOPMENT OF THE SUBJECT PARCELS INTO AN 8-LOT CONVENTIONAL RESIDENTIAL SUBDIVISION SERVICED BY A MINOR ROADWAY ENDING IN A CUL-DE-SAC. THE PROPOSED ROADWAY HAS BEEN DESIGNED IN ACCORDANCE WITH THE TOWN OF ELIOT §37-70(c); 'DESIGN STANDARDS FOR STREETS'.
- THE SUBJECT PARCELS, LOCATED OFF OF MAIN STREET, ARE IDENTIFIED AS LOTS 43, 44, AND 154 ON LOT 6, CONSISTING OF 1.68 ACRES, 5.14 ACRES, AND 4.13 ACRES, RESPECTIVELY. EXISTING SIDELINE BETWEEN THESE SUBJECT PARCELS SHALL BE ABANDONED, CREATING AN OVERALL PARCEL AREA OF 10.95 ACRES. THE PROPOSED DEVELOPMENT IS LOCATED IN THE VILLAGE (V) BASE ZONE, AS WELL AS THE LIMITED RESIDENTIAL (LR) AND RESOURCE PROTECTION (RP) OVERLAY ZONING DISTRICTS.
- DIMENSIONAL REQUIREMENTS FOR THE 'V' ZONING DISTRICT AS PER §45-405:

MINIMUM LOT SIZE:	43,560 SQ. FT. (1 ACRE)
MINIMUM SETBACKS:	30' FRONTYARD 20' SIDEYARD 30' REARYARD
MAXIMUM BUILDING HEIGHT:	35'
MAXIMUM LOT COVERAGE:	20%
MINIMUM STREET FRONTAGE:	75'
MINIMUM STREET WIDTH:	100'
MAXIMUM AREA OF SIGNAGE:	50 SQ. FT.**
MINIMUM SIDEWALK WIDTH:	5'

* - AS PER §41-255(g); THE PLANNING BOARD MAY BY WAIVER REDUCE THE MINIMUM STREET FRONTAGE BY 50 PERCENT FOR LOTS LOCATED ON CULS-DE-SAC.
 ** - AS PER §45-405(j); A SIGN SHALL NOT BE LOCATED NEARER THAN EIGHT (8) FEET FROM THE RIGHT-OF-WAY BOUNDARY OR NEARER THAN EIGHT (8) FEET FROM THE EDGE OF THE TRAVELED WAY.
- LAND USE STANDARDS FOR THE 'LR' SHORELAND DISTRICT AS PER §44-35:
 PRINCIPAL AND ACCESSORY STRUCTURE SETBACKS:
 75' FROM NORMAL HIGH-WATER LINE OF WATER BODY***
 MAXIMUM LOT COVERAGE:
 20% OF THE LOT PORTION THEREIN
 *** - AS PER §44-35(b)(1)(b); WATER AND WETLAND SETBACK MEASUREMENTS SHALL BE TAKEN FROM THE TOP OF A COASTAL BLUFF THAT HAS BEEN IDENTIFIED ON COASTAL BLUFF MAPS AS BEING "HIGHLY UNSTABLE" OR "UNSTABLE" BY THE MAINE GEOLOGICAL SURVEY PURSUANT TO ITS "CLASSIFICATION OF COASTAL BLUFFS" AND PUBLISHED ON THE MOST RECENT COASTAL BLUFF MAP.
- RESIDENTIAL DENSITY CALCULATION:
 TOTAL PARCEL AREA (ALL SUBJECT PARCELS) = 477,177 SQ. FT. (10.95 AC)
 LESS PROPOSED RIGHT-OF-WAY = 59,644 SQ. FT. (1.37 AC)
 RESIDENTIAL ACREAGE REMAINING = 417,533 SQ. FT. (9.58 AC)
 [417,533 / 43,560] = 9.58 => 9 LOTS ALLOWED (8 PROPOSED)
- ALL EXISTING BOUNDARY INFORMATION AND ON-SITE CONDITIONS ARE AS PER PLAN REFERENCES 1, 2, AND 3. EXISTING CONTOURS ARE DEPICTED FROM STATE LIDAR IMAGERY. EXISTING CONDITIONS OF ABUTTING PROPERTIES ARE APPROXIMATE.
- WAIVERS REQUESTED:
 §37-69(g); ENTRANCES ONTO EXISTING OR PROPOSED COLLECTOR STREETS (MAIN STREET) SHALL NOT EXCEED A FREQUENCY OF ONE PER 400 FEET OF STREET FRONTAGE.
 §41-255(g); MINIMUM STREET FRONTAGE REDUCTION BY UP TO 50 PERCENT FOR LOTS LOCATED ON CULS-DE-SAC (APPLICABLE FOR PROPOSED LOTS 5 & 6)
- LIMITED RESIDENTIAL LOT COVERAGE CALCULATIONS:
 OVERALL SHORELAND PARCEL AREA = 105,097 SQ. FT. (2.41 AC)
 PROPOSED COVERAGE WITHIN SHORELAND ZONE = 15,361 SQ. FT. (0.35 AC)
 [15,361 / 105,097] = 14.6% < 20% => OKAY
- THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE-GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

