

# TOWN OF ELIOT, MAINE

## PLANNING BOARD AGENDA

**POSTED**  
9/29/20 @

TYPE OF MEETING: REMOTE  
PLACE: ZOOM ONLINE MEETING

DATE: Tuesday, October 6, 2020  
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
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) REVIEW AND APPROVE MINUTES
  - a) September 29, 2020 - if available
- 6) NOTICE OF DECISION
- 7) PUBLIC HEARING
  - a) 1470 State Road (Map 27/ Lot 22), PB20-17, PID # 027-022-000: Federal Firearms License Transfer and Firearms Sales for Michael Maloney – Home Business Application
  - b) 290 Harold L Dow Hwy (Map 37/ Lot 20), PB20-15, PID # 037-020-000: Site Plan Review/amendment and Change of Use from Commercial Development to Marijuana Establishment (adult use marijuana retail sales) for 290 Harold L Dow, LLC (Dana Brearley)
  - c) 291 Harold L Dow (Map 37/ Lot 02-01), PB20-16, PID # 037-002-001: Site Plan Review/amendment and Change of Use from Nonprofit Medical Marijuana Dispensary to Marijuana Establishment (adult use cultivation and manufacturing/production facility) for Arcanna Retail LLC (Dana Brearley)
- 8) OLD BUSINESS
- 9) NEW BUSINESS
  - a) 0 and 8 Rocky Point Road PID # 042-029-000; 042-028-000, PB20-18: Lot Line Adjustment – Sketch Plan Review
  - b) 41 Rogers Point Road (Map 32/ Lot 02), PID # 032-002-000, PB20-19: Shoreland Zoning Application to replace and expand existing non-conforming residential structures – Sketch Plan Review
  - c) 495 Harold L Dow Hwy (Map 53/ Lot 06), PID # 053-006-000, PB20-20: Site Plan Review/ Change of Use to add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing approved uses – Sketch Plan Review
  - d) 276 Harold L Dow Hwy (Map 37/ Lot 09), PID # 037-009-000, PB20-14: Site Plan Review/ Change of Use to Medical Marijuana Dispensary – Sketch Plan Review
- 10) CORRESPONDENCE
- 11) SET AGENDA AND DATE FOR NEXT MEETING
  - a) October 20, 2020
- 12) ADJOURN

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

- a) Go to [www.eliotme.org](http://www.eliotme.org)
- b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
- c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 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: **935 5088 1996 #**
  2. When prompted to enter Attendee ID **press #**
  3. When prompted enter meeting password: **611081 #**
- 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

  
Denny Lentz – Chair



# TOWN OF ELIOT MAINE

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903



## PUBLIC HEARING NOTICE

**AUTHORITY:** Eliot, Maine Planning Board  
**PLACE:** Remote Zoom Meeting  
**DATE OF HEARING:** Tuesday, October 6, 2020  
**TIME:** 7:00 PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, October 6<sup>th</sup>, 2020 at 7:00 PM for the following applications:

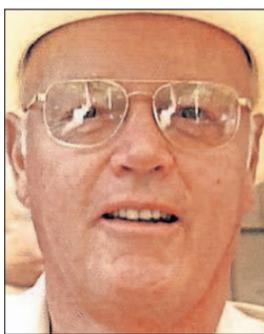
- **290 Harold L Dow Hwy (Map37/ Lot 20), PB20-15, PID # 037-020-000:** Site Plan review/amendment and change of use from Commercial Development to Marijuana Establishment (adult use marijuana retail sales)
  - **Applicant:** 290 Harold L Dow, LLC (Dana Brearley)
  - **Owner:** AMP Reality Holdings, LLC
  
- **291 Harold L Dow Hwy (Map 37/ Lot 02-01), PB20-16, PID # 037-002-001:** Site Plan review/amendment and change of use from Nonprofit Medical Marijuana Dispensary to Marijuana Establishment (adult use cultivation and manufacturing/production facility)
  - **Applicant:** Arcanna Retail LLC (Dana Brearley) and Paolucci Realty Trust (Peter Paul)
  - **Owner:** Paolucci Realty Trust
  
- **1470 State Road (Map 27/Lot 22), PB20-17, PID # 027-022-000:** Federal Firearms License Transfer and Firearms Sales Home Business
  - **Applicant:** Michael Maloney
  - **Owner:** Michael Maloney

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](http://eliotmaine.org/planning-board).

## OBITUARIES & NEWS

### Robert G. Patterson

ALTON — Robert "Bob" G. Patterson, 81, left us on Thursday, September 10, 2020 at his home in Alton, N.H., where he was surrounded by family. He was born on August 7, 1939 in Portsmouth, N.H. where he worked, played, socialized, and enjoyed all things in and around Portsmouth for several decades. He moved to Bradenton, Fla., in 2005 where he could enjoy sunshine, friends, and shuffleboard all year round until he returned to New Hampshire in November 2019 to be closer to family. He is survived by his daughter, Tracy L. Patstone, and a son, Robert G. Patterson Jr., grandchildren, great-grandchildren,



and other loving relatives. He is predeceased by his best friend and companion, Phyllis A Luther. Bob worked independently as a limousine driver, middle street Texaco manager, and began his work career stocking shelves at a local

grocery store when he was 12. He enjoyed cruising around the lake's region with Phyllis and friends by car, taking the dinner cruise aboard the MS Mount Washington, dinner on the Winnepesaukee Scenic Railroad, or stopping at Hart's Turkey for his favorite dinner with all the fixings. Bob had a kind heart, was always trying to make people smile with his jokes and humor and will be dearly missed by all who knew and loved him. SERVICES: Cremation services are being provided by R.M. Ederly and son Funeral Home. Services are private. To sign the online guestbook, please go to [www.ederlyfh.com](http://www.ederlyfh.com).

### David Jeffris Brillhart

PORTSMOUTH — David Jeffris Brillhart "Jeff", loving husband, brother, father, and grandfather, passed away peacefully on Tuesday, September 15, 2020 in Portsmouth, New Hampshire. He was 72 years old. Born on September 21, 1949 in Sendai, Japan, Jeff was the son of the late David W. Brillhart and Joan Jeffris Brillhart.



Jeff was raised in Summit, New Jersey and received his BS in Engineering from the University of New Hampshire in 1975. Jeff was dedicated to his family and pursued a life-long career in public service. On September 26, 1971 he married Julia Gay Lakso. Together, they raised two children, Jenny and Jacob, in Canterbury, N.H. Jeff worked at the State of New Hampshire for 38 years, capping his career as Chief Engineer and

Assistant Commissioner of the Department of Transportation. Jeff was known for his gentle nature, strong work ethic, and kind and generous spirit. He laughed often and easily. He was also an avid music lover and collector of Bob Dylan's music and memorabilia and a skilled carpenter and craftsman. He will be remembered as the best father there ever was — selfless beyond measure, always putting others before himself.

Jeff is survived by his wife, Julie Brillhart of Blue Hill, Maine; his two children, Jenny Brillhart Page of Blue Hill, Maine and Jacob Leeman Brillhart of Miami, Fla.; his three grandchildren, June, Malcolm, and Helen Simms; his sister Sarah Flause; his brother Jonathan Brillhart; and many in-laws, nieces, nephews, and cousins. In lieu of flowers, please send donations to Operation Santa Clause at <https://seiu1984.org/osc>. This charity helps children in need and is one that Jeff worked with throughout his career at the Department of Transportation. SERVICES: There will be a celebration of Jeff's life next summer. Please email [juliebrillhart@yahoo.com](mailto:juliebrillhart@yahoo.com) for more details. "May you stay forever young." To leave and online condolence please visit [www.cainjanoszfureralhome.com](http://www.cainjanoszfureralhome.com).

### Marjorie Little

RYE — Marjorie (Chandler) Little, 92, passed away on Monday, September 21, 2020, at the Edgewood Center in Portsmouth, after a period of failing health. Marjorie worked for many years as a librarian in the Portsmouth Library and the Rye Library. She enjoyed spending time with family, reading, and attending church. She is predeceased by her husband of many years, Kennard Little of Rye. She is survived by her daughter, Cindy

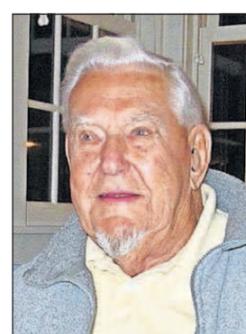


(Little) Dodds, and family G. Bruce Dodds, Alissa Dodds and Lauren Dodds. SERVICES: A memorial

service for Marjorie will be held on the front lawn of Middle Street Baptist Church, 18 Court St., Portsmouth, on Thursday, September 24, at 3 p.m. with visiting time with the family to follow. To view Marjorie's memorial page, or to share an online condolence, please visit [www.ConroyTullyWalker.com](http://www.ConroyTullyWalker.com). Memorial contributions made in Marjorie's memory may be made to Camp Sentinel in Tufonboro, N.H., at <https://www.campsentinel.org/support>.

### John A. Patrikus

PORTSMOUTH — John A. "Pat" Patrikus, 102, died Sunday, September 20, 2020 at his residence. He was born June 24, 1918 in Lakeview, N.Y., son of John and Margaret Patrikus.



After graduating from Lackawanna High School in 1936, where he shined in football, he worked as a bricklayer and steel worker before enlisting in the Army in 1941. On July 3, 1941 he arrived in the Portsmouth area stationed at Fort Dearborn as a member of the coastal artillery. Pat was present when the windows in New Castle were blown out when the sixteen inch guns were test fired. In the duration of the war he fought in France, Belgium Holland, Netherlands and Germany. In late 1941 he met Catherine H McMaster of Portsmouth at the Fort Constitution NCO club and later married on September 20, 1943. They shared



over 54 years of marriage traveling the country together in retirement. In 1952 he joined Portsmouth Police Dept. working in every department and graduating from FBI School. He retired as Deputy Marshall in 1983 after 31 years of service.

He is survived by two sons Paul Patrikus of Portsmouth, Jack Patrikus of Salem, Mass.; his significant other Kathy Stevenson of Beverly, Mass.; two grandchildren Bryce and Harry Patrikus and two great grandchildren. SERVICES: A Mass of Christian burial will be celebrated on Friday, September 25, at 10 a.m., at the temporary Chapel at the Corpus Christi Parish Center, 845 Woodbury Ave., Portsmouth. Burial will follow in Calvary Cemetery. Please wear a mask at church and maintain social distance. In Lieu of flowers donations in memory of "Maggie" may be made to New Hampshire SPCA, 104 Portsmouth Ave., Stratham, NH, 03885. Arrangements are by the Farrell Funeral Home, 684 State St., Portsmouth, N.H.

### Captain James Robert Casian

HAMPTON FALLS — Captain James Robert "Bob" Casian, 74, passed away Monday, September 21, 2020, with family by his side at his home in Hampton Falls. Bob was born October 5, 1945 in Montreal, Canada, a son of the late William and Margaret (Crocketti) Casian. Bob is survived by

Renee (Biron) Casian, his wife of over 40 years, his five children and their spouses, Nicole and Jackson Crouse, Robert and Desiree Casian, Emilie and Alex May, Patrice and Joseph Touma, and Peter Casian; five grandchildren, Liam Casian, Dagny and Theodore Crouse, Campbell Casian, and Carmela Touma; his

brother and wife, William Casian, Jr., and Eileen Casian; and many nieces and nephews. Bob's presence and humor will be sorely missed by all those that knew and loved him. In addition to his parents, Bob was predeceased by his sister, Barbara Casian. SERVICES: A Mass of Christian Burial will be celebrated at 11 a.m., on Saturday, September 26, 2020 at Our Lady of the Miraculous Medal Parish, 289 Lafayette Rd., Hampton, N.H. Arrangements are by the Remick & Gendron Funeral Home - Crematory, Hampton. Please visit [www.remickgendron.com](http://www.remickgendron.com) to read Bob's complete obituary, to sign his tribute wall and for additional information.

<b>DOVER</b> Purdy Funeral Service 655 Central Avenue Dover, NH 03820 (603) 742-1017 <a href="http://www.purdyfuneralservice.com">www.purdyfuneralservice.com</a>	<b>DOVER</b> Tasker Funeral Home Garrison City Crematory 621 Central Avenue Dover, NH 03820 (603) 742-4961 <a href="http://www.taskerfh.com">www.taskerfh.com</a>
<b>EXETER</b> Brewitt Funeral Home 14 Pine Street Exeter, NH 03833 (603) 772-3554 <a href="http://www.brewittfuneralhome.com">www.brewittfuneralhome.com</a>	<b>EXETER</b> Stockbridge Funeral Home 141 Epping Road Exeter, NH 03833 (603) 772-0400 <a href="http://www.stockbridgefh.com">www.stockbridgefh.com</a>
<b>FARMINGTON</b> Peaslee Funeral Home 24 Central Street Farmington, NH 03835 (603) 755-3535 <a href="http://www.peasleefuneralhome.com">www.peasleefuneralhome.com</a>	<b>NEWMARKET</b> Kent & Pelczar Funeral Home & Crematory 77 Exeter Street Newmarket, NH 03857 (603) 659-3344 <a href="http://www.kentandpelczarf.com">www.kentandpelczarf.com</a>
<b>PORTSMOUTH</b> J. Verne Wood Funeral Home Buckminster Chapel 84 Broad Street Portsmouth, NH 03801 (603) 436-1702 <a href="http://www.jvwoodfuneralhome.com">www.jvwoodfuneralhome.com</a>	<b>ROCHESTER</b> R.M. Ederly & Son Funeral Home 86 South Main Street Rochester, NH 03867 (603) 332-0230 <a href="http://www.ederlyfh.com">www.ederlyfh.com</a>
<b>ROCHESTER</b> Grondin Funeral Home 176 North Main Street Rochester, NH 03867 (603) 332-1563 <a href="http://www.grondinfuneralhome.com">www.grondinfuneralhome.com</a>	<b>SOUTH BERWICK, ME</b> McIntire McCooey Funeral Home 301 Main Street South Berwick, ME 03908 (207) 384-2373 <a href="http://www.mcintiremccooey.com">www.mcintiremccooey.com</a>

**Legal Notice**

Cellco Partnership and its controlled affiliates doing business as Verizon Wireless (Verizon Wireless) is proposing to collocate antennas at a centerline height of approximately 40 feet and five inches on an existing building that has a spire 61 feet above ground level, a weathervane at 66 feet and 3 inches above ground level, and a maximum height of approximately 72 feet. The building is located at 65 Main Street, New Castle, Rockingham County, New Hampshire 03854. The antennas will be located both within the building's existing steeple, and mounted on the building's exterior, along with associated equipment mounted at approximately the antenna centerline height, as well as lower on and near the building. Public comments regarding potential effects from this site on historic properties may be submitted within 30-days from the date of this publication to: Project 6120007911 - JD c/o EBI Consulting, 6876 Susquehanna Trail South, York, PA 17403, [jdrayer@ebiconsulting.com](mailto:jdrayer@ebiconsulting.com), or via telephone at (727) 332-1595.

**Legal Notice**

**Town of Eliot**  
**PUBLIC HEARING NOTICE**

**AUTHORITY:** Eliot, Maine Planning Board  
**PLACE:** Remote Zoom Meeting  
**DATE OF HEARING:** Tuesday, October 6, 2020  
**TIME:** 7:00 PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, October 6th, 2020 at 7:00 PM for the following applications:

- **290 Harold L Dow Hwy (Map37/ Lot 20), PB20-15, PID # 037-020-000:** Site Plan review/amendment and change of use from Commercial Development to Marijuana Establishment (adult use marijuana retail sales)
  - o **Applicant:** 290 Harold L Dow, LLC (Dana Brearley)
  - o **Owner:** AMP Reality Holdings, LLC
- **291 Harold L Dow Hwy (Map 37/ Lot 02-01), PB20-16, PID # 037-002-001:** Site Plan review/amendment and change of use from Nonprofit Medical Marijuana Dispensary to Marijuana Establishment (adult use cultivation and manufacturing/production facility)
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  - o **Owner:** Paolucci Realty Trust
- **1470 State Road (Map 27/Lot 22), PB20-17, PID # 027-022-000:** Federal Firearms License Transfer and Firearms Sales Home Business
  - o **Applicant:** Michael Maloney
  - o **Owner:** Michael Maloney

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 to join the remote Zoom meeting will be posted on the web page at [eliotmaine.org/planning-board](http://eliotmaine.org/planning-board).

said on CNN. The bleak milestone was reported by Johns Hopkins, based on figures supplied by state health authorities. But the real toll is thought to be much higher, in part because many COVID-19 deaths were probably ascribed to other causes, especially early on, before widespread testing. In an interview Tuesday with a Detroit TV station, Trump boasted of doing an "amazing" and "incredible" job against the scourge. And in a pre-recorded speech at a virtual meeting of the U.N. General Assembly, he lashed out at Beijing over what he called "the China virus" and demanded that it be held accountable for having "unleashed this plague onto the world." China's ambassador rejected the accusations as baseless.

**Legal Notice**

CITY OF PORTSMOUTH, NEW HAMPSHIRE

Notice is hereby given that the City of Portsmouth Community Development Department has prepared the City Fiscal Year 2020 (HUD Program Year 2019) Consolidated Annual Performance and Evaluation Report regarding the use of Community Development Block Grant funds received from the U.S. Department of Housing and Urban Development for the program year beginning July 1, 2019 and ending June 30, 2020. A five (5) day comment period will be provided beginning September 23, 2020 and ending at 5:00 p.m. September 28, 2020. Please submit written comments to [eannunziata@cityofportsmouth.com](mailto:eannunziata@cityofportsmouth.com) prior to the above-stated deadline. A copy of the report will be available for public review and comment at the Community Development webpage for CDBG: [www.cityofportsmouth.com/community/community-development-block-grant-cdbg](http://www.cityofportsmouth.com/community/community-development-block-grant-cdbg) If you would like to review a written copy or have any questions or comments, please call Elise Annunziata, Community Development Coordinator, at 610-7281. Elise Annunziata  
Community Development Coordinator

**Legal Notice**

**TOWN OF ELIOT, MAINE**  
**OFFICE OF THE SELECT BOARD**  
1333 State Road, Eliot, ME 03903  
**PUBLIC HEARING NOTICE**

**AUTHORITY:** ELIOT SELECT BOARD  
**PLACE:** MARSHWOOD MIDDLE SCHOOL GYMNASIUM  
**DATE OF HEARING:** THURSDAY, OCTOBER 1, 2020  
**TIME:** 6:00PM

Notice is hereby given that the Select Board of the Town of Eliot, Maine will hold a public hearing on Thursday, October 1, 2020 at 6:00PM in said Town to hear public comment on the Special Referendum Warrant Articles to be voted by secret ballot on Tuesday, November 3, 2020 as follows:

- **Article 2:** Bond - Route 236 Project Funding
- **Article 3:** Ordinance Amendment - Chapter 18 Sewer Systems
- **Article 4:** 2021 Growth Management
- **Non-Binding Question 1:** Fogg Library - Operating Expenses Memorandum of Understanding
- **Non-Binding Question 2:** Municipal Office Hours

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. **Copies of the Special Referendum Warrant, proposed ordinance amendments and other informational material are available at the Town Office and on the Municipal Website ([www.eliotmaine.org](http://www.eliotmaine.org)).**

For directory information contact Tina Ritter at (603) 570-2122 or [tritter@seacoastonline.com](mailto:tritter@seacoastonline.com)  
The following should be included in your listing:  
Name | Address | Phone | Web Address

AUDET, PAUL F  
AUDET, PATRICIA L  
1498 STATE RD  
ELIOT, ME 03903

LEWIS, KENNETH E  
113 BEECH RIDGE RD  
YORK, ME 03909-5362

BARSTOW, PETRA J  
528 DENNETT ST  
PORTSMOUTH, NH 03801

MOYNAHAN, CORNELIUS  
1471 STATE RD  
ELIOT, ME 03903

BAY LAND TREE FARM LLC  
1328 STATE RD  
ELIOT, ME 03903

ROCKAFELLOW, NATHAN D  
ROCKAFELLOW, SUZANNE E  
24 HOMESTEAD LN  
ELIOT, ME 03903

CURRAN, WILLIAM H  
CURRAN, GEMMA M  
1502 STATE RD  
ELIOT, ME 03903

ROCKAFELLOW, NATHAN DAVID  
24 HOMESTEAD LN  
ELIOT, ME 03903

ETEMAD, BIJAN  
ETEMAD, GITY  
15 WISTAR RD  
VILLANOVA, PA 19085

ST CYR, VERONICA LEE  
COTTY, TROY DANIEL  
1489 STATE RD  
ELIOT, ME 03903

GREEN ACRE BAHAI SCHOOL  
1233 CENTRAL ST  
EVANSTON, IL 60201

HOULE, JAMES M  
HOULE, BETH L  
1476 STATE RD  
ELIOT, ME 03903

JENKINS, JAMES S  
JENKINS, KELLEY L  
1456 STATE RD  
ELIOT, ME 03903

JOHNSON, TIMOTHY M  
ELLIS, AMBER  
1466 STATE RD  
ELIOT, ME 03903

LAROSA O'BRIEN, REBECCA L  
O'BRIEN, MARK  
22 HOMESTEAD LN  
ELIOT, ME 03903



# TOWN OF ELIOT MAINE

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

To: Planning Board  
From: Jeff Brubaker, AICP, Town Planner  
Cc: Michael Maloney  
Date: October 1, 2020 (report date)  
October 6, 2020 (meeting date)  
Re: PB20-17: 1470 State Rd. (Map 27 / Lot 22) – Federal Firearms License Transfer / Sale of Firearms (Revised Application) – **Public Hearing**

*Previous reports on this application: Sept 15 meeting (preliminary review of revised application); Sept 1 meeting (preliminary review of previous application)*

Application Details/Checklist Documentation	
✓ Address:	1470 State Rd.
✓ Map/Lot:	27/22
✓ PB Case#:	PB20-17
✓ Zoning District:	Suburban
✓ Shoreland Zoning:	N/A
✓ Owner Name:	
✓ Applicant Name:	Michael J. Maloney
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none"><li>• Home Business Application</li></ul>
✓ Application Received by Staff:	9/2/2020 (revised application)
Application Fee Paid and Date:	Not yet paid
✓ Application Sent to Staff Reviewers:	Date: 9/3/2020
✓ Application Heard by PB	Date: 9/1/2020 (preliminary review) Date: 9/15/2020 (preliminary review of revised application – scheduled)
✓ Found Complete by PB	Date: 9/15/2020
Site Walk	Date: N/A
Public Hearing	Date: 10/6/2020 (scheduled)
Public Hearing Publication	Date: 9/23/2020
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Home Business Application / Site Plan Review

**Overview:** This application is for a firearms transfers (federal firearms transfer – FFL) and firearms sales home business located at 1470 State Rd., Map 27, Lot 22, within the Suburban zoning district. The applicant, Michael Maloney, submitted a previous home business application on July 30, 2020, and the Planning Board preliminarily reviewed it on September 1. At that meeting, the discussion between the Planning Board and applicant provided more details on the nature of the proposed home business. The applicant submitted a revised application on

September 2. This staff report reflects the revised application as well as the September 1 and September 15 Planning Board discussions.

The applicant proposes to operate a business facilitating firearm transfers as well as selling firearms. The lot contains an existing single-family residential dwelling unit built in 2018. The applicant reports that he is the owner and resident of the property. He proposes to have one other employee. The hours of operation would be Monday-Friday 6:00 p.m. to 8:00 p.m., and Saturday, 8:00 a.m. to 4:00 p.m., by appointment. No external materials that would be subject to home business screening requirements are listed in the application. No fluids, solids, or gases that would be subject to the land use regulations for home businesses are listed in the application.

The applicant does not propose to have a business sign and would not have any additional business vehicles. No parts of the business would be visible to neighboring residences.

According to the American Bar Association, a federal firearms license (FFL) “allows individuals to engage in business related to the manufacture of ammunition or firearms or the interstate or intrastate sale of firearms”.

**Town Planner’s Review Notes:** I believe the relevant issues for the Planning Board to consider and discuss include, but are not limited to, the following:

**Is this a home occupation or a home business?** Under the Town Code, this would be a home business. The applicant had previously applied to the Town for a home occupation permit. Section 45-455 (Home occupations), subsection (f), states: “Retail or other sales of merchandise on the premises shall not be considered a home occupation”. While the applicant has clarified that one part of his proposed business is facilitating firearm transfers, his application still also includes a firearms sales component, which puts the application in the home business category. A home business is allowed to sell merchandise and products, but those sales have to be consistent with the home business regulations in Section 45-456.1.

Under that section, home businesses are “uses that provide space for commercial activity that is in scale and character with neighborhoods and areas that are primarily residential”. The proposed home business use must be permitted in the land use table (Section 45-290) for the applicable zoning district (except as provided in 45-456.1e., discussed in the previous staff report).

At the September 1 meeting, the Board members discussed the proposed use with the applicant. Whether the land use table lookup reference is “Professional office” or “Retail stores, local, other” the review goes back to a Site Plan Review of a home business application, which is what is now being done.

At the September 15 meeting, the Board members discussed the revised (September 2) application with the applicant. Significant discussion occurred on the nature of the home business and the relationship between the Town’s home business (land use) regulations and state and federal firearms laws.

**Do the proposed activities in the revised home business application comply with the home business regulations?** There are only four types of merchandise sales activities allowed by a home business in Sec. 45-456.1(h):

- (1) On-site sales of merchandise and products that are created, grown, built, or substantially altered as part of the home businesses.
- (2) On-site sales of merchandise and products that are customarily incidental to the services or products provided by the home businesses.
- (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.

The applicant is seeking approval for activities (2) and (3). In a previous report, I discussed the meaning of “customarily incidental” in (2) and stated that I did not believe that the applicant had yet demonstrated how the on-site sales of the product are customarily incidental to a primary product, such as a homemade good, or service within the home business. Sales of the product appeared to be the primary or principal use and not dependent on, or having a reasonable relationship with, a separate primary or principal allowable product or service. (The previous report’s discussion on this topic is re-pasted below.)

In discussing with the Planning Board, the applicant clarified that part of what he proposes is to conduct the federal paperwork, including background checks, for the transfer of firearms from a manufacturer to a buyer. The revised application has the following proposed sales activities:

- 2) I will be conducting the federal paperwork for firearm transfers...any sales would be incidental to the transfers
- 3) transactions will be conducted primarily on-line, by mail or over the phone.

This clarifies that (2) will partially involve a service (facilitating firearm transfers) and partially involve sales of a product. Looking at terms in Black’s Law Dictionary, the service of conducting the paperwork for a separate buyer and seller, when the service provider never has title to the item sold, is more closely a brokerage activity and does not constitute a “sale”. It is still not clear that the on-site sale of one firearm would be customarily incidental to the service of brokering the sale of another firearm. It is referring to two products that are the same, not one product that is dependent on another product. It is possible that some related items could be considered customarily incidental, if the applicant wanted to sell such items, but if so, he would need to specify what those are. Regarding (3), there is no “customarily incidental” threshold. It is my understanding that the applicant does not plan to sell ammunition, and if so, it would have required some additional information in Question 11 of the application regarding storage of explosive material.

**Customarily incidental:** Because there has been more discussion on how this term, which is in Sec. 45-456.1(h) for on-site sales, applies to the home business application, I am re-pasting here the information I provided for the Planning Board’s September 1 meeting:

The applicant is seeking approval for [home business merchandise sale] activities (2) and (3). (2) pertains to sales of merchandise and products that are “**customarily incidental** to the services or products provided by the home businesses” (emphasis added). The presence of this term suggests that there is some primary service or product to which the merchandise and products are customarily incidental. The fact that (2) follows (1) suggests that the merchandise could be customarily incidental to products that are created, grown, built, or substantially altered as part of the home business, such as a utensil that is sold along with a homemade food product (hypothetical example only). While there is not much precedent in Maine land use law regarding “customarily incidental”, the Town Attorney did summarize one court case in a communication with me:

In *Boivin v. Town of Sanford*, 588 A.2d 1197 (Me. 1991), the Law Court upheld the Sanford Board of Appeals determination that a proposed auction barn was not an accessory use customarily incidental to [a] legally nonconforming antiques business. In doing so, the Court noted that when reviewing such an issue of whether an accessory use may be lawful it determines whether or not it is “dependent on a principal use, has a reasonable relationship with that primary use, and is by custom ‘commonly, habitually and by long practice established as reasonably associated with the primary use.’”

Another possible application of “customarily incidental” as applied to home merchandise/product sales may be a product that is sold alongside a service. A hypothetical example would be a home

yoga studio that sells yoga mats or meditation cushions. In this case, the non-homemade product relates to the service provided by the home business.

The application has not yet demonstrated how the on-site sales of the product are customarily incidental to a primary product, such as a homemade good, or service within the home business. Sales of the product appear to be the primary or principal use and not dependent on, or having a reasonable relationship with, a separate primary or principal allowable product or service. [end of September 1 report quote]

**How does this relate to state and federal law?** Nothing in the Town's home business (land use) regulations, and nothing in the Planning Board's decision, would preempt existing federal and state law. The applicability of those laws to private firearms sales and possession by individuals does not change based on a local land use decision by the Planning Board. What the Planning Board's decision does pertain to is what sales and what activity could occur specifically under the auspices of the applied-for home business – activity done *by the business* that is applicable to the home business regulations and any other applicable land use/site plan review regulations, not *by an individual* acting in an individual capacity. This relates back to the central question of: is the the home business application consistent with the home business regulations?

**Recommendations:** First, the Planning Board should conduct the public hearing and take into consideration any correspondence that is provided by attendees. In my last staff report, I provided guideposts to help inform the Planning Board's discussion on this application based on my interpretation of the home business regulations, Planning Board and applicant discussion, and the application itself.

I want to build off of that last staff report and recommend an updated framework to inform the Planning Board's review of the application, decision on approval or disapproval, and potential conditions of approval, if approved. This framework focuses on home business activity based on consistency with the home business regulations and the application that was submitted. It is ultimately up to the Planning Board to make the decision based on findings of fact and interpretation of the land use regulations.

#### Allowed/consistent

- The service of facilitating transfers of firearms between a buyer and a seller, where the home business is neither the buyer nor the seller and never holds title to the firearm. This service would include conducting federal paperwork for such a transaction and physically transferring the firearm either by mail or on-site (if on-site, only by appointment during the proposed business hours, with no external visibility of the transfer).
  - The Board may wish to consider a condition regarding limits on the by-appointment business hours if it finds that the currently proposed hours (6-8pm, Monday-Friday; 8am-4pm, Saturday) may create an adverse effect on adjoining or neighboring properties (see Section 33-131 of the Town Code)
- Off-site, phone, mail, and internet, or similar sales of firearms

#### Not allowed/inconsistent or not applied for

- On-site sales of firearms
- Sales of ammunition
- Sales of related items

Respectfully submitted,  
Jeff Brubaker, AICP  
Town Planner



HOME BUSINESS APPLICATION

Date Submitted 7/30/2020

Applicant Name(s) Michael J Maloney

Mailing Address 1470 State Rd Eliot Me 03903 Phone 1207-475-6779

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

Email address Mmaloney5606 @ yahoo.com .com

Property Owner(s) \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

Property Location/Address 1470 state rd Eliot ME 03903

Map 27 Lot 22 Size (acres) 2.07ac

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.) )

FFL Transfer MON-FRI 6pm-8pm

SAT 8am-4pm

By appointment

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?

Home buisness-Home 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 [Signature] Date \_\_\_\_\_

Property owner Signature (if different) \_\_\_\_\_ Date \_\_\_\_\_

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.	<p><b>a.</b> 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.)</p>	<p>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.</p> <p style="text-align: center;">Owner live at residence</p>
2.	<p><b>b.</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.</p>	<p>How many square feet are you planning to use?</p> <p style="text-align: center;">200+</p>
3.	<p><b>c.</b> All structures used as part of a Home Business must meet minimum yard and set back requirements for principal structures.</p>	<p>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.</p>



4.	<p><b>d.</b> 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:</p> <p>(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.</p> <p style="text-align: center;">AND</p> <p>(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.</p>	<p>Is your proposed use in the land use table? If not, why do think it is similar to a use that is listed?</p> <p style="text-align: center;">Home business/ Home Office</p>
5.	<p><b>e.</b> At least one person engaged in the Home Business use must occupy the dwelling unit.</p>	<p>Provide a list of the occupants of the dwelling unit who will be engaged in the Home Business?</p> <p style="text-align: center;">Owner Michael Maloney</p>
6.	<p><b>f.</b> No more than two persons not occupying the dwelling unit shall be employed on site in the Home Business.</p>	<p>In addition to persons dwelling on the site, how many others will be employed in the Home Business?</p> <p style="text-align: center;">1</p>



<p>7.</p>	<p><b>g.</b> A Home Business may engage in selling of merchandise and products as follows:</p> <p>(1) On-site sales of merchandise and products that are created, grown, built, or substantially altered as part of the Home Business.</p> <p>(2) On-site sales of merchandise and products that are customarily incidental to the services or products provided by a Home Business.</p> <p>(3) Off-site, phone, mail, and internet, or similar sales of merchandise and products.</p> <p>(4) On-site wholesale distribution of merchandise and products to dealer/sales representatives who sell the merchandise and products off site.</p>	<p>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.</p> <p>2) I will be conducting the federal paperwork for firearm transfers any sales would be incidental to the transfers</p> <p>3) transactions will be conducted primarily on-line, by mail or over the phone.</p>
<p>8.</p>	<p><b>h.</b> 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.</p>	<p>How many parking places will you have in addition to those needed by persons residing at the dwelling unit? (Show it on the sketch)</p> <p>No additional spaces</p>



TOWN OF ELIOT, MAINE

Case# \_\_\_\_\_

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?  Not at this time
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.  No additional vehicles, Neighboring residence will not be able to see any part of the business.
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.  None

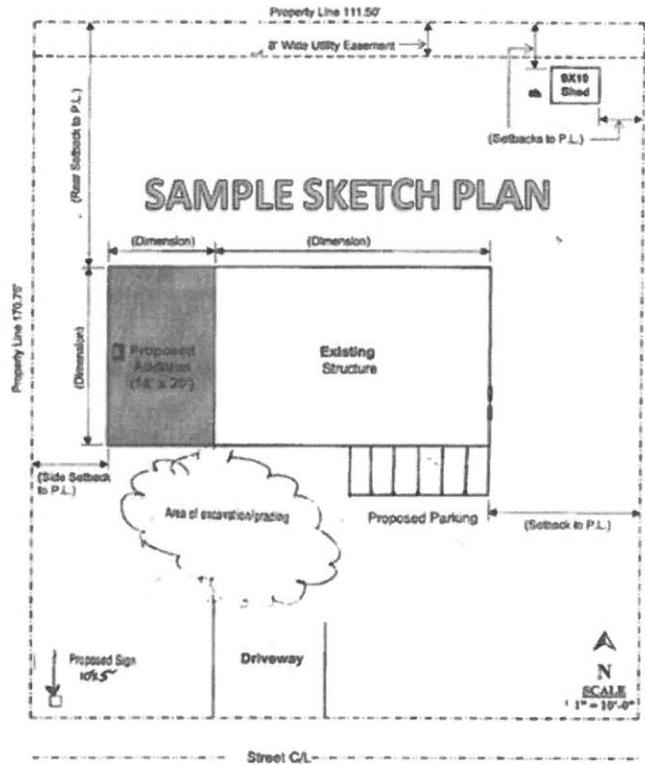


# TOWN OF ELIOT, MAINE

Case# \_\_\_\_\_

## SKETCH PLAN REQUIREMENTS

- Approximate dimensions of all zoning districts
- Existing and proposed structures
- Existing and proposed land uses
- Existing and proposed parking areas
- Existing and proposed streets and entrances
- Existing and proposed setbacks
- Proposed lot divisions
- Proposed open space to be preserved
- Common areas
- Public improvements/facilities
- Areas of excavation and grading



**SITE PLAN**  
(Sample Only)

Property Owner's Name  
Property Address and Phone No.  
(Assessor Parcel Number)  
Zoning District

BLACK HAWK HOLDINGS LLC  
36 WILSON ST  
WILTON, NH 03086

BROWN DOG PROPERTIES MAIN  
396 BEECH RD  
ELIOT, ME 03903

CHURCHILL, EVAN A/ROSALIE  
EVAN A AND ROSALIE B CHUR  
1288 STATE RD  
ELIOT, ME 03903

CRESTA, RALPH J  
CRESTA, KATHERINE A  
295 WEST RD  
PORTSMOUTH, NH 03801

GORANSSON, PAUL  
GORANSSON, HLEN  
255 DEPOT RD  
ELIOT, ME 03903

HERITAGE OPERATING LP  
AMERIGAS PROPANE LP  
C/O THE ALBANO GROUP  
PO BOX 1240  
MANCHESTER, NH 03105

MORIARTY, MARIE  
23 LANDING DR  
METHUEN, MA 01844-5825

NATURAL ROCKS SPRING WATE  
299 HAROLD L DOW HWY  
ELIOT, ME 03903

PAOLUCCI REALTY TRUST  
PETER J & CARMEN S PAUL T  
291 HAROLD L DOW HWY  
ELIOT, ME 03903

SLATE HILL RECYCLING LLC  
171 YORK WOODS RD  
SOUTH BERWICK, ME 03908

**PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use:  
Commercial Development to Marijuana Establishment (Adult Use)**



**TOWN OF ELIOT MAINE**

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

To: Planning Board  
From: Jeff Brubaker, AICP, Town Planner  
Cc: Kenneth A. Wood, PE, Attar Engineering  
Brian Nielsen, EIT, Attar Engineering  
Shelly Bishop, Town of Eliot Code Enforcement Officer (CEO)  
Kearsten Metz, Land Use Administrative Assistant  
Date: October 6, 2020 (meeting date)  
Re: PB20-15: 290 Harold L. Dow Highway (Map 37 / Lot 20) Site Plan Review  
Application / Change of Use from Commercial Development to Marijuana  
Establishment (Adult Use) – **Application Review/Public Hearing**

*Previous report: For Planning Board's Sept. 15, 2020 Preliminary/Sketch Plan Review*

*An updated site plan, dated Sept. 24, 2020, was submitted on Sept. 29.*

Application Details/Checklist Documentation	
✓ Address:	290 Harold Dow Highway
✓ Map/Lot:	Map 37 / Lot 20
✓ PB Case#:	PB20-15
✓ Zoning District:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	N/A
✓ Owner Name:	AMP Realty Holdings, LLC
✓ Applicant Name:	290 Harold L Dow, LLC
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none"> <li>• Change of Use</li> <li>• Site Plan Amendment for Adult Use Marijuana Establishment</li> </ul>
✓ Application Received by Staff:	Date: August 18, 2020
✓ Application Fee Paid and Date:	\$125.00: Site Plan Amendment (\$100.00); Change of Use (\$25.00); Date Paid: 8-20-2020
✓ Application Fee Paid and Date:	\$175.00: Public Hearing Date Paid: 9-29-20
✓ Application Sent to Staff Reviewers:	Date: August 19, 2020
Application Heard by PB	Date: September 15, 2020
Found Complete by PB	Date: September 15, 2020 (pending traffic findings)
Site Walk	Date: N/A

**PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use: Commercial Development to Marijuana Establishment (Adult Use)**

<b>Public Hearing</b>	<b>Date: October 6, 2020 (scheduled)</b>
Public Hearing Publication	Date: September 23, 2020
Deliberation	Date: N/A
Notice of Decision	Date: N/A
✓ Reason for PB Review:	Site Plan Review / Change of Use

## Overview

290 Harold L. Dow, LLC (owner: Dana Brearley; agent: Attar Engineering) is applying for a change of use from Commercial Development to Marijuana Establishment at 290 Harold Dow Highway (Map 37, Lot 20) and is seeking review and approval of proposed site improvements. The change of use would allow the applicant to sell adult use marijuana on the site. The application also describes the proposed use as an “Adult Use Marijuana Dispensary”, but the specific use in the land use table that is being applied for is “Marijuana Establishment”. To avoid confusion, the term “dispensary” will not be used in this review to refer to the proposed use (adult use, not medical), and it is recommended that future submittals not use this term in relation to adult use marijuana.

The property is 3.01 acres in area. It is currently mostly cleared with a dirt/gravel surface and a canopy that contains wood processing equipment. According to Google Earth, the site has had many changes in vegetative cover in the last 15 years. Prior to 2010, it was forested. In or around 2010, the interior of the site was cleared for use as a roundwood and lumber storage yard, and the driveway was built. By 2015, the site was used for firewood processing, storage, and sales. A commercial development was approved for the site in 2017; this is discussed further below.

