

# TOWN OF ELIOT, MAINE

## PLANNING BOARD AGENDA

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

DATE: Tuesday, July 26<sup>th</sup>, 2022  
TIME: 6:00 P.M.

*All in-person attendees are asked to wear face masks*

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

- 1) **ROLL CALL**
  - a) Quorum, Alternate Members, Conflicts of Interest
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **MOMENT OF SILENCE**
- 4) **RESOLUTION OF APPRECIATION**
  - a) Kearsten Metz, Land Use Administrative Assistant
- 5) **10-MINUTE PUBLIC INPUT SESSION**
- 6) **REVIEW AND APPROVE MINUTES**
  - a) May 3<sup>rd</sup>, 2022 ~ June 28<sup>th</sup>, 2022 – if available
- 7) **NOTICE OF DECISION**
- 8) **PUBLIC HEARING**
  - a) 768 Main Street (Map 6/Lot 74), PID # 006-074-000, PB22-11: Home Business Application – Professional Office
  - b) 244 Pleasant Street (Map 3/ Lot 41), PID # 003-041-000, PB22-12: Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float
  - c) 155 Harold L. Dow Highway (Map 29/Lot 25), PID # 029-025-000, PB22-10: Site Plan Review and Change of Use – Marijuana Products Manufacturing Facility
- 9) **NEW BUSINESS**
- 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) **OTHER BUSINESS / CORRESPONDENCE**
  - a) Summer Summit discussions
  - b) Town Planner update (written or verbal) – if available
- 12) **SET AGENDA AND DATE FOR NEXT MEETING**
  - a) August 2<sup>nd</sup>, 2022
  - b) Special meeting: August 3<sup>rd</sup>, 2022 – 4:00pm to 5:30pm – Community Resilience Partnership Work Session; 6:30pm – Potential for Joint Meeting with Conservation Commission
- 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](http://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 6:00 (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: **895 0664 3082#**
  2. When prompted to enter Attendee ID **press #**
  3. When prompted enter meeting password: **600486 #**
- 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](http://eliotmaine.org/planning-board). Town Hall is accessible for persons with disabilities.

1 **ITEM 1 - ROLL CALL**

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

5  
6 Also Present: Jeff Brubaker, Town Planner.

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

10  
11 Note: Mr. Latter will join by Zoom later in the meeting.

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

14  
15 **ITEM 3 – MOMENT OF SILENCE**

16  
17 **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

18  
19 There was no public input.

20  
21 **ITEM 5 – REVIEW AND APPROVE MINUTES**

22  
23 **Ms. Bennett moved, second by Ms. Crichton, to approve the minutes of March 15,**  
24 **2022, as amended.**

25 **VOTE**  
26 **4-0**  
27 **Motion approved**

28  
29 **ITEM 6 – NOTICE OF DECISION**

30  
31 **A. 16 Arc Road (Map 45/Lot 17)**

32  
33 This will be reviewed at the next meeting.

34  
35 **B. 22 Arc Road (Map 46/Lot 5) PB22-1**

36  
37 **Ms. Bennett moved, second by Ms. Crichton, that the Planning Board accept the**  
38 **Notice of Decision Letter for PB22-1, as amended.**

39 **VOTE**  
40 **4-0**  
41 **Motion approved**

42  
43 **C. 22 Arc Road (Map 46/Lot 5) PB22-8**

44  
45 **Ms. Bennett moved, second by Ms. Crichton, that the Planning Board accept the**  
46 **Notice of Decision Letter for PB22-8, as amended.**

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**VOTE**  
**4-0**  
**Motion approved**

**ITEM 7 – PUBLIC HEARING**

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

**Received: January 4, 2022**  
**1<sup>st</sup> Heard: March 15, 2022 (shoreland site plan review/fixed pier)**  
**2<sup>nd</sup> Heard: May 3, 2022 (continued review)**  
**Public Hearing: May 3, 2022**  
**Site Walk: N/A**  
**Approval: May 3, 2022**

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

**6:16 PM Public Hearing opened.**

Mr. McCarthy said that we are proposing a 4’X85’ pier, a 3’X40’ gangway, a 6’X30’ landing float, and an 8’X30’ main float. Access will be from the top of the bank down a set of stairs to the fixed pier and there will also be another set of stairs from the pier down to the beach. We have submitted permits to the Army Corps of Engineers (ACE) and received approval from them. We have submitted an application to the DEP but we haven’t heard anything back yet. We still have a month to month and a half until their deadline to receive their comments back. The location of the pier is central to the property. We are within a riparian setback with the southeast abutter. We have gained a letter of conference from that abutter as we are encroaching on the riparian line.

Ms. Braun asked if there was anyone from the public who wished to speak on this subject. There was no one.

**6:18 PM Public Hearing closed.**

Ms. Crichton said that there is a note, here, that indicates that the bluff is unstable by the Maine Geological Survey. Is that being addressed.

Mr. McCarthy said that we talked about that a little at the last meeting. This portion of the river is considered an unstable coastal bluff. That’s a high-level look at the coastline here so there are portions of this property where you do see undermining at the toe of the slope, with some erosion. But the location where we are proposing the pier has large riprap and boulders that stabilize it. He passed out some photos to show what he was speaking about. He said that, regarding the existing stairs that were in question last meeting, it is proposed that they will be removed for a couple reasons. One, we don’t

93 want to have multiple access points down to the beach. We want to minimize it along the  
94 shoreline as much as possible. So, the main access, once it's constructed, would be going  
95 down the stairs to the pier and then going down the next set of stairs to the beach. The  
96 second reason is the condition of those steps, pointing to the last photo showing the  
97 deterioration. To leave them in place would cause a hazard. Our proposal with those  
98 stairs would be to, looking at the bottom of the stairs where it transitions to the boulders,  
99 install erosion and sediment control measures. In this case, the most suitable type of  
100 erosion control would be a geo textile silt sock and tacked down. That would be installed  
101 first, at the top of the boulders and bottom of the stairs. Next would be to remove the  
102 timbers then regrade that existing slope. We then cover that surface with an erosion  
103 control mix. I would expect, probably within one season, you're going to see that existing  
104 growth on that embankment overtake that. Alternatively, you could do an option where  
105 you regrade with loam and put a conservation seed mix down and cover it with an erosion  
106 control blanket. I didn't propose that here because you're going to have to water it to  
107 make sure it becomes established and it's quite a distance from the house to the  
108 embankment so I don't really see that happening as much as it should. The erosion  
109 control mix provides an immediate, permanent stabilization cover. Showing another  
110 photo showed where the pier would be located. So, right at the bottom of that, you have  
111 big, large boulders and is a stable slope location. If you go to the right at all, or  
112 downstream, that's where you start to see the erosion along the bottom of the  
113 embankment.

114  
115 Ms. Crichton said that we agreed that the vegetation on either side of the steps would be  
116 left.

117  
118 Mr. McCarthy said yes.

119  
120 Mr. Leathe asked if the pier actually starts over those boulders. How do the stairs and pier  
121 connect. Do you move some of those boulders.

122  
123 Mr. McCarthy said that they will move them around. If a piling is going to end up being  
124 placed directly on a larger boulder, they will move them so they can drive the piling into  
125 the ground.

126  
127 **6:24 PM** Mr. Latter joined the meeting by Zoom.

128  
129 Ms. Braun asked the PB members if there was any additional comments or questions.

130  
131 There were none.

132  
133 Mr. Brubaker said that, for the record, I wanted to say that a resident did stop by but  
134 decided not to participate in the public hearing. He asked Mr. McCarthy to talk about  
135 how the pier doesn't encroach on the northern riparian line for Park Street while I pull up  
136 the plan on the screen.

137

138 Mr. McCarthy said that the dark, solid line where it says approximate riparian line, that's  
139 an extension of the sideline of Park Street. 25 feet below that is a dash line, which is the  
140 riparian setback, so you can see the dock, the pilings, and a boulder pile off the end of the  
141 slope; that that is all lower than that line of concern.

142

143 Ms. Braun said that, if everyone is set, the Chair would accept a motion.

144

145 **Mr. Leathe moved, second by Ms. Bennett, that the Planning Board approve the**  
146 **Shoreland Zoning Permit application for PB22-5, 23 Park Street, with the following**  
147 **findings of fact in addition to other applicable findings of fact to be included in the**  
148 **Notice of Decision:**

- 149 1. **All applicable sections of the Shoreland Zoning Ordinance (Chapter 44),**  
150 **Shoreland Zoning Permit Application, and Chapter 33 Site Plan Review have or**  
151 **will be met.**
- 152 2. **Based on the information presented by the applicant and in accordance with Sec.**  
153 **44-44, the Planning Board finds that the proposed use:**
- 154 a. **Will maintain safe and healthful conditions;**
  - 155 b. **Will not result in water pollution, erosion, or sedimentation to surface**  
156 **waters;**
  - 157 c. **Will adequately provide for the disposal of all wastewater;**
  - 158 d. **Will not have an adverse impact on spawning grounds, fish, aquatic life,**  
159 **bird, or other wildlife habitat;**
  - 160 e. **Will conserve shore cover and visual, as well as actual, points of access to**  
161 **inland and coastal waters;**
  - 162 f. **Will protect archaeological and historic resources as designated in the**  
163 **comprehensive plan;**
  - 164 g. **Will avoid problems associated with floodplain development and use; and**
  - 165 h. **Is in conformance with the provisions of section 44-35, land use standards.**
- 166

167

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

- 169 1. **The property may be developed and used only in accordance with the plans,**  
170 **documents, material submitted, and representations of the applicant made to the**  
171 **Planning Board. All elements and features of the use as presented to the**  
172 **Planning Board are conditions of approval and no changes in any of those**  
173 **elements or features are permitted unless such changes are first submitted to**  
174 **and approved by the Eliot Planning Board. Copies of approved permits from**  
175 **Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided**  
176 **to the CEO before construction on this project may begin.**
- 177 2. **The permit is approved on the basis of information provided by the applicant in**  
178 **the record regarding the ownership of the property and boundary location. The**  
179 **applicant has the burden of ensuring that they have the legal right to use the**  
180 **property and that they are measuring required setbacks from the legal**  
181 **boundary lines of the lot. The approval of this permit in no way relieves the**  
182 **applicant of this burden. Nor does this permit approval constitute a resolution in**  
183 **favor of the applicant of any issues regarding the property boundaries,**  
**ownership, or similar title issues. The permit holder would be well-advised to**

- 184         **resolve any such title problems before expending money in reliance on this**  
 185         **permit.**  
 186         **3. The applicant authorizes inspection of premises by the Code Enforcement**  
 187         **Officer during the term of the permit for the purposes of permit compliance.**  
 188         **4. [If needed] prior to, or along with, their building permit application, the**  
 189         **applicant shall provide to the Code Enforcement Officer an approved**  
 190         **Department of Environmental Protection (DEP) Natural Resource Protection**  
 191         **Act (NRPA) Permit for the project.**  
 192         **5. Per §44-35(b)(6), the portion of the stairway leading from the pier to the beach,**  
 193         **over the normal high-water line, may only be built if the DEP approves it.**  
 194         **6. No later than 20 days after the completion of the development, the applicant**  
 195         **shall provide to the Code Enforcement Officer post-construction photographs of**  
 196         **the shoreline vegetation and developed site.**

197                                     **VOTE**  
 198                                     **5-0**  
 199                                     **Motion approved**

200  
 201 Ms. Braun said that the application stands approved and there is a 30-day period from  
 202 which the PB decision can be appealed by an aggrieved person or parties – move forward  
 203 but move forward cautiously.  
 204  
 205

206 **ITEM 8 – NEW BUSINESS**  
 207

208         **A. Planning Board Fees**  
 209

210 Mr. Brubaker showed a spreadsheet and discussed. This will be a shared spreadsheet,  
 211 with several communities listed to input fees from those communities. We talked about  
 212 everyone taking three communities. I’m not sure we have shared capabilities so it would  
 213 probably be best to email me individually with the fee information from the communities.  
 214 Then I will compile those for a future PB meeting. We’re typically looking for PB-related  
 215 fees – site plan review, site plan amendment, shoreland zoning applications, change of  
 216 use, and especially public hearing fees because that has been identified where the fee  
 217 doesn’t cover our costs. This would help us in potentially changing our fees for the  
 218 November ballot. I also have the Board of Appeals on that because their fee doesn’t cover  
 219 the costs, either. You are also more than welcome to add other parts of Maine in your  
 220 research.  
 221

222 Mr. Latter asked if we have a set group of what we consider peer communities other than  
 223 demographic, etc.  
 224

225 Mr. Brubaker said that that’s a great question. I don’t know if you have done anything  
 226 like that in the past.  
 227

228 Ms. Bennett said that, with the Marijuana Ordinance, we did a similar survey of  
 229 communities and ventured out further afield to see if we could find instances of

230 information directly related to the topic. This looks like a good breadth of data collection  
231 of varying sizes of towns. Most are in southern Maine. I think we might want to spend  
232 particular attention on our direct neighbors – the KEYS (Kittery, Eliot, York, South  
233 Berwick). Land use is very predictable. The practice in our community is being shared  
234 with others and I notice that if there is any difference within the margin, there is always  
235 opportunity to start shifting the balance. I think having consistency with our neighbors  
236 could be a good starting point then we could look at other data points that may inform  
237 what we know of our own particular situation, mainly the staffing requirements with the  
238 public notices.

239  
240 The PB members chose the towns they would survey.

241  
242 Mr. Latter said that I think we want to make our process available to people. WE don't  
243 want the costs to be onerous but every dollar we take from the Town to supplement this is  
244 a dollar that can't be used to plant grass in a playground or fill a pothole or do whatever  
245 else. So, we want to be as self-sufficient as we can.

246  
247 Ms. Braun said that that's true and, at the moment, we're not.

248  
249 Mr. Latter added that we may not be. We may find that some of the notice obligations is  
250 just part of the cost of doing business for the Town but we should at least try.

251  
252 Ms. Braun asked if the papers gone up in their costs for notices, such as public hearings.

253  
254 Mr. Brubaker said yes. I think the Portsmouth Herald is somewhere in the \$200 range per  
255 one new paper notice. I would have to check to see what we are charged for the Weekly  
256 Sentinel.

257  
258 Ms. Braun said that you also have to consider the postage to mail out abutter lists.

259  
260 Ms. Lemire suggested adding an actual cost column to see what we are paying right now.

261  
262 Mr. Brubaker said that I could do some basic research on that.

263  
264 Ms. Braun said that that was a good idea so that we know what it is costing us right now.

265  
266 **B. Comprehensive Plan Updates**

267  
268 Mr. Brubaker said that we do want to move forward with scoping for the Comprehensive  
269 Plan. You can see in the 2009 plan there are two major sections – Inventories and Goals,  
270 Policies, and Strategies (GP&S). Pretty standard for a comprehensive plan. You can see  
271 the topic areas, there, that are pretty much the same. So, here's what exists in Eliot and  
272 here's what we plan to do about it in the future. The GP&S have some regional  
273 coordination and a basic capital improvement plan (CIP). The reason for an update is that  
274 there are obviously a lot of changes at various levels since 2009, including locally,  
275 regionally, and nationally. Obviously, recession, the pandemic, the changes in lifestyle

276 that are starting to take hold nation-wide and globally. Employment increases at the  
277 Naval Shipyard, housing affordability (huge hot topic these days, especially now that  
278 LD2003 has been signed into law), climate change urgency. Obviously, marijuana has  
279 played a bigger role than what was thought. Again, it's the opportunity to affirm, re-  
280 affirm, where the community wants to grow and re-affirm preservation values. Or modify  
281 or add to the update. This won't be a comprehensive rewrite because we don't have the  
282 scope and the budget for it, so, it will be more of an update. So what we want to do is use  
283 the existing 'clay' of the Comp Plan and see where it needs updating rather than throwing  
284 it all out. I would say that we should expect 1 to 2½ years for the update although it's  
285 possible it could be 1 to 1½ years. We will definitely have another steering committee  
286 and break it up by sub-groups and obviously have existing committee members,  
287 especially the PB, playing a role on the steering committee and needing to avoid quorums  
288 on the steering committee. We have a lot of resources to help us with this. The Maine  
289 DACF Municipal Planning Assistance Program. A lot of climate change resources that  
290 have come up. Our participation in the climate resilience project with some of the other  
291 communities in the region. Then, there's the peer community comp plan updates being  
292 useful for 'borrowing' ideas. Another is the American Planning Association and its  
293 regional chapters, and I'm a member of the APA and regional chapter, so I have access to  
294 list serves and planners around the State. Regarding public involvement, along with  
295 traditional public meetings and charettes, I like to do non-traditional involvement  
296 activities and I listed some potential things to generate public involvement. Additionally,  
297 we should look at the style of the document that we want to see because, even though I  
298 like a lot of things about the 2009 Comp Plan, it's pretty text heavy and we may want a  
299 more reasonable format. This is just a general update for you and no action is required.

300

301 Ms. Braun said that I like the non-traditional events approach. I think that's better than  
302 just getting people in a room and talking. A table at the Eliot Festival Day sounds good.  
303 A lot of people go to that.

304

305 Ms. Lemire said that we did that last time.

306

307 Ms. Braun said that, with the community walks, you had good luck with that when you  
308 did the bike thing. You got a lot of input.

309

310 Mr. Brubaker agreed. I got a lot of participation from that.

311

312 Ms. Bennett said that I would just throw in the possibility of using a survey, maybe later  
313 on. It could be done online, with a survey letter to go out through the Town web serve;  
314 that that would be an easy way to take and register their opinion.

315

316 Mr. Brubaker said yes, so, a survey early in the process.

317

318 The PB agreed.

319

320 Ms. Bennett asked when Mr. Brubaker thought this process might start.

321



322 Mr. Brubaker said that I was hoping we could have committee recruitment and consultant  
323 participation occur this summer so that we could start in the early fall, which would time  
324 well with Eliot Festival Day (EFD). I need to talk with the EFD organizers to make sure  
325 we get a table there.

326  
327 Mr. Latter said that I'm on various social media groups. Is it worth reaching out to those.

328  
329 Ms. Braun asked if he meant groups like 'EliotStrong'.

330  
331 Mr. Latter said that there is one I use a lot. 'Eliot Community' something. It's just a lot of  
332 different information. It seems to be the most informational without editorial comment.  
333 Just saying that there are some groups that maybe we could reach out to see if people are  
334 interested. There is the 10% of the people that are engaged in this and paying attention to  
335 what's going on and understand how 'this' works with 'that', and all that, and their  
336 voices are heard. But, how do you reach out to the people that don't have any idea what's  
337 going on.

338  
339 Ms. Braun said that that's a good idea. It's the least costly we would have to pay and a  
340 good way to reach people.

341  
342 Ms. Bennett said that we could also do a press release, in advance, to the Herald and  
343 Sentinel. The Sentinel will print exactly what we write and we might be able to get a  
344 reporter to do some follow-ups.

345  
346 Mr. Latter said that it's always good when you can find a reporter that let's you do their  
347 work. That's a great idea. Then you could just link the press release out to social media  
348 and it gives you a little bit of hand's off.

349  
350 Ms. Bennett said yes, and a consistent message.

351  
352 Mr. Leathe asked if there was a point person for this process.

353  
354 Mr. Brubaker said that I think it will be me but it will have many points. I think we'll all  
355 play a role. Then depending on how the consultant recruitment goes, the point person will  
356 probably be me but also shared with that consultant.

357  
358 **C. Technology for Planning Board Meetings**

359  
360 Mr. Brubaker said that I think the te4chnology could be better here. We've been doing  
361 hybrid meetings since August 2021. The essential ability right now is that we have Ms.  
362 Lemire and Mr. Latter on Zoom as active participants. We've had consultants present on  
363 Zoom that saves the Town money because they're not traveling down here. So, that's  
364 pretty requisite on this room having access to adequate room technology and something  
365 I've been strongly prepping for. We do have a TV, which is good and, then, I went out of  
366 my own pocket and bought some additional technology, as we didn't have the budget for  
367 it, to connect the laptop to the projector. This memo talks a little about what upgrades I

368 feel this room needs. Yes, we've been talking about renovation of Town Hall but I also  
369 think there's enough time to invest in equipment in this room. So, I thought I'd put it out  
370 there to get feedback from the PB.

371  
372 Ms. Braun said that we definitely need to do something. It's not very good. I've watched  
373 a couple meetings on Townhall stream and you can't hear people. You can't see the  
374 speaker sometimes because the OWL just doesn't pick it up. So, it's kind of frustrating  
375 and I would think for people on Zoom it is equally so. I think all of your suggestions are  
376 doable.

377  
378 Mr. Leathe asked if these numbers for each of these categories come from looking around  
379 in the marketplace to see what the particular hardware would cost or more of a ballpark  
380 estimate.

381  
382 Mr. Brubaker said that it was kind of a mix of both. I did some internet research and there  
383 seemed to be a wide range of costs, depending on the quality. Projectors were around  
384 \$2,000 to \$3,000 and then either do it in-house or like have Public Works install it.

385  
386 Ms. Braun said that, if you're going to do it, you should get good-quality equipment as  
387 opposed to spending \$2,000 and it's mediocre and you've got to replace it because it  
388 could double your cost. If they decide to do whatever they're going to do, it will be a  
389 couple years down the road, anyway.

390  
391 Mr. Latter said let's just say it's going to be three years before everyone is sitting in a  
392 new conference room. Maybe I'm wrong. Maybe it will be 2+ but that's just my guess on  
393 how these projects go.

394  
395 Ms. Braun said that I'm all for it. How do we go about doing it. Do we have to petition  
396 somebody to get the funding. Do we have enough left in our budget to do it.

397  
398 Mr. Brubaker said that that's a good question. I write in my memo that it's unclear if  
399 there is current budget for it or if there will be next fiscal year.

400  
401 Mr. Latter said that I will say that I've used it remotely a handful of times. As long as you  
402 are presenting it on the Zoom, it's actually easier to read remotely than it is in the room.

403  
404 Ms. Lemire agreed, saying that it's like a document on my laptop.

405  
406 Ms. Bennett asked if there would be any clarity about the budget after June 14<sup>th</sup>.

407  
408 Mr. Brubaker said that there could be. That would be for the budget starting July 1<sup>st</sup>.

409  
410 Ms. Bennett said that I think all of what's proposed will not only improve the quality of  
411 our meetings for ourselves and our viewers but also offering to continue to operate in  
412 hybrid mode can increase participation. We're not seeing anyone on, per se, on Zoom  
413 right now or downstream on Townhall stream, so it offers opportunities for the public, at

414 their leisure. I think it's really important that we improve, especially the audio quality  
415 with people coming to the podium, having a mic'd podium, having the camera be able to  
416 see that person. If we don't have the necessary funds, we could sort of make some  
417 decisions about what is the most important thing to do and, frankly, I wouldn't be  
418 ashamed to do a Go-Fund-Me for the Eliot PB to upgrade its materials.

419  
420 Mr. Latter said that I don't think it's just a PB requirement. I think it's a public meeting  
421 requirement. I do think we have some uniqueness in that we do pull a lot of different  
422 people from a lot of different areas. We're one of five or six different committees that are  
423 in this hybrid mode that are using this technology.

424  
425 Ms. Bennett suggested that we could hold a raffle at Eliot Festival Day. We get a few  
426 things donated; we'll buy raffle tickets. These things can generate a lot of money.

427  
428 Mr. Latter suggested we, as a group go to the SB or Town Manager and make a request.  
429 I'm sure Mr. Brubaker is always going in there and he's trying to keep his powder dry for  
430 what he really needs. I say that half in jest but he has to make decisions every day about  
431 what he has to go fight for funding and what he doesn't.

432  
433 Ms. Bennett said that we would have to go to the Budget Committee and Town Manager  
434 to advocate for specific line items or advocate for a one-year increase for capital  
435 improvements.

436  
437 Mr. Latter asked if there was someone who filled the role of the IT Director for the  
438 Town.

439  
440 Mr. Brubaker said that we have a company, \_\_\_\_\_ Networks, that is also partially  
441 associated with Two-Way Communications. I use them interchangeably but that's the  
442 company we contract with.

443  
444 Mr. Latter said that we don't have anybody that is, like, on the payroll and can advocate  
445 for technology.

446  
447 Mr. Brubaker said that, basically, when there's an IT need, one of the staff or Mr.  
448 Sullivan will contact them.

449  
450 Ms. Crichton said that we're not the only Board that uses it. There are several.

451  
452 Ms. Braun said that we are the only ones that continuously show site plans on the screen,  
453 and stuff like that, and it would be helpful if we could see it. I've been to several SB  
454 meetings and I've never once seen them put anything up on the screen; that I don't think  
455 the BOA does either. She asked about private donations.

456  
457 Mr. Brubaker said that we would be open to that. It certainly would be an option.

458  
459 Ms. Braun added that it would have to be specifically used for that purpose.

460  
461 Ms. Crichton asked how much would we actually need.

462  
463 Ms. Braun said about \$5,000. Probably \$6,000 to be safe.

464  
465 Mr. Brubaker said that I'm not sure of the exact cost of a second OWL. OWL advertises  
466 that, if you have a big room, you should use multiple OWLs.

467  
468 Mr. Latter said that the OWL diminishes in effectiveness when it goes out into the room  
469 to the podium. It's okay when it's up at the desk.

470  
471 There was discussion around OWL equipment; that it is available at Amazon and Staples.  
472 Mr. Brubaker to ask Kittery and York what they have done regarding equipment and  
473 expenditures. Which towns seem to have the better set-ups (mics seem to make a  
474 difference in audio quality). Also having equipment that allows board members and PB  
475 Director to focus on the meeting and not the equipment.

476  
477 Mr. Leathe said that I think the long-term solution is community TV because it's then  
478 available, really, to everyone and relatively simple to use.

479  
480 Mr. Latter said that I've actually dealt with community TV for public meetings, etc., and  
481 you need somebody from the community TV entity to actually come and run the meeting.  
482 I don't know if we paid them or they got it as part of their budget for community access  
483 or how the funding worked. I can ask that question.

484  
485 Ms. Braun said that that would be a good idea, just to see how it works.

486  
487 Mr. Brubaker said that, if the PB wants to communicate, as a group, to the Town  
488 Manager, that would be great, or I could pass something along to the Town Manager. I  
489 think he's definitely somebody who likes to roll up his sleeves and likes to make things  
490 better and we haven't had that in a while. So, I think there is an opportunity to have him  
491 promote some of those ideas.

492  
493 Ms. Braun said that I would think having a good quality meeting would be the gold  
494 standard as opposed to what is happening now.

495  
496 Mr. Latter said that I will say, from what I saw, this kind of hybrid meeting did not  
497 integrate well with the technology that local cable access was using. I don't know if that  
498 has gotten better in Beverly but I remember when they were first dealing with COVID it  
499 was a challenge for the board.

500  
501 **D. Erosion & Sedimentation Control Model Ordinance – as time allows**

502  
503 Mr. Brubaker said that this is not an update from me but to transmit the final model  
504 ordinance to you. Much kudos to the Southern Maine Working Group for their work on  
505 this. The group did have a lot of feedback and they had a lawyer review it, too. I wasn't

506 intending to go over this tonight. I just wanted to make sure you had it. This is something  
507 we would use to move forward with our work. Being ready for November would be the  
508 idea because we need to be ready with this for July 2023.

509  
510 Ms. Braun said that they did a good job and the checklist is very good.

511  
512 Mr. Leathe said that I think it's incredibly complete, comprehensive. I didn't know if it  
513 was a one-size-fits-all when I think about our Town versus Portland or Bangor. Do we  
514 have to tweak this if we want to use this here. If we have to use this, what are the next  
515 steps, what is the timeline, what are we expected to do with it.

516  
517 Mr. Brubaker said that, if you look at the model ordinance document, they color-coded it.  
518 So, the regular black text is language that communities really should put in their  
519 ordinance without changes. There is a recognition that you may have to pepper this  
520 language as appropriate throughout the ordinance. The blue is a recommendation from  
521 the Maine Climate Council that is kind of going the extra mile regarding climate change  
522 impact. The green they said we could modify. I think they are trying to make it a  
523 document that will meet all communities' needs. The other option is to simply reference  
524 the DEP standards and the City of Saco did that. So, the simplest option from a text  
525 standpoint would be, at every relevant opportunity, to simply say "applicant shall  
526 conform to the Chapter 500 DEP standards". That would be an option for the PB but it's  
527 not the only option. We could take the extra steps of actually incorporating into our own  
528 language from the model ordinance.

529  
530 Ms. Braun said that that would be my preference. Otherwise, we'll have people asking  
531 why I have to look it up and where do I find it; then we would have to provide copies of  
532 Chapter 500, which would cost more money and Ms. Metz's time.

533  
534 Mr. Latter said that from another perspective, if we're going by a set standard and that  
535 standard changes and we're not aware of it, then our standard is not in sync with that.

536  
537 Ms. Braun agreed. We have to think about that and decide what we want to do. It has to  
538 go on the November ballot so we have time.

539  
540 Mr. Brubaker agreed that both of those options can be considered. Just as a refresher,  
541 these rules are those that apply to developments that disturb an acre or more. It's really  
542 about the measures being implemented at the beginning and throughout the project.

543  
544 Mr. Leathe asked Mr. Brubaker, if he had to go out on a limb, what would your  
545 recommendation be in terms of how we move forward with this.

546  
547 Mr. Brubaker said that I think it would be nice to try to incorporate the language. Our  
548 current erosion & sediment control ordinance hasn't been updated since 1989 so it does  
549 need a complete language refresh to give us a real nice, sharp, fresh erosion &  
550 sedimentation ordinance that make us in compliance with that minimal control measure  
551 in our Stormwater General Permit. So, I think, instead of referencing, bringing the

552 language into our own ordinance to give a kind of directness of that when you are  
553 reviewing applications.

554  
555 Mr. Leathe said that I didn't see where it covered an acre or more of disturb; that I know  
556 we covered that at meetings. I'm sure that it's in here but can't find it.

557  
558 Mr. Brubaker said that it is in Section 3. Applicability.

559  
560 Ms. Braun said that I like c.:  
561 **c. 2,000 square feet of new Impervious Area regardless of total Disturbed Area.**

562  
563 Mr. Brubaker said that I think that is either Saco or Biddeford that does that. That's a  
564 small threshold.

565  
566 Mr. Leathe said that I didn't quite understand how the two worked but now I get it. It just  
567 sort of makes a finer point of new impervious also being important to think about, not  
568 just the acreage.

569  
570 Ms. Bennett said that I hear your enthusiasm for that section c. but maybe we could dial  
571 back and look at other parts of our ordinance where we currently don't have any limits on  
572 impervious surface or area we have not covered as to limiting factors. We'll address  
573 some of the impervious surfaces but not all of them. So, maybe we can get to that effect  
574 that is coming through but in a more comprehensive manner in our land use ordinance.  
575 And in a lot more than 2,000 square feet of impervious surface. That could be a short  
576 driveway.

577  
578 **ITEM 9 – OLD BUSINESS**

579  
580 There was no old business.

581  
582 **ITEM 10 – CORRESPONDENCE**

583  
584 **Town Planner Update – written or verbal – if available.**

585  
586 Mr. Brubaker said that I continue to track Dennett Landing and thinking about if you  
587 guys might want to put something on the agenda for June about potentially requesting a  
588 courtesy review. The Kittery Planning Department and the applicant might be able to  
589 Zoom in.

590  
591 Ms. Braun said that I think that sounds like a good idea.