LEGEND

PROPERTY LINE	---
SETBACK	---
EXT. ABUTTING 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	-----
COASTAL BLUFF BANK	---

PLAN REFERENCES:

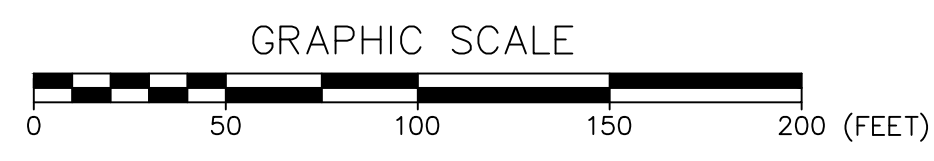
- "PLAN OF LAND OF C.P.N. REALTY, LLC, 787 MAIN STR., ELIOT, YORK COUNTY, ME" PREPARED FOR CPN REALTY, LLC. PREPARED BY CHRISTOPHER MENDE, PLS #1302 OF CIVIL CONSULTANTS. PLAN DATED 12/12/2018 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 399, PAGE 10.
- "PLAN OF LAND OF JESSE REALTY, LLC, 787 MAIN STR., ELIOT, YORK COUNTY, ME" PREPARED FOR JESSE REALTY, LLC. PREPARED BY CHRISTOPHER MENDE, PLS #1302 OF CIVIL CONSULTANTS. PLAN DATED 12/12/2018 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 399, PAGE 11.
- "PLAN OF LAND IN ELIOT, ME, SHOWING EXISTING CONDITIONS AT 771 MAIN STREET" PREPARED FOR ARCS PROPERTY MAINTENANCE, 125 SARATOGA WAY #1, PORTSMOUTH, NH. PREPARED BY JEFFREY HOFMANN, PLS #2309 OF MILLENNIUM ENGINEERING, INC. PLAN DATED 09/15/2020.
- "BOUNDARY PLAN PREPARED FOR JAMES D. & ORLEY MAE WHITE, SITE LOCATION: 139 MAIN STREET ELIOT, MAINE" PREPARED BY THOMAS J. McCULLOM, PLS #2059 OF CIVIL CONSULTANTS. PLAN DATED 06/21/2005 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 302, PAGE 6.

GENERAL NOTES (CONT.)

- PROPOSED SIDEYARD VEGETATED SCREENING FOR LOT 6 SHALL BE INSTALLED AS PER §33-175. 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).
- 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).
- 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
- ACCESS TO THE REMICK FAMILY CEMETERY HAS BEEN DETERMINED TO BE ASSOCIATED WITH THE SUBJECT PARCEL TM/L 6/154 AS PER PLAN REFERENCE #4. AS SUCH, A PROPOSED 20' EASEMENT SHALL EXTEND FROM THE PROPOSED CUL-DE-SAC RIGHT-OF-WAY AND RUN ALONG THE SIDELINE OF LOTS 4 & 5 TO MAINTAIN ACCESS TO THE CEMETERY.