## Zoning

The site is in the Commercial/Industrial (C/I) district.

## Type of review needed

Section 11-3 of the Town Code defines a “marijuana establishment” as follows:

*Marijuana establishment* shall mean a “marijuana establishment” as that term is defined in 28-B M.R.S.A. § 102(29), as may be amended. A *marijuana establishment* is a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility, or a marijuana testing facility or a marijuana social club.

The applicant is applying for a “marijuana establishment” use in the table of land uses (45-290). This is an SPR use in the C/I district, which means it may be permitted subject to site plan review and conformance with the requirements of Section 33-190 – Performance Standards for Marijuana Establishments. Section 33-190 requires that all marijuana establishments go through site plan review and receive approval from the Planning Board.

## **PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use: Commercial Development to Marijuana Establishment (Adult Use)**

### Preliminary/sketch plan review and public hearing

Preliminary/sketch plan review occurred on September 15. The Planning Board found the application complete, subject to more information about traffic, and voted to go forward with a public hearing. The public hearing is the focus of this (October 6) meeting.

### Site plan amendment

The application proposes to revise a former approved site plan. That site plan was part of a development application from a previous owner of the site that the Planning Board approved on November 21, 2017 (referred to here as the “2017 site plan”). Many aspects of the proposed site plan are similar to the 2017 site plan, such as the general site layout; however, the current site plan’s building footprints are smaller. Rather than a single, 12,000-sf, L-shaped building with multiple commercial/retail units, the proposal is for a 48 ft. by 72 ft. marijuana store in the northwest corner of the previous building footprint plus a trailer in the southeast corner. There is also notation about a “temporary mobile trailer” in the parking lot.

***October 6 update:** According to the draft September 15 minutes, the applicant confirmed that the trailer would go away when construction of the permanent building is complete.*

### **Previous Planning Board actions**

The November 21, 2017, Planning Board approval was for an application from a different property owner to construct a 12,000-sf commercial development, which would have included 8 commercial/retail units. Along with standard conditions of approval, two other conditions referred to gaining approval from the State Fire Marshal prior to the start of operations and submitting an approved Maine DEP Stormwater Permit prior to the issuance of a building permit (discussed more below).

### **Uses**

The applicant is seeking approval of a change of use to allow them to sell adult use marijuana on the site (marijuana establishment). No proposed uses are permitted to begin operation until all necessary approvals, permits, and licenses have been received.

### **State conditional license**

Before an application is heard by the Planning Board, the Town requires that applicants furnish a conditional license from the Maine Office of Marijuana Policy (OMP) for any adult use marijuana establishment for which they are seeking land use approval. The application package includes an OMP conditional license granted to Arcanna Retail LLC for an Adult Use Marijuana Store (expires 6/25/21). The license includes Mr. Brearley, owner of 290 Harold L Dow, LLC, as a principal/owner of Arcanna Retail, LLC.

**PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use: Commercial Development to Marijuana Establishment (Adult Use)**

**Section 33-190 – Performance standards for marijuana establishments**

When an applicant seeks a change of use to adult use marijuana uses, the application becomes subject to the performance standards in Section 33-190. The below sections run through these standards, with italicized text for new updates from September 15.

*Screening*

Marijuana establishments must be screened from view according to Section 33-175. Subsection (b) states:

Front yards, especially those along Rte. 236, shall have an extensive vegetative cover, including large shade trees. Areas along Rte. 236 shall be 50 feet in width, beginning at the 50-foot setback line and extending to the rear of the front yard so as to screen the proposed use. Similarly, half of the front yard for commercial or industrial uses on other streets shall be landscaped.

In the past few years, the vegetated frontage area north of the driveway has been cleared and the interior of the site is quite open to Route 236. The site plan shows apparent replanting in that area north of the driveway. The current application appends the 2017 site plan, which includes a deciduous tree/shrub planting schedule for this area. The applicant's agent has clarified that the proposed planting is meant to be carried forward into the present application and will be providing more details on it. The Planning Board may wish to discuss whether the vegetative cover can be extended back from the 50-ft. setback line, consistent with 33-175(b), although this may require some reconfiguration of parking spaces.

***October 6 update:** The Sept. 24 revised site plan adds a planting schedule for the proposed planting within the 50-ft. setback. It does not propose additional vegetative cover beginning at the 50-ft. setback line and extending back. This area is shown to include bioretention filters and parking spaces.*

*Parking and loading*

The site plan includes parking calculations in general note 8. The calculations use the 1 space per 150 sf standard for retail and the 1 space per 200 sf standard for office uses, resulting in a requirement of 29 spaces. A total of 70 spaces are provided, which reflects the 2017 site plan, which had significantly greater retail and office space. The current application states: "At a later date the applicant would like the option to expand to the level shown on the approved 2017 site plan, at which time they would present to the planning board again". The applicant's agent did confirm that the possibility of future expansion is the impetus for establishing the full parking layout along with the currently-proposed (scaled down) development portfolio, but whether to provide all the parking now, especially in comparison with other performance standards, is a worthy topic of discussion for the Board and applicant as part of this review.

**PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use: Commercial Development to Marijuana Establishment (Adult Use)**

The site plan will also need to show how the proposed accessible parking spaces meet Section 502 of the 2010 ADA Standards for Accessible Design. ADA parking space access aisles need to adjoin an accessible route and connect to accessible entrances. The accessible route from the access aisle should not pass behind parked vehicles. To this end the site plan should show, at minimum, curb ramps adjoining the access aisles and an accessible route from the curb ramps to building entrances.

***October 6 update:** The Sept. 24 revised site plan shows improved wheelchair access from the designated parking spaces to the building and trailer.*

Parking space and circulation aisle dimensions are shown on the site plan. The 9'x20' (10' x 20' for parallel spaces) meet the minimum square footage requirement of 180 sf in Section 45-488. As the applicant expects 1 delivery per day, a loading facility in accordance with Section 45-494 should be shown on the site plan.

***October 6 update:** The Sept. 24 revised site plan shows a delivery and loading area on the west side of the marijuana store.*

*Signage and advertising*

A new sign is proposed just north of the driveway. The site plan states that it will conform "to Article XI of the Eliot Town Code" which should be clarified to state Article XI of Chapter 45 of the Town Code. Per Section 33-190(3), the site plan should also demonstrate that the sign will not use the word "marijuana" or "cannabis", or any other word, phrase or symbol commonly understood to refer to marijuana, and will not containing misleading or deceptive marketing or marketing towards individuals under the age of 21.

***October 6 update:** The Sept. 24 revised site plan includes a note stating: "New sign conforming to Article XI of Chapter 45 of the Eliot Town Code. Per Section 33-190(3) the sign shall not use the word 'marijuana' or 'cannabis' or any other word, phrase or symbol commonly understood to refer to marijuana."*

*Area of marijuana-related activities*

Section 33-190(4) requires all marijuana activities to be conducted indoors. The Board may wish to confirm with the applicant, and have the application/site plan show, that transactions will take place completely indoors (e.g. no exterior sales window for the proposed trailers).

***October 6 update:** The Sept. 24 revised site plan includes a note stating: "All marijuana activities shall be conducted indoors. No drive-through or home delivery services are proposed."*

*Odor management*

The Board may wish to clarify with the applicant what, if any, odor control measures are proposed, or how any odors will be controlled so they are not perceptible at the

**PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use: Commercial Development to Marijuana Establishment (Adult Use)**

exterior of the proposed buildings. This may be especially important if a future expansion is contemplated and approval is sought for other buildings adjoining the store.

*Marijuana product disposal*

Section 33-190 requires “an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations”. A standalone disposal operational plan was not submitted with the application. The site plan shows a proposed screened dumpster on the north side of the lot, but it is not shown as lockable. OMP’s Adult Use Marijuana Program Rule (18-691 CMR, Ch. 1) requires that applicants for state conditional licenses submit waste disposal plans as part of their overall operating plan. The Planning Board may wish to review the applicant’s waste disposal plan or otherwise request more information about current/proposed waste disposal.

*Security measures*

The site plan general notes include information about on-site security, including permanent security camera locations, surveillance system storage, duration of stored recordings, and locking, key card access, and Knox box provisions for all exterior doors. The application package also includes a lighting plan that shows illuminance throughout the site. Additionally, as required by the state Adult Use Marijuana Program Rule, each licensee at the state level needs to have a written security plan approved by the state before they can operate.

The Planning Board may wish to request more information from the applicant on whether some other required security measures are included, such as:

- Whether the security cameras will be operating 24 hours per day, 7 days per week
- An alarm system with audible and police department notification components
- To be provided to the Eliot Police Department, the name and functioning telephone number of a 24-hour on-call staff person to whom the town may provide notice of any operating problems associated with the establishment
- A locking safe permanently affixed to the premises that is suitable for storage of all adult use marijuana product and cash stored overnight on the premises
- Locks or bars on any other access points besides doors (e.g., windows)

The application was sent to the Police Chief for his review; no comments have been received at the time of this report.

***October 6 update:** The applicant has been asked to confirm whether the new, scaled-down footprint changes any of the illuminance values from the 2017 lighting plan. The lighting plan in the Sept. 24 revised site plan still pertains to the 2017 building footprint and orientation. The applicant verbally confirmed at the September 15 meeting that there will be a security service and guard, and that*

**PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use:  
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*emergency contact information will be shared with the Eliot Police Department  
(see draft minutes).*

*Separation from sensitive uses*

Regarding the Section 33-190(5) 500 ft. buffer/setback requirement, the application states that 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”, and it includes a location map showing the 500 ft. buffer.

*Hours of operation*

The proposed hours of operation are 10 am to 8 pm. No business days are listed.

*Sale of edible products*

The Board may wish to confirm with the applicant whether any edible products will be sold by the establishment. If so, the application should confirm how all such sales will comply with all operating and other requirements of state, local law and regulation, and compliance with the Town Code including, without limitation, food establishment licensing requirements. The application should also confirm that any edible products will be stored in a secure area.

*Drive-through and home delivery*

It is recommended that the application or a note on the site plan indicate compliance with Section 33-190(9), which prohibits marijuana establishments from having drive-through pick-up facilities and prohibits marijuana stores from providing home delivery services. As discussed above, since adult use marijuana may only be purchased from within a marijuana store, the Board may wish to confirm with the applicant that any sales from the proposed trailers are interior to those trailers.

***October 6 update:*** *The Sept. 24 revised site plan includes a note stating: “All marijuana activities shall be conducted indoors. No drive-through or home delivery services are proposed.”*

*Packaging and labeling*

Section 33-190(10) covers allowable pesticide use and requires compliance with state packaging and labeling rules. The state Adult Use Marijuana Program Rule has extensive packaging and labeling requirements for marijuana establishments.

*Inspection*

Section 33-190 requires Code Enforcement Officer and Fire Chief (or designee) inspections prior to Certificate of Occupancy.

## **PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use: Commercial Development to Marijuana Establishment (Adult Use)**

### **Wastewater**

The application states that wastewater disposal “will be...provided by the existing wastewater disposal field”. The application states that the wastewater disposal system is designed to provide treatment for up to 32 employees (5-8 employees per shift are proposed). A copy of the 2017 wastewater disposal system application (HHE-200) is included in the application packet. A proposed leach field is shown on the northeast side of the site in the grading and utility plan included with the application.

### **Water supply**

The application states that domestic water “will be provided by the on-site well shown on the site plan”. The proposed well is shown between the driveway and the front parking spaces in the grading and utility plan.

### **Traffic and driveway**

The application estimates the proposed retail trip generation to be about 55 trips during the peak hour, and it projects no significant impact on existing traffic on H.L. Dow Hwy. The existing driveway is lined up across from the Northern Pool & Spa driveway (291 H.L. Dow Hwy.). (Other things equal, opposing driveways being aligned is preferable compared to having them slightly offset.) The proposed driveway design, generally carried over from the 2017 site plan, keeps the existing driveway location but makes design improvements, including one entry lane and two exit lanes (through-left and right), with the directions separated by a raised landscaped island.

As Route 236 is state-maintained, a driveway/entrance permit from Maine Department of Transportation (MDOT) was required at the time the driveway was installed. The application package includes MDOT’s January 2010 driveway/entrance permit issued to Eliot Recycling Services, Inc., for Commercial Industrial use, and the driveway was then built to serve the wood products use. The permit has standard and special conditions of approval. The special conditions cover location of the driveway, width, a required raised island, culvert design, entrance profile/slope, and number of passenger car equivalents (PCEs) approved to use the driveway in the peak hour, which is 99, the threshold over which a Traffic Movement Permit from MDOT is required and a traffic study may be required. The current driveway design is similar to what was in the 2017 site plan, and both site plans reference the 2010 MDOT permit. Future expansion of the site may therefore lead to new MDOT permitting requirements, which would inform Planning Board review of that expansion. There is a question of whether even the current development application would also entail a new MDOT review, because the specific use and trip generation is changing but not the general (commercial) use approved as part of the 2010 permit. At the same time, the estimate of peak hour trips is well under 99. The application does not indicate any MDOT correspondence regarding a new driveway permit requirement. The Board may wish to clarify this with the applicant.

**PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use: Commercial Development to Marijuana Establishment (Adult Use)**

In general, if the two properties seek future intensification of use, the cumulative number of peak hour trips at each driveway, and the potential impact on traffic operations, may need to be a future focus for the Planning Board depending on the scope of those expansions.

***October 6 update:** The Planning Board found the application complete on September 15, subject to more information about traffic. According to the draft minutes, the applicant planned to reach out to MDOT regarding the driveway. The applicant has not provided new correspondence between them and MDOT regarding the 2010 driveway permit. It is recommended that the question be resolved prior to the Planning Board concluding deliberation.*

**Stormwater**

The application notes that there are “no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management”. The 4 bioretention filters at each corner of the parking lot included on the 2017 site plan have carried forward to the current one. The application includes Maine DEP’s conditional approval of this stormwater management system, which was signed on December 4, 2017, and has a 4-year lapsing clause. The application notes that the stormwater infrastructure is already partially constructed.

A soil erosion and sedimentation control plan is included in the site plan package.

**Fire safety**

The current application was sent to the Fire Chief for his review; no comments have been provided at the time of this report. As noted above, a condition of 2017 Planning Board approval related to State Fire Marshal inspection.

***October 6 update:** The Fire Chief has provided a review letter, which is included in this agenda package. His comments are:*

- *The building is greater than 3000 square feet and requires a Maine Fire Marshal review as well as associated state required permits.*
- *The occupancy is required to follow the 2018 Edition of NFPA 1, Chapter 38 and its referenced codes, standards and documents.*
- *Knox Box access to the facility.*
- *Full Fire Alarm system with monitoring off premise 24/7.*
- *All copies of permits and requirements from the Maine Fire Marshals office to the Eliot Fire Chief.*
- *Complete set of construction plans to include access and egress roads submitted to the Eliot Fire Chief prior to construction.*
- *Any proposed fire hydrant locations approved by the Eliot Fire Chief.*
- *If structure is to be sprinkled for fire protection contact the Eliot Fire Chief for location and type of fire department street connection.*

**PB20-15: 290 H.L. Dow Hwy. (Map 37/Lot 20) SPR Application / Change of Use:  
Commercial Development to Marijuana Establishment (Adult Use)**

**Requested information waivers**

- Drainage plan – 33-127(8)
- High intensity soils report – 33-127(12)

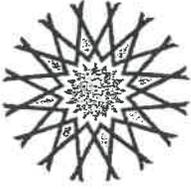
Respectfully submitted,

Jeff Brubaker, AICP  
Town Planner

**References**

2010 ADA Standards for Accessible Design, Section 502 – Parking Spaces:  
<https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#pgfld-1006250>

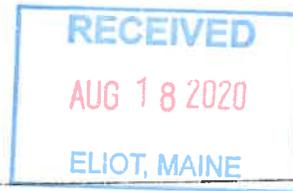
MaineDOT Driveway/Entrance Permit Applications:  
<https://www.maine.gov/mdot/traffic/drivewaypermits/>



# ATTAR

ENGINEERING, INC

CIVIL > STRUCTURAL > MARINE



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

August 18<sup>th</sup>, 2020  
Project No. C072-20

**RE: Site Plan Application (Change of Use)  
290 H.L. Dow Highway (Tax Map 37, Lot 20)  
Eliot, Maine**

Dear Mr. Brubaker:

On behalf of 290 Harold L Dow, LLC I have enclosed an Application for Site Plan Review and additional supporting documentation for the above referenced project. The 3.0 acre parcel, located at 290 Howard L. Dow Highway, is in the Commercial/Industrial zoning district. It is not located in a flood hazard zone.

An application for this site has been previously approved by the Planning Board on November 21<sup>st</sup>, 2017.

The applicant is proposing a change of use for this existing site from "Commercial Development" to "Adult Use Marijuana Dispensary", an allowed use in the C/I District. The change of use will enable 290 Harold L. Dow, LLC to sell Adult Use Marijuana from the proposed facility. 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 (graphic map attached). There are also no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management.

The dispensary will employ approximately 5-8 employees from 10 am to 8 pm.

The Boundary Survey of the parcel is enclosed; there have been no changes to the boundary and the original owner is the current owner.

Wastewater disposal will be provided by the existing wastewater disposal field. The existing disposal system was designed to provide treatment for 384GPD equating to 32 employees at 12 GPD/employee. The HHE-200 Form for the system is attached. Domestic water will be provided by the on-site well shown on the site plan.

Traffic generated by the facility will include 5-8 employees per shift and 1 delivery per day. Peak hourly trips generated by the retail facility will be 55.01 trips. Traffic generated by the facility will not impact the existing traffic on H.L. Dow Highway, approximately 17,000 vehicles per day (Source: MDOT 2017 "Maine Transportation Count Book" – ADT 2016 and 2013).

The applicant intends to adjust the building footprint that approved in the 2017 site plan. At this time, the applicant proposes to place a 48' x 72' Adult-Use Dispensary building in the same area as the approved building (see attached site plan) and a temporary trailer to be used as an Adult-Use Dispensary while construction is being completed. At a later date the applicant would like the option to expand to the level shown on the approved 2017 site plan, at which time they

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

would present to the planning board again.

A number of waivers are requested as part of the application. These are detailed in the attached checklist.

A summary of the site plan information (Municipal Code of Ordinances Town of Eliot, Maine - Section 33-127. Contents, required information) is included with the application.

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;

A handwritten signature in black ink, appearing to read "Brian Nielsen".

Brian Nielsen, E.I.T.  
Staff Engineer

cc: 290 Harold L. Dow, LLC  
C072-20\_Eliot\_Cover

Site Plan Review Submissions Checklist

Applicant Name: 290 Harold L Dow, LLC  
 Address & Map/Lot: 290 Harold Dow Highway, Tax Map 37 Lot 20

This is a working document, to be used with applicants and staff to ensure information provided is consistent and complete. It should be used as a guide in assembling the information necessary for a site plan review. Once the checklist is completed, applicable waivers indicated, and the information provided, it should be submitted with the application materials.

**Instructions for Applicants:**

1. Indicate if the information has been submitted by checking the appropriate box in column 1.
2. The Planner and Board will use this checklist with the applicant to determine if the application presented is complete.
3. If you believe that a required submission is not applicable to your proposed project, please discuss this matter with the Planner. If the staff agrees the submission to be not applicable, the staff member will check the appropriate category and indicate the reason the item is not applicable.
4. If a staff member denies a waiver request, that staff member will check the box in column 4 and the Planning Board will make the determination at the meeting.
5. The developer shall submit two originals of a site plan, drawn at a scale of not smaller than one inch equals 20 feet, and ten copies reduced to 11 inches by 17 inches, and showing the following information unless the Planning Board waives these requirements, upon written request of the applicant.

Section Number of Ordinances	Item Description from Ordinances	1 Submitted by the Applicant	2 Submission Determined to be Sufficient by the Planning Board	3 Submission Determined Not Applicable by the Planner	4 Applicant Requests Waiver of Submission Requirement
33-127(1)	Development name or identifying title and name of the Town	✓			
33-127(2)	Name & Address of Record Owners, Developer and Designer	✓			
33-127(3)	Names & Addresses of All Abutters and Their Present Land Use	✓			
33-127(4)	Perimeter Survey of the Parcel Made and Certified by a State-Registered Land Surveyor, Relating to Reference Points, Showing True North Point, Graphic Scale, Corners of the Parcel, Date of Survey, Total	✓			

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features				
33-127(5)	The Location of Temporary Markers Adequate to Enable the Planning Board to locate readily and appraise the basic layout in the field	✓			
33-127(6)	Contour lines at intervals of not more than five feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more	✓			
33-127(7)	Provisions of Chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development	✓			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan	Waiver Requested. No change to currently approved storm drainage plan. Stormwater infrastructure is partially constructed and the MDEP permit from 2017 remains valid			✓
33-127(9)	Preliminary designs of any bridges or culverts which may be required	N/A			
33-127(10)	The location of all natural features or site elements to be preserved	✓			
33-127(11)	A soil erosion and sediment control plan	✓			
33-127(12)	A high intensity soils report identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon	Waiver requested. No change from currently approved septic design or storm drainage design. HHE-200 is attached.			✓

	compliance with any recommendations included in such report				
33-127(13)	The locations & size of any existing sewers & water mains, culverts & drains on the property to be developed	✓			
33-127(14)	Connection with existing water supply or alternative means of providing water supply to the proposed development	✓			
33-127(15)	Connection with existing sanitary sewerage system or alternative means of treatment & disposal proposed	✓			
33-127(16)	If a private sewage disposal system is proposed, location & results of tests to ascertain subsurface soil & groundwater conditions, depth to maximum groundwater level, location & results of soil testing	✓			
33-127(17)	An estimated progress schedule	✓			
33-127(18)	Construction drawings sufficient to enable the Code Enforcement Officer to verify the following information:	✓			
a.	Total floor area, ground coverage & location of each proposed building, structure or addition	✓			
b.	All existing & proposed setback dimensions	✓			
c.	The size, location, direction & intensity of illumination of all major outdoor lighting apparatus & signs	✓			
d.	The type, size & location of all incineration devices	N/A			
e.	The type, size & location of all machinery likely to generate appreciable noise beyond the lot lines	✓			
f.	The amount & type of any raw, finished or waste	✓			

	materials to be stored outside of roofed buildings, including their physical & chemical properties, if appropriate				
g.	The location, type & size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas & the layouts together with all dimensions	✓			
h.	All landscaped areas, fencing & size & type of plant material proposed to be retained or replanted	✓			
i.	A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.	N/A			
j.	Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this code. If these submission requirements conflict with the requirements of chapter 41, the stricter standards shall apply.	N/A			
33-127(19)	Site plans and construction drawings for new and existing structures listed as SPR in section 45-290 shall	✓			

	be submitted to the Eliot Fire Chief for review and comment prior to final approval by the Planning Board				
--	---	--	--	--	--

In addition to the above, when applicable, the Planning Board may require detailed interior plans including dimensional measurements and uses of all interior spaces, placement of equipment, counters, etc. and when applicable, seating charts indicating table/chair arrangements and the number of requested tables and seats.

**The Planner will work with the applicant to ensure this checklist is complete before a Site Plan Review application is scheduled for review by the Planning Board.**

\_\_\_\_\_  
Town Planner

\_\_\_\_\_  
Date

**Staff Section Only:**

Address:	
Map/Lot:	
PB Case #:	
Zoning District:	
Shoreland Zoning:	
Owner Name:	
Applicant Name:	
Proposed Project:	
Application Received by Staff:	
Application Fee Paid and Date:	
Application Received/Found Complete by PB:	
Site Walk Date:	
Public Hearing Date:	
Public Hearing Publication Date:	
Reason for PB Review:	

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 37    Lot# 20    Lot Size 3.01acres    Zoning District: Commercial/ Industrial

Your Name Attar Engineering, Inc.    Your mailing address 1284 State Road  
Kenneth A. Wood, P.E.

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

Who owns the property now? 290 Harold L Dow, LLC

Address (Location) of the property 290 Harold L 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? Marijuana Establishment  
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

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

Revise a former approved site plan to reflect a smaller building which will support an adult-use retail storefront (marijuana sales). Impervious area remains the same as approved.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Ben Min, Agent    Date \_\_\_\_\_

Property Owner Ben Min, Agent    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.

<b>PART 2</b>
---------------

Case No. \_\_\_\_\_  
Site review?    Yes    No

**DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT**

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

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

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

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

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

Case No. \_\_\_\_\_  
Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. \_\_\_\_\_

Site review?    Yes    No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

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

	Case No. _____
	Site review?    Yes    No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

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

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

2

PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement (this "Agreement") is made this 24<sup>th</sup> day of April, 2020 (the "Effective Date") by and among AMP REALTY HOLDINGS, LLC, a Maine limited liability company having a mailing address of 291 Harold Dow Highway, Eliot, ME ("Seller"), and DJR REAL ESTATE, LLC, a Maine limited liability company having a mailing address of 61 Bradstreet Lane, Eliot, Maine ("Buyer").

The parties agree as follows:

1. PURCHASE AND SALE. Seller agrees to sell and Buyer agrees to buy a certain parcel of land, with all buildings, structures and improvements thereon located at 290 Harold L. Dow Highway, Eliot, Maine, together with all rights and easements appurtenant thereto, as more particularly described in the deed to Seller dated January 11, 2010, and recorded in the York County Registry of Deeds in Book 15795, Page 88 (collectively the "Premises").

2. PURCHASE PRICE; DEPOSIT. Purchase Price. The agreed purchase price for the Premises is Eight Hundred Thousand Dollars (\$800,000.00) (the "Purchase Price") payable as follows (subject to the prorations and other adjustments provided in this Agreement):

(1) Deposit. Upon the execution hereof, the sum of Eighty Thousand Dollars (\$80,000.00) shall be paid as a deposit (, the "Deposit"), which Deposit shall be held by the Escrow Agent, as the same is hereinafter defined, in a non-interest-bearing account and applied to the Purchase Price at Closing, or otherwise disposed of in accordance with the terms of this Agreement.

(2) Cash at Closing. At Closing, Buyer shall deliver the balance of the Purchase Price, as adjusted for closing costs and prorations referenced herein, which shall be made payable to Seller in readily available funds made payable by certified check or wire transfer.

3. BUYER'S CONTINGENCIES. The obligations of Buyer hereunder are conditioned upon each of the following, any of which may be waived by Buyer in whole or in part:

(a) Inspections. Within sixty (60) days of the Effective Date (the "Due Diligence Period") Buyer shall conduct its due diligence on the Premises, the results of which must be satisfactory to Buyer in its sole discretion. During the Due Diligence Period, Buyer may, in its discretion, examine and analyze the title to the Premises, environmental site assessments, engineering studies, feasibility studies, and any other inspections of and tests to the Premises and the buildings as Buyer deems necessary in its sole discretion. All inspections will be performed by inspectors chosen and paid for by Buyer. If the Buyer is not satisfied, in its sole discretion, with the Buyer's analysis and study of the Property, the Buyer shall have the right to terminate the Agreement by sending a written notice of termination to the Seller on or before the expiration

of the Due Diligence Period, in which case the Escrow Agent shall return the Deposit to the Buyer and neither party shall have any further rights or obligations hereunder.

(b) Licensing, Permitting and Approvals. Buyer intends to use the Property for the operation of an adult use marijuana retail store, cultivation facility and testing laboratory (the "Proposed Use"). Buyer shall have a period of sixty (60) days from the Effective Date (the "Approval Period") to obtain all necessary licenses, approvals and permits for the Proposed Use, which permits shall include without limitation State and local licenses, approvals and permits (the "Approvals"). Seller agrees to assist and cooperate with the Buyer at all times and in all reasonable manner during prior to Closing in Buyer's effort to obtain the Approvals, provided that Buyer shall reimburse Seller for any reasonable cost or expense incurred in connection therewith. Seller further agrees to perform any act and to execute any document reasonably required to assist Buyer in obtaining the Approvals, which may include (but shall not be limited to) execution and delivery of any documents required under State or local law to evidence Seller's consent to Buyer's Intended Use of the Property.

~~Provided that Buyer is diligently and in good faith pursuing the Approvals, Buyer shall have the right to extend the Approval Period, hereby called the "Extension Period," for one (1) additional period of thirty (30) days by written notice to Seller delivered prior to the expiration of the initial Approval Period.~~ PP DB 4/24

If at any time prior to the end of the Approval Period, Buyer believes that it will not be able to obtain the Approvals on terms reasonably acceptable to Buyer, or in the event that Buyer does not obtain the Approvals within the Approval Period, Buyer will have the right to terminate the Purchase Agreement by written notice to Seller prior to the expiration of the Approval Period (~~as the same may be extended~~), in which event Escrow Agent shall return the Deposit to the Buyer, and in which case this Agreement shall be null and void ab initio, and thereafter neither party shall have any further rights or obligations to the other hereunder, except for those which expressly survive the termination of this Agreement.

4. ACCESS TO PREMISES. Seller hereby agrees that Buyer, its agents and subcontractors, may enter upon the Property, at reasonable times, with all necessary equipment for all purposes reasonably associated with the purchase of the Property, including, without limitation, conducting Buyer's due diligence investigation of the Property and Seller shall cooperate with Buyer in connection with permitting such access. All surveys, inspections or tests conducted on behalf of Buyer shall remain the property of Buyer.

5. TITLE AND CONDITION OF PREMISES. Seller shall convey the Premises to Buyer at the Closing (as defined below) in fee simple by warranty deed (the "Deed") with good marketable title, free of clear of all liens, encumbrances, restrictions and mortgages. Full possession of the Premises free of all tenants and occupants shall be delivered to Buyer at the Closing, the Premises to be at such time (a) in the same condition as they now are, reasonable wear thereof and damage caused by Buyer excepted; and (b) in compliance with all laws, including without limitation, all environmental, building and zoning laws. Buyer or its agent

may inspect the Premises at any time prior to the Closing in order to determine whether the condition thereof complies with the terms of this paragraph.

6. CLOSING. The closing of the transaction contemplated hereby (the "Closing") shall take place at the office of Seller's counsel, or at such other place as the Buyer and Seller may mutually agree within thirty (30) days after the expiration of the Approval Period, as the same may be extended, at such date and time as the Buyer and Seller shall mutually in advance and in writing, time being of the essence.

7. CLOSING DOCUMENTS. At the Closing:

A. Purchase Price. Buyer shall deliver to Seller that portion of the Purchase Price payable at the Closing, as adjusted pursuant to the terms hereof;

B. Deed. Seller shall execute, acknowledge and deliver to Buyer the Deed as provided herein;

C. Title Affidavits. Seller shall deliver to Buyer executed originals of such customary certificates, affidavits or letters of indemnity as the title insurance company issuing the title insurance policy on the Premises shall require, including without limitation commercial survey affidavit(s), in order to issue such policy and to omit therefrom all exceptions for unfiled mechanics', materialmen's or similar liens and parties in possession and brokers' liens;

D. Nonforeign Person Affidavit. Seller shall deliver to Buyer such affidavits and certificates, in form and substance reasonably satisfactory to Buyer, as Buyer shall deem necessary to relieve Buyer of any obligation to deduct and withhold any portion of the Purchase Price pursuant to Section 1445 of the Internal Revenue Code;

E. Notification to Buyer of Withholding Tax Requirement. Buyer shall deliver to Seller an executed original certificate in form and substance reasonably satisfactory to Seller acknowledging receipt of notification of the withholding tax requirements of the State of Maine;

F. Maine Resident Affidavit. Seller shall deliver to Buyer such executed affidavits and certificates, in form and substance reasonably satisfactory to Buyer, as Buyer shall deem necessary, to inform Buyer of its obligation, if any, to deduct and withhold a portion of the Purchase Price pursuant to 36 M.R.S.A. §5250-A

G. Underground Oil Storage Tank Certification. Seller shall deliver to Buyer a written notice, in form and substance reasonably satisfactory to Buyer, which written notice shall certify the registration numbers of the underground oil storage facilities located on the Premises, the exact location of the facilities, whether or not they have been

abandoned in place, and that the facilities are subject to regulation by the Maine Department of Environmental Protection;

H. Real Estate Transfer Tax Declaration. Seller and Buyer shall execute a Real Estate Transfer Tax Declaration in the form required to be recorded with the deed and the real estate transfer tax imposed by the State of Maine shall be paid by the Seller and Buyer in accordance with law;

I. Prorations. Subject to Section 13 below, real estate taxes assessed by the City of Portland and water and sewer use charges shall be prorated as of the Closing Date;

K. Other Documents. Seller and Buyer shall execute, acknowledge and deliver such other documents and items as Seller's and/or Buyer's attorney may reasonably require.

L. Corporate Documents. Seller shall deliver to Buyer a copy of a sufficient certificate demonstrating the authorization of this Agreement and the transactions contemplated by this Agreement, all certified by the appropriate agent of Seller as being true, correct and in full force and effect on the date of the execution of this Agreement and the Closing.

8. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM. If Seller shall be unable to give title or to make conveyance, or to deliver possession of the Premises, all as herein stipulated, or, if at the time of the Closing the Premises do not conform with the provisions hereof, then Seller shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the Premises conform to the provisions hereof, as the case may be, in which event the time for performance hereof shall be extended for a period of sixty (60) days. Lack of good and marketable rights of access to the Premises shall be deemed a defect in title to the Premises hereunder.

9. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM. If at the expiration of such extended time Seller shall have failed so to remove any defects in title, deliver possession, or make the Premises conform, as the case may be, all as herein agreed, then any payments made under this Agreement shall be forthwith refunded and all other obligations of all parties hereto shall cease and this Agreement shall be void without recourse of the parties hereto.

10. BUYER'S ELECTION TO ACCEPT TITLE AND CONDITION. Buyer shall have the election, at either the original or such extended time for performance, to accept such title to the Premises in its then condition as Seller can deliver and to pay therefor the purchase price without deduction, in which case, Seller shall convey such title or deliver the Premises in such condition.

11. RISK OF LOSS. Until delivery of the Deed from Seller to Buyer and except as otherwise provided herein, risk of loss or damage to the Premises by fire or otherwise shall be on Seller.

12. ADJUSTMENTS; CLOSING COSTS. Real estate taxes, assessments, rentals, and utilities shall be pro-rated as of the Closing. At the Closing, Seller shall deliver to Buyer any security deposits that are in Seller's or Seller's agent's possession and are related to the Premises. Buyer agrees that, following the Closing, all amounts collected by it on account of rents payable for periods prior to the Closing shall be promptly remitted to Seller. The recording fee for the deed of conveyance shall be paid by Buyer. Buyer shall be responsible for the costs of any title searches and title insurance that Buyer elects to procure. The transfer tax required by the State of Maine shall be paid by Buyer and Seller in accordance with the laws of the State of Maine. The cost of recording any documents in connection with the cure of any unacceptable encumbrances shall be paid by Seller. The commission payable to the Brokers, as hereinafter defined, shall be paid by Seller.

13. BROKERAGE. Seller and Buyer each represent and warrant to the other that no brokers, agents or consultants have been employed with respect to this transaction by either of them. Seller and Buyer agree to indemnify and hold the other harmless from any claim by any broker or agent claiming compensation in respect of this transaction, or alleging an agreement with Seller or Buyer, as the case may be.

14. BUYER'S DEFAULT. In the event Buyer fails to consummate the purchase of the Premises, in accordance with the provisions of this Agreement, for any reason other than those reasons specified in this Agreement as giving rise to a right in Buyer to terminate the transaction contemplated by this Agreement, Seller shall retain the Deposit as liquidated damages in full and complete satisfaction of all claims against Buyer, and not as a penalty, whereupon all obligations of the parties to one another shall cease and this Agreement shall be null and void without recourse to the parties hereto and shall not be the subject matter of any litigation between the parties.

15. SELLER'S DEFAULT. In the event that Seller is in default or fails to comply with any of the terms and conditions of this Agreement, Seller shall return to Buyer the Deposit, and Buyer may terminate this Agreement and pursue all remedies available at law and equity, including, without limitation, an action for specific performance, it being agreed that no adequate remedy at law exists.

16. WARRANTIES, REPRESENTATIONS AND INDEMNIFICATION.

A. By Seller. Seller represents and warrants as of this date and as of each date through and including the Closing that:

i. Seller holds good and marketable title to the Premises.

ii. Seller is not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code.

iii. Seller is a Maine "resident" within the meaning of 36 M.R.S.A. §5250-A. Seller has all necessary authority to execute and deliver this Agreement and to consummate the transactions contemplated by this Agreement. This Agreement has been duly authorized by all necessary action on the part of Seller, has been executed by a duly authorized representative of Seller and is the binding obligation of Seller enforceable in accordance with its terms.

iv. This Agreement and the performance hereof by Seller will not contravene any law, judgment, order, injunction, decree or any contractual restriction or arrangement binding on Seller or by which any of Seller's assets or properties may be affected.

v. No consent, approval, order or authorization of any court or other governmental entity is required to be obtained by Seller in connection with the execution and delivery of this Agreement or the performance hereof by Seller.

vi. There is no pending or, to the best of Seller's knowledge, threatened action or proceeding (including, but not limited to, any condemnation or eminent domain action or proceeding) before any court, governmental agency or arbitrator relating to or arising out of the ownership of the Premises or any portion thereof, or which may adversely affect Seller's ability to perform this Agreement, or which may affect the Premises or any portion thereof.

vii. The Premises as improved with a 16-unit apartment building are in compliance with all statutes, ordinances, rules, regulations, orders and requirements of all federal, state and local authorities and any other governmental entity having jurisdiction over the Premises (including, without limitation, environmental, land use and zoning laws and ordinances), and Seller has not received any notice from any such governmental entity of any violation of any of such statutes, ordinances, rules, regulations, orders and requirements.

viii. Seller does not know of and has not received written notice of any default or breach by Seller under any of the covenants, conditions, restrictions, rights-of-way or easements, if any, affecting the Premises or any portion thereof, and, to the best of Seller's knowledge, no such default or breach now exists, and no event has occurred and is continuing which, with notice or the passage of time, or both, would constitute a default thereunder.

ix. Seller has not received any notice of assessment for benefits or betterments which affects the Premises and do not have knowledge that any such assessment is pending or threatened.

x. Seller has no knowledge that any portion of the Premises has ever been used as a landfill or as a dump to receive refuse or waste, and, except in accordance with all applicable laws and regulations, there are and have been no Hazardous Materials (as hereinafter defined) used, generated, manufactured, disposed of, or stored in, on, under, or about the Premises. Seller has no knowledge that any asbestos containing materials or waste oil are on the Premises. The Premises meet and satisfy all federal, state and local environmental standards. As used herein, the term "Hazardous Materials" shall mean inflammables, oils, petroleum, explosives, radioactive materials and hazardous waste, including, without limitation, substances defined as "hazardous substances", "hazardous materials", "hazardous matter", or "toxic substances" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), the Hazardous Materials Transportation Act, the Toxic Substances Control Act, the Clean Air Act, the Clean Water Act and the Resources Conservation and Recovery Act, or any similar state or local law, or in any regulations promulgated pursuant thereto, or in any other applicable law.

xi. Seller states that there are no underground oil storage facilities on the Premises.

xii. There are no lead-based paint or lead-based paint hazards on the Premises.

xiii. No work has been performed or is in progress at, and no materials have been furnished to, the Premises or any portion thereof which may give rise to mechanic's, materialmen's or other liens against the Premises or any portion thereof.

xiv. Seller has no knowledge of any Disclosable Matter (as hereinafter defined) which has not been disclosed to Buyer in writing and which could have a material adverse effect on the ownership or operation of the Premises subsequent to the Closing. As used herein, a Disclosable Matter shall mean any fact or condition known to Seller relating to the Premises other than (i) any fact or condition relating to the present real estate and financial markets in the area where the Premises are located or elsewhere, (ii) any fact in the public domain or which has been the subject of a public disclosure, (iii) any fact or condition actually known by Buyer, or (iv) any facts or conditions disclosed in the written reports obtained by Buyer in connection with this transaction.

xv. Seller shall deliver to Buyer within ten (10) days of the execution of this Agreement, copies of all surveys, soils, water, engineering and environmental reports concerning the Premises, if any, including water quality tests, in its possession or control and Seller further agrees to make available to the Buyer, after the date hereof, any such documents which Seller hereafter acquires, whether generated by the Seller or others.

xvi. Seller shall deliver to Buyer within three (3) days of the execution of this Agreement, full and accurate copies of the Leases.

