TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION **DATE: Tuesday, October 5, 2021**
PLACE: TOWN HALL/ZOOM **TIME: 7:00 P.M.**

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

1) **ROLL CALL**
   a) Quorum, Alternate Members, Conflicts of Interest
2) **PLEDGE OF ALLEGIANCE**
3) **MOMENT OF SILENCE**
4) **10-MINUTE PUBLIC INPUT SESSION**
5) **REVIEW AND APPROVE MINUTES**
   a) September 21, 2021 – if available
6) **NOTICE OF DECISION**
   a) 28 Levesque Drive (Map 29/Lot 27-1A) – if available
   b) 26 Addison Lane (Map 41/Lot 11) – if available
7) **PUBLIC HEARING**
   a) 29 Osprey Cove Lane (Map 78/Lot 1), PID # 078-001-000, PB21-23: Shoreland Zoning Permit Application – Permanent Fixed Pier and Pier Access, Seasonal Gangway, Seasonal Float, and Winter Float Storage Platform
8) **OLD BUSINESS**
   a) 505 Harold L Dow Highway (Map 53/Lot 7), PID # 053-007-000, PB21-27: Site Plan Review and Change of Use – Adult Use and Medical Marijuana Manufacturing Facility
   b) 0 Odiorne Lane (Map 83/Lot 2), PID # 083-002-000, PB21-16: Site Plan Review and Change of Use – Public Utility Facility (Ground-Mounted Solar Array)
9) **NEW BUSINESS**
   a) P/O 708 River Road (Map 50, Lot 29), PID # 050-029-000, PB21-29: Home Business Application – Hair Salon – Sketch Plan Review
10) **CORRESPONDENCE**
11) **SET AGENDA AND DATE FOR NEXT MEETING**
   a) October 12, 2021
   b) October 19, 2021
12) **ADJOURN**

NOTE: Residents/interested parties may join via Zoom or in-person at the Town Hall. 1333 State Road Eliot, ME 03903

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

- ***a) Go to www.eliotme.org***
- ***b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.***
- ***c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 7:00 (Please note: streaming a remote meeting can be delayed up to a minute)***

Instructions to join remote meeting:

a) **To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.**
b) **Please call 1-646-558-8656**
   1. **When prompted enter meeting number: 845 4869 3658 #**
   2. **When prompted to enter Attendee ID press #**
   3. **When prompted enter meeting password: 824827 #**
c) **Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at time to allow for input. Please remember to state your name and address for the record.**
d) **Press *9 to raise your virtual hand to speak**

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Carmela Braun – Chairman

TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB21-19 - AMENDED SITE PLAN/SITE PLAN REVIEW APPLICATION/CHANGE OF USE**	MAP/LOT: **29/27-1A** **28 LEVESQUE DRIVE**	DATE OF DECISION: **09-21-2021**

9/6/2021

DRAFT

Sea Dog Realty, Inc.
ATTN: Fred Forsley
86 Newbury Street
Portland, Maine 04101

Green Alien Cannabis, LLC
ATTN: _____
987 Harold Dow Highway
Eliot, Maine 03903

Attar Engineering, Inc.
ATTN: Brian Nielsen, E.I.T.
1284 State Road
Eliot, Maine 03903

To: Fred Forsley
Justice Rines
Brian Nielsen

This letter is to inform you that the Planning Board has acted on your **application for site plan review to amend a previously-approved site plan (within Eliot Commons) and change of use to Adult Use Marijuana Retail Store** as follows:

APPLICATION DOCUMENTS AND SUPPORTING MATERIAL SUBMITTED:

Submitted for June 22, 2021:

1. Sketch Plan application to amend a previously-approved site plan and change of use, received May 18, 2021:
   a) Cover letter from Brian Nielsen, E.I.T., of Attar Engineering, Inc.
   b) Engineer of Record: Mr. Brian Nielsen, E.I.T., Attar Engineering, Inc.
   c) Site Plan, drawn by Attar Engineering, Inc., dated May 18, 2021.
   d) Sensitive Use Map dated April 16, 2021.
   e) Mortgage Deed, Book 15265/Page 0363-0396, registered at the York County Registry of Deeds, September 26, 2007.
2. Memo from Jeff Brubaker, Town Planner, dated June 14, 2021.

Submitted for August 24, 2021:

1. Site Plan Application documents:
   a) Cover letter from Brian Nielsen, E.I.T., Attar Engineering, Inc.
   b) Application for Site Plan Review, dated June 17, 2021.
   c) Site Plan Review Submissions Checklist.

d) Evidentiary Letter of Standing from Mr. Fred Forsley, owner, to Green Alien Cannabis (Company), LLC, applicant, for proposed use.
e) Agent Authorization Letter from Fred Forsley (owner, Sea Dog Realty) to Kenneth Wood and Brian Nielsen of Attar Engineering, Inc. to act as owner's agents for this application.
f) Copy of Maine Adult Use Marijuana Program Conditional Use License #AMS564, issued October 30, 2020.
g) Copy of Sensitive Use Map.
h) Copy of Mortgage Deed.
i) Proposed 40'X48' Floor Plan.
j) Land Title Survey and Condominium documentation, done by Nathan C. Amsden, PLS, dated June 21, 2016.

2. Site Plan Sheets Set, revised August 19, 2021:
   a) Sheet 1 of 7 - Cover Sheet
   b) Sheet 2 of 7 – Site Plan
   c) Sheet 3 of 7 – Existing Conditions Plan
   d) Sheet 4 of 7 – Grading and Utilities Plan
   e) Sheet 5 of 7 – Lighting Plan
   f) Sheet 6 of 7 – Erosion & Sedimentation Control Plan
   g) Sheet 7 of 7 – Site Details
3. Application Review Letter from Town Planner to applicant's representative, dated July 22, 2021.
4. Memo from Jeff Brubaker, Town Planner, dated August 18, 2021.

Submitted for September 7, 2021:

1. Memo from Jeff Brubaker, Town Planner, dated September 1, 2021.
2. Notice of Public Hearing (not published).
3. Public Hearing Notice to the Town of Eliot, dated August 28, 2021.
4. Abutters List.

Submitted for September 21, 2021:

1. Memo from Jeff Brubaker, Town Planner, dated September 14, 2021.
2. Notice of Public Hearing, dated September 10, 2021.
3. Public Hearing Notice to the Town of Eliot, dated September 10, 2021.
4. Abutters List.

FINDINGS OF FACT:

1. The owner of the property is: Sea Dog Realty (Eliot Commons, LLC. c/o Fred Forsley, Owner) (mailing address: 86 Newbury Street, Portland, Maine 04101).
2. The applicants are: Sea Dog Realty, LLC (mailing address: 86 Newbury Street, Portland, Maine 04101) and Green Alien Cannabis Company, LLC (mailing address:_____).
3. Engineer of Record: Brian Nielsen, E.I.T. (Attar Engineering, Inc.) (mailing address: 1284 State Road, Eliot, Maine 03903).
4. The property is located at 28 Levesque Drive, Unit 3, Eliot, ME and is 9.46 acres.
5. Mortgage Deed: Book 15265/Pages 0363-0396, registered at York County Registry of Deeds, dated April 3, 2019
6. Property can be identified as Assessor's Map 29/ Lot 27-1A and is located in the Commercial/Industrial Zoning District.
7. The applicant proposes to amend a previously-approved site plan (within Eliot Commons) to construct a new 2,000 square-foot building and a Change of Use to Adult Use Marijuana Establishment – Adult Use Retail Store, to include site improvements. The structure has been revised from 2,000 square feet down to 1,920 square feet.
8. Copies of the application and supporting materials were provided to the Code Enforcement, Public Works, Town Manager, Police and Fire Departments. There were no comments.
9. The Planning Board reviewed the application at the following regular meetings:
   - June 22, 2021. (Sketch Plan Review)
   - August 24, 2021. (Site Plan Review/Application Completeness).

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- September 7, 2021. (Site Plan Review/Public Hearing – no public comment).
  - An additional Public Hearing was scheduled as the newspaper did not publish the legal ad for this scheduled public hearing.
- September 21, 2021 (continued Site Plan Review/Public Hearing /Approval).

10. The following application fee(s) have been paid by the applicant, in accordance with §1-25:
    - Site Plan Review Amendment Application Fee: $100 (Check dated 8/25/21).
    - Change of Use Fee: $25 (paid 8/25/21).
    - Public Hearing Fee: $175 (paid 8/25/21).
11. The Planning Board agreed a site walk was not necessary.
12. In accordance with §§33-129 & 33-130, a public hearing was advertised in The Weekly Sentinel on September 10, 2021 and held on September 21, 2021. There were no public comments. Town of Eliot was noticed on September 10, 2021 of the Public Hearing to be held on September 21, 2021.
13. Waiver request action: The Planning Board waived the following waiver request: §33-127(12) High Intensity Soils Report on September 21, 2021.
14. The application was found complete on August 24, 2021.
15. The property will be served by Town water and sewer.
16. Total parking spaces provided for all uses in the mall area require 276 and 349 are provided after deducting 28 spaces removed for construction of new building. This will include 2 ADA-compliant parking spaces on-site for the new building.
17. All proposed lighting is dark sky compliant and downward pointing.
18. All security requirements of the State and Town have been addressed.
19. There will be no drive-through or home delivery associated with this proposal.
20. There will be up to six (6) employees and the store will have hours from 9AM to 7PM, 7 days a week.
21. Any waste products will be rendered unusable, per State requirements, and removed from the site by delivery van. There will be no external dumpster.
22. During the building permit process, applicant will meet the requirement of §33-190(8), “sale of edible products”.
23. All marijuana products will be confined in a locked, secure vault when store is closed.
24. This proposal uses existing utility infrastructure and does not propose any additional changes.
25. No pavement will be disturbed. New structure will be on a poured slab.
26. Signage proposed will meet Town code.
27. Parking circulation has been adequately addressed. No loading bay is required.
28. Landscaping: Sheet 2 of 7 ‘Site Plan’ shows approximately 16 street trees and shade bushes behind the new structure along Route 236 and Levesque Drive. The new structure will have foundation plantings and small shrubs. Applicant guarantees the health of all plantings for a minimum of three (3) years.
29. To meet the Sensitive use requirement §33-190 (5) b., a portion of the senior housing (condominium) lot will be conveyed to “Unit 1” and a copy of said conveyance, registered at the York County Registry of Deeds, will be given to the Planning Department.
30. Applicant will submit elevation drawings to confirm height of new structure meets the Town Code requirement to the Planning Department.

CONCLUSIONS:

1. Revisions to site plans are allowed with Planning Board approval under Section 33-140 (Revisions to final site plans after planning board approval).
2. Per §45-290 (Table of Permitted and Prohibited Uses), “Marijuana Establishment, Adult Use Marijuana Retail Store” is a permittable use in the Commercial/Industrial Zone with Planning Board approval.
3. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33, Planning & Development, Article III, Division 3, Chapter 45, and Chapter 11.

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DECISION:
Based on the above facts and conclusions, on **September 21, 2021**, the Planning Board voted to approve your application to amend a previously-approved site plan (within Eliot Commons) to add a Change of Use to Adult Use Marijuana Retail Store and construct a new 1,920 square-foot building, to include site improvements.

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. Copies of approved permits from Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided to the CEO before construction on this project may begin.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Applicant will guarantee new plantings will be healthy for a minimum of three (3) years.

PERMITS:
The Planning Board has approved your application and the Code Enforcement Officer is authorized to grant you the necessary Permits or Certificates of Occupancy, as appropriate. It is your responsibility to apply for these permits. In exercising this approval, you must remain in compliance with all the conditions of approval set forth by the Planning Board, as well as all other Eliot, State, and Federal regulations and laws. Be aware, however, that Site Plan approvals (including home businesses) that are granted by the Eliot Planning Board have expiration provisions specified in Section 33-59 of the Town of Eliot Code of Ordinances, which states:

> *The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date.*

The holder of an approved permit should take care to ensure that the approval granted on **September 21, 2021** does not expire prior to commencement of work or change.

APPEALS:
This decision can be appealed to the Board of Appeals within 30 days after **September 21, 2021** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

DRAFT

Sincerely,

_____
Carmela Braun, Chair
This letter reviewed and approved by the Planning Board on _____, 2021.

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

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TOWN OF ELIOT, MAINE

PLANNING BOARD NOTICE OF DECISION

CASE #: **PB21-20 – SHORELAND ZONING PERMIT APPLICATION/ NEW RESIDENTIAL PIER, LANDING, ACCESS STAIRWAY, GANGWAY, & FLOAT**	MAP/LOT: **41/11 26 ADDISON LANE**	DATE OF DECISION: **9-21-2021**

September 29, 2021 **DRAFT**

Ambit Engineering, Inc.
ATTN: Steve Riker
200 Griffin Road, Unit 3
Portsmouth, NH 03801

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

Zieja Family Revocable Trust
c/o Anthony A. & Isabel Zieja, Trustee
26 Addison Lane
Eliot, Maine 03903

To: Mr. Riker
Anthony & Isabel Zieja, Trustees
Riverside & Pickering Marine, Inc.

This is to inform you that the Planning Board has acted on your Shoreland Zoning application for a **new residential fixed pier, ramp, landing, access stairway, gangway and floats** as follows:

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

SUBMITTED FOR JUNE 29, 2021:

1. Shoreland Zoning permit application received May 19, 2021, with the following documentation:
   a. Cover letter from Steve Riker, CWS, Ambit Engineering, Inc.
   b. Application for a Natural Resources Protection Act Permit (NRPA), dated May 13, 2021.
   c. Project Summary.
   d. Alternative Analysis.
   e. Agent letter of authorization from Anthony and Isabel Zieja, Trustees, authorizing Riverside & Pickering Marine Contractors, Inc. and Ambit Engineering, Inc. as their representatives for this project, dated May 6, 2021.
   f. Public Notice: Notice of Intent to File & Certification, dated May 5, 2021
   g. Abutter Notification Letters & Receipts by Ambit Engineering, Inc., dated May 13, 2021.
   h. Site plans prepared by Ambit Engineering, Inc., dated March, 2021:
      - Sheet C1 – Town of Eliot Permit Plan (Plan View), dated March, 2021.
      - Sheet D1 – Details Plan (Profile View/Notes), dated March, 2021.
   i. Project Location Map.
   j. Tax Map showing abutters.
   k. Abutters List.

l. Warranty Deed: Book 18075, Page 414, registered at the York County Registry of Deeds, dated October 21, 2019.
m. Project Site photos taken March, 2021.
n. Construction Details.
o. Wetland Functions and Values Assessment.
p. Letter from US Department of the Interior. Re: List of threatened and endangered species, dated May 19, 2021.
q. Notice of Intent sent to the Maine Historic Preservation Commission and the Five Indian Tribes.
r. Appendix A: NRPA Field Survey Checklist.
s. Appendix B: Intertidal & Shallow Subtidal Field Survey Checklist
t. Appendix D: NRPA Project Description Worksheet.

2. Memo from Jeff Brubaker, Town Planner, dated June 24, 2021.

SUBMITTED FOR JULY 27, 2021:

1. Memo from Jeff Brubaker, Town Planner, dated July 20, 2021.
2. Abutters List.
3. Revised Sheet C1, dated July 2021.
4. Revised Sheet D1, dated July 2021.
5. Public Hearing Notice to Town of Eliot, dated July 17, 2021.

SUBMITTED FOR AUGUST 17, 2021:

1. Memo from Jeff Brubaker, Town Planner, dated August 10, 2021.
2. Abutters List.
3. Copy of Portsmouth Herald Public Hearing Legal Advertisement, dated August 6, 2021.
4. Public Hearing Notice to Town of Eliot, dated August 6, 2021.

SUBMITTED FOR SEPTEMBER 7, 2021:

1. Memo from Jeff Brubaker, Town Planner, dated August 31, 2021.
2. Abutters List.
3. Public Hearing Notice to Town of Eliot, dated August 28, 2021.

SUBMITTED FOR SEPTEMBER 21, 2021:

1. Memo from Jeff Brubaker, Town Planner, dated September 13, 2021.
2. Abutters List.
3. Copy of Portsmouth Herald Legal Advertisement Public Hearing & Site Walk, dated September 10, 2021.
4. Notice to Town of Eliot for Public Hearing & Site Walk, dated September 10, 2021.

FINDINGS OF FACT:

1. The owner/applicant of the property is: Zieja Family Revocable Trust, Anthony & Isabel Zieja, Trustees (mailing address: 26 Addison Lane, Eliot, Maine 03903).
2. The Agents of Record are: Steve Riker, CWS, Ambit Engineering, Inc. (mailing address: 200 Griffin Road, Unit 3, Portsmouth, NH 03801) and Construction Contractor, Riverside & Pickering Marine, Inc. (mailing address: 34 Patterson Lane, Newington, NH 03801).
3. The property is located at 26 Addison Lane in the Suburban Zoning District and Resource Protection and Limited Residential Shoreland Zone (shoreland overlay), identified as Assessor's Map 41, Lot 11, and containing 2.36 acres.
4. The applicant proposes to replace the existing pier structure by constructing a 6'X36' access ramp, 6'X8' landing, 6'X16' access stairway, 6' x 90' fixed residential pier, a 3' x 35' gangway (seasonal), and 10' x 20' seasonal float.
5. The use of the proposed structure will be "*Permanent, residential pier*", as listed in the Table of Land Uses (Sec. 44-34(34)(b.).
6. The applicant submitted the proposal to the DEP, ACE, Maine Historic Preservation Commission, and the Five Indian Tribes.

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7. Applicant has filed for a full NRPA.
8. Applicant submitted a US ACE (Army Corp of Engineers) Maine General Permit approval application, dated May 2021.
9. The proposed structure meets the required riparian setbacks, per §44-35(c)(12).
10. Reflectors will be installed (Sheet C1 - Note #12), per §44-35(c)(14).
11. Copies of the application and supporting materials were provided to the Code Enforcement, Public Works, Police and Fire Departments, Conservation Commission, and Harbor Master. Comments submitted by the Conservation Commission concerned the number of trees removed and sediment & erosion controls implemented around disturbing activities. Both were satisfactorily addressed.
12. The Planning Board reviewed the application at the following regular meeting:
    - June 29, 2021 (sketch plan review)
    - July 27, 2021 (site plan review/public hearing – no public comment)
      - An additional Public Hearing was scheduled as the newspaper did not publish the legal ad for this scheduled public hearing.)
    - August 17, 2021 (public hearing – applicant requested to postpone. Public Hearing held, no public comment.)
    - September 7, 2021 (public hearing – no public comment)
      - An additional Public Hearing was scheduled as the newspaper did not publish the legal ad for this scheduled public hearing.)
    - September 21, 2021 (continued site plan review/public hearing).
13. A site walk was not held.
14. The Planning Board found the application complete June 29, 2021.
15. In accordance with Sec. 33-128 & 129, a public hearing was advertised in The Weekly Sentinel on September 10, 2021 and held on September 21, 2021. There were no public comments.
16. The following fees have been paid by the applicant:
    - Shoreland Zoning Permit Application: $175.00 (paid May 20, 2021)
    - Residential Pier: $50.00 (paid May 20, 2021)
    - Public Hearing Fee: $175.00 (paid May 20, 2021)
17. The shoreline for this property is steeply sloped and forested, which is driving the need for the access ramp, the landing, and the access stairway to safely access the pier.
18. The total length of the pier structure is 145 feet, which meets the requirement of §44-35(c)(10b).
19. Per Town of Eliot Code and DEP requirements, the width of the fixed pier, access ramp, landing, and stairway has been reduced from 6 feet to 4 feet. A 6'X16' landing float between the gangway and main float has been added.
20. The fixed pier has been shortened by 16' (from 90' to 74') to the mean low water line, as required by Chapter 44. The total length of the pier structure is 145 feet, which meets the requirement of §44-35(c)(10b).
21. The tree score plan shows three (3) trees being removed from Grid 2, with a grid score of 41 where 24 is required, and replaced with native trees.
22. No erosion control devices are required for this project. There will be no exposed soils or vegetation removal required to complete the construction.
23. This project is designed to have minimal impact to the tidal wetland resource and avoidance of any navigational interference.
24. Construction will occur outside of the rearing period for Northern Long-Eared Bat pups.

CONCLUSIONS:

1. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have or will be met.
2. Based on the information presented by the applicant and in accordance with Sec. 44-44, the Planning Board finds that the proposed use:
   a. Will maintain safe and healthful conditions;
   b. Will not result in water pollution, erosion, or sedimentation to surface waters;

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

DECISION:

Based on the above facts and conclusions, on **September 21, 2021** the Planning Board voted to approve your application to construct a 4'X36' access ramp, 4'X8' landing, 4'X16' access stairway, 4' x 74' fixed residential pier, a 3' x 35' gangway (seasonal), 10' x 20' seasonal float, and an additional 6'X16' landing float on the applicant's property, as detailed in the plans and materials submitted.

CONDITIONS OF APPROVAL:

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Applicant shall provide an approved Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) Permit and U.S. Army Corps of Engineers (ACOE) authorization for the project prior to, or along with, their building permit application.
5. Applicant will pay an additional $175 for rescheduling of the Public Hearing (of August 17) during the building permit process.

PERMITS:

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

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

The holder of an approved permit should take care to ensure that the approval granted on **September 21, 2021** does not expire prior to commencement of work or change.

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APPEALS:

This decision can be appealed to the Board of Appeals within 30 days after **September 21, 2021** by an aggrieved person or party as defined in Sec. 1-2 and Sec. 45-50(b) of the Eliot Zoning Ordinance. Computation of time shall be in accordance with general provisions of the Town of Eliot Municipal Code of Ordinances, section 1-2.

Sincerely,

_____
Carmela Braun, Chairman
Eliot Planning Board
This letter reviewed and approved by the Planning Board on _____, 2021.

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

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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:	**October 5th, 2021**
TIME:	**7:00PM**

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, October 5th, 2021 at 7:00 PM for the following application(s):

- **29 Osprey Cove Lane (Map 78/Lot 1), PID # 078-001-000, PB21-23:** Shoreland Zoning Permit Application – Permanent Fixed Pierand Pier Access, Seasonal Gangway, Seasonal Float, and Winter Float Storage Platform
    - Applicant: Pierce Howell and Caitlin Dunn
    - Property Owner: Pierce Howell and Caitlin Dunn

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

WS ~ Classifieds & News ~

WORK WANTED

RETIRED COUPLE WANTS TO WORK FROM HOME.
Have lots of business experience. Clerical, data entry, customer service, mailing/shipping. No cold calling. 207-632-5857

RENTALS AVAILABLE

APARTMENT RENTAL
on Wells/Ogunquit line. 1200 SF, 1 bedroom with SS kitchen, bath, HW floors, parking, deck, W/D, dishwasher, central air, 10x10 office. $1775/month with all utilities included. No pets. Call Charles 207-646-7260.

ROOMMATE WANTED
(FEMALE) in York. $450 monthly includes all utilities, cable, Wi-Fi, and Netflix. See ad on Craig's List. 207-363-3312

1 BEDROOM APARTMENT
for rent September - May 31 in Wells. $925/month. Fully furnished, all utilities included, free WiFi, and 1 covered parking spot. Absolutely no smokers or pets. Call 207-216-3807

YORK HARBOR RENTAL FOR YEAR ROUND:
Walking distance to the ocean! 1 BR, 1 BA, all utilities included. $995/month. 207-479-2116

WINTER ON WELLS BEACH
Furnished 1 BR, 1 BA, 3rd floor APT for rent Sept. 15 - Apr. 30, 2022. No smoking. No pets. $1400/mo. includes all utilities. One person only. 207-351-6797

WINTER ON WELLS BEACH
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www.century21barbarapatterson.com
Place your rental property with us!
WE CAN FIND YOU THE RIGHT TENANT!

ITEMS FOR SALE

FOR SALE
Wide boards 18" x 16' $35. Live edge bar top $100. Also 16" boards and other lumber $1 bd.ft. For info, call 603-937-1016 in South Berwick, Maine

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Antiques * Silver * Gold * Coins
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One Item or Entire Estate. Cash paid for all antiques. Antique jewelry, coins, silver, gold, paintings, clocks, lamps, telephones, radios, phonographs, nautical items, weathervanes, dolls & toys, pottery, photography, military items, swords, advertising signs, fountain pens, bottles, tools, books & much much more! Buying antiques for over 20 years. Barn and Attic Clean-Out Also.
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C 781-956-2713 H 207-384-5425
Kakemo1@myfairpoint.net

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DECKS: We specialize in decks, attached or unattached to your home, including pool decks. Decks are framed with pressure treated lumber, pressure treated cedar, and/or composite decking. Free estimates and fully insured. Dragonfly Property Services, LLC at dragonflyproperty2021@gmail.com or 207-749-8798.

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with the best soil you can get
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Now is the time to grow your own fresh vegetables!
Please visit **BESTLOAM.COM**
or call **(207) 282-4445**
DUBOIS LIVESTOCK, INC.

...HAVEN from page 22

at their yard sale. You must be able to lift and carry boxes and small furnishings. It helps to have a good sense of humor, and enjoy singing along to the oldies we blast when we're working. If you're that kind of positive, hard working person, call Joyce at 207-229-8314. Thanks!

Only clean, quality items are acceptable as donations. We receive mostly wonderful items from our supporters, but not every item we can sell in our shop. We're currently looking for tasteful Halloween and Christmas decor, home decor, collectibles, vintage items, puzzles (with all their parts), small furnishings, nautical decor, and items that are unique. Saturdays 11 a.m. - 3 p.m. at 1784 Post Road, Wells.

Our Farmhouse Food Drive continues. We need to fill our cupboards before winter, and meanwhile we are taking in more cats every week. Please bring canned Friskies cat food, canned Fancy Feast kitten food, clumping litter and Temptations cat treats to our Farmhouse, 1784 Post Road, Wells, 11 a.m. - 4 p.m. Wednesday-Sunday.

We're overjoyed with every litter and food donation that comes in our door. We meet so many wonderful, kind, animal-loving people in our work. It's another great reason to become a Safe Haven volunteer!

CLEANING SERVICES

SEACOAST SANITIZING CO.
With one fog application to your home or office it cleans, sanitizes, disinfects and deodorizes killing bacteria and viruses including COVID-19. Perfect for seasonal turnarounds. Cleaning services and window washing also available. Call today for more information: 207-337-3923.

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Michael Loranger / Owner
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STUMP GRINDING:
Got stumps? Let us grind them! Free estimates and fully insured. Dragonfly Property Services, LLC at dragonflyproperty2021@gmail.com or 207-749-8798.

YARD SALES

Bourne Field Community Yard Sale in Wells
Saturday 9/25 • 9am-2pm
No Early Birds (Rain Date: Sun. 9/26)
18 Homes Participating!
Directions: Going south on Route 1, turn left onto Bourne Ave. Take right onto Cable St. Maps showing the sale sites will be available there.
Save the driving around & see lots of great items all in one location!

HUGE YARD SALE
Saturday 9/25 • 9am-2pm
Whistle Stop Circle, Wells
Off Depot Road • Rain Date: 10/2
Artwork, collectibles, vintage quilt, chenille bedspread, vases, 35mm film cameras & polaroids, bar stool, large dog crate & gates, books, new sheets, frames, metal planter rods, 13" color DVD player, canvas art, new vanity top & designer bowl, some fishing stuff, Red Sox leather tote, lamps, fans, hunting knives & lots more.
Please respect parking.