OWNER OF RECORD:

- 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



NO.	DESCRIPTION	DATE
A	SKETCH SITE WALK REVISIONS	06/14/22
REVISIONS		

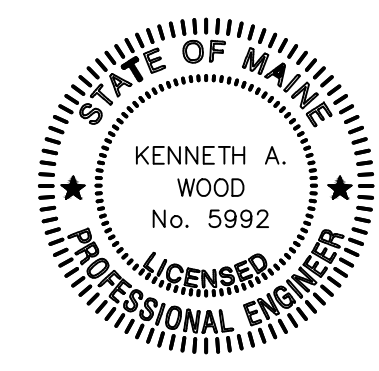
APPROVED BY:	DRAWN BY:
MJS	MJS
DATE:	REVISION DATE:
04/12/22	A : 06/14/22

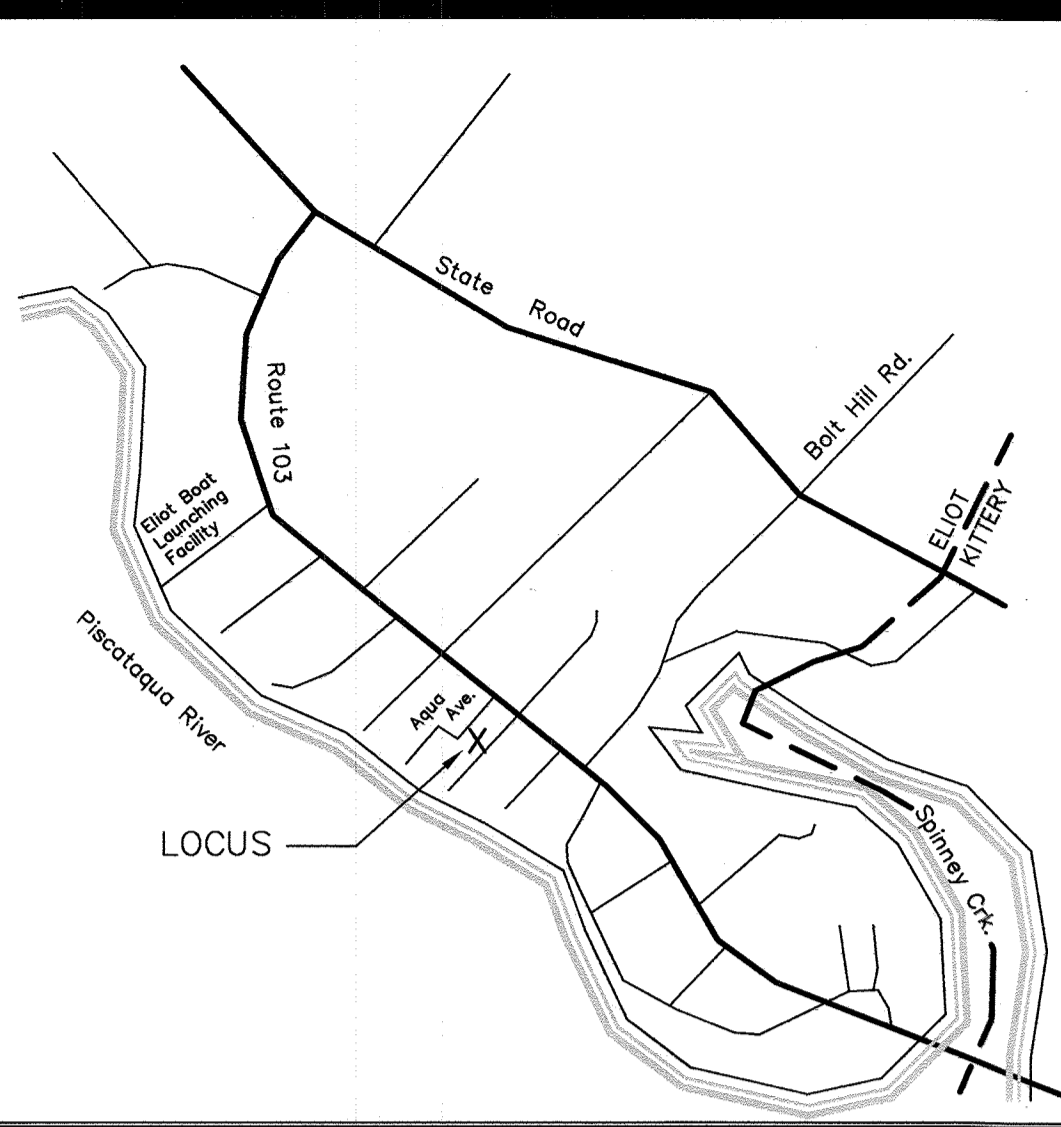
SKETCH RESIDENTIAL SUBDIVISION PLAN
 CLOVER FARM SUBDIVISION
 MAIN STREET, ELIOT, MAINE