B. Survival. Buyer's performance under this Agreement is conditioned upon the truth and accuracy of Seller's warranties and representations expressed herein as of the Closing. All warranties, representations, covenants and agreements expressed herein shall survive the Closing and any termination of this Agreement. Seller agrees to indemnify and hold harmless Buyer, its designee and their respective successor and assigns from and against any liability, cost, damage, loss, claim, expense or cause of action (including, but not limited to, attorneys' fees and court costs and costs of enforcement of this indemnity) incurred by or threatened against such other party as a result of any breach by Seller of any of the covenants, warranties or representations contained in this Agreement. This Agreement to indemnify and hold harmless shall survive the Closing and shall include, but not be limited to, the presence of any Hazardous Materials located on the Premises on or before the Closing Date.

17. WITHHOLDING TAX REQUIREMENT. Any other provision of this Agreement notwithstanding, Buyer shall, unless an exemption applies, be entitled to withhold at the Closing all amounts required to be withheld under 36 M.R.S.A. §5250-A or any other applicable federal or state law, and any such withheld amounts shall be credited against the Purchase Price as if paid to Seller at Closing.

18. SPECIAL TERMINATION RIGHT. In the event any Hazardous Materials, asbestos containing materials or waste oil are discovered at the Premises any time prior to the Closing, Buyer may, at its option, terminate this Agreement by written notice to Seller, whereupon Seller the Deposit shall be promptly returned to Buyer.

19. ASSIGNMENT. Buyer shall not assign its rights under this Agreement without the written consent of the Seller, which consent shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, Buyer's rights and obligations under this Agreement may be assigned to an affiliate of the Buyer without Seller's consent.

20. MISCELLANEOUS.

- (a) This Agreement constitutes the entire agreement between the Parties and supersedes any and all prior understandings and agreements between them. Any and all prior and contemporaneous discussions, undertakings, agreements and understandings of the parties are merged in this Agreement, which alone fully and completely expresses their entire agreement.
- (b) This Agreement shall inure to the benefit of and be binding upon the Parties hereto, their successors and/or assigns, subject to the provisions of paragraph 10 herein.
- (c) This Agreement shall not be altered or modified or amended except by written

instrument signed by the Seller and Buyer.

- (d) This Agreement shall be governed by and construed and enforced in accordance with the laws in effect in the State of Maine, without application of its conflict of laws principles.
- (e) The headings of this Agreement appear solely for convenience of reference, and such headings are not part of this Agreement and shall not be used to construe it.
- (f) This Agreement may be executed in counterparts, each of which shall be deemed an original and which together shall constitute one and the same agreement. Signatures appearing hereon that have been reproduced, applied, provided, delivered or transmitted by facsimile, email, DocuSign or other electronic means shall be equally binding and effective as original signatures hereon, and shall be deemed duly and effectively delivered if so transmitted or provided.
- (g) No delay or omission on the part of either party in exercising any right hereunder shall operate as a waiver of such right or of any other right hereunder. Any waiver of any such right on any one occasion shall not be construed as a bar to or waiver of any such right on any such future occasion. No course of dealing or delay or omission on the part of any party in exercising any right or remedy shall operate as a waiver thereof or otherwise be prejudicial thereto.
- (h) To facilitate execution, this Agreement may be executed in multiple originals which, collectively, shall constitute a single instrument.
- (i) All pronouns and nouns and any variations thereof shall be deemed to refer to the masculine, feminine or neuter, singular or plural, as the identity of the parties or the context may require.
- (j) Neither Buyer nor Seller shall cause any work to be performed on the Premises that may result in the filing of a mechanic's or material man's lien against it and will indemnify and hold each other harmless from any lien or judgment that is attached to or liened against the Premises as a result of Buyer's or Seller's actions.
- (k) Seller and Buyer acknowledge that the Escrow Agent is acting as a stakeholder only at their request and for their convenience, and that the Escrow Agent shall not be deemed to be the agent of either of the parties. The Escrow Agent may act upon any instrument or writing believed by the Escrow Agent to be genuine and to be signed and presented by the proper party. Seller and Buyer shall jointly and severally indemnify and hold the Escrow Agent harmless from and against all costs, claims and expenses, including reasonable attorneys' fees incurred in connection with the performance of the Escrow Agent's duties hereunder. The Escrow Agent shall have no duties or responsibilities except those expressly set forth in this Agreement. The Escrow Agent shall not be bound by any modification of this Agreement unless same

is in writing, signed by Seller and Buyer and delivered to the Escrow Agent, and if the Escrow Agent's duties are affected thereby, unless the Escrow Agent shall have given prior written consent thereto. If the Escrow Agent shall be uncertain as to its duties or rights hereunder, or shall receive instructions from Buyer or Seller which, in the Escrow Agent's opinion, are in conflict with any of the provisions hereof, the Escrow Agent shall be entitled to hold and apply the Deposit pursuant to Paragraph 12 hereof and may decline to take any other action. Upon making delivery of the Deposit in the manner herein provided, the Escrow Agent shall have no further liability hereunder. The parties acknowledge that Drummond Woodsum is counsel to Buyer. In the event of a dispute between the parties, the commencement of an Interpleader action or the resignation by Drummond Woodsum as Escrow Agent, Drummond Woodsum shall be free to continue to represent Buyer in any and all matters, including matters substantially related to the Deposit or this Agreement.

- (l) If the date for performance of any obligation hereunder, or the giving of any notice hereunder, falls on a Saturday, Sunday or a legal holiday in the State of Maine, the period for such performance, or the giving of any notice hereunder, shall be extended to the next business day.
- (m) Time is of the essence of this Agreement.
- (n) Seller agrees to provide the Seller disclosures as are required by law. In the event that such disclosures are not available as of the date of the signing of this Agreement, Seller agrees to provide and execute such disclosures as soon as possible thereafter, but in no event more than 10 days after the execution of this Agreement.
- (o) Any dates in this Agreement may be extended, at Buyer's option, in the event of any governmental action, including, without limitation, a moratorium on development, imposed, declared or otherwise instituted by a municipality or any other similar governmental authority for a number of days equal to the days such moratorium or similar government action is pending.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed or caused this instrument to be executed as of the date and year first above written.

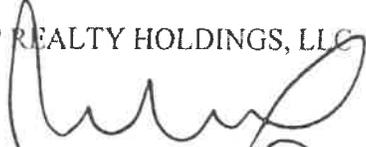
WITNESS:



York County, ME  
Exp. 3/5/23

SELLER:

AMP REALTY HOLDINGS, LLC



By:

Name: Peter J. Paul

Its: Principal

BUYER:

DJR REAL ESTATE, LLC

Dana Brearley



By:

Name: Dana Brearley

Its: Manager

Exhibit A

ADDENDUM TO PURCHASE AND SALE AGREEMENT

This addendum to the Purchase and Sale Agreement dated April 24, 2020 by and among AMP REALTY HOLDINGS, LLC, a Maine limited liability company having a mailing address of 291 Harold L Dow Highway ("Seller"), and DJR REAL ESTATE, LLC, a Maine limited liability company having a mailing address of 61 Bradstreet Eliot, ME ("Buyer") is made this 24 day of July, 2020 (the "Effective Date")

The parties agree as follows:

1. It has been mutually agreed that the due diligence date be extended to November 1, 2020.
2. In consideration of this date change, the following has been agreed to:
  - a. Buyer to increase the initial deposit to \$120,000.00 within 60 days.
  - b. Buyer agrees that \$40,000.00 of the current deposit is non-refundable and can be released to the seller at his discretion.
  - c. Buyer agrees that after (60) additional days from signing that a additional \$40,000.00 becomes non refundable.
  - d. Buyer agrees that after November 1, 2020 that the remainder of the deposit is non-refundable.
  - e. Buyer agrees to close on property within (60) days of the end of the due diligence period (November 1, 2020).
  - f. Seller will offer terms if buyer desires of.
    - i. Sale price of \$800,000.00
    - ii. \$200,000.00 down and payments of the remaining balance based on a 25 year amortization table at a 5% interest.
    - iii. Balloon payment of balance in 5 years from the date of closing.
    - iv. Buyer may payoff early with no prepayment penalty.

IN WITNESS WHEREOF, the parties hereto have executed or caused this instrument to be executed as of the day and year first written above.

WITNESS: [Signature]  
exp 3/5/23

SELLER: AMP REALTY HOLDINGS, LLC  
By: [Signature]  
Name: Peter Paul  
It's: Trustee

BUYER: DJR REAL ESTATE, LLC  
Dana Brearley  
By: [Signature]  
Name: Dana Brearley  
It's: Manager

**Arcanna Retail, LLC**  
**61 Bradstreet Lane**  
**Eliot, ME 03903**  
**603-491-5595**

Jeffrey Brubaker  
Town of Eliot Maine  
1333 State Rd, Eliot, ME 03903

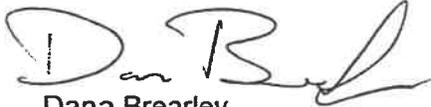
August 17, 2020

Dear Mr. Brubaker,

Please be informed that Kenneth A. Wood, P.E. and Brian Nielsen, E.I.T. of Attar Engineering, Inc. will be acting as my agents for the applications and permitting of my project at 290 Harold Dow Highway.

Please contact me if I can provide any additional information.

Sincerely,

A handwritten signature in black ink that reads "Dana Brearley". The signature is fluid and cursive, with the first name "Dana" and last name "Brearley" clearly distinguishable.

Dana Brearley  
Arcanna Retail, LLC

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

**290 Harold L Dow, LLC**  
**61 Bradstreet Lane**  
**Eliot, ME 03903**  
**603-491-5595**

Jeffrey Brubaker  
Town of Eliot Maine  
1333 State Rd, Eliot, ME 03903

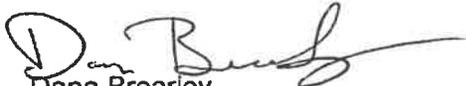
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Please contact me if I can provide any additional information.

Sincerely;

  
Dana Brearley  
290 Harold L Dow, LLC

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

**DJR REAL ESTATE, LLC**

**61 Bradstreet Lane**

**Eliot, ME 03903**

**603-491-5595**

Jeffrey Brubaker  
Town of Eliot Maine  
1333 State Rd, Eliot, ME 03903

August 17, 2020

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Please contact me if I can provide any additional information.

Sincerely;

A handwritten signature in black ink, appearing to read "Dana Brearley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dana Brearley  
DJR Real Estate, LLC

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



# 500 foot Abutters List Report

Eliot, ME  
August 18, 2020

## Subject Property:

Parcel Number: 037-020-000  
CAMA Number: 037-020-000  
Property Address: 290 HAROLD L DOW HWY

Mailing Address: AMP REALTY HOLDINGS LLC  
C/O NORTHERN POOL & SPA 291  
HAROLD L DOW HWY  
ELIOT, ME 03903

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## Abutters:

Parcel Number: 037-001-000  
CAMA Number: 037-001-000  
Property Address: 265 HAROLD L DOW HWY

Mailing Address: CHURCHILL, EVAN A/ROSALIE B  
REVOCABLE TR EVAN A AND ROSALIE  
B CHURCHILL TRUSTEES  
1288 STATE RD  
ELIOT, ME 03903

Parcel Number: 037-002-001  
CAMA Number: 037-002-001  
Property Address: 291 HAROLD L DOW HWY

Mailing Address: PAOLUCCI REALTY TRUST PETER J &  
CARMEN S PAUL TRUSTEES  
291 HAROLD L DOW HWY  
ELIOT, ME 03903

Parcel Number: 037-002-002  
CAMA Number: 037-002-002  
Property Address: 4 BROOK DR

Mailing Address: MORIARTY, MARIE  
23 LANDING DR  
METHUEN, MA 01844-5825

Parcel Number: 037-002-004  
CAMA Number: 037-002-004  
Property Address: BROOK DR

Mailing Address: GORANSSON, PAUL GORANSSON,  
HLEN  
255 DEPOT RD  
ELIOT, ME 03903

Parcel Number: 037-003-000  
CAMA Number: 037-003-000  
Property Address: 6 JULIE LN

Mailing Address: CRESTA, RALPH J CRESTA,  
KATHERINE A  
295 WEST RD  
PORTSMOUTH, NH 03801

Parcel Number: 037-003-001  
CAMA Number: 037-003-001  
Property Address: 299 HAROLD L DOW HWY

Mailing Address: NATURAL ROCKS SPRING WATER ICE  
CO INC  
299 HAROLD L DOW HWY  
ELIOT, ME 03903

Parcel Number: 037-004-000  
CAMA Number: 037-004-000  
Property Address: 14 MACLELLAN LN

Mailing Address: HERITAGE OPERATING LP AMERIGAS  
PROPANE LP  
C/O THE ALBANO GROUP PO BOX 1240  
MANCHESTER, NH 03105

Parcel Number: 037-005-000  
CAMA Number: 037-005-000  
Property Address: 26 MACLELLAN LN

Mailing Address: BROWN DOG PROPERTIES MAINE LLC  
396 BEECH RD  
ELIOT, ME 03903

Parcel Number: 037-009-000  
CAMA Number: 037-009-000  
Property Address: 276 HAROLD L DOW HWY

Mailing Address: BLACK HAWK HOLDINGS LLC  
36 WILSON ST  
WILTON, NH 03086

Parcel Number: 037-021-000  
CAMA Number: 037-021-000  
Property Address: 300 HAROLD L DOW HWY

Mailing Address: SLATE HILL RECYCLING LLC  
171 YORK WOODS RD  
SOUTH BERWICK, ME 03908



www.cai-tech.com

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

8/18/2020

Page 1 of 1

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA  
PROGRAM

This certifies that

**ARCANNA RETAIL LLC**  
**AMS276**

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

ISSUED ON  
06/26/2020

  
DIRECTOR  
OFFICE OF MARIJUANA POLICY  
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON  
06/25/2021

**NOTE: THIS IS NOT AN ACTIVE  
LICENSE**

To make a complaint about this licensed Adult Use Marijuana Establishment:  
Email: [Licensing.OMP@maine.gov](mailto:Licensing.OMP@maine.gov)

The Conditional License for AMS276 has been issued based on the following organizational structure:

**Principals:**

JAMES JOSEPH FOLAN, III, MANAGER  
DANA HOWARD BREARLEY, MANAGER

**Owners:**

31.75% - JAMES FOLAN  
31.75% - DANA BREARLEY  
20.00% - RYAN WARD  
15.00% - SHELL ROAD LLC  
1.50% - CONGRESS STREET CAPITAL 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.



Loggs →

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER  
IN THE MATTER OF

AMP REALTY HOLDINGS, LLC ) STORMWATER MANAGEMENT LAW  
Eliot, ~~York~~ County )  
RETAIL AND OFFICE BUILDING )  
L-27601-NJ-A-N (approval) ) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M R S § 420-D, and Chapter 500 (06-096 C M R ch 500, last amended August 12, 2015) of the Department's Regulations, the Department of Environmental Protection has considered the application of AMP REALTY HOLDINGS, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS

1 PROJECT DESCRIPTION

A Summary The applicant proposes to construct a stormwater management system for a 11,800-square foot commercial building with eight retail and office units and associated parking, driveway, and circulation drives on a 3.01-acre lot. The proposed project has 2.60 acres of developed area which includes 1.4 acres of impervious area. The project is shown on a set of plans, Plan L1 of the plan set is titled "Site Plan, AMP Commercial Development, Route 236, Eliot, Maine prepared for Peter Paul, P O Box 694, Eliot, ME 03906," prepared by Civil Consultants, and dated August 24, 2017 with a latest revision date on any of the sheets of September 13, 2017. The project site is located on the east side of Dow Highway (Route 236) in the Town of Eliot.

B Current Use of the Site The site was forested in 2007 and since then has been developed as a roundwood and lumber storage yard and subsequently used for a firewood processing and sales area. The interior of the site is gravel with a narrow band of mature trees around the perimeter of the lot.

2 STORMWATER STANDARDS

The proposed project includes approximately 2.60 acres of developed area, of which 1.4 acres is impervious area. It lies within the watershed of the Piscataqua River. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of four bio-retention cells.

A Basic Standards

(1) Erosion and Sedimentation Control The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in

DEBRA L ANDERSON, REGISTER OF DEEDS  
BK 17621 PG 242  
Inst # 2017052179  
12/07/2017 02:53:25 PM  
Pages 6  
YORK CO

Appendix A of Chapter 500 and the Best Management Practices (BMPs) outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Bureau of Land Resources (BLR).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, BLR. The applicant will be responsible for the maintenance of the stormwater management system.

Grit and sediment materials removed from stormwater structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B) provided that the grit and sediment materials removed from stormwater control structures are disposed of in compliance with the Maine Solid Waste Management Rules.

#### B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential thermal impacts. This mitigation is being achieved by using Best Management Practices that will treat runoff from 95% of the impervious area and 84% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards and recommended that the applicant's design engineer or another qualified engineer oversee the construction of the bioretention cells to ensure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days from completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant must submit a log of inspection

reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic and General Standards provided that construction of the bio-retention cells is overseen and documented as described above.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. § 420-D, and Chapter 500 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity provided that grit and sediment materials removed from stormwater structures during maintenance activities are disposed of in compliance with the Maine Solid Waste Management Rules.
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards provided that construction of the bioretention cells is overseen and documented as described in Finding 2.B.

THEREFORE, the Department APPROVES the above noted application of AMP REALTY HOLDINGS, LLC to construct a stormwater management system for a commercial development as described herein, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. Grit and sediment materials removed from stormwater structures shall be disposed of in compliance with the Maine Solid Waste Management Rules.

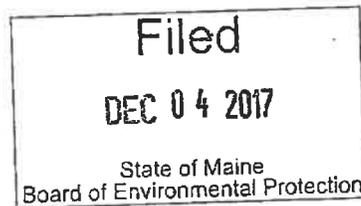
5. The applicant shall retain the design engineer or another qualified engineer to oversee the construction of the bio-retention cells according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 4<sup>TH</sup> DAY OF DECEMBER, 2017

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Paul Mercer*  
For: Paul Mercer, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

CGW/L27601AN/ATS#82252

ATTEST:  
*Beth Vieta*  
Beth Vieta

## STORMWATER STANDARD CONDITIONS

### STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

**Standard conditions of approval.** Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance

with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
  - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
  - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
  - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)



# Maine Department of Transportation Driveway/Entrance Permit

Permit Number: 9781

Location: Route: 0236X, Dow Highway

Owner: Eliot Recycling Services, Inc

Municipality: Eliot

Address: 276 Dow Highway  
Eliot, ME 03903

County: York

Tax Map: 37; Lot Number: 6

Culvert Size: 18"

Telephone: (207)252-1396

Culvert Type: plastic

Culvert Length: 60'

Date of Permit: 05-JAN-10

Approved Entrance Width: 42'

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, an Entrance to [a] Commercial Industrial at a point 2140' N from Beech Road, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

### Conditions of Approval:

This permittee acknowledges and agrees to comply with the Standard Conditions of Approval attached hereto and to any Specific Conditions of Approval shown here.

### Approved Special Condition(s):

- \* In the town of Eliot on the easterly side of route 236, approximately 2140 feet northerly of Beech Rd and approximately 111 feet northerly of utility pole 30/9.
- \* If entrance width exceeds 30 feet (42 feet maximum), a raised island shall be constructed which separates the incoming lane from the outgoing lane(s). Said island shall be 6 feet in width, with the leading end set back 8 feet from the edge of shoulder pavement.
- \* The entrance shall be constructed in such a way that the pavement line and the shoulder line at the entrance shall conform to the pavement line and the shoulder line that currently exists on this section of highway, and in a way so as to prevent surface water from draining onto the highway.
- \* A 18 inch diameter plastic HDPE culvert shall be installed in line with the existing ditch parallel to route 236, conforming to MDOT option III Standards.
- \* The entrance profile shall be constructed so that the first 50 feet off the edge of roadway pavement slopes no more than 3% above the pavement elevation of the highway. Thereafter the entrance profile shall conform to MDOT Standards wherein grade changes shall not exceed 9% in 8 foot increments of entrance length.
- \* This permit is approved to allow for up to 99 passenger car equivalents (PCEs) in the peak hour to use the entrance. When a change of use (PCEs) occurs, the Owner will be required to gain the approval of the MaineDOT in order to evaluate the PCEs in the peak hour. If at any time it is determined that the estimated net change in PCEs in the peak hour will be above the 99 PCE threshold, the MaineDOT may require the owner to apply for a Traffic Movement Permit.

Approved by: \_\_\_\_\_

*Brian Neely, P.E.*

Date: \_\_\_\_\_

*1/5/10*

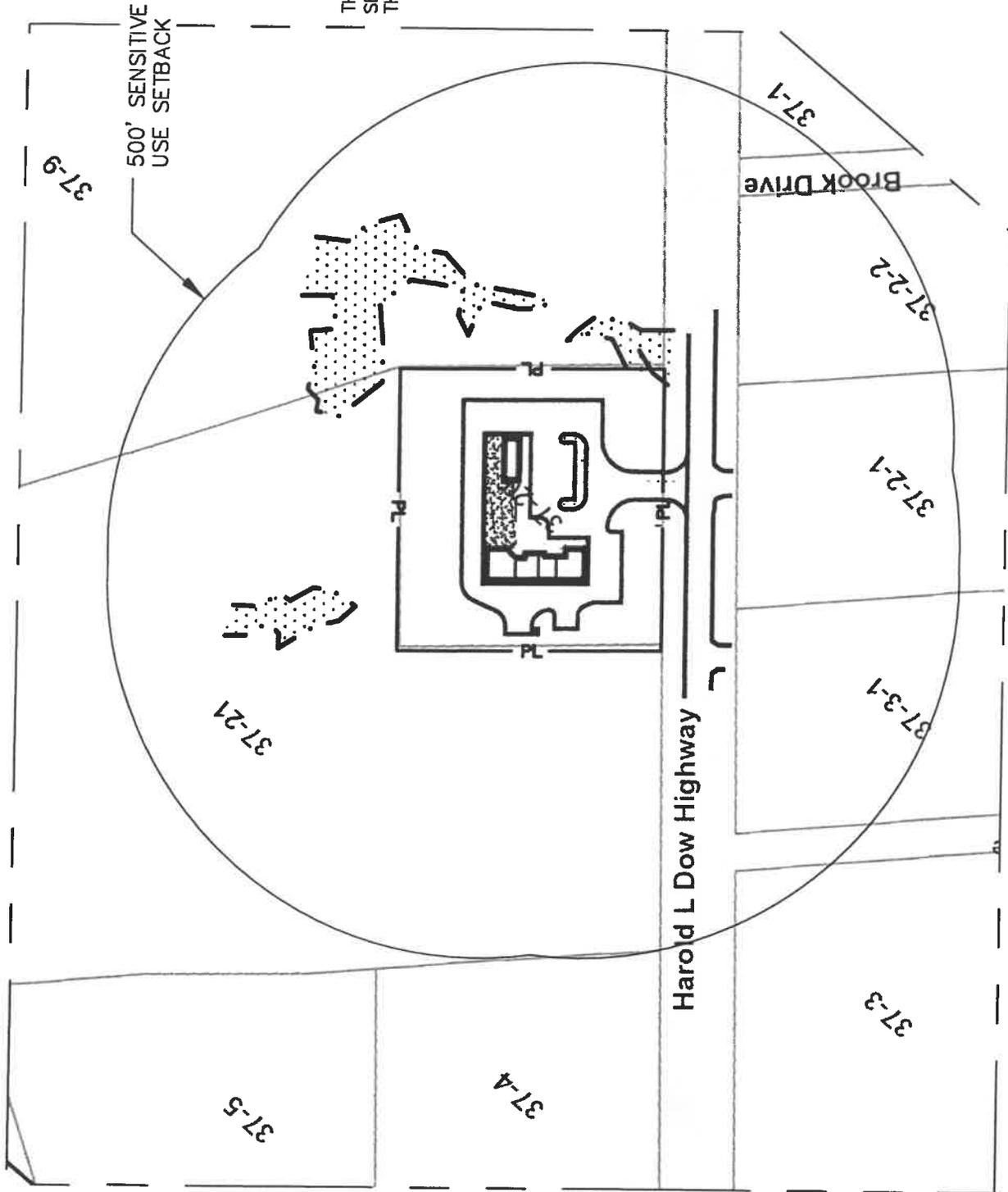
#### STANDARD CONDITIONS

1. Provide, erect and maintain all necessary barricades, lights, warning signs and other devices as directed by MaineDOT to safeguard traffic properly while the construction is in progress.
2. At no time cause the highway to be closed to traffic.
3. Where the driveway is located within a curb, curb and gutter, and/or sidewalk section, completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create the driveway and restore drainage. All driveways abutting sidewalk sections shall meet the requirements set forth in the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131 et seq.
4. Obtain, have delivered to the site, and install any culverts and/or drainage structures which may be necessary for drainage, the size, type and length as called for in the permit pursuant to 23 M.R.S.A. Sec. 705. All culverts and/or drainage structures shall be new.
5. Start construction of the proposed driveway within twenty-four (24) months of the date of permit issuance and substantially complete construction of the proposed driveway within twelve months of commencement of construction.
6. Comply with all applicable federal, state and municipal regulations and ordinances.
7. Not alter, without the express written consent of the MaineDOT, any culverts or drainage swales within the MaineDOT right of way.
8. File a copy of the approved driveway permit with the affected municipality or LURC, as appropriate within 5 business days of receiving the MaineDOT approval.
9. Construct and maintain the driveway side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.
10. Notify the MaineDOT of a proposed change of use served by the driveway when increase in traffic flow is expected to occur. This does not exempt the need for obtaining a Traffic Movement Permit (TMP) if trip generation meets or exceeds 100 passenger car equivalents (pce) during the peak hour of the day.
11. Construct or implement and maintain erosion & sedimentation measures sufficient to protect MaineDOT's facilities.
12. Driveways shall be designed such that all maneuvering and parking of any vehicles will take place outside the highway right-of-way and where vehicles will exit the premises without backing onto the highway traveled way or shoulders. All driveways will have a turnaround area to accommodate vehicles using the premises.

#### **FURTHER CONDITION OF THE PERMIT:**

The owner shall assume the defense of, and pay all damages, fines, and penalties for which he/she shall become liable, and shall indemnify and safe harmless said Department, its representatives, agents and employees from liability, actions against all suits, claims, damages for wrongful death, personal injuries or property damage suffered by any person or association which results from the willful or negligent action or inaction of the owner/applicant/agent and in proceedings of every kind arising out of the construction and maintenance of said entrance(s), including snow removal. Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the MaineDOT, their officers, agents or employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law. It is a further condition that the owner will agree to keep the right of way inviolate for public highway purposes and no signs (other than traffic signs and signals), posters, billboards, roadside stands, culvert end walls or private installations shall be permitted within Right of Way limits.

THERE ARE NO KNOWN SENSITIVE USES WITHIN 500' OF THE BUILDING STRUCTURE



37-9

500' SENSITIVE USE SETBACK

37-2-1

37-5

37-4

Harold L Dow Highway

Brook Drive

37-1

37-3

37-3-1

37-2-7

37-2-2



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services  
Division of Environmental Health, 11 SHS  
(207) 287-5672 FAX (207) 287-3165

>> CAUTION: LPI APPROVAL REQUIRED <<

PROPERTY LOCATION		Town/City		Permit #	
City, Town, or Plantation	Eliot	Town/City		Permit #	
Street or Road	290 Rte 236	Date Permit Issued	/ /	Fee \$	
Subdivision, Lot #	n/a			Double Fee Charged [ ]	
OWNER/APPLICANT INFORMATION		Local Plumbing Inspector Signature		L.P.I. #	
Name (last, first, MI)	Paul, Peter			<input type="checkbox"/> Owner	<input type="checkbox"/> Town <input type="checkbox"/> State
Mailing Address of Owner/Applicant					
Daytime Tel. #	207-252-1396				
<b>Owner or Applicant Statement</b>		<b>CAUTION: INSPECTION REQUIRED</b>			
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit		I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.		(1st) Date Approved	
Signature of Owner or Applicant		Local Plumbing Inspector Signature		(2nd) Date Approved	

## PERMIT INFORMATION

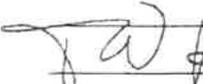
TYPE OF APPLICATION	THIS APPLICATION REQUIRES	DISPOSAL SYSTEM COMPONENT(S)
<input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type Replaced: _____ Year Installed: _____ <input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. < 25% Expansion <input type="checkbox"/> b. ≥ 25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	<input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	<input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alternative toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input type="checkbox"/> 11. Pre-treatment, specify: <input type="checkbox"/> 12. Miscellaneous Components:
SIZE OF PROPERTY	DISPOSAL SYSTEM TO SERVE	TYPE OF WATER SUPPLY
<input type="checkbox"/> sq. ft. 3 <input checked="" type="checkbox"/> acres	1. <input type="checkbox"/> Single Family Dwelling Unit, No. of Bedrooms: _____ 2. <input type="checkbox"/> Multiple Family Dwelling, No. of Units: _____ 3. <input checked="" type="checkbox"/> Other: Commercial Complex (specify) Current Use: <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped	<input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other:
SHORELAND ZONING		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

## DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK	DISPOSAL FIELD TYPE & SIZE	GARBAGE DISPOSAL UNIT	DESIGN FLOW
<input checked="" type="checkbox"/> 1. Concrete <input type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other _____ CAPACITY: 1,000 gallons	<input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device <input checked="" type="checkbox"/> a. cluster array <input type="checkbox"/> c. linear <input checked="" type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 Load <input type="checkbox"/> 4. Other _____ SIZE: 640 <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft.	<input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If yes/maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	384 gallons-per-day (gpd) BASED ON: <input type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input checked="" type="checkbox"/> 2. Table 4C (other facilities) 4 Offices and 4 Retail Units Assume 4 people per unit 384 x 3.3/2 = 634sf use 640sf.
SOIL DATA & DESIGN CLASS	DISPOSAL FIELD SIZING	EFFLUENT/EJECTOR PUMP	ATTACH WATER METER DATA
PROFILE: 3 / CONDITION: C at Observation Hole # 1 Depth 22" Of Most Limiting Soil Factor	<input type="checkbox"/> 1. Medium -- 2.6 sq. ft./gpd <input checked="" type="checkbox"/> 2. Medium-Large -- 3.3 sq. ft./gpd <input type="checkbox"/> 3. Large -- 4.1 sq. ft./gpd <input type="checkbox"/> 4. Extra Large -- 5.0 sq. ft./gpd	<input type="checkbox"/> 1. Not Required <input type="checkbox"/> 2. May Be Required <input checked="" type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	LATITUDE AND LONGITUDE At center of disposal area Lat 43 d 08 m 11.7 s Lon 70 d 46 m 37.6 s if g.p.s., state margin of error:

## SITE EVALUATOR STATEMENT

I certify that on 2/4/2010&8/23/17 I completed a site evaluation on this property and state that the data reported in my opinion is accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

  
Site Evaluator Signature

114  
SE #

10/2/17  
Date

Thomas W. Harmon  
Site Evaluator Name Printed

207-384-2550  
Telephone #

tharmon@civcon.com  
E-Mail Address

Note: Changes to or deviations from the design should be confirmed with the Site Evaluator.  
J:\aaa\2008\0811100\Sept\the200page1.doc 08/2012 rd

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering  
(207) 287-5672 Fax: (207) 287-3165

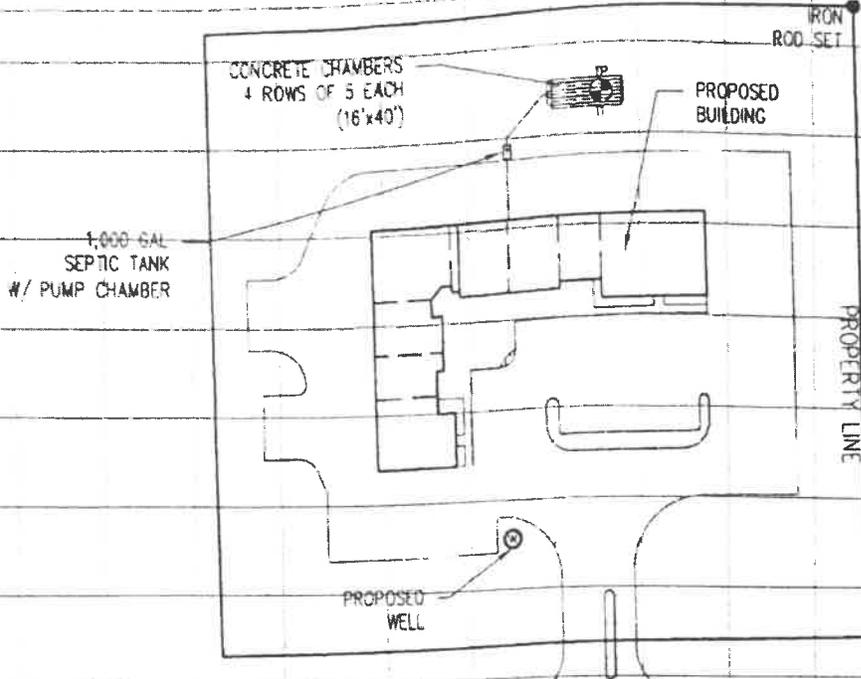
Town, City, Plantation  
ELIOT

Street, Road, Subdivision  
ROUTE 236/DOW HIGHWAY

Owner's Name  
AMP REALTY HOLDINGS, LLC

SITE PLAN

Scale 1" = 100 ft. or as shown



SITE LOCATION PLAN



NOTE: SEPTIC SYSTEM TO BE A MINIMUM OF 100' FROM PROPOSED WELL

ROUTE 236 DOW HIGHWAY

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole  T1  Test Pit  Boring  
1" Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0-2	LOAM		DK BROWN	
2-10	SANDY LOAM	FRIABLE	GOLDEN BROWN	NONE
10-22			BROWN	
22-30	SANDY LOAM		GOLDEN BROWN	COMMON
30-40				
40-50				

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
3 C	8 %	22"	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Observation Hole   Test Pit  Boring  
" Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0-2				
2-10				
10-20				
20-30				
30-40				
40-50				

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
	%	"	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Site Evaluator Signature

114  
SE #

09/29/2017  
Date

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
 Division of Health Engineering  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision  
 ROUTE 236/ DOW HIGHWAY

Owner's Name

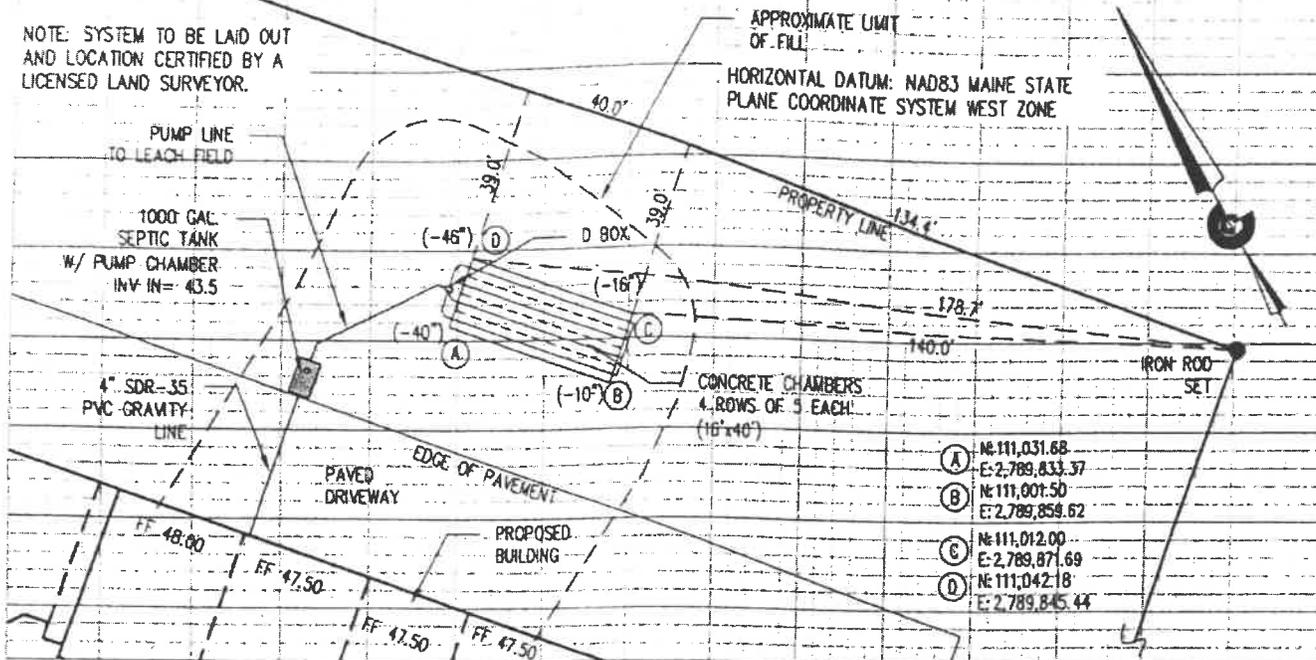
AMP REALTY HOLDINGS, LLC

ELIOT

## SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE: 1" = 40 FT.

NOTE: SYSTEM TO BE LAID OUT AND LOCATION CERTIFIED BY A LICENSED LAND SURVEYOR.



- (A) N: 111,031.68  
E: 2,789,833.37
- (B) N: 111,001.50  
E: 2,789,859.62
- (C) N: 111,012.00  
E: 2,789,871.69
- (D) N: 111,042.18  
E: 2,789,845.44

### FILL REQUIREMENTS

Depth of Fill (Upslope)	14"
Depth of Fill (Downslope)	43"

### CONSTRUCTION ELEVATIONS

Finished Grade Elevation	151.67
Top of Distribution Pipe or Proprietary Device	150.67
Bottom of Disposal Area	149.67

### ELEVATION REFERENCE POINT

Location & Description: (SEE NOTE)  
 Reference Elevation: NAVD88

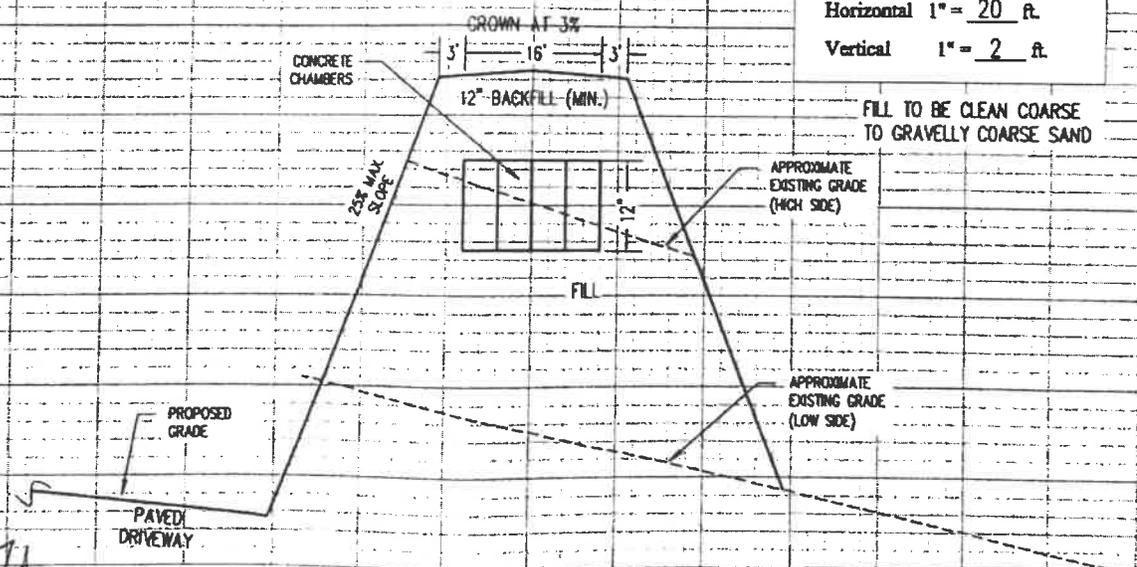
### DISPOSAL AREA CROSS SECTION

Scale

Horizontal 1" = 20 ft.

Vertical 1" = 2 ft.