The Weekly Sentinel
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LEGAL / PUBLIC NOTICES

PUBLIC HEARING

To: Marianne Goodine or Michele Stivaletta-Noble, resident of the Town of Wells, County of York, and State of Maine; GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Wells that the Board of Selectmen of said town will meet at the Municipal Building, 208 Sanford Road, Wells on the 5th day of October 2021 at 6:00 p.m. in the evening.

The Board will conduct a public hearing on changes to the Remote Meeting Policy.

Given under our hands this 21st day of September 2021.

SELECT BOARD OF THE TOWN OF WELLS

PUBLIC HEARING

To: Marianne Goodine or Michele Stivaletta-Noble, resident of the Town of Wells, County of York, and State of Maine; GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Wells that the Board of Selectmen of said town will meet at the Municipal Building, 208 Sanford Road, Wells on the 5th day of October 2021 at 6:00 p.m. in the evening.

The Board will conduct a public hearing to review a Lodging License application for Holiday Inn Express.

Given under our hands this 21st day of September 2021.

SELECT BOARD OF THE TOWN OF WELLS

Town of Eliot
PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: October 5, 2021
TIME: 7:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, October 5, 2021 at 7:00 PM for the following application(s):

29 Osprey Cove Lane (Map 78/Lot 1), PID # 078-001-000, PB21-23: Shoreland Zoning Permit Application – Permanent Fixed Pier and Pier Access, Seasonal Gangway, Seasonal Float, and Winter Float Storage Platform. Applicant: Pierce Howell and Caitlin Dunn. Property Owner: Pierce Howell and Caitlin Dunn.

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

PB21-23: 29 Osprey Cove Ln. (Map 78, Lot 1): Shoreland Zoning Permit Application – Permanent Fixed Pier and Pier Access, Seasonal Gangway, Seasonal Float, and Winter Float Storage Platform – Public Hearing

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, Applicant's Representative
Kuerstin Fordham, Riverside & Pickering, Applicant's Representative
Shelly Bishop, Code Enforcement Officer
Kearsten Metz, Land Use Administrative Assistant
Date: September 29, 2021 (report date)
October 5, 2021 (meeting date)
Re: PB21-23: 29 Osprey Cove Ln. (Map 78, Lot 1): Shoreland Zoning Permit Application – Permanent Fixed Pier and Pier Access, Seasonal Gangway, Seasonal Float, and Winter Float Storage Platform – **Public Hearing**

Application Details/Checklist Documentation	
✓ Address:	29 Osprey Cove Ln.
✓ Map/Lot:	78/1
✓ PB Case#:	21-23
✓ Zoning:	Rural
✓ Shoreland Zoning:	Resource Protection, Limited Residential
✓ Owner Name:	Pierce Howell and Caitlin Dunn
✓ Applicant Name:	Pierce Howell and Caitlin Dunn
✓ Proposed Project:	Permanent fixed pier/pier access, seasonal gangway and float, winter float storage platform
✓ Application Received by Staff:	July 20, 2021
✓ Application Fee Paid and Date:	$225 (Shoreland Zoning Permit Application, Residential Pier – $50; Public Hearing – $175) July 21, 2021
✓ Application Sent to Staff Reviewers:	September 1, 2021
✓ Application Heard by PB ✓ Found Complete by PB	September 7, 2021; September 21, 2021; October 5, 2021 (scheduled) September 21, 2021
Site Walk	N/A
Site Walk Notice Publication	N/A
Public Hearing	October 5, 2021 (scheduled)
✓ Public Hearing Publication	September 24, 2021 (Weekly Sentinel)
✓ Reason for PB Review:	Shoreland Zoning Permit Application, Permanent Residential Pier (SPR use)

PB21-23: 29 Osprey Cove Ln. (Map 78, Lot 1): Shoreland Zoning Permit Application – Permanent Fixed Pier and Pier Access, Seasonal Gangway, Seasonal Float, and Winter Float Storage Platform – Public Hearing

October 5 update

- Site plan changes and a recommended condition in the approval motion template address previous questions about the winter float storage platform. I have also been in touch with DEP staff about this.
- In my opinion, the "tree score" plan (PB reviewed on 9/21) accords with the applicable shoreland zoning standard [44-35(p))]

September 21 update

- Continued site plan review: ask questions and seek more information as necessary. Consider motion on application completeness and setting a public hearing and (if desired) site walk.

September 7 report with updates

Overview

Applicants and property owners Pierce Howell and Caitlin Dunn (agents: Ambit Engineering, Inc., and Riverside & Pickering Marine Contractors) are seeking review of a Shoreland Zoning Permit Application for a new permanent residential pier with an access ramp and stairway, a seasonal gangway, a seasonal float, and a winter float storage platform at 29 Osprey Cove Ln. (Map 78, Lot 1) to "provide safe boating access to the Piscataqua River while having only minimal impact to the tidal wetland resource, and avoidance of any navigational interference" (per the application description). The application also proposes stabilization of 675 sq. ft. of the shoreline with stone rip rap, entailing 641 sq. ft. of temporary tidal wetland construction impact to be restored upon completion of the work.

The 0.96-acre lot along the river currently includes a single-family residence built in 2010, along with accessory structures. Along the shore, there is a forested slope leading down to the tidal area with tidal saltmarsh and mud flat. Existing structures, including a wood landing, stairs, and a floating wood dock running somewhat parallel to the shore, would be removed by the project to allow for the new pier system to be built. The access ramp and stairway would be built on pilings heading down the slope to the tidal area. The pier and winter float storage platform would be built on pilings in the mud flat. The float would be secured with helical moorings and chains.

Application package contents

- Shoreland Zoning Permit Application
- Agent authorization letter for Maine DEP and Town applications for Riverside & Pickering Marine Contractors, Inc. and Ambit Engineering, Inc.
- NRPA Individual Permit Application package
    - Cover letter
    - NRPA Individual Permit Application

  - Construction details/sequence
  - Alternatives analysis
  - Wetland functions and values assessment
  - Field survey checklists
  - Project description worksheet
  - Notice of Intent to File the application
  - Public Notice Filing and Certification
  - Site photos
  - Location maps
  - Abutters list; letters to abutters and reviewing agencies
  - Warranty deed
  - Endangered/threatened/candidate species and critical habitats list
- Site plan set with location map, existing conditions plan, construction details, side elevation drawings, and construction and erosion/sedimentation control notes

Additional submittals

- Tree score plan, received 9/21
- Updated sheet D1, details, dated 9/16, received 9/21

Dimensions

- Access ramp: 4' x 8'
- Access stairway: 4' x 12'
- Permanent fixed pier: 6' x 30'
- Seasonal gangway: 3' x 40'
- Seasonal float: 10' x 20'
- Permanent winter float storage platform: 12' x 20'

Zoning

Rural; 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 (*10/5/21 update)*

Public hearing, deliberation, overall decision on application (or continuance)

PB21-23: 29 Osprey Cove Ln. (Map 78, Lot 1): Shoreland Zoning Permit Application – Permanent Fixed Pier and Pier Access, Seasonal Gangway, Seasonal Float, and Winter Float Storage Platform – Public Hearing

Status of other agency reviews

The applicant has submitted a NRPA Individual Permit Application to DEP, with a cover letter dated July 14, with copy to the US Army Corps of Engineers (ACOE), Maine Bureau of Lands, State Historic Preservation Commission, and Five Tribes.

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 (200 ft. is the standard for the Rural district; 198 ft. is reported in the application, 200 ft. is in the deed's metes and bounds)	Only one is proposed
(2)	Developed on appropriate soils so as to control erosion	**Shoreline stabilization / rip rap** See sheet D2 of the plan set for soil erosion, sediment, and turbidity controls, including all work being performed at low tide, use of a crane barge, minimizing heavy equipment in the wetland area, and a turbidity curtain. See also the discussion below regarding the shoreline stabilization component. **Pier system** From the NRPA application, construction details-sequence: "No erosion control devices are required for the tidal docking component of the project. There will be no exposed soils or vegetation removal required to complete the construction of the dock…There is nothing in regards to the proposed dock construction 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 and a spud barge at low tide eliminating erosion and potential for sedimentation."
(3)	N/A – pertains to beach areas	

(4)	Minimize adverse effects on fisheries	The site is "directly adjacent to Tidal Wading Bird and Waterfowl Habitat and Shellfish Beds" (NRPA cover letter). The wetland functions and values assessment reports that the pier "will not impact migrational movement of fish and wildlife" and will "preserv[e] the functionality of the adjacent wetland resources".
(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	The winter float storage platform abuts the pier. **The key review question here is whether the platform requires direct access to the water body as an operational necessity. The Planning Board may wish to discuss this with the applicant.** This requirement would not allow the platform to be converted into a use that does not need direct access to the water body as an operational necessity, and if it is used for other purposes (e.g. converted into an extension of the pier itself), the 6 ft. pier width maximum would be exceeded. ***[10/5/21: See update below]***
(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.
(10b)	Pier (+ temporary float) length restricted to 200 ft., 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 90 ft., and the float would sit on the intertidal flat during low tide.
(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	Visually, this appears to be met
(12)	25 ft. setbacks from riparian lines for neighboring properties (with exceptions)	Riparian lines are shown on the plan. While setback lines are not shown, visually this requirement appears to be met. The pier system appears generally centered within the shore frontage.
(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	**This requirement would apply to the float. The Planning Board may wish to seek more information on this from the applicant.** ***[See update below.]***
(14)	Required reflectors	Yes – see note 11 of the site plan (sheet C2). Reflectors on pier at 1 per 20 ft. and at corners.

9/21/21 updates

- (6) – At the September 7 meeting, it was anticipated that the applicant's representatives would follow up with more information on a design that may address the above question. It should be noted that the ACOE's general conditions allow storage of seasonal structures "on the fixed, pile-supported portion of a structure that is waterward of the mean high water mark or the ordinary high water mark". I have also asked DEP how they review these structures and will convey anything I hear from them at the meeting.
- (13) – From the applicant's representative: "Item 13# is in regards to bottom protection for the float. The plans propose float skids to provide the required bottom protection. The skids are depicted on the Details-Sheet D1. The skids are detailed in plan view, the profile view, and a separate detail at the bottom of the sheet. We propose float skids in Maine for any float that will be in contact with the substrate at low tide. They are approvable by Maine DEP and USACOE."

10/5/21 update

- (6) – As discussed on September 21, the design of the pier (see updated sheet D1) now includes more vertical railing supports (every 4 ft. on center) along the railing between the pier and the float storage platform. Note 7 has been added, stating: "A gate providing foot access to the proposed float storage platform is not to be constructed on the proposed pier." See also the recommended condition on access and decking in the approval motion template.

Access ramp, landing, and stairway

The access ramp, landing, and stairway are proposed to be located on a bluff indicated as stable by the Maine Geological Survey (https://www.maine.gov/dacf/mgs/pubs/digital/bluffs.htm). (However, see below section on shoreline stabilization.) The proposed width is 4 ft. which complies with the maximum width in 44-35(b)(6).

Shoreline stabilization

The shoreline stabilization component would use rip rap to stabilize 675 sq. ft. of slope upland of the highest annual tide (HAT) line. As stated in the NRPA permit application alternatives analysis:

> The slope and the top of the bluff is well vegetated, including several mature…trees however, the trees located directly adjacent to the H.A.T. line have exposed root systems due to erosional forces along the shoreline. This erosion is evident by an undercut bank, exposed soils, and the accumulation of smaller stone matter that has been deposited by wave action along the shoreline (see attached photo log). It is

> our opinion that stabilization of this slope is the only practicable alternative to reduce erosion and continual [degradation] of the shoreline and vegetated slope…Stabilizing the slope using vegetation only would require a significant cut to the slope (minimum 3:1) versus the proposed stone rip rap at a 1:1 slope, which would result in the removal of the natural vegetation along the slope, a much larger impact area, and would not be representative of the least impacting alternative.

There is a slope repair typical section and vertical profile on sheet D2. A "tree score" plan may be required to demonstrate that a well-distributed stand of trees and other natural vegetation will be maintained post-construction.

> ***10/5/21 update:*** A tree score plan, per 44-35(p), was provided by the applicant and reviewed at the September 21 meeting. In my opinion, the application meets the requirements of this section.
>
> - Grid cells 1 and 3 – tree score of 16 or more maintained, indicating a well-distributed stand of trees after construction
> - Grid cell 2 – existing score is 18, score would go down below the minimum of 16 to 14 (includes 4 new native trees planted). This cell contains the proposed accessway and stairs, exempt from the above clearing and vegetation standards. [See 44-35(p)(8)(b)]

Other review considerations

- The pier would avoid the salt marsh areas as delineated on the site plan.
- ACOE may require restricting the construction season to fall outside of the rearing period for northern long-eared bat pups (the only identified threatened/endangered species in the area). This should not be an issue as the rearing period is generally in the summer. Time-of-year restrictions for construction are on sheet D2.

Motion templates (10/5/21)

Approval with shoreland zoning findings (in addition to other findings of fact to be included in the NOD) and conditions

To approve the Shoreland Zoning Permit Application for PB21-23, 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;

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. [If needed] The applicant shall provide an approved Maine Department of Environmental Protection (DEP) Natural Resources Protection Act (NRPA) permit and U.S. Army Corps of Engineers (ACOE) authorization for the project prior to, or along with, their building permit application.
3. The float storage platform shall only be used as such. Except for the float itself, decking or another surface may not be affixed or placed on top of the platform. Access to the platform is not allowed, except for facilitating float placement or removal, for maintenance or repair of the platform itself, or in emergency situations.
4. [Other conditions as desired]

Denial

To deny the Shoreland Zoning Permit Application for PB21-23, for the following reasons:

1. _____
2. _____
3. _____ [etc.]

Continuance

Motion to continue PB21-23 to the October 19, 2021, meeting.

Section 33-131 timelines (based on current meeting schedule)

- If continued to 11/9/21, hold another public hearing
- Last meeting within 75 days of completeness: 11/16/21

* * *

Respectfully submitted,
Jeff Brubaker, AICP, Town Planner

AIMO, G THEODORE
AIMO, MARIE A
34 OSPREY COVE LN
ELIOT, ME 03903

ALEX, RONALD
THORNTON, BARBARA
223 PARK AVE
ARLINGTON, MA 02476

BERUBE, HELEN
163 CENTRAL AVE
DOVER, NH 03820

GOODWIN, ALICIA
45 BOYCE RD
ELIOT, ME 03903

HUNTER, HOLLY/GAIR, DANIE
HOLLY HUNTER/DANIEL T GAI
PO BOX 36
PORTSMOUTH, NH 03802-0036

LENEHAN, DAVID E
LENEHAN, LORA L
13 BOND RD
KITTERY POINT, ME 03905

MCASKILL, PAUL
HESS-MCASKILL, BRENDA K
23 OSPREY COVE LN
ELIOT, ME 03903

OLSEN, SANDRA
67 BOYCE RD
ELIOT, ME 03903

SCHADLER REVOCABLE TRUST
CYNTHIA L SCHADLER TRUSTE
28 STARBOARD COVE RD
ELIOT, ME 03903

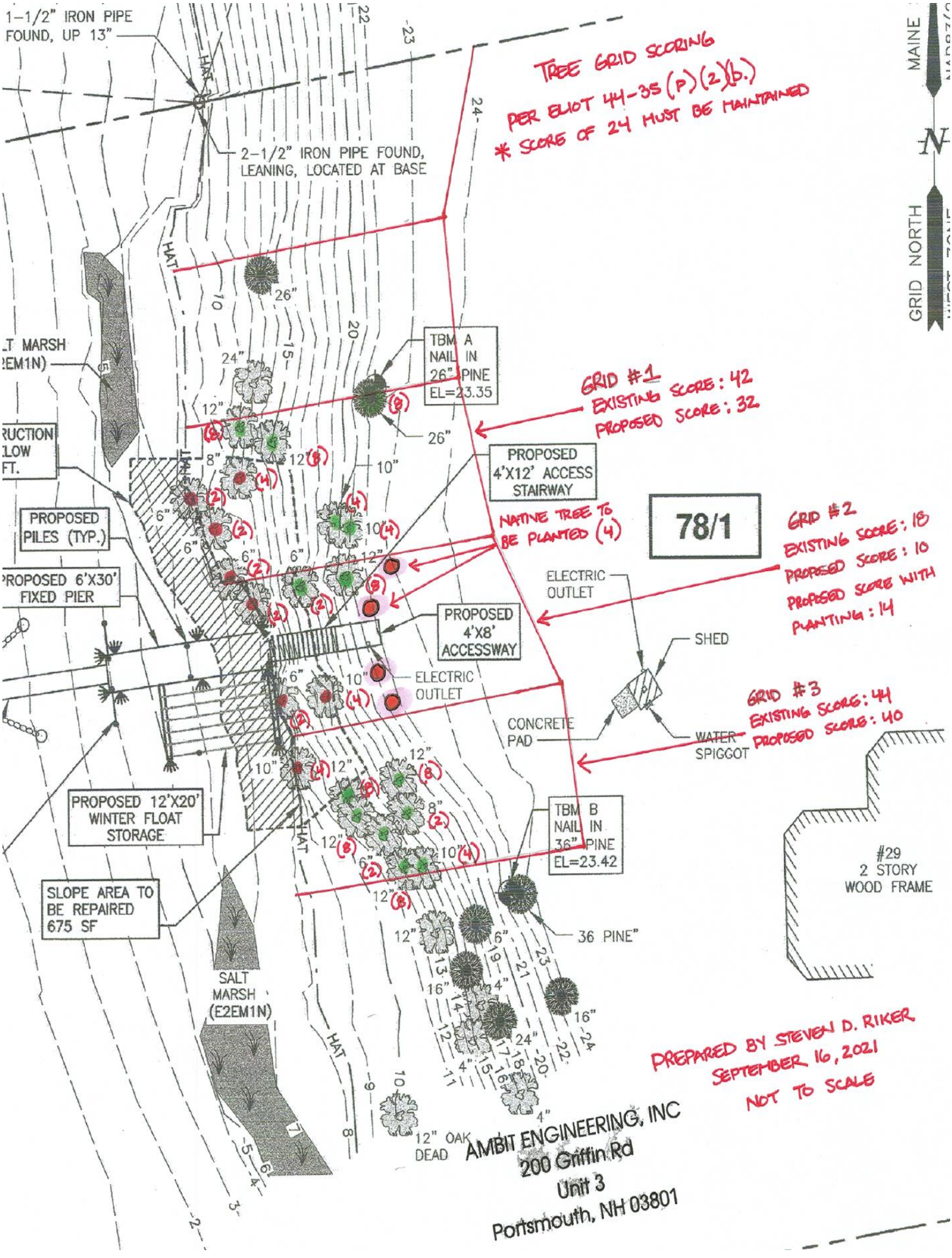
TROMBLY, JANE M REVOCABLE
JANE M TROMBLY TRUSTEE
37 OSPREY COVE LN
ELIOT, ME 03903

TSAMPAS, CONSTANTINE
TSAMPAS, DEBRA A
55 OSPREY COVE LN
ELIOT, ME 03903

TSAMPAS, CONSTANTINE
TSAMPAS, DEBRA A
5 WALNUT ST
STONEHAM, MA 02180

UPTON, TODD M REVOCABLE T
TODD UPTON TRUSTEE
24 OSPREY COVE LN
ELIOT, ME 03903

VAILLANCOURT, DONNA M
HANSEN, MARION L
57 BOYCE RD
ELIOT, ME 03903


1-1/2" IRON PIPE FOUND, UP 13"
2-1/2" IRON PIPE FOUND, LEANING, LOCATED AT BASE
HAT
TREE GRID SCORING
PER ELIOT 44-35 (P)(2)(b.)
* SCORE OF 24 MUST BE MAINTAINED
MAINE
GRID NORTH
TBM A NAIL IN 26" PINE EL=23.35
GRID #1
EXISTING SCORE: 42
PROPOSED SCORE: 32
PROPOSED 4'X12' ACCESS STAIRWAY
NATIVE TREE TO BE PLANTED (4)
78/1
GRID #2
EXISTING SCORE: 18
PROPOSED SCORE: 10
PROPOSED SCORE WITH PLANTING: 14
PROPOSED PILES (TYP.)
PROPOSED 6'X30' FIXED PIER
PROPOSED 4'X8' ACCESSWAY
ELECTRIC OUTLET
SHED
CONCRETE PAD
WATER SPIGGOT
GRID #3
EXISTING SCORE: 44
PROPOSED SCORE: 40
PROPOSED 12'X20' WINTER FLOAT STORAGE
TBM B NAIL IN 36" PINE EL=23.42
SLOPE AREA TO BE REPAIRED 675 SF
SALT MARSH (E2EM1N)
#29
2 STORY
WOOD FRAME
36 PINE"
12" OAK DEAD
PREPARED BY STEVEN D. RIKER
SEPTEMBER 16, 2021
NOT TO SCALE
AMBIT ENGINEERING, INC
200 Griffin Rd
Unit 3
Portsmouth, NH 03801

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 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 MUDFLATS

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

TIME OF YEAR WORK WINDOWS/RESTRICTIONS

FOR ACTIVITIES WHERE WORK IS AUTHORIZED IN STREAMS AND TIDAL WATERS THAT CAUSES TURBIDITY OR SEDIMENT RE-SUSPENSION OR OTHER CONSTRUCTION RELATED DISTURBANCES, WORK MUST BE CONDUCTED DURING THE FOLLOWING T.O.Y. WORK WINDOWS (NOT DURING THE T.O.Y. RESTRICTIONS) UNLESS OTHERWISE AUTHORIZED BY THE CORPS UNDER CATEGORY 2 REVIEW:

	T.O.Y. RESTRICTION (NO WORK)	T.O.Y. WORK WINDOW (WORK ALLOWED)
NON-TIDAL WATERS	OCT. 01 THROUGH JUL. 14	JUL. 15 THROUGH SEP. 30
TIDAL WATERS	APR. 10 THROUGH NOV. 07	NOV. 08 THROUGH APR. 09

ALTERNATE WINDOWS AUTHORIZED UNDER CATEGORY 2 MAY INCLUDE SPECIES SPECIFIC WINDOWS RECOMMENDED BY THE MAINE DEPT. OF MARINE RESOURCES AND/OR MAINE DEPT. OF INLAND FISHERIES & WILDLIFE.

FLOODPLAINS AND FLOODWAYS

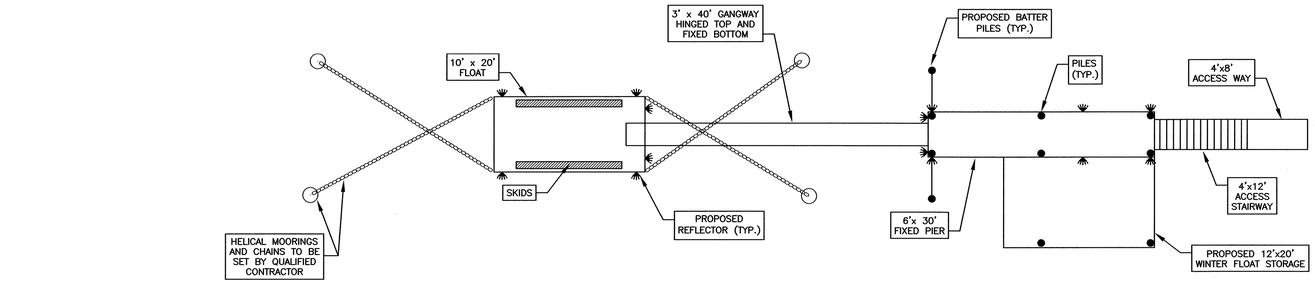
A. APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
B. ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPONENTS MAY NEED 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.
C. PROPONENTS 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/

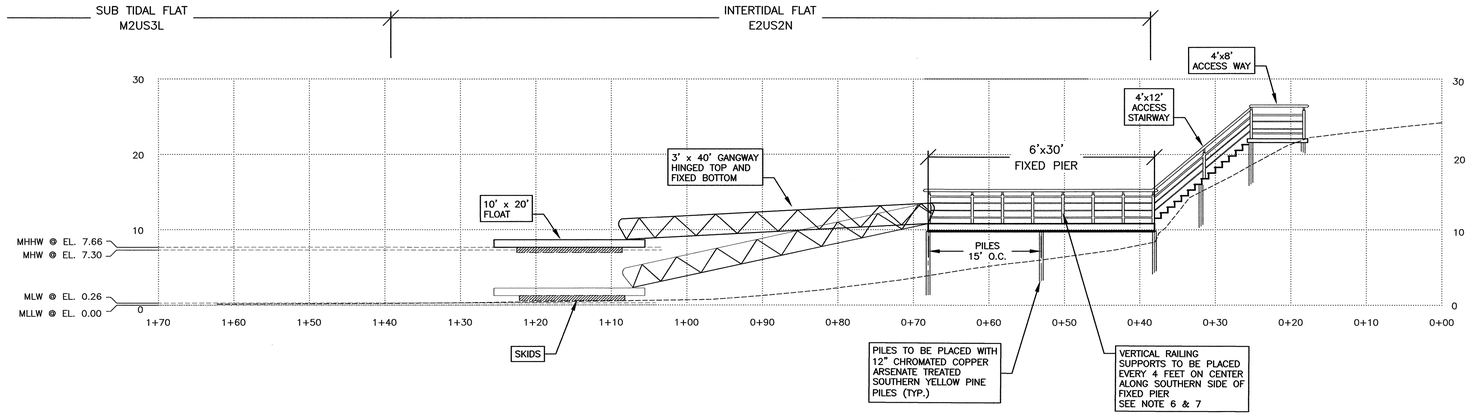
STORAGE OF SEASONAL STRUCTURES.

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 MUDFLATS. 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.

A. 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 .
B. 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.

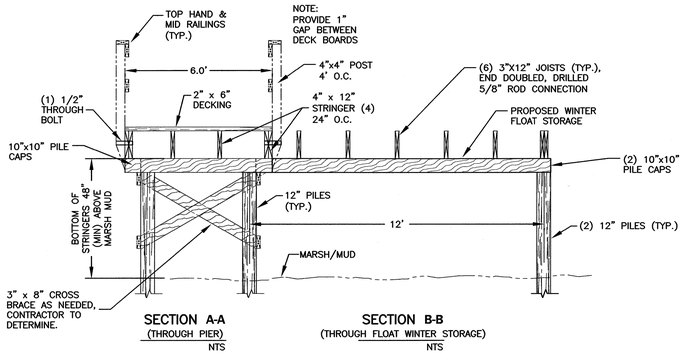




PROPOSED DOCK ELEVATION

PROPOSED PIER, GANGWAY & FLOAT

(WINTER FLOAT STORAGE NOT SHOWN)

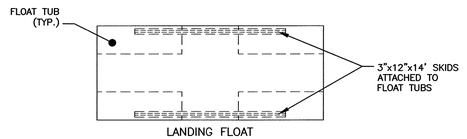


SECTION A-A
(THROUGH PIER)
NTS

SECTION B-B
(THROUGH FLOAT WINTER STORAGE)
NTS

PROPOSED PIER DETAIL
NTS

PROPOSED FLOAT WINTER STORAGE
NTS



PROPOSED FLOAT SKIDS
NTS

GRAPHIC SCALE

10 5 0 10 20 30 40 FEET
3 0 5 10 METERS

OWNER & APPLICANT:
PIERCE W. HOWELL &
CAITLIN M. DUNN
29 OSPREY COVE LANE
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

RIVERSIDE & PICKERING MARINE CONTRACTORS

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) NUMBER OF PILES TO BE DRIVEN FOR DOCKING STRUCTURE NOT TO EXCEED 10 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.

5) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2'). REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8420411 DOVER, COCHECO RIVER. MLLW BEING 3.93 FEET LOWER THAN 0.00 NAVD88.

6) VERTICAL RAILING SUPPORTS TO BE PLACED EVERY 4' ON CENTER ALONG SOUTHERN SIDE OF PIER TO DISCOURAGE USE OF FLOAT STORAGE PLATFORM FOR ANY USE OTHER THAN WINTER MONTHS FLOAT STORAGE.

7) A GATE PROVIDING FOOT ACCESS TO THE PROPOSED FLOAT STORAGE PLATFORM IS NOT TO BE CONSTRUCTED ON THE PROPOSED PIER.

DOCK & SLOPE STABILIZATION
HOWELL RESIDENCE
29 OSPREY COVE LANE
ELIOT, MAINE

NO.	DESCRIPTION	DATE
2	ADDED RAILING DETAILS & NOTES	9/16/21
1	ISSUED FOR APPROVAL	7/9/21
0	ISSUED FOR COMMENT	4/28/21

REVISIONS

STATE OF MAINE
JOHN R. CRAGNON
No. 9050
LICENSED
PROFESSIONAL ENGINEER
9.16.21

SCALE 1" = 10' APRIL 2021

DOCK DETAILS

D1

FB 383 PG 27 3050.43

J:\JOBS\3x_3000's\3050\3050.43 Howell 29 Osprey Cove Lane, Eliot, ME\2020 Permitting\Plans & Sheets\3050D1.43 Permitting 2021.dwg, 9/16/2021 11:05 AM, DWG To PDF.pc3

PB21-25: 505 Harold L. Dow Hwy. (Map 53/Lot 7): Site Plan Review and Change of Use – Adult Use and Medical Marijuana Manufacturing Facility

TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Brian Nielsen, EIT, Attar Engineering
Shelly Bishop, Code Enforcement Office
Kearsten Metz, Land Use Administrative Assistant
Date: September 29, 2021 (report date)
October 5, 2021 (meeting date)
Re: PB21-25: 505 Harold L. Dow Hwy. (Map 53/Lot 7): Site Plan Review and Change of Use – Adult Use and Medical Marijuana Manufacturing Facility

Application Details/Checklist Documentation	
✓ Address:	505 Harold L. Dow Highway
✓ Map/Lot:	53/7
✓ PB Case#:	21-25
✓ Zoning District:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	Limited Commercial
✓ Owner Name:	NEK Assets, LLC / PW ME Canre SD LLC
✓ Applicant Name:	NEK Assets, LLC
✓ Proposed Project:	Adult Use and Medical Marijuana Manufacturing Facility and Cogeneration Plant
✓ Application Received by Staff:	July 20, 2021
Application Fee Paid and Date:	$600 (Site Plan Review – $400; Change of Use – $25; Public Hearing – $175) *Applicant notified, expected payment by PB meeting*
Application Sent to Staff Reviewers:	Not yet sent
✓ Application Heard by PB Found Complete by PB	September 7, 2021; October 5, 2021 (scheduled) TBD
✓ Site Walk	September 27, 2021
✓ Site Walk Publication	September 10, 2021 (Weekly Sentinel)
Public Hearing	TBD
Public Hearing Publication	TBD
Deliberation	TBD
✓ Reason for PB Review:	Site Plan Review, Change of Use, Marijuana (SPR use)

PB21-25: 505 Harold L. Dow Hwy. (Map 53/Lot 7): Site Plan Review and Change of Use – Adult Use and Medical Marijuana Manufacturing Facility

Overview (*10/5 update*)

NEK Assets, LLC (agent: Attar Engineering) is seeking Site Plan Review and a Change of Use for a 9,900 sf Adult Use and Medical Marijuana Manufacturing Facility to be located at 505 Harold L. Dow Highway (Map 53, Lot 7). The property is 3.58 ac. in area. It is currently mostly wooded with the exception of the site of a defunct auto repair building near Route 236, which has been recently demolished, and a semicircular driveway. The proposal also includes an 840 sf natural gas cogeneration plant producing power and heat.

Application contents (*10/5 update*)

- Cover letter dated 7/20/21
- Site Plan Review application
- Property deed
- Location map
- Sensitive use map
- Abutters list
- Floor plans and details (some confidential)
- Construction schedule
- Written security plan
- Odor control plan
- High intensity soil survey
- Site plan set including site plan, existing conditions plan, grading & utilities plan, high intensity soil survey, erosion & sedimentation control plan, site details, and a standard boundary survey
- Cover letter dated 9/21/21
- Site Plan Review application received 9/22/21
- State OMP Adult Use Establishment Applicant Notary Form
- State OMP license fee payment notice
- Organizational hierarchy and chart of property ownership/leasing
- Site plan set, revision date 9/20/21
- Agent authorization letter, NEK Assets LLC to Attar Engineering
- OMP Conditional License AMF826, Adult Use Marijuana Products Manufacturing Facility, issued to Northeast Kind Holdings, LLC (100% owner), expires 9/20/22
- Post-construction stormwater management plan and stormwater study

Zoning

Commercial-Industrial; Limited Commercial (shoreland) in a small corner of the property

Type of review needed

Site Plan Review

Uses

Adult use marijuana and medical marijuana products manufacturing facility (SPR uses in

the C/I district). There is no clear reference in the land use table for a private cogeneration power plant.

Previous Planning Board actions

The most recent review for this site was sketch plan review on November 17, 2020, for a similar proposal. That proposal did indicate future phases with a cultivation element and the now-proposed cogeneration plant. During this review, the Board asked questions about natural resources on the property, marijuana performance standards, and other topics. The Conservation Commission had also provided review comments.

State conditional license

Included in packet: Adult Use Marijuana Products Manufacturing Facility, issued to Northeast Kind Holdings, LLC (100% owner), expires 9/20/22

Separation (buffering) requirement (500 ft. from sensitive uses) [33-190(5)]

Although a sensitive use map is provided, the current proposal is not subject to the sensitive use buffering requirement because it does not propose an adult use marijuana retail store, medical marijuana caregiver retail store, or medical marijuana dispensary. The exception is the "universal" 500-ft. marijuana establishment buffering for public and private schools, but the proposed facility meets that standard.

Parking spaces

The site plan parking calculation (note 6) shows that 15 spaces are required and 17 are provided, including 1 ADA van-accessible space with access aisle.

Driveway (*10/5 update*)

Two driveway cuts onto Route 236 exist today, and two (improved) are shown on the site plan. I previously recommended that only one consolidated driveway be provided to reduce driveway cuts and Route 236 access points in the area. See 45-406 – Traffic, which reads, in part: "The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight distances, intersections, schools, and other traffic generators." There is one auxiliary driveway for the Town Transfer Station across Route 236. General good practice for an arterial road like Route 236 is to reduce driveway cuts to what is needed and reduce offset, opposite-side driveways.

On the Site Walk, the Planning Board members and I asked the applicant about the driveway configuration and alternative options. The applicant made a case for retaining the proposed two-driveway configuration, noting the limited traffic generation, while I spoke to the idea of one consolidated driveway. Another alternative was then discussed –

keeping the two driveways but having one be entrance only and one be exit only. The Planning Board may wish to confer with the applicant about this at the meeting.

Another item discussed at the Site Walk was the possibility and location of cross-access with 495 HL Dow.

Stormwater (*10/5 update*)

The proposal would create 1.3 new acres of impervious surface. A stormwater management facility (wet pond) is proposed on the north half of the property, and a bioretention cell would be located close to Route 236. During the Site Walk, the Planning Board asked about where snow would be stored within the parking lot, including keeping snow piles away from site wetlands and the stormwater feature, and this was noted by the applicant.

The project is subject to a DEP stormwater permit. The stormwater management study (received 9/29) concludes, in part:

> "The analysis indicates a decrease in peak flow at all three Analysis Points for the 2, 10, 25 and 50-year storm events…Constructing a stormwater quality wetpond and bioretention cell will result in no adverse effects due to peak runoff quantity from the proposed development. No adverse effects are anticipated on any downstream properties or drainage structures for the analyzed storm events."

Wetlands and habitat (*10/5 update*)

Wetlands exist at the back of the property, and the previous review identified the potential for New England Cottontail habitat. (Attar Engineering has since reported that field surveys done this past winter found no evidence of Cottontails.) The site plan generally avoids these wetlands; however, the development would alter 590 sf of delineated wetland, which is located toward the center of the parcel.

Property owner and business entity charts

Note in your packet, in response to questions raised at the previous review, a hierarchy of entities related to the development, as well as a schematic chart showing owners/lessees of the contiguous 483, 495, and 505 HL Dow properties.

Other notes

- See separate documents and site plan notes for odor control and security measures. Some security information is confidential at the request of the applicant.
- Note that this is a review involving two contiguous nonconforming lots of record. See 45-194, which requires that such lots "shall be considered to be a single parcel for the purposes of this chapter, and no portion of such parcel shall be built upon which does not meet dimensional requirements of this chapter". This may affect certain review considerations.

- The state's Adult Use Marijuana Program Rule has certain stipulations for co-locating manufacturing of adult use and medical marijuana, generally pertaining to keeping production and storage of each separate, separate tracking systems, correct packaging and labeling, floor plan requirements, etc. The Planning Board may wish to confirm that these state requirements have been or are being addressed, because it could indirectly pertain to local review.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

ATTAR
ENGINEERING, INC
CIVIL · STRUCTURAL · MARINE

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

September 21st, 2021
Project No. C190-21

RE: Site Plan Application
505 H.L. Dow Highway (Tax Map 53, Lot 7)
Eliot, Maine

Dear Mr. Brubaker:

On behalf of NEK Assets, LLC I have enclosed an Application for Site Plan Review and additional supporting documentation for the above referenced project. The 3.6-acre parcel, located at 505 Howard L. Dow Highway, is in the Commercial/Industrial zoning district. It is not located in a flood hazard zone.

The applicant is proposing a "Medical and Adult Use Marijuana Manufacturing Facility", an allowed use in the C/I District. The facility is not within 500' of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public facility.

Additionally, a Heat and Power Cogeneration Facility is proposed. This will provide both heating and electrical load support to buildings on site.

There will be approximately 15 employees total on the site. Security will comply with State and Local standards. Waste management will also comply with State and Local standards.

Per Planning Board request we've included in this application several charts explaining the owning and operating entities of this and neighboring properties.

Also included are notices that a conditional license has been applied for with the Maine Office of Marijuana Policy. No conditional license has been received at this time.

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

Sincerely;

Brian Nielsen, E.I.T.
Staff Engineer

cc: NEK Assets, LLC
C190-21_Eliot_Cover

Case No._____
Site review? Yes No

APPLICATION FOR SITE PLAN REVIEW
TOWN OF ELIOT PLANNING BOARD

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

Tax Map 53 Lot# 7 Lot Size 3.58 acres Zoning District: C/I

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

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

Who owns the property now? NEK Assets, LLC.

Address (Location) of the property 505 Dow Highway

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

☑ **Step 2 (establish your legal interest in the property)**

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

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

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

Having entered the SPECIFIC land use above now provide a more detailed description of what you want to do:
Clearing land and putting a 9,900 square foot Adult-Use and Medical Marijuana Manufacturing facility. The existing cinderblock structure will remain for storage of non-marijuana products (soils, equipment etc.).

Case No._____
Site review? Yes No

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

- ☐ All zoning districts
- ☐ The location of all existing and/or proposed buildings
- ☐ The setbacks of all existing and proposed structures or uses.
- ☐ The location of proposed signs, their size, and direction of illumination.
- ☐ The location of all existing and/or proposed entrances and exits.
- ☐ All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
- ☐ Plans of buildings, sewage disposal facilities, and location of water supply.

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

Applicant _____ Date _____

Property Owner _____ Date _____

☐ **Step 6 Application received by Planning Assistant**

Date received by the PA _____ PA initials _____

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

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

PART 1 - THE PROCEDURE

Case No._____
Site review? Yes No

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

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

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

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

(STEP 5) Board visits site with applicant**.**

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

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

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

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

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

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

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

PART 2

Case No._____
Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

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

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

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

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

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

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

- ☐ If review by Eliot Fire Chief ___, Police Chief ___, or Road Commissioner___ is required**.**

Case No._____
Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

☐4.4. Traffic data if applicable (Section 33-153)
☐4.5. Campground requirements if applicable (33-172)

☐4.6. Commercial Industrial requirements if applicable
☐4.6.1. Landscaping (Section 33-175)

Case No._____
Site review? Yes No

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

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

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

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

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

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

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

Case No._____
Site review? Yes No

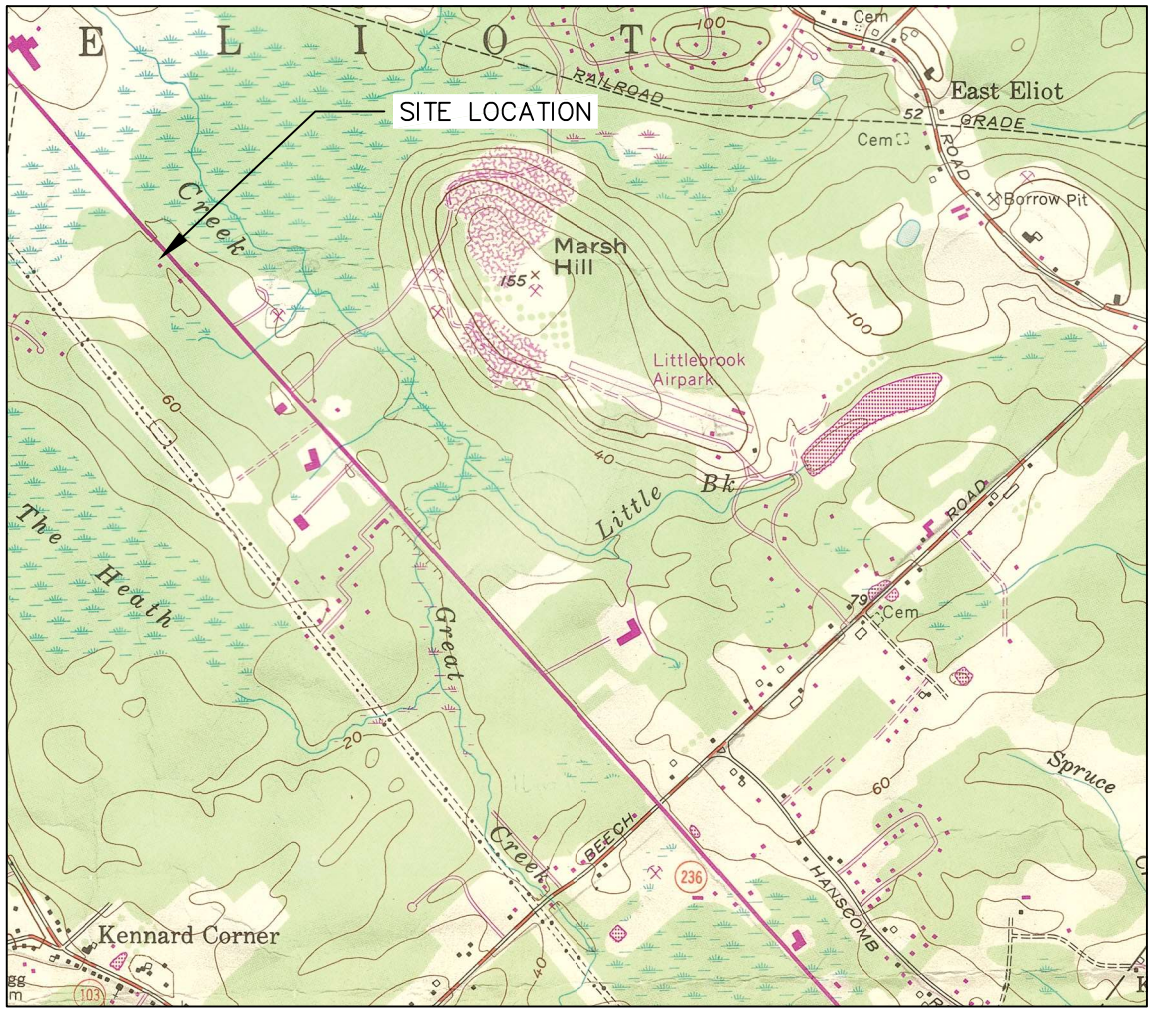
5. Board discussion of Site Plan (Section 33-126).
   - ☐ 5.1. Board discusses Site Plan with applicant.

6. Public Hearing (Section 33-129 & 130).
   - ☐ 6.1. Conducted within 30 days of Boards acceptance of Site Plan.
   - ☐ 6.2. Three notices posted 10 days prior to the Public Hearing.
   - ☐ 6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.
   - ☐ 6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.
   - ☐ 6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. $150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)
   - ☐ 6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

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

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

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



SITE LOCATION MAP
1" = 2000'

500 foot Abutters List Report

Eliot, ME
September 20, 2021

Subject Property:

Parcel Number:	053-007-000	Mailing Address:	PW ME CANRE SD LLC
CAMA Number:	053-007-000		301 WINDING RD
Property Address:	505 HAROLD L DOW HWY		OLD BETHAGE, NY 11804

Abutters:

Parcel Number:	045-005-000	Mailing Address:	MARITIMES & NORTHEAST PIPELINE
CAMA Number:	045-005-000		C/O DUFF & PHELPS LLC
Property Address:	413 HAROLD L DOW HWY		PO BOX 2629
			ADDISON, TX 75001
Parcel Number:	053-006-000	Mailing Address:	PW ME CANRE SD LLC
CAMA Number:	053-006-000		C/O POWER REIT 301 WINDING RD
Property Address:	495 HAROLD L DOW HWY		OLD BETHPAGE, NY 11804
Parcel Number:	053-008-000	Mailing Address:	XNG MAINE LLC
CAMA Number:	053-008-000		300 BRICKSTONE SQUARE STE 1005
Property Address:	525 HAROLD L DOW HWY		ANDOVER, MA 01810
Parcel Number:	054-002-000	Mailing Address:	FLOWER COMPANY PROPERTIES INC
CAMA Number:	054-002-000		9 ISLAND AVE
Property Address:	483 HAROLD L DOW HWY		KITTERY, ME 03904
Parcel Number:	054-003-000	Mailing Address:	BONDGARDEN
CAMA Number:	054-003-000		255 DEPOT RD
Property Address:	HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-005-000	Mailing Address:	CPN REALTY LLC
CAMA Number:	054-005-000		2028 STATE RD
Property Address:	496 HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-006-000	Mailing Address:	LAC REALTY LLC
CAMA Number:	054-006-000		31 CLARK RD
Property Address:	HAROLD L DOW HWY		ELIOT, ME 03903
Parcel Number:	054-008-000	Mailing Address:	TOWN OF ELIOT TRANSFER STATION
CAMA Number:	054-008-000		1333 STATE RD
Property Address:	468 HAROLD L DOW HWY		ELIOT, ME 03903

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

For more information, please contact Kearsten Metz, Land Use Administrative Assistant at landuse@eliotme.org or 207-439-1817 x 109.

maine OFFICE OF MARIJUANA POLICY
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Maine Adult Use Establishment Applicant Notary Form

Information furnished by Adult Use Marijuana Program:		
Legal Business Name: SWEET DIRT 2, LLC	Business DBA:	License Number: AMF826
License Type: ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITY		
Applicant's Mailing Address: 84 MARGINAL WAY STE 600 PORTLAND, ME 04101-2473	Applicant's Phone: +1 (207) 253-0598	
	Primary Contact Person: HANNAH E. KING, ESQ.	
	Contact Person Email: mdumas@dwmlaw.com	

Information to be completed by a **Principal of the Applicant who is legally authorized to bind the business entity applying for the license:**

Legal Name of Individual Completing Application:	City	County	State	ZIP
Hughes Spencer Pope	Eliot	York	ME	03903

By signing this notary form, I affirm and acknowledge all application materials and supplemental documents, including those documents signed by a person other than myself, submitted in the application process for the above-referenced marijuana establishment license are truthful and complete to the best of my knowledge.

I further affirm and acknowledge that the Department will not issue a license to an applicant if it determines that an applicant, natural person, or business entity associated with this application knowingly or recklessly made any false statement of material fact in the information or materials submitted in this application for this marijuana establishment license, and the Department may revoke this license and/or take disciplinary action pursuant to 28-B MRS, Chapter 1 if such statements are discovered at any time.

I further affirm and acknowledge that issuance of a license to the applicant will not result in any person or business entity associated with the license having a direct or indirect financial interest in:

i. More than 3 cultivation facility licenses;

ii. Multiple cultivation facility licenses with a combined total licensed amount of plant canopy exceeding 30,000 square feet, except when that exceedance is solely attributable to approved increases in the maximum licensed area of plant canopy authorized under a tier 4 cultivation facility license pursuant to section 28-B MRS §304;

iii. A testing facility if the applicant or licensee is a caregiver or a registered caregiver or has an equity ownership interest or a partial equity ownership interest or any other type of financial interest, including but not limited to, being an investor or serving in a management position in a registered dispensary, a cultivation facility license, a products manufacturing facility license or a marijuana store license; or

iv. More than 4 marijuana stores.

Initials of Signing Principal: HSP

Signature of Principal of the Applicant who is legally authorized to bind the business entity applying for the license: **(Do not sign until witnessed by Notary)**	Date: 08/18/21

Information to be completed by a Notary:

The foregoing instrument was acknowledged before me this 18 day of August, 2021, at Eliot, Maine, by Hughes Pope to be his/her free act and deed.

Name of Notary Public (Printed): Kyle Barrett Notary Public, State of Maine My commission expires: May 3 2028	Signature of Notary Public: KYLE BARRETT SEAL NOTARY PUBLIC State of Maine My Commission Expires May 3, 2028

KYLE BARRETT NOTARY PUBLIC MAINE

Office use only:

Date received:	Reviewed by:

Initials of Signing Principal(s): KB

Maine Adult Use Establishment License Notice of Fee

License Information:		
Business Legal Name: SWEET DIRT 2, LLC	Business DBA:	Pending License Number: AMF826
License Type: ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITY		
Mailing Address: 84 MARGINAL WAY STE 600 PORTLAND, ME 04101-2473	Facility Phone: +1 (207) 253-0598 Primary Contact Person: HANNAH E. KING, ESQ. Primary Contact Email: mdumas@dwmlaw.com	

Fee Information:

You have applied for a ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITY License with the Office of Marijuana Policy. To continue the application process you must remit the application fee of $250.00 with a Cashier's Check or Money Order(s) made out to the Treasurer, State of Maine.

Fee Details:

MANUFACTURING APP FEE	$250.00
Total:	**$250.00**

Important:

- **Payment must be made with Cashier's Check or Money Order(s) to the "Treasurer, State of Maine"**
- **Payment must be received before the application process can continue.**

A copy of this form must be submitted with your payment for processing. Thank you.

Please mail Payment to:
OFFICE OF MARIJUANA POLICY
162 State House Station
Augusta, ME 04333

If paying in person:
OFFICE OF MARIJUANA POLICY
19 Union Street
First Floor
Augusta, ME

For: SWEET DIRT 2, LLC
AMF826

APPMANU - MANUFACTURING APP FEE

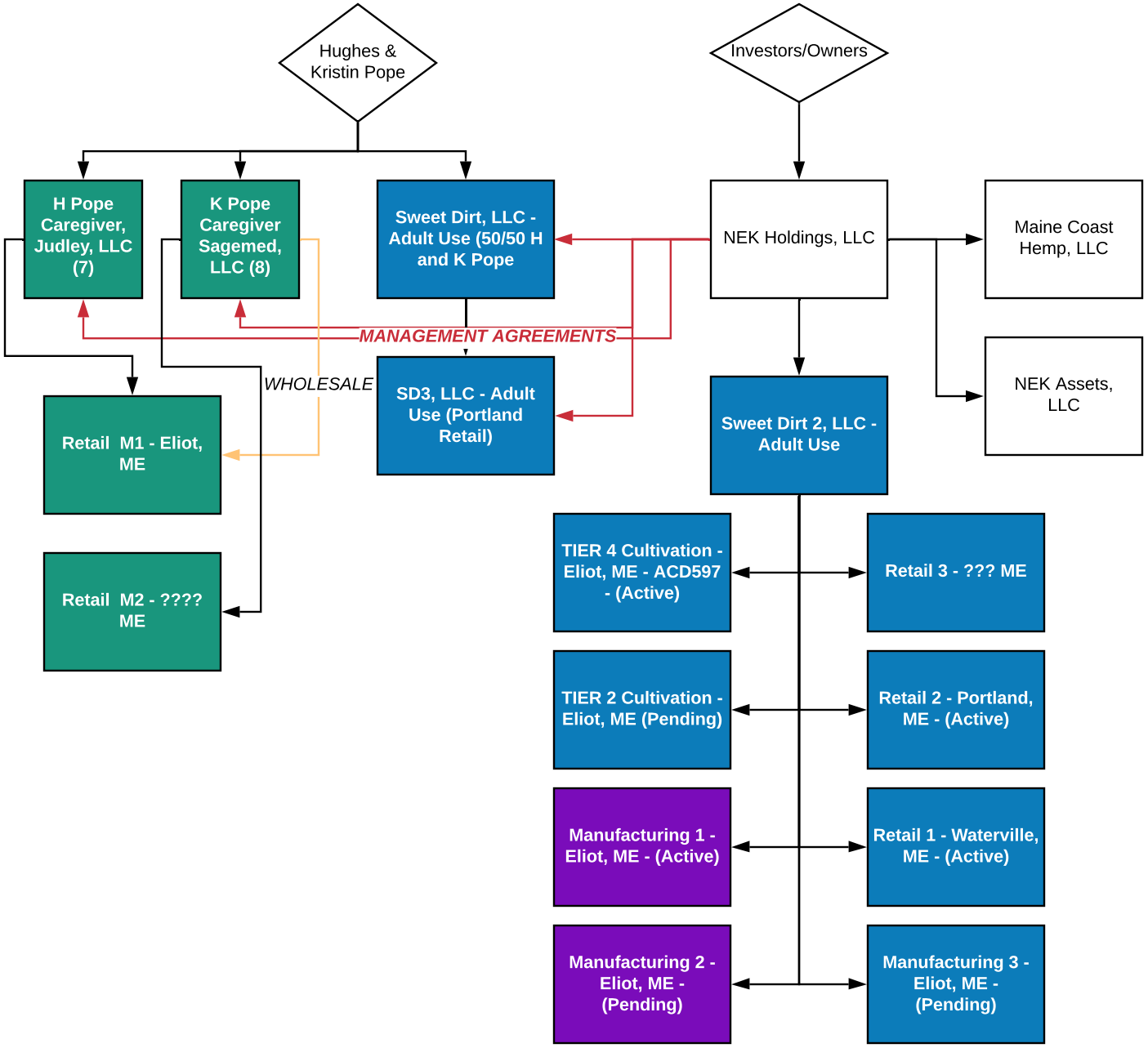
Total: $250.00

Office use only:		
Date Received:	Cash Number:	Check/Money Order Numbers:

= MEDICAL

= CO-LOCATED (Adult + Med.)