592  
593 Ms. Bennett said that it might not be through the master site plan, yet, in June because  
594 they are being deliberative on this so I don't know if there would be any benefit to a  
595 review now or further into the process. The Town of Kittery website has a link to  
596 Channel 22 where you can watch the meetings. I think it's important that we keep abreast  
597 of what this is because it is a very substantial development. The impacts I see are going to

598 be in transportation, traffic. I'm concerned that such a large development will crowd out  
599 future opportunities for Eliot to expand our sewer in areas where we would want to  
600 encourage them, like here in the Village, and elsewhere. I heard at the meeting last week  
601 that they have adequate capacity to accommodate what is about 1,200 new housing units  
602 in addition to a brewery, a restaurant, an elder facility, and a child daycare. I stayed on  
603 through the meeting and found it, once again, fascinating to revisit the PB process in  
604 Kittery. They were talking about a number of ordinance changes that they would like to  
605 make. They don't have to go to Town Meeting like we do because they have a different  
606 form of governance. Because they have town council, the PB can recommend an  
607 ordinance change, hold a public hearing, and send it to the town council for adoption. So,  
608 they can move a little more quickly than we can. I have heard them discuss that they have  
609 actually adopted a novel housing format called a "cottage development", which would be  
610 five units basically on a condo'd piece of land. One parcel could have five residences up  
611 to 1,200 square feet. The idea being that it could be sort of a shared...it just struck me as  
612 an interesting idea to explore as we start to talk about affordable housing. So far, they  
613 haven't had anyone exercise that new ordinance. I've thought for a long time that I would  
614 love...I can see some benefit for maybe the four KEYS region towns' PB maybe once a  
615 year get together.

616  
617 Ms. Braun said that I've already talked with Mr. Brubaker about that.

618  
619 Ms. Bennett said that we could share hot topics and share from our own experiences. As  
620 this development on 98 Dennett demonstrates, we operate as a region, and it would be  
621 good to know what our neighbors are doing.

622  
623 Ms. Braun said that it would be nice to interact and see what they are facing, how they  
624 are handling it, give us some ideas and vice versa.

625  
626 Ms. Bennett said that I recognize the **strong** emergency we have in our community, and  
627 nationwide, but at the same time, since we are a region, this development in Kittery at 98  
628 Dennett may, in some way, relieve the pressure for us to go out and try to find some  
629 solutions. We're a small Town, and the towns around us are bigger than us. They have  
630 more resources, they're going to have more land, so, there may be some areas where we  
631 don't have to re-invent the wheel if other towns in our area are actually addressing it and  
632 are better equipped.

633  
634 Mr. Brubaker asked if the PB would like to put on a future agenda LD2003, which is the  
635 housing bill just passed for a review.

636  
637 Ms. Braun agreed that we ought to do that.

638  
639 **ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING**

640  
641 Site walk scheduled for May 10<sup>th</sup> at 3:15 PM for Passamaquoddy Lane.

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643

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The next regular Planning Board Meeting is scheduled for May 17, 2022 at 6PM.

**ITEM 13 – ADJOURN**

The meeting adjourned by unanimous consent at 7:24 PM.

\_\_\_\_\_  
**Christine Bennett, Secretary**  
**Date approved:** \_\_\_\_\_

**Respectfully submitted,**  
**Ellen Lemire, Recording Secretary**



1 **ITEM 1 - ROLL CALL**

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

5  
6 Also Present: Jeff Brubaker, Town Planner.

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

10  
11 **ITEM 2 – PLEDGE OF ALLEGIANCE**

12  
13 **ITEM 3 – MOMENT OF SILENCE**

14  
15 **ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION**

16  
17 There was no public input.

18  
19 **ITEM 5 – REVIEW AND APPROVE MINUTES**

20  
21 **Mr. Latter moved, second by Ms. Crichton, to approve the minutes of April 12,**  
22 **2022, as amended.**

23 **VOTE**  
24 **5-0**  
25 **Motion approved**

26  
27 **ITEM 6 – NOTICE OF DECISION**

28  
29 **A. 16 Arc Road (Map 45/Lot 17), PB21-29**

30  
31 **Mr. Latter moved, second by Ms. Crichton, that the Planning Board accept PB21-29**  
32 **Site Plan Review/Shoreland Zone Application and Change of Use as presented and**  
33 **amended.**

34 **VOTE**  
35 **5-0**  
36 **Motion approved**

37  
38 **B. 23 Park Street (Map 6/Lot 30), PB22-05**

39  
40 **Mr. Latter moved, second by Ms. Crichton, that the Planning Board accept PB22-05**  
41 **Shoreland Zone Permit Application/New Residential Pier, Landing, Access**  
42 **Stairways, Gangway & Floats as presented and amended.**

43 **VOTE**  
44 **5-0**  
45 **Motion approved**

46

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**ITEM 7 – PUBLIC HEARING**

There were no public hearings.

**ITEM 8 – NEW BUSINESS**

**A. 150 Harold L. Dow Highway (Map 30/Lot 3), PB22-07; Site Plan Amendment – Excavation Company.**

**Received: April 6, 2022**  
**1<sup>st</sup> Heard: May 17, 2022 (site plan amendment review)**  
**2<sup>nd</sup> Heard: \_\_\_\_\_, 2022 (continued review)**  
**Public Hearing: \_\_\_\_\_, 2022**  
**Site Walk: \_\_\_\_\_**  
**Approval: \_\_\_\_\_, 2022**

Mr. (Jason) Rowe, applicant, was present for this application.

Ms. Crichton said that I don't have any benefit to this application but I do know Mr. Rowe.

Ms. Braun asked if you feel you can be impartial during these deliberations.

Ms. Crichton said yes.

Ms. Braun asked if that was acceptable to the PB.

The PB members said yes.

Mr. Rowe said that I own Riverview Contracting. We have rented the property from Ms. (Nancy) Shapleigh to store our equipment and materials on-site. We use the office strictly just for ourselves and the bathroom. We don't have any come to the office. It is very simple what we do. We go there in the morning, grab our stuff, and leave. We return in the evening. Sometimes we'll come back for certain materials out of the boxes; there is some stone and things like that. That's all we do out there.

Ms. Crichton asked if he was requesting to build a building.

Mr. Rowe said no. I'm just requesting to use the property to store material in bins and store my equipment/trucks outside.

Ms. Crichton said that those are already there.

Mr. Rowe said yes.

93 Ms. Braun asked if these pictures show what the property looks like now.  
94  
95 Mr. Rowe said no.  
96  
97 Ms. Braun said that I would like to see pictures of what the property looks like now.  
98  
99 Mr. Rowe agreed.  
100  
101 Ms. Braun asked where the sign is in relation to the building.  
102  
103 Mr. Rowe said that the building is to the left as you look at the picture. The sign is to the  
104 right and has been there for quite some time now.  
105  
106 Ms. Braun said that that sign is on Route 236.  
107  
108 Mr. Rowe said yes. What you are looking at is if you were standing on Route 236 and  
109 looking at the building and property.  
110  
111 Mr. Leathe asked if there was any disturbance on the property getting your trucks in and  
112 out of there.  
113  
114 Mr. Rowe said yes; that we had to put in some gravel. We also put in some concrete  
115 blocks to make bins. We have a couple 20-foot containers that is strictly to put piping  
116 materials in to keep them out of the weather.  
117  
118 Ms. Crichton asked if we have anything from Ms. Shapleigh that says you can go ahead  
119 and store.  
120  
121 Mr. Rowe said that she signed one of the papers (application).  
122  
123 Ms. Crichton said that she signed the Request for the PB.  
124  
125 Mr. Rowe asked if you need a formal letter from her.  
126  
127 Ms. Crichton said yes, a letter that states you have permission to use the property. Do you  
128 have a lease.  
129  
130 Mr. Rowe said yes.  
131  
132 Ms. Crichton said that we will probably need to see that, too.  
133  
134 Mr. Rowe said okay.  
135  
136 Ms. Braun said that I notice you've done a lot of clearing on that property.  
137  
138 Mr. Rowe said that I've taken out four trees.

139  
140 Ms. Braun asked how far back you've gone in the disturbance of the land.  
141  
142 Mr. Rowe said maybe 25 feet.  
143  
144 Ms. Braun said that you need to add buffers along Route 236, as the equipment that you  
145 have there should not be visible.  
146  
147 Mr. Rowe asked what the PB was looking for, trees, a fence, etc.  
148  
149 Ms. Braun said a buffer of vegetation. You can put arborvitaes or something to that  
150 affect. It's all visible from Route 236 and there needs to be buffering there.  
151  
152 Mr. Rowe asked if the PB wanted the whole front area buffered. The metal containers  
153 hide everything else behind them.  
154  
155 Ms. Braun said that it all has to be behind the buffer with nothing visible from Route 236.  
156 The buffer doesn't have to be full-grown but they can't be baby-sized plantings, either.  
157 Put the proposed buffer on a drawing to show us what you would like to do for the next  
158 meeting. What are your hours of operation.  
159  
160 Mr. Rowe said that, typically, we work 5 days a week. We try not to work on weekends,  
161 although that might happen once in a while. Our normal schedule is from 7 AM to 5:30  
162 PM. On occasion, we don't get back until 9 PM or 9:30 PM. There are 5 employees.  
163  
164 Ms. Crichton suggested using a fast-growing Thuja; that the deer don't like them.  
165  
166 Ms. Bennett said that this site has a prior approval, correct.  
167  
168 Mr. Brubaker said that I believe so, the store.  
169  
170 Ms. Bennett said that this is the first time you are coming here. In your application, it  
171 says "request to amend a previously approved".  
172  
173 Mr. Rowe said that because that plan was there for somebody else, but it's the same  
174 building, we have to amend that.  
175  
176 Ms. Bennett said that I was wondering because you've been there for a while.  
177  
178 Mr. Rowe said yes, seven months.  
179  
180 Mr. Brubaker said that that is part of why you are here before the PB, for a change of use.  
181  
182 Ms. Bennett said that I would like to see the prior site approval.  
183  
184 Mr. Brubaker said that I will put that in the next meeting packet for this application.

185  
186 Ms. Bennett said that the only other comment is that, as the Chair said, we really do need  
187 a diagram of where everything will be on the property related to your business, without  
188 using the aerial. Show where things are, the distance from Route 236, the buffer, to give  
189 us a visual of what we are talking about.

190  
191 Mr. Rowe agreed. Some of what is there is also visible from the left of the property and  
192 asked if the PB wanted some buffering there, as well.

193  
194 Ms. Braun suggested the applicant put some sort of buffering on that side, not necessarily  
195 all the way back but enough to block what would be visible from the left driving down  
196 Route 236. We are going to continue the application to another day. If you can get the  
197 material together with the sketch, the name of the plants you will get, the documents from  
198 Ms. Shapleigh then contact Mr. Brubaker so he can get you back on our schedule.

199

200 **B. 771/787 Main Street (Map 6/Lots 43, 44, 154), PB22-09; Clover Farm**  
201 **Subdivision (8 lots) – Sketch Plan Review.**

202

203 **Received: April 12, 2022**

204 **1<sup>st</sup> Heard: May 17, 2022 (subdivision site plan review/sketch plan)**

205 **2<sup>nd</sup> Heard: \_\_\_\_\_, 2022 (continued review)**

206 **Public Hearing: \_\_\_\_\_, 2022**

207 **Site Walk: \_\_\_\_\_**

208 **Approval: \_\_\_\_\_, 2022**

209

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

211

212 Mr. Sudak said that I believe we were before you at the end of the winter for a different  
213 use. We were here for an elderly housing development and a couple residential lots back  
214 on the river. What we are before you with tonight is a conventional subdivision for eight  
215 (8) residential lots. All of the appurtenances haven't changed. The road is exactly in the  
216 same place where you saw it earlier. It's still being proposed to be connected to  
217 municipal water and sewer but the number of lots is dramatically reduced. That's all I  
218 have at this time.

219

220 Mr. Brubaker said that, as Mr. Sudak said, it's an 8-lot conventional subdivision. The  
221 acreages are all over the minimum of one. There are two lots along the cul-de-sac that  
222 would need a street frontage waiver and, as my staff report points out, our code allows for  
223 that. It's not necessarily uncommon for cul-de-sac lots to have less frontage. The setbacks  
224 are normal. They look like 30' front, 20' rear, and 20' side so that's pretty standard. The  
225 proposed street, which we will talk about, intersects pretty much near the mid-point  
226 between Park Street and Aqua Avenue. We know it will need a waiver. My  
227 recommendation is to approve the waiver; that I feel that the Traffic Impact Assessment  
228 (TIA) added in the sketch plan has adequately addressed site distance that indicates that  
229 there are a small number of trips being generated with this new proposal of 8 lots instead  
230 of 21. Also, that there are no high-crash locations, per DOT standards, in the vicinity and

231 no crashes directly at Park Street and no injury crashes in the general vicinity in the last  
232 three years. A waiver does require Police Chief, Fire Chief, and Public Works Director  
233 comment. As of a few minutes ago, I did get the Police Chief's comments so we have all  
234 three. I can pull their emails up but, generally, none have any objection to the waiver. The  
235 waiver does require a concurring vote of four PB members and the PB can attach  
236 conditions to that. So, I have a motion in my memo that has both findings and suggested  
237 conditions. That is just my recommendation. As always, you don't have to agree with it;  
238 that you can decide to do some other type of motion and language. There is also a motion  
239 template for a waiver of the street frontage for the two cul-de-sac lots. I have some other  
240 notes about performance standards in there that I won't go through right now but I would  
241 be happy to answer any questions. My recommendation would be to approve the two  
242 waivers/modifications but continue sketch plan review so as not to take overall action on  
243 sketch plan review at tonight's meeting.

244  
245 Ms. Crichton said to explain to me, again, what the waiver request is for.

246  
247 Mr. Sudak said that there are two. Starting with the two lots in the back, your ordinance  
248 allows for the reduction of minimum street frontage, which is normally 100' in this zone.  
249 It allows for up to a 50% reduction for lots whose frontage is entirely on the curve of the  
250 cul-de-sac. Lot #5's frontage is around 90 feet and Lot #6's frontage is about 65' so we  
251 are within the minimum required reduction. The reasoning behind this is that it makes it a  
252 little more complicated if I'm required to have 100'. It takes up almost the whole bulb  
253 and I would have to get some changes to sidelines between the other abutting lots. The  
254 second waiver is for minimum separation distance between entrances onto a collector  
255 road, which is Main Street. The ordinance requirement is 400' but there's just over 700'  
256 right now from centerline to centerline between Aqua Avenue and Park Street. We have  
257 it as close to the middle as possible. I believe it's 368' to the north and 356' to the south.  
258 There physically isn't enough space so we're putting it as close to the middle as possible;  
259 that that is what our updated TIA was meant to support, that it's still a safe intersection.

260  
261 Mr. Leathe said that I was thinking about the waiver and how minimum street becomes  
262 accepted by the municipality as a public street. Will this be a public street.

263  
264 Mr. Brubaker said that I don't believe so. I think the applicant intends to make this a  
265 private street that meets town standards.

266  
267 Mr. Sudak agreed. We're intending to design it to town standards for the number of lots  
268 but the intent is to keep it private.

269  
270 Ms. Crichton asked if the Town would plow it or the neighborhood.

271  
272 Mr. Sudak said that latter; that there will be some sort of road maintenance association.  
273 There is no open space because this is a conventional subdivision but there would be an  
274 association for the maintenance of the road and any culvert crossings within the ROW.

275

276 Mr. Leathe said that I was reading how they calculated the one-way trips, etc. and I was  
277 wondering whether or not that included other than residential traffic; that now a days we  
278 have Fed Ex and UOS and Amazon, the mail guy, service vehicles, landscapers, all kinds  
279 of things coming and going. Is that incorporated in the TIA.  
280

281 Mr. Brubaker said that I think so. The way that I would answer it is that, ideally, I would  
282 defer to the engineer, if she was here. But since I have some background in traffic  
283 analysis, the way I would answer that is that the Institute for Transportation Engineers  
284 Trip Generation Manual, which is relied upon by this TIA, is pretty much the go-to  
285 source for trip generation figures. It is based on like a scatter plot of empirical data  
286 collected in real time from existing land uses. So, in theory, it would account for any trip  
287 ends to-and-from trips generated by a residence, not just the people living there but all  
288 multiple deliveries. Now, one of the Achilles' heels of the ITE Manual is that oftentimes  
289 it's based on a data based on a wide range of years and, so, there are probably some data  
290 points on which that regression is based that pre-dated the whole 'Amazon, getting  
291 everything delivered' and stuff like that. There may be a little bit of a lag of data but, in  
292 general, even since 20 years ago it should account for some of that.  
293

294 Mr. Leathe said that the traffic numbers seem light to me and that's what made me think  
295 about it.  
296

297 Mr. Brubaker said that I think you make a good point and an extremely interesting  
298 question for projecting traffic trips because there is a lot of delivery going on.  
299

300 Mr. Leathe asked if there was any chance to have the TIA updated for the world we live  
301 in.  
302

303 Mr. Sudak said that I don't know if I can phrase it better than Mr. Brubaker has. I agree  
304 with you that it, not using an average of sample of years, draws from a pretty wide range  
305 to get that composite number that influences whatever your trip number is multiplied by.  
306 I would be happy to defer to Diane Morabito at Sewall to get more information further on  
307 in the approval process. I will say that this is the standard I've used for the entirety of my  
308 career.  
309

310 Mr. Leathe said that I'm not questioning your use of this standard but some standards are  
311 adjusted more readily than others. It just looks like 6 or 8 cars leaving in the morning and  
312 coming back at night are really pretty light.  
313

314 Mr. Sudak said that's fair. I don't know if I have anything more to add.  
315

316 Mr. Leathe said that I just wanted to add that as part of the record.  
317

318 Ms. Crichton said that you were going to go over a couple of Mr. Brubaker's notes.  
319

320 Mr. Sudak said yes. There are quite a few comments that can be addressed at preliminary  
321 plan. All of those are acknowledged. There are a couple that are to be expanded upon

322 during sketch. Regarding page 3, minimum width of shoulders 2 feet, there's a section in  
323 there that speaks to §37-73 and talks about curbs, gutters, catchbasins and whether or not  
324 they would be required at the discretion of the PB. My comment on that is, considering  
325 the way the site is pitched, everything is basically from Main Street to the river. So, it's  
326 my opinion that that wouldn't be something that would be necessary for this type of  
327 development – curbed and a closed catchbasin system leading to a stormwater  
328 management area. I think it can be accomplished with some roadside swales and then a  
329 detention pond, probably between Lots #5 & #6 in that sideline. That's my opinion.  
330 There's a comment further down about having a sidewalk. I think that's a completely  
331 reasonable argument because I think it speaks to your Comprehensive Plan or some  
332 initiative trying to get sidewalks. So, I'd be fine with that but like a 'bermed' sidewalk as  
333 opposed to like a granite curbed, catchbasin, sidewalk esplanade. Something that might  
334 not be necessary from a drainage perspective on this subdivision.

335  
336 Ms. Braun asked what he meant by a 'bermed' sidewalk.

337  
338 Mr. Sudak said an asphalt curb instead of a hard-set granite curb with a grass esplanade,  
339 something that is a little more hardscaped. I just don't think it's necessary, specifically  
340 speaking, to this section that says "when considered viable for run-off or other reasons". I  
341 don't think that type of structure would be advisable for run-off. I think I can handle that  
342 without having that closed system and that expense. That is my opinion but happy to have  
343 a discussion on it.

344  
345 Mr. Brubaker said that you can see there that it's really at the discretion of the PB.

346  
347 Ms. Braun said that it seems that if you're going to all this trouble and doing all this work  
348 of putting in the beautiful houses, wouldn't it be more aesthetic to put in a decent  
349 sidewalk.

350  
351 Mr. Sudak said that the sidewalk I have no problem with but I am talking specifically  
352 about this suggestion of curbs and gutters and catchbasins. To me, that speaks more to a  
353 closed stormwater collection system. Whereas, because of the way the site pitches, if you  
354 crown the road, you have vegetated swales and everything is pitched to where it's going  
355 to be treated, anyway.

356  
357 Ms. Braun said that you are going to put in a decent sidewalk.

358  
359 Mr. Sudak said yes. At the bottom of page 3, snow storage locations, I will bring that in  
360 for future review. That's no problem. Regarding preservation of natural resources. For a  
361 landscaping plan, that section of the ordinance – 41-215(b), I think that speaks to  
362 landscaping across the site in general, not necessarily just buffering. So, that speaks to  
363 like shade trees along the proposed ROW, in addition to buffering. I guess how I'd like to  
364 have that conversation is to open it up to the pleasure of the PB, first, and then I can  
365 respond.

366



367 Ms. Crichton said that the abutters that would be right along your driveway, Lot 42, do  
368 you have a buffer along here. Is there room for that.

369  
370 Mr. Sudak said yes.

371  
372 Ms. Crichton asked if there would be some kind of irrigation in there for all of these  
373 plantings.

374  
375 Mr. Sudak said yes.

376  
377 Ms. Crichton asked how they would get water.

378  
379 Mr. Sudak said that that could be incorporated into the maintenance agreement for the  
380 road and ROW. Maintenance of that or replacement if they go down.

381  
382 Ms. Crichton said that you have more buffers down below Lots #7 and #8. What do you  
383 have there.

384  
385 Mr. Sudak said that those are all residential uses, as well. I'm more familiar with the  
386 vegetative screening requirements from a commercial use, rather than a residential use, so  
387 what is the requirement from residential to residential. Is it the same complete vegetative  
388 screening or is it something less.

389  
390 Mr. Brubaker pulled up that section.

391  
392 Mr. Sudak asked if there is any opinion about roadside shade trees the same size as the  
393 sidewalk.

394  
395 Ms. Braun said that your traffic study did say that there should not be any obstruction at  
396 the front because of the site distance.

397  
398 Mr. Leathe asked about the arborvitaes discussed in Note #9 for Lot #6.

399  
400 Mr. Sudak explained that that lot (#6) is subject to an active building permit and was the  
401 landowner's specific preference for screening. The structures on Lot #6 and #5 are  
402 proposed. I added the footprints just for more information.

403  
404 Mr. Brubaker read §41-215(b): "The planning board may require the subdivider to plant  
405 shade trees or establish and maintain some other form of buffer on the property of the  
406 subdivision. The trees shall be planted 40 feet apart within five feet of rights-of-way or in such  
407 other arrangement that the planning board may require. The planning board shall also  
408 determine what trees or buffer the subdivider shall provide. The planning board, as an  
409 alternative, may require the subdivider to provide an easement upon which the town may  
410 establish a similar buffer. The planning board may withhold recommendation of approval for  
411 dedication of streets until the subdivider has complied with all conditions."

412

413 Ms. Braun said that my interpretation of that is that there should be some sort of buffer  
414 between residential and residential.

415  
416 Mr. Sudak said that the way that section read, specifically to the 40-foot spacing to within  
417 5 feet of the ROW, that speaks to me shade road by shade trees. It doesn't really talk  
418 about the rear yard setback and what to have there; that that was where I was looking for  
419 a little more information from you because it really is a pretty vague section.

420  
421 Mr. Brubaker agreed that it is pretty general.

422  
423 Mr. Sudak said that a 40-foot spacing in the specification of shade trees is like a red  
424 maple. That's not protecting anything. It's not blocking anything.

425  
426 Mr. Brubaker said that I guess my question would be what would those side yards look  
427 like between Lots #7 and #8 and the Park Street properties. Will there be any visual  
428 buffering.

429  
430 Mr. Sudak said the rear yard setback.

431  
432 Mr. Brubaker yes, the rear yard setbacks.

433  
434 Mr. Sudak said that that area is currently partially forested. I can continue with what we  
435 show on Lot #5 with that screening. I could continue that line all the way through the rear  
436 yard setback of #7 and #8 to buffer from those southerly residences. I don't want to patch  
437 an area that doesn't need it so maybe a notation of specific tree placement subject to a  
438 post-construction site visit or something to that affect.

439  
440 Mr. Brubaker said that it might not need to be absolutely specified at this time.

441  
442 Mr. Sudak said that we're comfortable doing that but it was just really vague on what the  
443 requirement was.

444  
445 Ms. Braun said maybe not even a requirement but, as one person to another person that is  
446 eventually going to live there, it would be nice to have something to protect them both, to  
447 have some privacy.

448  
449 Mr. Sudak said yes; that all makes sense to me.

450  
451 Mr. Brubaker said that you talked about the buffer between, because I think Ms.,  
452 Crichton mentioned 'this' property, right (Map 6/Lot42).

453  
454 Mr. Sudak said right, just basically south of the travelway, within the ROW shield and  
455 those residences are a lot closer to traffic. So, no problem.

456  
457 Mr. Leathe asked if there was an easement to the Remick Family Cemetery.

458

459 Mr. Sudak said yes. The dashed line shown on the site plan with the northern abutter is  
460 the gravel road in. There is a boundary survey that makes mention of that easement that  
461 comes in. It would be access from Aqua Avenue.

462  
463 Ms. Crichton said that they have their own entrance.

464  
465 Mr. Sudak said that they do. The other comment from Mr. Brubaker's memo is at the top  
466 of page 7 regarding existing structures being moved or re-located (§41-216). There's an  
467 existing shed that is within the bulb of our cul-de-sac center. My understanding is that  
468 that is going to be re-located onto Lot #6. Mr. (Chris) Glidden is here, if he wants to jump  
469 in, but I know both of those are intending to be re-located and there is another shed on  
470 Lot #4 that will be demo'd. That is right next to the ROW for the cemetery we were just  
471 talking about.

472  
473 Mr. Brubaker asked if Mr. Sudak could talk about Clover Farm and the barns up front  
474 and where that is on this sketch plan. I believe it would be where Lot #1 is proposed.

475  
476 Mr. Sudak agreed, saying that I think a little bit of it might nick into the sideline between  
477 Lots #1 and #2. My understanding is that intends to be either completely demo'd or  
478 moved to somewhere else in Town.

479  
480 Mr. Brubaker said that Map 6/Lot43 (proposed subdivision Lot #1) is 771 Main Street  
481 (Clover Farm). It's an historic farm. There is actually an image of it in the Historic  
482 Images of Eliot book. Last year I believe that farm house was demolished but, before it  
483 was demolished, the contractor was nice enough to give the Eliot Historical Society  
484 access to it so they could do a recordation of it. I think there are two barns remaining –  
485 one large, red barn and one small barn. They may be of an age where some may believe  
486 they have some historical value or architectural significance. I just put it in my staff  
487 report to kind of seed for what I think should be considered over the course of this  
488 review, in discussion with the applicant, seeing what Mr. Sudak and the applicant might  
489 propose for those. You mentioned demolition or potential moving to another property.

490  
491 Mr. Sudak said that I don't have any information on that right now. I know there was a  
492 recordation that took place. I know there were plans in the works to have it potentially  
493 remain and have it be dedicated somewhere else in Town. That is something I'm going to  
494 have to talk with my client about and get an answer to for subsequent review.

495  
496 Mr. Leathe proposed the PB do a site walk.

497  
498 Ms. Braun said that I think that, before we go further with anything, a site walk would be  
499 advantageous. It would give us an idea of just what we're looking at in terms of the road,  
500 etc. The other issue I have with Main Street is that a lot of people walk on Main Street  
501 and there are no sidewalks. If I could visually see, I think that would be helpful. If you  
502 could stake out where the various lots are going to be, that would be terrific. I know that  
503 would be a lot of work for you to do that but it would be helpful for us, visually, to see.

504

505 Mr. Sudak said that I have no problem doing that. Just candidly, and I brought this up at  
506 the last review when it was a different use, the project doesn't exist without that  
507 separation of distance waiver so I just would like to get that settled.

508  
509 Mr. Latter asked if there had been any notice to the abutters.

510  
511 Ms. Braun said that I don't believe so.

512  
513 Mr. Sudak said that we are miles away from any kind of site plan approval. This is just  
514 the right for me to proceed showing a road can exist here.

515  
516 Mr. Latter said right. But once we grant the waiver, it's granted.

517  
518 Mr. Sudak said that it's granted but I don't have an approval. I don't have anything close  
519 to an approval.

520  
521 Mr. Latter said that I'm not going to grant you the waiver and then disapprove the site  
522 plan because of the waived...

523  
524 Mr. Sudak said sure. But there is still substantive review to come.

525  
526 Mr. Brubaker reviewed the process. We're in sketch plan review right now. Unlike with  
527 non-subdivision sketch plan review, sketch plans for subdivisions do require approval  
528 from the PB. So, two iterations ago when Civil Consultants was representing the  
529 applicant, Tom Harmon made a good, logical point. That is, if the PB approves a sketch  
530 plan, that kind of suggests that any waivers need to be approved ahead of time; otherwise,  
531 if you don't grant those waivers, you'd be approving a sketch plan that's not in  
532 conformance with the subdivision requirements. So, the process for subdivisions, in  
533 general, start with any necessary waivers that affect the sketch plan, sketch plan approval,  
534 and then the next step is that the applicant submits a preliminary subdivision plan. That's  
535 a much more detailed plan submittal and needs to be consistent with the approved sketch  
536 plan although it may be different if the PB makes comments on it, so, it would be  
537 consistent with the sketch plan and modified by any PB comments. So, it's basically  
538 waiver decision, sketch plan decision, preliminary plan review and decision, and then  
539 final plan review and decision.

540  
541 Ms. Bennett asked at what point are abutters notified about the application and at what  
542 point do we conduct public hearings.

543  
544 Mr. Brubaker said that public hearing is done at the preliminary before approving the  
545 preliminary plan. Then, if a site walk is done, abutters are notified.

546  
547 Mr. Sudak added that, depending on the tier of State permitting, there would be a public  
548 informational meeting and something that this Board would handle with the State, if need  
549 be.

550

551 Ms. Bennett said that I think we should do a site walk ASAP to initiate that just because  
552 the sooner we get eyes on the ground, the sooner the abutters get notified, I think that  
553 they can get buy-in. They know that we are starting, they can hear our dialogue and the  
554 rationale behind our decisions instead of waiting until we get to preliminary plan and a  
555 lot of the waivers have been discussed and there has been consideration.

556  
557 Ms. Braun agreed.

558  
559 Ms. Bennett said that I have a question about the entrance. I appreciate you have split the  
560 difference, basically, on the available frontage and that you've tried to create the best site  
561 line with this location. How does this entrance line up with any other driveway on the  
562 other side of Main Street. I couldn't see it on the site plan. There's a series of driveways  
563 on the other side of Main Street.

564  
565 Ms. Braun said that there is a driveway directly across, too, and it's a circular driveway.

566  
567 Mr. Sudak said that it's within five feet, perpendicular. Our intersection is as far south as  
568 our frontage allows. It's as close to in the middle as it can be. It would be inadvisable to  
569 move it further north and I believe the previous iteration of this development was turned  
570 down partly because they tried to push it further north.

571  
572 Ms. Bennett said that it can't be scooped at all.

573  
574 Mr. Sudak said that I believe the density for this subdivision would call for 9 or 10 lots  
575 but, because of the way the geometry works out, I'm going with 8 because that makes  
576 sense now. If I moved it, say, 25-30 feet further north, I would have the 75-foot ROW  
577 instead of a 50-foot ROW but there would be a lot of dead space to the south of wherever  
578 that ROW is with those southerly abutters that are closest to the travelway up front with  
579 frontage on Main Street. It would just be a dead space if it were to be pushed further  
580 north and there's already been a previous application with it moved considerably further  
581 north and I would be further negligent of that separation distance.

582  
583 Ms. Braun said that that would be because of Aqua Avenue. It would be a lot closer.

584  
585 Mr. Brubaker said that 'here' you can see the existing driveway. You can see the existing  
586 barns, as he mentioned 'here' and, then, the proposed driveway around 'here'.

587  
588 Mr. Sudak said it's directly across from that northern driveway with the horseshoe  
589 driveway.

590  
591 Ms. Braun said that you are closing off that other driveway that's closer to Aqua Avenue  
592 where the vehicle entrance was before.