FILL TO BE CLEAN COARSE TO GRAVELLY COARSE SAND



*[Signature]*  
 Site Evaluator Signature

114

SE #

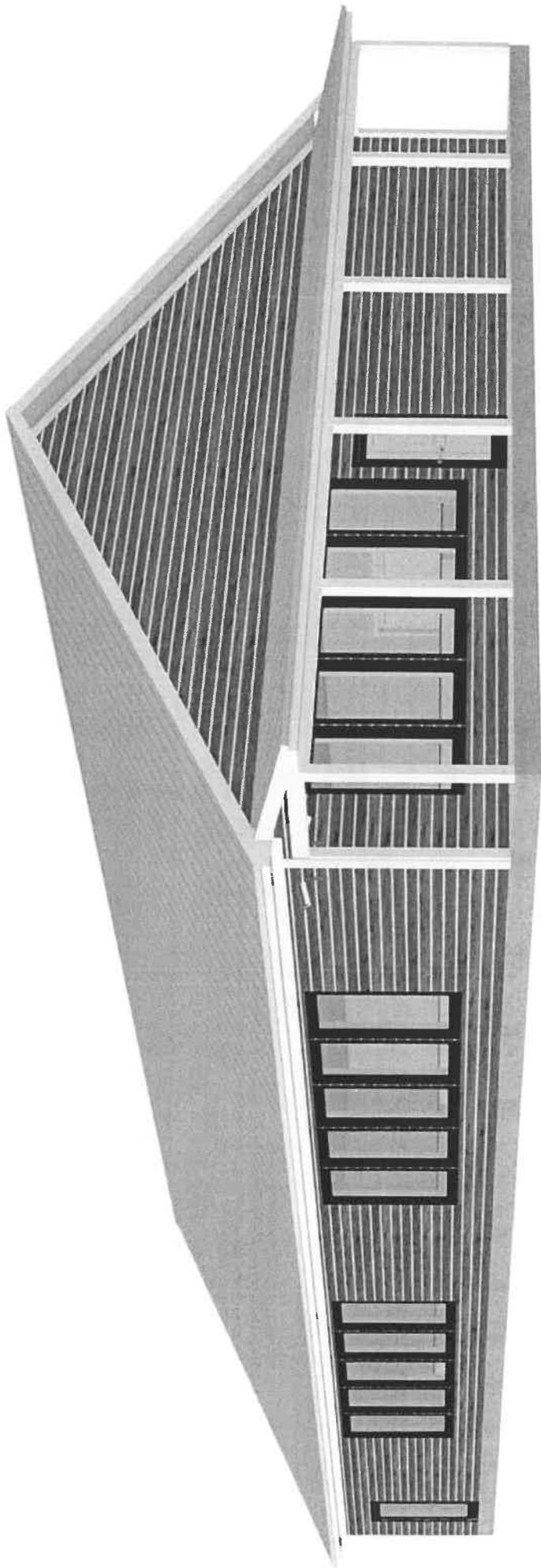
09/29/17

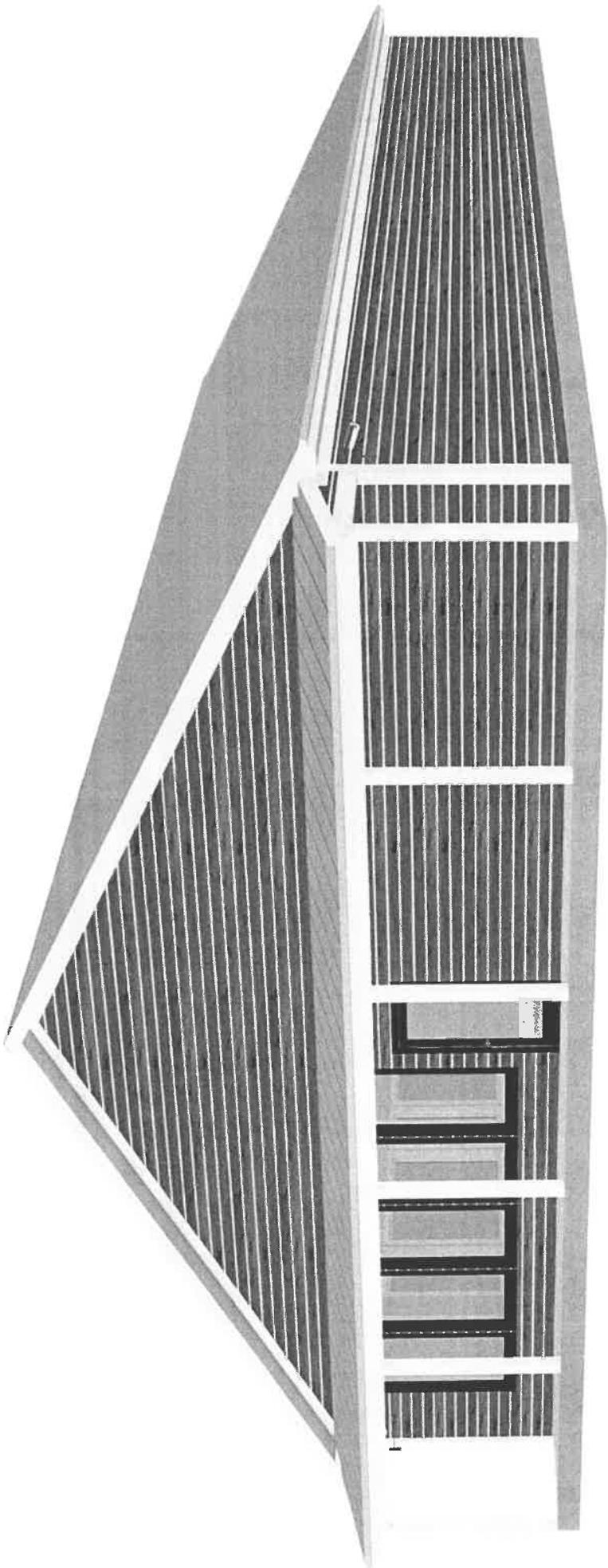
Date

Page 3 of 3

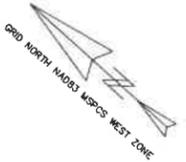
HHE-200 Rev. 8/01





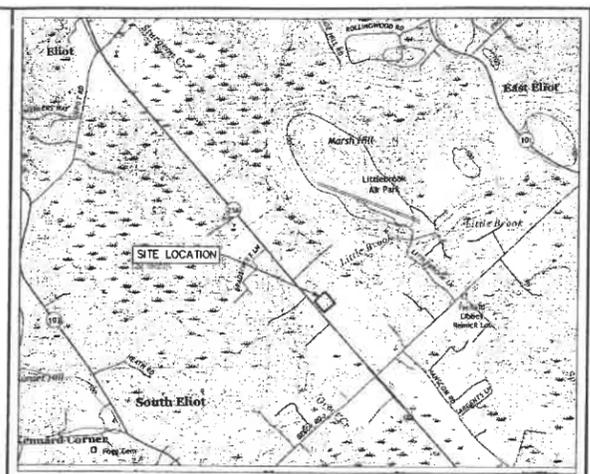






SUBJECT PROPERTY:  
 TAX MAP 37, LOT 20  
 AMP REALTY HOLDINGS, LLC  
 Y.C.R.D. 15795/88  
 3.01 ACRES ±  
 131,250 SQUARE FEET

ABUTTING PROPERTY:  
 PORTION OF  
 TAX MAP 37, LOT 21  
 N/F  
 SLATE HILL RECYCLING, LLC  
 Y.C.R.D. 16670/358



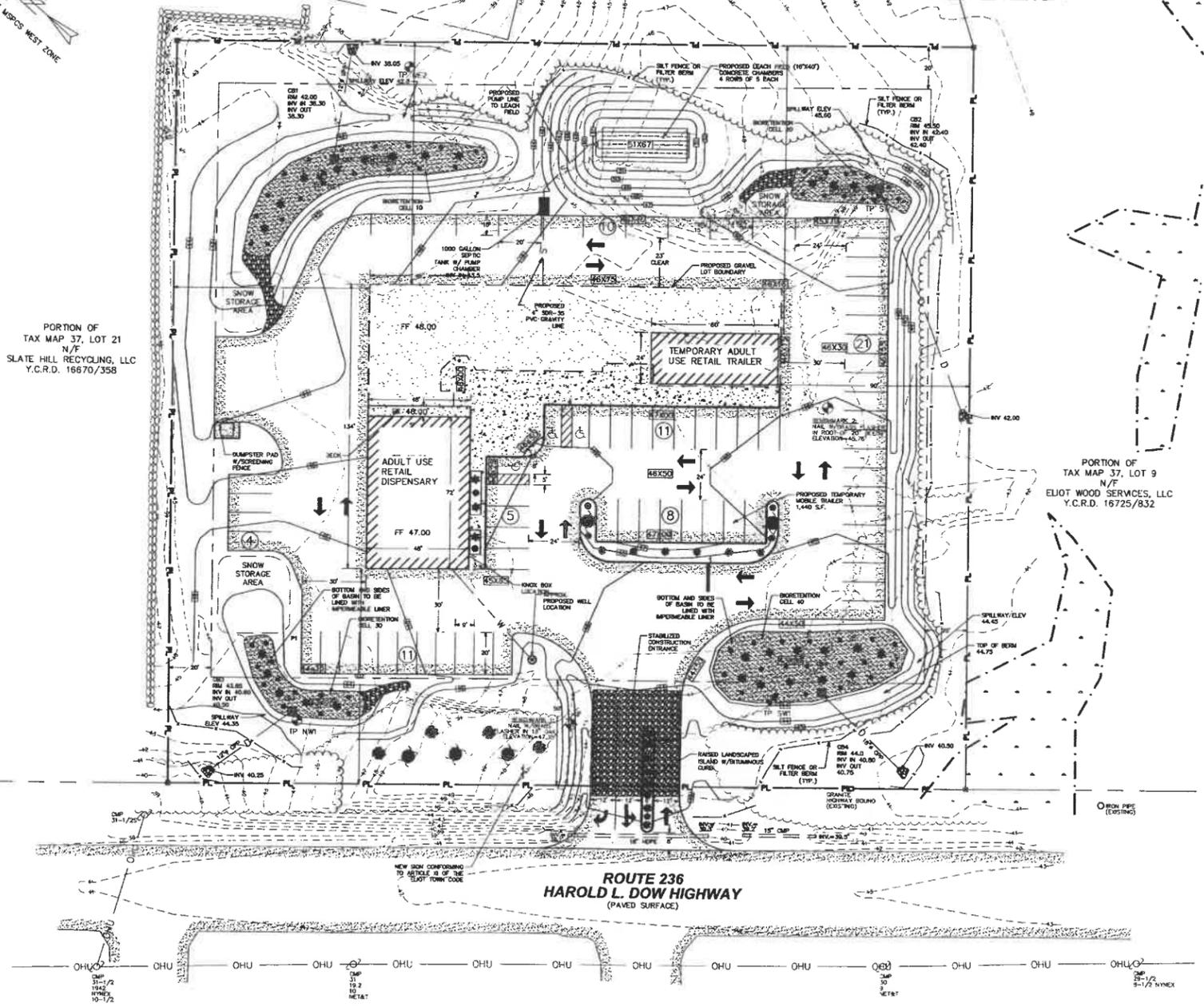
SITE LOCATION MAP  
 APPROXIMATE SCALE 1" = 2000'

GENERAL NOTES

1. ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT ELIOT WATER DISTRICT STANDARDS.
2. ALL STORM DRAINS TO BE ADS N-12 (PE) OR APPROVED EQUAL.
3. A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.
4. CENTRAL MAINE POWER COMPANY WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION.
5. NEW WATER AND SEWER LINES SHALL BE TESTED IN ACCORDANCE WITH RESPECTIVE DISTRICT REQUIREMENTS.

LEGEND	
PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
PRP. BUILDING	▨
PRP. PARKING	▨
EXT. PAVEMENT	▨
PRP. PAVEMENT	▨
PRP. GRAVEL	▨
EXT. TEST PIT	⊕
EXT. STONEWALL	▬
PRP. STOCKADE FENCE	▬
PRP. SIGN	▬
EXT. TREELINE	▬
PRP. TREELINE	▬
EXT. MAJOR CONTOUR	---
EXT. MINOR CONTOUR	---
PRP. MAJOR CONTOUR	---
PRP. MINOR CONTOUR	---
PRP. SPOT GRADE	▬
PRP. CATCH BASIN	▬
EXT. POWER POLE	⊕
EXT. MONITORING WELL	⊕
PRP. STORM LINE	D
PRP. SEWER LINE	S
PRP. WATER LINE	W
EXT. OVERHEAD ELEC	O/H
EXT. WETLAND BNDY	▬
PRP. SILTATION FENCE	▬
FOUND PIPE OR IRON ROD	○
FOUND STONE OR CONCRETE MONUMENT	⊕

PORTION OF  
 TAX MAP 37, LOT 21  
 N/F  
 SLATE HILL RECYCLING, LLC  
 Y.C.R.D. 16670/358



PORTION OF  
 TAX MAP 37, LOT 9  
 N/F  
 ELIOT WOOD SERVICES, LLC  
 Y.C.R.D. 16725/832

ROUTE 236  
 HAROLD L. DOW HIGHWAY  
 (PAVED SURFACE)

TOWN OF ELIOT PLANNING BOARD		DATE
CHAIR		

NOT FOR CONSTRUCTION

GRAPHIC SCALE



TAX MAP 37, LOT 20

GRADING AND UTILITY PLAN  
 AMP COMMERCIAL DEVELOPMENT  
 290 HAROLD L. DOW HIGHWAY, ELIOT, MAINE

FOR:  
 290 HAROLD L. DOW, LLC  
 61 BRADSTREET LANE  
 ELIOT, ME 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: [Signature]

DRAWN BY: [Signature]

STATE OF MAINE  
 YORK COUNTY REGISTRY OF DEEDS  
 RECEIVED  
 AT 2:20 P.M. AND RECORDED IN  
 PLAT BOOK PAGE

**EROSION & SEDIMENTATION CONTROL NOTES**

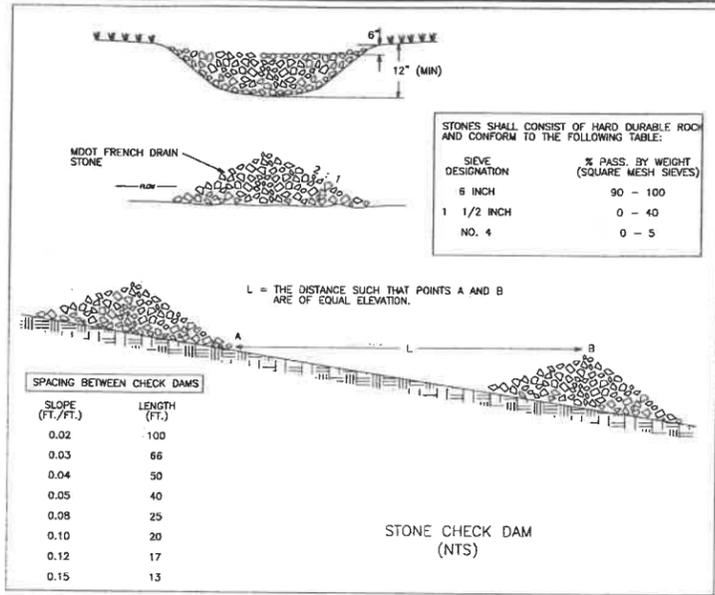
- SILTATION FENCE OR HAY BALE BARRIERS WILL BE INSTALLED DOWNSLOPE OF ALL STRIPPING OR CONSTRUCTION OPERATIONS. A DOUBLE SILT FENCE BARRIER SHALL BE INSTALLED DOWNSLOPE OF ANY SOIL MATERIAL STOCKPILES. SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL 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.
- 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.
- 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.
- ALL LAWN AREA, OUTER POND SIDE SLOPES AND SWALES SHALL BE PERMANENTLY SEEDDED 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-P2O5-K2O) 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.
- POND BOTTOMS AND INNER POND SIDESLOPES SHALL BE PERMANENTLY SEEDDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 8 LB/ACRE BIRDSFOOT TREFLOID AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.
- 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.
- TEMPORARY SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. PERMANENT SEEDING SHALL BE ACCOMPLISHED BEFORE SEPTEMBER 15.
- ALL SEEDED AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-90 LB) PER 1000 S.F. OF SEEDED AREA.
- 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.
- EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.
- 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.
- MINIMIZE DISTURBED AREAS AND PROTECT NATURAL DOWNGRADE 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.
- 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 IN ONE DAY. THE 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.
- THE CHANNEL SHOULD RECEIVE ADEQUATE ROUTINE MAINTENANCE TO MAINTAIN CAPACITY AND PREVENT OR CORRECT ANY EROSION OF THE CHANNEL'S BOTTOM OR SIDE SLOPES.
- 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.
- 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.
- 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 CUTTERS.
- 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.
- 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 ENOUGH DEPTH TO PROVIDE ENOUGH STORAGE DEPTH AT THE INLET TO ALLOW INFLOW OF PEAK RUNOFF RATES WITHOUT BY-PASS OF RUNOFF TO OTHER AREAS.

**EROSION & SED. CONTROL NOTES (CONT.)**

- 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.
- PRIOR TO CONSTRUCTION, PROPERLY INSTALL SEDIMENT BARRIERS AT THE DOWNGRADE EDGE OF ANY AREA TO BE DISTURBED AND ADJACENT TO ANY DRAINAGE CHANNELS WITHIN THE DISTURBED AREA. SEDIMENT BARRIERS SHOULD BE INSTALLED DOWNGRADE 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.
- 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 ROWS. MAINTAIN THE SCE UNTIL ALL DISTURBED AREAS ARE STABILIZED.
- 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.
- REMOVE ANY TEMPORARY CONTROL MEASURES, SUCH AS SILTATION FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED. REMOVE ANY ACCUMULATED SEDIMENTS AND STABILIZE.
- 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 RE-STABILIZED 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.
  - 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.
  - 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.
  - 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.
  - FOR AREAS STABILIZED WITH RIPRAP, PERMANENT STABILIZATION MEANS THAT SLOPES STABILIZED WITH RIPRAP MOVEMENT FROM BEHIND THE RIPRAP. STONE MUST BE SIZED APPROPRIATELY. IT IS RECOMMENDED THAT ANGULAR STONE BE USED.
  - 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.
  - 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.
  - 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.
- 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).
  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 PREFIGHTING 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) UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN APPENDIX C(5));
    - (J) PORTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS
    - (K) LANDSCAPE IRRIGATION
  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

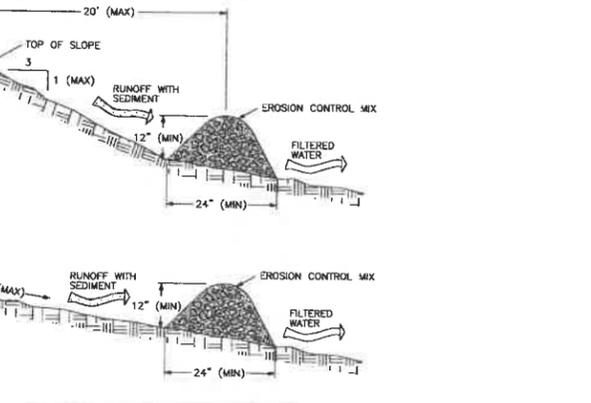
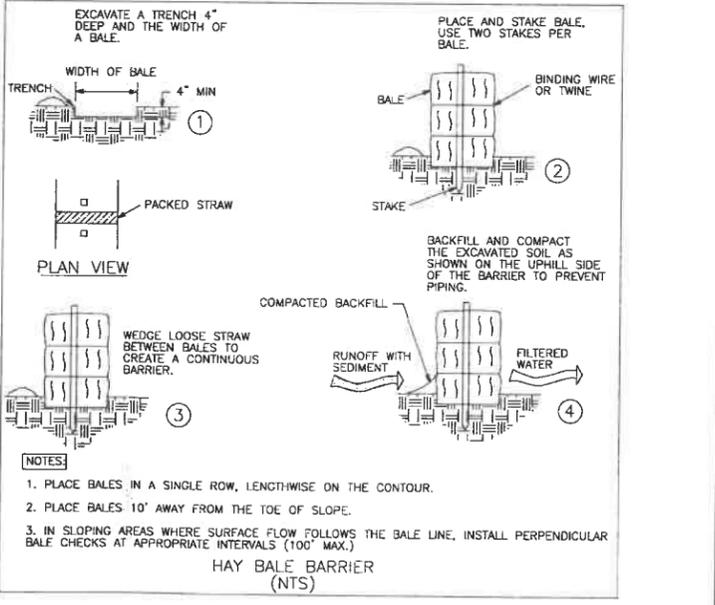
**WINTER CONSTRUCTION NOTES**

- 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.
- 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.
- 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%.
- SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.
- 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.
- ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE SHALL BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.
- 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.
- 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**

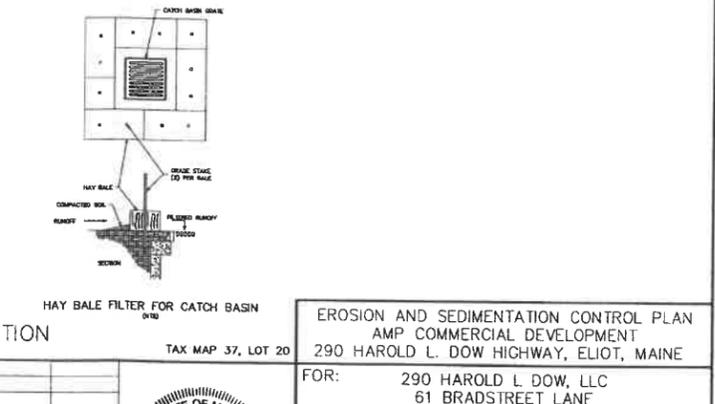
- INSPECTION AND CORRECTIVE ACTION. INSPECT DISTURBED AND IMPERVIOUS AREAS, EROSION CONTROL MEASURES, MATERIALS STORAGE AREAS THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE. INSPECT THESE AREAS AT LEAST ONCE A WEEK AS WELL AS BEFORE AND WITHIN 24 HOURS AFTER A STORM EVENT (1" 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.
- 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.
- 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 REPAIR/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.



**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 # 20 SCREEN AND A MINIMUM OF 90% MAXIMUM OF 85% PASSING A # 10 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

**NOT FOR CONSTRUCTION**



**TOWN OF ELIOT  
PLANNING BOARD**

DATE \_\_\_\_\_

CHAIR \_\_\_\_\_

**EROSION CONTROL MIX BERM (NTS)**

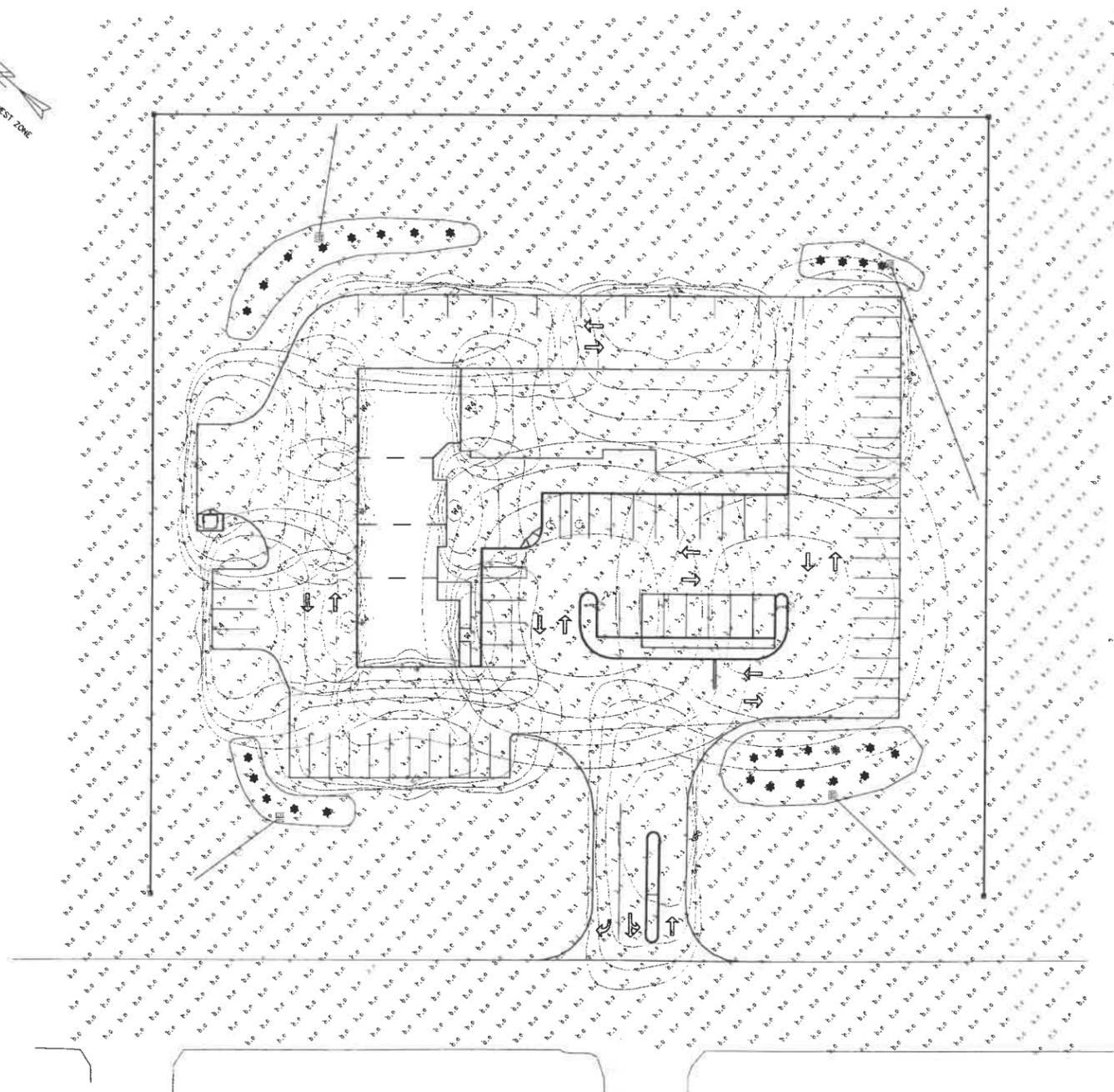
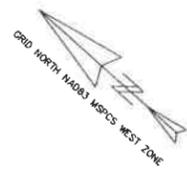


**EROSION AND SEDIMENTATION CONTROL PLAN**  
**AMCO COMMERCIAL DEVELOPMENT**  
 290 HAROLD L. DOW HIGHWAY, ELIOT, MAINE

FOR: 290 HAROLD L. DOW, LLC  
 61 BRADSTREET LANE  
 ELIOT, ME 03903

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

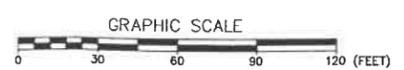
SCALE: APPROVED BY: DRAWN BY:



Luminaire Schedule				
Symbol	Qty	Label	Arrangement	Description
[Symbol]	3	S5	SINGLE	GLEON-AF-02-LED-E1-S13-HSS/ SSS4A205FN1 (20' AFG)
[Symbol]	4	S4	SINGLE	GLEON-AF-02-LED-E1-S14-HSS/ SSS4A205FN1 (20' AFG)
[Symbol]	2	S5-2	BACK-BACK	GLEON-AF-02-LED-E1-S10/ SSS4A205FN2 (20' AFG)
[Symbol]	7	W4	SINGLE	ISS-AF-350-LED-E1-S14/ WALL MTD 12' AFG

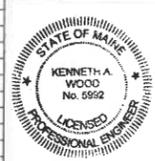
StatArea 1  
 DRIVES AND PARKING AREAS  
 Illuminance (Fc)  
 Average = 2.26  
 Maximum = 6.3  
 Minimum = 0.7  
 Avg/Min Ratio = 3.23  
 Max/Min Ratio = 9.00

TOWN OF ELIOT PLANNING BOARD		DATE
CHAIR		



NOT FOR CONSTRUCTION

NO.	DESCRIPTION	DATE

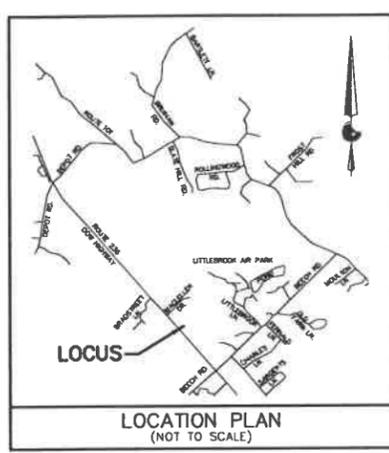


TAX MAP 37, LOT 20

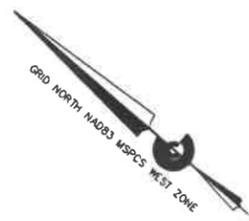
LIGHTING PLAN AMP COMMERCIAL DEVELOPMENT 290 HAROLD L. DOW HIGHWAY, ELIOT, MAINE		
FOR: 290 HAROLD L. DOW, LLC 61 BRADSTREET LANE ELIOT, ME 03903		
<b>ATTAR ENGINEERING, INC.</b> CIVIL • STRUCTURAL • MARINE • SURVEYING 1284 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128		
SCALE: 1" = 30'	APPROVED BY: 	DRAWN BY: AGC
DATE: 08/17/20	REVISION DATE:	
JOB NO: C072-20	FILE: BREARLEY_BASE.DWG	SHEET: 3 OF 4

STATE OF MAINE  
 YORK COUNTY REGISTRY OF DEEDS  
 RECEIVED: 20  
 AT \_\_\_\_\_ M. AND RECORDED IN  
 PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 ATTEST: \_\_\_\_\_ REGISTER

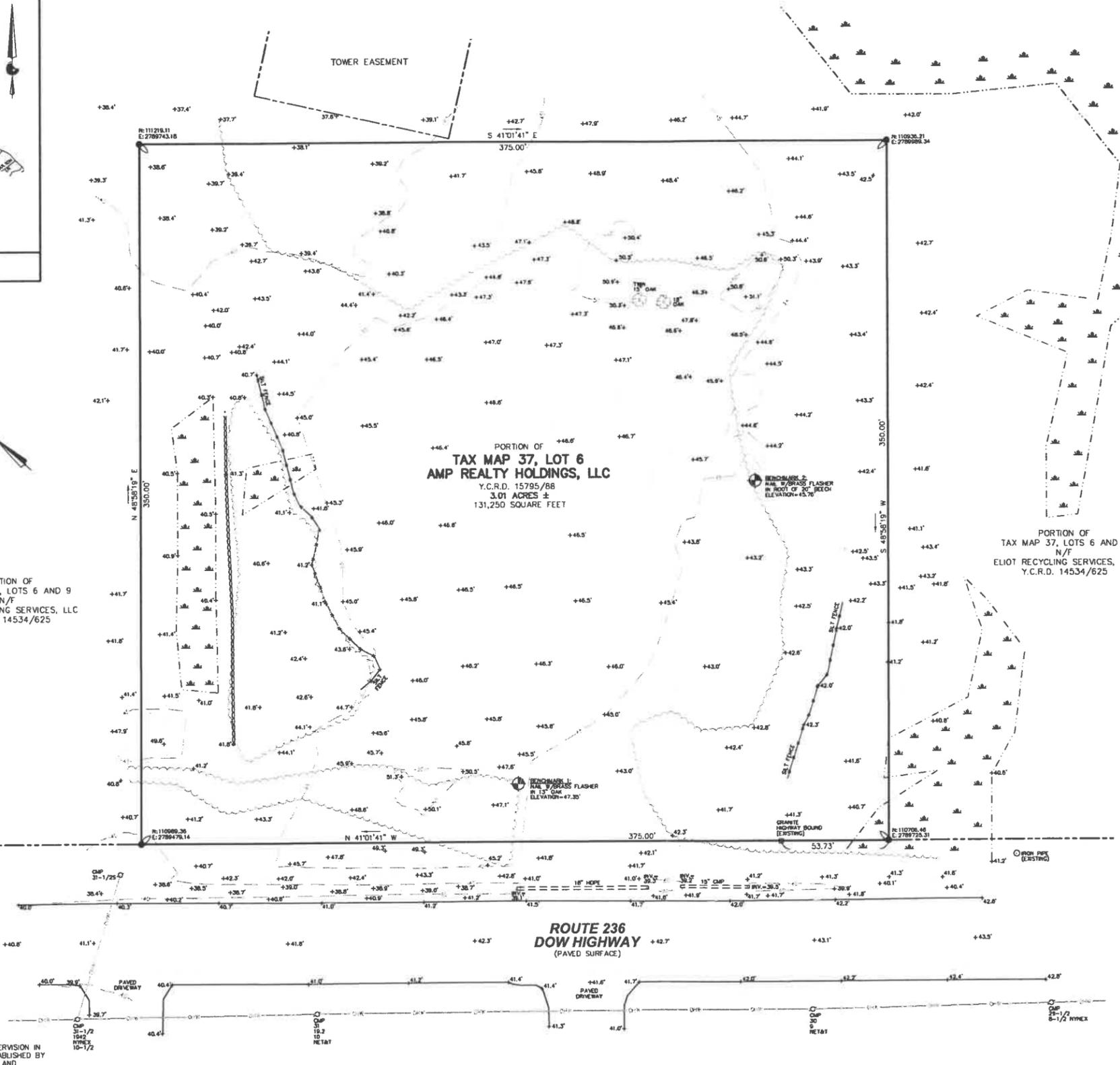




LOCATION PLAN  
(NOT TO SCALE)



PORTION OF  
TAX MAP 37, LOTS 6 AND 9  
N/F  
ELIOT RECYCLING SERVICES, LLC  
Y.C.R.D. 14534/625



PORTION OF  
TAX MAP 37, LOT 6  
AMP REALTY HOLDINGS, LLC  
Y.C.R.D. 15795/88  
3.01 ACRES ±  
131,250 SQUARE FEET

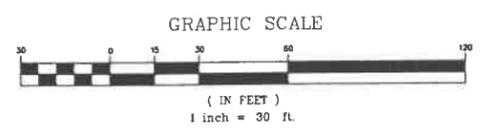
PORTION OF  
TAX MAP 37, LOTS 6 AND 9  
N/F  
ELIOT RECYCLING SERVICES, LLC  
Y.C.R.D. 14534/625

ROUTE 236  
DOW HIGHWAY  
(PAVED SURFACE)

**CERTIFICATION:**

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS (02-360 CMR CHAPTER 90, PART I & PART II - SEE NOTES HEREON FOR EXCEPTIONS, IF ANY).

*[Signature]*  
DATE: JUNE 28, 2010  
MICHAEL P. PEVERETT  
MAINE PROFESSIONAL LAND SURVEYOR #2362  
CIVIL CONSULTANTS  
SOUTH BERWICK, MAINE 03908  
207-384-2550



**NOTES:**

1. PLANIMETRIC AND TOPOGRAPHIC DETAIL DEPICTED HEREON IS THE RESULT OF AN ON-THE-GROUND FIELD SURVEY BY CIVIL CONSULTANTS ON MAY 28 - JUNE 15, 2010.
2. NORTH AS DEPICTED HEREON IS REFERENCED TO GRID NORTH, NAD83, MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE. COORDINATE VALUES AND ORIENTATION ARE DERIVED FROM A GPS SURVEY COMPUTED UTILIZING THE NGS OPUS ON-LINE PROCESSING SERVICE. REFERENCE FRAME IS NAD83 CORS96 EPOCH 2002.0000. THE SURVEY IS TIED TO CORS STATIONS BOSTON WAAS 1 CORS (ZBW1), BARTLETT CORS (BARN) AND BRUNSWICK 1 CORS (BRU1). DISTANCES DEPICTED HEREON ARE GRID. TO CONVERT GRID DISTANCES TO GROUND DISTANCES, MULTIPLY THE GRID DISTANCE BY 1.00000240 (AVERAGE COMBINED SCALE FACTOR FOR THE SITE).
3. ELEVATIONS DEPICTED HEREON ARE REFERENCED TO NAVD83, DERIVED FROM THE ABOVE REFERENCED GPS SURVEY.
4. RECORD OWNER: AMP REALTY HOLDINGS, LLC
5. ASSESSOR'S INFORMATION: TOWN OF ELIOT, ASSESSOR'S MAP 37, PORTION OF LOT 6
6. DEED REFERENCE: Y.C.R.D. 15795/88
7. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS NEED TO CONTACT DIGSAFE AND FIELD VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
8. THE LOCUS PARCEL IS LOCATED IN "ZONE X", ON THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF ELIOT, MAINE, YORK COUNTY, COMMUNITY PANEL NUMBER 230149 0010 B, EFFECTIVE DATE JUNE 8, 1989. ZONE X, IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN".
9. PROPERTY LINES DEPICTED HEREON ARE BASED ON REFERENCE PLAN 1.
10. THE EDGE OF WETLAND AREAS DEPICTED HEREON ARE BASED ON FIELD LOCATION OF WETLAND DELINEATION FLAGS SET BY KENNETH GARDNER SOLS SCIENTIST. THE WETLAND FLAGS WERE LOCATED ON THE GROUND USING A TOTAL STATION.

**REFERENCE PLAN:**

1. "SKETCH TO ACCOMPANY DEED FOR PROPOSED OUTSALE, LAND OF ELIOT RECYCLING SERVICES, LLC, TAX MAP 37, LOTS 6 AND 9, ROUTE 236, ELIOT, YORK COUNTY, MAINE, PREPARED FOR: PETER PAUL, P.O. BOX 694, ELIOT, ME 03903", DATED DECEMBER 3, 2009, PREPARED BY CIVIL CONSULTANTS.

**LEGEND:**

14534/625	DEED BOOK / PAGE NUMBER
CMP	CORRUGATED METAL PIPE
HDPE	HIGH DENSITY POLYETHYLENE
INV.	INVERT
N/F	NOW OR FORMERLY
Y.C.R.D.	YORK COUNTY REGISTRY OF DEEDS
○	UTILITY POLE
—	GUY WIRE
—	OVERHEAD WIRES
—	TREE LINE
○	DECIDUOUS TREE (AS NOTED)
○	SURVEY BENCHMARK (AS NOTED)
—	STONE WALL
+ 40.0'	SPOT ELEVATION
—	WETLANDS
—	CONTIGUOUS OWNERSHIP
○	EXISTING IRON PIPE (AS NOTED)
○	EXISTING GRANITE BOUND (AS NOTED)
○	5/8" REBAR W/PLASTIC CAP SET
—	LOCUS PROPERTY LINE
—	APPROXIMATE ADJOINING PROPERTY LINE
—	MAINE STATE PLANE COORDINATES



CIVIL CONSULTANTS  
Engineers  
Planners  
Surveyors  
P.O. Box 100  
South Berwick  
Maine  
03908  
207-384-2550  
civcon@civcon.com

NO.	REVISIONS	INT.	DATE

P.O. BOX 694, ELIOT, ME 03903  
ROUTE 236 (DOW HIGHWAY)  
PORTION OF TAX MAP 37, LOT 6  
ELIOT, YORK COUNTY, MAINE  
PREPARED FOR:  
PETER PAUL - NORTHERN POOL & SPA  
P.O. BOX 694, ELIOT, ME 03903

CIVIL CONSULTANTS	
DRAWN MPP	CALC. MPP
DATE JUNE 28, 2010	
CHECKED CHM	APPROVED MPP
SCALE 1" = 30'	
SHEET TITLE: •EXISTING CONDITIONS	
SHEET NUMBER: C1	
SHEET 1 of 1	
PROJECT # 08-111.00	



*Eliot Fire Department*  
*Chief Jay P. Muzeroll*

---

September 28, 2020

Town of Eliot  
Planning Board

Ref: PB20-16, 290 Harold Dow Highway

Dear Board,

I have reviewed the application for the above referenced facility and submit the following:

- The building is greater than 3000 square feet and requires a Maine Fire Marshal review as well as associated state required permits.
- The occupancy is required to follow the 2018 Edition of NFPA 1, Chapter 38 and its referenced codes, standards and documents.
- Knox Box access to the facility.
- Full Fire Alarm system with monitoring off premise 24/7.
- All copies of permits and requirements from the Maine Fire Marshals office to the Eliot Fire Chief.
- Complete set of construction plans to include access and egress roads submitted to the Eliot Fire Chief prior to construction.
- Any proposed fire hydrant locations approved by the Eliot Fire Chief.
- If structure is to be sprinkled for fire protection contact the Eliot Fire Chief for location and type of fire department street connection.

As always feel free.....