= ADULT USE



Rte. 236 Rte. 236

505

Owner: PW ME CanRe SD LLC c/o Power REIT

Tenant: Northeast Kind Assets LLC (Holding Company)

Subleasee: Sweet Dirt 2 LLC

495

Owner: PW ME CanRe SD LLC c/o Power REIT

Tenant: Northeast Kind Assets LLC (Holding Company)

Subleasee: Sweet Dirt 2 LLC

483

Owner: Northeast Kind Assets LLC

Tenant: Sweet Dirt 2 LLC

Sweet Dirt 505 Construction Schedule

Project Name:505 Manufacturing | Strart Date:6/1/2021 | Total Duration:46 weeks

Project Manager:Roy Lohndorf | End Date:4/21/22

TASK DESCRIPTION	STATUS	ASSIGNED	START DATE	END DATE	Duration
Planning	In Progress	y	6/1/2021	8/1/2021	60
Raw Material Procurment	In Progress	y	8/7/2021	11/7/2021	90
Site Clearing	Not Started	y	10/18/2021	10/22/2021	5
Grading&Storm Drainage	Not Started	y	10/22/2021	11/1/2021	11
Concrete Footings	Not Started	y	11/1/2021	11/3/2021	3
Foundation	Not Started	y	11/8/2021	11/19/2021	12
Structural Steel Assembly	Not Started	y	11/22/2021	12/3/2021	11
1st&2nd Floor Slabs	Not Started	y	12/3/2021	12/10/2021	7
Framing	Not Started	n	12/13/2021	1/21/2022	39
Roofing	Not Started	y	12/27/2021	1/7/2022	11
Siding	Not Started	y	1/10/2022	1/31/2022	21
Plumbing	Not Started	y	1/31/2022	2/11/2022	12
HVAC	Not Started	y	1/31/2022	2/18/2022	19
Electrical	Not Started	y	2/7/2022	2/25/2022	19
Insulation	Not Started	n	2/28/2022	3/1/2022	2
Elevator	In Progress	y	2/28/2022	3/4/2022	5
Sheetrock	Not Started	n	3/2/2022	3/18/2022	17
Finish Carpentry	Not Started	n	3/21/2022	3/30/2022	10
Paint	Not Started	y	3/31/2022	4/6/2022	7
FF&E	Not Started	n	4/6/2022	4/12/2022	7
Final Inspections	Not Started	y	4/12/2022	4/14/2022	3
House Cleaning	Not Started	n	4/15/2022	4/19/2022	5
Complete	Not Started	n	4/21/2022		

Written Security Plan, Cultivation, 505 Rte. 236, Eliot, Maine 03903.

Sweet Dirt takes the safety and security of its customers, employees, guests, and neighbors very seriously. We have a central security office which works with several outside contractors to plan, monitor, and upgrade security programs for any of our facilities. The space in question is approximately 9,900 sq. ft. and will be completely equipped with more than sufficient and appropriate security measures to:

1. Provide a safe and secure environment for visitors and staff.
2. Deter and prevent unauthorized entrance into areas containing marijuana.
3. Deter and prevent the theft of marijuana.

Addressing the specific requirements outlined in Sec. 33-190(4):

Disposal of marijuana and byproducts

In the event that any marijuana needs to be disposed of from this location, it is stored in an area within the facility that is under camera until the product is rendered unusable. Any marijuana or byproduct that needs to be disposed then undergoes a safe and sanitary disposable process following all Sweet Dirt operational plans for proper disposal of marijuana and byproducts, leaving any product completely unusable. It is then disposed in a dumpster with a lid that is kept under lock and key at all times and screened from public view. The dumpsters are also covered by security cameras.

Security Surveillance Cameras:

At least 44 security surveillance cameras will be installed and will be operating twenty-four (24) hours a day, seven (7) days a week, and retain a minimum of forty-five (45) days video storage. The surveillance cameras will be recording at a minimum of 720p resolution and fifteen (15) frames per second (FPS). These surveillance cameras monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises.

Alarm System:

The building will be equipped, regulated and monitored by a commercial combination control panel with an audible alarm that is monitored by a Professional Security Company and alarm notification capabilities with smart phone monitoring, with notifications that are sent immediately and directly to both the Eliot Police Department and one of our managers from Sweet Dirt, so that they may assist Eliot Police as needed to resolve the alarm. The building alarm will be maintained in good working condition by a combination of security employees, management staff, and professional security company.

All doors and windows are equipped with burglar contacts and motion detectors to prevent unauthorized entrance after hours.

The building is also outfitted with silent panic alarms that staff can utilize in the event of an emergency. These are directly monitored by our security company 24 hours a day and in the event, one is activated, Eliot Police would be notified immediately.

Exterior Lighting:

LED wall pack lighting will be installed on the exterior of the building that will illuminate the exterior walls and fenced in area of the premises during dusk to dawn. These lights will be installed around the entire facility and turn on automatically at dusk and shuts down after sunrise.

Deadbolt Locks and Locking Windows:

All exterior doors will be secured with a deadbolt to provide an additional security measure.

Police Chief or Designee Notifications:

Sweet Dirt will provide the Eliot Police Chief (or designee) with the name and phone number of our 24-hour on-call staff person as well as the names and phone numbers of the 2nd and 3rd responsible employees in the security call queue.

Odor Control Plan – 505 Rte. 236

This Odor Control Plan is designed to explain Sweet Dirt's process for mitigating odors generated by the storage and processing of cannabis, so that a reasonable person of normal sensitivities cannot detect odors outside the building. Sweet Dirt employs both tried and true (activated charcoal scrubbing) technology. For the purposes of this Plan, "processing" means all activities related to the creation of cannabis products from bulk harvested cannabis, including, trimming, packaging, and the creation of infused products (e.g. edibles and topicals).

This procedure explains the structural, mechanical, and operational measures employed by Sweet Dirt to maintain odor control. These measures pertain to storage and processing of cannabis. The measures also include building design and equipment use.

All personnel are required to implement this odor control procedure in the normal course of their work. Employees are also responsible for detecting and reporting odor control problems to the Post Processing Manager, who will forward information to Operations.

The Post Processing Manager is responsible for ensuring that post processing personnel or vendors are trained to properly execute this odor control procedure. The Post Processing Manager is also responsible for correcting any physical or operational deficiencies involved with the handling or processing of cannabis that result in the release of odors from the building where the storage and processing of cannabis occurs.

Facilities Manager is responsible for ensuring that any non-cultivation post processing employees or vendors who work on odor control equipment are properly trained in the maintenance and use of such equipment. He/she is also responsible for correcting and monitoring any equipment-related malfunctions that result in the release of odors.

Procedures

Implementation Timeline

Upon receiving approval from the regulating authority to be licensed as a manufacturing facility, Sweet Dirt will begin the following activities:

Begin Installation	Begin upfit/reconfiguration of current odor control system.
Update Odor Control/Air Quality Plan as needed to meet any additional requirements identified during the above process.	Prior to active license and/or hiring and training employees

Sweet Dirt will not begin any adult use/recreational cannabis storage or processing activities until all applicable inspections have been completed and approvals received.

Location of Cannabis Odor Emissions

Odor producing activities occur in the following locations inside the facility:

1. Areas used for Trimming of harvested cannabis (labeled “Trimming”);
2. Areas used for Storage/Curing of harvested cannabis (labeled “Storage”); and
3. Areas used for creating edible goods.

Specific Odor Emitting Activities

1. Processing – of cannabis causes odors to be emitted.
2. Kitchen Use – using cannabis in the cooking process causes odors to be emitted.
3. Storage – Stored/Curing cannabis may emit odors if it is not tightly sealed, or if the storage containers are opened for any reason.

Intensity of Odor Emitting Activities

The level of treatment of any exhausted air is dictated by the intensity of the odors emitted by the applicable activity. Areas that have a high intensity rating will receive more frequent treatment and inspections.

Stage/Activity	**Odor Level**
Infused Edible Creation	Medium
Trimming	Medium
Packaging	Medium
Storage	Low

Operational Mitigation Measures

All personnel will be trained on this procedure and any additional training topics deemed necessary by the Post Processing Manager. Records related to odor mitigation training will be kept in accordance with the Record Keeping Plan.

The Post Processing Manager, in conjunction with the Post Processing Staff, is responsible for periodically monitoring odors outside the building in which cannabis is being cultivated, particularly when activities that produce a high level of odor emission are in progress. Odors

that can be detected by a reasonable person of normal sensitivity should be reported, recorded, and corrected in accordance with this procedure.

Handling
Harvested materials should be handled as gently and infrequently as possible to minimize odor emission.

Processing
Only material that is actively being processed will be removed from its sealed storage containers and then only enough product to complete the production job at hand. Any air exhausted from processing areas will be scrubbed and treated using activated charcoal filtration.

Storage
All dried material that is not being processed will be stored in sealed non-porous plastic bags, in glass jars, or in other airtight containers, as approved by the Post Processing Manager. All packaged material shall be stored in sealed containers to further mitigate any odor Doors to each storage area will remain closed and locked except when cannabis is being transferred in or out of the area. Any air exhausted from the storage area will be scrubbed and treated using and activated charcoal filtration.

Appendix A

Odor Control Equipment Maintenance Log

Maintenance Frequencies (equipment code)
Weekly: Exhaust fans (EF)

Monthly: Ventilation (Vent)
Every 4-6 Months: Activated charcoal filter (ACF)

Attachments
Calendar showing maintenance schedule
Map showing all equipment locations with code labels

Date	Equip Code	Room/ Location	Check if Normal	Describe Problem (use as many rows as needed)	Describe Action	Check when Fixed

Submit a copy of this completed form to the Facilities Manager and the Record Keeper.

Wastewater and Solid Waste Disposal Plan

1. Wastewater and Solid Waste Disposal Plan
    a. Purpose: The purpose of this plan is to ensure that marijuana waste is disposed of in a manner that complies with state laws and regulations.
    b. Scope: This plan must be followed by all employees of Sweet Dirt who are responsible for storage and disposal of marijuana waste.
    c. Definitions
        i. Solid Marijuana Waste: Any dried material and trim from mature marijuana plants. Provided that they are completely free of all marijuana flowers and leaves with any visible trichomes, Solid Marijuana Waste does not include:
            1. Root balls, soil or growing media;
            2. Stalks of marijuana plants; and
            3. Leaves and branches removed from marijuana clones, seedlings, and marijuana plants.
        ii. Liquid Marijuana Waste: Any liquid which contains tetrahydrocannabinol ("THC"), including concentrates, tinctures, beverages, or liquids remaining from procedures to clean or sterilize equipment, that will be discarded.
    d. Storage and Disposal of Marijuana Waste
        i. Solid Marijuana Waste Storage and Disposal:
            1. In accordance with this Solid Waste and Wastewater Disposal Plan, Sweet Dirt shall ensure that all waste types, including marijuana waste, will be securely stored, handled, recorded, and disposed of in accordance with all applicable local and state laws and regulations.
            2. All marijuana waste generated from normal manufacturing activities, excess production, contamination, adulteration, or expiration will be securely stored, rendered unusable, and disposed of in a manner that ensures that it cannot be reconstituted for any kind of use or benefit, as related to its psychoactive content, by an unauthorized individual or organization.
        ii. Storage of Useable Solid Marijuana Waste Prior to Being Rendered Unusable
            1. Prior to being rendered unusable marijuana waste will be securely stored within a limited access area within the licensed premises and shall be under video surveillance.
        iii. Rendering Solid Marijuana Waste Unusable
            1. All Solid Marijuana Waste shall be rendered unusable prior to leaving the licensed premises for disposal by grinding and incorporating the marijuana waste with other ground materials so the resulting mixture is at least 50% non-marijuana waste by volume, including: (1) food waste; (2) yard waste; or (3) other wastes approved by the Department.

2. All packaged marijuana products will be removed from their packaging and rendered unrecognizable and unusable prior to leaving the licensed premises for disposal.
3. The process of rendering the Solid Marijuana Waste unusable will occur within the limited access area of the licensed premise where surveillance cameras are permanently fixed and must occur entirely on camera.

iv. Storage of Useable Solid Marijuana Waste After it is Rendered Unusable
1. All Solid Marijuana Waste that has been rendered unusable shall be stored in a secured disposal receptacle in an area that is under video surveillance.

v. Disposal
1. The contracted waste management company will transport all marijuana waste from the manufacturing site to a solid waste facility or landfill in compliance with local and state regulations.

e. Liquid Marijuana Waste Storage and Disposal
1. All liquid marijuana waste shall be solidified through means of mixing it with soil or other absorbent material and shall be disposed of according to the procedures for solid marijuana waste in an area that is under video surveillance.

f. Location within the Facility Where Marijuana Waste Will Be Stored and Rendered Unrecognizable.
i. This facility will not produce any sizeable quantity of marijuana waste of any kind (at this point of the process, most of what is removed from the plant material is used for other manufacturing purposes.) However, any waste created will be packaged and stored in the manufacturing facility and then destroyed as provided herein.

g. Employee Training:
i. The Inventory Manager ("IM") will be trained by the Inventory Control System ("ICS") provider and/or the Chief Compliance Officer in the proper procedures for handling and disposing of materials, including recording the change in disposition of all product waste at each point of control in the ICS.
ii. The IM will train all manufacturing employees in the proper procedures for handling and disposing of materials, including recording the change in disposition of all product waste at each point of control in the ICS.
iii. The IM or his/her designee is responsible for keeping a record of training for each training module related to inventory control and other components of cannabis waste for every employee, including the date training occurred, type of training, the signature of the employee upon completion of training, the signature of an authorized person who can verify completion of training, and the date retraining is due.
iv. The Post Processing Manager ("PPM") will train employees in the proper procedures for handling and disposing of materials, including knowledge of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) and the use of Safety Data Sheets (SDSs).

v. The PPM or his/her designee is responsible for keeping a record of training for each training module related to non-cannabis waste management for every employee, including the date training occurred, type of training, the signature of the employee upon completion of training, the signature of an authorized person who can verify completion of training, and the date retraining is due.

vi. As a part of their training and ongoing employment, employees will be; i) advised that improper disposal of any type of waste by an employee is cause for termination, which will be clearly communicated during the training process regarding waste; ii) asked to review waste management procedures related to their specific tasks at least once per year and give recommendations for improvements; and iii) prohibited from eating, drinking, smoking, applying cosmetics or chewing gum in areas where waste is stored and to wash hands and arms thoroughly after working with chemical materials.

vii. At a minimum, employees will be trained to:

1. Identify and address waste types, including without limitation:
    A. Universal Waste. Four potentially hazardous wastes may be managed as universal waste: Lamps, batteries, mercury-containing devices, and recalled, cancelled, suspended, or unusable pesticides.
    B. Cannabis Waste: Refers to any part of the cannabis plant that is unusable or unprocessable, as well as expired or contaminated plant material, diseased or infested cannabis plants, and harvested cannabis that does not meet the testing standards of the regulating authority and cannot be remediated. This term also applies to solid derivative products containing cannabis that are to be discarded for any reason.
    C. Liquid Cannabis Waste: Refers to any material that is not solid which contains cannabis, including oils, beverages, or water or other liquids remaining from procedures to clean or sterilize equipment, that will be discarded.
    D. Non-Hazardous Solid Waste: This includes garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid semisolid, or contained gaseous material resulting from industrial, commercial, agricultural or other operations.
    E. Hazardous Waste: Solid wastes that, due to the quantity, concentration, or physical, chemical, or infectious characteristics, may cause an increased risk of serious illness or death, or may pose a substantial hazard to the environment if improperly transported, disposed of, or stored. Hazardous waste includes identification of characteristics including:

i. Ignitability (Flammable): Defined as having a flashpoint of less than 140°F or could catch fire under certain circumstances. Examples: solvents, mineral spirits, paint waste. Ignitable hazardous wastes are assigned the EPA hazardous waste code of D001.
ii. Corrosivity: Is aqueous and has a pH that is very low (2 or less) or very high (12.5 or higher), or can corrode metal. Examples: acids or alkali cleaning baths, battery acid. Corrosive hazardous wastes are assigned the EPA hazardous waste code of D002.
iii. Reactivity: Unstable, reacts violently, explodes, or produces toxic vapors under certain conditions. Examples: cyanide waste, sulfide waste, peroxides. Reactive hazardous wastes are assigned EPA hazardous waste code of D003.
iv. Toxicity: Has specific toxic contaminants present in high enough concentrations to be harmful to humans or the environment. Toxic contaminants and their toxicity threshold levels are included in the federal hazardous waste regulations. Examples: wastes that contain heavy metals or certain chemicals (e.g., benzene, pesticides). Toxic hazardous wastes are assigned the EPA hazardous waste codes of D004 through D043, depending on the contaminant present.

h. Tracking
    i. All cannabis waste disposal will be recorded in the ICS, including the date and time of disposal, the employee or manager responsible, the reason for disposal (i.e., the type of waste), the lot, batch, or plant identifier (if applicable), the manner of disposal, and the quantity.

i. Record-Keeping
    i. All applicable employees will maintain accurate and comprehensive records and ICS entries that account for and reconcile all waste activity related to the disposal of cannabis and cannabis products. All such records will be stored locally at the manufacturing facility as well as digitally in Sweet Dirt's online, Microsoft Azure-based, storage platform. Regular audits of all record-keeping activities will be conducted by the Chief Compliance Officer and/or the IM.

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED **Bk 18129 PG 232**
Instr # 2019055071
12/20/2019 03:43:32 PM
Pages 2 YORK CO

Maine R.E. Transfer Tax Paid

DLN#1001940082014

DEED OF SALE BY PERSONAL REPRESENTATIVES

Know all by these presents, That We, KIMBERLY R. MARBLE of 25 Country Farm Way, Stratham, New Hampshire 03885, and REBECCA L. SCHNOBRICH of 10 Stephen Drive, Stratham, New Hampshire 03885, duly appointed and acting Personal Representatives of the ESTATE OF GAYLEN B. MARBLE, deceased, who died testate, as shown by the probate records of the County of York, Docket No. 2019-0430, and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will, by the power conferred by the Probate Code, and every other power, for consideration paid, grants to NORTHEAST KIND ASSETS LLC, a Maine limited liability company with a mailing address of 43 Creek Crossing, Eliot, Maine 03903, the following described parcel of land, together with any improvements thereon, situate in Kittery, County of York and State of Maine and being bounded and described as follows:

A certain lot or parcel of land, together with the buildings thereon, situated in said Eliot, bounded and described as follows:

Beginning at the northern corner of land now or formerly of Nathaniel Hanscom, thence running North sixty-eight and three quarters (68 3/4) Degrees East, sixty-two (62) rods and ten (10) links, more or less, to land of the Boston and Maine Railroad upon which runs the railroad track; thence turning and running in a Southerly direction by said land of the Boston and Maine fifteen (15) rods and ten (10) links, more or less, to land of John Rogers; thence turning and running in a Southwesterly direction by land of John Rogers, aforesaid, to land now or formerly of Nathaniel Hanscom; thence turning and running North thirty-three (33) degrees West, fourteen (14) rods and five (5) links by said land of Nathaniel Hanscom to the point of beginning.

Being the same premises conveyed to Gaylen B. Marble and Margaret F. Marble by deed dated November 20, 1972, and recorded in York County Registry of Deeds in Book 1973, Page 523. Margaret F. Marble and Gaylen B. Marble each died testate. See Probate Docket #1996-0575 and Probate Docket #2019-0430.

Signature page follows.

WITNESS our hands and seals this 16th day of December, 2019.

ESTATE OF GAYLEN B. MARBLE

Witness

By: _____
Kimberly R. Marble, Personal Representative

Witness

By: _____
Rebecca L. Schnobrich, Personal Representative

STATE OF NEW HAMPSHIRE
ROCKINGHAM, ss. December 16, 2019

Then personally appeared the above-named Kimberly R. Marble, Personal Representative of the Estate of Gaylen B. Marble, and acknowledged the foregoing instrument to be her free act and deed in her said capacity, and the free act and deed of the Estate of Gaylen B. Marble.

Before me,

_____
Notary Public
Print name:

CARYN J. V. RANSON
MY COMMISSION EXPIRES JAN. 23, 2024
NOTARY PUBLIC
NEW HAMPSHIRE

Michael Cuomo, Soil Scientist
6 York Pond Road, York, Maine 03909
207 363 4532
mcuomosoil@gmail.com

Class A
High Intensity Soil Survey

Sweet Dirt, Inc.

505 HL Dow Highway

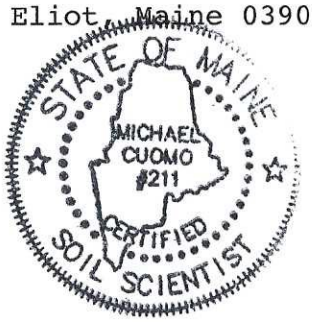
Eliot, Maine

prepared for:

Attar Engineering, Inc.

1284 State Street

Eliot, Maine 03903



17 May 2021

This report is in reference to the +/3 acre property at 505 HL Dow Highway in Eliot, Maine. In May of 2021 a class 'A' High Intensity Soil Survey of this property was completed in compliance with the standards created by the Maine Association of Professional Soil Scientists. The purpose of this soil investigation is to assist in planning a commercial development served by a private water well and wastewater disposal system. This report will explain the methods, limitations, and results of this work.

A high intensity soil survey is comprised of two components: a soil map and this report. The soil map is made by traversing the property and observing the soil at locations thought to be representative of the landform. Because soil is highly variable, it is not possible to represent every soil variation on the map. The map is a simplified two-dimensional interpretation of the complex three dimensional soil-landscape relationship. Class A standards allow for inclusions of soils other than those named in the map unit label, so long as no inclusion limiting for the proposed land use is greater than one-eighth acre in size. Boundaries between different soils are shown as lines on the soil map, but may be diffuse transition zones.

Soil names were selected using best fit with soils already researched in detail and found to occur extensively in Maine by the United States Department of Agriculture's Natural Resource Conservation Service. The map unit design and the interpretations of soil properties in this report are specific to this site and were selected considering the proposed use. Therefore, the interpretations and limitations described in this report may be insufficient for other uses. For example, soil suitability for agriculture was ignored in map unit design.

This soil map is based on 9 test pits dug with an excavator. The data for these is attached at the rear of this report, and their locations are shown on the base map. Other shallow soil observations were made using hand tools, but the data and locations of these were not recorded.

Hydrologic soil groups were assigned using the "HSG Triangle" developed by the University of Rhode Island.

The soil map is presented on a base plan: a two foot contour interval topographic and boundary survey with wetland locations prepared by Attar Engineering.

Three different soils were mapped on the property and are

described below.

Dixfield (DxB)
Drainage class: moderately well drained.
Parent material: basal til
Texture range: stony fine sandy loam.
Description: see test pit four.
Landscape position: upland.
Landform: gently rolling.
Slope range: 0 to 8%.
Permeability: moderate in the upper layers and slow in the lower layers.
Bedrock class: very deep.
Hydrologic group: D.
Flood hazard: none.
Inclusions: there are portions of this map unit where the soil has been disturbed by previous development.
Use and management: land uses are slightly limited by the presence of basal till, which causes the ground water to perch after rain events and snow melt. This limitation can be overcome by appropriate grading and drainage.

Lamoine (La)
Drainage class: somewhat poorly drained.
Parent material: marine.
Texture range: silt loam in the upper layers over silty clay loam.
Description: see test pit 7.
Landscape position: lowland.
Landform: terrace.
Slope range: 0 to 8%.
Permeability: slow in the upper layers and very slow in the lower layers.
Bedrock class: very deep.
Hydrologic group: D.
Flood hazard: none.
Inclusions: test pit 1 and others have thin upper layers of fine sandy loam texture. There are portions of a Lamoine map unit where the soil has been disturbed by previous development.
Use and management: Land uses are limited by seasonal wetness close to the surface. These are not wetland soils and may be drained or filled to overcome this limitation. Lamoine soils are are highly erodible and difficult to revegetate. These soils have low bearing strength.

Scantic (ScB)
Drainage class: poorly drained.
Parent material: marine.
Texture range: silt loam over silty clay loam.
Description: see test pit 5.
Landscape position: wetland.
Landform: glacial deltas, bays.
Slope range: 0 to 8%.
Permeability: slow in the upper layers and very slow in the lower layers.
Bedrock class: very deep.
Hydrologic group: D.
Flood hazard: water ponds at the surface seasonally.
Inclusions: a Scantic map unit includes an intermittent stream channel.
Use and management: Land uses are limited by frequent saturation to the surface and fine texture of the soil which makes it difficult to work in when wet. These are wetlands soils and may be not be drained or filled without permits.

Conclusion
The soils on this site are similar to those encountered elsewhere in York County. The limitations that the non-wetland soils present can be overcome by:
1) identifying the soils and their limitations, as has been done in this report;
2) engineering and design measures such as construction sequencing, material specifications, drainage structures, grading, and erosion/sediment control in response to the limitations identified; and
3) implementing the designed measures properly.

The Scantic soils are regulated wetlands. No filling is allowed without permits. Proper erosion and sediment techniques must be employed to protect the wetlands during construction.

Michael Cuomo, Soil Scientist
6 York Pond Road, York, Maine 03909
207 363 4532
mcuomosoil@gmail.com

TEST PIT DATA

Client: Attar Engineering, Inc.
Location: 505 HL Dow Highway, Eliot, Maine
Date: 20 November 2020

Test Pit: One
Soil Name: Lamoine

Depth	Description
2"	Forest litter.
0-6"	Dark brown (10YR 3/3) fine sandy loam, granular, friable.
6-12"	Yellowish brown (10YR 5/6) fine sandy loam, blocky, friable.
12-18"	Light yellowish brown (2.5Y 6/4) silt loam, blocky, friable, redox.
18-30"	Light olive brown (2.5Y 5/4) silt loam, massive, firm, redox.
30-48"	Olive (5Y 5/4) silty clay loam, massive, firm, redox.

Depth to Seasonal High Water Table: 12"
Depth to Bedrock: none

Test Pit: Two
Soil Name: Lamoine

Depth	Description
2"	Forest litter.
0-6"	Brown (10YR 4/3) fine sandy loam, granular, friable.
6-9"	Yellowish brown (10YR 5/6) fine sandy loam, blocky, friable.
9-14"	Light yellowish brown (2.5Y 6/4) silt loam, blocky, friable, redox.
14-20"	Light olive brown (2.5Y 5/4) silt loam, massive, firm, redox.
20-48"	Olive (5Y 5/4) silt loam, massive, firm, redox.

Depth to Seasonal High Water Table: 9"
Depth to Bedrock: none

Test Pit: Three
Soil Name: Lamoine

Depth	Description
3"	Forest litter.
0-5"	Brown (10YR 4/3) fine sandy loam, granular, friable.
5-12"	Yellowish brown (10YR 5/6) fine sandy loam, blocky,

friable.
12-15" Light yellowish brown (2.5Y 6/4) silt loam, blocky, friable, redox.
15-22" Light olive brown (2.5Y 5/4) silt loam, massive, firm, redox.
22-48" Olive (5Y 5/4) silty clay loam, massive, firm, redox.
Depth to Seasonal High Water Table: 12"
Depth to Bedrock: none

Test Pit Number: Four
Soil Name: Dixfield

Depth	Description
3"	Forest litter.
0-5"	Dark brown (10YR 3/3) fine sandy loam, granular, friable.
5-24"	Yellowish brown (10YR 5/6) fine sandy loam, blocky, friable.
24-48"	Light yellowish brown (2.5Y 6/4) stony fine sandy loam, massive, firm, redox.