593  
594 Mr. Sudak said yes.

595

596 Ms. Bennett said, regarding your background in transportation planning, Mr. Brubaker,  
597 one is often discouraged from putting two driveways across from each other. Can you  
598 explain that rationale. Is it the potential for collision or confusion.  
599

600 Mr. Brubaker said that I think, in general, it's good to align driveways across from each  
601 other because slightly offset could cause issues. The volume of traffic matters, too, on the  
602 thoroughfare as well as the cross streets.  
603

604 Ms. Crichton said that I had asked before how far the Kittery Dennett Street Project was  
605 from this. I just think that's going to generate a lot more traffic in Eliot, around Eliot. Just  
606 a thought.  
607

608 Mr. Brubaker said that it's 4,000 feet to Cross Street and that's still in Eliot. From Cross  
609 Street, which is kind of in the middle of the two ends of Pleasant Street down there, and  
610 then it's a little bit further. It's some distance away but no question that a trip generator of  
611 that size would certainly generate a lot of traffic, although it would be loaded on various  
612 Eliot streets.  
613

614 Ms. Bennett said, looking at the aerial, if your entrance was moved just slightly to the  
615 north and west along Route 103 into what is your proposed Lot #1, could that be feasible.  
616 In essence, you've already built the road or it looks sort of grubbed out and        out.  
617 We haven't approved that road, yet, so I was wondering if it could be moved so that it  
618 would be directly in line with the northern arm of that circular driveway across the street.  
619 The Lot #1 is 1.09 acres and we're talking about a matter of feet. Then it would align  
620 with that driveway across the street.  
621

622 Mr. Sudak said that that sounds feasible as long as I'm beholden to my minimum lot size,  
623 as you mentioned. I would have to make sure that Lots #1, #2, and #3, that would be the  
624 affected ones, would still be above an acre. And it would be a matter of having a 55-foot  
625 ROW instead of a 50-foot ROW because I wouldn't be able to use that vacated space to  
626 the south for anything because there are abutting properties right there.  
627

628 Ms. Bennett said that you could consider doing it that way. We wouldn't necessarily hold  
629 you to 55. You could still make it a 50-foot ROW. You'd just have a little extra acreage.  
630

631 Mr. Sudak said sure. I'd just have a 5-foot spike strip. There's no other use for that, if you  
632 get what I'm saying.  
633

634 Ms. Bennett said that there is then a small area that allows you to stagger the thuja or  
635 whatever you're going to be screening along that road.  
636

637 Mr. Sudak said sure. I already have probably 12 feet to do that anyway but yea, if I'm  
638 proposing to move this entire segment five feet further north, as long as these two lots  
639 still comply with an acre, I would just have either five feet of dead space or I'd have a 55-  
640 foot ROW. I think 50 feet is enough for that but I understand the argument that that is  
641 something that's feasible.

642  
643 Ms. Bennett said yes, and I appreciate your interest in economizing the site and the utility  
644 of the site. But I feel we have this opportunity to make the road align with the driveway  
645 across the street instead of having them offset. I think that's in the best interest of public  
646 safety.

647  
648 Mr. Sudak said that, if that is something we want to consider in the future, I can ratify  
649 with Public Works, Fire Chief, and Police Chief if that's a preference or if the powers  
650 that be say that that is a better alternative and I can make it work with my lot areas, then  
651 sure.

652  
653 Ms. Bennett said that I shouldn't assume this but, if we have Police Chief and Fire Chief  
654 sign-off on this configuration, then I can't imagine that they would object to one that  
655 actually has greater safety. Those were my own thoughts.

656  
657 Mr. Brubaker said that it's a pretty small adjustment. I think the other thing, too is that a  
658 modified driveway alignment might actually in being more aligned with that driveway  
659 loop, would be less aligned with the house and, oftentimes when you think about  
660 opposing driveways, you think about headlights at night, too, so that's just another  
661 thought to your point.

662  
663 Ms. Braun said that no one wants to consider a waiver at this time. Am I accurate in my  
664 assumption.

665  
666 Mr. Latter said that I'm not afraid to make a decision that might not be popular but I  
667 don't want to do it in the dark.

668  
669 Mr. Sudak said, just from a curiosity perspective, what will public comment do to affect  
670 the opinion of this Board in moving on that waiver. I don't know what informs that. Mr.  
671 Brubaker kind of laid it out here in §37-57 waivers and deviations, and I'm just  
672 wondering where public comment comes into that.

673  
674 The PB said that they thought it was just common courtesy to the abutters to hear what  
675 they have to say.

676  
677 Ms. Bennett added that I think it's critical to the process to involve people from the  
678 beginning, instead of having them come and speak only when the decisions have already  
679 been made. At least they get to hear us talk about, understand the rationale, and our  
680 ordinance. I don't know that there would be anything that would change the decision  
681 made here. There's always that possibility.

682  
683 Mr. Latter said that I'll be honest. If I lived on the corner of Aqua Avenue and Main  
684 Street and I'd already been through this process once, and I knew there would be setback  
685 requirements that they couldn't do a subdivision in there without a waiver, then found out  
686 that this PB granted a waiver without even notifying me before taking a vote, I'd be  
687 upset.

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The PB agreed.

Ms. Braun said that it might not affect us because we are bound by ordinances.

Mr. Sudak said that that was kind of where I was going with it.

Ms. Braun said yes. But, as Ms. Crichton mentioned, it's just common courtesy. We've been trying really hard to have the residents of the Town feel like they're part of the process so I would like to continue that.

Mr. Latter said that having a site walk as soon as possible would trigger an abutter notification. I understand that you've put a certain amount of effort into it and you don't want to go any further because this is the lynch pin of the whole thing.

Mr. Sudak said that I'm guessing that the other waiver isn't going to be entertained because you're not going to bother entertaining something on a road that doesn't exist.

The PB agreed.

The site walk is scheduled for May 31, 2022 at 3:15 PM.

Mr. Sudak will mark the center line of the road and corners of the proposed front lot corners.

Ms. Braun said that the agent letter was not signed by Mr. McNally.

Mr. Sudak will get that signature.

Mr. Brubaker read the PB by-laws regarding site walks:  
5E Site Walks

- i) The purpose of the site walk is for collecting information related to physical factors of a site under consideration of the Board.
- ii) Shall be conducted like a regular meeting and decisions shall not be made during the site walk.
- iii) The public may attend site walks but there will be no public comment or input allowed regarding the application during the site walk to any Board Member unless allowed by the Chair.
- iv) Chair shall give verbal summary of the site walk for the record at the following meeting.

**ITEM 9 – OLD BUSINESS**

There was no old business.

**ITEM 10 – CORRESPONDENCE**



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**A. Town Planner Update – written or verbal – if available.**

Mr. Brubaker said that I have no update but will take questions if any of you have any.

Ms. Bennett said that I just have a general question for the Board. Our Vice-Chairman proposed a working committee where people could work on identifying definitions or bringing forward some part of our ordinances that we feel are out of date that might need to be updated. I wondered if we had any ideas as to how we might structure that or get going on that. The reason I bring it up tonight is that, in reviewing the minutes approved tonight, the gentleman that came from The Villages had some very specific issues that he had raised. What leapt out to me is that that subdivision was approved a very long time ago. We are one of the only communities that does not put a time limit on subdivisions and I think this is a very key example of what happens when we don't put a time limit, an expiration date, on our decisions. Things change, rules change, the environment changes and I'd like to put that on the list as an ordinance that should be addressed in a timely manner. I think that would be a really simple thing to do. I haven't done my homework on the fee structures, yet, but I'm going to look at what the time limits on subdivisions are in those three communities just to bring it forward for the Board's consideration.

Ms. Braun said that I will say that the residents were told, and it's in our by-laws, that it would be 5 – 7 years for six phases. If more than two members have a meeting about that, that is an issue that has to be a public meeting. We have to be careful how we do it. The only thing I can think of is to have each one assigned so many to do the research and then share the research with the PB and discuss it in an Admin meeting.

There was a discussion around holding work sessions/working groups. Work sessions are defined in the PB by-laws. The PB will review for a possible update.

Mr. Brubaker said, regarding ordinance amendments for the next Admin meeting, that my recommendation would be erosion & sediment controls, fees, and \_\_\_ centers. At least those three we'll need to do. We said we'd do a minor tweaking of the solar ordinance if it passed.

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

There will be three meetings in June – the 7<sup>th</sup>, the 21<sup>st</sup>, and the 28<sup>th</sup>. In July, we don't have a meeting until the end – July 26<sup>th</sup>.

Ms. Braun said that we have talked about having a 'current status' of approved PB applications. Once it is set up, I would think it would be fairly easy to maintain.

Mr. Brubaker agreed that was a good idea. I can put it on my to-do list in talking with our CEO and Land Use Assistant for July.

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The next regular Planning Board Meeting is scheduled for June 7, 2022 at 6 PM.

**ITEM 13 – ADJOURN**

The meeting adjourned by consensus at 7:48 PM.

\_\_\_\_\_  
**Christine Bennett, Secretary**  
**Date approved:** \_\_\_\_\_

**Respectfully submitted,**  
**Ellen Lemire, Recording Secretary**



# TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

## PUBLIC HEARING NOTICE

**AUTHORITY:** Eliot, Maine Planning Board  
**PLACE:** Town Hall (1333 State Rd.) with Remote Option  
**DATE OF HEARING:** July 26<sup>th</sup>, 2022  
**TIME:** 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, July 26<sup>th</sup>, 2022 at 6:00 PM for the following application(s):

- **155 Harold L. L Dow Highway (Map 29/Lot 25), PID # 029-025-000, PB22-10:** Site Plan Review and Change of Use – Marijuana Products Manufacturing Facility
  - **Applicant:** Green Blossoms LLC
  - **Property Owner:** 155 HDH LLC
- **768 Main Street (Map 6/Lot 74), PID # 006-074-000, PB22-11:** Home Business Application – Professional Office
  - **Applicant:** Kim Kelsey
  - **Owner:** Kim Kelsey
- **244 Pleasant Street (Map 3/Lot 41), PID # 003-041-000, PB22-12:** Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float
  - **Applicant:** Kevin J. and Wendy D McCoole
  - **Owner:** Kevin J. and Wendy D McCoole

Interested persons may be heard and written communication received regarding this application, and proposed ordinance amendments and warrant article, at this hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at [eliotmaine.org/planning-board](http://eliotmaine.org/planning-board). Town Hall is accessible for persons with disabilities.

**PB22-11: 768 Main St. (Map 6, Lot 74): Home Business Application – Professional Office – Public Hearing**



**TOWN OF ELIOT MAINE**

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

To: Planning Board  
 From: Jeff Brubaker, AICP, Town Planner  
 Cc: Kim Kelsey, Applicant  
 Date: July 21, 2022 (report date)  
 July 26, 2022 (meeting date)  
 Re: PB22-11: 768 Main St. (Map 6, Lot 74): Home Business Application – Professional Office –  
**Public Hearing**

<b>Application Details/Checklist Documentation</b>	
Address:	768 Main St.
Map/Lot:	6/74
PB Case#:	22-11
Zoning District:	Village
Shoreland Zoning:	N/A
Owner Name:	Kim Kelsey
Applicant Name:	Kim Kelsey
Proposed Project:	Professional Office Home Business (Licensed Clinical Social Work/Therapy)
✓ Application Received by Staff:	5/26/22
✓ Application Fee Paid and Date:	\$200 (\$25 home business; \$175 public hearing) 5/26/22
Application Sent to Staff Reviewers:	Not sent
Application Heard by PB	6/28/22; 7/26/22 (scheduled)
Found Complete by PB	6/28/22
Site Walk	N/A
Public Hearing	7/26/22
Public Hearing Publication	7/15/22 (Weekly Sentinel)
Deliberation	7/26/22 (expected)
✓ Reason for PB Review:	Home Business Application

**Overview:** Applicant Kim Kelsey is seeking approval of a Home Business Application at 768 Main St. (Map 6, Lot 74) for a professional office for licensed clinical social work and therapy. The reported days and hours of operation would be Wednesday and Thursday, 9am to 5pm. The home

**PB22-11: 768 Main St. (Map 6, Lot 74): Home Business Application – Professional Office – Public Hearing**

business would be located inside the existing home. The sketch plan shows a potential porch addition and the conversion of a window to a door in the part of the home to be used for the business. Only the applicant will be engaged in the home business; there will be no other employees.

**Type of Review Needed:** Public hearing: receive public comment, if any, prior to deliberation and an overall action on the application

**Review notes on application and home business performance standards (45-456.1)**

<b>Standard</b>	<b>Met?</b>
Home business owner home occupancy	<b>Met</b> – year round
Total home business area (1,500 sf max. allowed)	<b>Met</b> – up to 250 sf
Structure used as part of a home business meeting principal setbacks (30’ front and rear, 20’ side)	<b>Appears to be met</b> per sketch plan and GIS.
Sales of merchandise or products (up to 4 types of allowed sales)	N/A. No merchandise/product sales proposed.
Parking spaces for non-residents (max. 4)	<b>Met</b> – one (1) space proposed off of loop driveway, to serve one (1) car at a time. See sketch plan.
Parking spaces within front setback (max. 2)	<b>Met</b> – depending on exact location of proposed parking space, either 0 or 1 in the front setback.
Home business sign (max. 1 sign allowed up to 6 sf.)	N/A. No sign proposed.
External evidence of the home business and business-related vehicles	<b>Met</b> – No evidence except a car parking in the single parking space.
Use and storage of fluids, solids, and gases unique to the business	N/A. None proposed.
Sketch plan	Included with application. I have reviewed and believe it provides sufficient information applicable to the home business for the Board’s sketch plan review.

**Other notes**

- Deed downloaded from the York Co. Registry of Deeds’ online database included previously
- Land use table reference (45-290): Professional office – “SPR 8” – allowable as a home business subject to conformance with home business requirements.

**Recommendation**

Approve the application

**PB22-11: 768 Main St. (Map 6, Lot 74): Home Business Application – Professional Office  
– Public Hearing**

**Motion templates (7/26 update)**

*Approval (recommended)*

Motion to approve PB22-11 with the following conditions:

1. [Standard conditions]
2. \_\_\_\_\_ [Other conditions if warranted]

*Continuance*

Motion to continue PB22-11 to the August 16, 2022, meeting.

*Disapproval*

Motion to disapprove PB22-11 for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. [Other reasons if warranted]

\* \* \*

Respectfully submitted,

Jeff Brubaker, AICP  
Town Planner

ADVENT CHRISTIAN SOCIETY  
256 PLEASANT ST  
ELIOT, ME 03903

EMERY, ERIC M  
18 COVE RD  
ELIOT, ME 03903

PHILLIPS, ELIZABETH ET AL  
248 PLEASANT ST  
ELIOT, ME 03903

ADVENT CHRISTIAN SOCIETY  
256 PLEASANT ST  
ELIOT, ME 03903

FINENCO, ANTHONY T  
PO BOX 78  
ELIOT, ME 03903

REILLY, LINDSEY M  
MACMILLAN, DOUGLAS W  
252 PLEASANT ST  
ELIOT, ME 03903

ANDERSON, JENNIFER  
224 PLEASANT ST  
ELIOT, ME 03903

HALL, EVERETT F  
368 MAIN ST  
ELIOT, ME 03903

RUSSELL, RICHARD W  
RUSSELL, JEANNE  
238 PLEASANT ST  
ELIOT, ME 03903

BELL, ALISON A  
547 MAIN ST  
ELIOT, ME 03903

HANSEN, CHARLES P  
HENSEN, ROBIN K  
11 COVE RD  
ELIOT, ME 03903

RYAN, PETER W  
RYAN, KRIS A  
234 PLEASANT ST  
ELIOT, ME 03903

BLAKESLEE, JONATHAN C  
GUERARD-BLAKESLEE, JOELLE  
14 COVE RD  
ELIOT, ME 03903

LAWRENCE, CHRISTIE  
LAWRENCE, JASON S  
19 COVE RD  
ELIOT, ME 03903

SMALL, BEVERLY  
278 PLEASANT ST  
ELIOT, ME 03903

BRENNER, MARK H REVOCABLE  
ZAMRIK-BRENNER, JAMIL REV  
276 PLEASANT ST  
ELIOT, ME 03903

MAGDZIASZ, MELISSA  
16 ALVIN LN  
ELIOT, ME 03903

SMITH, ROBERT L  
SMITH, STELLA M  
537 MAIN ST  
ELIOT, ME 03903

BRICKETT, BENJAMIN P  
208 PLEASANT ST  
ELIOT, ME 03903-2133

MARTIN, EDWARD C  
MARTIN, KAREN L  
13 COVE RD  
ELIOT, ME 03903

SO ELIOT ADVENT CHRISTIAN  
256 PLEASANT ST  
ELIOT, ME 03903

BYRNE, MARGARET L  
258 PLEASANT ST  
ELIOT, ME 03903

MCMASTER, JUSTIN B  
RITCHIE, JESSICA  
581 MAIN ST  
ELIOT, ME 03903

STAPLES, ROLAND III  
503 MAIN ST  
ELIOT, ME 03903

CROSBY, GREGORY A  
CROSBY, DORENDA D  
240 PLEASANT ST  
ELIOT, ME 03903

OAKES, JANICE LYN  
266 PLEASANT ST  
ELIOT, ME 03903

TRUEMAN, JEANNE  
282 PLEASANT ST  
ELIOT, ME 03903

DUGGAN, DEBRA A  
C/O AMBER WASON  
4100 W STREET NW APT 202  
WASHINGTON, DC 20007

PASTOR, PADEN J  
254 PLEASANT ST  
ELIOT, ME 03903

PB22-12: 244 Pleasant St. (Map 3, Lot 41): Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float



# TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board  
 From: Jeff Brubaker, AICP, Town Planner  
 Cc: Steven D. Riker, CWS, Ambit Engineering, Inc., Applicant’s Representative  
 Shelly Bishop, Code Enforcement Officer  
 Kearsten Metz, Land Use Administrative Assistant  
 Date: July 21, 2022 (report date)  
 July 26, 2022 (meeting date)  
 Re: PB22-12: 244 Pleasant St. (Map 3, Lot 41): Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float

<b>Application Details/Checklist Documentation</b>	
✓ Address:	244 Pleasant St.
✓ Map/Lot:	3/41
✓ PB Case#:	22-12
✓ Zoning:	Village
✓ Shoreland Zoning:	Resource Protection, Limited Residential
✓ Owner Name:	Kevin J. and Wendy D. McCooles
✓ Applicant Name:	Kevin J. and Wendy D. McCooles
✓ Proposed Project:	Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float
✓ Application Received by Staff:	June 1, 2022
✓ Application Fee Paid and Date:	\$325 (Shoreland Zoning Permit Application, Residential Pier – \$50; Public Hearing – \$175; confirming – may be due \$100 refund) June 1, 2022
Application Sent to Staff Reviewers:	Discussed with Harbormaster; otherwise, no feedback received from staff
Application Heard by PB	June 28, 2022; July 26, 2022 (scheduled)
Found Complete by PB	June 28, 2022
Site Walk	N/A
Site Walk Notice Publication	N/A
Public Hearing	July 26, 2022 (scheduled)
Public Hearing Publication	July 15, 2022 (Weekly Sentinel)
✓ Reason for PB Review:	Shoreland Zoning Permit Application, Permanent Residential Pier (SPR use)

## Overview

Applicants Kevin J. and Wendy D. McCooles (agents: Ambit Engineering, Inc. and Riverside & Pickering Marine Contractors, Inc.) are seeking review and approval of a proposed tidal docking structure/residential pier system at 244 Pleasant St. (Map 3, Lot 41), which would consist of a



PB22-12: 244 Pleasant St. (Map 3, Lot 41): Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float

permanent fixed pier and access stairway, seasonal gangway, and seasonal floats. The application notes that “The float will be secured by 4 (four) 4’ x 4’ concrete block moorings and chains.”

The lot (approximately 0.75 acres) is bisected by Pleasant St. with a single-family residence on the inland side of the street and deeded shore access on the other side. A number of other lots along Pleasant St. have this configuration along with their own pier systems. The existing conditions on this lot’s shore frontage include an existing stairway and small float above the mean high-water line.

7/26 update: Per PB review comments, the 7/8/22 plan set includes a revised Sheet C3 showing a proposed safety gate at the top of the access stairway at Pleasant St. It also has added distance measurements from the pier to riparian lines – 42 and 45 ft.

### Application package contents

- Shoreland Zoning Permit Application dated 5/28/22
- Site plan set with most recent revision date 5/31/22:
  - Sheet C1 – Existing Conditions Plan
  - Sheet C3 – Shoreland Development Application Plan (site plan)
  - Sheet D1 – Dock Details
- Appendix D – NRPA application project description worksheet
- Appendix D – NRPA application project description worksheet
- Alternatives analysis
- Construction details/sequence
- Wetland functions and values assessment
- Impact assessment
- State agency review request letters:
  - Historic Preservation Commission – Section 106
  - Bureau of Parks & Lands
  - Five Tribes
- Location maps
- Abutter list, letters, and mail receipts
- Site photos
- Warranty deed
- US Fish & Wildlife Service verification letter
  - Federal threatened and endangered species and critical habitats list

### *NRPA Individual Permit Application package*

- Cover letter dated 5/19/22
- Agent authorization letter to DEP and the Town for Ambit Engineering, Inc. and Riverside & Pickering Marine Contractors, Inc.
- DEP fee payment receipt
- NRPA Individual Permit Application dated 5/19/22
- Notice of Intent to File
- Public Notice Filing and Certification
- Appendix A – DEP visual evaluation field survey checklist
- Appendix B – DEP coastal wetland characterization intertidal & shallow subtidal field survey checklist

### Submitted July 13, 2022

- Plan set with revised Sheet C3, 7/8/22 revisions

### Dimensions of proposed docking structure components

- Access stairway: 4’ x 12’
- Permanent fixed pier: 6’ x 80’

PB22-12: 244 Pleasant St. (Map 3, Lot 41): Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float

- Seasonal gangway: 3' x 40'
- Seasonal float: 10' x 30'

**Zoning**

Village; Resource Protection (RP), Limited Residential (LR)

**Uses**

Permanent residential piers and other structures and uses extending over or below the normal high-water line or within a wetland are SPR uses in the shoreland zone.

**Type of review needed by Planning Board (7/26 update)**

Public hearing: receive public comment, if any, before deliberation and consideration of an overall action on the application.

**Status of other agency reviews (7/26 update)**

The applicant submitted a NRPA Individual Permit Application to DEP, dated May 19, 2022 (see previous packet). As of this report, DEP is reviewing the application. The applicant requests concurrent PB/DEP review.

At the June 28 meeting, the applicant noted that the US Army Corps of Engineers (ACOE) has been notified and their review is underway, but they wanted to wait to see if there would be any abutter comments. At the time of this report, I am not aware of any abutter comments having been received by the Planning office.

**Section 44-35(c) review considerations**

This section has the land use standards for piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line of a water body or within a wetland. The Planning Board may wish to review the application with regard to applicable provisions of this section. Some notes as follows (paragraph numbers under 44-35(c) are in parentheses; some sections are not exact wording in the Code):

44-35(c) para. #	Summary of paragraph	Evaluation of application
(1)	No more than one pier/dock/wharf/similar structure per lot given the amount of shoreline frontage (100 ft. is the standard for the Village district)	Only one is proposed. This lot has ~93 ft. of shoreline, per the site plan and alternatives analysis. A minimum of 100 ft. is ordinarily needed in the Village zoning district, but 44-32(e)(1) allows nonconforming lots (not contiguous with any other lot in the same ownership) – with respect shore frontage, lot area, and lot width – to be built upon, without a variance. <b>Standard appears to be met.</b>

PB22-12: 244 Pleasant St. (Map 3, Lot 41): Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float

(2)	Developed on appropriate soils so as to control erosion	<p><b>Standard appears to be met.</b> Alternatives analysis: “The shoreline [associated] with the site consists of a bluff that peaks at approximate elevation 21’, with a very steep slope leading to the tidal resource area with an average approximate grade of 70% that extends to the [highest annual tide] H.A.T. located at elevation 10.2. The substrate below the H.A.T. is characterized as a combination of boulder/cobble beach and mixed coarse &amp; fines which is occasionally vegetated with rockweed (<i>Ascophyllum</i> spp. and <i>Fucus</i> spp.). The slope and the top of the bluff is well vegetated, however [vegetation] is dominated by invasive species...”</p> <p>Construction details-sequence: “There is nothing in regards to the proposed modification that would provide an opportunity for erosion. Work on the portion of the structure located over the wetland resource will be performed utilizing a crane barge at low tide eliminating erosion and potential for sedimentation.”</p> <p>See also Sheet D1 notes.</p> <p><b>Slope is unstable per ME Geo Survey Bluff Map.</b></p>
(3)	N/A – pertains to beach areas	
(4)	Minimize adverse effects on fisheries	<p>Alternatives analysis: “...minimizing impacts to the adjacent tidal resource to the greatest extent practicable...the use of piles to support the fixed pier represents the least impacting alternative. The length of the structure is necessary to achieve sufficient use during the entire tidal cycle and the float will not require bottom protection avoiding direct impact to the tidal resource.”</p> <p><b>No (or minimal) adverse effects are apparent.</b></p>
(5)	N/A – pertains to nontidal waters	
(6)	No new structure on/over/abutting a pier/wharf/dock/etc. unless it requires direct access to the water	No such structure proposed
(7)	N/A – pertains to nontidal waters	
(8)	No existing structure on/over/abutting a pier/wharf/dock/etc. may be converted to a residential dwelling unit	N/A
(9)	Structures built on on/over/abutting a pier/wharf/dock/etc. may not exceed 20 ft. in height above pier/wharf/dock/etc.	N/A
(10a)	Residential piers shall not extend beyond the mean low water mark and are limited to a maximum width of 6 ft.	Proposed pier is 6 ft. in width and does not extend beyond the mean low water mark. <b>Standard appears to be met.</b>
(10b)	Pier (+ temporary float) length restricted to 200 ft. (measured from NHWL), or a length that will provide 6 ft. of water depth for outermost float at mean low water, whichever is shorter; shall not extend more than halfway to mean low water deep channel centerline	The total length from the start of the pier to the end of the float is 150’. (80’ pier + 40’ gangway + 30’ landing float). <b>Standard appears to be met.</b>
(10c)	N/A – pertains to LC and GD districts	
(11)	No structure (including temporary ramps/floats and pilings) shall extend more than halfway to the deep channel centerline at mean low water	<b>Visually, this appears to be met.</b>

PB22-12: 244 Pleasant St. (Map 3, Lot 41): Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float

(12)	25 ft. setbacks from riparian lines for neighboring properties (with lesser setback allowed with mutual agreement with neighbor)	<b>Met. 7/26 update:</b> Riparian lines are shown on the plan and Revised Sheet C3 also includes distances from the pier to riparian lines – 42 and 45 ft.
(13)	Temporary/seasonal floats which sit on the bottom at low tide must be built per DEP guidelines to minimize harm to marsh grass/marine life living in the mud	Appears to be N/A as the float appears on Sheets C3 and D1 to avoid bottom contact at mean lower low water. <b>7/26 update:</b> At the June 28 meeting, the applicant clarified that the float may partially sit on the bottom during mean low water, but that the float has been equipped with skids per an ACOE requirement. (See Sheet D1 for details.) The recommended DEP/ACOE condition in the approval motion template below would address compliance with this standard.
(14)	Required reflectors on piers and floats: 3+ in. diameter, not more than 12 in. from each corner. At least 1 per 20 ft. on each side of piers >40 ft.	<b>Appears to be met.</b> See note 11 of Sheet C3.

**Stairways**

The stairways and landings are proposed to be located on a bluff indicated as unstable by the Maine Geological Survey (<https://www.maine.gov/dacf/mgs/pubs/digital/bluffs.htm>).

*44-35(b)(6) check for stairways to access the shoreline in areas of steep slopes or unstable soils*

<b>44-35(b)(6) standard</b>	<b>Evaluation of application</b>
Max. 4 ft. in width	Met. Stairway proposed to be 4 ft. wide.
Structure does not extend below or over the normal high-water line, unless permitted by DEP	Stairway is shown as above the HAT line.
Applicant demonstrates that no reasonable access alternative exists on the property	See NRPA application alternatives analysis.

**7/26 update:** I have left a message with Public Works to ask about the stairway guardrail opening, per the June 28 discussion, and hope to have more info by the meeting.

**Recommendation (7/26 update)**

Approval with conditions – applicant appears to have met all applicable standards, or will have after fulfillment of approval conditions.

**Motion templates**

*Approval with shoreland zoning findings and conditions (recommended)*

Motion to approve the Shoreland Zoning Permit Application for PB22-12 – 244 Pleasant St. – with the following findings of fact (in addition to other applicable findings of fact to be included in the Notice of Decision):

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

PB22-12: 244 Pleasant St. (Map 3, Lot 41): Shoreland Zoning Permit Application – Permanent residential fixed pier and access stairway, seasonal gangway, and seasonal float

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

The approval includes the following conditions:

1. [Standard conditions]
2. Prior to, or along with, their building permit application:
  - a. the applicant shall provide to the Code Enforcement Officer an approved Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) permit for the project and documentation of the project's approval by the US Army Corps of Engineers (ACOE).
  - b. if needed, written approval from the Eliot Public Works Department for any aspect of the project with regard to Pleasant St., including, but not necessarily limited to, the guardrail opening.
3. No later than 20 days after completion of the development, the applicant shall provide to the Code Enforcement Officer postconstruction photographs of the shoreline vegetation and developed site.
4. [Other conditions as desired]

### *Denial*

To deny the Shoreland Zoning Permit Application for PB22-12, for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_ [etc.]

### *Continuance*

Motion to continue PB22-12 to the August 16, 2021, meeting.