Jay Muzeroll  
Eliot Fire Chief

AMP REALTY HOLDINGS LLC  
C/O NORTHERN POOL & SPA  
291 HAROLD L DOW HWY  
ELIOT, ME 03903

MORIARTY, MARIE  
23 LANDING DR  
METHUEN, MA 01844-5825

ANCHOR HOLDINGS LLC  
PO BOX 436  
PLAISTOW, NH 03865-0436

NATURAL ROCKS SPRING WATE  
299 HAROLD L DOW HWY  
ELIOT, ME 03903

BLACK HAWK HOLDINGS LLC  
36 WILSON ST  
WILTON, NH 03086

SLATE HILL RECYCLING LLC  
171 YORK WOODS RD  
SOUTH BERWICK, ME 03908

BMT ENTERPRISES  
10 NORDIC LN  
ROLLINSFORD, NH 03869

BMT ENTERPRISES  
10 NORDIC LN  
ROLLINSFORD, NH 03869

CHURCHILL, EVAN A/ROSALIE  
EVAN A AND ROSALIE B CHUR  
1288 STATE RD  
ELIOT, ME 03903

CRESTA, RALPH J  
CRESTA, KATHERINE A  
295 WEST RD  
PORTSMOUTH, NH 03801

GORANSSON, PAUL  
GORANSSON, HLEN  
255 DEPOT RD  
ELIOT, ME 03903

HERITAGE OPERATING LP  
AMERIGAS PROPANE LP  
C/O THE ALBANO GROUP  
PO BOX 1240  
MANCHESTER, NH 03105

JULIE LANE LLC  
113 GOVERNMENT ST  
KITTEERY, ME 03904

**PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use:  
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**



**TOWN OF ELIOT MAINE**

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

To: Planning Board  
From: Jeff Brubaker, AICP, Town Planner  
Cc: Kenneth A. Wood, PE, Attar Engineering  
Brian Nielsen, EIT, Attar Engineering  
Shelly Bishop, Town of Eliot Code Enforcement Officer (CEO)  
Kearsten Metz, Land Use Administrative Assistant  
Date: October 6, 2020 (meeting date)  
Re: PB20-16: 291 Harold L. Dow Highway (Map 37 / Lot 2-1) Site Plan Review  
Application / Change of Use from Nonprofit Medical Marijuana Dispensary to  
Adult Use Marijuana Product – **Application Review/Public Hearing**

*Previous report: For Planning Board's Sept. 15, 2020 Preliminary/Sketch Plan Review*

<b>Application Details/Checklist Documentation</b>	
✓ Address:	291 Harold Dow Highway
✓ Map/Lot:	Map 37 / Lot 2-1
✓ PB Case#:	PB20-16
✓ Zoning District:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	Limited Commercial (LC)
✓ Owner Name:	Paolucci Realty Trust
✓ Applicant Name:	Arcanna Realty, LLC, and Paolucci Realty Trust
✓ Proposed Project:	Site Plan Review for the following: • Change of Use
✓ Application Received by Staff:	Date: August 18, 2020
✓ Application Fee Paid and Date: Application Fee Paid and Date:	\$125.00: Site Plan Amendment (\$100.00); Change of Use (\$25.00); revised from new site plan fee (refund) Date Paid: 8-20-2020
✓ Application Sent to Staff Reviewers:	Date: August 19, 2020
✓ Application Heard by PB	Date: September 15, 2020
✓ Found Complete by PB	Date: September 15, 2020
Site Walk	Date: N/A
<b>Public Hearing</b>	<b>Date: October 6, 2020 (scheduled)</b>
Public Hearing Publication	Date: September 23, 2020
Deliberation	Date: N/A
Notice of Decision	Date: N/A
✓ Reason for PB Review:	Site Plan Review / Change of Use

## **PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use: Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

### **Overview**

Arcanna Realty, LLC, and Paolucci Realty Trust are applying for a Change of Use from Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Cultivation and Manufacturing/Production facility at 291 Harold Dow Highway (Map 37, Lot 2-1). The property is three (3) acres in area and currently has two existing buildings as well as accessory structures. The front building is the Northern Pool & Spa retail store, built in 1996, and the rear building is a warehouse built in 2000, which was approved in July 2019 by the Planning Board for certain medical marijuana uses. The application states that the applicant “intends to utilize the site in its existing condition...No new buildings or expansion of existing developed areas are proposed.” The application notes that a small utility shed is proposed to be added.

### **Zoning**

The application is in the Commercial/Industrial (C/I) district. A small portion of the site is in the Limited Commercial (LC) Shoreland Zoning district. The only uses shown in the LC overlay are existing conditions: some outdoor storage, a dumpster, and a well.

### **Type of review needed**

Sec. 11-3 of the Town Code defines a “marijuana establishment” as follows:

*Marijuana establishment* shall mean a “marijuana establishment” as that term is defined in 28-B M.R.S.A. § 102(29), as may be amended. A *marijuana establishment* is a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility, or a marijuana testing facility or a marijuana social club.

The applicant is applying for a “marijuana establishment” use in the table of land uses (45-290). This is an SPR use in the C/I district, which means it may be permitted subject to site plan review and conformance to the requirements of Sec. 33-190 – Performance Standards for Marijuana Establishments. Sec. 33-190 requires that all marijuana establishments go through site plan review and receive approval from the Planning Board. Therefore, although there are no new major buildings proposed and no expansion of existing developed areas, the change of use requires site plan review.

### **Preliminary/Sketch Plan review and public hearing**

Preliminary/Sketch Plan review occurred on September 15. The Planning Board found the application complete and voted to go forward with a public hearing. The public hearing is the focus of this (October 6) meeting.

### **Previous Planning Board actions**

In April 2019, Alex Ross/Ross Engineering (property owner: Paolucci Realty Trust; agent: Attar Engineering) submitted a Site Plan Review application (referred to in this report as the “April 2019 application”) to change the use of the rear, 5,000-sf. cold storage

**PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use: Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

warehouse building to a nonprofit medical marijuana dispensary. The Planning Board approved the application on July 2, 2019, to “operate a non-profit medical marijuana dispensary/restricted-entry patient care center/medical marijuana cultivation and processing facility”, per the Notice of Decision. (Although there is a reference to a “dispensary”, no on-site transfer of marijuana products to customers was proposed.) The Planning Board found that the application proposed no changes to existing site conditions, met the 500-foot buffering (i.e. setback) requirement from sensitive uses, and addressed all applicable performance criteria (including Sec. 33-189) and/or ordinance requirements. A commercial kitchen was also part of the application. One of the approval conditions was that “A copy of the Food Establishment License from the Department of Agriculture, Conservation, and Forestry will be submitted to the Planner”.

In December 2019, the applicant (Paolucci Realty Trust; agent: Attar Engineering) submitted a site plan review application proposing a change of use from “Nonprofit Medical Marijuana Dispensary” to that use plus “Retail”, which would have allowed the reconfiguration of a portion of the Northern Pool & Spa retail space for registered primary caregiver sales of medical marijuana products cultivated and processed in the warehouse building. However, this application was not reviewed by the Planning Board.

**Uses**

The applicant is seeking approval of a change of use to allow them to “prepare Adult Use Marijuana products from the existing medical marijuana cultivation and processing operations taking place in the 5,000 square foot facility on site.” The application does not propose a marijuana retail store. General note #4 on the site plan states, in part: “The proposed change in use shall not generate nor reconfigure any retail space on-site”. If marijuana retail sales are desired at this location at a later date, the applicant will be required to, at minimum, go before the Planning Board with a change of use application.

**State conditional license**

Before an application is heard by the Planning Board, the Town requires that applicants furnish a conditional license from the Maine Office of Marijuana Policy (OMP) for any adult use marijuana establishment for which they are seeking land use approval. The application package includes OMP conditional licenses granted to Arcanna LLC for:

- Adult Use Marijuana Cultivation Facility, Tier 3 (expires 6/25/21)
- Adult Use Marijuana Products Manufacturing Facility (expires 6/25/21)

**Sec. 33-190 – Performance standards for marijuana establishments**

With an application for change of use to adult use marijuana uses, the application becomes subject to Sec. 33-190 performance standards. The below sections run through these standards, with italicized text for new updates from September 15.

**PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use:  
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

*Screening*

Marijuana establishments must be screened from view according to the site plan screening requirement in Section 33-175. This is similar to a requirement in 33-189 – performance standards for Nonprofit medical marijuana dispensaries and registered primary caregivers – which the Planning Board determined the applicant met in April 2019 when the medical marijuana uses were approved. As part of that application, four arbor vitae, minimum of 6 ft. in height, were installed behind the fence near the gate; these are now shown on the site plan.

Since this application pertains to a change of use within an existing building, proposes to “utilize the site in its existing conditions”, and does not propose to reconfigure existing footprints or production areas or create additions to the primary building, new screening may not be needed. However, there is an opportunity to provide new screening in accordance with 33-175(b), which states, in part: “Front yards, especially those along Rte. 236, shall have an extensive vegetative cover, including large shade trees. Areas along Rte. 236 shall be 50 feet in width, beginning at the 50-foot setback line and extending to the rear of the front yard so as to screen the proposed use.” This is discussed more below related to parking. In the application, no new landscaping is proposed. Proposed fencing is shown on the site plan.

***October 6 update:** The applicant has not submitted an updated site plan showing additional screening.*

*Parking and loading*

As no building expansion is taking place, the site plan (see general note 6) has the same parking calculation as the April 2019 application: 9 spaces required for the marijuana use in the rear building (10 provided) and 24 spaces required for customers and employees of the front retail building (27 provided). The application reports that there are 6 employees employed by the medical marijuana facility and a maximum of 10 employees at Northern Pool & Spa. Assuming work shifts, not all employees would be expected to park during the same time. The calculation for the rear building uses the nonprofit medical marijuana dispensary standard of 1 space per 200 sf. of floor area, exclusive of bulk storage areas (45-495, row (9)). Since the application is for a change of use with no augmentation of building space, any new parking demand would be related to something inherent in the new use relative to the old use. The site plan continues to show the two existing loading bays, which meets the requirement for the building square footage (45-494).

No new parking is proposed. There are 20 existing spaces behind the gate and 10 paved parking spaces in front of the Northern Pool & Spa retail building. The site plan also shows 7 parking spaces in the grass in the northeast corner of the site, close to Route 236. Five of these spaces are within the 50-ft. front setback of Route 236. Informal parking in this area is visible in Street View (Sept. 2019 and Oct. 2018) and in photos

**PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use:  
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

included in the application. Parking is a permitted accessory use in the front, rear, and side of premises, so long as it does not violate setback requirements for front, rear or side yards (45-487). It appears from Google Earth that this area was used as a pool display area as late as 2007. Because the latest change to 45-487 was in 1989, it is unlikely that these de-facto parking spaces in the grass are legally nonconforming, and they are also not standard spaces. Since the parking calculation indicates a surplus of spaces compared to what is required, this may be an opportunity for the Planning Board to discuss with the applicant the replacement of some number of these informal “spaces” in the grass with buffering or landscaping. Since the closest spaces are next to the drainage ditch, this may be an opportunity for a small stormwater best management practice (BMP). While the site is not within the MS4 urbanized area, the Town Code has a stormwater performance standard in Section 45-411, which states, in part: “Surface water runoff shall be minimized and detained on site if possible or practicable”.

***October 6 update:** Since the September 15 meeting, driving by the site, it appears that pavement has been added to the grass area for parking (after Sept. 2019 when the Street View images were taken). It is reiterated that parking in the 50 ft. setback area should not be continued, per Section 45-487, and that this may be an opportunity to fulfill the Section 33-190/33-175 screening requirements and add a stormwater BMP. Section 45-487 and the current parking orientation in the setback have been communicated to the applicant’s agent via the September 15 Planning Board staff report, a September 17 review letter, and a phone call on September 28. As of this report, a revised site plan addressing this has not been submitted.*



**Informal parking area in the northeast corner of the site (Sept. 2019 Street View). *There is now additional pavement in the area.***

**PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use:  
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

*Signage and advertising*

No changes to signage are proposed in the application.

*Area of marijuana-related activities*

No change in the marijuana cultivation and processing area is proposed. The application seeks to reclassify the existing enclosed warehouse facility – approved for use as a medical marijuana dispensary and cultivation and processing facility – as an adult use marijuana production facility. The application states that “no waste materials are proposed to be stored outside buildings”. However, the Board may wish to confirm with the applicant that the outdoor storage area in front of the warehouse; the existing, open-fronted lean-to structure; or other unenclosed areas will not have cultivation, processing, displaying, or storage of marijuana or marijuana products.

*Odor management*

The Planner review (June 10, 2019) of the April 2019 application stated that the “applicant is proposing to control exterior odors with an internal circulating air handling system including a CO<sub>2</sub> air exchange system with carbon filter scrubbers. The Board may wish to discuss this further with the applicant to ensure that the dispensary is not producing offensive or harmful odors perceptible beyond the lot lines per Section 45-409”. As part of review of this application, an odor mitigation plan was provided that indicated that the cultivation space would be in a sealed environment with 4 recirculating/scrubbing filters per flowering space yielding 10 air changes per hour.

The Board may wish to confirm with the applicant that the described system is in place and functioning properly, whether any additional odor control measures are contemplated, and that there have not been any issues with odors at lot lines, ventilation of noxious gases or fumes, and emission of smoke, debris, dust, and fluids.

***October 6 update:** At the time of this report, a revised site plan or other written information addressing this standard have not been submitted. The applicant verbally confirmed at the September 15 meeting that the odor management controls that are currently in place will be continued (see draft minutes).*

*Marijuana product disposal*

Section 33-190 requires “an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations”. A standalone disposal operational plan was not submitted with the application, but the application indicates that no waste materials will be stored outside buildings and no incineration devices exist or are proposed. The site plan shows an existing dumpster behind the warehouse with security fencing and screening, to be locked at all times. OMP’s Adult Use Marijuana Program Rule (18-691 CMR, Ch. 1) requires that applicants for state conditional licenses submit waste disposal plans as part of their overall operating plan. The Planning Board

**PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use: Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

may wish to review the applicant's waste disposal plan or otherwise request more information about current/proposed waste disposal.

*Security measures*

The April 2019 application proposed a number of security measures, including: gate with Knox box access; alarm system; security cameras; building locked 24/7; key/card entry; door security; and dedicated/locked dumpster. The site plan for this current application additionally shows the secured loading bays; a secured emergency entrance/exit near the loading bays; existing and proposed LED flood lights around each building; and other fencing/gates. General note 13 on the site plan also references the security camera system and building locking/key/card access. Additionally, as required by the state Adult Use Marijuana Program Rule, each licensee at the state level needs to have a written security plan approved by the state before they can operate.

The Planning Board may wish to request more information from the applicant on whether some other required security measures are included, such as:

- Whether the alarm system has a police department notification component
- To be provided to the Eliot Police Department, the name and functioning telephone number of a 24-hour on-call staff person to whom the town may provide notice of any operating problems associated with the establishment
- A locking safe permanently affixed to the premises that is suitable for storage of all adult use marijuana product and cash stored overnight on the premises
- Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows)

***October 6 update:** At the time of this report, a revised site plan or other written information addressing this standard have not been submitted. The applicant verbally confirmed at the September 15 meeting that the security provisions that are currently in place, including lighting and fencing, will be continued (see draft minutes).*

*Separation from sensitive uses*

The application states that 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", and includes a location map showing the 500 ft. buffer. Note that the application does not pertain to a "marijuana store structure", which is the specific use to which the 33-190(5) 500 ft. buffer/setback requirement applies.

*Hours of operation*

Information submitted in support of the April 2019 application described the medical marijuana facility's proposed hours of operation: 7 AM to 11 PM, including two work

**PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use:  
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

shifts with a shift change at 3 PM. The Board may wish to confirm whether there are any proposed changes to the hours of operation as part of the change of use.

***October 6 update:** At the time of this report, a revised site plan or other written information addressing this standard have not been submitted. The applicant verbally confirmed at the September 15 meeting that the hours of operation would not change and that the days of operation are Monday-Friday (see draft minutes).*

*Size limitation*

As noted, the applicant's conditional license for cultivation is Tier 3 (not more than 7,000 sq. ft. of plant canopy). The warehouse building is 5,000 sq. ft., well under the Tier 3 cap.

*Sale of edible products*

No sales are proposed as part of this application. The Board may wish to confirm with the applicant that any produced edible products will be stored in a secure area.

***October 6 update:** The applicant verbally confirmed at the September 15 meeting that they have a food establishment license from the state for medical purposes, and that this is the same one they would need for adult use (see draft minutes).*

*Drive-through and home delivery*

No sales, drive-through, home delivery activities are proposed.

*Pesticides*

The state Adult Use Marijuana Program Rule requires all cultivation facility conditional license applicants to submit a "list of all pesticides, fungicides, insecticides and fertilizers that will be present or used". The rule also has extensive packaging and labeling requirements.

*Inspection*

Section 33-190 requires Code Enforcement Officer and Fire Chief (or designee) inspections prior to Certificate of Occupancy.

**Wastewater**

The application states that wastewater disposal "will be...provided by the existing wastewater disposal field" and recently-installed 1000-gallon septic tank and pump. The application states that the wastewater disposal system is designed to provide treatment for up to 30 employees, significantly more than the 16 (at maximum) currently employed on site. A copy of the 1995 wastewater disposal system application (HHE-200) is included in the application packet.

**PB20-16: 291 H.L. Dow Hwy. (Map 37/Lot 2-1) SPR Application / Change of Use:  
Nonprofit Medical Marijuana Dispensary to Adult Use Marijuana Product**

**Traffic**

The application estimates the current/proposed trip generation at 48 vehicle trip ends per day with no significant impact on existing traffic H.L. Dow Hwy.

**Fire safety**

The Fire Chief submitted a review letter with a list of comments for the April 2019 application.

*October 6 update: The Fire Chief has submitted a new review letter, which is included in this agenda item.*

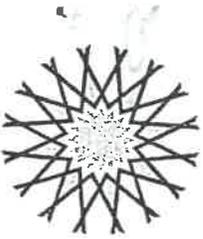
General notes 14-18 on the site plan have more information about the site's fire alarm system, carbon dioxide meters and tanks, hazardous materials, required Fire Chief walkthrough prior to occupancy, and commercial kitchen fire suppression.

**Requested information waivers**

- Drainage plan – 33-127(8)
- Soil erosion and sediment control plan 33-127(11)
- High intensity soils report – 33-127(12)
- Subsurface soil and groundwater conditions test – 33-127(16) – also shown on 1995 HHE-200 form

Respectfully submitted,

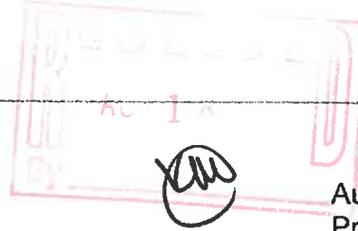
Jeff Brubaker, AICP  
Town Planner



# ATTAR

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE



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

August 18, 2020  
Project No. C057-20

**RE: Site Plan Application (Change of Use)  
291 H.L. Dow Highway (Tax Map 37, Lot 2-1)  
Eliot, Maine**

Dear Mr. Brubaker:

On behalf of Arcanna Realty, LLC. And Paolucci Realty Trust, I have enclosed an Application for Site Plan Review and additional supporting documentation for the above referenced project. The 3.0 acre parcel, located at 291 Howard L. Dow Highway, is in the Commercial/Industrial and Limited Commercial zoning districts. It is not located in a flood hazard zone.

The Planning Board reviewed and approved previous applications involving this site, in April and May of 2019, as well as in December of 2019 and January of this year.

The applicant is proposing a change of use for this existing site from "Nonprofit Medical Marijuana Dispensary" to "Adult Use Marijuana Product" facility, both allowed uses in the C/I District (Section 33-189, "Planning and Development"). The change of use will enable Arcanna Realty, LLC. to prepare Adult Use Marijuana products from the existing medical marijuana cultivation and processing operations taking place in the 5,000 square foot facility on-site.

This change in use will result in no reconfiguration of existing footprints or production areas and will not require any additions to the primary building on-site. 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 (graphic map attached). There are also no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management.

The Boundary Survey of the parcel is enclosed; there have been no changes to the boundary and the original owner is the current owner.

Wastewater disposal will be provided by the existing wastewater disposal field. The recently constructed 1,000 GAL septic tank and pump shall continue to serve the facility. The existing 1,500 GAL disposal system was designed to provide treatment for 360 GPD equating to 30 employees at 12 GPD/employee, which is greater than the (additional) six employees, employed by the facility and the maximum of 10 employees at Northern Pool & Spa. The HHE-200 Form for the system is attached. There is also an existing water service to the building; domestic water will be provided by the on-site well which currently has a yield of 55 GPM.

Traffic generated by the facility will include employees (approximately 48 vehicle trip ends per day). Traffic generated by the facility will not impact the existing traffic on H.L. Dow Highway,

approximately 17,000 vehicles per day (Source: MDOT 2017 "Maine Transportation Count Book" – ADT 2016 and 2013) .

Please note that the applicant intends to utilize the site in its existing condition, therefore, the site plan submitted with this application depicts existing conditions. No new buildings or expansion of existing developed areas are proposed.

A summary of the site plan information (Municipal Code of Ordinances Town of Eliot, Maine - Section 33-127. Contents, required information) is included with the application.

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;

A handwritten signature in black ink that reads "Michael J. Sudak". The signature is written in a cursive, flowing style.

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

cc: Paolucci Realty Trust, Arcanna Realty, LLC.

C057-20 Cover 18Aug2020.doc

Site Plan Review Submissions Checklist

Applicant Name: Arcanna Retail, LLC.  
 Address & Map/Lot: 291 Harold Dow Highway, Tax Map 37 Lot 02-1

This is a working document, to be used with applicants and staff to ensure information provided is consistent and complete. It should be used as a guide in assembling the information necessary for a site plan review. Once the checklist is completed, applicable waivers indicated, and the information provided, it should be submitted with the application materials.

Instructions for Applicants:

1. Indicate if the information has been submitted by checking the appropriate box in column 1.
2. The Planner and Board will use this checklist with the applicant to determine if the application presented is complete.
3. If you believe that a required submission is not applicable to your proposed project, please discuss this matter with the Planner. If the staff agrees the submission to be not applicable, the staff member will check the appropriate category and indicate the reason the item is not applicable.
4. If a staff member denies a waiver request, that staff member will check the box in column 4 and the Planning Board will make the determination at the meeting.
5. The developer shall submit two originals of a site plan, drawn at a scale of not smaller than one inch equals 20 feet, and ten copies reduced to 11 inches by 17 inches, and showing the following information unless the Planning Board waives these requirements, upon written request of the applicant.

Section Number of Ordinances	Item Description from Ordinances	1 Submitted by the Applicant	2 Submission Determined to be Sufficient by the Planning Board	3 Submission Determined Not Applicable by the Planner	4 Applicant Requests Waiver of Submission Requirement
33-127(1)	Development name or identifying title and name of the Town	✓			
33-127(2)	Name & Address of Record Owners, Developer and Designer	✓			
33-127(3)	Names & Addresses of All Abutters and Their Present Land Use	✓			
33-127(4)	Perimeter Survey of the Parcel Made and Certified by a State-Registered Land Surveyor, Relating to Reference Points, Showing True North Point, Graphic Scale, Corners of the Parcel, Date of Survey, Total	✓			

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features				
33-127(5)	The Location of Temporary Markers Adequate to Enable the Planning Board to locate readily and appraise the basic layout in the field	✓			
33-127(6)	Contour lines at intervals of not more than five feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more	✓			
33-127(7)	Provisions of Chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development	✓			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan	Waiver Requested: No proposed change			✓
33-127(9)	Preliminary designs of any bridges or culverts which may be required	N/A			
33-127(10)	The location of all natural features or site elements to be preserved	✓			
33-127(11)	A soil erosion and sediment control plan	✓			
33-127(12)	A high intensity soils report identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon	Waiver Requested: No proposed change			✓

	compliance with any recommendations included in such report				
33-127(13)	The locations & size of any existing sewers & water mains, culverts & drains on the property to be developed	✓			
33-127(14)	Connection with existing water supply or alternative means of providing water supply to the proposed development	✓			
33-127(15)	Connection with existing sanitary sewerage system or alternative means of treatment & disposal proposed	✓			
33-127(16)	If a private sewage disposal system is proposed, location & results of tests to ascertain subsurface soil & groundwater conditions, depth to maximum groundwater level, location & results of soil testing	Waiver Requested: No proposed change			✓
33-127(17)	An estimated progress schedule	✓			
33-127(18)	Construction drawings sufficient to enable the Code Enforcement Officer to verify the following information:	✓			
a.	Total floor area, ground coverage & location of each proposed building, structure or addition	✓			
b.	All existing & proposed setback dimensions	✓			
c.	The size, location, direction & intensity of illumination of all major outdoor lighting apparatus & signs	✓			
d.	The type, size & location of all incineration devices	N/A			
e.	The type, size & location of all machinery likely to generate appreciable noise beyond the lot lines	N/A			
f.	The amount & type of any raw, finished or waste				

	materials to be stored outside of roofed buildings, including their physical & chemical properties, if appropriate	N/A			
g.	The location, type & size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas & the layouts together with all dimensions	✓			
h.	All landscaped areas, fencing & size & type of plant material proposed to be retained or replanted	✓			
i.	A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.	N/A			
j.	Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this code. If these submission requirements conflict with the requirements of chapter 41, the stricter standards shall apply.	N/A			
33-127(19)	Site plans and construction drawings for new and existing structures listed as SPR in section 45-290 shall	✓			

	be submitted to the Eliot Fire Chief for review and comment prior to final approval by the Planning Board				
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In addition to the above, when applicable, the Planning Board may require detailed interior plans including dimensional measurements and uses of all interior spaces, placement of equipment, counters, etc. and when applicable, seating charts indicating table/chair arrangements and the number of requested tables and seats.

The Planner will work with the applicant to ensure this checklist is complete before a Site Plan Review application is scheduled for review by the Planning Board.

\_\_\_\_\_  
Town Planner

\_\_\_\_\_  
Date

**Staff Section Only:**

Address:	
Map/Lot:	
PB Case #:	
Zoning District:	
Shoreland Zoning:	
Owner Name:	
Applicant Name:	
Proposed Project:	
Application Received by Staff:	
Application Fee Paid and Date:	
Application Received/Found Complete by PB:	
Site Walk Date:	
Public Hearing Date:	
Public Hearing Publication Date:	
Reason for PB Review:	

**Arcanna Retail, LLC**  
61 Bradstreet Lane  
Eliot, ME 03903  
603-491-5595

Jeffrey Brubaker  
Town of Eliot Maine  
1333 State Rd, Eliot, ME 03903

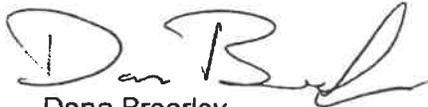
August 17, 2020

Dear Mr. Brubaker,

Please be informed that Kenneth A. Wood, P.E. and Brian Nielsen, E.I.T. of Attar Engineering, Inc. will be acting as my agents for the applications and permitting of my project at 290 Harold Dow Highway.

Please contact me if I can provide any additional information.

Sincerely;

A handwritten signature in black ink, appearing to read "Dana Brearley". The signature is fluid and cursive, with the first name "Dana" and last name "Brearley" clearly distinguishable.

Dana Brearley  
Arcanna Retail, LLC

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

**DJR REAL ESTATE, LLC**  
61 Bradstreet Lane  
Eliot, ME 03903  
603-491-5595

Jeffrey Brubaker  
Town of Eliot Maine  
1333 State Rd, Eliot, ME 03903

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Dana Brearley  
DJR Real Estate, LLC

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

**Paolucci Realty Trust**  
291 Harold Dow Highway  
Eliot, ME 03903  
207-439-6800

Jeffrey Brubaker  
Town of Eliot Maine  
1333 State Rd, Eliot, ME 03903

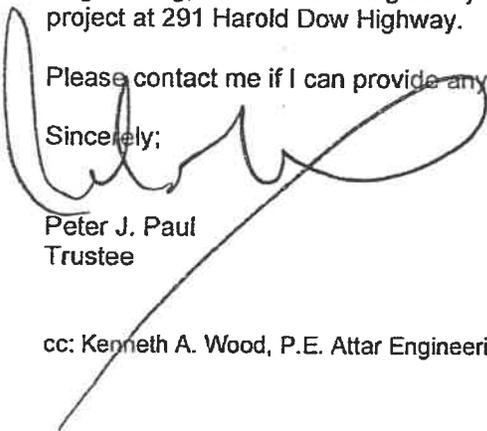
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Please contact me if I can provide any additional information.

Sincerely;



Peter J. Paul  
Trustee

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

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 37    Lot# 2-1    Lot Size 3 acres    Zoning District: Commercial/ Industrial

Your Name Attar Engineering, Inc.    Your mailing address 1284 State Road  
Kenneth A. Wood, P.E.

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

Who owns the property now? Arcanna Retail, LLC.

Address (Location) of the property 291 Harold L 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? Marijuana Establishment  
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

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

Change of use of existing Nonprofit Medical Marijuana Dispensary to an Adult Use  
Marijuana Cultivation and Manufacturing/Production facility.

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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 Michael J. Sudak    Date 8/18/2020  
*Agent*

Property Owner Michael J. Sudak    Date 8/18/2020  
*Agent*

- 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.

<b>PART 2</b>
---------------

Case No. \_\_\_\_\_  
Site review? Yes No

**DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT**

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

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

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

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

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

Case No. \_\_\_\_\_  
Site review? Yes No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. \_\_\_\_\_

Site review?    Yes    No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

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

Case No. \_\_\_\_\_  
Site review?    Yes    No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

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

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



# 500 foot Abutters List Report

Eliot, ME  
August 18, 2020

## Subject Property:

Parcel Number: 037-002-001  
CAMA Number: 037-002-001  
Property Address: 291 HAROLD L DOW HWY

Mailing Address: PAOLUCCI REALTY TRUST PETER J &  
CARMEN S PAUL TRUSTEES  
291 HAROLD L DOW HWY  
ELIOT, ME 03903

## Abutters:

Parcel Number: 036-009-003  
CAMA Number: 036-009-003  
Property Address: 40 JULIE LN

Mailing Address: ANCHOR HOLDINGS LLC  
PO BOX 436  
PLAISTOW, NH 03865-0436

Parcel Number: 036-009-005  
CAMA Number: 036-009-005  
Property Address: 61 JULIE LN

Mailing Address: JULIE LANE LLC  
113 GOVERNMENT ST  
KITTERY, ME 03904

Parcel Number: 036-009-006  
CAMA Number: 036-009-006  
Property Address: 38 JULIE LN

Mailing Address: BMT ENTERPRISES  
10 NORDIC LN  
ROLLINSFORD, NH 03869

Parcel Number: 037-001-000  
CAMA Number: 037-001-000  
Property Address: 265 HAROLD L DOW HWY

Mailing Address: CHURCHILL, EVAN A/ROSALIE B  
REVOCABLE TR EVAN A AND ROSALIE  
B CHURCHILL TRUSTEES  
1288 STATE RD  
ELIOT, ME 03903

Parcel Number: 037-002-002  
CAMA Number: 037-002-002  
Property Address: 4 BROOK DR

Mailing Address: MORIARTY, MARIE  
23 LANDING DR  
METHUEN, MA 01844-5825

Parcel Number: 037-002-003  
CAMA Number: 037-002-003  
Property Address: 28 BROOK DR

Mailing Address: BMT ENTERPRISES  
10 NORDIC LN  
ROLLINSFORD, NH 03869

Parcel Number: 037-002-004  
CAMA Number: 037-002-004  
Property Address: BROOK DR

Mailing Address: GORANSSON, PAUL GORANSSON,  
HLEN  
255 DEPOT RD  
ELIOT, ME 03903

Parcel Number: 037-003-000  
CAMA Number: 037-003-000  
Property Address: 6 JULIE LN

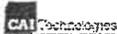
Mailing Address: CRESTA, RALPH J CRESTA,  
KATHERINE A  
295 WEST RD  
PORTSMOUTH, NH 03801

Parcel Number: 037-003-001  
CAMA Number: 037-003-001  
Property Address: 299 HAROLD L DOW HWY

Mailing Address: NATURAL ROCKS SPRING WATER ICE  
CO INC  
299 HAROLD L DOW HWY  
ELIOT, ME 03903

Parcel Number: 037-004-000  
CAMA Number: 037-004-000  
Property Address: 14 MACLELLAN LN

Mailing Address: HERITAGE OPERATING LP AMERIGAS  
PROPANE LP  
C/O THE ALBANO GROUP PO BOX 1240  
MANCHESTER, NH 03105



www.cai-tech.com

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



# 500 foot Abutters List Report

Eliot, ME  
August 18, 2020

Parcel Number: 037-009-000  
CAMA Number: 037-009-000  
Property Address: 276 HAROLD L DOW HWY

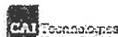
Mailing Address: BLACK HAWK HOLDINGS LLC  
36 WILSON ST  
WILTON, NH 03086

Parcel Number: 037-020-000  
CAMA Number: 037-020-000  
Property Address: 290 HAROLD L DOW HWY

Mailing Address: AMP REALTY HOLDINGS LLC  
C/O NORTHERN POOL & SPA 291  
HAROLD L DOW HWY  
ELIOT, ME 03903

Parcel Number: 037-021-000  
CAMA Number: 037-021-000  
Property Address: 300 HAROLD L DOW HWY

Mailing Address: SLATE HILL RECYCLING LLC  
171 YORK WOODS RD  
SOUTH BERWICK, ME 03908



[www.cai-tech.com](http://www.cai-tech.com)

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8/18/2020

Page 2 of 2

**CODE OF MUNICIPAL ORDINANCES – TOWN OF ELIOT, MAINE**  
**Section 33-127. Contents; required information**  
**Nonprofit Medical Marijuana Dispensary / Adult Use Marijuana Product**

- (1) Development name or identifying title and the name of the town

*This information is provided on the Site Plan.*

- (2) Name and address of record owners, developer and designer

*This information is provided on the Site Plan.*

- (3) Names and addresses of all abutters and their present land use

*This information is provided on the Site Plan.*

- (4) Perimeter survey of the parcel made and certified by a state-registered land surveyor, relating to reference points, showing true north point, graphic scale, corners of the parcel, date of survey, total acreage, existing easements, buildings, watercourses and other essential existing physical features.

*The original perimeter survey is provided; there have been no changes to the boundary (verified by an on-site inspection) and the same owner who purchased the parcel based on the survey currently owns the parcel.*

- (5) The location of temporary markers adequate to enable the planning board to locate readily and appraise the basic layout in the field.

*The site layout is apparent due to its existing conditions; the proposed development will be located in an existing building. A small utility shed is also proposed.*

- (6) Contour lines at intervals of not more than five feet or at such intervals as the planning board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more.

*Contours are provided on the Site Plan at 2' intervals.*

- (7) Provisions of chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development.

*Zoning district boundaries are depicted on the Site Plan (Commercial Industrial/ Shoreland Limited Commercial).*

- (8) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

*The developed areas of the site are existing and were constructed in accordance with previous approvals. No new construction is proposed, therefore, no new Stormwater infrastructure is proposed. Stormwater is managed on the existing site by sheet flow of runoff to upland, wooded, buffers.*

- (9) Preliminary designs of any bridges or culverts which may be required.

*No new bridges or culverts are proposed.*

- (10) The location of all natural features or site elements to be preserved.

*All natural features outside the existing treeline are proposed to be retained.*

- (11) A soil erosion and sediment control plan.

*The existing site is stabilized in regards to Erosion & Sedimentation Control. No new soil disturbance is proposed, therefore, the applicant respectfully requests a waiver from this submittal requirement.*

- (12) A high-intensity soils report by a state-certified soils scientist identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon compliance with any recommendations included in such report.

*The site is to be utilized in its existing condition, therefore, the applicant respectfully requests a waiver from this submittal requirement.*

- (13) The location and size of any existing sewers and water mains, culverts and drains on the property to be developed.

*The location of both existing subsurface wastewater disposal systems (SSWDS) are depicted on the plan (1,500 GAL septic tank for primary building, as well as previously-constructed 1,000 GAL septic tank and pump chamber for rear building – dispensary). The 1,000 GAL septic tank and pump chamber shall continue to serve the dispensary. The existing well has a yield of 55 GPM which is sufficient to serve both the dispensary and all activities within the primary Northern Pool & Spa building. The two buildings on-site are served by an existing, overhead utility line which provides power to the front building and underground power to the rear building which houses the dispensary. These existing conditions are all shown on the Site Plan.*

- (14) Connection with existing water supply or alternative means of providing water supply to the proposed development.

*Water supply will be provided by an existing well, depicted on the Site Plan.*

- (15) Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.

*Existing SSWDS structures will be utilized to serve both on-site buildings and their employees. See Item #13 for additional information.*

- (16) If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and groundwater conditions, depth to maximum groundwater level, location and results of soils testing.

*Location and test pit results are provided in the HHE-200 form as part of this application.*

- (17) An estimated progress schedule.

- (18) Construction drawings sufficient to enable the code enforcement officer to verify the following information:

- a. Total floor area, ground coverage and location of each proposed building, Structure or addition.

*This information is provided on the Site Plan.*

- b. All existing and proposed setback dimensions.

*This information is provided on the Site Plan.*

- c. The size, location and direction and intensity of illumination of all major lighting apparatus and signs.  
*Proposed lighting information provided on the Site Plan.*
- d. The type, size and location of all incineration devices.  
*No incineration devices exist or are proposed.*
- e. The type, size and location of all machinery likely to generate appreciable noise beyond the lot lines.  
*No such machinery exists or is proposed.*
- f. The amount and type of any raw, finished, or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.  
*No waste materials are proposed to be stored outside buildings.*
- g. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts together with all dimensions.  
*This information is provided on the Site Plan.*
- h. All landscaped areas, fencing and size and type of plant material proposed to be retained or planted.  
*No landscaping is proposed; proposed fencing is shown on the Site Plan.*
- i. A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including the plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.  
*No telecommunication structures exist or are proposed.*
- j. Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this Code. If these submission requirements conflict with the requirements of the chapter 41, the stricter standards shall apply.  
*The project is not a subdivision, therefore, this item is not applicable.*

(19) A copy of this application has been submitted to the Fire Chief.

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering  
(207) 289-3626

**PROPERTY ADDRESS**

Town Or Plantation: ELIOT

Street Subdivision Lot #: ROUTE 236

**PROPERTY OWNERS NAME**

Last: PAUL First: PETER J.

Applicant Name: - Same -

Mailing Address of Owner/Applicant (If Different):  
NORTHERN POOL & SPA  
P.O. Box 694  
DOVER NH 03820

ELIOT 1367 TOWN COPY

Date Permit Issued: 9.3.95 \$ 1160  Double Fee Charged

Wm B. Mulry L.P.I. # 179

Local Plumbing Inspector Signature

**Owner/Applicant Statement**  
I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Signature of Owner/Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**Caution: Inspection Required**  
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Wm B. Mulry Local Plumbing Inspector Signature Date Approved: 8/17/95

## PERMIT INFORMATION

**THIS APPLICATION IS FOR:**

- NEW SYSTEM
- REPLACEMENT SYSTEM
- EXPANDED SYSTEM
- EXPERIMENTAL SYSTEM

**THIS APPLICATION REQUIRES:**

- NO RULE VARIANCE
- NEW SYSTEM VARIANCE  
Attach New System Variance Form
- REPLACEMENT SYSTEM VARIANCE  
Attach Replacement System Variance Form
- MINIMUM LOT SIZE VARIANCE

**INSTALLATION IS:**

COMPLETE SYSTEM

- NON-ENGINEERED SYSTEM
- PRIMITIVE SYSTEM  
(Includes Alternative Toilet)
- ENGINEERED (+2000 gpd)

INDIVIDUALLY INSTALLED COMPONENTS:

- TREATMENT TANK (ONLY)
- HOLDING TANK \_\_\_\_\_ GAL
- ALTERNATIVE TOILET (ONLY)
- NON-ENGINEERED DISPOSAL AREA (ONLY)
- ENGINEERED DISPOSAL AREA (ONLY)
- SEPARATED LAUNDRY SYSTEM

**SEASONAL CONVERSION**  
to be completed by the LPI

- SYSTEM COMPLIES WITH RULES
- CONNECTED TO SANITARY SEWER
- SYSTEM INSTALLED - P# \_\_\_\_\_
- SYSTEM DESIGN RECORDED AND ATTACHED

**DISPOSAL SYSTEM TO SERVE:**

- SINGLE FAMILY DWELLING
- MODULAR OR MOBILE HOME
- MULTIPLE FAMILY DWELLING
- OTHER RETAIL BUILDING  
NORTHERN POOL & SPA  
SPECIFY \_\_\_\_\_

**IF REPLACEMENT SYSTEM:**  
YEAR FAILING SYSTEM INSTALLED \_\_\_\_\_  
THE FAILING SYSTEM IS:

- BED
- CHAMBER
- TRENCH
- OTHER: \_\_\_\_\_

SIZE OF PROPERTY: ~ 3 ACRE ZONING: V. DISTRICT

**TYPE OF WATER SUPPLY**  
PROPOSED WELL

## DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 2)

**TREATMENT TANK**

- SEPTIC:  Regular  Low Profile
- AEROBIC

SIZE: 1500 GALS.