FOR: MARK McNALLY BUILDING MAINTENANCE, LLC.
 1381 ELWYN ROAD
 PORTSMOUTH, NH 03801

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

JOB NO: C174-21 FILE: MAIN ST REV BASE.DWG SHEET: 1 OF 1





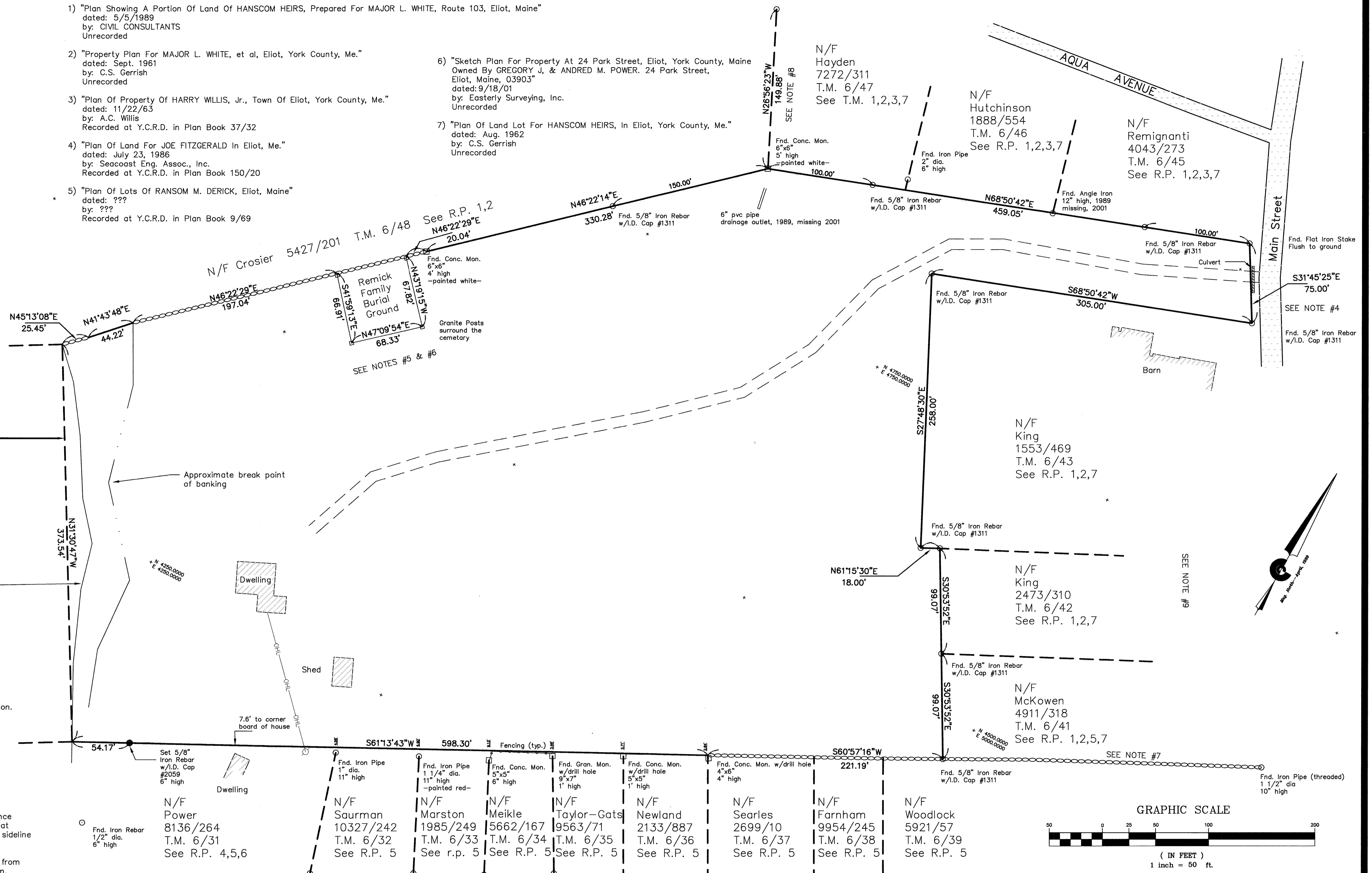
LOCATION PLAN (nts)

REFERENCE PLANS:

- "Plan Showing A Portion Of Land Of HANSCOM HEIRS, Prepared For MAJOR L. WHITE, Route 103, Eliot, Maine" dated: 5/5/1989 by: CIVIL CONSULTANTS Unrecorded
- "Property Plan For MAJOR L. WHITE, et al, Eliot, York County, Me." dated: Sept. 1961 by: C.S. Gerrish Unrecorded
- "Plan Of Property Of HARRY WILLIS, Jr., Town Of Eliot, York County, Me." dated: 11/22/63 by: A.C. Willis Recorded at Y.C.R.D. in Plan Book 37/32
- "Plan Of Land For JOE FITZGERALD In Eliot, Me." dated: July 23, 1986 by: Seacoast Eng. Assoc., Inc. Recorded at Y.C.R.D. in Plan Book 150/20
- "Plan Of Lots Of RANSOM M. DERICK, Eliot, Maine" dated: ??? by: ??? Recorded at Y.C.R.D. in Plan Book 9/69
- "Sketch Plan For Property At 24 Park Street, Eliot, York County, Maine Owned By GREGORY J. & ANDREW M. POWER. 24 Park Street, Eliot, Maine, 03903" dated: 9/18/01 by: Easterly Surveying, Inc. Unrecorded
- "Plan Of Land Lot For HANSCOM HEIRS, In Eliot, York County, Me." dated: Aug. 1962 by: C.S. Gerrish Unrecorded

PISCATAQUA RIVER

TIE-LINE, NOT A PROPERTY LINE, USED FOR BOUNDARY CLOSURE PURPOSES ONLY



PLAN NOTES:

- The field survey was performed during April, 1989 & October, 2001.
- The locus parcel is shown on Eliot Tax Map 6, Lot 44.
- The parcel area is 9.38 acres, excluding the burial ground.
- The sideline of Route 103 (Main St.) was determined from the found monumentation.
- The Remick family burial ground is excluded out of the locus parcel and it's fee remains with the Remick heirs.
- An easement by implication for the purposes of burial ground access may exist and be used by the heirs of the burial ground occupants.
- There exists a five foot water supply easement along the southeasterly boundary line of Lot #41, see Y.C.R.D. Book 1571/442.
- An easement "to erect and maintain a cold water line running from Aqua Avenue to" the locus parcel exists over the land N/F of Hayden as shown hereon, reference to Y.C.R.D. Book 1935/188. This deed apparently contains a scrivener error in that the location of said easement should read "15 equidistant from the northeasterly sideline of the premises of said David C. Wherren."
- The northerly and the westerly boundary lines for Lots 41, 42 & 43 were created from the deeds of the original creation, Plan Reference 7 and the found monumentation.
- Reference is made to a Survey Report prepared by CIVIL CONSULTANTS.
- Areas of encroaching land use have not been depicted hereon per the request of James D. and Orley Mae White.

000233

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED June 28, 2005
AT 2:36 p.m., AND RECORDED IN
PLAN BOOK 392, PAGE 6
ATTEST: Debra A. Anderson REGISTER

CERTIFICATION:

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH CHAPTER 90, PART 1 AND PART 2 OF THE STATE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.
Thomas J. McCullom
Thomas J. McCullom, P.L.S. #2059
CIVIL CONSULTANTS
South Berwick, Maine

Mailing Address:
HC 65 Box 40
Honesdale, PA 18431

NO.	REVISIONS	INT.	DATE

BOUNDARY PLAN
Prepared For
JAMES D. & ORLEY MAE WHITE
Site Location:
139 Main Street Eliot, Maine

	CIVIL CONSULTANTS P.O. BOX 100 293 MAIN STREET SOUTH BERWICK MAINE 03909 207-384-2550	
	DRAWN: TJM CALC: TJM/RDW N.B. # 225/359	SCALE: 1" = 50' APPROVED: [Signature] SHEET 1 OF 1

DC #9115o251

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, LLO.