Depth to Seasonal High Water Table: 24"
Depth to Bedrock: none

Test Pit Number: Five
Soil Name: Scantic

Depth	Description
0-7"	Dark gray (2.5Y 4/1) silt loam, granular, friable, redox.
7-10"	Gray (2.5Y 5/1) silt loam, blocky, friable, redox.
10-14"	Olive yellow (2.5Y 6/6) silt loam, blocky, friable, redox.
14-20"	Olive gray (5Y 5/2) silt loam, massive, firm, redox.
20-48"	Olive (5Y 5/4) silty clay loam, massive, firm, redox.

Depth to Seasonal High Water Table: surface
Depth to Bedrock: none

Test Pit: Six
Soil Name: Lamoine

Depth	Description
3"	Forest litter.
0-5"	Brown (10YR 4/3) fine sandy loam, granular, friable.
5-12"	Yellowish brown (10YR 5/6) fine sandy loam, blocky, friable.
12-15"	Light olive brown (2.5Y 5/4) silt loam, blocky, friable, redox.
15-24"	Light olive brown (2.5Y 5/4) silt loam, blocky, firm, redox.
24-48"	Olive (5Y 5/4) silty clay loam, massive, firm, redox.

Depth to Seasonal High Water Table: 12"

Depth to Bedrock: none

Test Pit: Seven
Soil Name: Lamoine

Depth	Description
3"	Forest litter.
0-6"	Dark brown (10YR 3/3) silt loam, granular, friable.
6-9"	Dark yellowish brown (10YR 4/6) silt loam, blocky, friable.
9-12"	Light yellowish brown (2.5Y 6/4) silt loam, blocky, friable, redox.
12-20"	Olive brown (2.5Y 4/4) silt loam, massive, firm, redox.
20-48"	Olive (5Y 5/4) silty clay loam, massive, firm, redox.

Depth to Seasonal High Water Table: 9"
Depth to Bedrock: none

Test Pit: Eight
Soil Name: Lamoine

Depth	Description
3"	Forest litter.
0-5"	Brown (10YR 4/3) fine sandy loam, granular, friable.
5-12"	Yellowish brown (10YR 5/6) fine sandy loam, blocky, friable.
12-15"	Light yellowish brown (2.5Y 6/4) silt loam, blocky, friable, redox.
15-20"	Light olive brown (2.5Y 5/4) silt loam, blocky, firm, redox.
20-48"	Olive (5Y 5/4) silty clay loam, massive, firm, redox.

Depth to Seasonal High Water Table: 12"
Depth to Bedrock: none

Test Pit: Nine
Soil Name: Lamoine

Depth	Description
2"	Forest litter.
0-4"	Dark brown (10YR 3/3) silt loam, granular, friable.
4-12"	Yellowish brown (10YR 5/6) silt loam, blocky, friable.
12-15"	Light yellowish brown (2.5Y 6/4) silt loam, blocky, friable, redox.
15-20"	Light olive brown (2.5Y 5/4) silt loam, massive, firm, redox.
20-48"	Olive gray (5Y 5/2) silty clay loam, massive, firm, redox.

Depth to Seasonal High Water Table: 12"
Depth to Bedrock: none

THIS LEGEND MUST APPEAR ON THE PLAN WHICH CONTAINS THE SOIL MAP.

HIGH INTENSITY SOIL MAP LEGEND

SYMBOL	SOIL NAME
DxB	Dixfield fine sandy loam, 0-8% slopes
LaB	Lamoine silt loam, 0-8% slopes
ScB	Scantic silt loam, 0-8% slopes*

* These are wetland soils.

This soil survey complies with Class A standards as defined by the Maine Association of Professional Soil Scientists. See report dated 17 May 2021 for complete description of methods, soils, and results.

Michael Cuomo
Maine Soil Scientist #211

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

This certifies that

SWEET DIRT 2, LLC

License Number AMF826

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

NOTE: THIS IS NOT AN ACTIVE LICENSE

Issued on:
September 21, 2021

Expires on:
September 20, 2022

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

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

The Conditional License for AMF826 has been issued based on the following organizational structure:

Principals:

KRISTIN ANN POPE, DIRECTOR
HUGHES SPENCER POPE, DIRECTOR
JAMES F. HENRY, DIRECTOR
ROGER PHILLIP CARNIE JR, DIRECTOR
DIANA LYNN HUFFMAN, DIRECTOR

Owners:

100.00% - NORTHEAST KIND HOLDINGS LLC

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

Post Construction Stormwater Management Plan

505 Harold Dow Highway

1. **PROJECT CONTACT INFORMATION**

2. PROJECT DESCRIPTION

a. Project Summary
b. Stormwater Management Summary
c. Applicable State and Federal Permits Required by Project
d. Demonstration of compliance with Maine DEP Chapter 500 Stormwater Management (if applicable)

3. STORMWATER MANAGEMENT

a. Listing of Site-Specific Post-Construction BMPs
b. Inspection and Maintenance Procedures for Post-Construction BMPs
c. Inspection and Maintenance Form or Log
d. Signed Maintenance Agreement

4. LIST OF POST-CONSTRUCTION BMPS

5. MAINTENANCE AGREEMENT

1. PROJECT CONTACT INFORMATION

a. Project Name and Location

Sweet Dirt, Inc
505 Harold Dow Highway
Eliot, ME 03903

b. Contact Information

Sweet Dirt, Inc
987 Dow Harold Dow Highway
Eliot, ME 03903
207 439-1600

Attar Engineering
1284 State Road
Eliot, ME 03903
207 439-6023

2. PROJECT DESCRIPTION

a. Project Summary

 Existing site Conditions

The existing site is inactive. The previous owner ran a small automotive repair shop with a residence above. At the time of writing that building has been demolished.

The current impervious coverage on the site is 11,563 square feet. There will be 56,529 square feet of new impervious coverage in the proposed condition.

 Site Improvements

A marijuana manufacturing facility and natural gas co-generation facility are proposed. The stormwater will be managed primarily by a large wetpond. The remaining area will be treated by a bioretention filter.

 Project use and anticipated

The applicant will use the site to manufacture marijuana products for distribution and sale at other facilities.

 Utilities

The site will utilize a new subsurface wastewater system and a new drilled well.

b. Stormwater Management Summary

 Pre- and post-development drainage patterns

See Stormwater Plans attached to this report.

 Stormwater conveyance, management, and treatment

Stormwater from the manufacturing facility and most of the impervious area will be directed to the wetpond either overland or through catch basins.

Remaining stormwater will be directed overland to the bioretention cell located near the entrance of the property.

 Figure identifying location and ID of stormwater facilities (structural BMPs)

A copy of the Site Plan and Stormwater Analysis Plans are included in this document.

c. Applicable State and Federal Permits Required by Project

A Stormwater Permit by Rule Application and Stormwater Law Permit Application has been submitted to the Maine Department of Environmental Protection.

d. Demonstration of compliance with Maine DEP Chapter 500 Stormwater Management (if applicable)

As noted above at Stormwater Permit by Rule has been submitted to MDEP. As part of the MDEP review the Site will be reviewed for its adherence to Chapter 500.

3. STORMWATER MANAGEMENT

This project contains specific Best Management Practices (BMP's) for the conveyance, storage, and treatment of stormwater and the prevention of erosion. These BMP's consist of a detention pond, swales and culverts. All components should be inspected quarterly, and after every significant rain event of 1" in any 24-hour period. Additional inspection intervals are specified for certain BMP's.

The party responsible for implementing this Operation and Maintenance Program (O & M Program) shall be the property lessee (Sweet Dirt, INC.). See the Operation and Maintenance Program below.

Maintenance Agreement for
Stormwater Management Facilities

This Maintenance Agreement is made this ___ day of _____ 20___ by and between _____ and the Town of Eliot, Maine.

The project name is .

The location is: , Eliot, Maine.

The project's Tax Map and Lot Numbers are Tax Map Lot

The project is shown on a plan entitled "_____" dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____ and recorded in the _____ County Registry of Deeds in Plan Book _____ Page _____ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Eliot requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of _____ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. _____, for itself, and its successors and assigns, agrees to the following:

   (a) To use a Qualified Post-Construction Storm Water Inspector to inspect the Stormwater Management Facilities; and to clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system as described in the Post-Construction Maintenance Plan for the facilities;

   (b) To provide a certification of inspection to the Town by July 1 each year;

   (c) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection and provide notice to the Town of the repairs within 60 days of identification or within a schedule approved by the Code Enforcement Officer; and

   (d) For subdivisions, to create a homeowners' association for the purpose of maintaining the Stormwater Management Facilities.

2. For subdivisions, upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.

3. This Agreement shall constitute a covenant running with the land, and _____ shall reference this Agreement in all deeds to lots and/or units within the Project.

_____ Witness	By:_____ Its: TOWN OF ELIOT, MAINE
_____ Witness	By:_____ Its:
STATE OF MAINE _____, ss.	_____, 20___

Personally appeared the above-named _____, the _____ of _____, and acknowledged the
foregoing Agreement to be said person's free act and deed in said capacity.

	Before me, _____ Notary Public/Attorney at Law
Print Name:	_____
STATE OF MAINE _____, ss.	_____, 20___

Personally appeared the above-named _____, the _____ of the Town of _____, and
acknowledged the foregoing Agreement to be said his/her free act and deed in said capacity.

	Before me, _____ Notary Public/Attorney at Law
Print Name:	_____

Inspection Certification for Stormwater Management Facilities

I, _____ (print or type name), certify the following:

1. I am making this Annual Stormwater Management Facilities Certification for the following property: _____ (print or type name of subdivision, condominium or other development) located at _____ (print or type address), (the "Property");

2. The owner, operator, tenant, lessee or homeowners' association of the Property is: _____ (names of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);

3. I am (circle one):

   a. a Qualified Post-Construction Stormwater Inspector hired by the person or party specified in #2, and have reviewed the approved Stormwater Management Plan for the facility and have inspected the Stormwater Management Facilities; or

   b. the person (or a duly authorized representative of the party) specified in #2, and I have hired a Qualified Post-Construction Stormwater Inspector and received and reviewed a copy of their inspection report;

4. On _____, 20___, the Stormwater Management Facilities were inspected, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Stormwater Management Plan for the Property;

5. At the time of the inspection (check one and complete any required information):

   a. ___ The Stormwater Management Facilities were adequately maintained and functioning as intended, or

   b. ___ The Stormwater Management Facilities required maintenance, which was completed within the required 60-day time period, and were functioning as intended after maintenance was completed, or

   c. ___ The Stormwater Management Facilities required maintenance which was not completed within the required 60-day time period. (Attach additional sheets as necessary to describe the maintenance required, proposed schedule for completion, and an appropriate contact person. The Code Enforcement Officer will contact them to confirm or adjust the schedule to complete the maintenance and any needed further course of action.)

Date: _____, 20___.

By: _____ (Signature)

(Print Name_____)

Personally appeared the above-named _____, the _____ of _____, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

	Before me, _____ Notary Public/Attorney at Law
Print Name:	_____
STATE OF MAINE _____, ss.	_____, 20___

The Town of Eliot requires this form to be sent to the Code Enforcement Officer by July 1 each year.

FEMA FLOOD ZONE A

LEGEND

PROPERTY LINE	
SETBACK	
EXT. ABUTTER LINE	
EXT. PAVEMENT	
PRP. PAVEMENT	
PRP. GRAVEL	
PRP. CONCRETE	
PRP. PARKING	
CENTERLINE OF ROAD	
EXT. BUILDING	
PRP. BUILDING	
PRP. GUARDRAIL/FENCE	
PRP. TREELINE	
EXT. WETLAND BNDY	
EXT. WETLAND AREA	WETLAND
EXT. WETLAND BUFFER	
EXT. STREAM LIMITS	

PER REF. 1

APPROXIMATE EXT. LOCATION OF TURTLE EXCLUSION FENCE

LIMITED COMMERCIAL DISTRICT

HAROLD L. DOW HIGHWAY (ROUTE 236)

53/6
N/F
TOWN OF ELIOT TRANSFER STATION
1333 STATE ROAD
ELIOT, MAINE 03903
Y.C.R.D. 5386/127
(INDUSTRIAL USE – MUNICIPAL MDL–94)

APPROX. EXT. STREAM ℄ (TYP.)

EXT. WETLAND BOUNDARY (TYP.)

EXT. PROPERTY BOUNDARY (TYP.)

EXT. PROPERTY SETBACK (TYP.)

PRP. TREELINE (TYP.)

53/8
N/F
XNG MAINE LLC
300 BRICKSTONE SQUARE STE 1005
ANDOVER, MASSACHUSETTS 01810
Y.C.R.D. 16738/796
(COMMERCIAL USE – GAS PLANT)

50.0'

EXT. ROADWAY ℄ (TYP.)

PRP. BIORETENTION CELL

EXT. EDGE OF PAVEMENT (TYP.)

PRP. PARKING SPACES (SEE GENERAL NOTE #6)

20'

NORMAL HIGH–WATER MARK SETBACKS (TYP.)

25'

75'

PRP. WET POND

PRP. RETAINING WALL

PRP. GUARDRAIL

PRP. 5' WIDE SIDEWALK

PRP. WETLAND IMPACT 590 SQ. FT.

PRP. EDGE OF GRAVEL (TYP.)

PRP. ADULT USE & MEDICAL MARIJUANA MANUFACTURING FACILITY 4,950 SQ. FT.

500' SENSITIVE USE SETBACK (SEE GENERAL NOTE #5)

PRP. COGENERATION FACILITY 640 SQ. FT.

20.0'

PRP. LOADING BAY

PRP. SCREENED DUMPSTER

20'

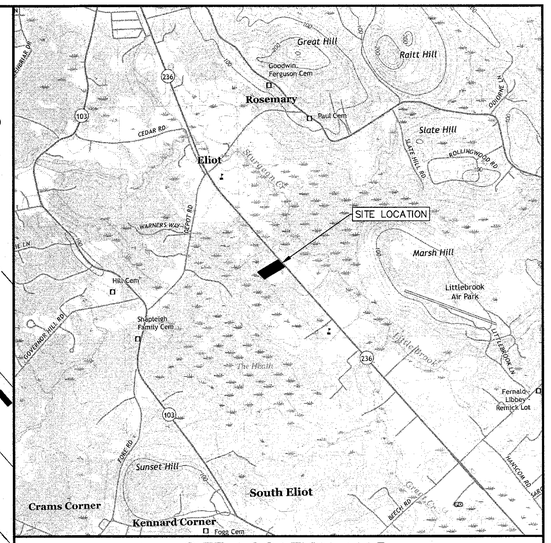
53/6
N/F
PW ME CANRE SD LLC C/O POWER REIT
301 WINDING ROAD
OLD BETHPAGE, NEW YORK 11804
Y.C.R.D. 18263/60
(COMMERCIAL USE – COMM WHSE)

EXT. ABUTTER BOUNDARY (TYP.)

EXT. BUILDING (TYP.)

EXT. EDGE OF GRAVEL (TYP.)

GRAPHIC SCALE
0 30 60 90' 120 (FEET)



SITE LOCATION MAP

APPROXIMATE SCALE 1" = 2000'

GENERAL NOTES

1. THIS PLAN PROVIDES A PROPOSED SITE PLAN FOR THE PROPERTY LOCATED AT 505 HAROLD L. DOW HIGHWAY (ROUTE 236) IN ELIOT, MAINE. THE PROPOSED USE OF THE PROPERTY IS THE MANUFACTURING OF ADULT USE AND MEDICAL MARIJUANA.
2. THE PARCEL IS IDENTIFIED ON THE TOWN OF ELIOT, MAINE TAX MAP 53 AS LOT 7 AND IS SITUATED IN THE COMMERCIAL/INDUSTRIAL (C/I) DISTRICT AND PARTIALLY IN THE LIMITED COMMERCIAL DISTRICT. THE PARCEL IS 3.89 ACRES IN SIZE.
3. WETLAND LOCATIONS ARE APPROXIMATE AND WERE DIGITIZED FROM A SKETCH PROVIDED BY MICHAEL CUOMO, CSS #211, IN MAY 2021 (SEE REPORT DATED MAY 17, 2021). BOUNDARY INFORMATION AS PER REFERENCE 1. TOPOGRAPHIC INFORMATION AS PER THE STATE OF MAINE GEOLIBRARY. FLOOD EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD ZONE INFORMATION PER THE STATE OF MAINE OFFICE OF GEOGRAPHIC INFORMATION SYSTEMS (GIS). EXISTING CONDITIONS ARE SHOWN IN APPROXIMATE LOCATIONS AS PER THE STATE OF MAINE GEOLIBRARY.
4. DIMENSIONAL STANDARDS – AS PER §45–405:

   COMMERCIAL/INDUSTRIAL (C/I) DISTRICT:

MINIMUM LOT SIZE	= 3.0 AC.
FRONT YARD SETBACK	= 50 FT. (SEE NOTE A)
REAR & SIDE YARD SETBACKS	= 20 FT.
MAXIMUM BUILDING HEIGHT	= 55 FT.
MINIMUM STREET FRONTAGE	= 300 FT.
MAXIMUM SIGN SIZE	= 100 SQ. FT.
MAXIMUM LOT COVERAGE	= 50%
MINIMUM NORMAL HIGH–WATER MARK SETBACK	= 75 FT.

   A. FRONT YARDS ABUTTING STATE ROADS SHALL HAVE A MINIMUM DEPTH OF 50 FEET FROM THE RIGHT–OF–WAY LINE. ALL PARKING AREAS MUST CONFORM TO SETBACK REQUIREMENTS.
5. AS PER §33–190.(5), NO MARIJUANA STORE STRUCTURE SHALL BE LOCATED WITHIN 500 FEET OF THE LOT LINES OF A SENSITIVE USE, INCLUDING A PUBLIC OR PRIVATE SCHOOL, PUBLIC FACILITY, PLACE OF WORSHIP, RESIDENTIAL PROPERTY, OR CHILDCARE FACILITY. THE LOT LINE OF THE NEAREST SENSITIVE USE IS THE TOWN OF ELIOT TRANSFER STATION (A PUBLIC FACILITY) WHICH IS MEASURED APPROXIMATELY 510 FEET FROM THE ADULT USE AND MEDICAL MARIJUANA MANUFACTURING FACILITY.
6. PARKING CALCULATIONS – AS PER §45–495 (SEE ATTACHED INTERIOR BUILDING LAYOUTS):

§45–495.(11):	COMMERCIAL/INDUSTRIAL USE	= 1 SPACE / ANTICIPATED EMPLOYEE
	15 EMPLOYEES	=> 15 SPACES
	TOTAL SPACES REQUIRED	= 15 SPACES
	TOTAL SPACES PROVIDED	=> 17 SPACES (1 ADA VAN SPACE)

7. AS PER §33–190.(4).(f):, SECURITY CAMERAS MUST BE PERMANENTLY FIXED AT THE FOLLOWING:
   A. ALL EXIT/ENTRY POINTS (SUFFICIENT TO IDENTIFY INDIVIDUALS ENTERING AND EXITING THE PREMISES AND LIMITED ACCESS AREAS).
   B. EACH POINT OF SALE – A SUFFICIENT NUMBER OF CAMERAS MUST BE PERMANENTLY FIXED TO ALLOW VIEWING OF THE FOLLOWING:
      - ANY AREA WHERE MARIJUANA, MARIJUANA PLANTS, IMMATURE MARIJUANA PLANTS, SEEDLINGS, SEEDS, MARIJUANA CONCENTRATE OR MARIJUANA PRODUCTS ARE CULTIVATED, PROCESSED, MANUFACTURED, STORED, AND/OR PREPARED FOR TRANSFER OR SALE (THE AREA MUST BE VIEWED IN ITS ENTIRETY).
      - ANY AREA WHERE WASTE IS STORED.
      - ALL AREAS OF THE PREMISES WITHIN 10 FEET OF THE EXTERIOR FENCY AND GATES OF A CULTIVATION FACILITY WITH OUTDOOR GROWING.
   C. THE SURVEILLANCE SYSTEM STORAGE DEVICE MUST BE SECURED ON THE PREMISES IN A LOCKBOX, CABINET OR CLOSET, OR MUST BE ON A THIRD–PARTY SERVER OR SECURED IN ANOTHER MANNER TO PROTECT FROM EMPLOYEE TAMPERING OR CRIMINAL THEFT.
   D. ALL SURVEILLANCE RECORDINGS MUST BE KEPT FOR A MINIMUM OF 45 DAYS ON THE LICENSEE'S RECORDING DEVICE.

– GENERAL NOTES CONTINUTED ON SHEET 2 –

TOWN OF ELIOT PLANNING BOARD — DATE

CHAIR

NO.	DESCRIPTION	DATE
	REVISIONS	
B	SITE PLAN APPLICATION	9/20/2021
A	SKETCH PLAN UPDATE	7/20/2021

STATE OF MAINE — KENNETH A. WOOD No. 5992 — LICENSED PROFESSIONAL ENGINEER

TAX MAP 53, LOT 7

COVER SHEET
NEK ASSETS, LLC
505 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

FOR:
NEK ASSETS, LLC
43 CREEK CROSSING
ELIOT, MAINE 03903

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

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: AGC
DATE: 07/08/2021		REVISION DATE: B : 9/20/2021
JOB NO: C190–21	FILE: 505 HLDH BASE.DWG	SHEET: 1 OF 8

GENERAL NOTES (CONT):

8. AS PER §33-190.(4).(f): ALL EXTERIOR DOORS TO BE LOCKED WITH CARD ACCESS FOR EMPLOYEES. KEY CARD AND KEYS WILL BE PROVIDED FOR EMERGENCY PERSONNEL IN KNOX-BOX AT FRONT OF BUILDING.

9. A PER §33-190.(4).(e): FACILITY WASTE PRODUCTS TO BE DISPOSED OF PER NARRATIVE PROVIDED WITH THE SITE PLAN APPLICATION ASSOCIATED WITH THIS PLAN.

10. ALL PROPOSED SIGNS SHALL BE DESIGNED AND PLACED IN COMPLIANCE WITH §33-190.(3) 'PERFORMANCE STANDARDS FOR MARIJUANA FACILITIES', §45-405.j 'DIMENSIONAL STANDARDS', AND ARTICLE XI §45-532 'SIGN PLACEMENT'.

11. AS PER §33-190(3): ALL SIGNAGE AND ADVERTISING FOR ANY MARIJUANA ESTABLISHMENT SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF CHAPTER 45. IN ADDITION, NO SIGNAGE OR ADVERTISING SHALL USE THE WORD "MARIJUANA" OR "CANNABIS" OR ANY OTHER WORD, PHRASE, OR SYMBOL COMMONLY UNDERSTOOD TO REFER TO MARIJUANA. NO INTERIOR SIGNAGE, ADVERTISING AS DESCRIBED ABOVE SHALL BE VISIBLE FROM THE EXTERIOR OF THE BUILDING IN WHICH THE MARIJUANA ESTABLISHMENT IS LOCATED.