**WATER CONSERVATION**

- NONE recommended
- LOW VOLUME TOILET
- SEPARATED LAUNDRY SYSTEM
- ALTERNATIVE TOILET

SPECIFY: \_\_\_\_\_

**PUMPING**

- NOT REQUIRED
- MAY BE REQUIRED  
(DEPENDENT ON TREATMENT TANK LOCATION AND ELEVATION)
- REQUIRED

DOSE: ~ 40 GALS.  
if necessary

**CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)**

RETAIL BUILDING  
NORTHERN POOL & SPA  
UP TO 24 EMPLOYEES

24 x 15 g.p.d. = 360 g.p.d.  
360 x .68 = 244.8 Linear Ft  
REQUIRED

5 TRENCHES 50' LONG EACH  
PROVIDES 250 LINEAR FT

DESIGN FLOW: 360  
(GALLONS/DAY)

**SOIL CONDITIONS USED FOR DESIGN PURPOSES**

PROFILE	CONDITION
<u>3</u>	<u>C</u>

DEPTH TO LIMITING FACTOR: 1B

**SIZE RATINGS USED FOR DESIGN PURPOSES**

- SMALL
- MEDIUM
- MEDIUM-LARGE
- LARGE
- EXTRA LARGE

**DISPOSAL AREA TYPE/SIZE**

- BED \_\_\_\_\_ Sq. Ft.
- CHAMBER \_\_\_\_\_ Sq. Ft.
- TRENCH \_\_\_\_\_ Linear Ft.  
 REGULAR  H-20
- OTHER: 250 Linear Ft  
OF 10" GEO-FLOW PIPE

## SITE EVALUATOR STATEMENT

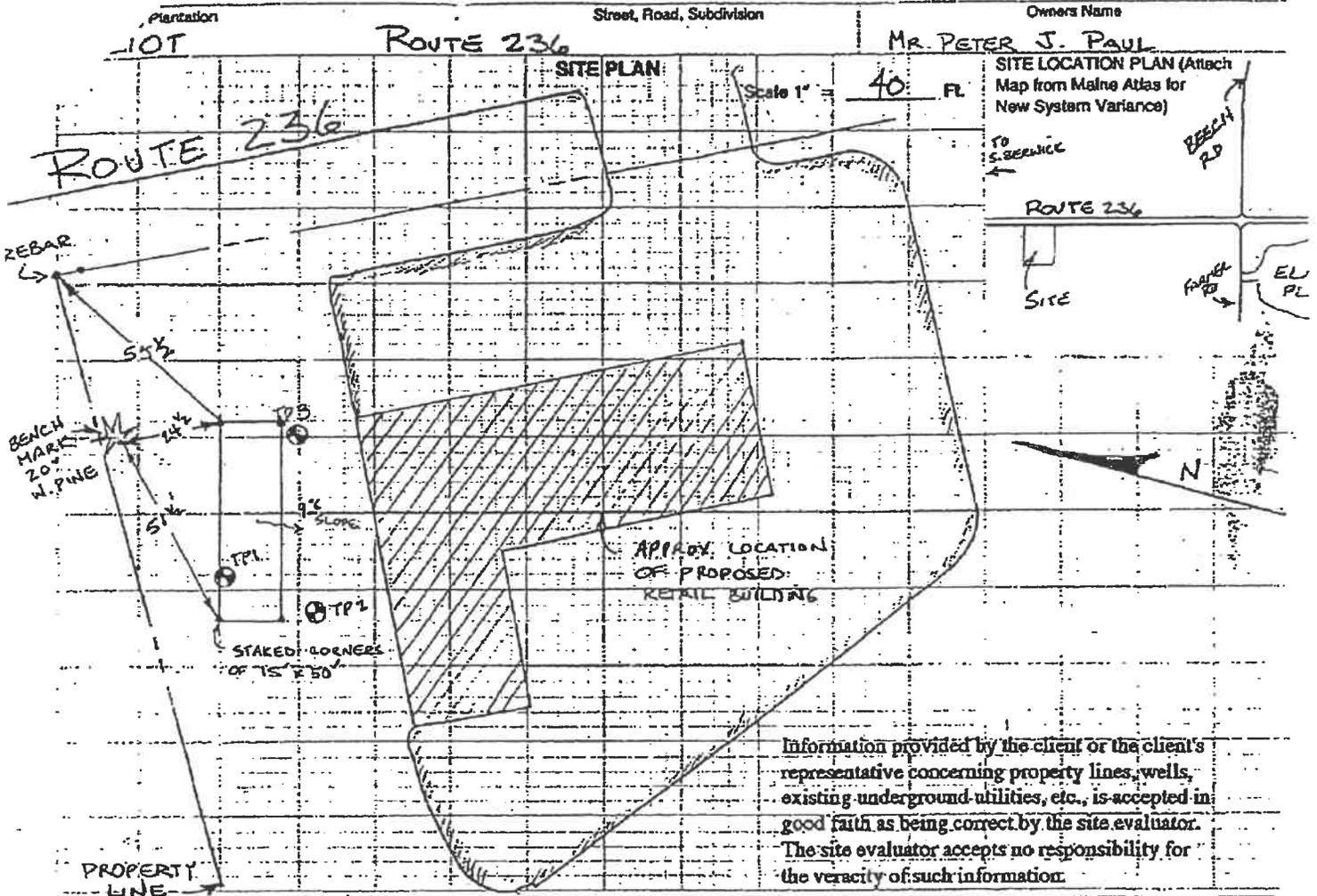
On Dec. 27, 1995 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

Joseph W. Hill  
Site Evaluator Signature  
(Local Plumbing Inspector's Signature if permit is for Seasonal Conversion.)

221 SE# 2-17-95 Date

# WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering



## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP1  Test Pit  Boring

2 \* Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE	FRIABLE	STRONG BROWN	NONE
SANDY		YELLOWISH BROWN	
LOAM			
	FIRM	LIGHT OLIVE BROWN	COMMON FAINT

DEPTH BELOW MINERAL SOIL SURFACE (Inches)

Soil Profile	Classification Condition	Slope	Limiting Factor	<input type="checkbox"/> Ground Water <input type="checkbox"/> Percolative Layer <input type="checkbox"/> Bedrock
<u>3</u>	<u>C</u>	<u>~8%</u>	<u>18"</u>	

Observation Hole TP3  Test Pit  Boring

3 \* Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE	FRIABLE	DARK YELLOWISH BROWN	NONE
SANDY			
LOAM			
	FIRM	LIGHT OLIVE BROWN	COMMON FAINT

DEPTH BELOW MINERAL SOIL SURFACE (Inches)

TEST PIT #2 WAS UNSUITABLE AND CLASSIFIED AS B.D. LIMITING FACTOR AT 12" (SILT LOAM)

Soil Profile	Classification Condition	Slope	Limiting Factor	<input type="checkbox"/> Ground Water <input type="checkbox"/> Percolative Layer <input type="checkbox"/> Bedrock
<u>3</u>	<u>C</u>	<u>~8%</u>	<u>18"</u>	

*Joseph W. Noil*  
Site Evaluator Signature

221  
SE#

2-17-95  
Date

# CE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering

Location

Street, Road, Subdivision

Owners Name

ST

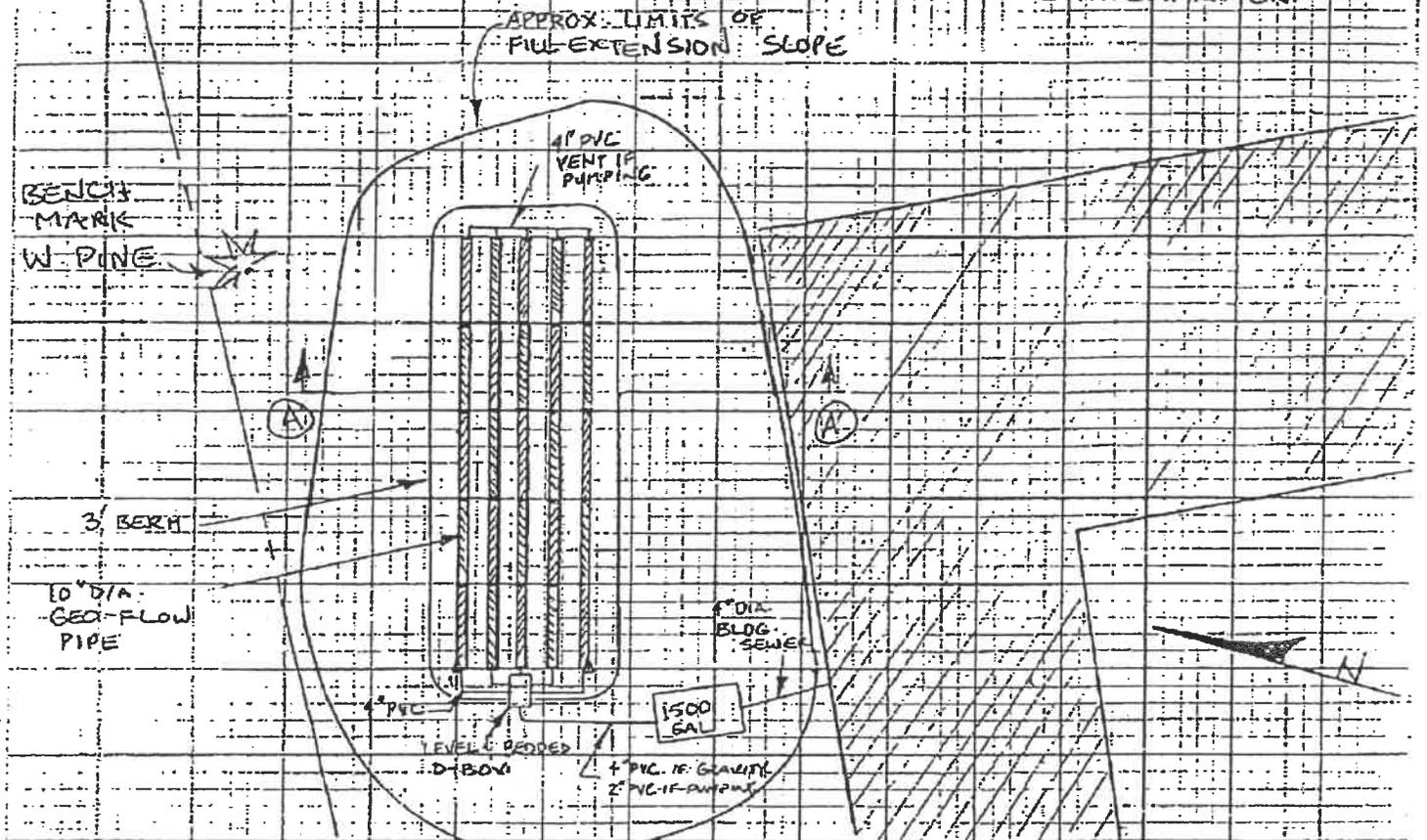
ROUTE 236

MR. PETER J. PAUL

## SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale: 1" = 20' PL

SEE REVERSE SIDE FOR MORE INFORMATION



### FILL REQUIREMENTS

Depth of Fill (Upslope) 18"  
Depth of Fill (Downslope) 60"

### CONSTRUCTION ELEVATIONS

Reference Elevation is ASSUMED = 0"  
Bottom of Disposal Area = -28"  
Top of Distribution Lines or Chambers = -17"

### ELEVATION REFERENCE POINT

LOCATION & DESCRIPTION  
B.M. IS NAIL IN BASE OF 20' W. PINE (shown above)

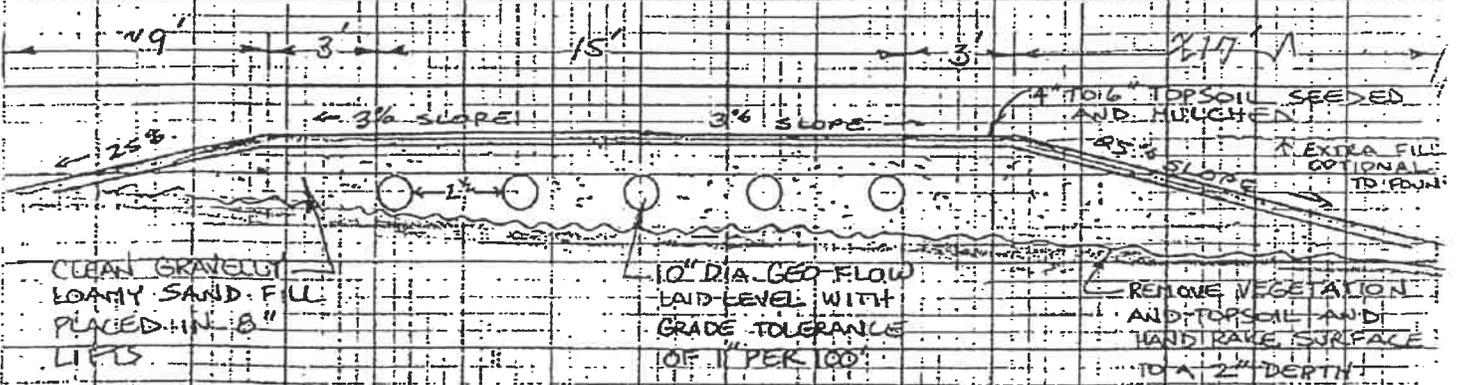
DO NOT DRIVE OVER GEO-FLOW PIPE WHEN BACKFILLING

### DISPOSAL AREA CROSS SECTION SECTION A-A

Scale:

Vertical: 1 inch = 5' PL

Horizontal: 1 inch = 5' PL



CLEAN GRAVELLY LOAMY SAND FILL PLACED IN 8" LIFTS

10" DIA. GEO-FLOW LAID LEVEL WITH GRADE TOLERANCE OF 1" PER 100'

REMOVE VEGETATION AND TOPSOIL AND HAND RAKE SURFACE TO A 2" DEPTH

Joseph W. Hoil  
Civil Engineer

221

2-17-95

Page 3 of 3

# PLUMBING APPLICATION

Department of Human Services  
Division of Health Engineering

## PROPERTY ADDRESS

Town Or Plantation	WALTON
Street Subdivision Lot #	81 Dow Highway
PROPERTY OWNERS NAME	
Last: Paul	First: Peter
Applicant Name: Peter Paul	
Mailing Address of Owner/Applicant (if Different)	

ELIOT	1399	TOWN COPY
Date Permit Issued: 12/27/95	\$ 15.2	<input type="checkbox"/> Double Fee Charged
Local Plumbing Inspector Signature: <i>Paul B. Walsh</i>	L.P.L. # 79	

### Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Signature of Owner/Applicant: *Frederic J. Parben* Date: 12/27/95

### Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules.

Local Plumbing Inspector Signature: *Paul B. Walsh* Date Approved: 12-28-95

## PERMIT INFORMATION

<b>This Application is for</b>	<b>Type Of Structure To Be Served:</b>	<b>Plumbing To Be Installed By:</b>
1. <input checked="" type="checkbox"/> NEW PLUMBING 2. <input type="checkbox"/> RELOCATED PLUMBING	1. <input type="checkbox"/> SINGLE FAMILY DWELLING 2. <input type="checkbox"/> MODULAR OR MOBILE HOME 3. <input type="checkbox"/> MULTIPLE FAMILY DWELLING 4. <input checked="" type="checkbox"/> OTHER - SPECIFY <i>Comm Bldg</i>	1. <input checked="" type="checkbox"/> MASTER PLUMBER 2. <input type="checkbox"/> OIL BURNERMAN 3. <input type="checkbox"/> MFG'D. HOUSING DEALER / MECHANIC 4. <input type="checkbox"/> PUBLIC UTILITY EMPLOYEE 5. <input type="checkbox"/> PROPERTY OWNER LICENSE # <i>102335</i>

Hook-Up & Piping Relocation Maximum of 1 Hook-Up	Column 2		Column 1	
	Number	Type of Fixture	Number	Type of Fixture
HOOK-UP: to public sewer in those cases where the connection is not regulated and inspected by the local Sanitary District.  <b>OR</b>  HOOK-UP: to an existing subsurface wastewater disposal system.	3	Hosebibb / Sillcock		Bathtub (and:Shower)
		Floor Drain	1	Shower (Separate)
PIPING RELOCATION: of sanitary lines, drains, and piping without new fixtures.		Urinal	4	Sink
		Drinking Fountain		Wash Basin
<b>OR</b>  TRANSFER FEE \$6.00		Indirect Waste	4	Water Closet (Toilet)
		Water Treatment Softener, Filter, etc.		Clothes Washer
		Grease / Oil Separator		Dish Washer
		Dental Cuspidor		Garbage Disposal
		Bidet		Laundry Tub
		Other: _____		Water Heater
		Fixtures (Subtotal) Column 2	10	Fixtures (Subtotal) Column 1
			3	Fixtures (Subtotal) Column 2
			13	Total Fixtures
			\$ 52	Fixture Fee
			\$	Transfer Fee
			\$ 4	Hook-Up & Relocation Fee
			\$ 56	Permit Fee (Total)

SEE PERMIT FEE SCHEDULE FOR CALCULATING FEE



4. Estimated Cost: (This is the market value including labor and materials regardless of who does the work) 100,000.00  
 Permit Fee 200.00 (This fee is due and payable prior to issuance of the permit)

5. Name of Contractor L.W. Magnidge + Son  
 Address Route 236, Chat VNF  
 Plumber \_\_\_\_\_  
 Electrician PO Folk Electric

6. Attachments:  
 Ownership Record  
 DEP Permit  
 BOA  PB  
 Army-Corp-  
 HHE200  PLMB

(NOTE: SIGNATURE OF THE APPLICANT INDICATES AWARENESS OF REQUIREMENTS OF ORDINANCES & STATUTES; AND CONSTITUTES APPLICATION FOR CERTIFICATE OF OCCUPANCY. A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED BEFORE THE STRUCTURE HEREBY PERMITTED IS USED. BUILDING PERMITS DO NOT INCLUDE PLUMBING, SEPTIC OR COMMERCIAL ELECTRICAL WORK. ANY FALSE INFORMATION MAY INVALIDATE A BUILDING PERMIT AND STOP ALL WORK.)

APPLICANT'S SIGNATURE: Duke Magnidge DATE: 5/9/95

\*\*\*\*\*  
 OFFICIAL USE ONLY

Date Received: 5-9-95  Approved  Denied

Conditions of Approval or Reasons of Denial: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If applicable: Signature Planning Board Chairman: \_\_\_\_\_

Date: \_\_\_\_\_ Board of Appeals Chairman: \_\_\_\_\_

Code Enforcement Officer: Neil B. Varley Date: 5/9/95

Building Permit Number: 95-34  Growth Permit

ELECTRICAL INSPECTION DATE \_\_\_\_\_  OTHER INSPECTION DATES \_\_\_\_\_  
 PLUMBING INSPECTION DATE \_\_\_\_\_  
 FINAL INSPECTION DATE \_\_\_\_\_  
 OCCUPANCY PERMIT ISSUE DATE \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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 37 Lot# 2-1 Lot Size 3 ACRES Zoning District: COMMERCIAL INDUSTRIAL DISTRICT

Your Name ALEX ROSS Your mailing address 909 ISLINGTON ST. STE. 6

City/Town PORTSMOUTH State: NH Zip: 03801 Telephone: (603) 433-7500

Who owns the property now? PAOLUCCI REALTY TRUST

Address (Location) of the property 291 HAROLD L DOW HWY.

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)

\* CATEGORY: "Nonprofit medical marijuana dispensary"  
What SPECIFIC land use are you applying for? Medical Marijuana Cultivation & Processing.  
(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:

THIS IS A DEVELOPED COMMERCIAL SITE, IN USE AS 'NORTHERN POOL & SPA'. THE REAR BUILDING IS CURRENTLY IN USE AS STORAGE AND WILL BE RENOVATED AND CONVERTED FOR USE AS A MEDICAL MARIJUANA CULTIVATION & PROCESSING FACILITY.



TOWN OF ELIOT  
PLANNING BOARD  
NOTICE OF DECISION

October 26, 1999

Peter Paul  
81 Dow Highway, Route 236  
Eliot, Maine 03903

Dear Mr. Paul:.

This is to inform you that the Planning Board has acted on your application for a Conditional Use as follows:

Findings of Fact:

1. The owner of the property is Paclucci Realty Trust who is represented by Mr. Peter Paul.
2. The property address is 81 Dow Highway.
3. Assessor's Map 37, Lot 2-1, 3 acres in the Commercial/Industrial Zoning District.
4. The applicant is Peter Paul, who has demonstrated a legal interest in the property by copies of tax records for Paclucci Realty Trust.
5. The Code Enforcement Officer accepted the application on August 25, 1999.
6. The Planning Board first discussed the application on September 27, 1999.
7. A Site Inspection was conducted on October 9, 1999.
8. A Public Hearing was advertised in the Portsmouth Herald on October 9, 1999, and held on October 19, 1999.
9. The applicant proposes to construct a 50X100-ft warehouse on the subject property.
10. No abutters or members of the public spoke at the Public Hearing.

Conclusions:

1. Construction of a 50X100-ft warehouse is a permitted use with Planning Board approval under the Town of Eliot Zoning Ordinances and will not significantly change the character of the neighborhood.
2. The standards of Section 45-290 and 45-404 of the Zoning Ordinance (Chapter 45) have been or will be met.

LAST APPROVAL

3. All applicable Sections of the Site Review Ordinance (Chapter 33, Article III) have been or will be met.
4. The Planning Board during review of this application (Section 33-127) has waived the following Performance Criteria and/or Ordinance Requirements.:
  - a. High Intensity Soils Report
  - b. Progress schedule

**Decision:**

Based on the above facts and conclusions, on October 19, 1999, the Planning Board voted to approve your application for a Conditional Use Permit.

**Conditions of Approval:**

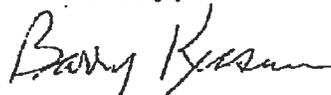
In order to further promote the purposes of the Eliot Zoning Ordinance, the Planning Board has voted to impose the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents and materials 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. Public Hearing fees of \$65.00 must be paid for notification of six (6) property owners and five (5) abutters and newspaper advertisements.

**Building Permit:**

The Code Enforcement Officer is now authorized to grant you permits as appropriate. It is your responsibility to apply for these permits. Be aware, however, that this decision can be appealed to the Board of Appeals within 30 days after October 19, 1999, by an aggrieved person or party as defined in Section 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, 1-2.

Sincerely,



Barry Krasnow, Chairman  
Eliot Planning Board

BK/bat  
cc: CEO, S/M

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: REGULAR

PLACE: ELIOT TOWN HALL - 1333 STATE RD.

DATE:

Tuesday, April 16, 2019

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
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) REVIEW AND APPROVE MINUTES
  - a) April 2, 2019
- 6) PUBLIC HEARING
  - a) 279 River Road (Map 18/ Lot 11) #PB19-3: Shoreland Zoning Permit – Application for a permanent pier with an associated seasonal gangway and seasonal float to allow docking.
- 7) OLD BUSINESS
- 8) NEW BUSINESS
  - a) 495 Harold L Dow Highway (Map 53 Lot 6) #PB19-4: Request to amend a previously approved Site Plan:
    1. Demo and removal of existing warehouse / business office at NE end of property.
    2. Increase size and revise the type of the approved caregiver storefront building to accommodate 1600 sq. ft of storefront / office space and 1200 sq. foot of general warehouse and storage facility.
    3. Expansion of public and retail employee parking to 24 spaces.
  - b) Discuss enactment of Agritourism Ordinance.
  - c) Planning Board recommendations regarding Growth Permits.
  - d) 16 Arc Road (Map 45 Lot 17) #PB19-5: Preliminary Site Plan Review- Medical Marijuana.
  - e) 291 Harold L Dow Highway (Map 37 Lot 2-1) #PB19-6: Preliminary Site Plan Review – Medical Marijuana.
- 9) CORRESPONDENCE
- 10) SET AGENDA AND DATE FOR NEXT MEETING
  - a) Marijuana Ordinance Workshop with Select Board on May 7<sup>th</sup> at 7:00pm.
- 11) ADJOURN

  
Dennis Lentz, Chair



RECEIVED

4/10/19



RECEIVED

# TOWN OF ELIOT, MAINE

## PLANNING BOARD NOTICE OF DECISION

CASE #: **PB19-6 – AMENDED SITE PLAN**

APPLICATION

MAP/LOT: **37/27-1**

DATE OF DECISION: **07-02-2019**

July 19, 2019

Attar Engineering, Inc.  
Mr. Kenneth A. Wood, P.E.  
1284 State Road  
Eliot, Maine 03903

Paolucci Realty Trust  
Mr. Peter Paul  
291 Harold L. Dow Highway  
Eliot, Maine 03903

Dear Mr. Wood and Mr. Paul,

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan Review Application** for a non-profit medical marijuana dispensary as follows:

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

Submitted for April 16, 2019:

1. Site Plan Review Application, received April 10, 2019.
2. Photographs of Site, dated April 8, 2019.
  - a. Figure 1: Aerial view of site.
  - b. Figure 2: Front elevation facing west.
  - c. Figure 3: Front elevation facing southwest.
  - d. Figure 4: Front elevation facing south.
3. Location Plan showing 500-foot buffer, with abutter's list.
4. Warranty Deed, filed with the York County Registry: Book 7300/Page 059, dated April 10, 2019.

Submitted for May 21, 2019:

1. Amended Site Plan Review Application, dated May 21, 2019.
2. Copy of prior Notice of Decision (PB99-31) approving warehouse on Map 37/Lot 2-1, dated October 26, 1999.
3. Memo from Abbie Sherwin, Interim Planner, dated May 13, 2019.
4. Lease agreement, dated April 26, 2019.
5. Letter from Mr. P. Paul assigning Kenneth A. Wood, P.E., Lewis Chamberlain, P.E., and Michael Sudak, E.I.T. of Attar Engineering, Inc. as his agents for this application, dated May 1, 2019.
6. List of abutters.
7. Written responses regarding Chapter 33-127 (11) through (19).
8. Site zoning map.
9. Copy of last Notice of Decision approval for this property (PB99-31), dated October 26, 1999.
10. Subsurface Wastewater Disposal System Application, dated February 17, 1995.
11. Plumbing Application, dated December 27, 1995.
12. Building Permit Application, dated May 9, 1995.
13. Copies of documents submitted at April 16, 2019 meeting by Ross Engineering.
14. Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated May 7, 2019.

15. Plan of Land, Proposed Lot Division (Map 37, Lot 2, done by Roaring Brook Consultants, dated December 26, 1994.
16. Proposed floor plan, dated May 7, 2019.
17. Memo from Attar Engineering, Inc., dated May 16, 2019.
18. Proposed Odor Mitigation Document.
19. Memo from Fire Chief Muzeroll, dated May 14, 2019.

Submitted for June 18, 2019:

1. Revised Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated May 31, 2019.
2. Revised Floor Plan.
3. Revised Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated June 10, 2019.
4. Revised Memo from Abbie Sherwin, Interim Planner, dated June 10, 2019.
5. Revised Memo from Abbie Sherwin, Interim Planner, dated June 17, 2019.
6. Additional Memo from Fire Chief Muzeroll regarding Site Walk, dated June 10, 2019.
7. Public Hearing Notice, posted May 28, 2019.
8. Copy of Portsmouth Herald legal notice of Public Hearing, dated May 31, 2019.
9. Copies of Public Hearing Notice sent to Eliot Board of Appeals, Code Enforcement Officer, Assessor, Fire Chief, Police Chief, and Acting Public Works Director.
10. Copy of abutter's list and certified mailings, dated May 29, 2019.

Submitted for July 2, 2019:

1. Revised Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated June 13, 2019.
2. Revised Site Plan Amendment for Non-profit Medical Marijuana Dispensary, done by Attar Engineering, Inc., dated June 25, 2019.
3. Revised Memo from Abbie Sherwin, Interim Planner, dated June 27, 2019.
4. Current State of Maine Caregiver License submitted for James Folan, dated July 1, 2019.

**FINDINGS OF FACT:**

1. The owner of the property is: Paolucci Realty Trust (mailing address: 291 Harold L. Dow Highway, Eliot, Maine 03903).
2. The original applicant is: Alex Ross, Ross Engineering (mailing address: 909 Islington Street, Ste. 6, Portsmouth, NH 03801).
3. The applicant changed to: Attar Engineering, Inc., Kenneth E. Wood, PE (mailing address: 1284 State Road, Eliot, Maine 03903).
4. The property is located at 291 Harold L. Dow Highway Eliot, ME and is 3 acres.
5. Property can be identified as Assessor's Map 37/ Lot 2-1 and is located in the Commercial/Industrial Zoning District and Limited Commercial Zoning District.
6. The applicant proposes to convert the rear 5,000 square-foot Cold Storage Warehouse to a Non-profit Medical Marijuana Cultivation and Processing Facility.
7. Copies of the application and supporting materials were provided to the Police Chief, Public Works, Fire Department, Town Manager, and Code Enforcement. The Police Chief, Public Works Acting Director, Code Enforcement Officer, and Town Manager had no comments. The Fire Chief submitted comments in a memo dated May 14, 2019 and additional comments on June 10, 2019 (attached).
8. The Planning Board reviewed the application at the following regular meetings:
  - April 16, 2019
  - May 21, 2019
  - June 18, 2019
  - July 2, 2019

9. The following application fees have been paid by the applicant, in accordance with §1-25:
  - Site Plan Review Application Fee (Amendment): \$100 (Check #6493, dated April 10, 2019).
  - Public Hearing Fee: \$175.00. (Check #1650, dated June 30, 2019).
10. The site walk was held on June 4, 2019.
11. In accordance with §33-129 & 130, a public hearing was advertised in the Portsmouth Herald/Seacoast Online on May 31, 2019 and held on June 18, 2019. In accordance with §33-129 & 130, abutting land owners were notified via certified mail.
12. The Planning Board accepted the application as complete on May 21, 2019.
13. Applicable ordinance is §33-189: Non-profit Medical Marijuana Dispensaries & Registered Primary Caregivers.
14. The proposed use location meets the required 500-foot buffer from sensitive uses.
15. There will be no changes to existing site conditions.
16. Per the applicant, there will be six (6) employees onsite.
17. The Planning Board approved two requested waivers: Soils Erosion and Sediment Control Plan and High Intensity Soils Report at the May 21, 2019 meeting.
18. Copies of caregiver licenses submitted.

**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. 'Non-profit Medical Marijuana Dispensary' is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (9) by the Eliot Planning Board per Sec. 45-290.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33 §189, Planning & Development, Article III, Division 6.

**DECISION:**

1. Based on the above facts and conclusions, on **July 2, 2019**, the Planning Board voted to approve your application to operate a non-profit medical marijuana dispensary/restricted-entry patient care center/medical marijuana cultivation and processing facility.

**CONDITIONS OF APPROVAL:**

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. A copy of the Food Establishment License from the Department of Agriculture, Conservation, and Forestry will be submitted to the Planner.

## 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 **July 2, 2019** 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 **July 2, 2019** 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,



Dennis Lentz, Chair

*This letter reviewed and approved by the Planning Board on July 16, 2019.*

CC: Rochelle Bishop, Code Enforcement Officer  
Elliott Moya, Police Chief  
Jay Muzeroll, Fire Chief  
Martine Painchaud, Tax Assessor  
Don Sylvester, Acting Public Works Director

## Fire Chief Memos from May 14, 2019 and June 10, 2019

May 14, 2019  
Town of Eliot

### ELIOT FIRE DEPARTMENT

1323 STATE ROAD  
ELIOT MAINE  
03903

Planning Board, Dennis Lentz, Chairman  
1333 State Road  
Eliot Maine 03903

Reference: PB-19-6 change of use and building renovation - 291 H.L. Dow Highway

Dear Board Members;

I have reviewed the application and the associated documentation submitted to my office. The following are my findings and requirements:

- The building as shown from Ross Engineering is identified incorrectly. Pictures show Northern Pool and Spa showroom and sales. The correct building is Building #2 as identified on plan.
- The new use is a Business occupancy greater than 3000 square requires a plan review for access and egress and fire safety requirements by the State of Maine Fire Marshal's Office. Criteria for submittal is available on their website. A copy of the application and support documents will be supplied to the Fire Department as well as any Fire Marshal permits, emails and memos.
- The building is required to follow NFPA 101 Fire Code 2009 edition and all its referenced Codes.
- The Fire Department will utilize NFPA 1 2009 edition for reference and compliance to the occupancy where required. The occupant is required to identify all hazardous material, whether liquid, gas, solid or solvent and provide monitoring and notification devices where required. The following is the minimum NFPA 1 Fire Code requirements:
- The Fire Department requires a complete plan review with acceptable documentation per NFPA 1 Chapter 1.14 (2009 edition)
- The plan indicates gated property access and will require a Knox gate device per Fire Department approval. NFPA 1 Chapter 18.2.2 (2009 edition)
- The building will most likely have security/access measures installed and will require Knox device(s) per Fire Department approval. NFPA 1 Chapter 18.2.2 (2009 edition)
- The submitted site plan shows a retaining wall approximate to the pedestrian door. The width between the fence and the retaining wall appears to be about 6 feet. That distance does not support emergency vehicle access. The location of the gated fence may also limit emergency access vehicle to the property. My suggestion is to reconfigure the access points to DOT standards for fire/emergency access radius and turning requirements.
- If the building will have an installed and monitored off site fire alarm system, the Fire Department requires the alarm system codes. The fire department will provide to the occupant the proper notification contact numbers.
- All the requirements will need to be addressed prior to the beginning of any construction with a signature of approval from the Eliot Fire Chief on the master engineering drawing on file with the Town of Eliot. The Fire Chief requests an inspection of the property prior to the issuing of an occupancy permit to verify all requirements have been met or addressed.

Sincerely,

Jay Muzeroll

Fire Chief Town of Eliot  
NFPA Certified Plans Examiner  
NFPA Certified Fire Inspector II  
*Smoke Detectors Save Lives*

\*\*\*\*\*

June 10, 2019

Town of Eliot Planning Board  
Dennis Lentz Chairman

Ref: 291 H.L. Dow Highway Site Walk-thru

Dear Board Members,

## Eliot Fire Department Chief Jay P. Muzeroll

---

I have conducted a site visit with the involved parties for the proposed project at 291 HL Dow Highway. The following are my findings and clarifications of previous comments.

- Knox Box access to the gate at property entrance.
- Knox Box access to project building.
- State of Maine Fire Marshal review for NFPA 101 requirements and copies of construction permits and finalized building configuration plans to Eliot Fire Chief.
- Lessee stated the property will have a full fire alarm system.
  - Properly addressed zones on fire alarm panel and monitored offsite 24/7
  - Fire Alarm system reset instructions contained within alarm panel.
  - Fire Alarm panel at main door entrance.
  - Contact Eliot Fire Chief for correct alarm notification phone numbers.
- MSDS' at main door entrance
- Power supply to building easily accessed for control of power.
- Carbon Dioxide meters, alarms set points IAW NFPA 1 (2018 edition) wired into fire alarm system.
- Carbon Dioxide supply tanks installed IAW with industry standards with crash protection barriers.
- All reportable quantities of hazardous materials reported to Fire Chief and State agencies.
- Access road around building is not per plan and needs to be redrawn to existing conditions.
- Fire Chief to test fire alarm system and conduct walk through prior to occupancy permit issued.
- 

Sincerely,

Jay Muzeroll

Eliot Fire Chief

12/22/19-RTW

## LEASE AGREEMENT

LEASE AGREEMENT (this "Lease") made and effective as of the 24th day of December, 2019, by and between Peter Paul, Trustee, PAOLUCCI REALTY TRUST, a Maine realty trust of 291 Harold Dow Highway, Eliot, Maine 03903 ("Landlord"), and DJR REAL ESTATE, LLC, a limited liability company with a mailing address of 61 Bradstreet Lane, Eliot, Maine 03903 ("Tenant").

WITNESSETH:

### ARTICLE I - PREMISES

Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, upon and subject to the terms and provisions of this Lease a 1,389sq ft (at \$22 per sq ft Triple Net Lease) retail building, (the "Building") located at 291 Harold Dow Highway, Eliot, Maine, and further identified as Eliot Tax Map 37, Lot 2-1 (the "Property").

### ARTICLE II - TERM OF LEASE

2.1. Initial Term. The term of this Lease shall be for a period of two (4) years commencing on the first day of the month, beginning February 1, 2020 or such earlier date as the parties may mutually agree in writing (the "Commencement Date") and ending on January 30, 2024 (the "Initial Term").

2.2. Options to Extend. Tenant shall have the right to extend this Lease for six (3) additional terms of two (4) years each (the "Renewal Terms"); provided, however, that (a) Tenant shall give Landlord written notice of its intent to so extend the Term not later than ninety (90) days prior to the conclusion of the Term then ending, and (b) on the date of Tenant's written notice of renewal Tenant shall not be in material default of any of its obligations hereunder. The

Initial Term and any Renewal Terms in effect are sometimes collectively referred to as the “Term”.

2.3 Holding Over. In the event that Tenant fails to vacate the Premises at the end of the Term, or sooner in the event of earlier termination of this Lease, Tenant acknowledges that Landlord will suffer damages due to its inability to rent the Premises until Tenant properly vacates. Therefore, if Tenant holds over after the expiration of this term or any exercised option term with or without objection from Landlord, then such holding over will not extend the term of this Lease, but will create a month-to-month tenancy under the same conditions as this Lease except that rent shall be paid in the amount of one hundred twenty percent (120%) of the Rent set forth in Article III hereof. Tenant agrees that such increased rent is not damages or a penalty, but is increased rent reflective of the nature of a month-to-month tenancy and its lower value to Landlord than tenancy for a specific term. The payment of such increased rent shall not limit the damages to which Landlord is entitled hereunder.

2.4 Early Entry. In the event Tenant enters the Premises prior to the Commencement Date, for any reason including partial occupancy for fit-up of the Premises, Tenant’s occupancy shall be subject to all of the provisions of this Lease, and Tenant shall execute and deliver to Landlord a hold harmless agreement in a form provided by Landlord whereby Tenant releases Landlord from all liabilities, claims and causes of action arising out of any construction or other work performed at the Premises during such early possession.

### ARTICLE III - RENT

3.1. Rent for Initial Term. Beginning on Feb 1, 2020 (the "Rent Commencement Date"), and so continuing for the remainder of the Initial Term hereof, Tenant covenants and agrees to pay to Landlord rent (the "Rent") at the rate of Thirty Thousand Five Hundred fifty eight Dollars (\$30,558.00) per year, payable in equal installments of two thousand five hundred and forty seven dollars (\$2,547.00 ) per month, in advance, on the first day of each calendar month during the Term. Any Rent for partial months (if the Commencement Date is other than the first day of a calendar month) shall be prorated. Triple Net calculation based off tenants percentage of occupancy, currently at 15%.

3.2. Rent for Renewal Terms. The amount of rent during any Renewal Term shall be the same as the initial term.

3.3. Late Rent. In the event Rent is not received when due or any check tendered to Landlord is returned to Landlord as uncollectible, Tenant shall pay the applicable service charges set forth in this Section 3.3, which Landlord and Tenant agree are a fair and reasonable estimate of the costs to be incurred by Landlord by reason of such late payment. The service charge for a late payment shall be an amount equal to five percent (5%) of any installment of Rent and other charges past due for more than five (5) days; provided, however, interest on such past due installment and late payment charge shall accrue at the rate of ten percent (10%) per annum after the thirtieth (30th) day such installment is past due until paid. The service charge for a returned check shall be Fifty Dollars (\$50).

## ARTICLE IV - INSURANCE

4.1 Landlord's Insurance. Landlord shall obtain, and throughout the Term of this Lease shall maintain and pay when due all premiums and other charges upon Property Insurance for perils no less than Fire and Extended Coverage, in an amount equal to the replacement value (as defined in the applicable policy) of the Building. Landlord shall provide documentation of such insurance at inception and the earlier yearly or upon any material change thereafter.