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

From: [Jeff Brubaker](#)
To: [Kearsten Metz](#)
Subject: FW: The development at 771 & 787 Main Street
Date: Wednesday, June 15, 2022 1:47:37 PM

For PB packet if not already included

Jeff Brubaker, AICP
(207) 439-1817 x112

From: Rosanne Adams <rma249@yahoo.com>
Sent: Monday, June 6, 2022 4:37 PM
To: Jeff Brubaker <jbrubaker@eliotme.org>
Cc: Eric Christian <eric.r.christian@gmail.com>; Rosanne Adams <rma249@yahoo.com>; John and Deborah Crosier <janddcrosier@gmail.com>
Subject: RE: The development at 771 & 787 Main Street

Hello Jeff,

I will have to send the supporting documents to you by way of dropbox as the combined pdf file is too large for me to send. Perhaps the research (below) that Eric and I did will be of some help to the Planning Board in their deliberations. I will send any personal comments/concerns that I have in a separate email.

Still waiting to hear back from Helen Shaw of Maine Old Cemetery Association (MOCA) concerning the cemetery care question. MOCA will be having their meeting here, in Eliot, on July 23 so, if we don't hear back by then perhaps I can get some information from them at their meeting. I can send registration info for the meeting (everyone welcome) if anyone is interested in attending. \$5 registration fee and lunch can be bought for a nominal amount, if desired.

Have a great week,

Rosanne
Eliot Historical Society

RE: The development at 771 & 787 Main Street

The 1700s house that was on the land, until taken down in 2021, was most likely built by Joseph Hanscom (1731-1780). Joseph Hanscom was the son of Samuel and Hannah (Libby) Hanscom. By following the deeds, the property went to son Stephen (1761-1803), who married Hannah Remick. Stephen served in the American Revolution. The property was then conveyed to William Hanscom (1787-1861) who married Nancy Remick (widow).

In 1875 Nancy, widow of William, conveys to her grandson Arthur L. Hanscom, the land *"formerly owned by my late husband described in deeds conveying the premises to William Hanscom, then William Hanscom, Jr. to wit.- Enoch Remick (1834); Ai Remick and Lucy Ann Remick (1834); Elias Staples (1849), being all the real estate which he [William] possessed at time of decease"*. [See YCRD Book 350, Page 389]

The buildings that are currently on the property (and those that have been recently removed) were standing in 1910, as shown by photographs. At that time it was the home and farm of Arthur L. Hanscom.

REMICK CEMETERY:

The piece of land on which the family cemetery rests is described in the 1834 deed from Enoch Remick (1792-1873) to William Hanscom. [See YCRD Book 161 Page 218-19]. *"Reserving the burying ground of 16 square rods viz. four rods in length and four rods in width of the lot on which it is"*.

The earliest extant stone in the Remick Cemetery is that of Samuel Remick, who died in 1819.

The first time we see the cemetery, with its metes and bounds, is on a recent survey, in 2005, [See Plan Book 302, Page 6 - James/Orley White (787 Main)]. The land is now a portion of the property that is part of the proposed development.

AQUA AVENUE and CEMETERY ROW:

Records show the extent of Aqua Ave, which was widened in 1913. [See YCRD Plan book 7, Page 65] This survey also shows where the private way, belonging to Wherren, meets with Aqua Ave. Today, that way is the driveway to what is now 21 Aqua Ave (Crosier). A more complete description can be found in YCRD Book 632, Page 66.

Those lands are shown in a survey of the Wherren lands that was made in 1906 [see plan entitled "Plan of Land of Wherren Bros, Eliot, Maine 1906" in Plan Book 5, Page 93]

The Crosier lands come from David Wherren to Debra Crosier in two tracts. [See YCRD Book 5427, Page 201] Their deed references the 1906 plan for the Wherren Bros.

A more recent survey (2018) shows, again, the extent of Aqua Ave as being unchanged, as well as the location of the driveway at 21 Aqua Ave and the Remick cemetery. [See survey for property at 787 Main Street for CPN Realty, LLC, YCRD Plan Book 399, Page 10]

Deeds of the Crosier property and that of related Wherren property in that area, going back to 1905, were looked at. There was no reference in those adjacent deeds to the Remick Cemetery and no described right of way from those lands or Aqua Avenue to that cemetery.

Based on location of the REMICK CEMETERY and the deed transfers, eventually the ROW appears to come to be on the land of 787 Main. This was following the division and sale of the King/White lands. The lands of 771 Main and 787 Main were, at one time, a part of these original Hanscom/Remick lands.

Because of the reconfiguration of the properties for the proposed development, and, being that the cemetery is contained within that development, a concise Right of Way should be established to the Remick Cemetery, for its ongoing care.

Research submitted by Eric Christian and Rosanne Adams, Eliot Historical Society