#### *Section 33-131 continuance timelines*

- 30 days after public hearing: August 25
- 75 days after June 28 completeness determination: September 11
- Timelines may be extended if applicant agrees

#### *Section 44-44 continuance timelines*

- 35 days after public hearing (waiting list of applications): August 30
- Timelines may be extended if applicant agrees

\* \* \*

Respectfully submitted, Jeff Brubaker, AICP, Town Planner

DODGE, SHIRLEY G  
229 HANSCOM RD  
ELIOT, ME 03903

PATHFINDER BUSINESS OFFIC  
33 CREEKVIEW DR  
ELIOT, ME 03903

ELIOT COMMONS SENIOR HOUS  
C/O PHOENIX MANAGEMENT CO  
PO BOX 759  
SACO, ME 04072

PICKETT, TIM  
PO BOX 242  
ELIOT, ME 03903

GREEN, JONATHAN B  
GREEN, BRENDA  
235 HANSCOM RD  
ELIOT, ME 03903

PICKETT, TIM A  
PO BOX 242  
ELIOT, ME 03903

GROGAN, MICHAEL F  
GROGAN, DONNA J  
PO BOX 482  
ELIOT, ME 03903

POLLARD, JOHN ERIC  
ARCHER, CARL LEONARD  
PO BOX 61  
ELIOT, ME 03903

GUYS REALTY LLC  
16 HOMESTEAD LN  
BRENTWOOD, NH 03904

POLLOCK, CRAIG S  
223 HANSCOM RD  
ELIOT, ME 03903

HERBOLD, SETH  
13 BITTERSWEET LN  
ELIOT, ME 03903

PUBLIC SERVICE CO OF NH  
DBA EVERSOURCE ENERGY  
PO BOX 270  
HARTFORD, CT 06141-0270

IRVING OIL LIMITED  
ATTN: CORPORATE REAL ESTA  
PO BOX 868  
CALAIS, ME 04619

SEA DOG REALTY LLC  
86 NEWBURY ST  
PORTLAND, ME 04101

LAWRENCE, DAVID  
21 LYNCH LN  
KITTERY, ME 03904

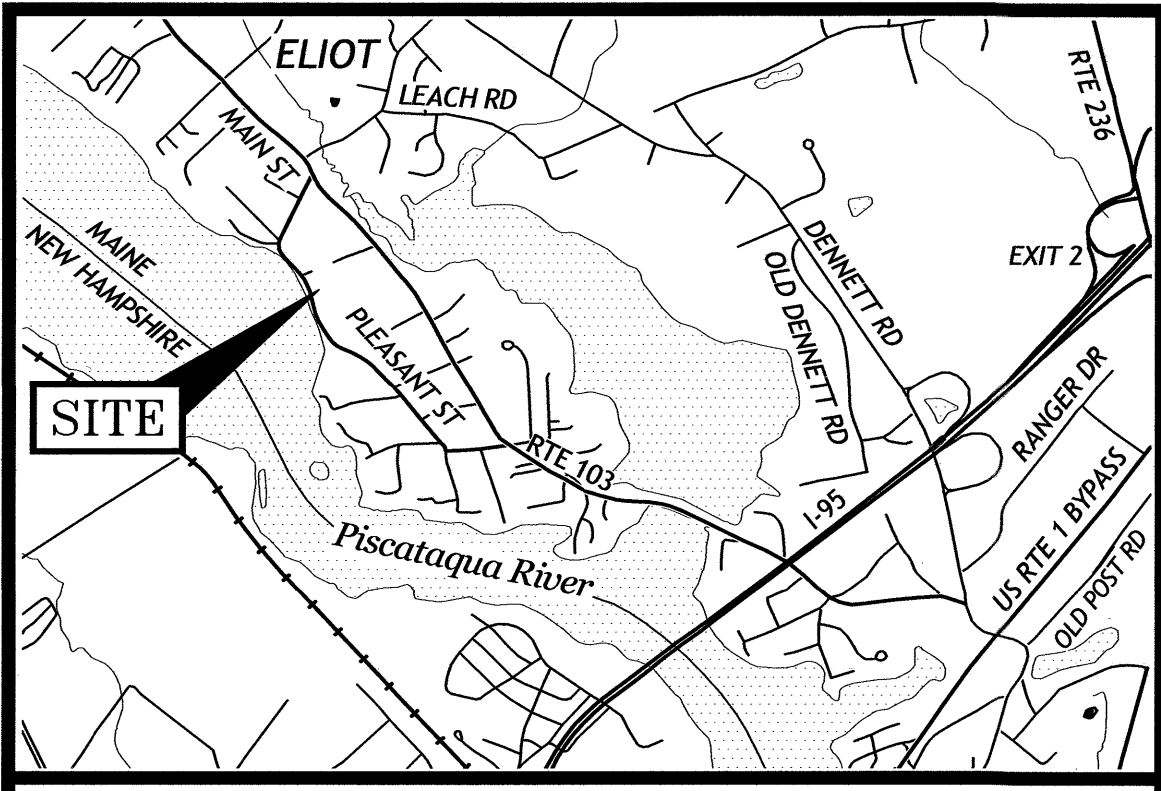
SHAPLEIGH, NANCY E  
28 SANDY HILL LN  
ELIOT, ME 03903

LEAVITT, ROBERTA IRREVOCA  
JEANETTE K LASORSA TRUSTE  
1172 STATE RD  
ELIOT, ME 03903

WILLIAMS, MICHAEL T  
WILLIAMS, AMANDA M  
247 HANSCOM RD  
ELIOT, ME 03903

M H PARSONS & SONS LUMBER  
WOODBRIDGE RD  
YORK, ME 03909

YORK/CUMBERLAND MGMT CORP  
BARON PLACE  
LABRECQUE PROPERTY  
MANAGEMENT  
PO BOX 460  
SEBATTUS, ME 04280-0460

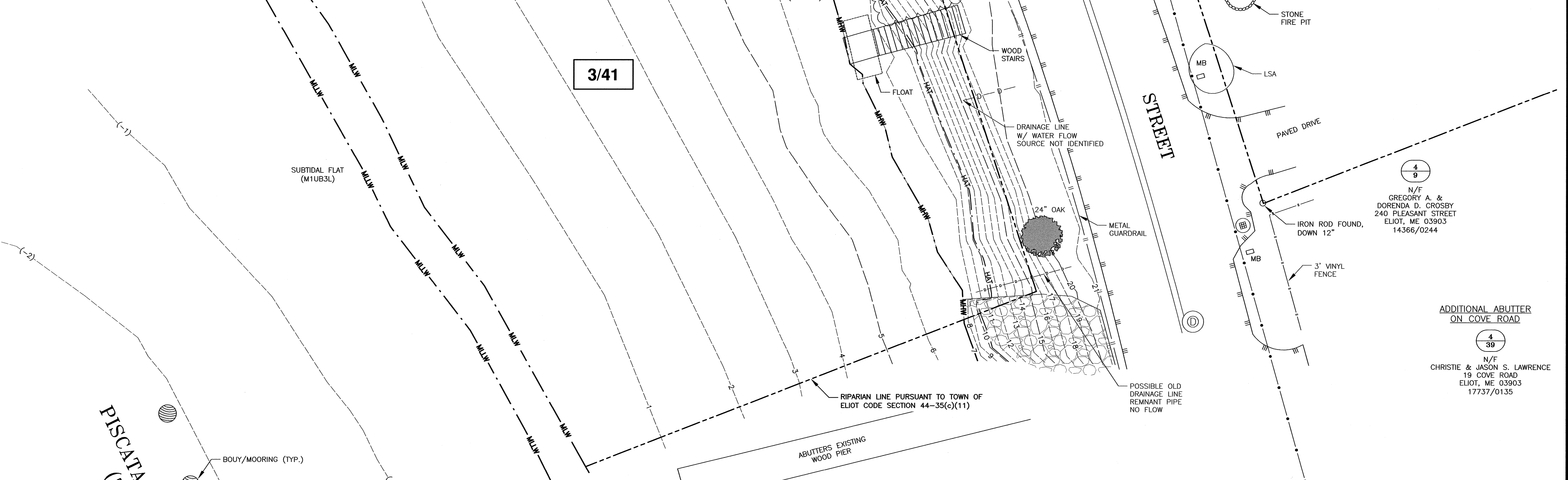


LOCATION MAP SCALE: 1"=2000'

**PLAN REFERENCES:**  
 1) STANDARD BOUNDARY SURVEY FOR PROPERTY AT 244 PLEASANT STREET ELIOT, YORK COUNTY, MAINE, OWNED BY KEVIN J. & WENDY D. McCOOLE 244 PLEASANT STREET, ELIOT, MAINE 03903, SCALE: 1" = 20', DATED 02/27/12, PREPARED BY EASTERLY SURVEYING, INC., YCRD PLAN BOOK 355 PAGE 32.

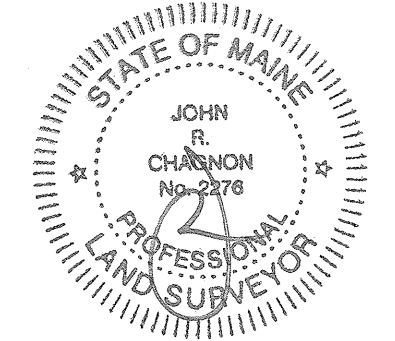
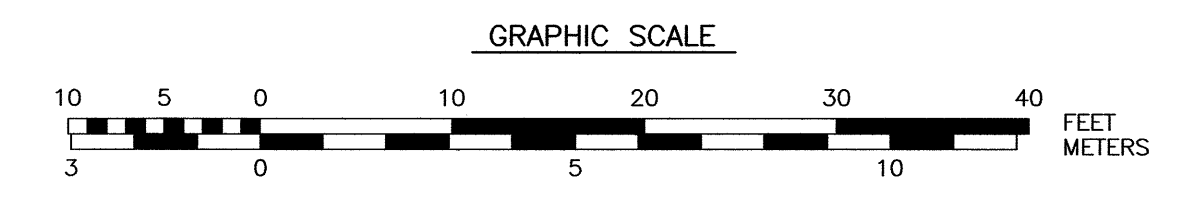
- LEGEND:**
- N/F: NOW OR FORMERLY RECORD OF PROBATE
  - RP: RECORD OF PROBATE
  - YCRD: YORK COUNTY REGISTRY OF DEEDS
  - 11/21: IRON ROD/IRON PIPE FOUND
  - : IRON PIPE FOUND
  - : BOUNDARY
  - HAT: BUILDING SETBACK
  - MLW: MAINE DEP HIGHEST ANNUAL TIDE LINE
  - MLW: MEAN HIGH WATER LINE
  - MLW: MEAN LOW WATER LINE
  - MLLW: MEAN LOWER LOW WATER LINE
  - : STORM DRAIN
  - : OVERHEAD ELECTRIC/WIRES
  - 100: CONTOUR
  - : EDGE OF PAVEMENT
  - : UTILITY POLE (w/ GUY)
  - : HYDRANT
  - : MARSH GRASS
  - ⊞: CATCH BASIN
  - ⊞: SEWER MANHOLE
  - ⊞: DRAIN MANHOLE
  - ⊞: CORRUGATED METAL PIPE
  - EL: ELEVATION
  - INV: INVERT
  - TBM: TEMPORARY BENCHMARK
  - TYP: TYPICAL
  - LSA: LANDSCAPED AREA

RIPIARIAN LINE PURSUANT TO TOWN OF ELIOT CODE SECTION 44-35(c)(11)



PISCATAQUA RIVER (TIDAL)  
 BOUY/MOORING (TYP.)

APPROVED BY THE ELIOT PLANNING BOARD  
 CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_



PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:  
 A) NO SURVEY REPORT HAS BEEN PREPARED.  
 B) NO LAND DESCRIPTION HAS BEEN PREPARED.  
 C) MONUMENTS HAVE NOT BEEN SET.  
 THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

JOHN R. CHAGNON, PLS #2276  
 DATE 5.6.22

TBM B NAIL IN POLE  
 CMPCO 13  
 EL.=23.32

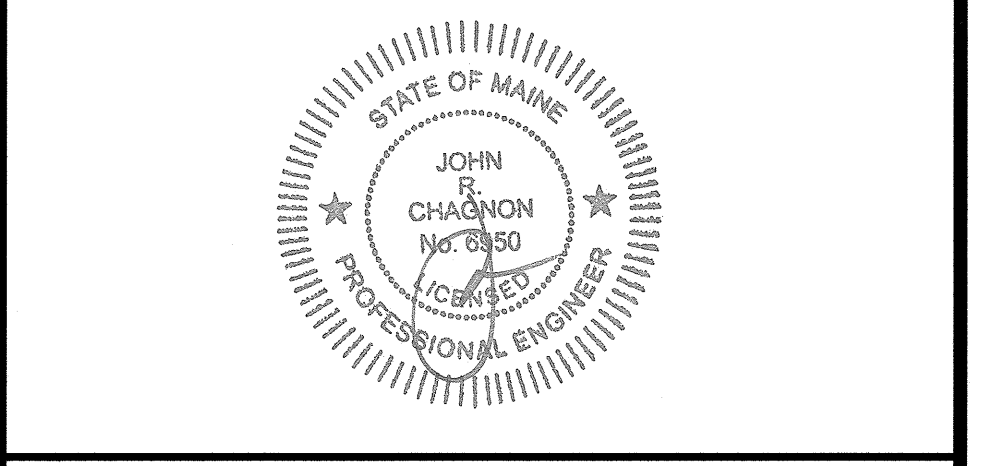
OWNER & APPLICANT:  
 KEVIN J. & WENDY D. McCOOLE  
 244 PLEASANT STREET  
 ELIOT, ME 03903  
 PREPARED BY:  
 AMBIT ENGINEERING  
 200 GRIFFIN ROAD UNIT 3  
 PORTSMOUTH, N.H. 03801

**AMBIT ENGINEERING, INC.**  
 Civil Engineers & Land Surveyors  
 200 Griffin Road - Unit 3  
 Portsmouth, N.H. 03801-7114  
 Tel (603) 430-9282  
 Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 3 AS LOT 41.
  - 2) OWNERS OF RECORD:  
 KEVIN J. McCOOLE &  
 WENDY D. McCOOLE  
 244 PLEASANT STREET  
 ELIOT, ME 03903  
 14402/0950  
 YCRD PLAN BOOK 355 PAGE 32
  - 3) A PORTION OF THE PARCEL IS LOCATED IN A SPECIAL FLOOD HAZARD AREA, ZONE AE (EL. 9' NGVD 1929), AS SHOWN ON FIRM PANEL 2301490010B. EFFECTIVE DATE JUNE 5, 1989.
  - 4) EXISTING LOT AREA: (BOTH SIDES OF ROAD)  
 32,740 +/- S.F. (PER REF. PLAN 1)  
 0.7516 +/- ACRES
  - 5) PARCEL IS LOCATED IN THE VILLAGE DISTRICT. PARCEL IS SUBJECT TO THE RESOURCE PROTECTION, LIMITED RESIDENTIAL & SHORELAND ZONING OVERLAY DISTRICTS.
  - 6) DIMENSIONAL REQUIREMENTS:  
 MIN. LOT AREA: 43,560 S.F.  
 FRONTAGE: 100 FEET  
 SETBACKS: FRONT: 30 FEET  
 SIDE: 20 FEET  
 REAR: 30 FEET  
 MAXIMUM STRUCTURE HEIGHT: 35 FEET  
 MAXIMUM LOT COVERAGE: 20%
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF TAX MAP 3, LOT 41 IN THE TOWN OF ELIOT.
  - 8) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 ATLANTIC TERMINALS T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS.
  - 9) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.2 PER LOCATION PORTSMOUTH IN THE MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.
  - 10) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE PLAN REFERENCES LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON. PARCEL MAY BE SUBJECT TO A VIEW EASEMENT.

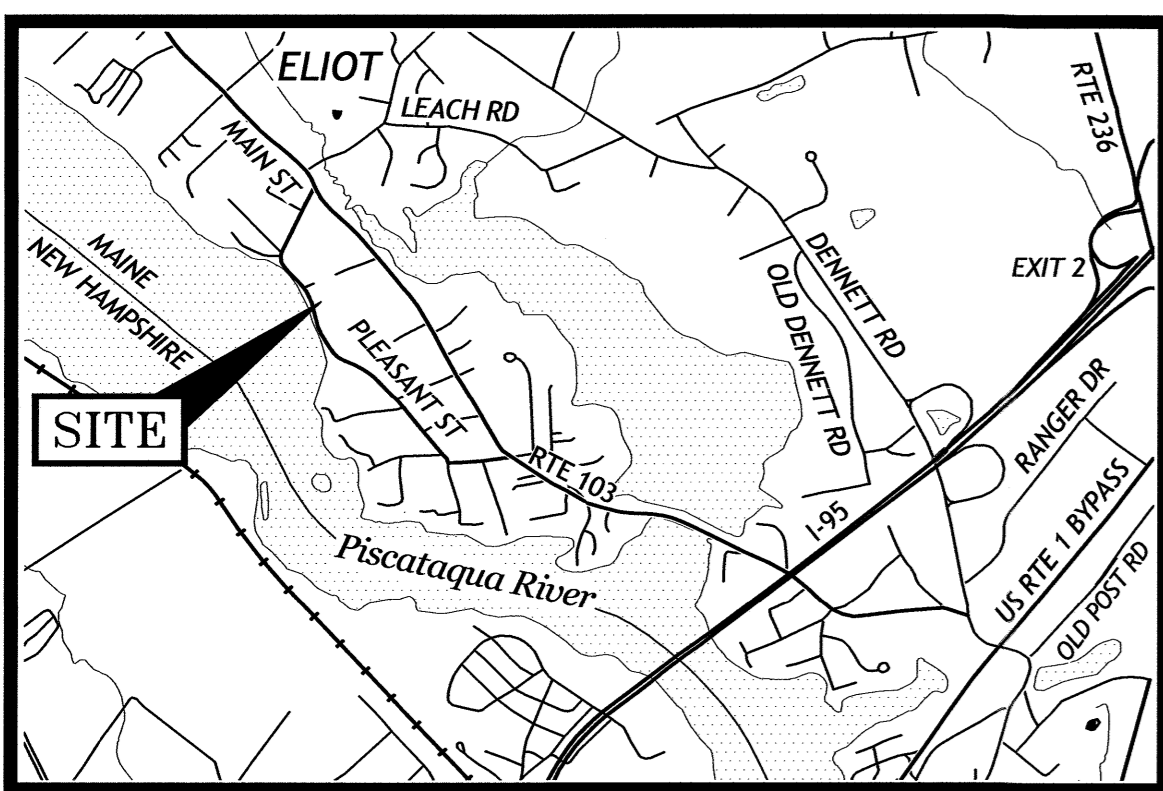
**McCOOLE RESIDENCE  
 244 PLEASANT STREET  
 ELIOT, ME**

NO.	DESCRIPTION	DATE
1	RIPIARIAN NOTE	5/6/22
0	ISSUED FOR COMMENT	3/31/22



SCALE: 1" = 10' MARCH 2022

EXISTING CONDITIONS PLAN **C1**



LOCATION MAP SCALE: 1"=2000'

**WETLAND IMPACT AREA**

TIDAL INDIRECT IMPACT: 900 SQ.FT  
TIDAL DIRECT IMPACT: 76 SQ.FT

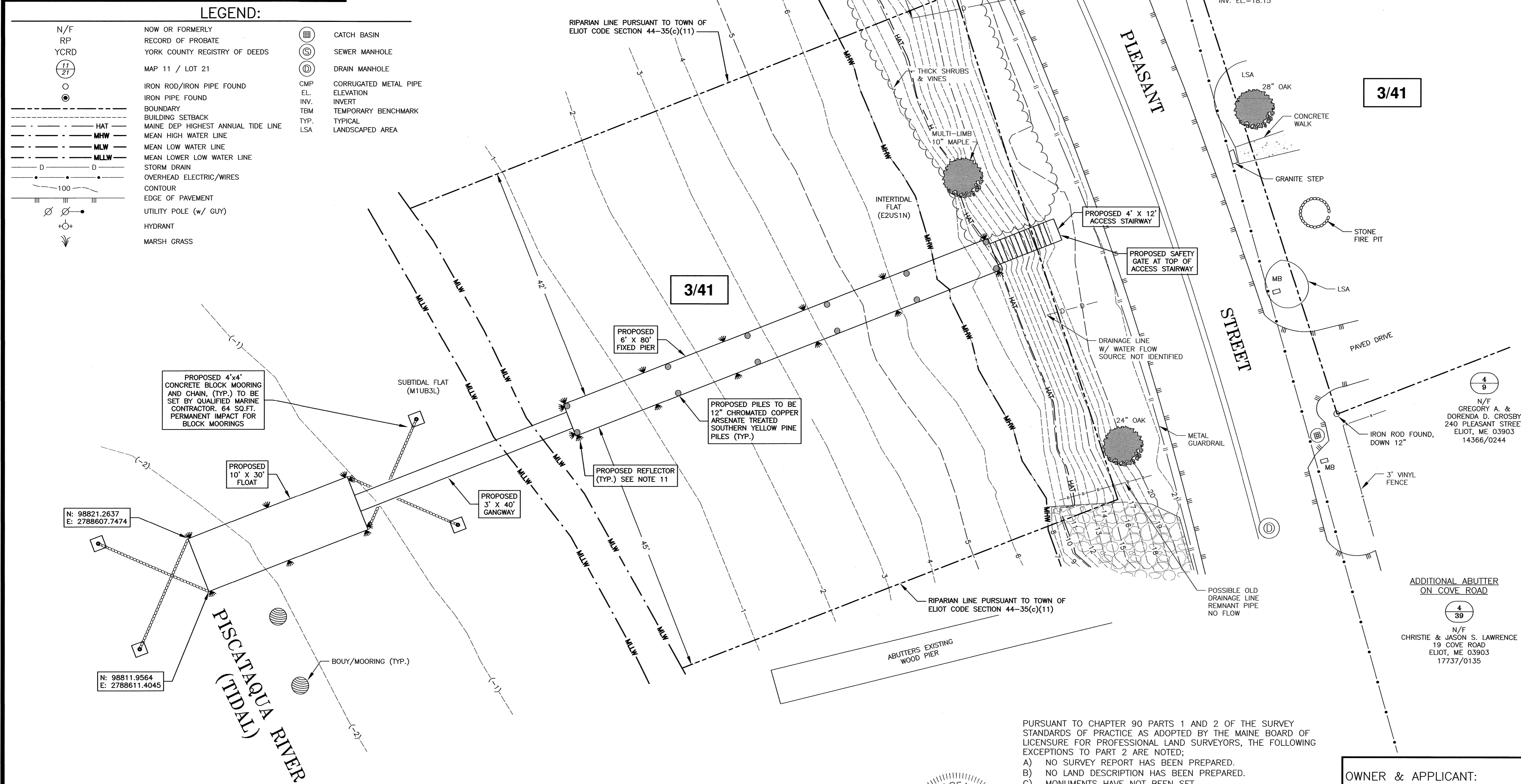
**PLAN REFERENCES:**

1) STANDARD BOUNDARY SURVEY FOR PROPERTY AT 244 PLEASANT STREET ELIOT, YORK COUNTY, MAINE OWNED BY KEVIN J. & WENDY D. McCOOLE 244 PLEASANT STREET, ELIOT, MAINE 03903

**LEGEND:**

N/F	NOW OR FORMERLY	⊠	CATCH BASIN
RP	RECORD OF PROBATE	⊙	SEWER MANHOLE
YCRD	YORK COUNTY REGISTRY OF DEEDS	⊕	DRAIN MANHOLE
11/21	MAP 11 / LOT 21	⊞	CORRUGATED METAL PIPE
○	IRON ROD/IRON PIPE FOUND	EL	ELEVATION
⊙	IRON PIPE FOUND	INV.	INVERT
---	BOUNDARY	TBM	TEMPORARY BENCHMARK
---	HAT	TYP.	TYPICAL
---	MHW	LSA	LANDSCAPED AREA
---	MLW		
---	MLLW		
D	STORM DRAIN		
---	OVERHEAD ELECTRIC/WIRES		
---	CONTOUR		
---	EDGE OF PAVEMENT		
⊕	UTILITY POLE (w/ GUY)		
⊕	HYDRANT		
⊕	MARSH GRASS		

RIPIARIAN LINE PURSUANT TO TOWN OF ELIOT CODE SECTION 44-35(c)(11)



GRID NORTH  
ME SPC  
NAD83(2011)  
WEST ZONE

**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

**NOTES:**

- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 3 AS LOT 41.
- 2) OWNERS OF RECORD:  
KEVIN J. McCOOLE &  
WENDY D. McCOOLE  
244 PLEASANT STREET  
ELIOT, ME 03903  
14482/950
- 3) A PORTION OF THE PARCEL IS LOCATED IN A SPECIAL FLOOD HAZARD AREA, ZONE AE (EL. 9'), AS SHOWN ON FIRM PANEL 2301490010B. EFFECTIVE DATE JUNE 5, 1989.
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SETBACKS:  
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SIDE: 20 FEET  
REAR: 30 FEET  
  
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MAXIMUM STRUCTURE COVERAGE: 20%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED DOCKING STRUCTURE ON A PORTION OF TAX MAP 3 LOT 41 IN THE TOWN OF ELIOT.
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- 9) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.2 PER LOCATION PORTSMOUTH IN THE MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.
- 10) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE PLAN REFERENCES LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.
- 11) PER THE TOWN OF ELIOT MUNICIPAL CODE OF ORDINANCES SECTION 44-35(c)(14), ALL NEW PIERS AND FLOATS MUST BE AFFIXED WITH A REFLECTOR NOT LESS THAN THREE INCHES IN DIAMETER LOCATED NOT MORE THAN TWELVE INCHES FROM EACH CORNER. THE PROPOSED PIER SHALL ALSO HAVE REFLECTORS AFFIXED TO EACH SIDE OF THE PIER AT A FREQUENCY OF ONE PER TWENTY FEET.

**McCOOLE RESIDENCE  
244 PLEASANT STREET  
ELIOT, ME**

NO.	DESCRIPTION	DATE
1	ADD SAFETY GATE AND RIPIARIAN LINE DIMENSIONS	7/8/22
0	ISSUED FOR COMMENT	4/28/22

STATE OF MAINE  
JOHN R. CHAGNON  
No. 8950  
PROFESSIONAL LAND SURVEYOR

OWNER & APPLICANT:  
KEVIN J. & WENDY D. McCOOLE  
244 PLEASANT STREET  
ELIOT, ME 03903

PREPARED BY:  
AMBIT ENGINEERING  
200 GRIFFIN ROAD UNIT 3  
PORTSMOUTH, N.H. 03801

PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:  
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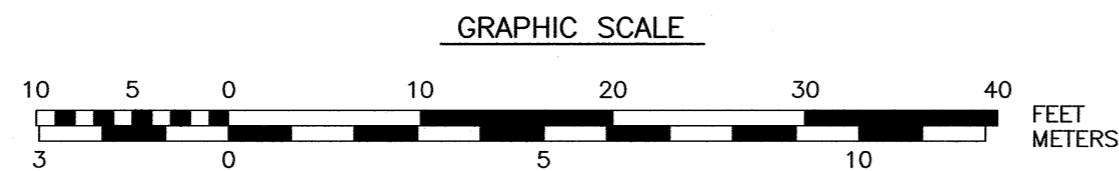
STATE OF MAINE  
JOHN R. CHAGNON  
No. 8950  
PROFESSIONAL LAND SURVEYOR

JOHN R. CHAGNON, ELS #2276

DATE 7.8.22

APPROVED BY THE ELIOT PLANNING BOARD

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_



SCALE: 1" = 10' APRIL 2022

**SHORELAND DEVELOPMENT APPLICATION PLAN**

C3



**SEQUENCE OF CONSTRUCTION**

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA AVAILABLE ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS
- 4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE OR "IN THE DRY" TO MINIMIZE SEDIMENTATION.
- 6) SUPER STRUCTURE OF THE PIER IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
- 7) ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

**HEAVY EQUIPMENT IN WETLANDS OR MUDEFLATS**

OPERATING HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WITHIN WETLANDS SHALL BE MINIMIZED, AND SUCH EQUIPMENT SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, TO THE MAXIMUM EXTENT PRACTICABLE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (TYPICALLY <3 PSI), OR IT SHALL BE PLACED ON SWAMP/CONSTRUCTION/TIMBER MATS (HEREIN REFERRED TO AS "CONSTRUCTION MATS" AND DEFINED AT APPENDIX A, ENDNOTE 4) THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. CONSTRUCTION MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. DRAGGING CONSTRUCTION MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AUTHORIZATION (CATEGORY 2 AUTHORIZATION OR INDIVIDUAL PERMIT). SIMILARLY, THE PERMITTEE MAY REQUEST WRITTEN AUTHORIZATION FROM THE CORPS TO WAIVE USE OF MATS DURING FROZEN, DRY OR OTHER CONDITIONS. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CONSTRUCTION MATS SHOULD BE MANAGED IN ACCORDANCE WITH THE CONSTRUCTION MAT BMPs AT [WWW.NAE.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.NAE.USACE.ARMY.MIL/MISSIONS/REGULATORY)

**FLOODPLAINS AND FLOODWAYS**

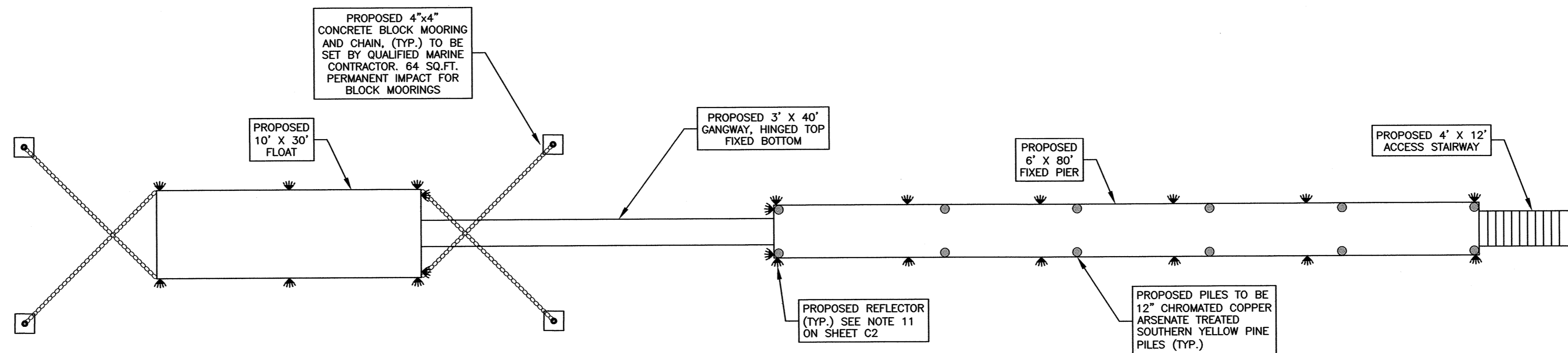
- APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPONENTS MAY NEED TO COORDINATE WITH FEMA AND APPLY FOR A FORMAL CHANGE TO THE FLOOD INSURANCE STUDY PRODUCTS OR FORWARD A SET OF PROJECT PLANS AND RELEVANT TECHNICAL DOCUMENTATION IN A DIGITAL FORMAT TO THE RISK ANALYSIS BRANCH CHIEF, MITIGATION DIVISION, FEMA, REGION 1, 99 HIGH STREET, BOSTON, MASSACHUSETTS 02110. APPLICANTS SHOULD PROVIDE A COPY OF ANY DOCUMENTATION TO THE CORPS ALONG WITH THE PCN.
- PROONENTS MAY HAVE TO OBTAIN A FLOOD HAZARD DEVELOPMENT PERMIT ISSUED BY THE TOWN. INQUIRIES MAY BE DIRECTED TO THE MUNICIPALITY OR TO THE MAINE FLOODPLAIN MANAGEMENT COORDINATOR AT (207) 287-8063. SEE [HTTP://WWW.MAINE.GOV/DACF/FLOOD/](http://WWW.MAINE.GOV/DACF/FLOOD/)

**STORAGE OF SEASONAL STRUCTURES.**

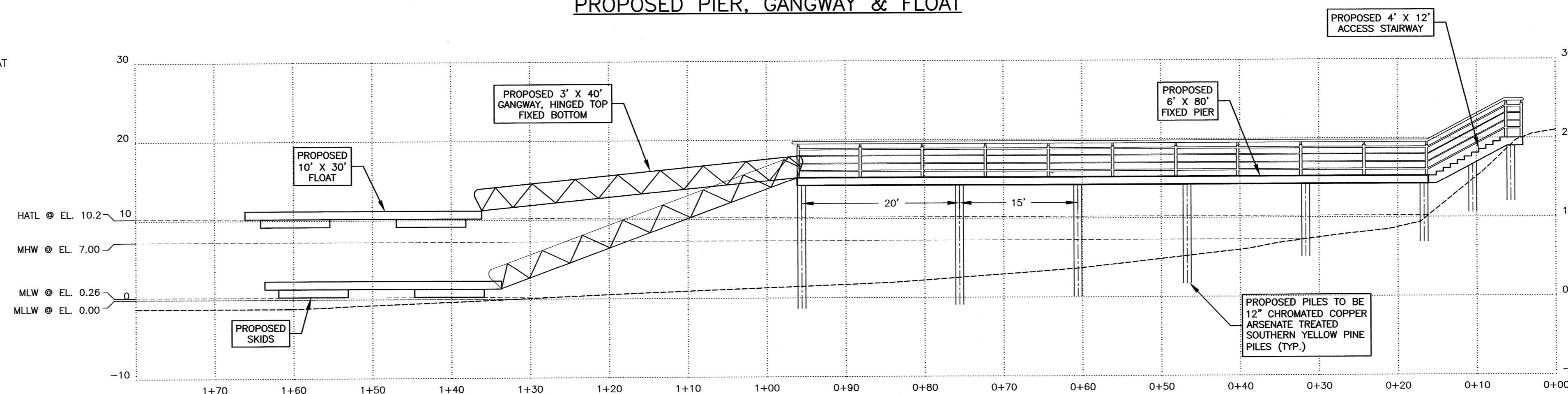
SEASONAL OR RECREATIONAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, AQUACULTURE STRUCTURES, ETC. THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION LANDWARD OF HIGHEST ANNUAL TIDE (H.A.T.) OR ORDINARY HIGH WATER (OHW) AND NOT IN WETLANDS, TIDAL WETLANDS, THEIR SUBSTRATE OR ON MUDEFLATS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS WATERWARD OF H.A.T. OR OHW. SEASONAL STORAGE OF STRUCTURES IN NAVIGABLE WATERS, E.G., IN A PROTECTED COVE ON A MOORING, REQUIRES CORPS APPROVAL AND LOCAL HARBORMASTER APPROVAL.