4.2 Tenant's Insurance. Tenant shall obtain, and throughout the Term of this Lease shall maintain and pay when due, all premiums and other charges upon policies of (a) Commercial General Public Liability insurance in an amount of not less than One Million Dollars (\$1,000,000) in case of death of or injury to persons, and One Million Dollars (\$1,000,000) in case of loss, destruction or damage to property; (b) Property Insurance insuring the furniture, fixtures, equipment and other personal property of Tenant located in or upon the Premises to its full replacement value; and (c) Worker's Compensation Insurance as required by law. The insurance carried by Tenant pursuant to clause (a) above shall name Landlord as an additional insured. Tenant shall provide documentation of such insurance at inception and the earlier yearly or upon any material change thereafter

4.3 Contractors' Insurance and Waivers. Prior to the delivery of any materials to the Premises or the commencement of any work on the Premises (including by way of example and not limitation that construction by Tenant described below) by any employee, agent, contractor, subcontractor, materialman or mechanic engaged by Tenant to provide material to or perform work on the Premises (collectively, a "Contractor"), Tenant shall be obligated to obtain from

each such Contractor and provide Landlord with satisfactory evidence of (a) a Certificate of Insurance evidencing that the Contractor carries Commercial General Public Liability insurance in an amount of not less than One Million Dollars (\$1,000,000.00), (b) a Certificate of Insurance evidencing that the Contractor carries Workers' Compensation Insurance as required by law, and (c) Mechanic's Lien Waivers waiving and releasing the Contractor's right to any statutory lien upon the Premises for materials delivered and services provided.

4.4. Additional Provisions Respecting Insurance. All policies of insurance that are required to be obtained and maintained pursuant to this Article IV shall be purchased from generally recognized responsible insurance companies qualified to do business in the State of Maine. All such policies shall provide for cancellation only after not less than thirty (30) days prior written notice to the other party. Certificates of Insurance evidencing each party's compliance with the terms of this Article IV shall be promptly provided to the other party upon request from time to time.

#### ARTICLE V - MAINTENANCE OF BUILDING

5.1. Tenant's Obligations. a) Tenant shall install any and all interior improvements and fit-up desired by tenant; b), perform such ordinary, day-to-day maintenance work as shall be reasonably required to maintain and keep the Premises in the same order and condition as the same may be in upon the commencement of the term hereof and shall make any and all repairs thereto which shall be required to so maintain and keep the Premises, including: (a) the repair and replacement of all windows and plate glass in the Premises and (b) the repair and maintenance of all floors whether finished or sub-floors; provided, however that any such repair

and maintenance shall be required only due to damage caused by Tenant, its officers, agents, servants, customers, or employees during the term of the Lease.

5.2. Landlord's Obligations. As defined in triple net agreement.

## ARTICLE VI - USE OF PREMISES

6.1. Use of Premises. Tenant shall have the right to use the Premises for medicinal and recreational retail and office purposes. (the "Intended Use") and purposes reasonably incident thereto and for no other use unless Landlord shall consent in writing.

6.2. Operation of Premises According to Law. Tenant shall at all times during the Term (a) conduct and operate its business on the Premises subject to all valid , state, local, and municipal laws, statutes, and ordinances in relation to such business operation, (b) secure all necessary permits for the lawful operation of said business, if such permits are required, and (c) protect and save Landlord harmless from the imposition of any liens, taxes, or other charges that may be imposed against the property of Landlord by reason of the occupancy and use by Tenant of the Premises. Landlord shall reasonably cooperate with Tenant to obtain any permit or approvals necessary for the Intended Use; provided, however, that any and all costs associated with such permits and approvals shall be the sole responsibility of Tenant.

6.3 Waste: Extra-Hazardous Use. Tenant shall not injure or deface, or commit waste with respect to the Premises nor occupy or use the Premises, or permit or suffer any part thereof to be occupied or used by anyone for whom Tenant is legally responsible, for any unlawful or illegal business, use or purpose, nor for any business, use or purpose deemed to be disreputable or extra-hazardous, nor in such manner as to constitute a nuisance of any kind, nor for any

purpose nor in any manner in violation of any present or future laws, rules, requirements, orders, directions, ordinances or regulations of any governmental or lawful authority including Boards of Fire Underwriters. Tenant shall, immediately upon the discovery of any such unlawful illegal, disreputable or extra-hazardous use, take, at its own cost and expense, all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove all persons guilty of such unlawful, illegal, disreputable or extra-hazardous use.

#### ARTICLE VII - UTILITIES

7.1. Payment by Tenant. Subject to Section 5.1, Tenant shall directly pay for electricity, telephone service, broadband service and other utilities and services billed directly to and utilized by Tenant at the Premises.

7.2. Interruption of Service. Landlord shall not be responsible for interruption of utilities beyond Landlord's control or due to machinery or equipment failure. In the event of any such utility interruption, the rent provided herein shall not abate or terminate in any way during the period of said interruption.

#### ARTICLE VIII - LANDLORD'S ACCESS TO PREMISES

8.1. Access. Landlord shall have access to the Premises at all times in cases of emergency and at reasonable intervals during normal business hours upon twenty-four (24) hours' prior written notice for purposes of inspecting the same and also for purposes of making repairs which Landlord is required to make by the terms of this Lease. Such inspections shall take into account the reasonable security measures required by Tenant. Except as aforesaid, such repairs shall be made at such times and in such manner as to reduce to a minimum interference

with Tenant's use of the Premises, but it is understood that such repairs shall be permitted at such times so as to preclude the necessity for Landlord to pay overtime to the workmen making such repairs.

8.2. Landlord's Signs. At any time within sixty (60) days prior to the expiration of the Term of this Lease, as it may be extended, Landlord may affix to any suitable part of the Premises a notice for the letting or sale of the same, and keep the said sign affixed without hindrance or molestation.

#### ARTICLE IX - CONDITION OF PREMISES; IMPROVEMENTS BY TENANT

9.1 Tenant accepts the Building, improvements, and any equipment or fixtures on or in the Premises "as is" and in their existing condition and agrees that no representation, statement or warranty, express or implied, has been made by or on behalf of Landlord as to such condition, or as to the use that may be made of such property.

9.2 Tenant shall not make or allow to be made any alterations, installations, additions or improvement in or to the Premises, or place unusually heavy furniture or equipment within the Premises, without Landlord's prior written consent, which consent shall not be unreasonably withheld or delayed. Prior to the commencement of work on any such alteration, addition or improvement, Tenant shall procure, at its own cost and expense, all necessary permits. All work shall be completed promptly and in a good and workman like manner and shall be performed in such a manner that no mechanics, materialmen's or other similar liens shall attach to Premises, and in no event shall Tenant permit, or be authorized to permit, any such liens or other claims to be asserted against Landlord or Landlord's rights with respect to the Premises, the Building, or the Property; and at the completion of all work Tenant shall obtain waivers of mechanics and

materialmens liens from all persons performing work on or on furnished material to the Premises. Notwithstanding anything herein to the contrary, Landlord consents to Tenant's fit up of the Premises pursuant to the scope of work appended hereto.

#### ARTICLE X - SUBORDINATION TO MORTGAGES

It is hereby expressly understood and agreed that this Lease shall be subject to and subordinate, without any further documentation, to any mortgage now upon the Premises or the building of which the Premises are a part and any mortgage or other security interest hereafter placed upon said Premises or said building; provided, however, that if requested by Landlord or Landlord's mortgagee, Tenant shall execute a subordination, non-disturbance and attornment agreement within ten (10) days of receipt thereof.

#### ARTICLE XI - INDEMNITY

11.1. Indemnification. Each party agrees to and shall indemnify and hold the other harmless from and against any and all claims arising from (a) The other's use of the Premises, (b) the conduct of other's business, (c) any activities, work, or things done, committed, or suffered by the other in or about the Premises, and (d) without limiting the generality of the foregoing, from any and all claims, actions, loss, cost, damage or expense arising from or in any way related to the introduction of or storage of hazardous waste or contamination of any sort into or on the Premises by the applicable party or its Contractors, agents or employees. Each party shall further indemnify and hold the other harmless from and against any and all claims arising from (i) any breach or default of the performance of any obligation required to be performed under the terms of this Lease, (ii) any negligent or intentional act or omission of the applicable party or its agents, employees, representatives, Contractors, customers, or visitors, and (iii) any and all costs, attorney's fees, expenses, and liabilities incurred by the applicable party in the

defense of any such claim or any action or proceeding brought thereon. If any action or proceeding is brought against by reason of any such claim, the applicable party shall defend the same at its expense; provided, however, that a party shall not settle or compromise any claim without the prior written consent of the other. Except as otherwise provided herein, Tenant, as a material part of the consideration to Landlord under this Lease, hereby assumes all risk of damage to property or injury to persons in or about the Premises arising from any cause and Tenant hereby waives all claims in respect thereof against Landlord; except claims arising out of Landlord's performance of Landlord's covenants, obligations, and duties under this Lease, or claims arising from the negligence or misconduct of Landlord, or its officers, agents, servants, customers, or employees.

11.2. Release of Landlord. Tenant further agrees that Landlord shall not be liable (a) for injury to Tenant's business, loss of income thereto, or damages to any of Tenant's furniture, furnishings, equipment, fixtures, or other property, (b) for damage or injury caused by or resulting from fire, steam, electricity, gas, oil, water, snow, rain, or other casualty, or (c) for damage or injury caused by or resulting from breakage, leakage, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning, heating, lighting fixtures, utility conduits, or any other cause; except where such damage or injury is caused by a breach of Landlord's performance of Landlord's covenants, obligations, and duties under this Lease, or arises from the gross negligence or willful misconduct of Landlord, or its officers, agents, servants, customers, or employees.

## ARTICLE XII - DAMAGE TO PREMISES

In the event that the Premises, is totally destroyed by fire or other casualty insured against, or is so damaged that repairs and restoration cannot, in the reasonable opinion of

Landlord, be accomplished within a period of ninety (90) days from the date of such destruction or damage, this Lease will automatically terminate without further act of either party hereto, and each party shall be relieved of any further obligation to the other except for the rights and obligations of the parties which survives a termination of this Lease, and except that Tenant shall be liable for and shall promptly pay Landlord any Rent then in arrears or Landlord shall promptly rebate to Tenant a pro rata portion of any Rent paid in advance. In the event that the Premises is so damaged that repairs and restoration can be accomplished within a period of ninety (90) days from the date of such destruction or damage, this Lease will continue in effect in accordance with its terms; provided, that until restoration of the Premises has been accomplished, a portion of the Rent will abate equal to the proportion of the Premises rendered unusable by the damage. Landlord's obligation to restore, replace or rebuild such facilities will not exceed in amount the sum of the insurance proceeds paid to it and/or released to it by any mortgagee with which settlement was made. Landlord shall not be responsible for damage or destruction, partial or total, to or of machinery, equipment and appurtenances constructed or installed on or in the Premises by Tenant. Notwithstanding anything contained herein to the contrary, in the event that the damage to the Premises results from the fault or negligence of Tenant, its agents, employees, licensees or invitees, Tenant shall not be entitled to any abatement or reduction of any Rent or other sums due hereunder, and such damage shall be repaired by Tenant, or at Landlord's option by Landlord at Tenant's expense.

#### ARTICLE XIII - EMINENT DOMAIN

If the Premises is lawfully condemned or taken by any public authority either in its entirety or in such proportion that it is no longer suitable for the intended use by Tenant, then this Lease will automatically terminate without further act of either party hereto on the date when

possession of the Premises is taken by such public authority, and each party hereto will be relieved of any further obligation to the other except that Tenant shall be liable for and shall promptly pay to Landlord any Rent or other payments due hereunder then in arrears or Landlord shall promptly rebate to Tenant a pro rata portion of any Rent or other such payments paid in advance. In the event the proportion of the Premises so condemned or taken is such that the Premises is still suitable for its intended use by Tenant, this Lease will continue in effect in accordance with its terms and a portion of the Rent and other payments due hereunder will abate equal to the proportion of the rental value of the Premises so condemned or taken. In either of the above events, the award for the property so condemned or taken will be payable solely to Landlord without apportionment to Tenant.

#### ARTICLE XIV - REMEDIES

14.1. Tenant's Default. It is covenanted and agreed that if any one or more of the following events should occur:

(a) Tenant shall neglect or fail to pay the rent or other charges payable hereunder and such default shall continue for a period of five (5) days after receipt of written notice;

(b) Tenant shall materially neglect or fail to perform or observe any of the other covenants, terms, provisions, or conditions on its part to be performed or observed under this Lease, and such default shall continue for a period of thirty (30) days after notice from Landlord;

(c) Any warranty or representation made by Tenant herein proves to be materially false or misleading;

(d) Any voluntary or involuntary petition or similar pleading under any section of any bankruptcy or reorganization act shall be filed by or against Tenant, or tribunal shall be instituted to declare Tenant insolvent or unable to pay Tenant's debts, and in the case of an involuntary petition or proceeding, the petition or proceeding is not dismissed within thirty (30) days from the date it is filed;

(e) Any assignment shall be made of the property of Tenant for the benefit of the creditors; or

(f) A receiver, guardian, conservator, trustee in bankruptcy, or other similar officer shall be appointed to take charge of all or any substantial part of Tenant's property by a court of competent jurisdiction;

then, and in any of the said cases (notwithstanding any license of any former breach of covenant, waiver of the benefit hereof, or consent in a former instance), Landlord lawfully may, immediately or at any time thereafter, and without demand or notice to Tenant, (i) expel Tenant and those claiming through or under it, and (ii) remove its or their effects ; without being deemed guilty of any manner of trespass and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant. Upon entry, as aforesaid, this Lease shall terminate. Subject to Landlord's duty of mitigation, Tenant covenants and agrees, notwithstanding any entry or re-entry by Landlord, whether by summary proceeding,

termination, or otherwise, to pay and be liable for on the days originally fixed herein for the payment thereof, amounts equal to the several installments of rent and other charges reserved as they would, under the terms of this Lease, become due for the whole term of this Lease had this Lease not been terminated or had Landlord not entered or reentered.

In the event of Tenant's default and eviction, Landlord shall undertake reasonable efforts to mitigate damages by re-letting the premises.

14.2. Landlord's Default. Tenant is hereby granted the right of "quiet enjoyment". If Landlord shall fail to cure any material default of Landlord of which it has been notified by Tenant in writing, within the time reasonably required to cure such default, then Tenant shall have the right to terminate this Lease. The same is to be mutually guaranteed to the landlord.

#### ARTICLE XV - CUMULATIVE EFFECT AND WAIVER

The acceptance of Rent hereunder by Landlord shall not be a waiver of any preceding breach by Tenant of any provision hereof, regardless of Landlord's knowledge of such preceding breach or the time of acceptance of such Rent. No remedy herein or otherwise conferred upon or reserved to Landlord shall be considered exclusive of any other remedy, but the same shall be cumulative and shall be in addition to every other remedy given hereunder now or hereafter arising at law, in equity, or by statute. Every power and remedy given by this Lease to Landlord may be exercised from time to time and as often as occasion may arise or as may be deemed expedient. No delay or omission of Landlord to exercise any such right or power arising from any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein. No waiver of any breach of any of the covenants of this Lease shall be construed, taken, or held to be a waiver of any other breach, nor waiver,

acquiescence in, or consent to any further or succeeding breach of any covenant contained herein.

#### ARTICLE XVI – SECURITY DEPOSIT

Upon the execution hereof, and prior to the Commencement Date, Tenant shall pay to and deposit with Landlord the sum of Two Thousand Five Hundred Forty Seven Dollars (\$2,547.00 ) (the “Deposit”), as security for the full and faithful performance by Tenant of all the terms of this Lease required to be performed by Tenant. Landlord may use, apply, or retain the whole or any part of the money deposited as security hereunder to the extent required for the payment of any Rent or other sum(s) as to which Tenant is in default or for any sum(s) which Landlord may expend or may be required to expend by reason of Tenant’s default in respect of any of the conditions of this Lease, including, but not limited to, any damages or deficiency in re-letting of the Premises whether such damages or deficiency accrued before or after summary proceedings or other reentry by Landlord. The deposit may not be commingled with other funds of Landlord. Subject to the terms of this Article XVI, in the event that Tenant shall comply with all of the terms of this Lease, the money deposited as security hereunder will be returned to Tenant after the term hereof and after delivery of possession of the Premises to Landlord with no sums due to Landlord.

#### ARTICLE XVII- OPTIONS

It is mutually agreed that, during the term of this lease and any extensions hereof:

17.3 Tenant shall have the right of first refusal to lease at prevailing rates and terms, any rental space that may become available on the property of landlord or its principals, located at 290 through 236, presently vacant land on the opposite side of Route 236 from the premises.

17.5 Tenant shall have a right of first refusal to purchase the entire land and buildings at 291 Harold Dow Highway per the earlier warehouse lease between both parties.

#### ARTICLE XIX - MISCELLANEOUS

19.1. Headings. The article, section headings, and subheadings throughout this Lease are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Lease.

19.2. Succession. Except as otherwise set forth herein, all of the terms and provisions of this Lease shall be binding upon and shall inure to the benefit of the legal representatives, successors and assigns of the respective parties thereto.

19.3. Severability. If any term or provision of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then the remainder of this Lease, or the application of such term or provision to persons or circumstances other than to those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and enforced to the fullest extent permitted by law.

19.4. Governing Law. This Lease shall be governed by and construed in accordance with the laws of the State of Maine, as the same exist as of the date of this Lease.

19.5. Counterparts. This Lease may be executed in counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.

19.6 Time of the Essence. Time is of the essence in the performance of all obligations under this Lease.

19.7 Entire Agreement. This Lease contains and embraces the entire agreement between the parties hereto and no part of it may be changed, altered, amended, modified, limited or extended orally or by agreement between the parties unless such agreement is expressed in writing and signed by Landlord and Tenant or their respective successors in interest. This Lease supersedes any and all prior agreements, promises, covenants, arrangements, communications, representations or warranties, whether oral or written, between the parties hereto with respect to the subject matter hereof.

19.9 Notice of Lease. The parties each agree to execute for recording a Notice of Lease

*[Signature page follows]*

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement with Option to Purchase all as of the date first above written.

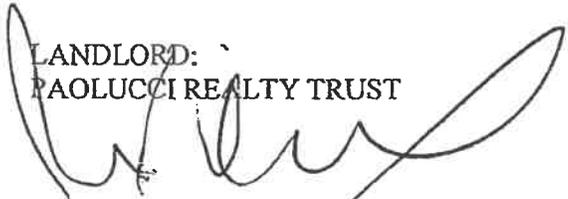
WITNESS:

\_\_\_\_\_

\_\_\_\_\_

LANDLORD:  
PAOLUCCI REALTY TRUST

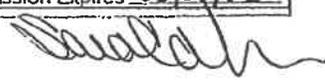
By:

  
Peter Paul, Trustee

TENANT:  
DJR REAL ESTATE, LLC

By: DANA BREARLEY, Member, duly authorized

SARA E. CALLANAN  
NOTARY PUBLIC  
STATE OF MAINE  
My Commission Expires 03/05/23

 12/24/19

BK7300 6059

WARRANTY DEED

60391

KNOW ALL PERSONS BY THESE PRESENTS, That I, ALBERT H. LIBBEY, of Eliot, County of York and State of Maine, for consideration paid, grant to PETER J. PAUL and CARMEN S. PAUL, as TRUSTEES of PAOLUCCI REALTY TRUST, a trust established under the laws of the State of Maine with a principal place of business at P.O. Box 694, Dover, New Hampshire 03820, with WARRANTY COVENANTS, a certain lot or parcel of land, together with any improvements located thereon, situated on Route 236, also known as Harold L. Dow Highway, in the Town of Eliot, County of York and State of Maine, and being more specifically bounded and described as follows:

MAINE DEED REGISTRY TRANSFER TAX PAID

Beginning at a #5 rebar set at the southeast corner of land now or formerly of David P. Libbey at the apparent westerly sideline of said Route 236 and thence proceeding South 25° 15' 30" East a distance of 300.00 feet to a rebar set in the apparent westerly sideline of said Route 236; thence turning and proceeding South 60° 34' 47" West a distance of 430.96 feet along other land of said Albert H. Libbey to a rebar set; thence turning and proceeding North 29° 25' 13" West a distance of 296.55 feet along other land of said Albert H. Libbey to a rebar set in the southerly property line of land now or formerly of David P. Libbey; thence turning and proceeding North 60° 34' 47" East a distance of 147.35 feet along land now or formerly of said David P. Libbey and in part along the remains of a stone wall and in part along the remains of a barbed wire fence to a rebar set; thence proceeding North 60° 00' 28" East a distance of 300.18 feet along land now or formerly of said David P. Libbey and still in part along the remains of a barbed wire fence to the rebar set at the point of beginning. Containing 130,680 square feet or 3.0 acres of land, more or less.

The foregoing premises are shown on a plan entitled "PLAN OF LAND PROPOSED LOT DIVISION ROUTE 236, ELIOT, ME PORTION MAP 37, LOT 2 FOR ALBERT H. LIBBEY 162 STATE RD., ELIOT, MAINE", dated December 12, 1994, by Roaring Brook Consultants, to be recorded in the York County Registry of Deeds.

Meaning and intending to convey a portion only of the property conveyed to Albert H. Libbey by quitclaim deed with covenant from Robert I. Libbey dated December 29, 1986 and recorded in the York County Registry of Deeds at Book 4132, Page 222. Also conveying all of the property conveyed by the warranty deed from David P. Libbey to Albert H. Libbey dated August 15, 1994 and recorded in the York County Registry of Deeds at Book 7169, Page 230.

REKER AND DOUFFARD  
74 STATE ROAD  
WILTON, MAINE 05095

50

BK7300 PG060

WITNESS my hand and seal this <sup>29<sup>th</sup></sup> ~~30<sup>th</sup>~~ day of December, 1994.

Lynn A. Keisker  
Witness

Albert H. Libbey  
Albert H. Libbey

STATE OF MAINE  
COUNTY OF YORK, SS.

December 29, 1994

Personally appeared the above-named Albert H. Libbey and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:  
Lynn A. Keisker  
Notary Public/Attorney at Law



Print Name: Lynn A. Keisker  
My Commission Expires 5/1/95

ROSE AND BELFRAGE  
10 STATE ROAD  
P.O. BOX 63  
ATTEN: MAINE CUDR

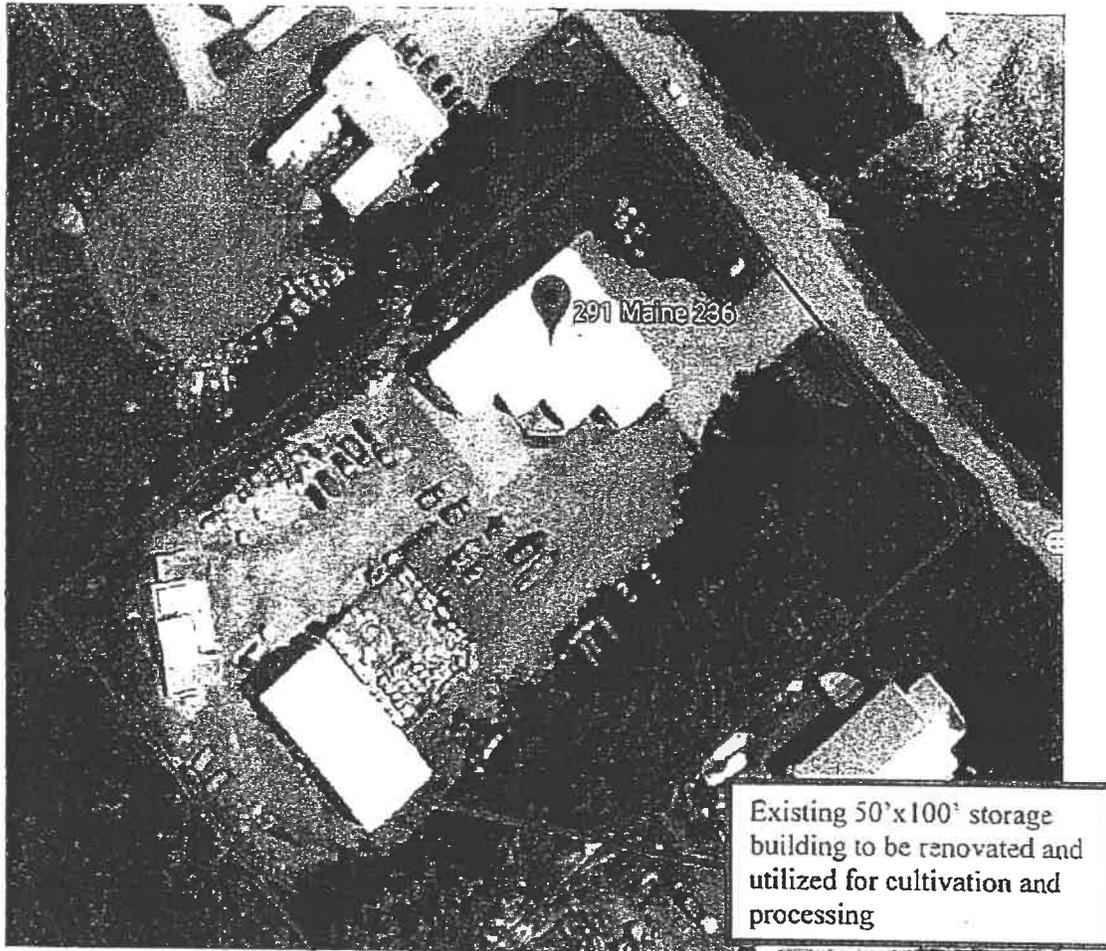
RECEIVED YORK S.S.  
94 DEC 30 PM 3:55  
ATTEST: Clarence Stone  
REGISTER OF DEEDS

909 Islington Street  
Portsmouth, NH 03801

Ross Engineering  
Civil/Structural Engineering

603-433-7560  
alexross@comcast.net

**Northern Pool & Spa**  
291 Harold L. Dow Highway  
Tax Map 37, Lot 2-1



Existing 50'x100' storage building to be renovated and utilized for cultivation and processing

**Figure 1: Aerial view of site**

ZONING MAP

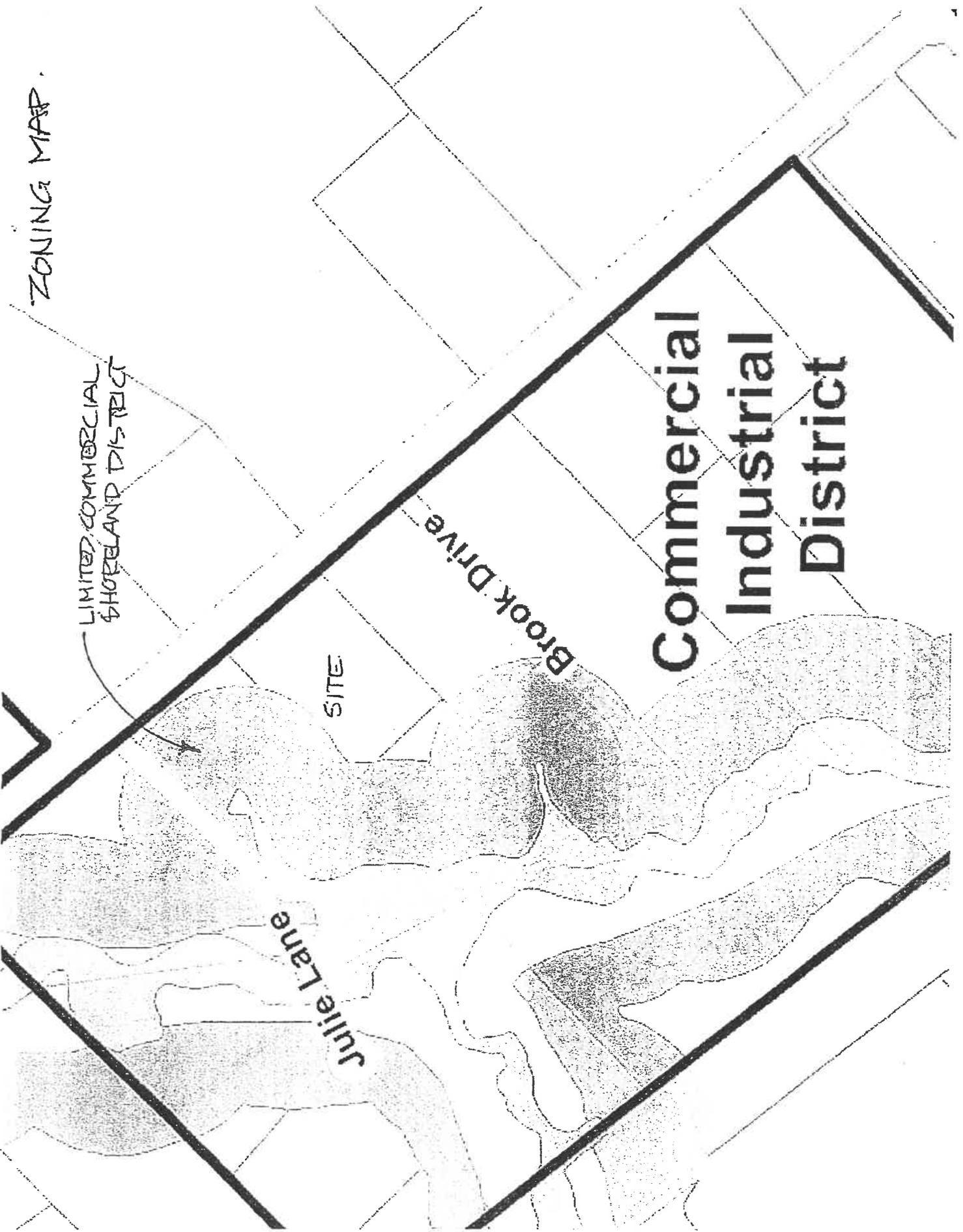
LIMITED COMMERCIAL  
& SHORELAND DISTRICT

SITE

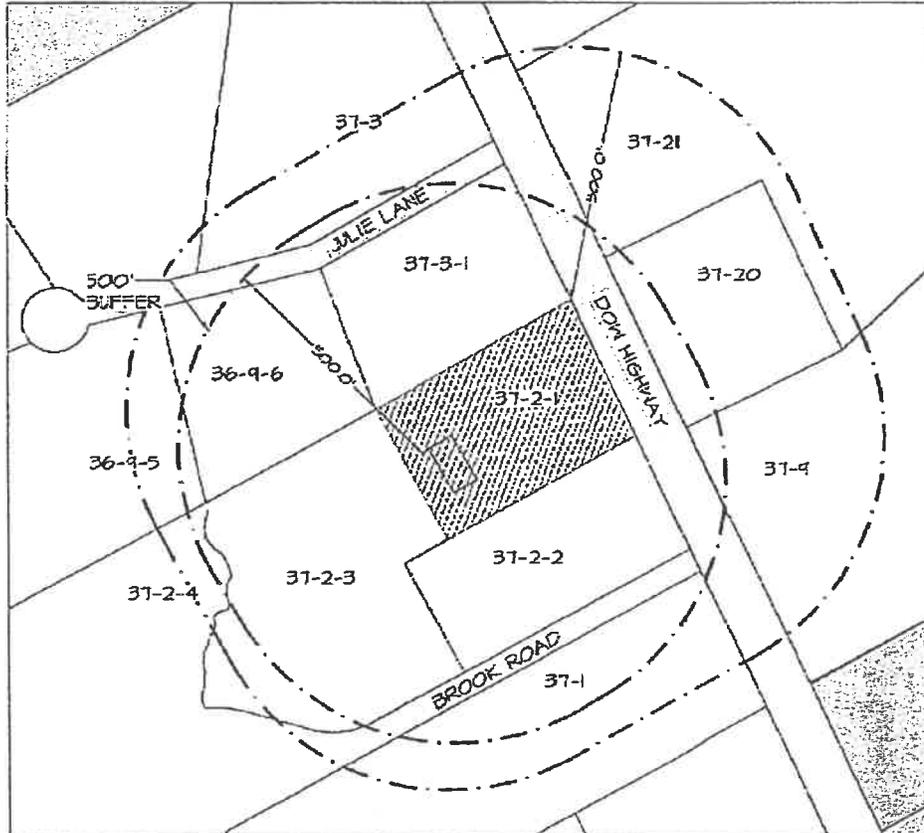
Brook Drive

Julie Lane

**Commercial  
Industrial  
District**



LOCATION PLAN FOR  
291 HAROLD L. DOW HIGHWAY  
LOT 37-2-1



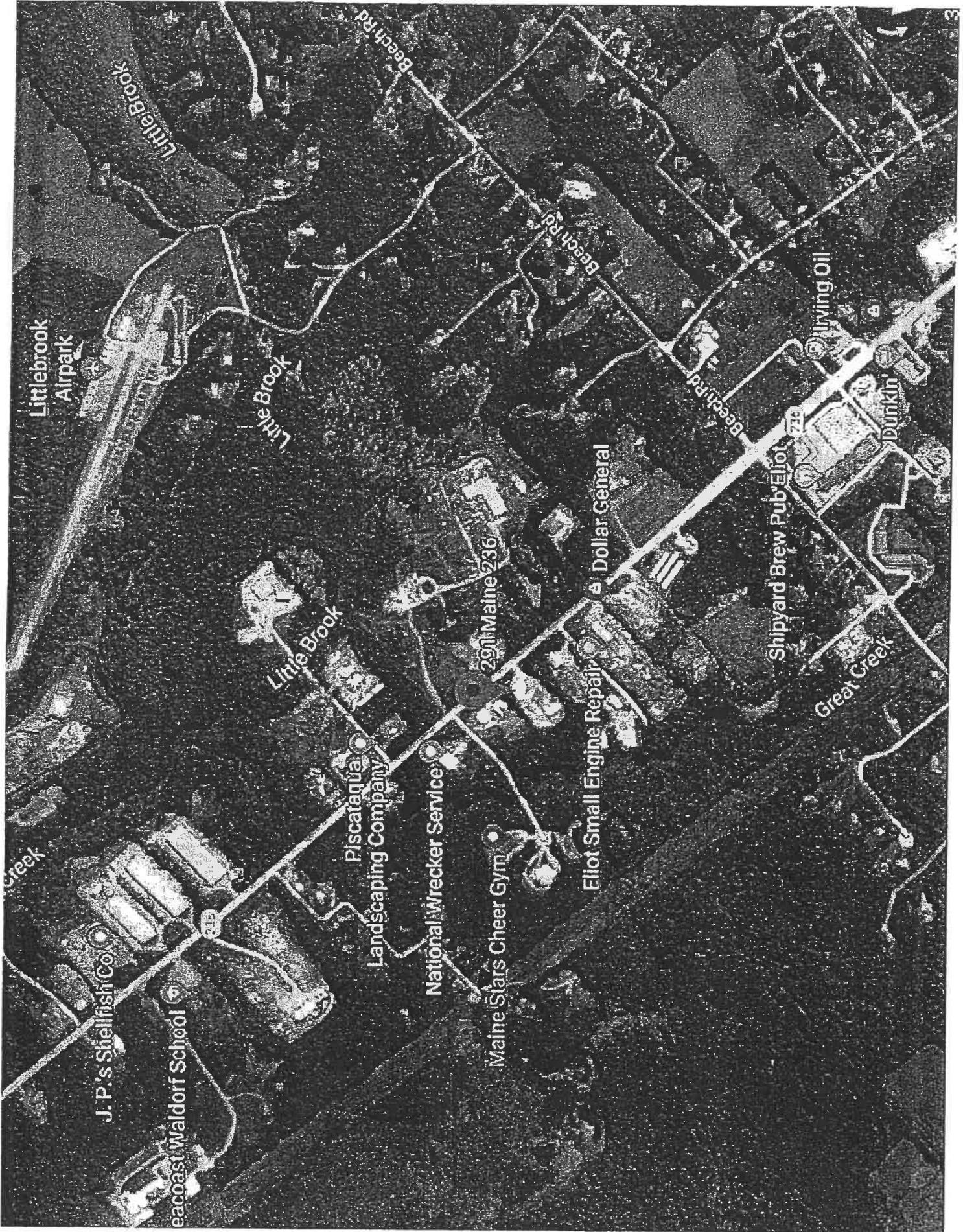
ZONING MAP  
N.T.S.