12. SEWER DEMAND CALCULATION: AS PER THE STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES, §10-144 CMR 241, TABLE 4C 'DESIGN FLOWS FOR OTHER FACILITIES':

    540 GPD EMPLOYEES
    450 GPD PROCESS WASTEWATER

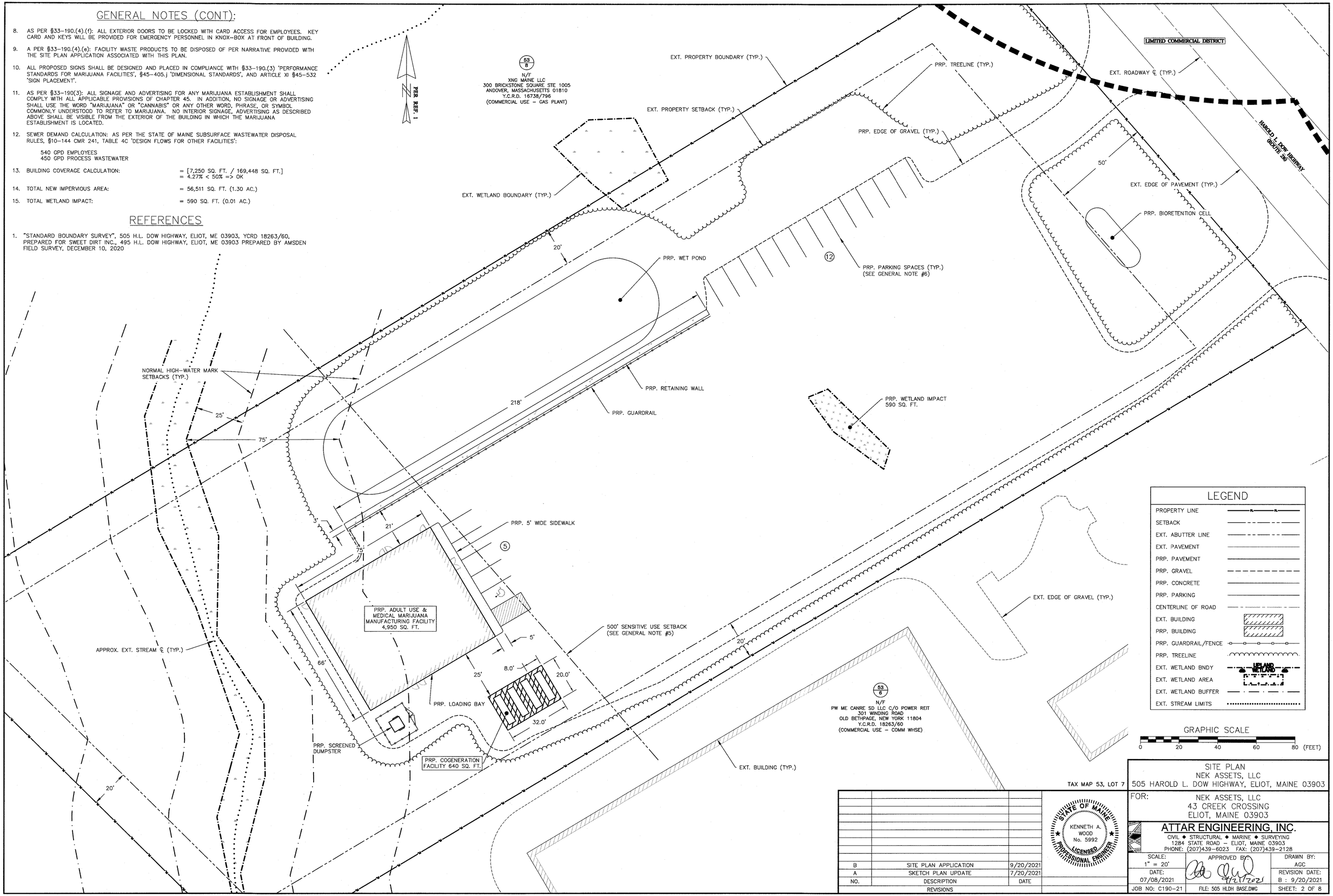
13. BUILDING COVERAGE CALCULATION: = [7,250 SQ. FT. / 169,448 SQ. FT.]
    = 4.27% < 50% => OK

14. TOTAL NEW IMPERVIOUS AREA: = 56,511 SQ. FT. (1.30 AC.)

15. TOTAL WETLAND IMPACT: = 590 SQ. FT. (0.01 AC.)

REFERENCES

1. "STANDARD BOUNDARY SURVEY", 505 H.L. DOW HIGHWAY, ELIOT, ME 03903, YCRD 18263/60, PREPARED FOR SWEET DIRT INC., 495 H.L. DOW HIGHWAY, ELIOT, ME 03903 PREPARED BY AMSDEN FIELD SURVEY, DECEMBER 10, 2020



LEGEND

PROPERTY LINE	
SETBACK	
EXT. ABUTTER LINE	
EXT. PAVEMENT	
PRP. PAVEMENT	
PRP. GRAVEL	
PRP. CONCRETE	
PRP. PARKING	
CENTERLINE OF ROAD	
EXT. BUILDING	
PRP. BUILDING	
PRP. GUARDRAIL/FENCE	
PRP. TREELINE	
EXT. WETLAND BNDY	WETLAND
EXT. WETLAND AREA	
EXT. WETLAND BUFFER	
EXT. STREAM LIMITS	

GRAPHIC SCALE
0 20 40 60 80 (FEET)

TAX MAP 53, LOT 7

NO.	DESCRIPTION	DATE
B	SITE PLAN APPLICATION	9/20/2021
A	SKETCH PLAN UPDATE	7/20/2021

REVISIONS

STATE OF MAINE
KENNETH A. WOOD
No. 5992
LICENSED PROFESSIONAL ENGINEER

SITE PLAN
NEK ASSETS, LLC
505 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

FOR: NEK ASSETS, LLC
43 CREEK CROSSING
ELIOT, MAINE 03903

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

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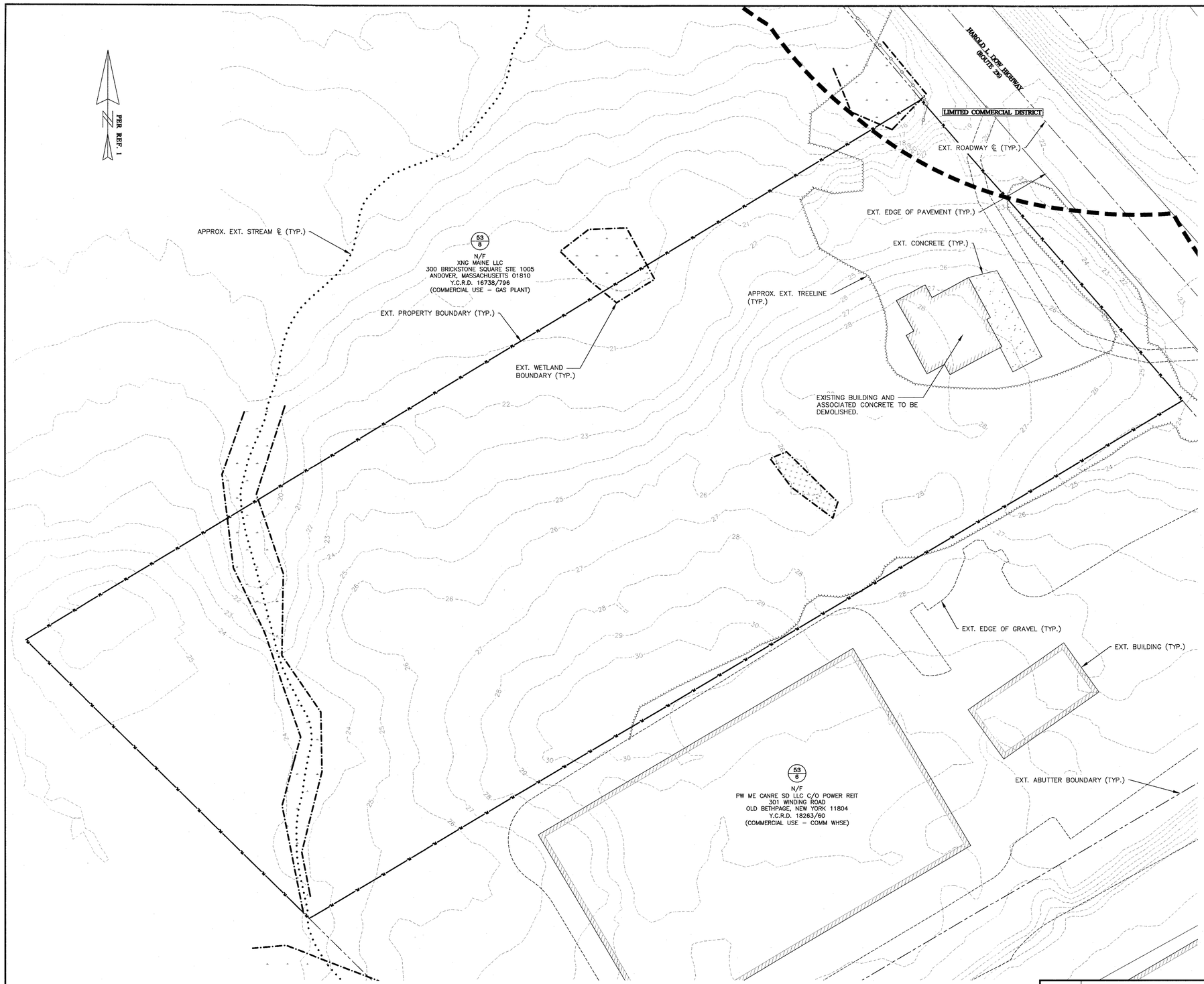
JOB NO: C190-21	FILE: 505 HLDH BASE.DWG	SHEET: 2 OF 8



LEGEND

- PROPERTY LINE
- SETBACK
- EXT. ABUTTER LINE
- EXT. PAVEMENT
- EXT. GRAVEL
- EXT. CONCRETE
- EXT. PARKING
- CENTERLINE OF ROAD
- EXT. BUILDING
- EXT. STONEWALL
- EXT. TREELINE
- EXT. MAJOR CONTOUR
- EXT. MINOR CONTOUR
- EXT. WETLAND BNDY (UPLAND / WETLAND)
- EXT. WETLAND AREA
- EXT. STREAM LIMITS
- EXT. STREAM OFFSET
- FOUND PIPE OR IRON ROD
- FOUND STONE OR CONCRETE MONUMENT

GRAPHIC SCALE

0 30 60 90 120 (FEET)

TAX MAP 53, LOT 7

EXISTING CONDITIONS PLAN
NEK ASSETS, LLC
505 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

FOR: NEK ASSETS, LLC
43 CREEK CROSSING
ELIOT, MAINE 03903

NO.	DESCRIPTION	DATE
B	SITE PLAN APPLICATION	9/20/2021
A	SKETCH PLAN UPDATE	7/20/2021

REVISIONS

STATE OF MAINE — KENNETH A. WOOD No. 5992 — LICENSED PROFESSIONAL ENGINEER

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

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1" = 30'		AGC
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JOB NO: C190-21	FILE: 505 HLDH BASE.DWG	SHEET: 3 OF 8

LEGEND

- PROPERTY LINE
- SETBACK
- EXT. ABUTTER LINE
- EXT. PAVEMENT
- PRP. PAVEMENT
- CENTERLINE OF ROAD
- EXT. GRAVEL
- PRP. GRAVEL
- EXT. BUILDING
- PRP. BUILDING
- PRP. PARKING
- PRP. TREELINE
- EXT. MAJOR CONTOUR
- EXT. MINOR CONTOUR
- PRP. MAJOR CONTOUR
- PRP. MINOR CONTOUR
- PRP. SEWER LINE (S)
- PRP. WATER LINE (W)
- PRP. STORM LINE (D)
- PRP. ELECTRICITY LINE (UGU)
- EXT. TEST PIT
- EXT. WETLAND BNDY (UPLAND / WETLAND)
- EXT. STREAM LIMITS
- EXT. WETLAND BUFFER
- PRP. SILTATION FENCE

GRAPHIC SCALE

0 20 40 60 80 (FEET)

PER REF. 1

PRP. LEVEL SPREADERS [SEE DETAIL]

12" HDPE CULVERT

12" HDPE CULVERT INV. IN = 21.90' INV. OUT = 21.30'

LIMITED COMMERCIAL DISTRICT

PRP. STABLIZED CONSTRUCTION ENTRANCE (TYP.) [SEE DETAIL]

HAROLD L. DOW HIGHWAY (ROUTE 236)

PRP. SOIL EROSION CONTROL BERM (TYP.) [SEE DETAIL]

PRP. UNDERDRAIN FILTER [SEE DETAIL]

CB4

PRP. SUBSURFACE DISPOSAL FIELD

12" HDPE CULVERT

PRP. BIORETENTION CELL [SEE DETAIL]

12" HPDE CULVERT

PRP. PRETREATMENT TANK

12" HDPE CULVERT STUB (CAPPED)

15" HDPE CULVERT

100' WELL EXCLUSION RADIUS

12" HDPE CULVERT

CB5

PRP. WET POND [SEE DETAIL]

PRP. EMERGENCY SPILLWAY [SEE DETAIL]

CB2

18" HDPE CULVERT

12" HPDE CULVERT

PRP. SEWER LINE (TYP.)

EXT. TEST PIT (TYP.)

PRP. WELL

PRP. WATER LINE (TYP.)

PRP. ADULT USE & MEDICAL MARIJUANA MANUFACTURING FACILITY FF = 29.0'

CB1

PRP. UNDERGROUND ELECTRICITY LINE (TYP.)

PRP. COGENERATION FACILITY FF = 29.0'

DRAINAGE STRUCTURE SCHEDULE

DESC	RIM ELEV	INV IN	INV OUT	PIPE SIZE(IN.)
CB 1	28.6	–	22.9	12
CB 2	28.3	22.3	22.2	18
CB 3	28.4	23.2	23.1	15
CB 4	28.2	23.5	23.4	12
CB 5	28.1	–	24.2	12

TAX MAP 53, LOT 7

GRADING AND UTILITY PLAN
NEK ASSETS, LLC
505 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

NO.	DESCRIPTION	DATE
	REVISIONS	
A	SKETCH PLAN UPDATE	7/20/2021
B	SITE PLAN APPLICATION	9/20/2021

STATE OF MAINE — KENNETH A. WOOD No. 5992 — LICENSED PROFESSIONAL ENGINEER

FOR:
NEK ASSETS, LLC
43 CREEK CROSSING
ELIOT, MAINE 03903

ATTAR ENGINEERING, INC.
CIVIL ◆ STRUCTURAL ◆ MARINE ◆ SURVEYING
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PER REF. 1

HIGH INTENSITY SOIL MAP LEGEND

SYMBOL	SOIL NAME
DxB	DIXFIELD FINE SANDY LOAM, 0–8% SLOPES
LaB	LAMOINE SILT LOAM, 0–8% SLOPES
ScB	SCANTIC SILT LOAM, 0–8% SLOPES*

*THESE ARE WETLAND SOILS

THIS SOIL SURVEY COMPLIES WITH CLASS A STANDARDS AS DEFINED BY THE MAINE ASSOCIATION OF PROFESSIONAL SOIL SCIENTISTS. SEE REPORT DATED 17 MAY 2021 FOR COMPLETE DESCRIPTION OF METHODS, SOILS, AND RESULTS.

MICHAEL CUOMO
MAINE SOIL SCIENTIST #211

STATE OF MAINE · MICHAEL CUOMO #211 · CERTIFIED SOIL SCIENTIST

Michael Cuomo
8 July 2021

LEGEND

PROPERTY LINE	
SETBACK	
EXT. ABUTTER LINE	
EXT. PAVEMENT	
EXT. GRAVEL	
EXT. CONCRETE	
EXT. BUILDING	
EXT. TREELINE	
EXT. MAJOR CONTOUR	XXX
EXT. MINOR CONTOUR	XXX
EXT. WETLAND BNDY	UPLAND / WETLAND
EXT. WETLAND AREA	
EXT. STREAM LIMITS	
EXT. STREAM OFFSET	
SOIL TYPE BOUNDARY	
EXT. TEST PIT	

GRAPHIC SCALE
0 30 60 90 120 (FEET)

REFERENCES:

1. "STANDARD BOUNDARY SURVEY" PREPARED BY AMSDEN FIELD SURVEY, DATED DECEMBER 5, 2020.

NO.	DESCRIPTION	DATE
	REVISIONS	

TAX MAP 53, LOT 7

HIGH INTENSITY SOIL SURVEY
NEK ASSETS, LLC
505 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

FOR: NEK ASSETS, LLC
43 CREEK CROSSING
ELIOT, MAINE 03903

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SCALE:	APPROVED BY:	DRAWN BY:
1" = 30'		AGC
DATE:		REVISION DATE:
07/02/2021		– : –

JOB NO: C06FHL21 505 HLDH SWEET DIRT BASE – PHASE 2.DWG SHEET: 5 OF 8

EROSION & SEDIMENTATION CONTROL NOTES:

1. SILTATION FENCE OR HAY BALE BARRIERS WILL BE INSTALLED DOWNSLOPE OF ALL STRIPPING OR CONSTRUCTION OPERATIONS. A DOUBLE SILT FENCE BARRIER SHALL BE INSTALLED DOWNSLOPE OF ANY SOIL MATERIAL STOCKPILES. SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL PARTICLES ACCUMULATING BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND IN NO INSTANCE SHOULD ACCUMULATION EXCEED 1/2 THE HEIGHT OF THE FENCE. TORN OR DAMAGED AREAS SHALL BE REPAIRED.

2. TEMPORARY AND PERMANENT VEGETATION AND MULCHING IS AN INTEGRAL COMPONENT OF THE EROSION AND SEDIMENTATION CONTROL PLAN. ALL AREAS SHALL BE INSPECTED AND MAINTAINED UNTIL THE DESIRED VEGETATIVE COVER IS ESTABLISHED. THESE CONTROL MEASURES ARE ESSENTIAL TO EROSION PREVENTION AND ALSO REDUCE COSTLY REWORK OF GRADED AND SHAPED AREAS.

3. SEEDING, FERTILIZER AND LIME RATES AND TIME OF APPLICATION WILL BE DEPENDENT ON SOIL REQUIREMENTS. TEMPORARY VEGETATION SHALL BE MAINTAINED IN THESE AREAS UNTIL PERMANENT SEEDING IS APPLIED. ADDITIONALLY, EROSION AND SEDIMENTATION MEASURES SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.

4. ALL LAWN AREA, OUTER POND SIDE SLOPES AND SWALES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 2 LB/ACRE REDTOP AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 42 LB/ACRE. FERTILIZER AND LIME RATES SHALL BE DEPENDENT ON SOIL TESTING. IN THE ABSENCE OF SOIL TESTS, FERTILIZE WITH 10-20-20 (N-P205-K201) AT 800 LB/ACRE AND LIME AT 3 TONS/ACRE. MULCH WITH HAY AT 70-90 LB/1000 S.F. 4" OF LOAM SHALL BE APPLIED PRIOR TO SEEDING.

5. POND BOTTOMS AND INNER POND SIDESLOPES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 8 LB/ACRE BIRDSFOOT TREFOIL AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.

6. TEMPORARY VEGETATION OF ALL DISTURBED AREAS, MATERIAL STOCKPILES AND OTHER SUCH AREAS SHALL BE ESTABLISHED BY SEEDING WITH EITHER WINTER RYE AT A RATE OF 112 LB/ACRE OR ANNUAL RYEGRASS AT A RATE OF 40 LB/ACRE. WINTER RYE SHALL BE USED FOR FALL SEEDING AND ANNUAL RYEGRASS FOR SHORT DURATION SEEDING. SEEDING SHALL BE ACCOMPLISHED BEFORE OCTOBER 1.

7. TEMPORARY SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. PERMANENT SEEDING SHALL BE ACCOMPLISHED BEFORE SEPTEMBER 15.

8. ALL SEEDED AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-90 LB) PER 1000 S.F. OF SEEDED AREA.

9. SLOPES 2:1 OR STEEPER SHALL BE TREATED WITH POLYJUTE OPEN WEAVE GEOTEXTILE (OR EQUIVALENT) AFTER SEEDING. JUTE MATS SHALL BE ANCHORED PER MANUFACTURER'S SPECIFICATIONS.

10. EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.

11. THE CONTRACTOR MAY OPT TO USE EROSION CONTROL MIX BERM AS A SEDIMENT BARRIER IN LIEU OF SILTATION FENCE OR HAY BALE BARRIERS WITH APPROVAL FROM THE INSPECTING ENGINEER.

12. MINIMIZE DISTURBED AREAS AND PROTECT NATURAL DOWNGRADIENT BUFFER AREAS TO THE EXTENT PRACTICABLE. CONTROL STORMWATER VOLUME AND VELOCITY WITHIN THE SITE TO MINIMIZE SOIL EROSION. MINIMIZE THE DISTURBANCE OF STEEP SLOPES. CONTROL STORMWATER DISCHARGES, INCLUDING BOTH PEAK FLOW RATES AND VOLUME, TO MINIMIZE EROSION AT OUTLETS. THE DISCHARGE MAY NOT RESULT IN EROSION OF ANY OPEN DRAINAGE CHANNELS, SWALES, STREAM CHANNELS OR STREAM BANKS, UPLAND, OR COASTAL OR FRESHWATER WETLANDS OFF THE PROJECT SITE.

13. DITCHES, SWALES, AND OTHER OPEN STORMWATER CHANNELS MUST BE DESIGNED, CONSTRUCTED, AND STABILIZED USING MEASURES THAT ACHIEVE LONG-TERM EROSION CONTROL. DITCHES, SWALES AND OTHER OPEN STORMWATER CHANNELS MUST BE SIZED TO HANDLE, AT A MINIMUM, THE EXPECTED VOLUME RUNOFF. EACH CHANNEL SHOULD BE CONSTRUCTED IN SECTIONS SO THAT THE SECTION'S GRADING, SHAPING, AND INSTALLATION OF THE PERMANENT LINING CAN BE COMPLETED THE SAME DAY. IF A CHANNEL'S FINAL GRADING OR LINING INSTALLATION MUST BE DELAYED, THEN DIVERSION BERMS MUST BE USED TO DIVERT STORMWATER AWAY FROM THE CHANNEL, PROPERLY-SPACED CHECK DAMS MUST BE INSTALLED IN THE CHANNEL TO SLOW THE WATER VELOCITY AND A TEMPORARY LINING INSTALLED ALONG THE CHANNEL TO PREVENT SCOURING. .

14. THE CHANNEL SHOULD RECEIVE ADEQUATE ROUTINE MAINTENANCE TO MAINTAIN CAPACITY AND PREVENT OR CORRECT ANY EROSION OF THE CHANNEL'S BOTTOM OR SIDE SLOPES.

15. WHEN THE WATERSHED DRAINING TO A DITCH OR SWALE IS LESS THAN 1 ACRE OF TOTAL DRAINAGE AND LESS THAN 1/4 ACRE OF IMPERVIOUS AREA, DIVERSION OF RUNOFF TO ADJACENT WOODED OR OTHERWISE VEGETATED BUFFER AREAS IS ENCOURAGED WHERE THE OPPORTUNITY EXISTS.

16. SEDIMENT BASINS MUST BE DESIGNED TO PROVIDE STORAGE FOR EITHER THE CALCULATED RUNOFF FROM A 2-YEAR, 24-HOUR STORM OR PROVIDE FOR 3,600 CUBIC FEET OF CAPACITY PER ACRE DRAINING TO THE BASIN. OUTLET STRUCTURES MUST DISCHARGE WATER FROM THE SURFACE OF THE BASIN WHENEVER POSSIBLE. EROSION CONTROLS AND VELOCITY DISSIPATION DEVICES MUST BE USED IF THE DISCHARGING WATERS ARE LIKELY TO CREATE EROSION. ACCUMULATED SEDIMENT MUST BE REMOVED AS NEEDED FROM THE BASIN TO MAINTAIN AT LEAST OF THE DESIGN CAPACITY OF THE BASIN. THE USE OF CATIONIC TREATMENT CHEMICALS, SUCH AS POLYMERS, FLOCCULANTS, OR OTHER CHEMICALS THAT CONTAIN AN OVERALL POSITIVE CHARGE DESIGNED TO REDUCE TURBIDITY IN STORMWATER MUST RECEIVE PRIOR APPROVAL FROM THE DEPARTMENT. WHEN REQUESTING APPROVAL TO USE CATIONIC TREATMENT CHEMICALS, YOU MUST DESCRIBE APPROPRIATE CONTROLS AND IMPLEMENTATION PROCEDURES TO ENSURE THE USE WILL NOT LEAD TO A VIOLATION OF WATER QUALITY STANDARDS. IN ADDITION, YOU MUST SPECIFY THE TYPE(S) OF SOIL LIKELY TO BE TREATED ON THE SITE, CHEMICALS TO BE USED AND HOW THEY ARE TO BE APPLIED AND IN WHAT QUANTITY, ANY MANUFACTURER'S RECOMMENDATIONS, AND ANY TRAINING HAD BY PERSONNEL WHO WILL HANDLE AND APPLY THE CHEMICALS.

17. GRAVEL AND PAVED ROADS MUST BE DESIGNED AND CONSTRUCTED WITH CROWNS OR OTHER MEASURES,SUCH AS WATER BARS, TO ENSURE THAT STORMWATER IS DELIVERED IMMEDIATELY TO ADJACENT STABLE DITCHES, VEGETATED BUFFER AREAS, CATCH BASIN INLETS, OR STREET GUTTERS.

18. CULVERTS MUST BE SIZED TO AVOID UNINTENDED FLOODING OF UPSTREAM AREAS OR FREQUENT OVERTOPPING OF ROADWAYS. CULVERT INLETS MUST BE PROTECTED WITH APPROPRIATE MATERIALS FOR THE EXPECTED ENTRANCE VELOCITY, AND PROTECTION MUST EXTEND AT LEAST AS HIGH AS THE EXPECTED MAXIMUM ELEVATION OF STORAGE BEHIND THE CULVERT. CULVERT OUTLET DESIGN MUST INCORPORATE MEASURES, SUCH AS APRONS, TO PREVENT SCOUR OF THE STREAM CHANNEL. OUTLET PROTECTION MEASURES MUST BE DESIGNED TO STAY WITHIN THE CHANNEL LIMITS. THE DESIGN MUST TAKE ACCOUNT OF TAILWATER DEPTH.

19. PARKING AREAS MUST BE CONSTRUCTED TO ENSURE RUNOFF IS DELIVERED TO ADJACENT SWALES, CATCH BASINS, CURB GUTTERS, OR BUFFER AREAS WITHOUT ERODING AREAS DOWNSLOPE. THE PARKING AREA'S SUBBASE COMPACTION AND GRADING MUST BE DONE TO ENSURE RUNOFF IS EVENLY DISTRIBUTED TO ADJACENT BUFFERS OR SIDE SLOPES. CATCH BASINS MUST BE LOCATED AND SET TO PROVIDE ENOUGH STORAGE DEPTH AT THE INLET TO ALLOW INFLOW OF PEAK RUNOFF RATES WITHOUT BY-PASS OF RUNOFF TO OTHER AREAS.

20. WHENEVER PRACTICABLE, NO DISTURBANCE ACTIVITIES SHOULD TAKE PLACE WITHIN 50 FEET OF ANY PROTECTED NATURAL RESOURCE. IF DISTURBANCE ACTIVITIES TAKE PLACE BETWEEN 30 FEET AND 50 FEET OF ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED. IF DISTURBANCE ACTIVITIES TAKE PLACE LESS THAN 30 FEET FROM ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED AND DISTURBED AREAS MUST BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN 7 DAYS.

21. PRIOR TO CONSTRUCTION, PROPERLY INSTALL SEDIMENT BARRIERS AT THE DOWNGRADIENT EDGE OF ANY AREA TO BE DISTURBED AND ADJACENT TO ANY DRAINAGE CHANNELS WITHIN THE DISTURBED AREA. SEDIMENT BARRIERS SHOULD BE INSTALLED DOWNGRADIENT OF SOIL OR SEDIMENT STOCKPILES AND STORMWATER PREVENTED FROM RUNNING ONTO THE STOCKPILE. MAINTAIN THE SEDIMENT BARRIERS BY REMOVING ACCUMULATED SEDIMENT, OR REMOVING AND REPLACING THE BARRIER, UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED. WHERE A DISCHARGE TO A STORM DRAIN INLET OCCURS, IF THE STORM DRAIN CARRIES WATER DIRECTLY TO A SURFACE WATER AND YOU HAVE AUTHORITY TO ACCESS THE STORM DRAIN INLET, YOU MUST INSTALL AND MAINTAIN PROTECTION MEASURES THAT REMOVE SEDIMENT FROM THE DISCHARGE.

22. PRIOR TO CONSTRUCTION, PROPERLY INSTALL A STABILIZED CONSTRUCTION ENTRANCE (SCE) AT ALL POINTS OF EGRESS FROM THE SITE. THE SCE IS A STABILIZED PAD OF AGGREGATE, UNDERLAIN BY A GEOTEXTILE FILTER FABRIC, USED TO PREVENT TRAFFIC FROM TRACKING MATERIAL AWAY FROM THE SITE ONTO PUBLIC ROW'S. MAINTAIN THE SCE UNTIL ALL DISTURBED AREAS ARE STABILIZED.

23. WITHIN 7 DAYS OF THE CESSATION OF CONSTRUCTION ACTIVITIES IN AN AREA THAT WILL NOT BE WORKED FOR MORE THAN 7 DAYS, STABILIZE ANY EXPOSED SOIL WITH MULCH, OR OTHER NON-ERODIBLE COVER. STABILIZE AREAS WITHIN 75 FEET OF A WETLAND OR WATERBODY WITHIN 48 HOURS OF THE INITIAL DISTURBANCE OF THE SOIL OR PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST.

24. REMOVE ANY TEMPORARY CONTROL MEASURES, SUCH AS SILTATION FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED. REMOVE ANY ACCUMULATED SEDIMENTS AND STABILIZE.

25. IF THE AREA WILL NOT BE WORKED FOR MORE THAN ONE YEAR OR HAS BEEN BROUGHT TO FINAL GRADE, THEN PERMANENTLY STABILIZE THE AREA WITHIN 7 DAYS BY PLANTING VEGETATION, SEEDING, SOD, OR THROUGH THE USE OF PERMANENT MULCH, OR RIPRAP, OR ROAD SUB-BASE. IF USING VEGETATION FOR STABILIZATION, SELECT THE PROPER VEGETATION FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS; AMEND AREAS OF DISTURBED SUBSOILS WITH TOPSOIL, COMPOST, OR FERTILIZERS; PROTECT SEEDED AREAS WITH MULCH OR, IF NECESSARY, EROSION CONTROL BLANKETS; AND SCHEDULE SODDING, PLANTING, AND SEEDING SO TO AVOID DIE-OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEEDED OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED WITH 90% COVER BY HEALTHY VEGETATION. IF NECESSARY, AREAS MUST BE REWORKED AND RESTABILIZED IF GERMINATION IS SPARSE, PLANT COVERAGE IS SPOTTY, OR TOPSOIL EROSION IS EVIDENT. ONE OR MORE OF THE FOLLOWING MAY APPLY TO A PARTICULAR SITE.