**SPAWNING, BREEDING, AND MIGRATORY AREAS.**

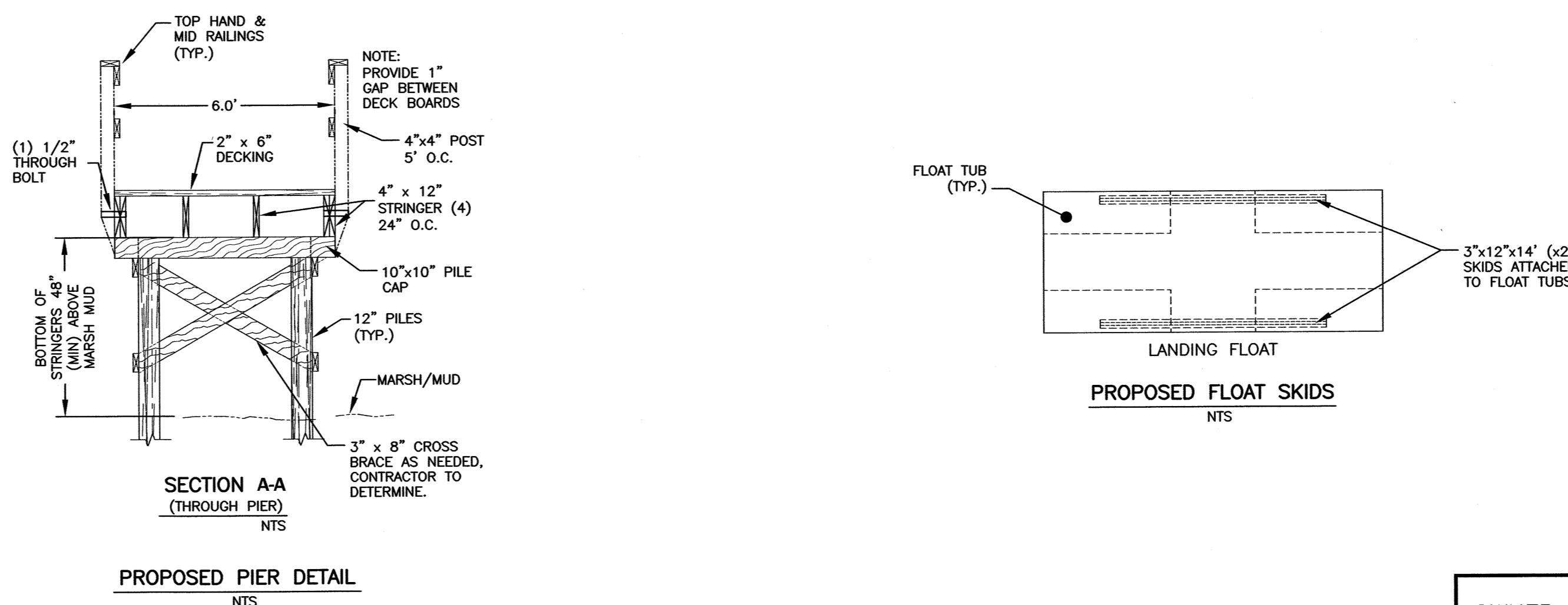
- JURISDICTIONAL ACTIVITIES AND IMPACTS SUCH AS EXCAVATIONS, DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN JURISDICTIONAL WATERS THAT PROVIDE VALUE AS FISH MIGRATORY AREAS, FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE.
- JURISDICTIONAL ACTIVITIES IN WATERS OF THE UNITED STATES THAT PROVIDE VALUE AS BREEDING AREAS FOR MIGRATORY BIRDS MUST BE AVOIDED TO THE MAXIMUM EXTENT PRACTICABLE. THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY "TAKE" PERMITS REQUIRED UNDER THE USFWS'S REGULATIONS GOVERNING COMPLIANCE WITH THE MIGRATORY BIRD TREATY ACT OR THE BALD AND GOLDEN EAGLE PROTECTION ACT. THE PERMITTEE SHOULD CONTACT THE APPROPRIATE LOCAL OFFICE OF THE USFWS TO DETERMINE IF SUCH "TAKE" PERMITS ARE REQUIRED FOR A PARTICULAR ACTIVITY.



PLAN VIEW  
PROPOSED PIER, GANGWAY & FLOAT

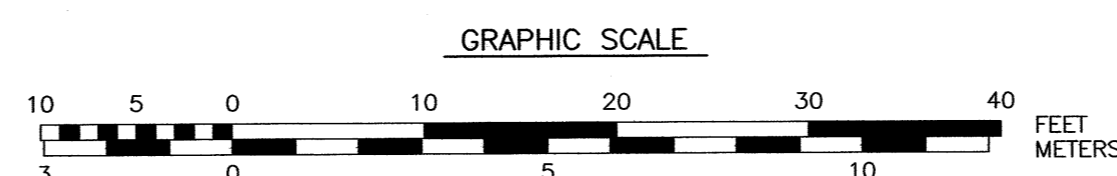


DOCK ELEVATION  
PROPOSED PIER, GANGWAY & FLOAT



SECTION A-A  
(THROUGH PIER)  
NTS

PROPOSED FLOAT SKIDS  
NTS



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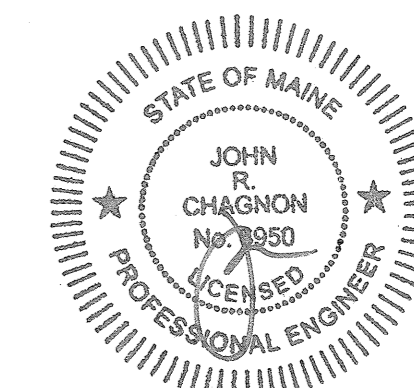


**NOTES:**

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.
- 4) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 ATLANTIC TERMINALS T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS.
- 5) HIGHEST ANNUAL TIDE LINE SHOWN AT ELEVATION 10.2 PER LOCATION PORTSMOUTH IN THE MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2018.

**McCOOLE RESIDENCE**  
244 PLEASANT STREET  
ELIOT, ME

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	4/28/22



4-28-22

SCALE: AS SHOWN APRIL 2021

DOCK DETAILS

D1

OWNER & APPLICANT:  
KEVIN J. & WENDY D. McCOOLE  
244 PLEASANT STREET  
ELIOT, ME 03903

PREPARED BY:  
AMBIT ENGINEERING  
200 GRIFFIN ROAD UNIT 3  
PORTSMOUTH, N.H. 03801

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



# 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: July 21, 2022 (report date)  
 July 26, 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 – **Public Hearing**

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 Found Complete by PB	June 21, 2022; July 26, 2022 (scheduled) June 21, 2022
Site Walk	N/A
Site Walk Publication	N/A
Public Hearing	July 26, 2022 (scheduled)
✓ Public Hearing Publication	July 15, 2022 (Weekly Sentinel)
Deliberation	July 26, 2022 (anticipated)
✓ 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 – **Public Hearing**

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

#### **Submitted June 28, 2022**

- Additional odor narrative

#### **Submitted July 5, 2022, and after**

- Updated planset, sheets C2.1 through C2.4
- Planset revised further to include AG Architects titleblock on all sheets and make updates for PB and Town Planner review
  - Sheet E1.0 redacted from PDF packet

### **Type of review needed**

Public hearing: receive public comment, if any, before deliberation and consideration of an overall action on the application.

### **Zoning**

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

### **Use**

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

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

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 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)**

<b>Dimension</b>	<b>Standard</b>	<b>Met?</b>
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.

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

See attached checklist. Application has been deemed complete.

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

**Marijuana performance standards (33-190) (7/26 update)**

Paragraph	Standard summary	Met?
(1)	Screening per 33-175	<u>7/26 update:</u> Updated Sheet C2.4 shows additional plantings in the frontage next to the front parking spaces and former septic field (since abandoned with the site’s hookup to private sewer) including spirea and winterberry shrubs and daylily and catmint (perennials). In my opinion, this meets the intent of 33-175 while preserving driveway sight distance (45-406). See condition in approval motion template regarding planting timing and native species.
(2)	Comply with applicable parking requirements (45-495)	<b>Appears to be met.</b> 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	<b>Appears to be met.</b> Entry door signs/decals are the only ones proposed
(4a)	Activities conducted indoors, no outdoor sales	<b>Met.</b> No such activities proposed, no sales proposed.
(4b)	Odor management	<b>Appears to be met.</b> See Odor Control narrative. <u>7/26 update:</u> See additional narrative attached. In summary, distillate will be the sole cannabis ingredient used – made from winterization extraction process, which removes substances responsible for aromas, leaving a thick liquid “with no smell or taste”. “There will be absolutely now raw cannabis material used within the space eliminating any concerns of odors affecting any neighboring properties.”
(4c)	Noxious gases and fumes	<u>7/26 update:</u> Appears to be N/A or met. Ventilation system has been described by applicant and all building code ventilation provisions would apply.
(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. <b>All standards appear to be met.</b> 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

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

(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)	Edible products	<b><u>7/26 update:</u></b> Applicant has been in communication with Maine Dept. of Agriculture, Conservation, and Forestry (DACF) and will need a commercial processing license, review of which is in process. See approval condition in motion template.
(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	<b>Met</b> – 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.

**7/26 update:** See additional narrative in your packet and above summary regarding 33-190 odor standards.

**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.

**7/26 update:** Additional shrub and perennial plantings per 33-175 should serve to improve stormwater infiltration compared to grass.

**Erosion control (45-412)**

No change to impervious surface/disturbed area.

**Preservation of landscape (45-413) (7/26 update)**

No change to landscape/natural features except a positive change with the addition of new plants.

**Water and sewer (45-416) (7/26 update)**

Building is connected to existing water and private sewer system.

**Buffers and screening (45-417, 33-175, 33-190) (7/26 update)**

Plants are now proposed in the frontage – see Sheet C2.4: winterberry and spirea shrubs and daylily and catmint (perennials). I have discussed with the applicant that, should the PB entertain an approval motion, a condition allow flexibility to wait until next spring to do the planting and to allow for native species of similar dimensions to be planted instead of non-native species, with the approval of the Code Enforcement Officer.

**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.

**Recommendation (7/26 update)**

Approval with conditions – applicant appears to have met all applicable standards, or will have after fulfillment of approval conditions.

**Motion templates (7/26 update)**

*Approval with conditions (Recommended)*

Motion to approve PB22-10 – Site Plan Review and Change of Use for a Marijuana Establishment (Marijuana Products Manufacturing Facility) at 155 Harold L. Dow Highway.

The following are conditions of approval:

1. [Standard conditions]
2. Prior to, or along with, their building permit application, applicant shall provide their approved commercial processing license (or similar/other required license, as applicable) from the State of Maine.
3. The new plants proposed along the Route 236 frontage in Sheet C2.4 shall be planted within one (1) year of site plan approval. With approval from the Code Enforcement Officer, the applicant may use different plants than those shown on Sheet C2.4 as long as they are native species and of roughly the same size as the plants shown. The applicant is encouraged to replace the non-native species listed in the Sheet C2.4 plant list with native species.
4. [Other conditions as desired]

*Disapproval*

Motion to disapprove PB22-10 for the following reasons:

[e.g. does not meet the following site plan review or zoning standards]

1. \_\_\_\_\_

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

2. \_\_\_\_\_
3. \_\_\_\_\_

*Continuance*

Motion to continue PB22-10 to the August 16, 2022, meeting.

*Section 33-131 timelines*

- 75 days from application completeness: September 4
- 30 days from public hearing: August 25
- Timelines may be extended with agreement from the applicant

\* \* \*

Respectfully submitted,

Jeff Brubaker, AICP  
Town Planner



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

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

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

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

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

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

BEAGEN, BRIDGETTE R  
790 MAIN ST  
ELIOT, ME 03903

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

LJE PROPERTY DEVELOPMENT  
2 PUNKIN TOWN RD STE 340  
SOUTH BERWICK, ME 03908

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

GRANT, CRISPIN  
751 MAIN ST  
ELIOT, ME 03903

LYTLE, NATHANIEL H  
722 MAIN ST  
ELIOT, ME 03903

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

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

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

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

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

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

CLAYTON, THOMAS S  
16 CLAYTONS WAY  
ELIOT, ME 03903

JESSE REALTY LLC  
2552 LONGBOAT DR  
NAPLES, FL 34104

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

CROSBY, ANITA J  
12 PARK ST  
ELIOT, ME 03903

KEARNEY, TIMOTHY  
105 CROSS ST  
BOYLSTON, MA 01505-1009

MCNALLY, MARK  
1381 ELWYN RD  
PORTSMOUTH, NH 03801

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

KELLY, DONNA L  
776 MAIN ST  
ELIOT, ME 03903

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

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

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

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

PATRIOTS LANE MASTERCARD  
PATRIOTS  
ELIOT, ME 03903

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

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

QUINLIVAN, MARJORIE L  
694 MAIN ST  
ELIOT, ME 03903

RATCLIFF, WARDWELL  
767 MAIN ST  
ELIOT, ME 03903

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

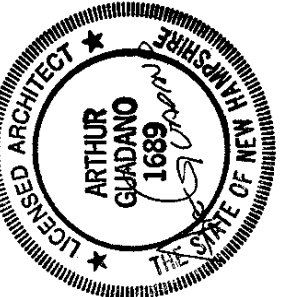
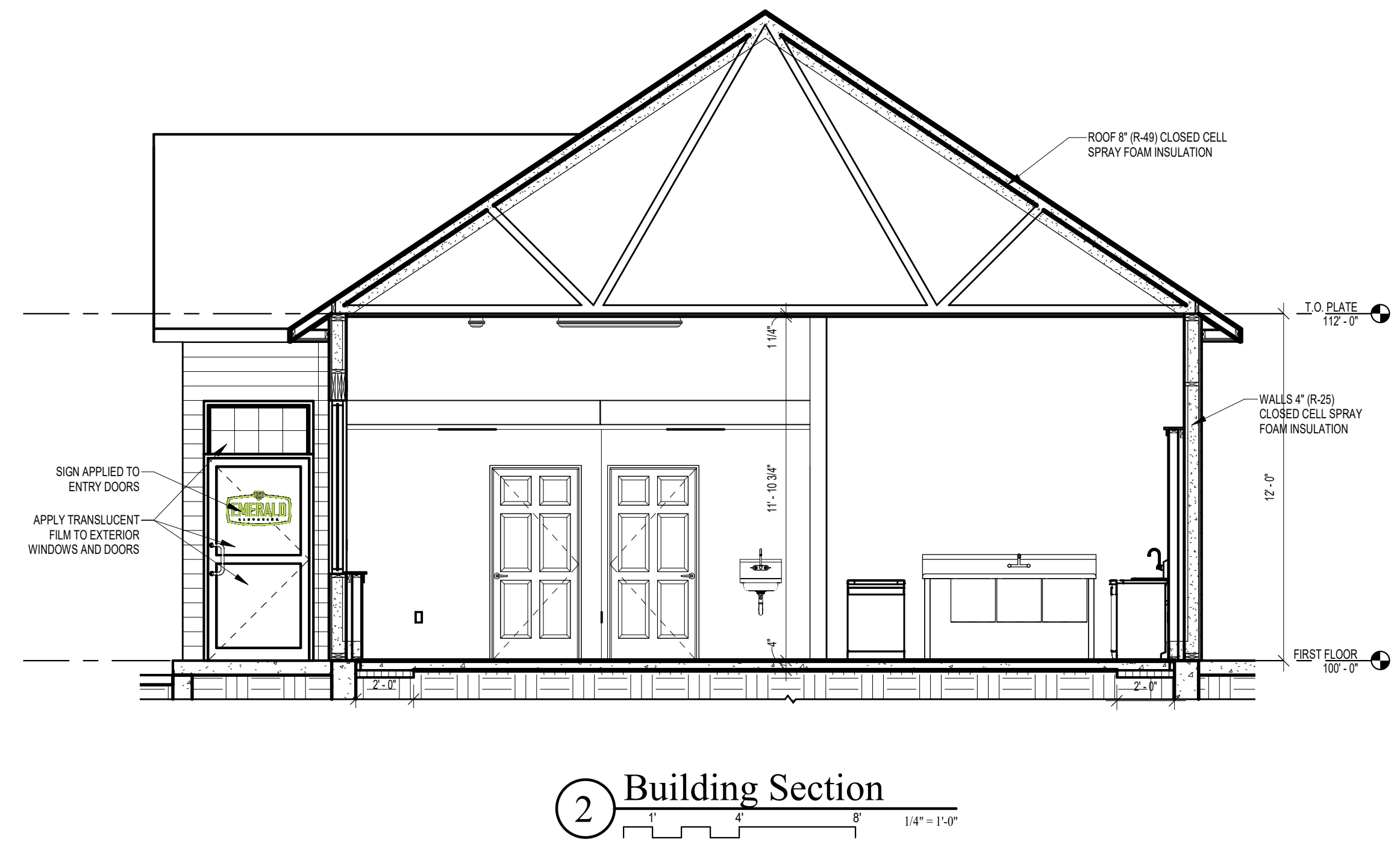
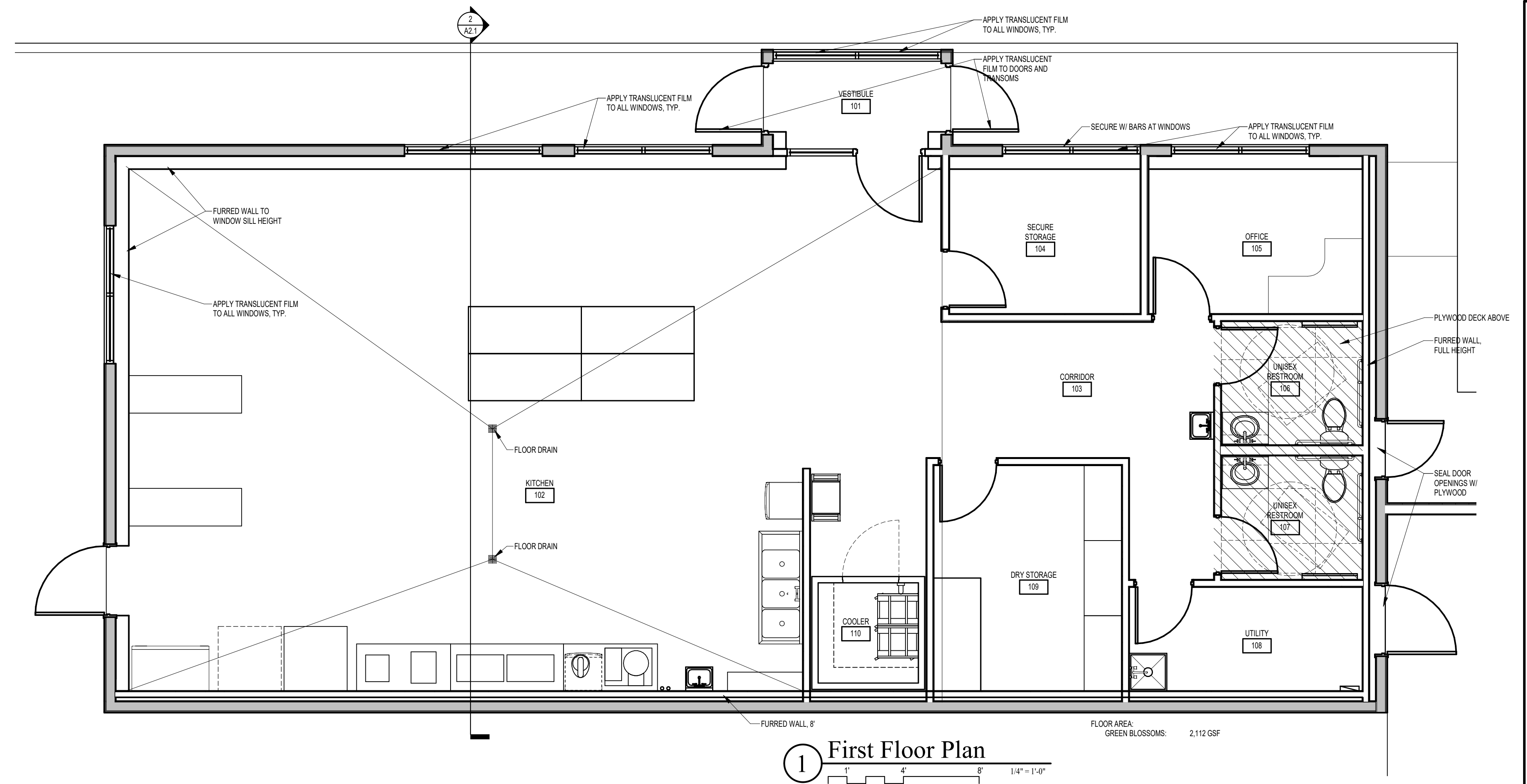
ROBINSON, MARK  
ROBINSON, LEIGH B  
744 MAIN ST  
ELIOT, ME 03903

SHEA, KATY  
17 AQUA AVE  
ELIOT, ME 03903

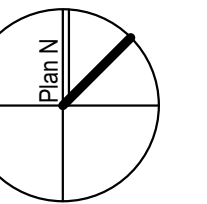
STRANGE, MALLORY  
11 PATRIOTS LN UNIT 4  
ELIOT, ME 03903

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

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



# 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

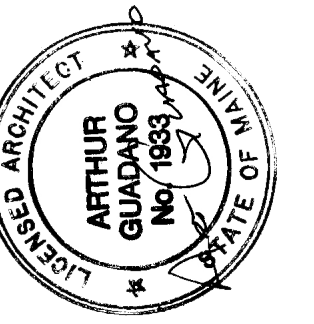
# Green Blossoms

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

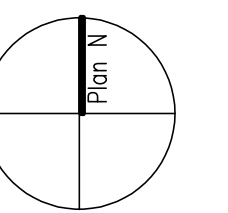
DESIGNER: AG ARCHITECTS, PC  
634 CENTRAL AVENUE  
DOVER, NEW HAMPSHIRE 03820  
ATTN: ART GUADANO, JAMES GIBBONS



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



# Green Blossoms Eliot, Maine



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Consultant:

Revisions:

1. 28 June 2022, Planning Board Update

Date: 6 May 2022

Scale: As Indicated

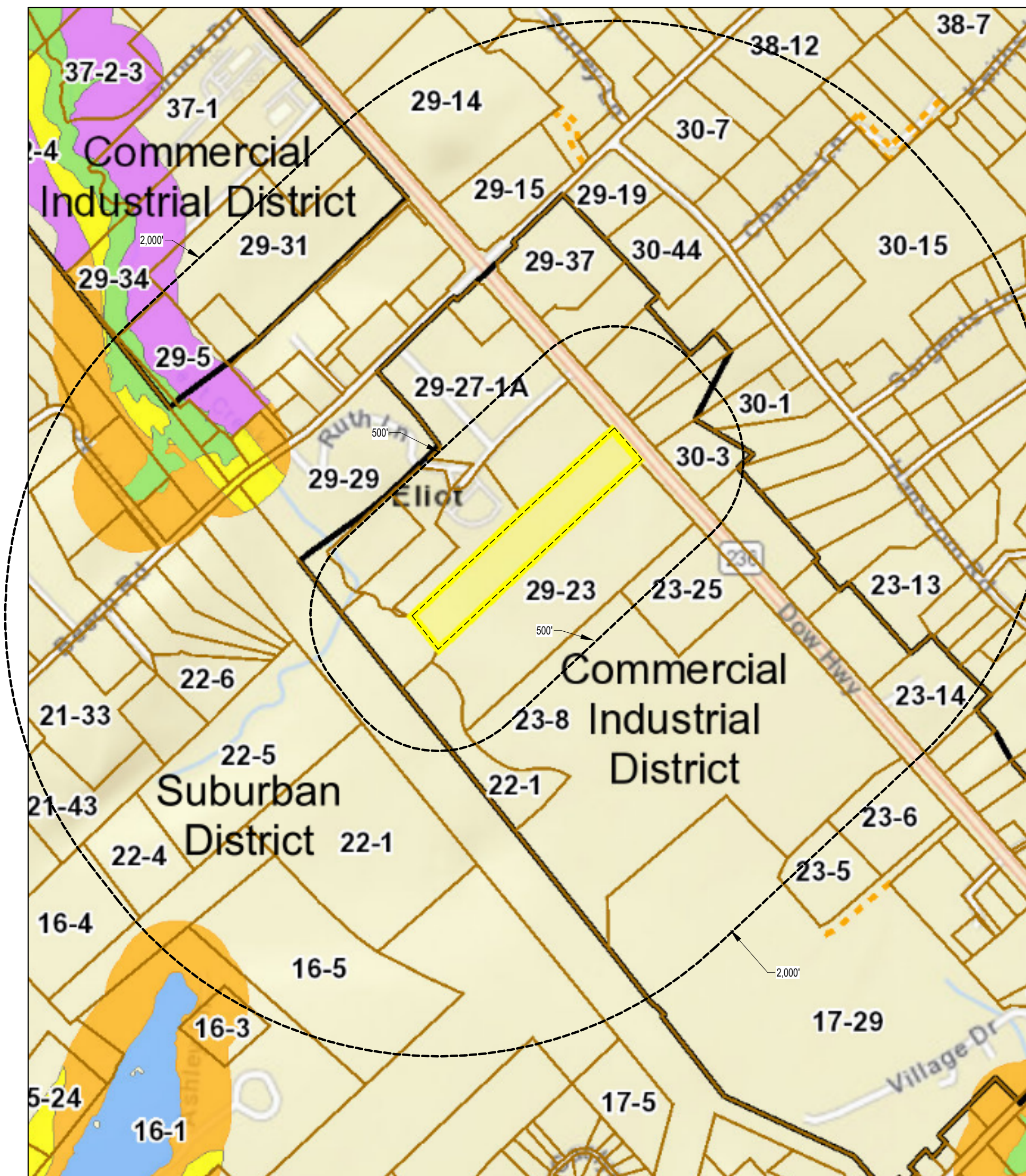
Drawn By: JG Checked By: AG

Sheet: 1 of 5 Project No.: 21-791.1

Sheet Title: Zoning Plan, List of Abutters

Sheet Number:

# C2.1



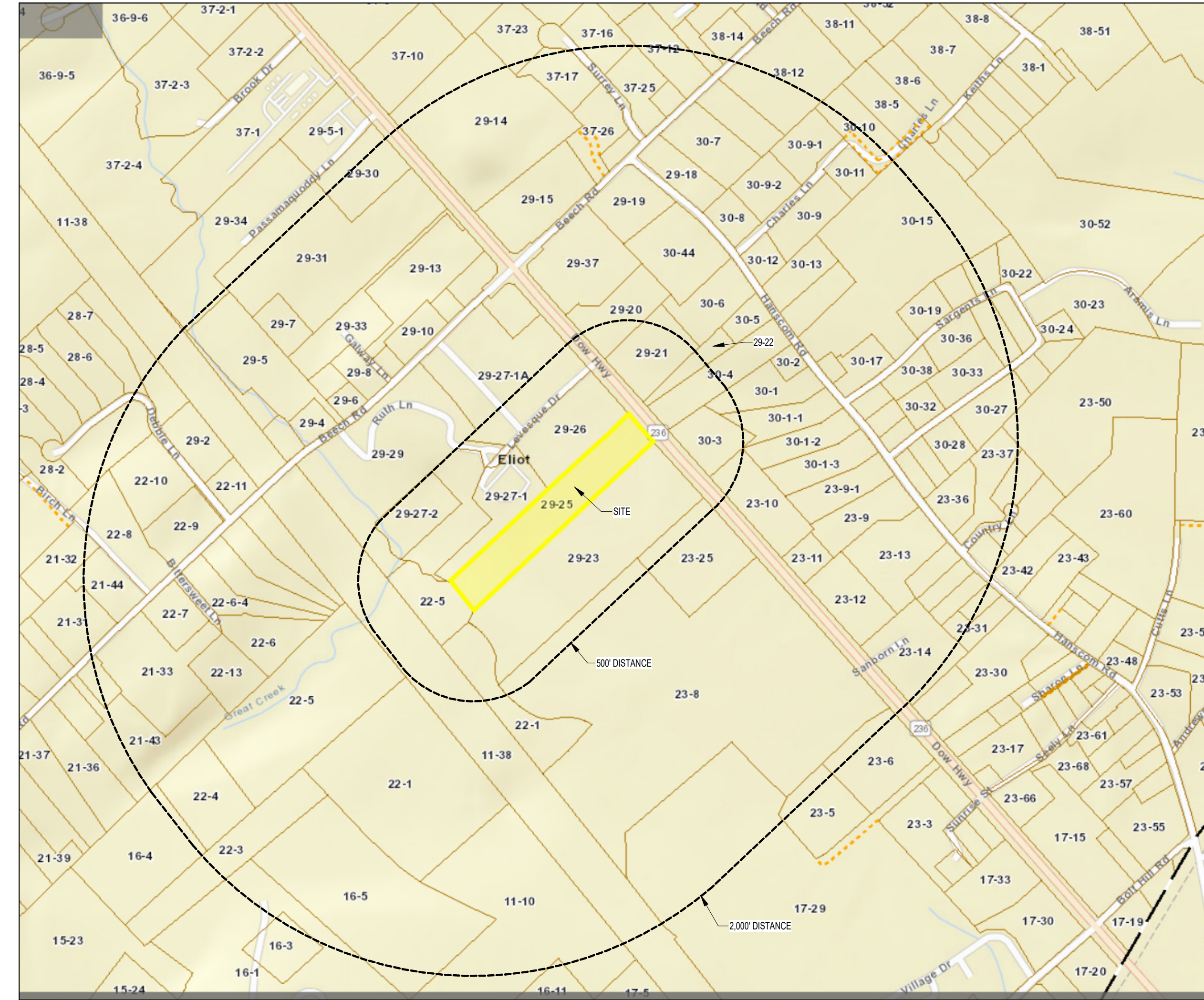
1 Zoning Distances  
Scale: 1" = 500'-0"

## OWNER

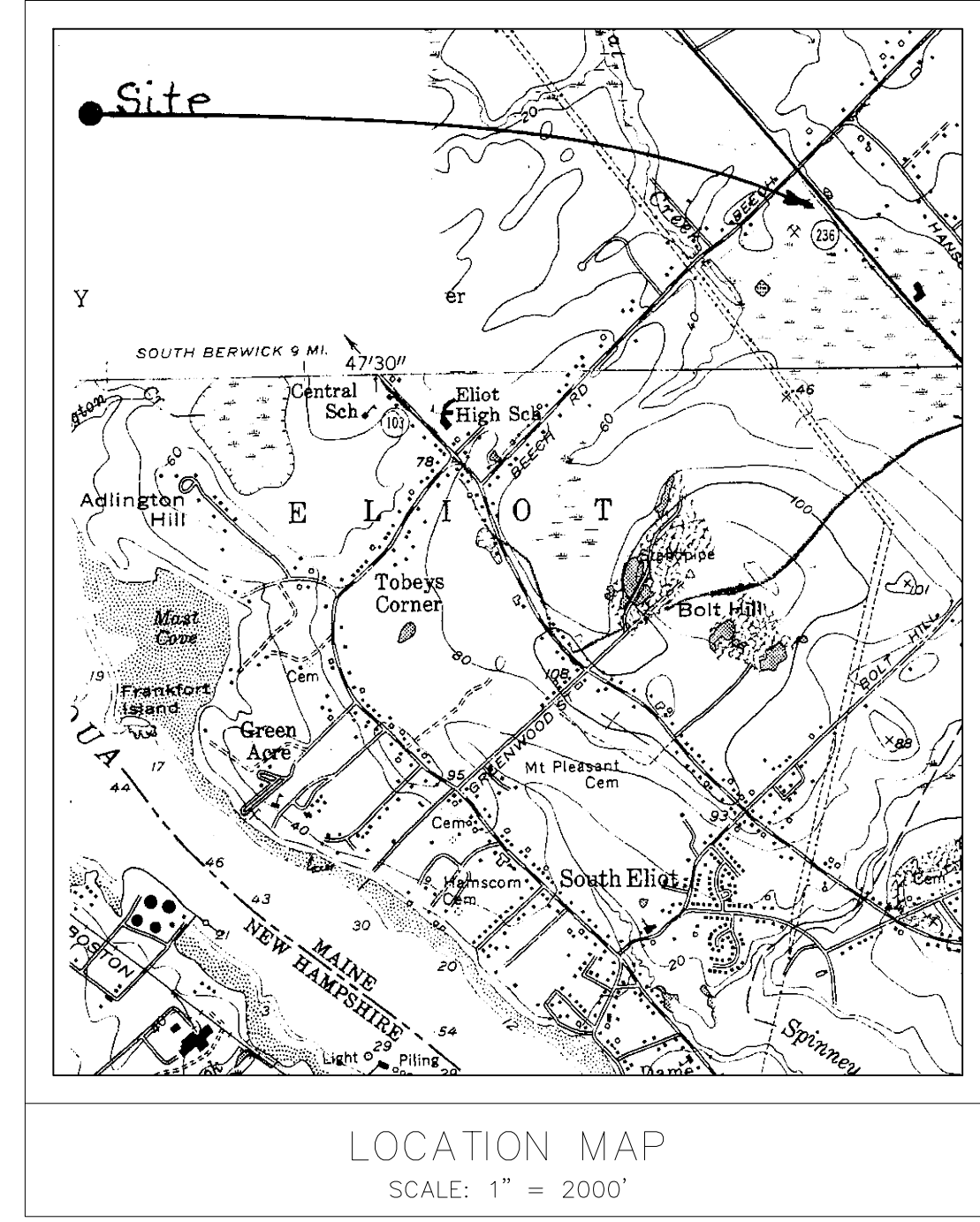
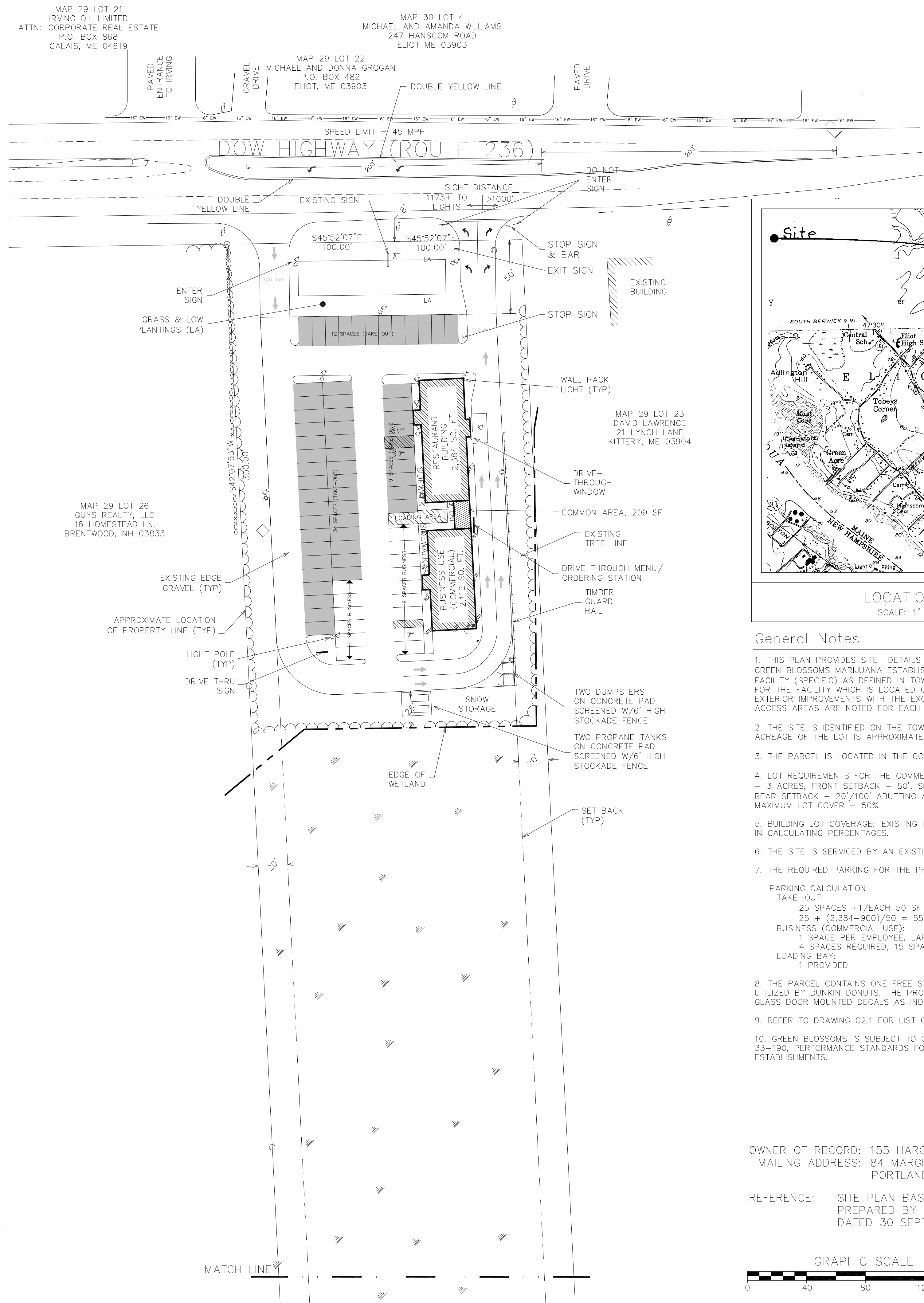
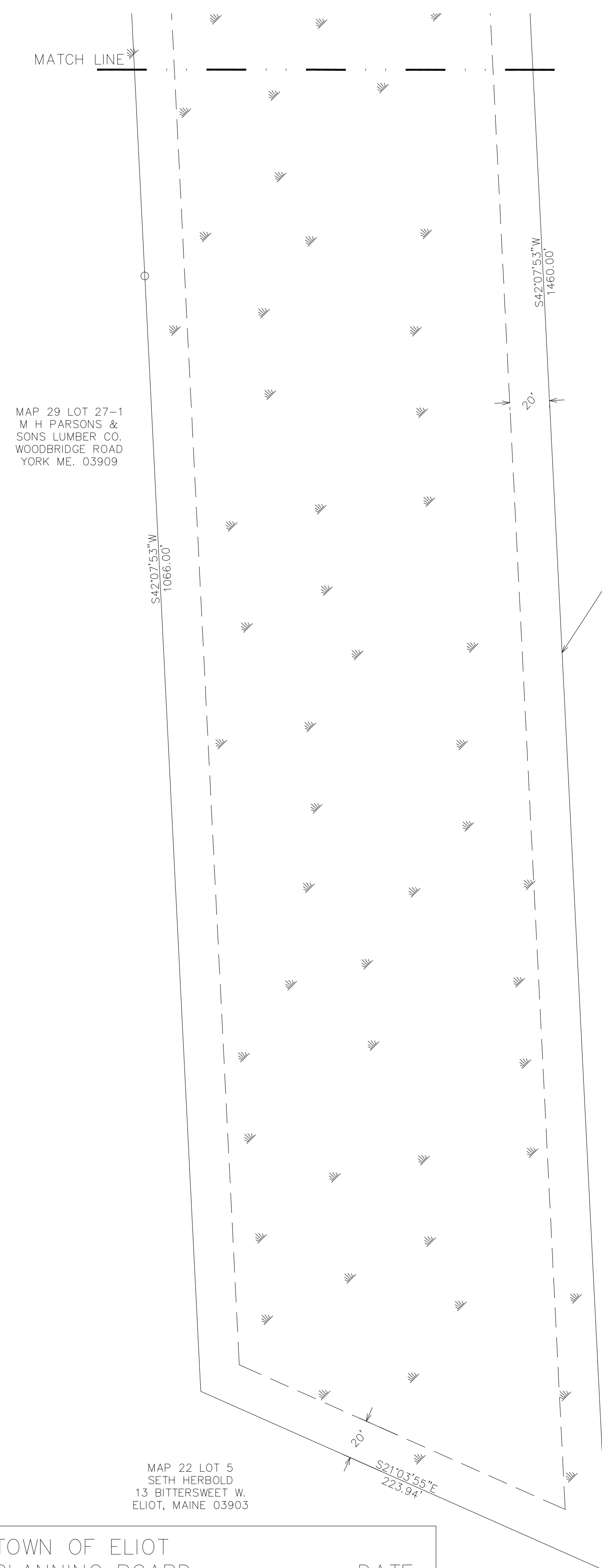
LOT NO.	OWNER
29-25	155 HAROLD DOW HIGHWAY, LLC 84 MARGINAL WAY, SUITE 600 PORTLAND, ME 04101-2480

## 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	COMMERCIAL
22-1	ROBERTA LEAVITT IRREVOCABLE TRUST JEANETTE LASORSA TRUSTEE 1172 STATE ROAD ELIOT, ME 03903	INDUSTRIAL LAND
22-5	SETH HERBOLD 13 BITTERSWEET LANE ELIOT, ME 03903	RESIDENTIAL
23-8	TIM PICKETT PO BOX 242 ELIOT, ME 03903	RESIDENTIAL
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	COMMERCIAL
29-20	PATHFINDER BUSINESS OFFICES, LLC 33 CREEKVIEW DRIVE ELIOT, ME 03903	RESIDENTIAL
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	COMMERCIAL
29-23	DAVID LAWRENCE 21 LYNCH LANE KITTERY, ME 03904	RESIDENTIAL
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"

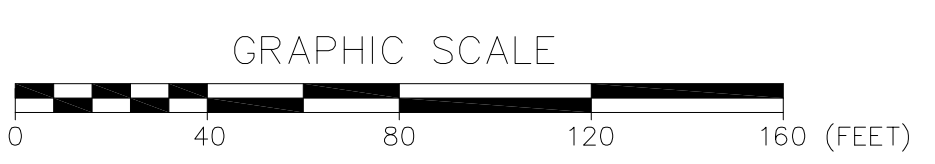


- General Notes**
- THIS PLAN PROVIDES SITE DETAILS FOR THE EXISTING DUNKIN DONUTS RESTAURANT AND PROPOSED GREEN BLOSSOMS MARIJUANA ESTABLISHMENT (GENERAL) AND MARIJUANA PRODUCTS MANUFACTURING FACILITY (SPECIFIC) AS DEFINED IN TOWN OF ELIOT MUNICIPAL CODE OF ORDINANCES, CHAPTER 11-3, FOR THE FACILITY WHICH IS LOCATED ON ROUTE 236 IN ELIOT MAINE. THERE ARE NO PROPOSED EXTERIOR IMPROVEMENTS WITH THE EXCEPTION OF BUILDING MOUNTED LIGHT FIXTURES. PARKING AND ACCESS AREAS ARE NOTED FOR EACH USE AS SHOWN ON THIS PLAN.
  - THE SITE IS IDENTIFIED ON THE TOWN OF ELIOT TAX ASSESSOR'S MAP 29 AS LOT 25. TOTAL ACREAGE OF THE LOT IS APPROXIMATELY 7.69 ACRES.
  - THE PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL DISTRICT.
  - LOT REQUIREMENTS FOR THE COMMERCIAL/INDUSTRIAL DISTRICT ARE AS FOLLOWS: MINIMUM LOT SIZE - 3 ACRES, FRONT SETBACK - 50', SIDE SETBACK - 20'/100' ABUTTING AN EXISTING RESIDENTIAL USE, REAR SETBACK - 20'/100' ABUTTING AN EXISTING RESIDENTIAL USE, MIN. STREET FRONTAGE - 300', MAXIMUM LOT COVER - 50%.
  - BUILDING LOT COVERAGE: EXISTING IS 4,633 S.F. OR 1.38%. A LOT SIZE OF 7.69 ACRES WAS USED IN CALCULATING PERCENTAGES.
  - THE SITE IS SERVICED BY AN EXISTING PRIVATE SEWER SYSTEM MAINTAINED BY ELIOT COMMONS.
  - THE REQUIRED PARKING FOR THE PROPOSED USES IS CALCULATED AS NOTED IN THE CHART BELOW:
 

PARKING CALCULATION	
TAKE-OUT:	
25 SPACES +1/EACH 50 SF > 900 SF	
25 + (2,384-900)/50 = 55 SPACES, 2 OF WHICH ARE ADA ACCESSIBLE VAN SPACES	
BUSINESS (COMMERCIAL USE):	
1 SPACE PER EMPLOYEE, LARGEST SHIFT = 4 EMPLOYEES	
4 SPACES REQUIRED, 15 SPACES PROVIDED, 1 OF WHICH IS ADA ACCESSIBLE	
LOADING BAY:	
1 PROVIDED	
  - THE PARCEL CONTAINS ONE FREE STANDING SIGN WITH A TOTAL AREA OF LESS THAN 100 S.F., UTILIZED BY DUNKIN DONUTS. THE PROPOSED GREEN BLOSSOMS MARIJUANA ESTABLISHMENT WILL HAVE GLASS DOOR MOUNTED DECALS AS INDICATED IN DRAWING C2.3 AND A2.1.
  - REFER TO DRAWING C2.1 FOR LIST OF ABUTTERS WITHIN 500 FEET.
  - GREEN BLOSSOMS IS SUBJECT TO COMPLIANCE WITH ELIOT MUNICIPAL CODE OF ORDINANCES, SECTION 33-190, PERFORMANCE STANDARDS FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENTS.

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

REFERENCE: SITE PLAN BASED ON SITE PLAN INFORMATION  
 PREPARED BY ATTAR ENGINEERING, INC.  
 DATED 30 SEPTEMBER 2004



TOWN OF ELIOT PLANNING BOARD	DATE

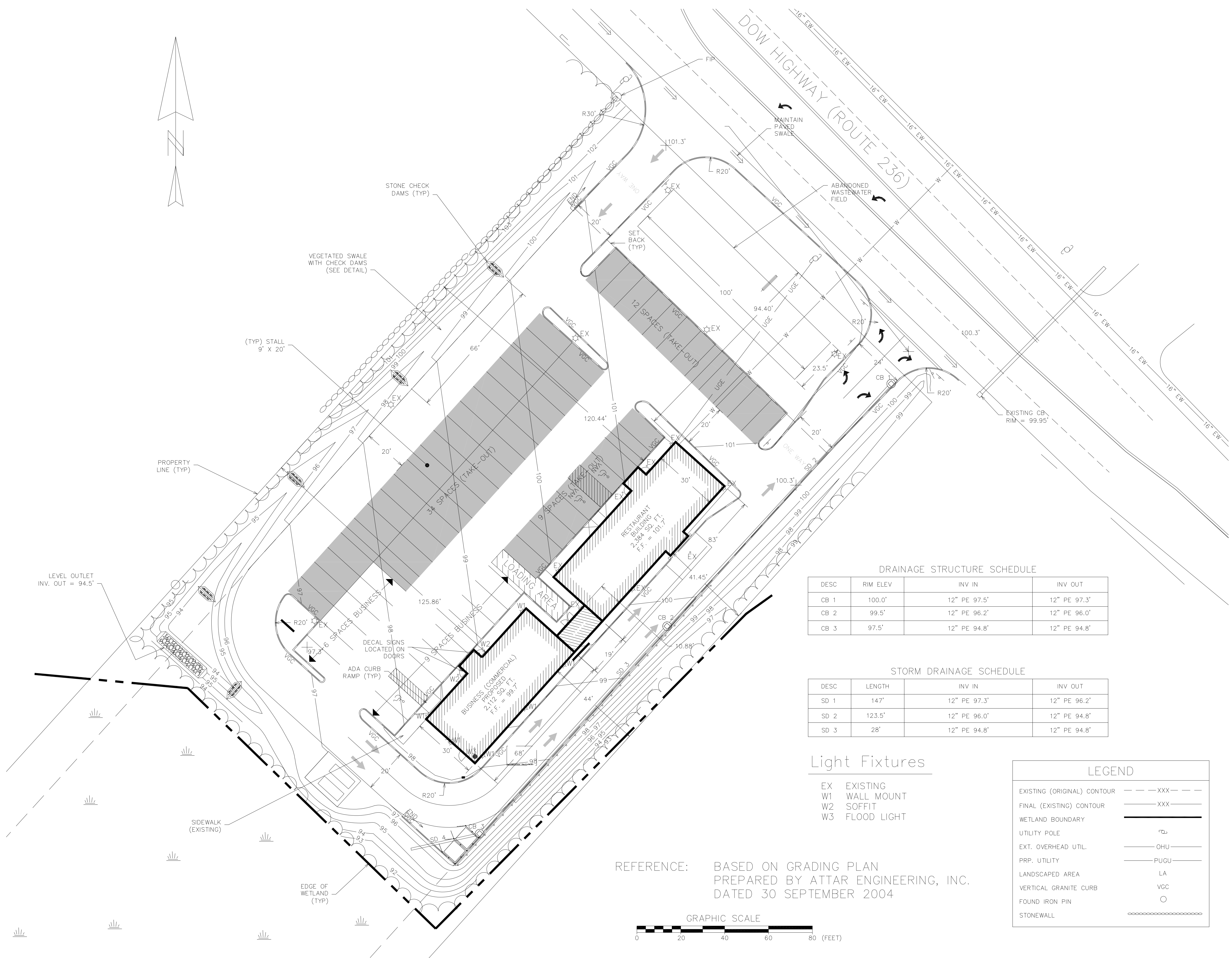
MAP 11 LOT 38  
 PUBLIC SERVICE CO OF NH  
 DBA EVERSOURCE ENERGY  
 P.O. BOX 270  
 HARTFORD, CT 06141-0270

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

# Green Blossoms

## Eliot, Maine

© AG Architects, PC	
Consultant:	
Revisions: 1. 28 June 2022, Planning Board Update	
Date:	6 May 2022
Scale:	As Indicated
Drawn By:	JG
Checked By:	AG
Sheet:	2 of 5
Project No.:	21-791.1
Sheet Title:	Site Plan
Sheet Number:	C2.2



LEVEL OUTLET  
INV. OUT = 94.5'

PROPERTY LINE (TYP)

(TYP) STALL  
9' X 20'

VEGETATED SWALE  
WITH CHECK DAMS  
(SEE DETAIL)

STONE CHECK DAMS (TYP)

34 SPACES (TAKE-OUT)

9 SPACES (TAKE-OUT)

12 SPACES (TAKE-OUT)

LOADING AREA

BUSINESS (COMMERCIAL)  
PROPOSED  
2,112 SQ. FT.  
F.F. = 99.7'

RESTAURANT  
BUILDING  
2,384 SQ. FT.  
F.F. = 101.7'

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'

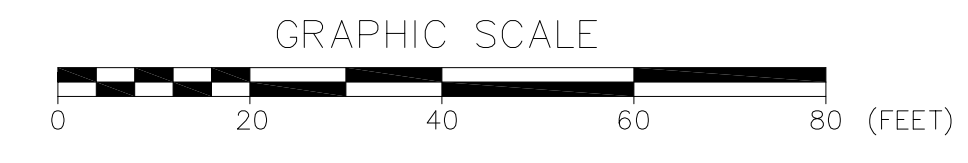
Light Fixtures

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

LEGEND

EXISTING (ORIGINAL) CONTOUR	---XXX---
FINAL (EXISTING) CONTOUR	—XXX—
WETLAND BOUNDARY	=====
UTILITY POLE	⊕
EXT. OVERHEAD UTIL.	—OHU—
PRP. UTILITY	—PUGU—
LANDSCAPED AREA	LA
VERTICAL GRANITE CURB	VGC
FOUND IRON PIN	○
STONEWALL	⊘⊘⊘⊘⊘⊘⊘⊘

REFERENCE: BASED ON GRADING PLAN  
PREPARED BY ATTAR ENGINEERING, INC.  
DATED 30 SEPTEMBER 2004



**AG Architects, PC**  
 634 Central Avenue, Dover, NH 03820  
 E-Mail: [ag@agarchitects.com](mailto:ag@agarchitects.com)  
 www.agarchitects.com  
 Phone: 603-743-3700  
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# Green Blossoms

## Eliot, Maine

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 Consultant:

Revisions:  
 1. 28 June 2022, Planning Board Update

Date: **6 May 2022**

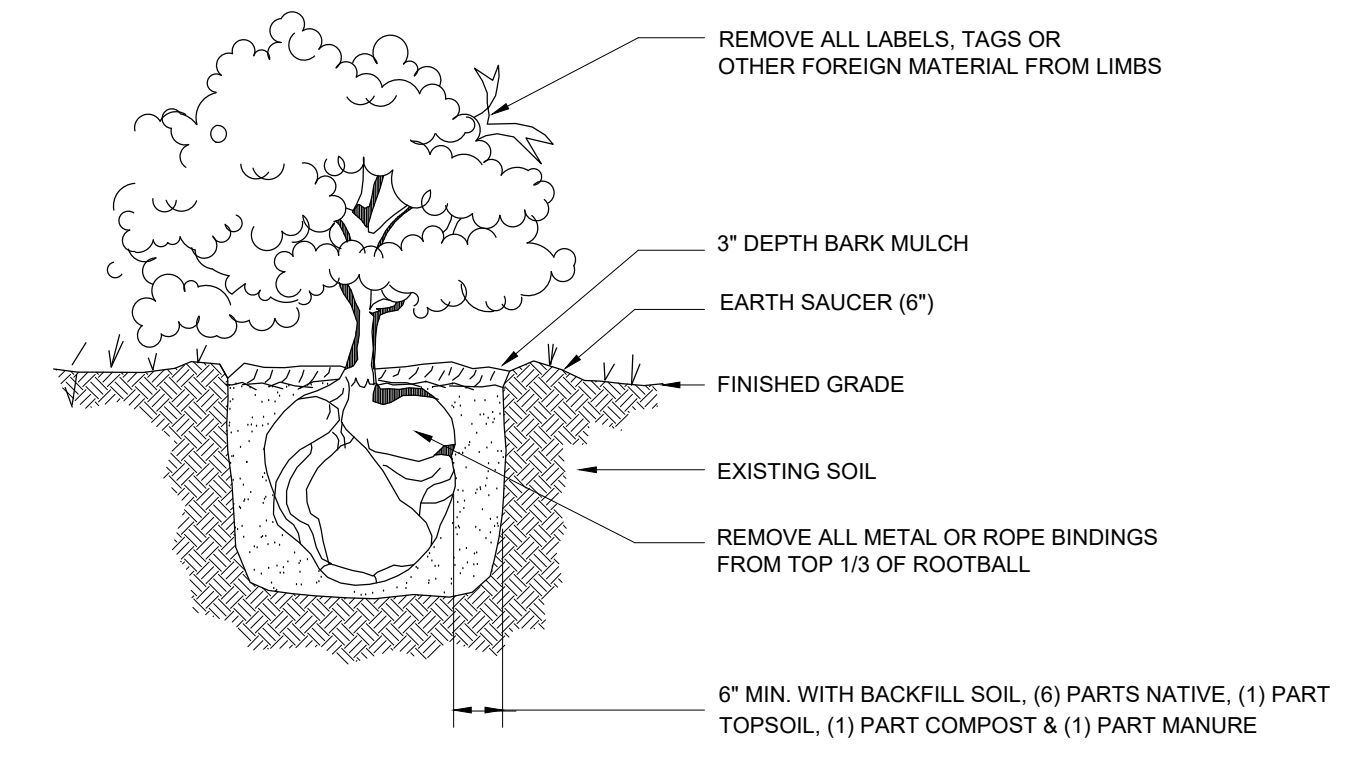
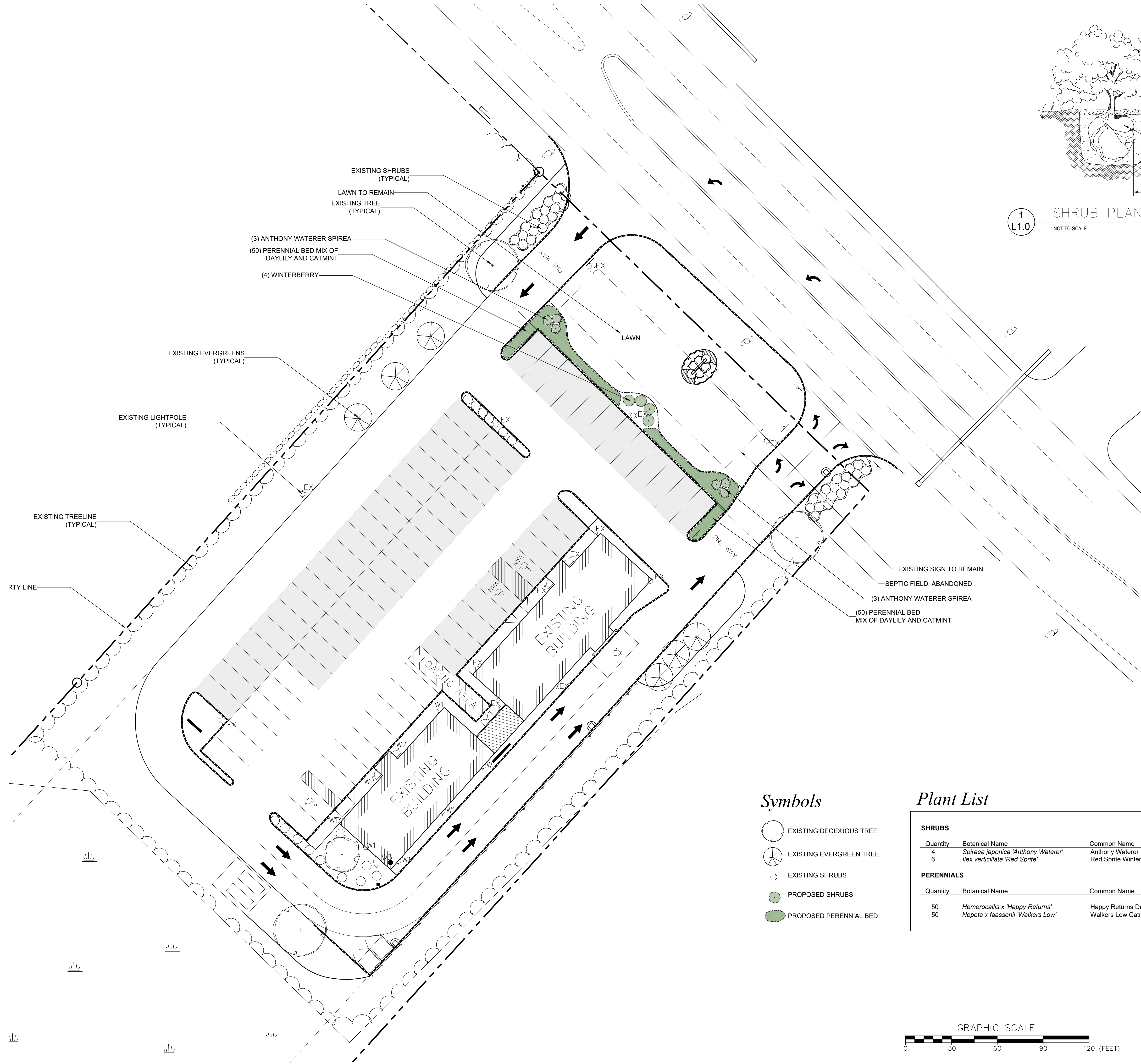
Scale: **As Indicated**

Drawn By: JG Checked By: AG

Sheet: 3 of 5 Project No.: 21-791.1

Sheet Title: **Existing Grading Plan**

Sheet Number: **C2.3**



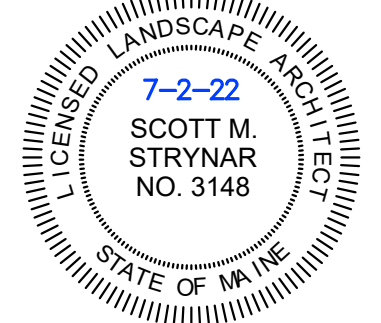
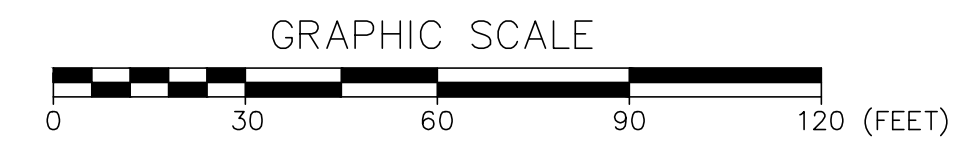
1  
L1.0  
SHRUB PLANTING INSTALLATION  
NOT TO SCALE

**Symbols**

- EXISTING DECIDUOUS TREE
- EXISTING EVERGREEN TREE
- EXISTING SHRUBS
- PROPOSED SHRUBS
- PROPOSED PERENNIAL BED

**Plant List**

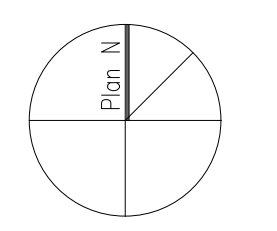
SHRUBS				
Quantity	Botanical Name	Common Name	Size	Comments
4	<i>Spiraea japonica</i> 'Anthony Waterer'	Anthony Waterer Spiraea	2-2.5 ft. ht.	Summer Bloom
6	<i>Ilex verticillata</i> 'Red Sprite'	Red Sprite Winterberry	2-2.5 ft. ht.	Red Berries, Fall/Winter
PERENNIALS				
Quantity	Botanical Name	Common Name	Size	Comments
50	<i>Hemerocallis x 'Happy Returns'</i>	Happy Returns Daylily	2 Gal.	Multi-bloom
50	<i>Nepeta x faassenii</i> 'Walkers Low'	Walkers Low Catmint	2 Gal.	Fast growing



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# Green Blossoms

## Eliot, Maine



© AG Architects, PC  
 Consultant:  
 Scott Strynar Landscape Architect, LLC  
 98 Meehan Lane  
 North Berwick, ME 03906  
 (t) 207-957-4441

Revisions:  
 1. 28 June 2022, Planning Board Update

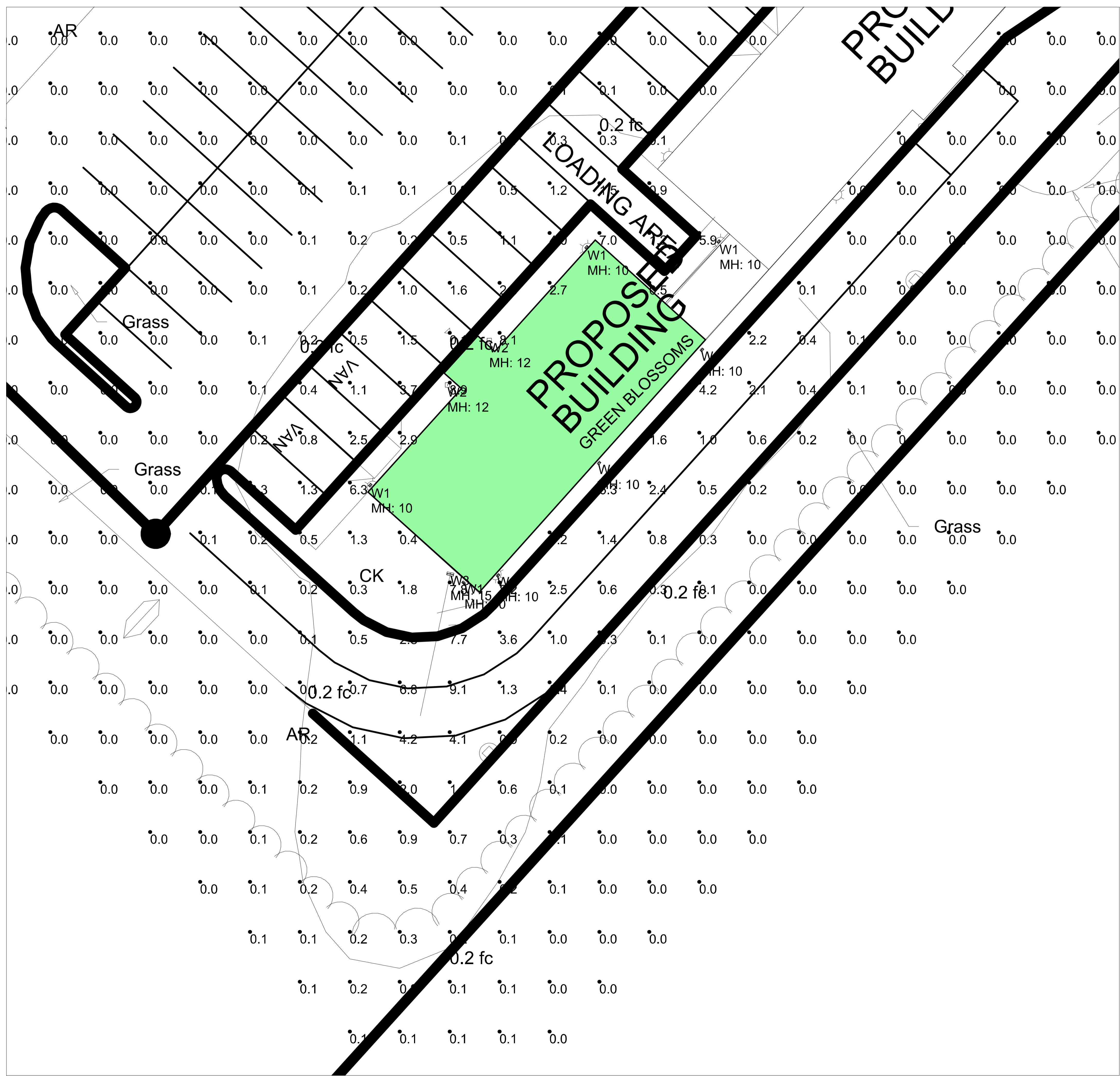
Date: **28 June 2022**

Scale: AS SHOWN

Drawn By: SS	Checked By: SS
Sheet: 4 of 5	Project No.:

Sheet Title:  
**Landscape Treatment Plan**

Sheet Number:  
**C2.4**



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

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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  
 REF. NO. 207-883-7100 - swaneylighting.com  
 GENERATED BY SWANEY LIGHTING, SCARBOROUGH ME

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 MANNER WITHOUT THE WRITTEN CONSENT OF SWANEY LIGHTING ASSOCIATES. ANY VARIATION IN FIXTURE PERFORMANCE FROM THAT SHOWN IN THIS DRAWING IS THE RESPONSIBILITY OF THE USER. IT IS THE RESPONSIBILITY OF THE USER TO VERIFY THAT THE PRINTED OR PLOTTED-TO-SCALE DRAWING IS PRINTED TO SCALE.