EROSION & SED. CONTROL NOTES (CONT.):

26. FOR SEEDED AREAS, PERMANENT STABILIZATION MEANS A 90% COVER OF THE DISTURBED AREA WITH MATURE, HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.

27. FOR SODDED AREAS, PERMANENT STABILIZATION MEANS THE COMPLETE BINDING OF THE SOD ROOTS INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE-OFF.

28. FOR MULCHED AREAS, PERMANENT MULCHING MEANS TOTAL COVERAGE OF THE EXPOSED AREA WITH AN APPROVED MULCH MATERIAL. EROSION CONTROL MIX MAY BE USED AS MULCH FOR PERMANENT STABILIZATION ACCORDING TO THE APPROVED APPLICATION RATES AND LIMITATIONS.

29. FOR AREAS STABILIZED WITH RIPRAP, PERMANENT STABILIZATION MEANS THAT SLOPES STABILIZED WITH RIPRAP HAVE AN APPROPRIATE BACKING OF A WELL-GRADED GRAVEL OR APPROVED GEOTEXTILE TO PREVENT SOIL MOVEMENT FROM BEHIND THE RIPRAP. STONE MUST BE SIZED APPROPRIATELY. IT IS RECOMMENDED THAT ANGULAR STONE BE USED.

30. FOR CONSTRUCTION PROJECTS ON LAND USED FOR AGRICULTURAL PURPOSES (E.G., PIPELINES ACROSS CROP LAND), PERMANENT STABILIZATION MAY BE ACCOMPLISHED BY RETURNING THE DISTURBED LAND TO AGRICULTURAL USE.

31. FOR PAVED AREAS, PERMANENT STABILIZATION MEANS THE PLACEMENT OF THE COMPACTED GRAVEL SUBBASE IS COMPLETED, PROVIDED IT IS FREE OF FINE MATERIALS THAT MAY RUNOFF WITH A RAIN EVENT.

32. FOR OPEN CHANNELS, PERMANENT STABILIZATION MEANS THE CHANNEL IS STABILIZED WITH A 90% COVER OF HEALTHY VEGETATION, WITH A WELL-GRADED RIPRAP LINING, TURF REINFORCEMENT MAT, OR WITH ANOTHER NON-EROSIVE LINING SUCH AS CONCRETE OR ASPHALT PAVEMENT. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE CHANNEL LINING, UNDERCUTTING OF THE CHANNEL BANKS, OR DOWN-CUTTING OF THE CHANNEL.

33. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATE HOUSEKEEPING PRACTICES DURING THE CONSTRUCTION OF THE PROJECT. THESE STANDARDS CAN BE FOUND IN THE FOLLOWING DOCUMENT: MDEP CHAPTER 500 (STORMWATER MANAGEMENT), APPENDIX C. HOUSEKEEPING. HOUSEKEEPING PRACTICES INCLUDE, BUT ARE NOT LIMITED TO, SPILL PREVENTION, GROUNDWATER PROTECTION, FUGITIVE SEDIMENT AND DUST, DEBRIS AND OTHER MATERIALS, EXCAVATION DEWATERING, AUTHORIZED NON-STORMWATER DISCHARGES AND UNAUTHORIZED NON-STORMWATER DISCHARGES(DETAILED BELOW).

33.1. AUTHORIZED NON-STORMWATER DISCHARGES. IDENTIFY AND PREVENT CONTAMINATION BY NONSTORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NONSTORMWATER DISCHARGES ARE:
(A) DISCHARGES FROM FIREFIGHTING ACTIVITY;
(B) FIRE HYDRANT FLUSHINGS;
(C) VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
(D) DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS AND APPENDIX (C)(3);
(E) ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
(F) PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED;
(G) UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;
(H) UNCONTAMINATED GROUNDWATER OR SPRING WATER;
(I) FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;
(J) UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN APPENDIX C(5))
(K) PORTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS
(L) LANDSCAPE IRRIGATION

33.2. UNAUTHORIZED NON-STORMWATER DISCHARGES. THE DEPARTMENT'S APPROVAL UNDER THIS CHAPTER DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NONSTORMWATER, OTHER THAN THOSE DISCHARGES IN COMPLIANCE WITH APPENDIX C (6). SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING:
(A) WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
(B) FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE;
(C) SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND
(D) TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE

34. AN AREA SHALL BE CONSIDERED STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH HAY AT A RATE OF 100 LB/1000 S.F. OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SO THAT THE SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH.

35. FROM OCTOBER 15 TO APRIL 1, LOAM AND SEED WILL NOT BE REQUIRED. DURING PERIODS OF TEMPERATURES ABOVE FREEZING, DISTURBED AREAS SHALL BE FINE GRADED AND PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL PERMANENT SEEDING CAN BE APPLIED. AFTER NOVEMBER 1, DISTURBED AREAS MAY BE LOAMED, FINE GRADED AND DORMANT SEEDED AT A RATE 200-300% HIGHER THAN THE SPECIFIED PERMANENT SEEDING RATE. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, DISTURBED AREAS SHALL BE GRADED BEFORE FREEZING AND TEMPORARILY STABILIZED WITH MULCH. DISTURBED AREAS SHALL NOT BE LEFT OVER THE WINTER OR FOR ANY OTHER EXTENDED PERIOD OF TIME UNLESS STABILIZED WITH MULCH.

36. FROM NOVEMBER 1 TO APRIL 15 ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, ASPHALT EMULSION CHEMICAL, TRACK OR WOOD CELLULOSE FIBER. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH SLOPES GREATER THAN 3%. SLOPES EXPOSED TO DIRECT WINDS AND FOR SLOPES GREATER THAN 8%. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15%. AFTER OCTOBER 1, THE SAME APPLIES TO ALL SLOPES GREATER THAN 8%.

37. SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.

38. FOR WINTER STABILIZATION, HAY MULCH SHALL BE APPLIED AT TWICE THE STANDARD TEMPORARY STABILIZATION RATE. AT THE END OF EACH CONSTRUCTION DAY, AREAS THAT HAVE BEEN BROUGHT TO FINAL GRADE SHALL BE STABILIZED. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW.

39. ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE SHALL BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.

40. ALL VEGETATED DITCH LINES THAT HAVE NOT BEEN STABILIZED BY NOVEMBER 1, OR WILL BE WORKED DURING THE WINTER CONSTRUCTION PERIOD, SHALL BE STABILIZED WITH AN APPROPRIATE STONE LINING BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE UNLESS SPECIFICALLY RELEASED FROM THIS STANDARD BY THE MDEP.

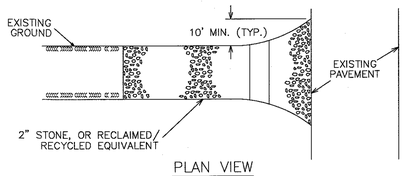
41. MULCH NETTING SHALL BE USED TO ANCHOR MULCH ON ALL SLOPES GREATER THAN 8% UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MIX IS BEING USED ON SUCH SLOPES.

E&S INSPECTION/MAINTENANCE DURING CONSTRUCTION

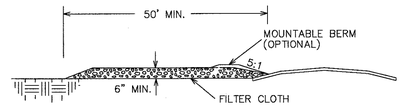
A. INSPECTION AND CORRECTIVE ACTION. INSPECT DISTURBED AND IMPERVIOUS AREAS, EROSION CONTROL MEASURES, MATERIALS STORAGE AREAS THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE. INSPECT THESE AREAS AT LEAST ONCE A WEEK AS WELL AS BEFORE AND WITHIN 24 HOURS AFTER A STORM EVENT (½" RAINFALL), AND PRIOR TO COMPLETING PERMANENT STABILIZATION MEASURES. A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT, SHALL CONDUCT THE INSPECTIONS.

B. MAINTENANCE. IF BEST MANAGEMENT PRACTICES (BMPS) NEED TO BE REPAIRED, THE REPAIR WORK SHOULD BE INITIATED UPON DISCOVERY OF THE PROBLEM BUT NO LATER THAN THE END OF THE NEXT WORKDAY. IF ADDITIONAL BMPS OR SIGNIFICANT REPAIR OF BMPS ARE NECESSARY, IMPLEMENTATION MUST BE COMPLETED WITHIN 7 CALENDAR DAYS AND PRIOR TO ANY STORM EVENT (RAINFALL). ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL AREAS ARE PERMANENTLY STABILIZED.

C. DOCUMENTATION. KEEP A LOG (REPORT) SUMMARIZING THE INSPECTIONS AND ANY CORRECTIVE ACTION TAKEN. THE LOG MUST INCLUDE THE NAME(S) AND QUALIFICATIONS OF THE PERSON MAKING THE INSPECTIONS, THE DATE(S) OF THE INSPECTIONS, AND MAJOR OBSERVATIONS ABOUT THE OPERATION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS, MATERIALS STORAGE AREAS, AND VEHICLES ACCESS POINTS TO THE PARCEL. MAJOR OBSERVATIONS MUST INCLUDE BMPS THAT NEED MAINTENANCE, BMPS THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION, AND LOCATION(S) WHERE ADDITIONAL BMPS ARE NEEDED. FOR EACH BMP REQUIRING MAINTENANCE, BMP NEEDING REPLACEMENT, AND LOCATION NEEDING ADDITIONAL BMPS, NOTE IN THE LOG THE CORRECTIVE ACTION TAKEN AND WHEN IT WAS TAKEN. THE LOG MUST BE MADE ACCESSIBLE TO DEPARTMENT STAFF AND A COPY MUST BE PROVIDED UPON REQUEST. THE PERMITTEE SHALL RETAIN A COPY OF THE LOG FOR A PERIOD OF AT LEAST THREE YEARS FROM THE COMPLETION OF PERMANENT STABILIZATION.



PLAN VIEW



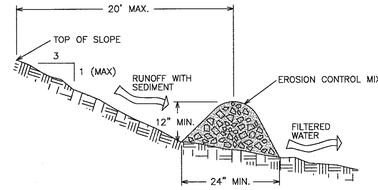
PROFILE

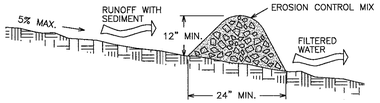
NOTES

1. GEOTEXTILE: PLACE FILTER CLOTH OVER ENTIRE AREA TO BE COVERED WITH AGGREGATE. FILTER CLOTH WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENTIAL LOT.

2. PIPING OF SURFACE WATER UNDER ENTRANCE SHALL BE PROVIDED AS REQUIRED. IF PIPING IS IMPOSSIBLE, A MOUNTABLE BERM WITH A 5:1 SLOPE WILL BE PERMITTED.

STABILIZED CONSTRUCTION ENTRANCE
(NTS)

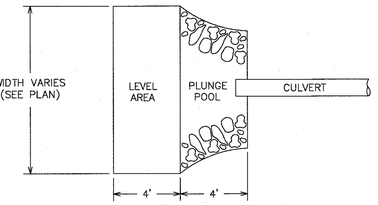


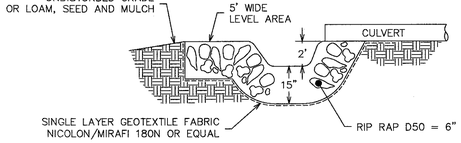


EROSION CONTROL MIX COMPOSITION STANDARDS:

- THE ORGANIC MATTER CONTENT SHALL BE BETWEEN 80 AND 100%, DRY WEIGHT BASIS.
- PARTICLE SIZE BY WEIGHT SHALL BE 100% PASSING A 6" SCREEN AND A MINIMUM OF 70%, MAXIMUM OF 85% PASSING A 0.75" SCREEN.
- THE ORGANIC PORTION NEEDS TO BE FIBROUS AND ELONGATED
- LARGE PORTIONS OF SILTS, CLAYS OR FINE SANDS ARE NOT ACCEPTABLE IN THE MIX
- SOLUBLE SALTS CONTENT SHALL BE <4.0 mmhos/cm
- THE pH SHOULD FALL BETWEEN 5.0 AND 8.0

EROSION CONTROL MIX BERM
(NTS)





LEVEL SPREADER
(NTS)

EROSION AND SEDIMENTATION CONTROL PLAN
NEK ASSETS, LLC
505 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

TAX MAP 53, LOT 7

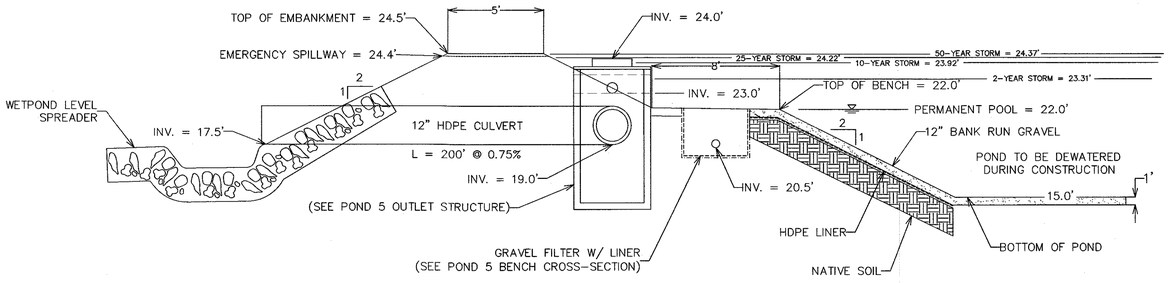
NO.	DESCRIPTION	DATE
B	SITE PLAN APPLICATION	9/20/2021
A	SKETCH PLAN UPDATE	7/20/2021
	REVISIONS	

STATE OF MAINE
KENNETH A. WOOD
No. 5992
LICENSED PROFESSIONAL ENGINEER

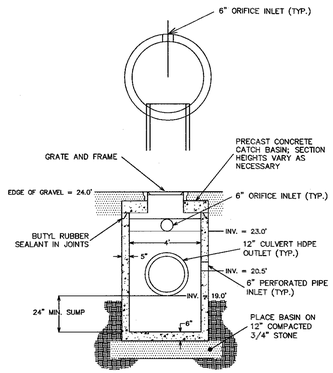
FOR: NEK ASSETS, LLC
43 CREEK CROSSING
ELIOT, MAINE 03903

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

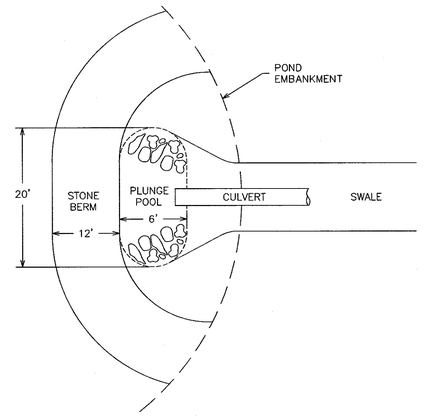
SCALE:	APPROVED BY:	DRAWN BY:
AS NOTED		BRN
DATE:		REVISION DATE:
07/02/2021	9/20/2021	B : 9/20/2021
JOB NO: C066-21	FILE: 505 HLDH DETAIL.DWG	SHEET: 6 OF 8

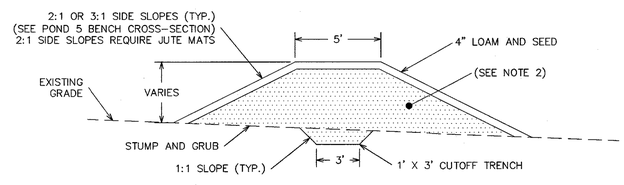


POND 5 (WET POND) EMBANKMENT
(NTS)



POND 5 (WET POND) OUTLET STRUCTURE
(NTS)





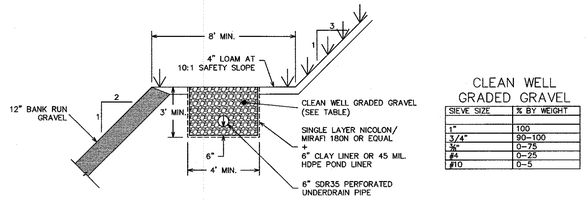
NOTES

1. ALL ORGANIC MATERIAL, STUMPS, ROCKS AND BOULDERS SHALL BE REMOVED TO A MINIMUM DEPTH OF 24" BELOW SUBGRADE OF THE BASIN EMBANKMENT. ALL EXCAVATIONS BELOW THE BASIN EMBANKMENT SHALL HAVE A MINIMUM SLOPE OF 1H : 1V.

2. ALL BASIN EMBANKMENT FILL MATERIAL SHALL BE WELL GRADED BORROW WITH A MINIMUM OF 20% FINES CONTENT. EMBANKMENT FILL SHALL BE PLACED IN 12" (MAX.) LIFTS AND BE COMPACTED TO 95% MODIFIED PROCTOR. A CUTOFF TRENCH SHALL BE EXCAVATED AS SHOWN PRIOR TO CONSTRUCTION OF EMBANKMENT.

3. DETENTION BASIN AND ALL EXCAVATIONS SHALL BE KEPT FREE OF WATER DURING CONSTRUCTION.

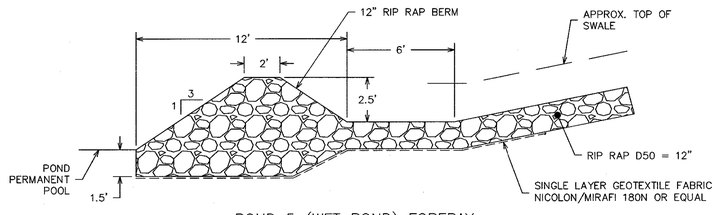
POND 5 (WET POND) EMBANKMENT AND BERM
(NTS)



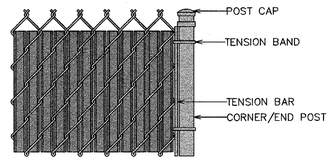
CLEAN WELL GRADED GRAVEL

SIEVE SIZE	% BY WEIGHT
1"	100
3/4"	90-100
3/8"	0-75
#4	0-25
#10	0-5

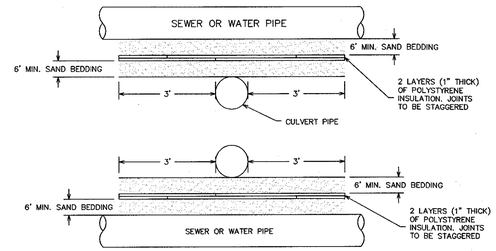
POND 5 (WET POND) BENCH CROSS-SECTION
(NTS)



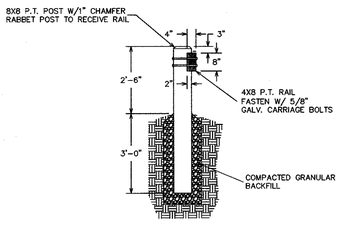
POND 5 (WET POND) FOREBAY
(NTS)



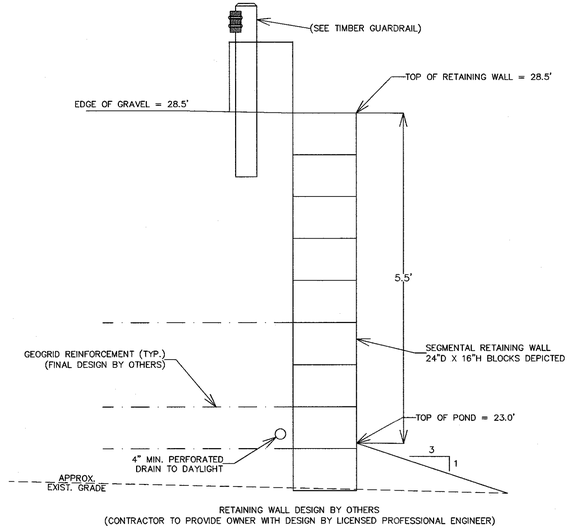
CHAIN LINK FENCE WITH VINYL SLATS
(NTS)



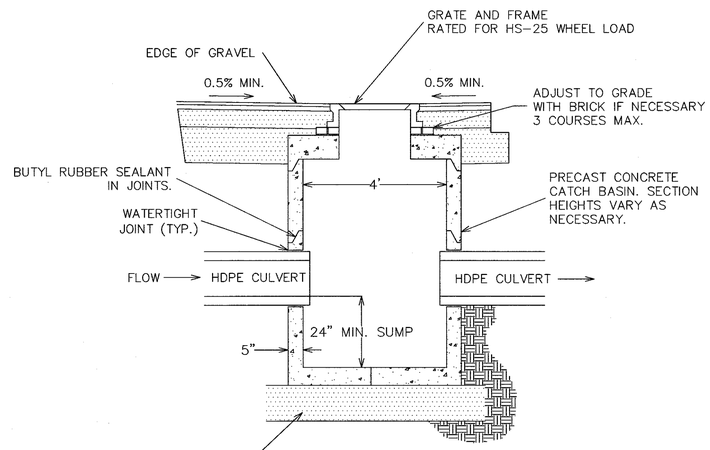
CULVERT CROSSING
(NTS)



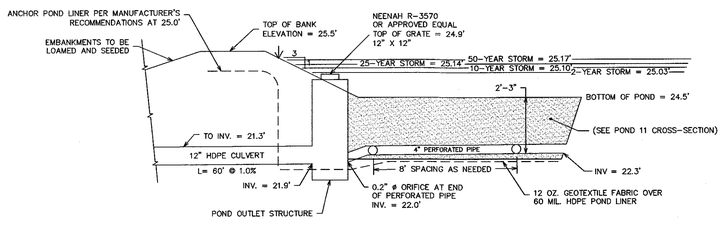
TIMBER GUARDRAIL
(NTS)



RETAINING WALL CROSS-SECTION
(NTS)



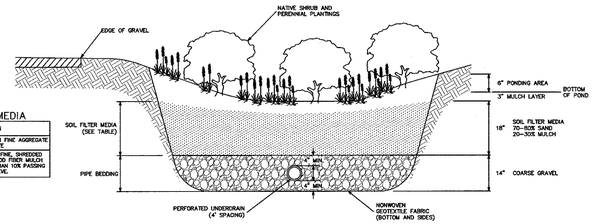
TYPICAL CATCH BASIN
(NTS)



POND 11 (BIORETENTION CELL) ELEVATION
(NTS)

SOIL FILTER MEDIA

FILTER MEDIA	MIXTURE BY VOLUME	SPECIFICATION
SAND	70-80%	MDOT #703.01 FINE AGGREGATE FOR CONCRETE
MULCH	20-30%	MODERATELY FINE, SHREDDED BARK OR WOOD FIBER MULCH WITH LESS THAN 10% PASSING THE #200 SIEVE.



POND 11 (BIORETENTION CELL) CROSS-SECTION
(NTS)

TAX MAP 53, LOT 7

NO.	DESCRIPTION	DATE
	REVISIONS	
B	SITE PLAN APPLICATION	9/20/2021
A	SKETCH PLAN UPDATE	7/20/2021

STATE OF MAINE
KENNETH A. WOOD
No. 5992
REGISTERED PROFESSIONAL ENGINEER

SITE DETAILS
NEK ASSETS, LLC
505 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

FOR:
NEK ASSETS, LLC
43 CREEK CROSSING
ELIOT, MAINE 03903

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

SCALE:	APPROVED BY:	DRAWN BY:
AS NOTED		BRN
DATE:		REVISION DATE:
07/08/2021		B : 9/20/2021
JOB NO: C066-21	FILE: 505 HLDH DETAILDWG	SHEET: 7 OF 8

ATTAR
ENGINEERING, INC
CIVIL STRUCTURAL MARINE

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

September 29th, 2021
Project No. C223-21

RE: Site Plan Review Application – Approval Workshop #1
Odiorne Lane Solar, LLC. (Tax Map 83, Lot 02)
Odiorne Lane, Eliot, Maine

Dear Mr. Brubaker:

On behalf of NH Solar Garden, Odiorne Lane Solar, LLC. and S.O.W. Solar, Inc., I offer the following comments and responses to items presented during the September 21st Planning Board Meeting. Responses are itemized as follows:

- Soil Suitability for Construction
  - Test pits as required for our Stormwater Management Law application with the MDEP are being performed this coming Friday, October 1st. This information will be provided to the Town upon receipt.

- Potential for Third-Party Review
  - The Town Planner has mentioned to the applicant the potential for discussing a third-party review of this application. Should the Planning Board seek to involve a third-party reviewing entity for this project, the applicant would like to recommend Sebago Technics as the engineering firm. The applicant has used this firm for similar developments in other towns in the State of Maine, and their subject matter familiarity would be suitable for review of this application/project.

- Performance Guarantee Language
  - During the September 21st Planning Board Meeting, a discussion was had on including language guaranteeing the preservation/restoration of the existing conditions of Odiorne Lane upon completion of the construction of this development. The applicant welcomes the Town to draft performance guarantee language which includes Odiorne Lane, as well as any other relevant guarantees for this type of development. Draft language can be discussed and iterated as the project continues to workshop through the Town approvals process and can be added to the Plan Set prior to approval.

- Update on State Agency Involvement
  - Following the granting of Application Completeness, the applicant and the project wetland scientist Mr. Joe Noel have been in contact with the abutters of the adjacent vernal pool, and data sheets have been submitted to the MDEP and IF&W for processing and determination. The applicant will keep the Town informed on our progress with these State agencies upon receipt.

We look forward to discussing this project with the Planning Board at the October 5th meeting. Please contact me for any additional information or clarifications required.

Sincerely;

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

cc: NHSolarGarden.com, Odiorne Lane Solar, LLC., S.O.W. Solar Inc.
C223-21 Cover SPR 29Sep2021

TOWN OF ELIOT MAINE
PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Tammy and Leon Cole, Applicants
Date: September 29, 2021 (report date)
October 5, 2021 (meeting date)
Re: PB21-29: P/O 708 River Rd. (Map 50, Lot 29) – Home Business Application – Hair Salon – **Sketch Plan Review**

Application Details/Checklist Documentation	
Address:	P/O 708 River Rd.
Map/Lot:	50/29 (portion)
PB Case#:	21-29
Zoning District:	Suburban
Shoreland Zoning:	N/A
Owner Name:	Leon A. Cole, Trustee of the Cole Family 2020 Trust
Applicant Name:	Tammy and Leon Cole
Proposed Project:	Hair Salon Home Business
✓ Application Received by Staff:	9/13/21
Application Fee Paid and Date:	$200 ($25 home business; $175 public hearing) To be paid
Application Sent to Staff Reviewers:	Not yet sent
Application Heard by PB Found Complete by PB	10/5/21 (scheduled) TBD
Site Walk	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
Deliberation	TBD
Notice of Decision	TBD
✓ Reason for PB Review:	Home Business Application

Overview: This Home Business Application is for a hair salon to be located at P/O 708 River Rd. (Map 50, Lot 29). The applicants would locate this business in their new home, which is under construction (permit issued June 9, 2021) on a new 10.4 ac lot split off from Map 50, Lot 29 and deeded this February (see warranty deed in packet). The home is being built in the southwest corner of the lot, just south of 644 River Rd., near the bend of the road as it heads east to State Rd. The salon would have one (1) station/chair for professional hair cutting and styling services.