## Odor mitigation

Paired with our air circulation system listed within the mechanical plan we will use Distillate as the sole cannabis ingredient in our edibles.

What is cannabis distillate? Distillate is derived from a process of a refined extraction of the cannabis plant. The process used is called winterization. This process is a refinement technique using cold temperatures to separate lipids and other plant matter from the plant.

The result is a thick translucent oil devoid of the waxes and other compounds unwanted from the plant. The terpenes and flavonoids are removed from the plant which are responsible for aromas, flavors and even colors associated with cannabis.

What's left is the honey like consistency liquid, with no smell or taste. During the extraction process all that is left are the desired cannabinoids either Tetrahydrocannabinol (THC) or Cannabidiol (CBD). This making it easier and more desirable for infusing in edibles given its pure "clean" form.

Any odor that may be emitted from the property (if any) will simply be the smell of chocolate, fruit or sugars.

There will be absolutely no raw cannabis material used within the space eliminating any concerns of odors affecting any neighboring properties. Our process will be much like adding agave nectar, honey or any other sweetener to our products.

We chose the utilization of this method/product for infusion, not only for its purity but also for its characteristics of being odorless and flavorless.



**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: July 20, 2022 (report date)  
 July 26, 2022 (meeting date)  
 Re: PB22-9: 771 & 787 Main St. (Map 6, Lots 43, 44, & 154) – Clover Farm Subdivision (8 lots) – **Sketch Plan Review**

<b>Application Details/Checklist Documentation</b>	
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
<b>Sketch Plan</b>	
✓ 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; July 26, 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

#### **Submitted June 16, 2022**

- Sketch Plan dated 6/16/22 (emailed to Planner but after 6/21 packet was sent out)

#### **Submitted July 19, 2022**

- Cover letter dated 7/19/22
- Email correspondence between applicant team and Town Planner regarding TIA, 6/23/22 to 7/18/22
- 2009 Comprehensive Plan future land use map excerpt, map showing other subdivisions, and Open Space Development sketch plan, related to Open Space Development discussion
- Sketch plan, 7/19/22 revisions

### **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 (7/26 update)**

<b>Standard</b>	<b>Planner review</b>
Min. lot size: 1 acre [41-255; 41-218(e); 45-405]	<b>Met.</b> Lots vary from 1.02 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.	<b>Appears to be met</b> for Lots 1-4 and 7-8. Lots 5-6 show <100 ft. of frontage: <ul style="list-style-type: none"> <li>• Lot 5: 97 ft.</li> <li>• Lot 6: 69 ft.</li> </ul> This is not necessarily uncommon for lots on a cul-de-sac, and 41-255(g) allows up to 50% modification for cul-de-sac lots. <b>PB modification needed for Lot 5-6 frontages per 41-255(g) and 41-66. See sketch plan Notes 3 &amp; 6 (applicant’s waiver request) and 6/14 cover letter.</b>
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. <b>45-405 appears to be met</b> , and no lesser setbacks are proposed.
Min. shore frontage: 100 ft. [44-35(a)(1)]	<b>Met.</b> Lots 5-6 each have 188 ft. of frontage.
Structure shoreline setback: 75 ft. from top of unstable coastal bluff [44-35(b)(1)]	<b>Appears to be met.</b> Setback line shown on plan with proposed structures behind it.
Max. non-vegetated footprint in shoreland zone: 20%	<b>Potentially appears to be met.</b> See sketch plan Note 7. Calculation has been updated and clarified to show that Lots 5 & 6, taken together, meet the 20% standard accounting for all proposed non-vegetated surfaces.

**Subdivision road (7/26 update)**

Per 4/12/22 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.

<b>Minor road (&lt;15 lots) standard (Ch. 37)</b>	<b>Planner review</b>
Min. right-of-way: 40 ft.	<b>Met.</b> 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.	<b>Appears to be met.</b> Sketch plan notes 18’ pavement.
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.	<b>Met.</b> 5 ft. sidewalk proposed, per 41-221(a)(4), now shown on northwest side of the road, per 6/21/22 abutter comment and PB discussion.
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	<b>Visually appears to be met</b>
Min. centerline radius of curves: 100 ft.	<b>Visually appears to be met</b>
Min. tangent length b/t reverse curves: 100 ft.	<b>Visually appears to be met</b>
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’	<b>Met.</b> 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 areas shown on sketch plan within cul-de-sac and other areas along the road; PB may require landscape plan per 45-215.
Min. cul-de-sac pavement width around the center island: 25 ft.	<b>Appears to be met.</b>
Sight distance	Generally addressed on sketch plan and 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.

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 previously provided correspondence.
- 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 85<sup>th</sup> percentile speed was significantly higher than the posted speed limit. 85<sup>th</sup> percentile speed is the speed that is exceeded by 15 percent of drivers.
  - In her 6/23/22 email (attached), Ms. Morabito further notes: “Since those sight distances are good for 45 mph speeds there are no sight distance concerns.”
- 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.”
- **7/26 update:** See 7/19/22 cover letter and attached email correspondence between the applicant’s representatives and myself providing additional information, per the PB discussion, on trip generation, the effect of delivery traffic trends vs. work-from-home trends, and background traffic and other developments – e.g. 76 Dennett Rd. (under construction) and 98 Dennett Rd. (previously proposed 900-unit mixed use development, no longer active due to rezoning) in Kittery.

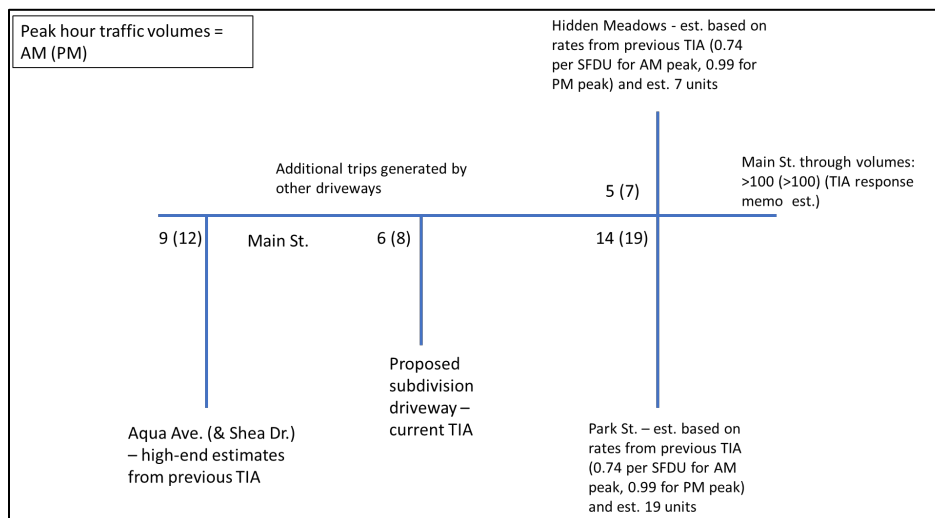


Figure 1. Conceptual summary of peak-hour traffic volumes based on data submitted or estimates from trip generation rates. Please note this is my own summary and not an excerpt from applicant submittals.

### Stormwater/water quality; soils; erosion & sedimentation control

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

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

See sketch plan Note 9 and the provision of deer-resistant arbor vitae between proposed Lot 6 and the abutting property. At the 5/17/22 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.

**7/26 update:** Per my review letter (attached), proposed buffering has been updated [41-215(b)]. The sketch plan now shows a row of arbor vitae buffering between the proposed road and neighboring property Map 6, Lot 42, and along the southeastern property line between the Park St. properties and Lots 6-8, within the rear yard setback. Per 7/19/22 cover letter, applicant is surveying the entire parcel’s tree line “including all locations of trees greater than 24” DBH [diameter at breast height], which shall be added to the plan with the intent of preserving as many as practicable”.

### Preservation of historical and natural features and traditional land use pattern (41-216) (7/26 update)

As noted in previous reviews, the site includes the Remick family cemetery 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. With the EHS and Planning Board now having issued advisory opinions (see attached) on the plan to dismantle, relocate, and rebuild the barns, the demolition permit review continues, as the Code Enforcement Officer is seeking more information from the demolition permit applicant. A landscape plan (41-215) and the preliminary plan historic statement [41-150(13)] could be required at preliminary plan stage.

#### *Remick Cemetery*

EHS and applicant correspondence on Remick Cemetery access is in previous packets. There is now a 20' access easement shown on the sketch plan from the cul-de-sac to the cemetery, along the sidelines of Lots 4-5. Per the 6/21/22 meeting, sketch plan Note 12 now states, in part: “Should the proposed travelway be maintained as a private road, this access easement shall extend along the proposed travelway out to the intersection with Main Street”.

#### **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) (7/26 update)**

Per 41-220(c), the PB should decide whether or not to require up to 10% of the total area (1.095 acres) for open space and other public sites. This question is distinct but related to the discussions below of land reservation (41-256) and an Open Space Development design (45-467). It would not need a waiver because it is a “PB may require” provision.

Other aspects of 41-220 should be addressed in the preliminary plan [41-150(17)]. Unless the PB permits otherwise, utilities will need to be underground.

#### **Traffic and streets (41-221) (7/26 update)**

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. The subdivision road includes a sidewalk [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, the sketch plan now shows a proposed 5 ft. easement adjacent to the existing Main St. R/W to be dedicated.

#### **Reservation of land (41-256) (7/26 update)**

Per their 7/19/22 cover letter and sketch plan Note 6, the applicant is requesting a waiver for 41-256(a) & (b) together – bundling the topics of general reservation of land for park and-or recreational purposes (a) and, more specifically, including a portion of waterfront area at least 200 ft. wide in the reserved land (b). The cover letter includes the applicant’s justification for the waiver request. I suggest that the PB review each topic individually.

1. *Reservation of land for park and-or recreational purposes, generally*
  - a. Should the applicant reserve parks and-or recreation space per 41-256(a)?
  - b. Should the PB grant a waiver from these requirements per 41-256(c), using the standard waiver criteria in 41-66?
  - c. If the PB decides to grant the waiver:
    - i. should the PB require a cash payment in lieu of land reservation? “Such payment shall be placed in a trust fund to be used exclusively for the purchase and development of sites for parks, playgrounds, and other recreational purposes and would serve the proposed subdivision.” [41-256(c)] A per-lot amount would then need to be determined.
    - ii. should the PB require the applicant to provide space for future municipal uses, in accordance with a five-year option for town purchase after which the space may be sold for other development?
  - d. If the PB does not grant the waiver, the sketch plan will need to be updated accordingly to show the required reserved land and consistency with the 41-256(a) open space standards.
  - e. In support of the waiver, the Boat Basin is about ½ mile away and has amenities such as a play area, the boat launch, the beach, and a picnic pavilion. A ½ mile radius is the service area cited in the 2009 Comp Plan (pp. 86-87) for Neighborhood Playgrounds (2-10 acres). This is not a focus area of the 2010 Eliot Open Space Plan. The Comp Plan and Open Space Plan recognize the village area as a growth area. Also, it’s not clear what the level of neighborhood or community interest is in such a reservation of land, or, if reserved for public use, the Town’s capacity to maintain such land.
  - f. Against the idea of a waiver, there are no mini-parks within ¼ mile of the site, which is the service area radius cited in the Comp Plan. If there was a documented need for a mini-park or similar small public recreation area, and capacity to maintain it, reservation of land here could potentially fulfill that need.
  - g. If the waiver is approved, I recommend a condition that a reasonable per-lot payment-in-lieu be made per 41-256(c), with the exact amount to be determined as part of preliminary plan review.
2. *Whether a portion of the reserved land should include the riverfront area*
  - a. This question is moot if the PB approves the waiver in #1.
  - b. If the PB does not approve the waiver in #1, the PB should then decide on the appropriateness of this waterfront reservation requirement.
  - c. Because 41-256(b) says “when feasible”, the PB could find that it is infeasible, because of the reasons presented in the 7/19/22 cover letter. If so, I do not believe a distinct 41-256(b) waiver would be necessary because the applicant would be in compliance.
  - d. If the PB finds it feasible, then the applicant would need to provide such reservation or request a separate waiver of 41-256(b).

Motion templates are below. In my opinion, this waiver question should be decided at the sketch plan stage since the question of reservation of land affects the layout of the sketch plan.

### **Open Space Development (45-467) (7/26 update)**

At the 6/21/22 meeting, Board Member Bennett suggested that the applicant consider an Open Space Development (OSD) design instead of a conventional subdivision. As was discussed, the OSD approach is “at the discretion of the applicant” in this location [45-467(a)], and the applicant is entitled

to a conventional subdivision review. The applicant has responded in their 7/19/22 with their opinion of an OSD approach's effect on preservation of trees and other vegetation, a citation of other conventional subdivisions in the Village zone, the attractiveness of 1-acre lots, and the issues with an OSD approach related to the existing Growth and Building permits on Lot 6. An OSD sketch plan, for demonstrative purposes, is included in the applicant's 7/19/22 submittal.

### **Recommendations (7/26 update)**

#### *Street separation waiver*

Written responses have all been received from the Police Chief, Fire Chief, and Public Works Director. If at least four PB members are present, 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. There is merit in believing that trip generation per lot may be higher in this day and age due to an increasing reliance nationwide on delivery vehicles, or that some lots that eventually add ADUs after buildout could see increased trip generation, but that could be at least somewhat offset by the increasing prevalence of working from home, especially for peak-hour trips.

The TIA and sketch plan have demonstrated that there is adequate sight distance at the proposed intersection, assuming no new obstructions. The entrance is proposed near the midpoint between Aqua Ave. and Park St., nearly maximizing the separation to each adjacent intersection. The intersection has been moved slightly northwest to better align with a driveway across the street and avoid a utility pole. 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, per Section 37-57, I recommend that the PB approve the waiver request, with conditions.

### **Motion template (7/26 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 = 341 ft.
- Proposed intersection to Park St = 371 ft.

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 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. As long as there are four voting members, I recommend that the PB decide on this waiver at the July 26 meeting.

*Minimum street frontage waiver*

I recommend that the requested minimum street frontage modification for Lots 5 & 6 be approved at the July 26 meeting, per 41-66 and 41-255(g).

**Motion template**

*Approval (recommended)*

Motion to approve a modification, pursuant to Sections 41-66 and 41-255(g), 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%.

*Reservation of land waiver*

### **Motion template**

#### *Approval of waiver (recommended)*

Motion to approve a waiver, pursuant to Sections 41-66 and 41-256(c), from the requirement to reserve land for park and-or recreational purposes.

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: The Boat Basin is about ½ mile away and has recreational amenities that would be close by. A ½ mile radius is the service area cited in the 2009 Comp Plan (pp. 86-87) for Neighborhood Playgrounds (2-10 acres). This is not a focus area of the 2010 Eliot Open Space Plan. The Comprehensive Plan and Open Space Plan recognize the village area as a growth area. No documented neighborhood or community consensus has been presented for such a reservation of land, and it is not clear the Town has the fiscal capacity to maintain such land, if it became public.

The following are conditions of approval:

1. The applicant shall provide a reasonable per-lot payment-in-lieu of reserving land, to be calculated during preliminary plan review.
2. \_\_\_\_\_ [Other conditions if desired]

### **Site walk**

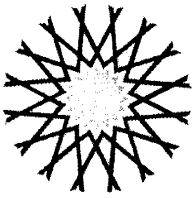
A site walk was held on May 31, 2022, and summarized in my 6/21/22 meeting staff report.

### **Performance guarantee (41-176; 33-132)**

Expected to be addressed at future submittals.

**\* \* \***

Respectfully submitted,  
Jeff Brubaker, AICP; Town Planner



# ATTAR

ENGINEERING, INC

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

July 19<sup>th</sup>, 2022  
Project No. C174-21

**RE: Sketch Subdivision Review – Staff Review Letter 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 presented in 'Review Letter 1' prepared by the Town Planner received on July 18<sup>th</sup>, in the Memo prepared by Planning Board Member Christine Bennett received on June 20<sup>th</sup>, and during the June 21<sup>st</sup> Planning Board meeting.

- Regarding the Traffic Impact Analysis for this application, attached is the lengthy correspondence between the Applicant's engineer, Town Planner, and third-party Traffic Engineer who prepared the original TIA. Within this correspondence are the addressing of comment raised at the June 21<sup>st</sup> Planning Board meeting: if there are more current trip generation rates that the TIA should have its analysis based on, if the TIA considers "actual traveled speeds" of the corridors in question, and if the neighboring Dennett Landing development should affect the claims of this TIA.
- The Sketch Subdivision Plan has been revised to depict the proposed sidewalk running along the north side of the proposed travelway as requested and discussed during the June 21<sup>st</sup> meeting. Additionally, the sideline between Lot 1 & Lot 2 has been adjusted slightly to allow for the reservation of a 5' easement along the Main Street frontage to facilitate a future sidewalk being constructed along Main Street as outlined in the Town of Eliot Comprehensive Plan for growth areas. The sideline in question was required to be moved to maintain 1 acre of lot area for Lot 1.
- General Note #9 on Sheet 1 has been revised to reference the vegetative screening that is proposed along the entire southern property line of the proposed development. Attar Engineering is in the process of surveying the updated existing treeline for the entire parcel, including all locations of trees greater than 24" DBH, which shall be added to the plan with the intent of preserving as many as practicable.
- General Note #6 on Sheet 1 has been revised to include the additional requested waiver for §41-256(a) & (b) for reservation of land for active and passive recreation purposes. In defense of the waiver request, the Applicant would like to make mention of the following:
  - The geometry of this specific site, namely the existing Growth Permit and Building Permit for the residence being constructed on proposed Lot 6 and the upcoming

similar permits for the residence on proposed Lot 5, creates a development where a reservation of communal area would result in either the loss of a proposed lot or the segregation of Lots 5 & 6 from the remainder of the development, which the Applicant has provided testimony against during previous Planning Board meetings.

- Regarding the reservation of waterfront land, the following is an excerpt from the Town of Eliot Code of Ordinances (§41-256(b)):

*Where the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land. The land so reserved shall be at least 200 feet wide measured perpendicularly from the normal high water mark.*

Additionally, another excerpt from the Code of Ordinances (§44-35(a)(1)):

*Minimum shore frontage: The minimum shore frontage shall be equal to or greater than the minimum required street frontage of the nearest adjacent non-shoreland zoning district, as indicated on the Official Zoning Map, and as outlined in section 45-405 of the Eliot Zoning Ordinance.*

The overall shore frontage along the Piscataqua River totals to 376', with Lots 5 & 6 both proposing to have an even split of 188' of the shore frontage. Were a reservation of waterfront to be considered, a minimum of 200' of the available 376' would be required to be dedicated to such reservation, leaving only 176' remaining and therefore requiring the reconfiguration or loss of one of the lots in the proposed development.

- In response to the lengthy Memo prepared by Planning Board member Christine Bennett on June 19<sup>th</sup> and her suggestions for consideration of an Open Space Development, the Applicant offers the following comments:

- Firstly, as outlined within the prepared Memo by Ms. Bennett, an excerpt from the Town of Eliot Code of Ordinances (§45-467(B)):

*The adoption of this section shall establish a critical rural overlay on the official Eliot Zoning Map. Upon adoption of this section, all subdivision projects, located in the critical rural overlay, as designated in the Future Land Use Map of the Eliot Comprehensive Plan, adopted in 2009, which involve five lots or more within any ten-year period, shall be designed as open space subdivisions. All other subdivision projects may be designed as open space developments at the discretion of the applicant.*

An excerpt from the Comprehensive Plan highlighting the Critical Rural Overlay is attached, showing that the overlay in question is limited to most portions of the Rural zoning district that are north and east of Route 101. The subject parcel, being riverfront property in the Village district, is well removed from this overlay and therefore consideration of an Open Space Development is at the discretion of the Applicant. Since Board Member Bennett has submitted this memo into record with Town Staff, the Applicant has chosen to entertain said memo as part of this response package.

- The Memo's suggestion that an Open Space Development would result in the retention of the natural vegetation on-site is not necessarily a correct one. An Open Space Development as proposed in this Memo would condense 6 of the 8 proposed lots closer to Main Street, and with smaller building envelopes that

would likely result in the removal of large portions of the existing stands of trees and vegetation located in the sideline of proposed Lots 2 & 3 as well as the entirety of Lot 8 (as currently proposed in the Conventional Subdivision). Lots in the conventional subdivision are of a size that would allow prospective buyers to be more selective with the maintenance of the stands of vegetation.

- The Memo's assertion that an Open Space Development (and the smaller lots that it creates) would be more in-keeping with the settled pattern in the Village district is arguably a false assertion. Attached is a publish of the Town of Eliot GIS service that depicts the majority of the Village district and highlights 5 other conventional subdivisions of similar size and makeup (simple cul-de-sac servicing 1-acre lots) to that of this proposed application.
- Concerning the Memo's suggestion that a common area would be a more attractive amenity to prospective buyers, the Applicant would like to counter by suggesting that having an acre of prime land complete with a reserve of trees and vegetation is an extremely attractive amenity.
- Lastly, as discussed in an earlier bullet within this cover letter, the configuration of the existing combination of parcels, along with the Applicant's existing pursuits of Growth and Building permits, does not lend itself well to supporting an Open Space Development. An Open Space Development Sketch Plan has been prepared and is attached.

We look forward to discussing this project with the Planning Board at the July 26<sup>th</sup> 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 19Jul2022.doc



**From:** [Planner](#)  
**To:** [Mike Sudak](#); [Ken Wood](#)  
**Cc:** [Kris Glidden](#); [Tom Howarth](#); [Mark McNally](#); [Kearsten Metz](#); [Diane Morabito](#)  
**Subject:** RE: Clover Farm Subdivision - 771/787 Main Street - Additional Traffic Information  
**Date:** Monday, July 18, 2022 11:13:46 AM  
**Attachments:** [image001.png](#)

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Mike,

Hope you had a good weekend. Yes, we will send the agenda and Zoom information when they are ready.

Jeff

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**From:** Mike Sudak <mike@attarengineering.com>  
**Sent:** Friday, July 15, 2022 4:59 PM  
**To:** Planner <jbrubaker@eliotme.org>; Ken Wood <Ken@attarengineering.com>  
**Cc:** Kris Glidden <krisglidden@gmail.com>; Tom Howarth <tomhowarth@yahoo.com>; Mark McNally <markmcnally36@gmail.com>; Kearsten Metz <kmetz@eliotme.org>; Diane Morabito <mordi@sewall.com>  
**Subject:** RE: Clover Farm Subdivision - 771/787 Main Street - Additional Traffic Information

Thank you for the clarifications Jeff.

I was at the Kittery Planning Board meeting last night for one of the agenda items and you are indeed correct about the Dennett Landing project. There was lots of discussion during the public input session and it seems as though the consideration of future phases of that development will be a long and drawn-out matter.

Moving back to this application, could you or Kearsten please send me the agenda for the July 26<sup>th</sup> meeting when it becomes available? I would still like to have Diane attend remotely if possible to hopefully make the Board members as comfortable as can be, and she has informed me that she has a 4:30 obligation in Portland that afternoon.

Thanks, have a good weekend.

-Mike

---

**From:** Planner <jbrubaker@eliotme.org>  
**Sent:** Thursday, July 14, 2022 11:38 AM  
**To:** Mike Sudak <mike@attarengineering.com>; Ken Wood <Ken@attarengineering.com>  
**Cc:** Kris Glidden <krisglidden@gmail.com>; Tom Howarth <tomhowarth@yahoo.com>; Mark McNally <markmcnally36@gmail.com>; Kearsten Metz <kmetz@eliotme.org>; Diane Morabito <mordi@sewall.com>  
**Subject:** RE: Clover Farm Subdivision - 771/787 Main Street - Additional Traffic Information

Mike,

The comment regarding trip generation and ADUs does apply to this application. However, if the subdivision is approved and, sometime after buildout, some (likely not most or all) homeowners elect to build ADUs, I don't think this hypothetical scenario, considered right now, would have a significant impact on the TIA's findings, e.g. by going from 8 to 9 or 10 trip generators. So in summary to clarify my opinion, the current trip generation could possibly be an underestimate, but not substantially so.

I have also seen in the news that the 98 Dennett project is no longer active as the Town of Kittery has, apparently as of last night, rezoned the land from Mixed-Use Neighborhood Zone back to Business Park.

Jeff

---

**From:** Mike Sudak <[mike@attarengineering.com](mailto:mike@attarengineering.com)>  
**Sent:** Wednesday, July 13, 2022 2:26 PM  
**To:** Planner <[jbrubaker@eliotme.org](mailto:jbrubaker@eliotme.org)>; Ken Wood <[Ken@attarengineering.com](mailto:Ken@attarengineering.com)>  
**Cc:** Kris Glidden <[krisglidden@gmail.com](mailto:krisglidden@gmail.com)>; Tom Howarth <[tomwhowarth@yahoo.com](mailto:tomwhowarth@yahoo.com)>; Mark McNally <[markmcnally36@gmail.com](mailto:markmcnally36@gmail.com)>; Kearsten Metz <[kmetz@eliotme.org](mailto:kmetz@eliotme.org)>; Diane Morabito <[mordi@sewall.com](mailto:mordi@sewall.com)>  
**Subject:** RE: Clover Farm Subdivision - 771/787 Main Street - Additional Traffic Information

Good Afternoon Jeff,

Thank you for the responses to Diane's information. I have copied Diane into this thread to provide her input on your comments, and Diane if possible I would greatly appreciate it if you could be in attendance remotely for this meeting on the 26<sup>th</sup>. This review process has been rather exhaustive with iterations of this TIA discussion (my opinion) and my clients would like to have a determination made one way or another at this meeting.

One additional comment concerning your response to Item #1, Jeff. The notion of an underestimation in trip generation figures due to ADUs being added – is this a comment made with reference to this application? To my knowledge there has been no discussion of ADUs, nor any reference of them anywhere within this review process. If this comment is a generality that speaks to a potential deficiency within the ordinance related to the accuracy (and therefore the comfort level) of requested Traffic Impact Analyses, then I don't understand how that would be a barrier to this application proceeding forward.

Thanks,  
-Mike

---

**From:** Planner <[jbrubaker@eliotme.org](mailto:jbrubaker@eliotme.org)>  
**Sent:** Tuesday, July 12, 2022 5:01 PM  
**To:** Ken Wood <[Ken@attarengineering.com](mailto:Ken@attarengineering.com)>  
**Cc:** Kris Glidden <[krisglidden@gmail.com](mailto:krisglidden@gmail.com)>; Tom Howarth <[tomwhowarth@yahoo.com](mailto:tomwhowarth@yahoo.com)>; Mark McNally <[markmcnally36@gmail.com](mailto:markmcnally36@gmail.com)>; Mike Sudak <[mike@attarengineering.com](mailto:mike@attarengineering.com)>; Kearsten Metz

<[kmetz@eliotme.org](mailto:kmetz@eliotme.org)>

**Subject:** RE: Clover Farm Subdivision - 771/787 Main Street - Additional Traffic Information

Ken/Mike/all,

Thanks for your patience with my reply. In discussing with the PB Chair, correct, I anticipate continued review on July 26, 2022.