Type of Review Needed: Sketch Plan Review

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

- **Home business owner home occupancy:** Year round
- **Total home business area (1,500 sf max. allowed):** 265 sf
- **Structure used as part of a home business meeting principal setbacks (30' front and rear, 20' side):** Met per the sketch plan. Also that would have been reviewed for the building permit as this is a new house under construction with permit issued this June.
- **Sales of merchandise or products (up to 4 types of allowed sales):**
    - (2) On-site sales of merchandise and products that are customarily incidental to the services or products provided by the home businesses – Per application, "Shampoo, hair spray, gel, conditioner, brushes, etc."
- **Parking spaces for non-residents (max. 4):** Two (2)
    - **Parking spaces within front setback (max. 2):** Two (2)
- **Home business sign:** No
- **External evidence of the home business and business-related vehicles:** None
- **Use and storage of fluids, solids, and gases unique to the business:** Barbicide, for disinfection, and hair spray. See application for more information.
- **Sketch plan:** See application package

Other notes

- The proposed driveway allows for parking to take place removed from the travelway, where backing up can take place in the driveway to reduce backing out directly onto River Rd.
- Hours of operation sought for approval: 10 a.m. to 7 p.m., Monday-Saturday
- Land use table reference (45-290): Professional office (for lots not abutting Route 236 in the Suburban district, allowable as a home business, subject to Planning Board site plan review)
- The floor plan included in the application package shows how there would be a bathroom available to customers.

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

TOWN OF ELIOT, MAINE

Case# _____

HOME BUSINESS APPLICATION

☐ Date Submitted 9/14/21

☐ Applicant Name(s) Tammy and Leon Cole

☐ Mailing Address 701 River Rd Eliot, Me. Phone 207-451-7762

☐ If you prefer to receive meeting notices and other communications via email please provide your email below:

Email address radcon04 @ msn .com

☐ Property Owner(s) Leon A. Cole, Trustee of the Cole Family 2020 Trust

☐ Mailing Address 701 River Rd Eliot, Me Phone 207-459-9828

☐ Property Location/Address 638 River Rd Eliot, Me

☐ Map 50 Lot P/O 29 Size (acres) 10.37

☐ Zoning District? *(circle all that apply)* Village Rural (Suburban)

☐ Is any portion of the property in a Shoreland zoning district? YES (NO)

☐ If yes, which Shoreland zoning district? *(check all that apply)*

- ☐ Limited Commercial
- ☐ Limited Residential
- ☐ Stream Protection
- ☐ General Development
- ☐ Resource Protection

☐ Non-conforming lot? YES (NO)

☐ Home business located in a non-conforming structure? YES (NO)

☐ Establish your legal interest in the property by attaching a copy of the deed, purchase and sales agreement, tax records, or signed lease.

☐ Describe the business and its operation *(nature of business, hours of operation, etc.)*)
Hair Salon - 1 station - Provide professional hair cutting and Styling services. 10 a.m. to 7 p.m. Monday - Saturday

☐ What permitted use as listed in the Table of Land Use (Sec. 45-290) are you applying for? *(note: cannot be "home business" or "home occupation")* If your proposed use is not listed, which one is it most similar to?
Professional Office

☐ Complete the attached checklist to see if your application complies with the ordinance and return to the Planning Assistant with ten (10) copies of application and plans plus a fee of $200.00 *($25 application fee + $175 for advertising and public hearing expenses).*

☐ **Applicant Signature** Tammy C. Cole Leon Cole **Date** 9/14/21

☐ **Property owner Signature** *(if different)* Leon Cole **Date** 9/14/21

☐ **Application received by PA** _____ **Date** _____

TOWN OF ELIOT, MAINE

Eliot Planning Board Home Business Checklist

Please explain how your proposed Home Business meets the ordinance requirements by filling in the blocks below.

Sec. 45-456. Home Businesses.
Home Businesses are uses that provide space for commercial activity that is in scale and character with neighborhoods and areas that are primarily residential. Home Businesses must comply with the following requirements:

Item	Section 45-456 Requirement	Explain how your proposal meets this requirement
1.	**a.** The Home Business must be clearly secondary to the residential use of the property. This means that there must be a dwelling unit on the property, and the dwelling unit must be occupied by an owner of the Home Business during the months of the year that the business is in operation. (As used in this paragraph, the term owner includes a principal of a corporation, limited liability company or other legal entity that owns a business.)	Provide a statement concerning your relationship (owner, renter) to the dwelling unit on the property. Provide the months of the year that you occupy the dwelling unit on the property. Owner. Occupy the dwelling - January - December year round
2.	**b.** The Home Business cannot exceed 1500 square feet in total area. The total area includes all portions of all structures used to support or conduct the Home Business.	How many square feet are you planning to use? 265 ft²
3.	**c.** All structures used as part of a Home Business must meet minimum yard and set back requirements for principal structures.	Provide a sketch showing the outline of the property and of all structures on the property, dimensions of the property and of all structures, and dimensions from all structures to the lot lines.

4.	**d.** Any use that is not listed in the Table of Land Uses, Section 45-290 may be permitted as a Home Business provided the following requirements are met: (1) The applicant must provide a rationale, acceptable to the Planning Board, substantiating that the proposed use is similar to a permitted use as allowed in the applicable zoning district. AND (2) The application must be approved by a concurring vote of at least three members of the Planning Board as being similar to a use listed in the Table of Land Uses as allowed in the applicable zoning district.	Is your proposed use in the land use table? If not, why do think it is similar to a use that is listed? YES. Professional Office
5.	**e.** At least one person engaged in the Home Business use must occupy the dwelling unit.	Provide a list of the occupants of the dwelling unit who will be engaged in the Home Business? Tammy Cole
6.	**f.** No more than two persons not occupying the dwelling unit shall be employed on site in the Home Business.	In addition to persons dwelling on the site, how many others will be employed in the Home Business? None

7.	**g.** A Home Business may engage in selling of merchandise and products as follows: (1) On-site sales of merchandise and products that are created, grown, built, or substantially altered as part of the Home Business. (2) On-site sales of merchandise and products that are customarily incidental to the services or products provided by a Home Business. (3) Off-site, phone, mail, and internet, or similar sales of merchandise and products. (4) On-site wholesale distribution of merchandise and products to dealer/sales representatives who sell the merchandise and products off site.	Will you be selling merchandise or products as part of the Home Business? If so, describe the merchandise and products and how they will be sold. Yes Products incidental to providing professional hair services such as shampoo, hair spray, gel, conditioner, brushes, etc.
8.	**h.** Parking shall not exceed four spaces in addition to the spaces required for parking by occupants of the dwelling unit. Parking must meet setback requirements with the exception of two spaces that may be allowed within the front setback only.	How many parking places will you have in addition to those needed by persons residing at the dwelling unit? (Show it on the sketch) 2

9.	**i.** Sign dimensions must meet Sec. 45-405 residential (non-commercial) requirement and shall be a maximum of 6 sq. ft. in area.	Are you going to have a sign? If so, how big will it be? No
10.	**j.** Storage of material associated with the Home Business use and any other external evidence of the business, must be located or screened such that it is not visible from the street or neighboring residences. Signage, lobster traps, boat storage (in accordance with Home Businesses, Water Dependent) and one business related van, pickup truck, or passenger car shall be exempt from screening requirements.	Describe how all external (outside) evidence of the business will be screened from the street and neighboring residences. Describe all business-related vehicles. None
11.	**k.** Application must identify how all fluids, solids, and gases unique to the business are going to be used and stored. Location and quantity of highly flammable or explosive liquids, solids, or gases shall be identified on the application and referred to the Eliot Fire Chief for review and comment. Material Safety Data Sheets (MSDS) shall be provided by the applicant as required by the Planning Board.	Provide a list of all fluids, solids, and gases that will be used in conducting your business. Describe how these materials will be used, where they will be stored, and the expected quantity. 1. Barbicide. Used and stored in a 1 qt. glass container with a cover to disinfect combs and brushes. 2. Hair spray. Used to spray on hair. Stored in cans on a shelf and/or closet. 4 cans maximum. cont.-see attached sheet

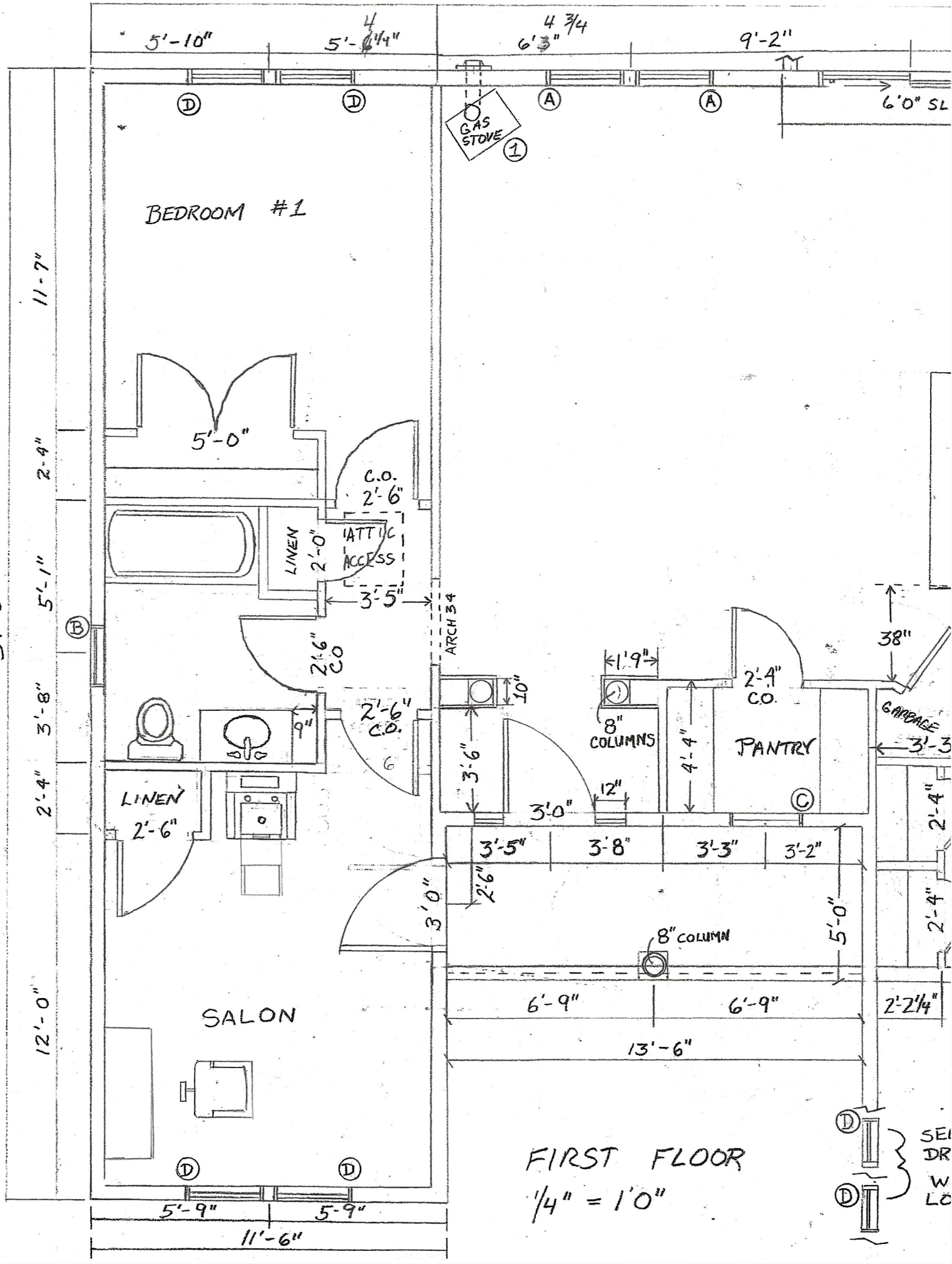
11. cont.

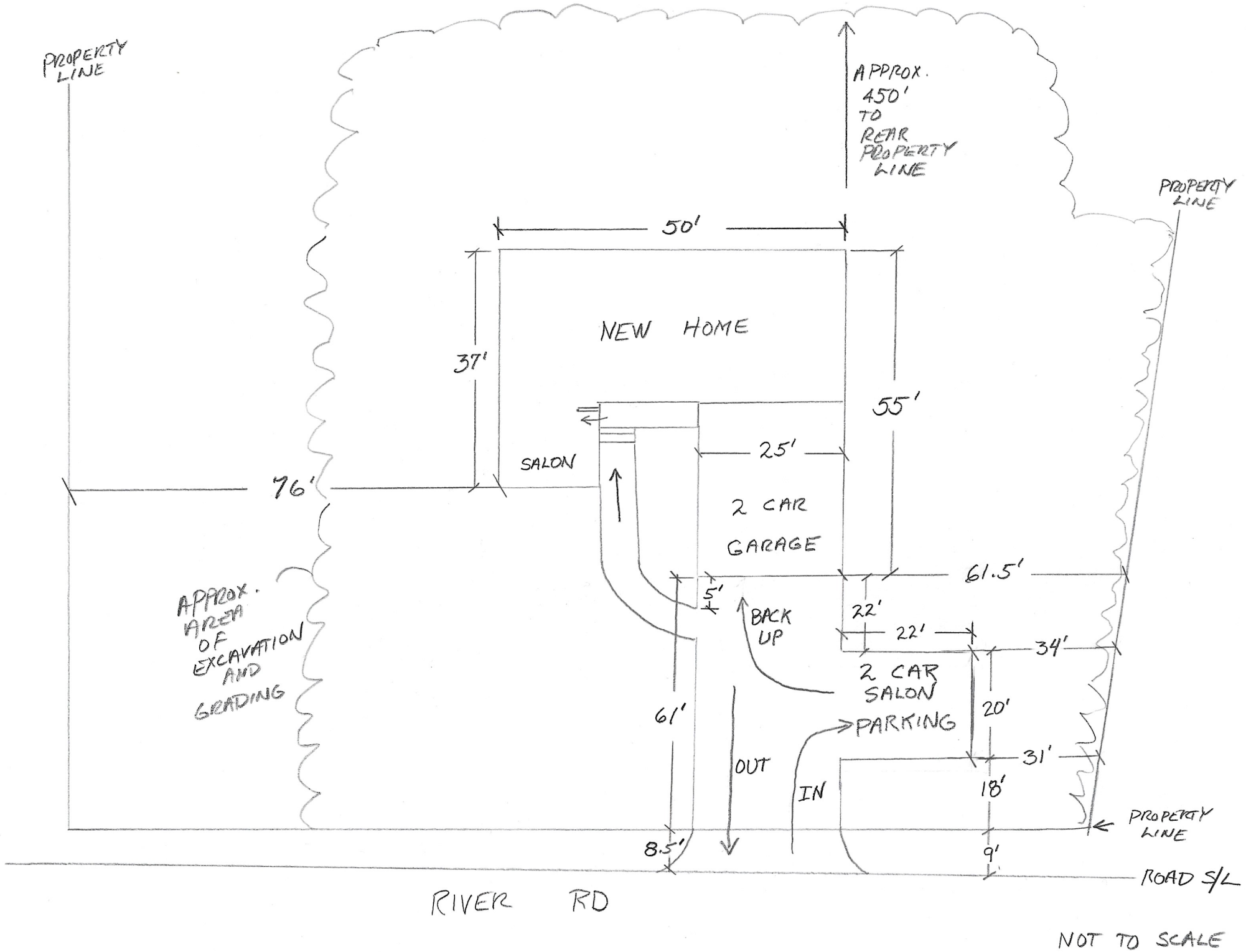
3. Permanent Solution - used on hair. Small plastic bottles with solution and neutralizer. Plastic bottles come in a small box. 5 boxes maximum. Stored in a closet and/or cabinet.

4. Colors - used to color hair. 3 oz containers. Metal tubes that come in a small box. Approx 10 boxes. Stored in a closet and or cabinet.

5. Powdered bleach - 16 oz plastic tub. Used to bleach & highlight hair. 1 tub on site. Stored in a closet and/or cabinet

6. 10, 20, 30, 40 percent volume peroxide. 1- 32 oz plastic container of each. Used to color and highlight hair. Stored in closet and/or cabinet.


5'-10"
5'-4 1/4"
4 3/4
6'3"
9'-2"
6'0" SL
D
D
A
A
GAS STOVE
1
BEDROOM #1
11'-7"
37'-0"
2'-4"
5'-1"
3'-8"
2'-4"
12'-0"
5'-0"
C.O. 2'-6"
LINEN 2'-0"
ATTIC ACCESS
3'-5"
ARCH 34
2'-6" C.O.
9"
2'-6" C.O.
LINEN 2'-6"
B
10"
1'9"
8" COLUMNS
2'-4" C.O.
38"
PANTRY
GARBAGE
3'-6"
4'-4"
12"
3'-0"
C
3'-5"
3'-8"
3'-3"
3'-2"
2'-6"
3'0"
8" COLUMN
5'-0"
2'-4"
2'-4"
6'-9"
6'-9"
2'-2 1/4"
13'-6"
SALON
D
D
D
D
5'-9"
5'-9"
11'-6"
FIRST FLOOR
1/4" = 1'0"


PROPERTY LINE
APPROX. 450' TO REAR PROPERTY LINE
PROPERTY LINE
50'
NEW HOME
37'
55'
25'
SALON
76'
2 CAR GARAGE
61.5'
APPROX. AREA OF EXCAVATION AND GRADING
5'
BACK UP
22'
22'
34'
2 CAR SALON
61'
PARKING
20'
OUT
31'
IN
18'
PROPERTY LINE
8.5'
9'
ROAD S/L
RIVER RD
NOT TO SCALE

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED **Bk 18558 PG 143**
Instr # 2021008744
02/12/2021 03:13:05 PM
Pages 2 YORK CO

DLN: 1002140132269

Maine R.E. Transfer Tax Paid

WARRANTY DEED

Know all by these presents that We, **ALLAN R. WHITE AND PATSY A. WHITE**, of Eliot, Maine, for consideration paid, grant to **LEON A. COLE, TRUSTEE OF THE COLE FAMILY 2020 TRUST**, with a mailing address of 701 River Road, Eliot, Maine 03903, with **WARRANTY COVENANTS**, the real property situated in the Town of Eliot, County of York and State of Maine, described as follows:

See Exhibit A Attached Hereto

The current property address is P/O 708 River Road Eliot Tax Map 50, Lot 29.

Witness our hands and seals this 08 day of February 2021

Witness

ALLAN R. WHITE

Witness

PATSY A. WHITE

STATE OF FLORIDA

County of OSCEOLA February 08, 2021

Then personally appeared the above named Allan R. White and Patsy A. White and severally acknowledged the foregoing instrument to be their free act and deed.

GIOVANNI ARMANDO VALDERRAMA
Commission # GG 147600
Expires October 2, 2021
Bonded Thru Troy Fain-Insurance 800-385-7019

Before me,

Notary Public
My Commission Expires:

Ballou & Bedell
408 US Route 1, 2nd Floor
York Maine 03909 (207) 363-5300
www.balloubedell.com

EXHIBIT A

Property Address: P/O 708 River Road, Eliot, Maine

Beginning at an iron rebar 3 inches below grade on the east side of said River Road, being the northwest corner of property now or formerly of Leon and Judith French, and the southwest corner of the property described herein;

S 79° 03' 51" E 582.51' by said French to an iron rebar;

N 05° 20' 00" E 855.27' by now or formerly Allan and Patsy White to a steel rod at land now or formerly of David and Bonnie Gilmore;

N 87° 14' 05" W 200.00' by said Gilmore to an iron rebar to be set; N 06° 57' 41" W 156.04' by said Gilmore to an iron rod to be set at land now or formerly of Daniel D. Smith;

S 76° 08' 30" W 255.16' by land of said Smith to land now or formerly of James Longstaff, and an iron rebar marked with a metal cap scribed Terrascan;

following a wire fence S 12° 00' 17" W 59.31' by said Longstaff to a point;

continuing along the wire fence S 09° 39' 58" W 150.15' to a point;

continuing along the wire fence S 11° 53' 35" W 151.27' by said Longstaff to an iron rebar with a metal cap scribed Terrascan;

N 76° 34' 20" W 99.28' by said Longstaff to an iron rebar to be set at the easterly sideline of River Road;

S 05° 07' 28" W 123.38' along the sideline of said River Road to an iron pipe at land now or formerly of Gail Carson-Fernandes;

S 89° 16' 19" E 199.98' by said Carson-Fernandes to an iron rebar to be set;

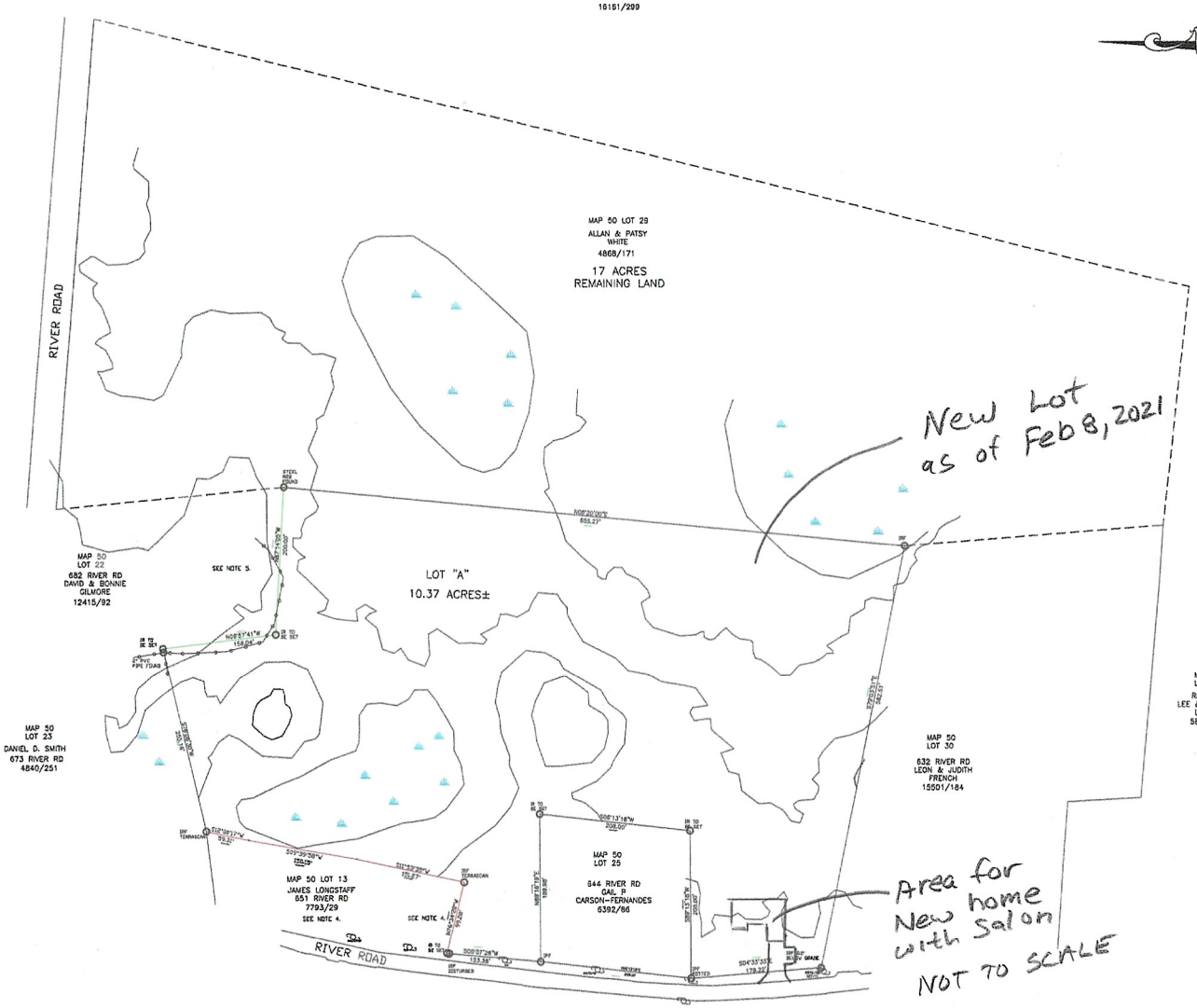
S 06° 13' 18" W 208.00' by said Carson-Fernandes to an iron rebar to be set;

S 89° 13' 18" W 200.00' by said Carson-Fernandes to an iron pipe found at the easterly sideline of River Road;

S 04° 33' 33" E 179.22' by the easterly sideline of River Road to the point of beginning.

Containing 10.37 +/- acres.

Being a portion of the premises conveyed from Elwin R. White to Allan R. White and Patsy A. White by deed dated October 7, 1988 and recorded at the York County Registry of Deeds in Book 4868, Page 171.



NOTES:

1. THIS PLAN PROVIDES THE BOUNDARY INFORMATION FOR A LOT DIVISION OF MAP 50 LOT 29 OFF RIVER ROAD IN ELIOT, ME.
2. THE DIVISION WILL CREATE A 10.4 ACRE LOT "A". REMAINING LAND WILL BE 17 ACRES.
3. THIS OFFICE HAS PERFORMED A BOUNDARY SURVEY OF LOT "A". THE DATA FOR THE REMAINING LAND IS TAKEN FROM PLAN REF. 1.
4. PLAN REF. 1 IS UNRECORDED, AND VARIES AGAINST THE DATA OF PLAN REF. 2. PER OWNER TESTIMONY THE BOUNDARY CONCLUSIONS OF REF. 2 HAVE BEEN HELD IN THE AREA OF MAP 50 LOT 13.
5. THE CHAIN OF TITLE FOR MAP 50 LOT 22 CONTAINS AMBIGUITIES. PER OWNER TESTIMONY THE DATA FROM REF. 1 IS HELD AS CORRECT FOR THIS LOT.
6. WETLANDS AND TOPOGRAPHY ARE TAKEN FROM THE TOWN OF ELIOT GIS DATABASE, AND ARE APPROXIMATE. THEY ARE FOR PLANNING PURPOSES. PERSONS REQUIRING THE JURISDICTIONAL LOCATION OF WETLANDS SHOULD CONTACT A LICENSED WETLAND SCIENTIST.

REFERENCE PLANS:

1. "PLAN OF LAND FOR PATSY & ALLAN R. WHITE RIVER ROAD ELIOT, MAINE" BY BRUCE W. GODDWIN, UNRECORDED.
2. "REALIGNMENT OF LOTS 11 & 12 CHAP U880 AND PLAN OF LAND PAUL MICHAEL ENDICOTT, DEBORAH BOWLER & WILLIAM ENDICOTT" BY TERRASCAN INC., RECORDED YCRD BK 170 P 50.
3. "PLAN OF LAND FOR DANIEL D. SMITH IN ELIOT, ME" BY HENRY CATTLEY, YCRD BK 158 P 29.
4. "DIVISION OF LAND FOR PROPERTY AT 182 RIVER ROAD ELIOT, YORK COUNTY MAINE OWNED BY ALLAN R. WHITE PATSY WHITE" BY EASTERLY SURVEYING, INC. RECORDED YCRD BK 285 P 24.

LOT DIVISION
MAP 50 LOT 29
RIVER ROAD
ELIOT, MAINE

OWNER OF RECORD
ALLAN & PATSY WHITE
708 RIVER RD.
ELIOT, ME 03903
YCRD 4868/171

PREPARED FOR
LEON COLE
701 RIVER RD.
ELIOT, ME 03903

By
AMSDEN FIELD SURVEY
799 MAIN ST.
ELIOT, MAINE 03903

SCALE 1"=80'

DATE 12/22/20