Thank you for forwarding the additional input from Diane Morabito on traffic. My additional comments are as follows (corresponding to the same numbers in Mike's and Diane's emails):

1. Without knowing exact influences on traffic levels, Ms. Morabito makes a good point in that potential additional delivery vehicle trips would be at least partially offset by less frequent commuting trips as remote/hybrid work stays prevalent. From what I know of the ITE Trip Generation Manual (which I don't have access to at the moment), the trip generation formulas (disaggregated by weekday, weekend day, peak hours, etc) are generated from regression analysis of empirical trip generation data, with some of that data being more recent and some being older, even sometimes several decades old. Anyway, neighborhoods have long had some delivery truck traffic. What's more likely, in my opinion, to cause an underestimate in the trip generation figures is when a subdivision's TIA is based on 1 unit per lot, and then, over time, additional by-right units are added (e.g. ADUs). The review process may have to consider whether to "expect" more units per lot, at least in terms of review of the TIA, unless it was certain as part of the review process that each lot would be restricted to 1 SFDU.
2. No further comments on this point.
3. Ms. Morabito refers to the 76 Dennett project in Kittery's projected peak hour traffic. Separate from that development, the Kittery Planning Board has recently reviewed a conceptual master plan for 98 Dennett, or Dennett Landing, which proposed approximately 900 units on land adjacent to 76 Dennett. I don't believe that review made it so far as to have a TIA done, and my understanding just from recent news is that that project is now temporarily on hold in conjunction with a neighborhood petition against it.

Jeff

---

**From:** Ken Wood <[Ken@attarengineering.com](mailto:Ken@attarengineering.com)>

**Sent:** Thursday, June 23, 2022 12:35 PM

**To:** Planner <[planner@eliotme.org](mailto:planner@eliotme.org)>; Kearsten Metz <[kmetz@eliotme.org](mailto:kmetz@eliotme.org)>

**Cc:** Kris Glidden <[krisglidden@gmail.com](mailto:krisglidden@gmail.com)>; Tom Howarth <[tomhowarth@yahoo.com](mailto:tomhowarth@yahoo.com)>; Mark McNally <[markmcnally36@gmail.com](mailto:markmcnally36@gmail.com)>; Mike Sudak <[mike@attarengineering.com](mailto:mike@attarengineering.com)>

**Subject:** Clover Farm Subdivision - 771/787 Main Street - Additional Traffic Information

Good Morning Jeff & Kearsten – Jeff, thanks for discussing this project with me yesterday. As requested by the Board at last Tuesday's meeting we have asked the project's Traffic Engineer, Diane Morabito, to comment on the three concerns the Board had regarding traffic safety. Please see Diane's responses below. Can you also please let me know when this project will be heard by

the Board again; I assume it will be the July meeting? Best & thanks.

Ken

*Kenneth A. Wood, P.E.*

President

# ATTAR

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---

**From:** Diane Morabito <[mordi@sewall.com](mailto:mordi@sewall.com)>

**Sent:** Thursday, June 23, 2022 10:37 AM

**To:** Ken Wood <[Ken@attarengineering.com](mailto:Ken@attarengineering.com)>

**Cc:** Mike Sudak <[mike@attarengineering.com](mailto:mike@attarengineering.com)>; Kris Glidden <[krisglidden@gmail.com](mailto:krisglidden@gmail.com)>; Tom Howarth <[tomhowarth@yahoo.com](mailto:tomhowarth@yahoo.com)>; Mark McNally <[markmcnally36@gmail.com](mailto:markmcnally36@gmail.com)>

**Subject:** RE: Clover Farm Subdivision - 771/787 Main Street - Additional Traffic Information

Ken,

My responses are below in red: Can you let me know when the next Planning Board meeting is so I can block it out?

Diane

**Diane W. Morabito, PE, PTOE**

*Vice President Traffic Engineering*

**T:** +1. 207.817.5440 | **F:** +1. 207.827.3641 | **E:** [diane.morabito@sewall.com](mailto:diane.morabito@sewall.com)  
40 Forest Falls Avenue | Suite 2 | Yarmouth, Maine 04096 | [www.sewall.com](http://www.sewall.com)



---

**From:** Ken Wood <[Ken@attarengineering.com](mailto:Ken@attarengineering.com)>

**Sent:** Thursday, June 23, 2022 9:09 AM

**To:** Diane Morabito <[mordi@sewall.com](mailto:mordi@sewall.com)>

**Cc:** Mike Sudak <[mike@attarengineering.com](mailto:mike@attarengineering.com)>; Kris Glidden <[krisglidden@gmail.com](mailto:krisglidden@gmail.com)>; Tom Howarth <[tomwhowarth@yahoo.com](mailto:tomwhowarth@yahoo.com)>; Mark McNally <[markmcnally36@gmail.com](mailto:markmcnally36@gmail.com)>

**Subject:** FW: Clover Farm Subdivision - 771/787 Main Street - Additional Traffic Information

Hi Diane – How are things – we’re still reviewing the Sketch Plan for 771 Main St, Eliot subdivision with the Planning Board – Mike Sudak attended the Planning Board meeting for the 3<sup>rd</sup> time for Sketch Plan review and also approval of the waivers required for the 400’ separation distance of access roads – his comments are below. If available, I also think it would help if you could attend the next Board meeting – Eliot also has a remote option if you’d prefer. Please let me know your thoughts – Best & Thanks.

Ken

*Kenneth A. Wood, P.E.*

President

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Hi Diane,

I’m writing with regards to the Traffic Impact Analysis that you prepared (and subsequently updated a few times earlier this year) for the Clover Farm Subdivision proposed off of Main Street in Eliot. Since the last time we spoke I have been before the Planning Board a couple of times including a site visit with abutters in the hopes of having the relevant waiver granted for which your TIA was prepared. Members of the Board still have 3 major concerns which are summarized below; can you please respond accordingly?

After my most recent meeting (this past Tuesday night), as far as I can tell there are three concerns that the Board would like further clarification on:

1. If the TIA that you prepared uses the most current available ADT and trip generation rates for the development area. I reiterated to them that 2019 is likely the most recent year available, and is actually more recent than in some other surveyed areas, but they seem focused on

whether or not this new Covid world we're living in could substantially change the trip generation rates in the area, what with Amazon trucks making deliveries nonstop these days (their words, not mine).

I checked the MaineDOT interactive traffic count map to see if any newer traffic data has become available. The most recent for Main Street in that area is the 2019 data I reported in the original traffic assessment.

It is important to note that during the pandemic traffic volumes fell drastically in Maine. They have generally recovered (almost) to previous 2019 levels, but they are not higher than that primarily due to remote work options. While there may be more delivery vehicle trips now there are significantly fewer office trips than before.

2. Is there any value in examining travelways at 'actual operating speeds', instead of posted speed limits, when determining the safety of a proposed intersection and neighboring intersections. I've attached the revised memo that you prepared in February after this item was initially brought up, wherein Item #8 includes your response to this question.

As I stated in my 2/8 response memo, the only item impacted by higher operating speeds on Main Street (than the posted speed limit) would be sight distance requirements for the new access drive. Since those sight distances are good for 45 mph speeds there are no sight distance concerns. If the Town is concerned that the speed limit posting is inappropriate, as I stated before, they could request MaineDOT to perform a speed zone study to see what the appropriate speed limit should be. Note that sometimes these speed limit studies result in MaineDOT posting a higher speed limit. If speeding is a problem on Main Street then the Town should look at enforcement options.

3. If the upcoming Dennett Landing development will significantly impact the traffic at this development. There is an upcoming extremely large mixed-use development just over the town line in Kittery that proposes to construct some 900 residential units. As I understand it a first phase of this development has already been approved and is under or soon-to-be under construction. I most likely quashed this item myself at the Planning Board meeting earlier this week, but it may be helpful for them to have a traffic engineer's opinion in addition to my own.

I have obtained and reviewed the traffic impact study and traffic movement permit (TMP) for the approved 76 Dennett Road project in Kittery. Based upon the TMP, that project will generate 99 AM peak hour trips and 149 PM peak hour trips. According to the trip assignments in the traffic study, the majority of trips are destined to and from the east. The trip assignments do not extend to Eliot indicating that the number of trips destined for Eliot would not be expected to have any significant impact. The study area only extended westerly to the intersection of Dennett Road, Dennett Road Ext. and Martin Road. Given this, no significant traffic impact is expected west of that intersection.

Diane

## **Diane W. Morabito, PE, PTOE**

*Vice President Traffic Engineering*

**T:** +1. 207.817.5440 | **F:** +1. 207.827.3641 | **E:** [diane.morabito@sewall.com](mailto:diane.morabito@sewall.com)  
40 Forest Falls Avenue | Suite 2 | Yarmouth, Maine 04096 | [www.sewall.com](http://www.sewall.com)

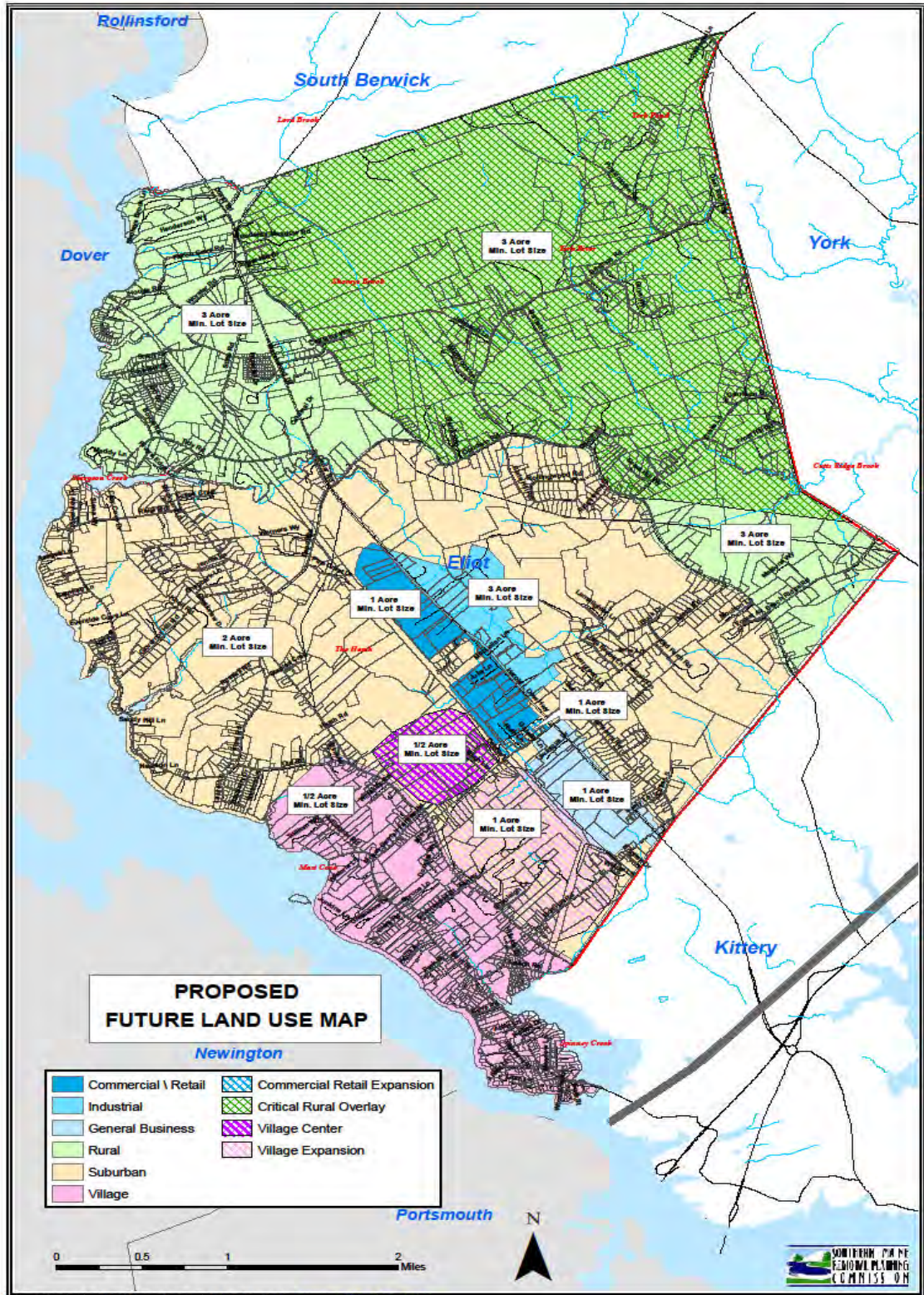


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Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records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

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Eliot, ME

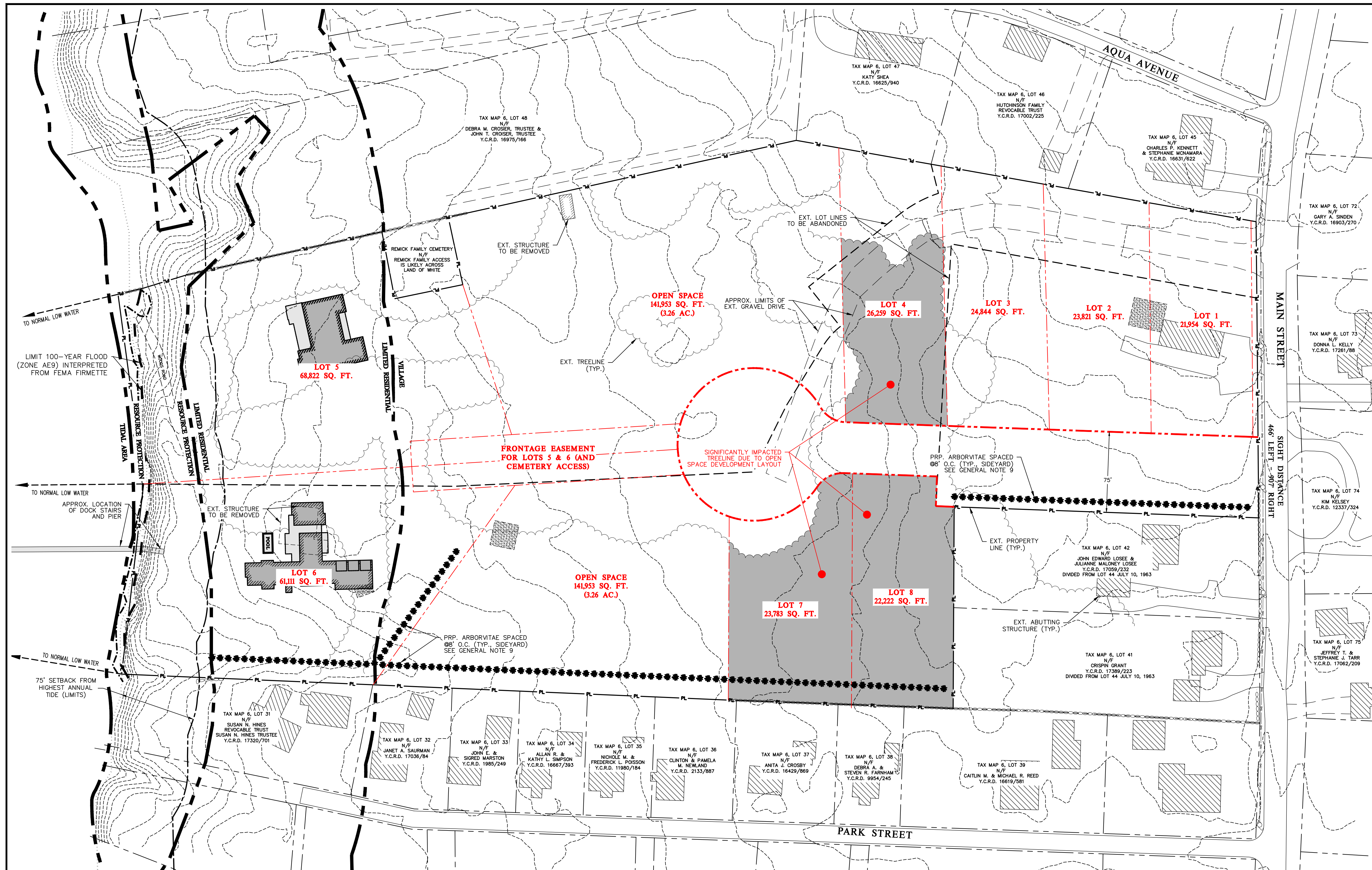
June 21, 2022

1 inch = 1100 Feet

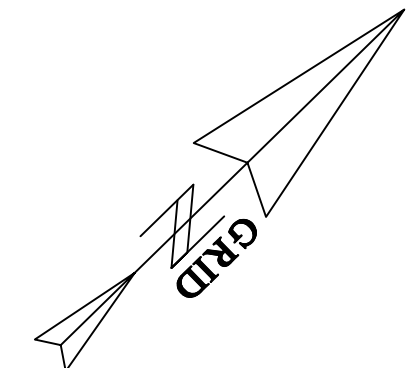
www.cai-tech.com



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



LEGEND	
PROPERTY LINE	— P — P —
SETBACK	— — — — —
EXT. ABUTTER LINE	- - - - -
PRP. LOT LINE	— P — P —
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	— — — — —



REVIEW PRINT-NOT FOR CONSTRUCTION  
TAX MAP 6, LOT 43, 44, & 154

NO.	DESCRIPTION	DATE

OPEN SPACE DEVELOPMENT SKETCH  
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

SCALE: 1" = 50'  
DATE: 07/19/22

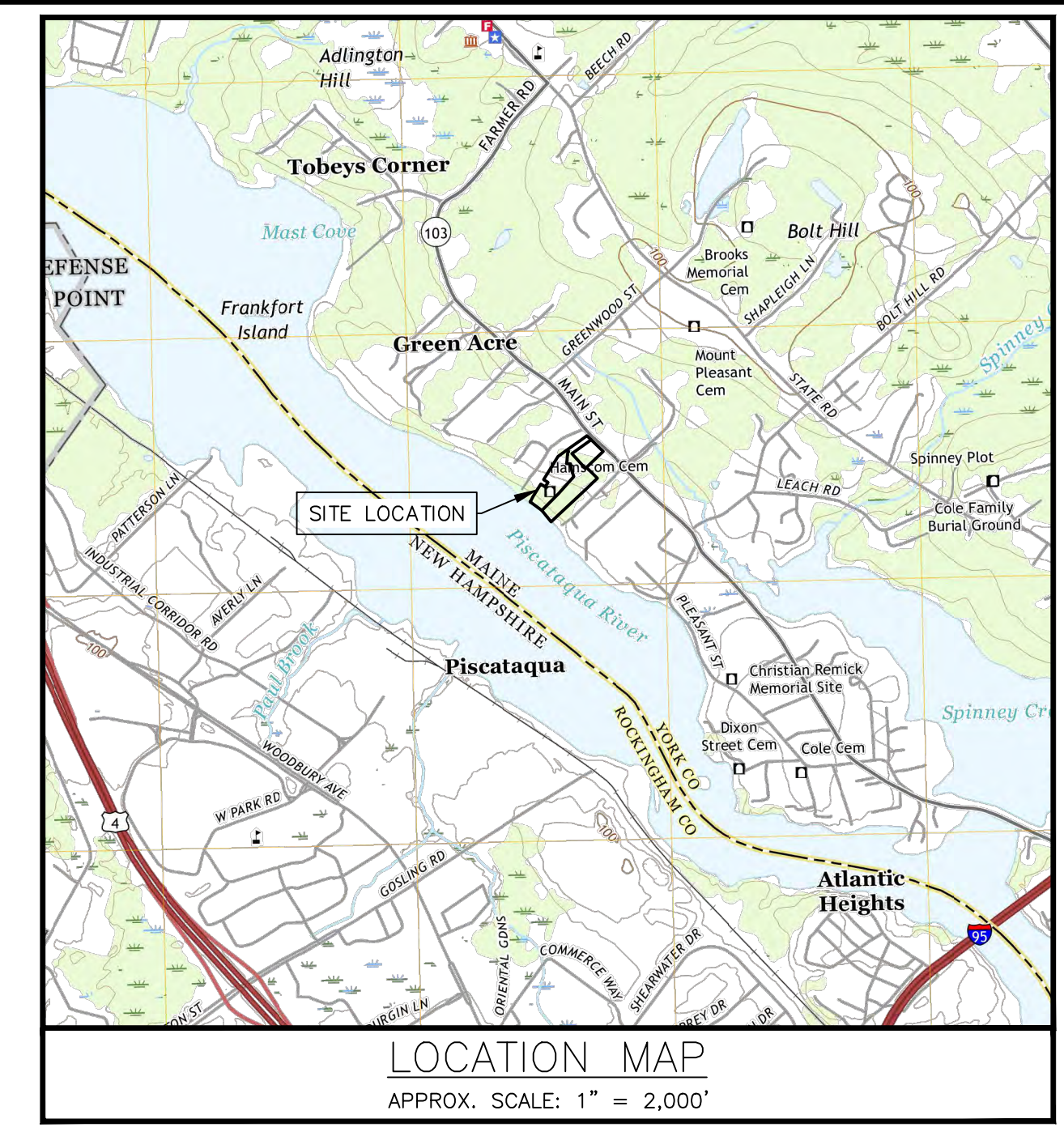
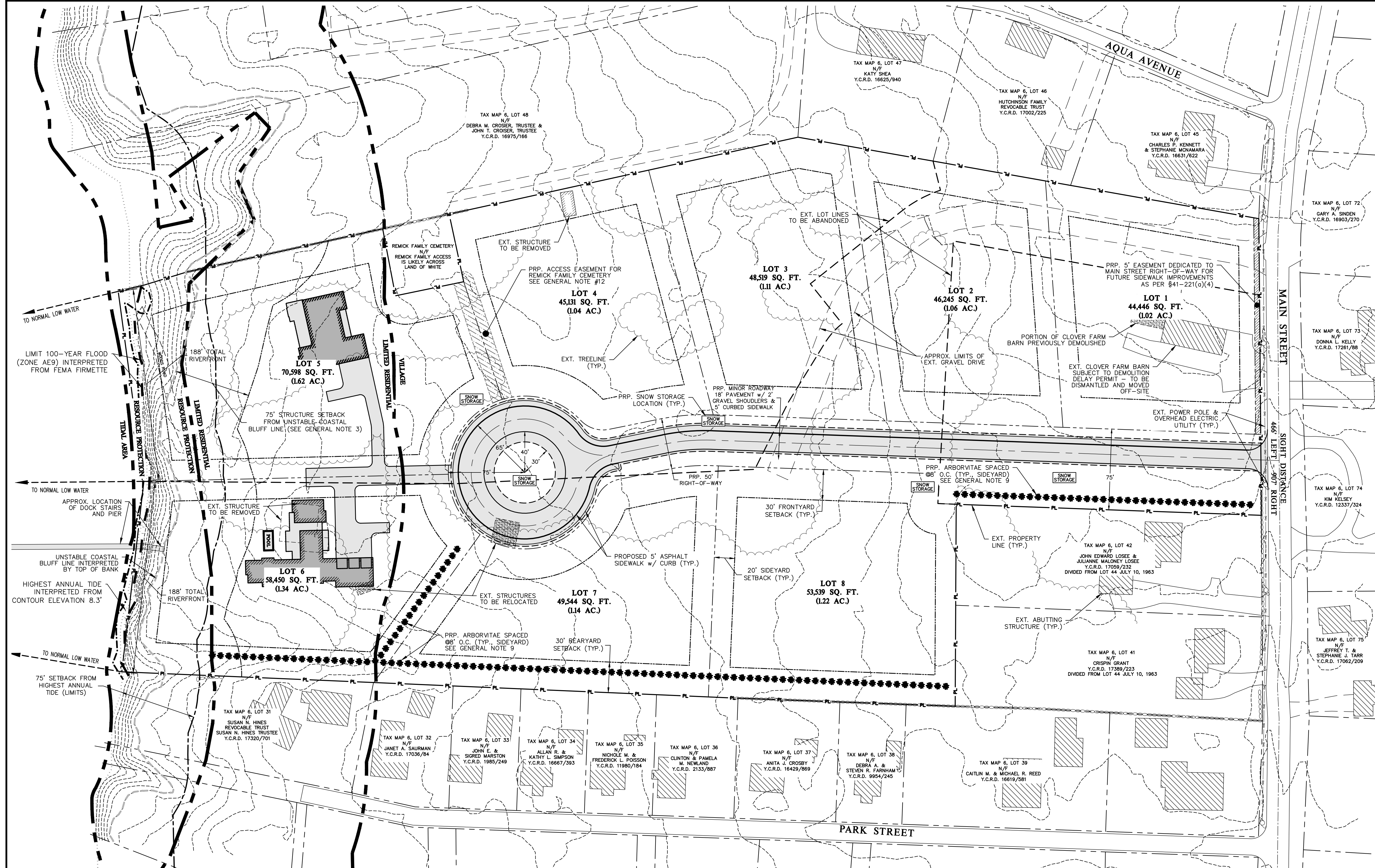
APPROVED BY: \_\_\_\_\_  
MJS

DRAWN BY: \_\_\_\_\_  
MJS

REVISION DATE: - - -

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

PROGRESS PRINT



**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 SIDE LINES OF 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 AREA OF SIGNAGE:	100'*
MINIMUM SIDEWALK WIDTH:	50 SQ. FT.**
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
MINIMUM SHORE FRONTAGE:	EQUAL TO OR GREATER THAN THE MINIMUM REQUIRED STREET FRONTAGE OF THE NEAREST ADJACENT NON-SHORELAND DISTRICT (VILLAGE = 100') => 188' FOR BOTH LOTS 5 & 6

\*\*\* - 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. AS PROPOSED: 341' TO AQUA AVENUE, 371' TO PARK STREET, MEASURED @ TO @
  - §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) AS PROPOSED: 97' FRONTAGE FOR LOT 5, 69' FRONTAGE FOR LOT 6
  - §41-256(a)&(b); RESERVATION OF LAND FOR ACTIVE OR PASSIVE RECREATION PURPOSES - INCLUSION OF A PORTION OF WATERFRONT AREA IN RESERVED LAND. AS PROPOSED: NO OPEN SPACE WITHIN DEVELOPMENT, EXISTING DIMENSIONS OF PARCEL PREVENT INCLUSION OF RIVERFRONT AT 200' REQUIRED MINIMUM WIDTH.

**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	---

**GENERAL NOTES (CONT.)**

- LIMITED RESIDENTIAL LOT COVERAGE CALCULATIONS:
 

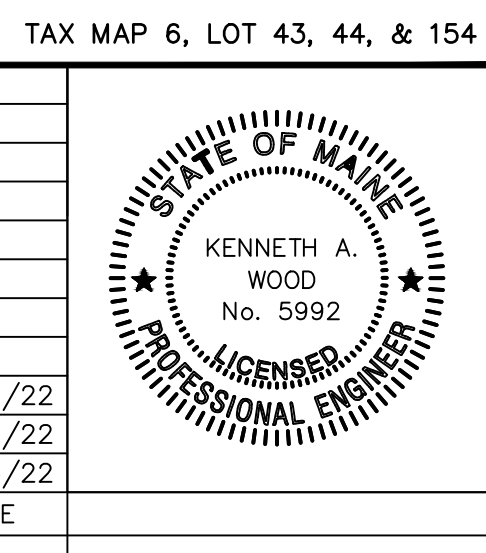
OVERALL SHORELAND PARCEL AREA	= 105,097 SQ. FT. (2.41 AC)
PROPOSED NON-VEGETATED AREAS WITHIN SHORELAND ZONE:	
ASPHALT PAVEMENT (DRIVEWAYS)	= 5,949 SQ. FT. (0.136 AC)
BUILDING FOOTPRINTS (LOTS 5 & 6)	= 9,412 SQ. FT. (0.216 AC)
[5,949 + 9,412] / 105,097 = 14.6% < 20% => OKAY	
- THE CONTRACTOR MUST CONTACT 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.
- PROPOSED VEGETATED SCREENING ALONG SOUTHERN PROPERTY LINE 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). SPECIFIC PLANNING LOCATIONS SHALL BE DETERMINED IN A POST-CONSTRUCTION BUFFER SURVEY.
- 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 T1/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. SHOULD THE PROPOSED TRAVELWAY BE MAINTAINED AS A PRIVATE ROAD, THIS ACCESS EASEMENT SHALL EXTEND ALONG THE PROPOSED TRAVELWAY OUT TO THE INTERSECTION WITH MAIN STREET.

**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. MCCULLUM, 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.

**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

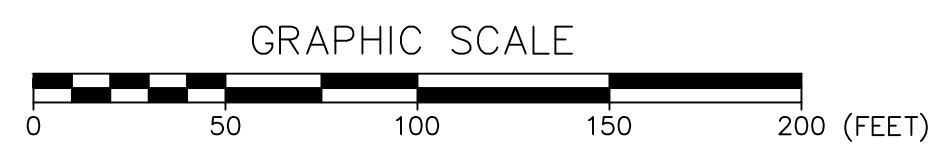


**SKETCH RESIDENTIAL SUBDIVISION PLAN**  
**CLOVER FARM SUBDIVISION**  
 MAIN STREET, ELIOT, MAINE

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

SCALE:	APPROVED BY:	DRAWN BY:
1" = 50'		MJS
DATE:	REVISION DATE:	
04/12/22	C : 07/19/22	
JOB NO: C174-21	FILE: MAIN ST REV BASE.DWG	SHEET: 1 OF 1



Received  
JUL 21 2022  
Grant Met

Town of Eliot, Maine  
Planning Board

RE: Waiver of the 400 foot ordinance for new road for 771/787 Main St PB 22-09 Map 6/Lots 43,44

Madame Chairperson and Board Members

We are writing to share our perspective on the proposed subdivision project at the above listed address.

As the abutter with the longest common boundary with this project, we feel we will have new homes/ neighbors regardless of the result of your vote. We see a vote in favor of the waiver of the 400 foot rule as the best result for this project.

The new proposed entrance has more advantages and is safer than the existing driveway, which is less than 100 feet from Aqua Ave. A waiver of 50 feet is not unreasonable. The sightlines are more than adequate in both directions, speed limit is 30 mph in this area so traffic shouldn't be affected. The distance is a comfortable distance from both Aqua Ave and Park St.

With a vote in favor of the waiver, the board would have continued input on the project through the subdivision review process. With a no vote there will be no subdivision review, no control over trees, street size, lighting, hydrants and buffering. With a lot line adjustment and the five year rule there could be as many as 5 houses built in the near future without subdivision review. The subdivision review process would provide for better planning overall. The review process would also provide an opportunity to develop an agreement about access and maintenance of the family cemetery.

As a former member of the board, I am familiar with the responsibility you bear in these decisions.

Thank you for the opportunity to weigh in on this issue and thank you for your service to the town.

Sincerely



John and Debra Crosier  
Aqua Avenue

***PUBLIC MEETING POSTING: Meeting may include quorum from one or more of the following boards/committees: Select Board, Planning Board, Conservation Commission, and Aging In Place Committee. The Agriculture and Food Security Commission has also been invited.***

**Town of Eliot**

**Work Session: Enrollment Process for the Community Resilience Partnership**

Wednesday, August 3, 2022, 4:00 – 5:30 pm

Town Hall Meeting Room or Zoom (<https://us06web.zoom.us/j/86098012905>)

**AGENDA**

*Hosted by the Eliot Planning Office, Planning Board, and Conservation Commission  
Facilitated by Southern Maine Planning and Development Commission*

- I. Welcome and Introductions
- II. Overview of the Community Resilience Partnership Program
- III. Local Climate Change Issues and Impacts: Brainstorm Session
- IV. Assessment of Resilience Progress and Needs: Facilitated Discussion
  - a. Community Resilience Self-Evaluation – assessment of how Eliot is addressing resilience in existing planning and operations
  - b. List of Community Actions – identification of actions Eliot has completed and/or would like to complete
- V. Community Resilience Self-Evaluation
- VI. Wrap-up and Next Steps