LEGEND

- COMMERCIAL INDUSTRIAL DISTRICT
- SUBURBAN DISTRICT

ABUTTERS LIST

- 36-9-5: JULIE LANE LLC
- 36-9-6: BMT ENTERPRISES
- 37-1: EVAN A. & ROSALIE B. CHURCHILL REV. TRUST
- 37-2-2: MARIE MORIARTY
- 37-2-3: BMT ENTERPRISES
- 37-2-4: PAUL GORANSSON
- 37-3: RALPH J. CRESTA
- 37-3-1: NATURAL ROCKS SPRING WATER ICE CO., INC
- 37-4: ELIOT WOOD SERVICES, LLC
- 37-20: AMP REALTY HOLDINGS, LLC
- 37-21: SLATE HILL RECYCLING, LLC



Littlebrook  
Airpark

J. P.'s Shellfish Co.

Waldorf School

Little Brook

Little Brook

Piscataqua  
Landscaping Company

National Wrecker Service

Maine Stars Cheer Gym

2911 Maine 236

Eliot Small Engine Repair

Dollar General

Shipyard Brew Pub

Dunkin'

Great Creek

Irving Oil

Little Brook

Beech Rd

Beech Rd

Beech Rd

Shipyard Rd

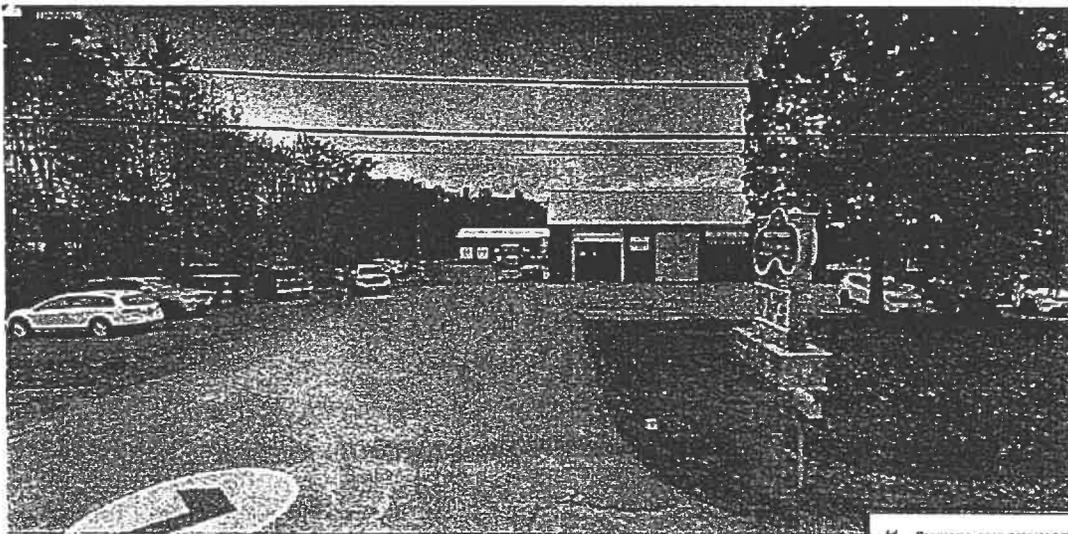
**Ross Engineering  
Civil/Structural Engineering**

909 Islington Street  
Portsmouth, NH 03801

603-433-7560  
alexross@comcast.net



**Figure 2: Front elevation facing west**

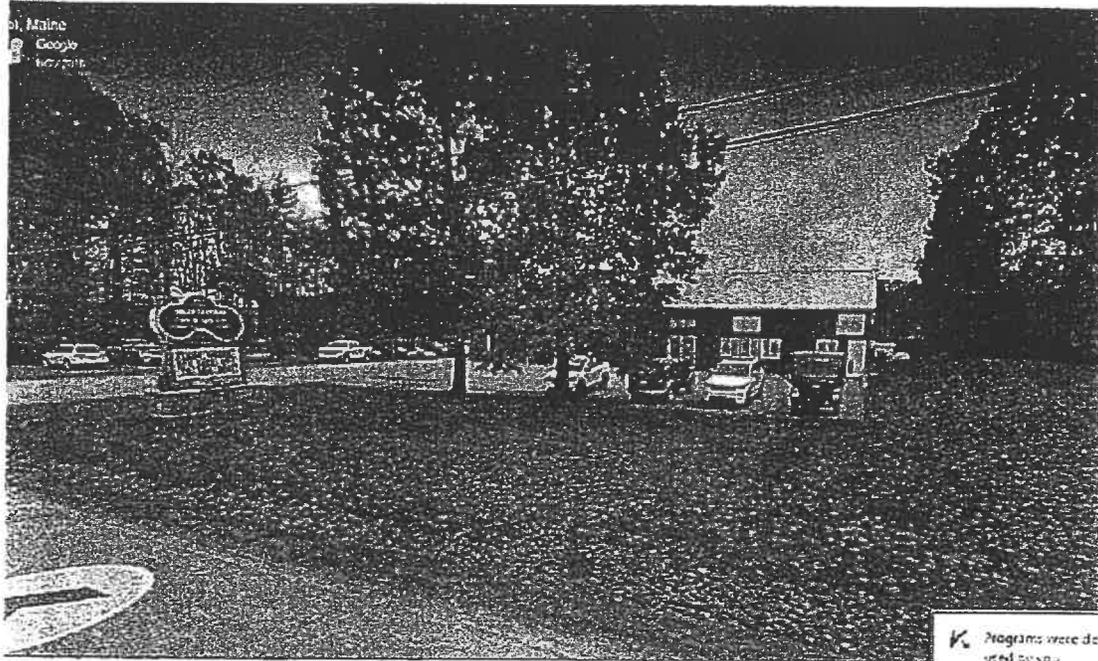


**Figure 3: Front elevation facing southwest**

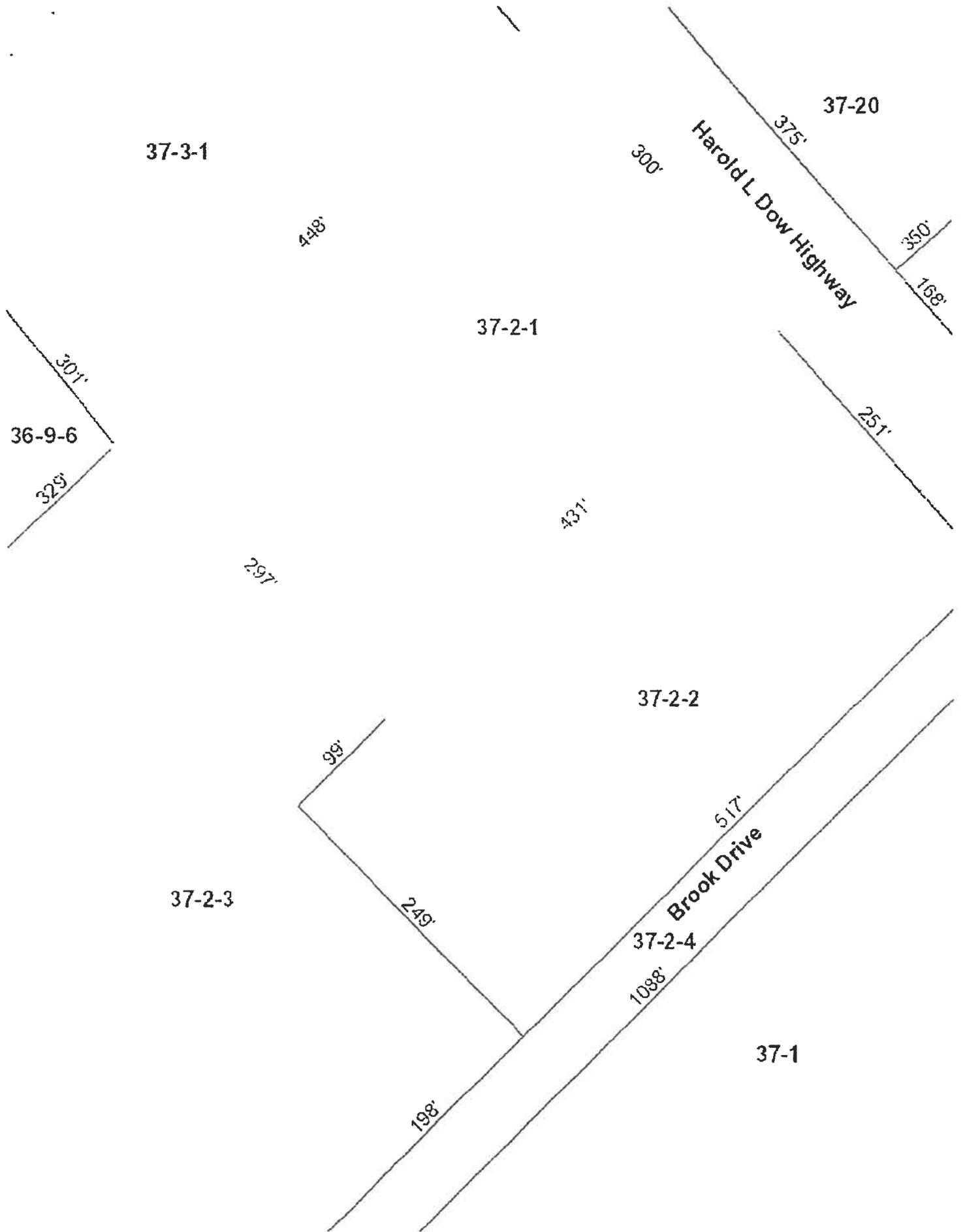
**Ross Engineering  
Civil/Structural Engineering**

909 Islington Street  
Portsmouth, NH 03801

603-433-7560  
alexross@comcast.net

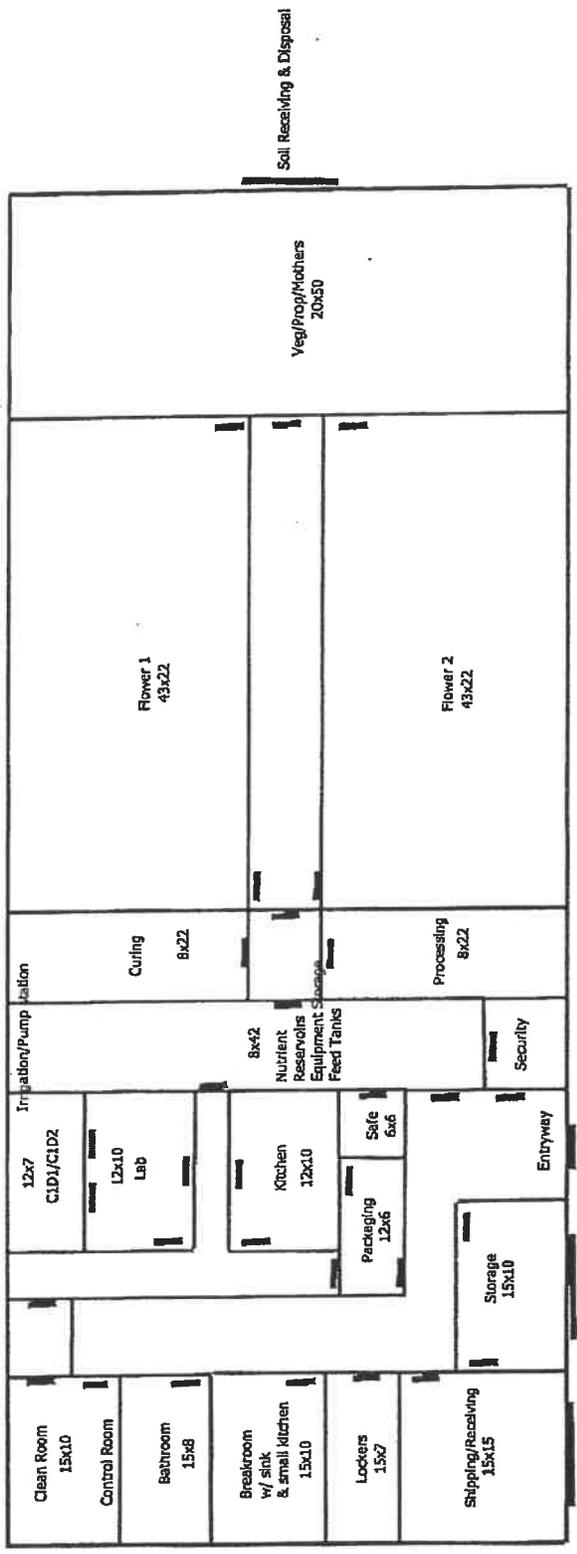


**Figure 4: Front elevation facing south**



Northern Pool & Spa  
 Draft 1  
 James Folan

security video monitoring in office space



FLOOR PLAN (CUTS)  
 5/1/2019

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA  
PROGRAM

This certifies that

**ARCANNA LLC**

**ACC274**

has been issued a **CONDITIONAL** license as an **ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3** under 28-B-MRS. This does **NOT** permit the licensee to engage in any activity.

ISSUED ON  
06/26/2020

  
DIRECTOR  
OFFICE OF MARIJUANA POLICY  
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON  
06/25/2021

**NOTE: THIS IS NOT AN ACTIVE  
LICENSE**

To make a complaint about this licensed Adult Use Marijuana Establishment:  
Email: [Licensing.OMP@maine.gov](mailto:Licensing.OMP@maine.gov)

The Conditional License for ACC274 has been issued based on the following organizational structure:

**Principals:**

JAMES JOSEPH FOLAN, III, MANAGER  
DANA HOWARD BREARLEY, MANAGER

**Owners:**

31.75% - JAMES FOLAN  
31.75% - DANA BREARLEY  
20.00% - RYAN WARD  
1.50% - CONGRESS STREET CAPITAL LLC  
15.00% - SHELL ROAD 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.

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA  
PROGRAM

This certifies that

**ARCANNA LLC**  
**AMF275**

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.

ISSUED ON  
06/26/2020

  
DIRECTOR  
OFFICE OF MARIJUANA POLICY  
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON  
06/25/2021

**NOTE: THIS IS NOT AN ACTIVE  
LICENSE**

To make a complaint about this licensed Adult Use Marijuana Establishment:  
Email: [Licensing.OMP@maine.gov](mailto:Licensing.OMP@maine.gov)

The Conditional License for AMF275 has been issued based on the following organizational structure:

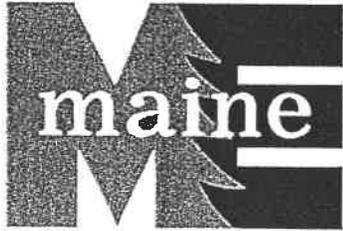
**Principals:**

JAMES JOSEPH FOLAN, III, MANAGER  
DANA HOWARD BREARLEY, MANAGER

**Owners:**

31.75% - JAMES FOLAN  
31.75% - DANA BREARLEY  
20.00% - RYAN WARD  
15.00% - SHELL ROAD LLC  
1.50% - CONGRESS STREET CAPITAL 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.



# OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

## Maine Adult Use Local Authorization Form

This Local Authorization Form must be completed by the proposed municipality or the Maine Land Use Planning Commission. The authorized local official responsible for completing this Form must forward the Form and **all required attachments** to the Office of Marijuana Policy at [Licensing.OMP@maine.gov](mailto:Licensing.OMP@maine.gov) or 162 State House Station, Augusta, Maine 04333.

If the authorized local official in receipt of this Form has not recently met with the Office of Marijuana Policy to discuss the local authorization process and OMP's expectations for completion of this Form, please contact Tracy Jacques, Director of Licensing, at [Licensing.OMP@maine.gov](mailto:Licensing.OMP@maine.gov) or (207) 530-7389 prior to filling it out.

Section 1: License Information - Information generated by the Office of Marijuana Policy.				
Business Legal Name: ARCANNA LLC	Business DBA:	Conditional License Number: ACC274		
License Type: ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 3				
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: hking@dwmlaw.com		
Section 2: Marijuana Establishment and Local Authorization Information. This section to be completed by the Municipality/Maine Land Use Planning Commission in receipt of request for Local Authorization.				
Physical Location of Establishment (include unit number)	Municipality/Town/Plantation/Township	County	State	ZIP
Tax Map #:		Tax Lot #:		
Date Local Authorization Request Received by Municipality/Maine Land Use Planning Commission:		Date Local Authorization Approved by Municipality/Maine Land Use Planning Commission:		
If you are requesting Local Authorization from a <i>municipality</i> , complete Section 3.				
If you are requesting Local Authorization from a <i>town, plantation or township in the unorganized and deorganized areas</i> through the Maine Land Use Planning Commission, complete Section 4.				
Section 3: Local Authorization of Marijuana Establishments within Municipalities. This section to be completed by the Municipality in receipt of request for Local Authorization.				
<b>Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article.</b> A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment and a municipality may not accept as complete the person's request for local authorization unless the following questions are answered in the affirmative.				
1. Has the legislative body of the municipality voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No				

2.	Is a copy the local ordinance, warrant article, or other local regulation authorizing the siting of this establishment attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 3(b): Minimum authorization criteria.</b> A municipality may not authorize the operation of a marijuana establishment within the municipality unless the following questions are answered in the affirmative.	
1.	Is the marijuana establishment proposed to be located equal to or greater than 1,000 feet of the property line of a preexisting public or private school? If the municipality by ordinance or other regulation prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 3(c): Local authorization required for operation of marijuana establishment within municipality.</b> A person may not operate a marijuana establishment within a municipality unless the following questions are answered in the affirmative.	
1.	Has the person obtained all applicable municipal approvals, permits, or licenses that are required by the municipality for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the municipality is affirming that all municipal approvals, permits, or licenses have been approved, granted, or issued and no further action by the municipality is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Is a list and copy of all applicable approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages the municipality to coordinate the issuance date of a local license with the Office when appropriate. <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and Deorganized Areas.</b> This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.	
<b>Section 4(a): Request for local authorization to operate marijuana establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township.</b> A person seeking to operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization unless one of the following questions is answered in the affirmative.	
1.	In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2.	In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
<b>Section 4(b): Minimum authorization criteria.</b> The Maine Land Use Planning Commission may not certify to the Department local authorization of a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.	
1.	Is the marijuana establishment proposed to be located equal to or less than 1,000 feet of the property line of a preexisting public or private school? If the Maine Land Use Planning Commission prohibits the location of marijuana establishments at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has the person requesting local authorization to operate the marijuana establishment demonstrated possession or entitlement to possession of the proposed licensed premises of the marijuana establishment pursuant to a <input type="checkbox"/> lease, <input type="checkbox"/> rental agreement or <input type="checkbox"/> other arrangement for possession of the premises (specify: _____) or <input type="checkbox"/> by virtue of ownership of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 4(c): Local authorization required for operation of marijuana establishment in town, plantation or township in unorganized and deorganized areas.</b> A person may not operate a marijuana establishment within a town, plantation or township located within the unorganized and deorganized areas unless the following questions are answered in the affirmative.	
1.	Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development? <input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Is a copy of the certification including a list of all applicable approvals, permits, or licenses not relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No

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

**Statutory Guidance for Municipalities/Maine Land Use Planning Commission**

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

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

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

The completed Maine Adult Use Local Authorization Form can be emailed to the Office of Marijuana Policy at [Licensing\\_OMP@maine.gov](mailto:Licensing_OMP@maine.gov) or sent to Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162.

**Municipality/LUPC Representative**

Legal Name and title of Municipality/LUPC Representative:	City:	County:
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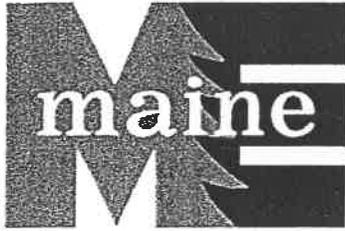
I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

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

**Notarization**

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

Name of Notary Public (Printed):	Signature of Notary Public:
Notary Public, State of Maine	_____
My commission expires:	<b>STAMP/SEAL</b>



# OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

## Maine Adult Use Local Authorization Form

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<b>Section 1: License Information.</b> Information generated by the Office of Marijuana Policy.				
Business Legal Name: ARCANNA LLC	Business DBA:	Conditional License Number: AMF275		
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: hking@dwmlaw.com		
<b>Section 2: Marijuana Establishment and Local Authorization Information.</b> This section to be completed by the Municipality/Maine Land Use Planning Commission in receipt of request for Local Authorization.				
Physical Location of Establishment (include unit number)	Municipality/Town/Plantation/Township	County	State	ZIP
Tax Map #:	Tax Lot #:			
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1. In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of marijuana establishments within the town or plantation, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2. In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of marijuana establishments within the township, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
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**Statutory Guidance for Municipalities/Maine Land Use Planning Commission**

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**Municipality/LUPC Representative**

Legal Name and title of Municipality/LUPC Representative:	City:	County:
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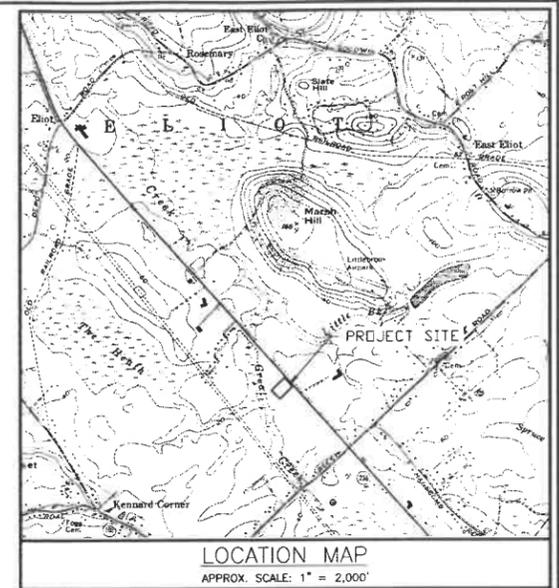
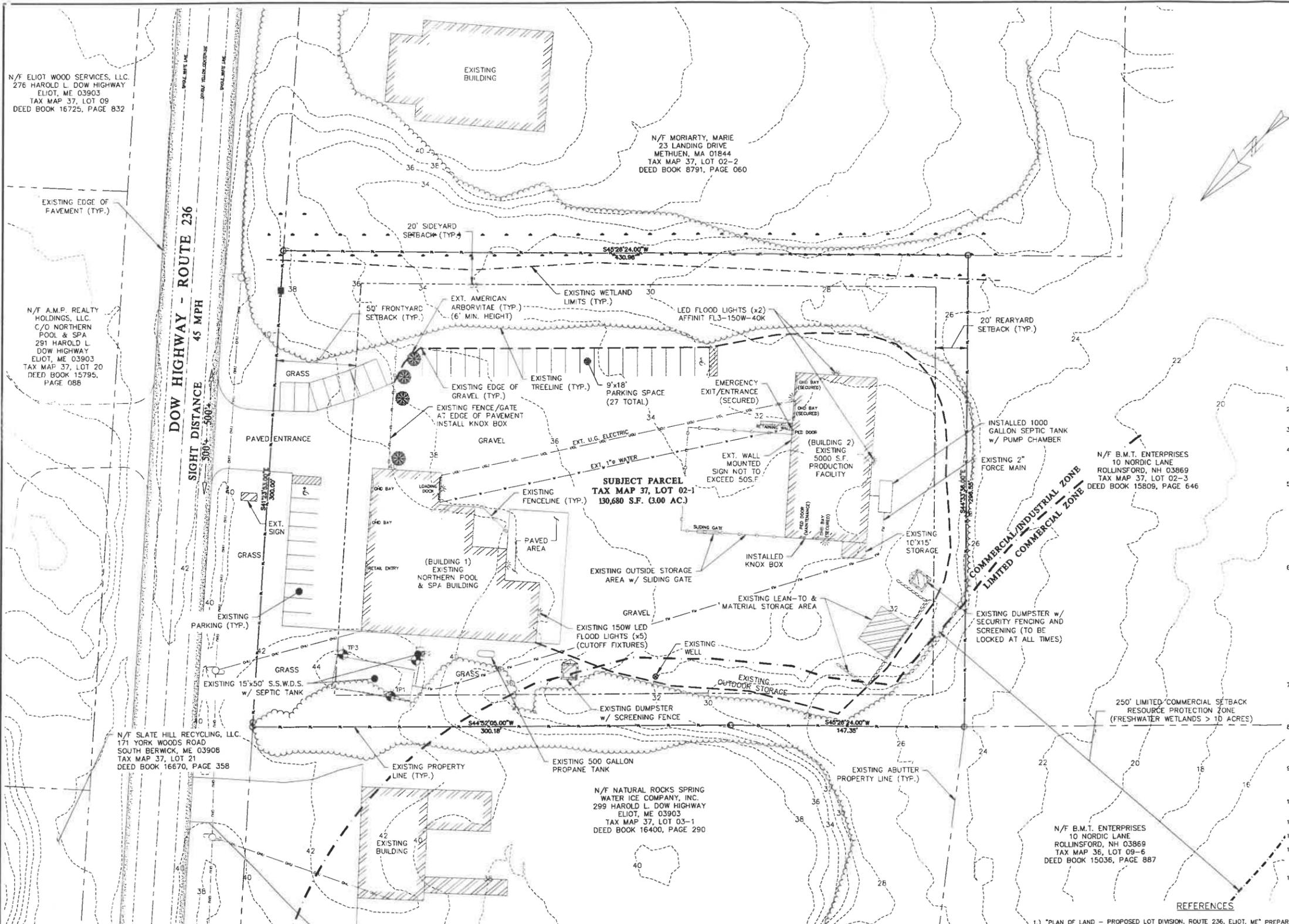
I hereby affirm and acknowledge that the information above is truthful and complete to the best of my knowledge.

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

**Notarization**

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

Name of Notary Public (Printed):	Signature of Notary Public:          <b>STAMP/SEAL</b>
Notary Public, State of Maine	
My commission expires:	



- GENERAL NOTES**
- THIS PLAN PROVIDES A SITE PLAN AMENDMENT FOR THE CHANGE OF USE OF AN EXISTING 5,000 SQ. FT. PRODUCTION FACILITY (BUILDING 2) LOCATED AT 291 DOW HIGHWAY, ROUTE 236, ELIOT, MAINE. THE FACILITY SHALL NOT HAVE NO CHANGE OF SERVICES OFFERED, BUT THIS AMENDMENT SEEKS TO RE-CLASSIFY THE DEVELOPMENT AS AN ADULT USE MARIJUANA PRODUCTION FACILITY, AS DEFINED IN SECTION 11-3 OF THE TOWN OF ELIOT MUNICIPAL CODE OF ORDINANCES.
  - THE EXISTING PARCEL IS 3.00 ACRES, LOCATED IN THE COMMERCIAL INDUSTRIAL (C/I) ZONING DISTRICT AND LIMITED COMMERCIAL SUBDISTRICT, TAX MAP 37 LOT 02-1.
  - EXISTING TOPOGRAPHY (DATUM NAD 1988) ACQUIRED FROM STATE LIDAR SERVICES. BOUNDARY SURVEY AND EXISTING CONDITIONS AS PER REFERENCES 1 & 2, RESPECTIVELY.
  - THE INTENDED USE OF THE SITE PLAN AMENDMENT APPLICATION IS TO REDEFINE THE USE OF THE EXISTING 5,000 SQ. FT. PRODUCTION FACILITY (BUILDING 2) FROM A NONPROFIT MEDICAL MARIJUANA DISPENSARY TO AN ADULT USE MARIJUANA PRODUCTION FACILITY. THE PROPOSED CHANGE IN USE SHALL NOT GENERATE NOR RECONFIGURE ANY RETAIL SPACE ON-SITE.
  - DIMENSIONAL REQUIREMENTS FOR THE C/I DISTRICT ARE AS FOLLOWS:
 

ZONING DISTRICT C/I	3.0 ACRES
MIN. LOT SIZE	3.0 ACRES
MIN. YARD DIMENSIONS:	
FRONTYARD	50' ABUTTING A STATE/TOWN ROAD
SIDEYARD	20' (100' ABUTTING RESIDENTIAL USE)
REARYARD	20' (100' ABUTTING RESIDENTIAL USE)
MAX. BLDG. HEIGHT	55'
MAX. LOT COVERAGE	50%
MIN. N.H.W. SETBACK	75'
  - PARKING REQUIREMENTS:
    - USAGE DEFINED IN 845-495(G) "NONPROFIT MEDICAL MARIJUANA DISPENSARIES"
      - 1 PARKING SPACE FOR EACH 200 SQUARE FEET OF FLOOR AREA, EXCLUSIVE OF BULK STORAGE. APPROXIMATELY 1,800 SQ. FT. OF THE 5,000 SQ. FT. RENOVATION APPLIES TO THIS PARKING SPACE. THE REMAINDER IS DEDICATED TO BULK STORAGE/GROWING. 1,800 SQ. FT. / 200 SQ. FT. = 9 SPACES REQUIRED (10 PROVIDED).
    - EXISTING PARKING (NORTHERN POOL & SPA)/RETAIL USE OF BUILDING 1:
      - USAGE DEFINED IN 845-495(F) AND (11) "WHOLESALE OR RETAIL SERVICES" AND "COMMERCIAL AND INDUSTRIAL USES NOT SPECIFICALLY ENUMERATED", RESPECTIVELY.
        - 1 PARKING SPACE PER 150 SQ. FT. OF RETAIL FLOOR AREA
        - 2,000 SQ. FT. RETAIL SPACE (BUILDING 1) = 14 SPACES REQUIRED
        - 1 PARKING SPACE FOR EACH PERSON EMPLOYED ON THE LARGEST SHIFT
        - 10 EMPLOYEES = 10 SPACES REQUIRED
        - => 24 SPACES REQUIRED (27 PROVIDED)
  - LOT COVERAGE CALCULATIONS:
    - 8,500 S.F. (BUILDING 1) + 5,000 S.F. (BUILDING 2) + 550 S.F. (LEAN-TO)
    - = 14,050 S.F. FOOTPRINT / 130,680 S.F. LOT AREA => 10.7%
    - IMPERVIOUS SURFACE COVERAGE: 79,850 S.F. IMPERVIOUS AREA / 130,680 S.F. LOT AREA => 61.1%
  - WATER SERVICE IS BE PROVIDED BY AN EXISTING, INDIVIDUAL, PRIVATE, DRILLED WELL. SEWER SERVICE SHALL BE PROVIDED BY AN EXISTING, PRIVATE, ON-SITE, SUBSURFACE WASTEWATER DISPOSAL SYSTEM (SSWDS). THE SSWDS WAS DESIGNED BY LICENSED SITE EVALUATOR JOSEPH W. NOEL (LSE #221). INSTALL NEW 1,000 GALLON SEPTIC TANK/PUMP CHAMBER AND FORCE MAIN. ALL COMPONENTS SHALL MEET H-20 LOAD RATING.
  - THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
  - SIGNS SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 45, ARTICLE XI FROM THE MUNICIPAL CODE OF ORDINANCES, TOWN OF ELIOT, MAINE. SIGN LOCATION MAY VARY WITH CEO APPROVAL.
  - EXISTING, OFF-SITE, STRUCTURES SHOWN ON THIS PLAN ARE IN APPROXIMATE LOCATIONS.
  - COPIES OF ALL MATERIAL SAFETY DATA SHEETS (MSDS) TO BE POSTED AT MAIN ENTRANCE.
  - BUILDING 2 SHALL BE MONITORED BY SECURITY CAMERAS, WITH VIDEO FOOTAGE BEING RETAINED FOR NO LESS THAN A TWO-WEEK PERIOD. BUILDING 2 SHALL BE LOCKED 24 HRS, 7 DAYS/WEEK WITH ACCESS EXCLUSIVELY THROUGH KEY/CARD ENTRY.
  - FACILITY TO HAVE A SUPERVISED (24 HRS, 7 DAYS/WEEK) FIRE ALARM SYSTEM. MAIN PANEL TO BE ADJACENT TO MAIN ENTRANCE DOOR.

N/F ELIOT WOOD SERVICES, LLC  
276 HAROLD L. DOW HIGHWAY  
ELIOT, ME 03903  
TAX MAP 37, LOT 09  
DEED BOOK 16725, PAGE 832

N/F A.M.P. REALTY HOLDINGS, LLC  
C/O NORTHERN POOL & SPA  
291 HAROLD L. DOW HIGHWAY  
ELIOT, ME 03903  
TAX MAP 37, LOT 20  
DEED BOOK 15795, PAGE 086

N/F MORIARTY, MARIE  
23 LANDING DRIVE  
METHUEN, MA 01844  
TAX MAP 37, LOT 02-2  
DEED BOOK 8791, PAGE 060

N/F B.M.T. ENTERPRISES  
10 NORDIC LANE  
ROLLINSFORD, NH 03869  
TAX MAP 37, LOT 02-3  
DEED BOOK 15809, PAGE 646

N/F SLATE HILL RECYCLING, LLC  
171 YORK WOODS ROAD  
SOUTH BERWICK, ME 03908  
TAX MAP 37, LOT 21  
DEED BOOK 16670, PAGE 358

N/F NATURAL ROCKS SPRING WATER ICE COMPANY, INC.  
299 HAROLD L. DOW HIGHWAY  
ELIOT, ME 03903  
TAX MAP 37, LOT 03-1  
DEED BOOK 16400, PAGE 290

**LEGEND**

PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
CENTERLINE OF ROAD	---
EXT. U.G. ELECTRIC	UGU
EXT. WELL	W
EXT. WATER LINE	W
EXT. TEST PIT	⊕
PRP. FORCE MAIN	FM
EXT. STONEWALL	---

**TOWN OF ELIOT PLANNING BOARD**

DATE	

- GENERAL NOTES (CONT.)**
- CARBON DIOXIDE METERS AND ALARM SET POINTS SHALL BE INSTALLED IN ACCORDANCE WITH NFPA 1 (2018 EDITION) AND WIRED INTO FIRE ALARM SYSTEM. CARBON DIOXIDE SUPPLY TANKS SHALL BE INSTALLED IN ACCORDANCE WITH INDUSTRY STANDARDS WITH CRASH PROTECTION.
  - ALL REPORTABLE QUANTITIES OF HAZARDOUS MATERIALS SHALL BE REPORTED TO THE TOWN OF ELIOT FIRE CHIEF AND STATE AGENCIES AS APPROPRIATE.
  - TOWN FIRE CHIEF SHALL TEST FIRE ALARM SYSTEM AND CONDUCT WALKTHROUGH PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT.

- REFERENCES**
- "PLAN OF LAND - PROPOSED LOT DIVISION, ROUTE 236, ELIOT, ME" PREPARED FOR ALBERT H. LIBBEY, 162 STATE ROAD, ELIOT, MAINE. PREPARED BY ROARING BROOK CONSULTANTS, PLAN DATED 12/26/1994.
  - "SUBDIVISION PLAN - LIBBEY SUBDIVISION, MAP 37, LOT 2, ROUTE 236, ELIOT, MAINE" PREPARED BY ATTAR ENGINEERING, INC. PLAN DATED 07/28/1995.

**SITE PLAN AMENDMENT**  
NONPROFIT MEDICAL MARIJUANA DISPENSARY  
ROUTE 236, ELIOT, MAINE

FOR: ARCANNA RETAIL, LLC  
291 HAROLD L. DOW HIGHWAY  
ELIOT, ME 03903  
ATTAR ENGINEERING, INC.





*Eliot Fire Department*  
*Chief Jay P. Muzeroll*

---

September 28, 2020

Town of Eliot  
Planning Board

Ref: PB20-15 291 Harold Dow Highway

Dear Board,

I have no issues with the change in use of that structure. It is already in compliance with the new NFPA 1, Chapter 38 relating to that type facility.

Sincerely,

Jay Muzeroll  
Eliot Fire Chief

**From:** [Planner](#)  
**To:** [Brian Nielsen](#); [Land Use](#)  
**Subject:** RE: 290 Harold Dow Highway (Route 236) Eliot  
**Date:** Thursday, October 1, 2020 7:47:34 AM

---

Thank you, Brian.

Can we include the below email string in the 290 HL Dow agenda item?

Jeff

Jeff Brubaker, AICP  
(207) 439-1817 x112

---

**From:** Brian Nielsen <[brian@attarengineering.com](mailto:brian@attarengineering.com)>  
**Sent:** Thursday, October 1, 2020 7:24 AM  
**To:** Planner <[planner@eliotme.org](mailto:planner@eliotme.org)>; Land Use <[landuse@eliotme.org](mailto:landuse@eliotme.org)>  
**Subject:** FW: 290 Harold Dow Highway (Route 236) Eliot

Good morning Jeff,

Below is a message I received back from Tony this morning. Looks like as long as we don't deviate from the entrance location we are free to move forward as is (as far as MDOT is concerned anyway).

Thank you,  
Brian

---

**From:** Fontaine, Anthony <[Anthony.Fontaine@maine.gov](mailto:Anthony.Fontaine@maine.gov)>  
**Sent:** Thursday, October 1, 2020 6:56 AM  
**To:** Brian Nielsen <[brian@attarengineering.com](mailto:brian@attarengineering.com)>  
**Subject:** RE: 290 Harold Dow Highway (Route 236) Eliot

Brian,

I see no changes that will significantly change traffic volumes. As long as the entrance location is the same, you are free to proceed and require no further reviews or approvals from MaineDOT.

Tony

---

**From:** Brian Nielsen <[brian@attarengineering.com](mailto:brian@attarengineering.com)>  
**Sent:** Tuesday, September 29, 2020 8:29 AM  
**To:** Fontaine, Anthony <[Anthony.Fontaine@maine.gov](mailto:Anthony.Fontaine@maine.gov)>  
**Cc:** Ken Wood <[Ken@attarengineering.com](mailto:Ken@attarengineering.com)>

**Subject:** 290 Harold Dow Highway (Route 236) Eliot

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning Tony,

We are looking to update the site plan for 290 Harold Dow Highway (Route 236) and the town planner asked that I reach out to you.

Do you know if there is a need for a new entrance permit or movement permit? Is there anything you need from us?

Attached are both the currently approved site plan from 2017 and the site plan we are proposing. Also attached is the copy we have of the driveway permit.

Please reach out if more information is required.

Thank you,  
Brian

**PB20-18: 0 and 8 Rocky Point Rd. – Lot Line Adjustment – Sketch Plan Review**



**TOWN OF ELIOT MAINE**

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

To: Planning Board  
 From: Jeff Brubaker, AICP, Town Planner  
 Cc: Scott Vlcek, Applicant  
 Shelly Bishop, Town of Eliot Code Enforcement Officer (CEO)  
 Kearsten Metz, Land Use Administrative Assistant  
 Date: October 6, 2020 (meeting date)  
 Re: PB20-18: 0 and 8 Rocky Point Road (PID # 042-028-000; 042-029-000) – Lot Line Adjustment – **Sketch Plan Review**

<b>Application Details/Checklist Documentation</b>	
✓ Address:	0 and 8 Rocky Point Road
✓ Map/Lot:	Map 42 / Lots 28 & 29
✓ PB Case#:	PB20-18
✓ Zoning District:	Suburban
✓ Shoreland Zoning:	Resource Protection, Limited Residential
✓ Owner Name:	Scott and Christina Vlcek
✓ Applicant Name:	Scott Vlcek
✓ Proposed Project:	Lot Line Adjustment
✓ Application Received by Staff:	Date: September 15, 2020
Application Fee Paid and Date:	N/A – Sketch Plan Review stage
Application Fee Paid and Date:	
Application Sent to Staff Reviewers:	Date: TBD
Application Heard by PB	Date: October 6, 2020 (scheduled)
Found Complete by PB	Date:
Site Walk	Date: TBD
Public Hearing	Date: TBD
Public Hearing Publication	Date: TBD
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Subdivision Application: Lot Line Adjustment

## **PB20-18: 0 and 8 Rocky Point Rd. – Lot Line Adjustment – Sketch Plan Review**

### **Overview**

Applicant Scott Vlcek has submitted a Request for Planning Board Action on a proposed lot line adjustment between 0 Rocky Point Rd. (Map 42, Lot 28; “Parcel B”) and 8 Rocky Point Rd. (Map 42, Lot 29; “Parcel C”). This would result in 0.34 acres transferring from Parcel C to Parcel B. The application and preliminary plan for the lot line adjustment, submitted by the applicant, are attached. A location map created from the Town’s online GIS map is also attached.

The applicant had previously owned both lots, but recently sold Parcel C, which has an existing single family residence. The applicant would like to build a house on the currently vacant Parcel B but is seeking to enlarge the lot to accommodate a secondary septic site while maintaining shoreland, wetland, and lot line setbacks. The lot line adjustment would primarily transfer the Parcel C land closest to the river to Parcel B.

While the lot line adjustment’s net transfer is 0.34 acres from Parcel C to Parcel B, some land would also be transferred in the other direction in order to incorporate Parcel C’s existing LP tank and a portion of its front yard, which are just over the current lot line. A net transfer of 0.34 acres would reduce Parcel C to exactly 2 acres, maintaining minimum lot size for the zoning district.

### **Zoning**

Both lots are located in the Suburban zoning district. Both have shoreland overlay zones, but the lot line adjustment is outside of those zones.

### **Type of review needed by Planning Board**

Review of a lot line adjustment is a type of subdivision review. Section 41-182(b) of the Town Code states, in part: “Any person making any re-subdivision or other changes, modifications or revisions in a final plan or lots contained in a final plan shall obtain planning board approval. The planning board may review and act upon such changes by application or by subdivision review.” These lots were created as part of a three-lot minor subdivision approved by the Planning Board in November 2000. The approved and signed final subdivision plan is attached.

While this section is ambiguous about the exact type of action (“by application or by subdivision review”), the Town Attorney has advised that the application follow the normal subdivision process. He did note that Chapter 41 allows for the applicant to request, and the Board to grant, certain waivers from the chapter’s requirements due to the circumstances of a particular application (e.g. lot line adjustment rather than new subdivision). Since subdivision review is also a type of site plan review (41-91), the Planning Board may also, upon the applicant’s request, waive certain site plan review documentation requirements (33-127).

This is the first review by the Planning Board – sketch plan review (41-91). At this stage, the Planning Board should consider what other information it needs from the applicant,

## **PB20-18: 0 and 8 Rocky Point Rd. – Lot Line Adjustment – Sketch Plan Review**

or consider approval of the sketch plan. The next step would then be preliminary plan application submittal. While it is recommended that the process be “right-sized” to the scope of the lot line adjustment through the Planning Board waiving clearly inapplicable requirements that the Town Code allows it to waive, the Town attorney did recommend that the process include a public hearing and notice to abutters, which is required for subdivision and site plan review (41-145; 33-130; State law – 30-A M.R.S.A. 4403(4)).

### **Existing conditions**

The three lots created by the subdivision are accessed from Rocky Point Rd., a private cul-de-sac off of River Rd. The lot line adjustment would have zero or negligible effect on the lots’ street frontage. Parcel B has delineated wetlands and mapped swamp land, shoreland zones, steeper slopes, and a narrow lot width near Rocky Point Rd., constraining potential house and septic field locations. The lot line adjustment will provide more flexibility for locating them while formally incorporating the LP tank and yard used by the Parcel C house (8 Rocky Point Rd.) onto the Parcel C lot.

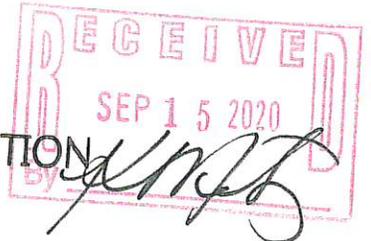
Respectfully submitted,

Jeff Brubaker, AICP  
Town Planner



# TOWN OF ELIOT

1333 STATE RD., ELIOT, ME 03903



## REQUEST FOR PLANNING BOARD ACTION

(FOR MISCELLANEOUS USES OR CHANGES)

*[Signature]*

Applicant SCOTT VLCEK  
 Mailing Address 19 ELS<sup>SV</sup> 8 ROCKY POINT RD City ELIOT State ME Zip 03903  
 Telephone # 207 475 8482 Email address SCMVLCEK@COMCAST.NET  
 (TO RECEIVE MEETING NOTICES)

Property Owner SCOTT AND CHRISTINA VLCEK  
 Mailing Address 8 ROCKY POINT ROAD City ELIOT State ME Zip 03903

Property address PARCEL B 0 ROCKY POINT + 8 ROCKY POINT RD Tax Map # 42 Lot # 28  
 Size (acres) \_\_\_\_\_ Zoning District \_\_\_\_\_ Shoreland Overlay District? \_\_\_\_\_

Conforming Lot?  YES/NO Conforming Use?  YES/NO Conforming Structure? YES  NO

- Legal interest in property identified by applicant by:
- Owner (copy of deed &/or tax records)
  - Pending Owner (copy of purchase & sale agreement)
  - Lease (copy of lease agreement with owners & applicants signature)
  - Corporate Officer (letter from corporation)
  - Other (identify: \_\_\_\_\_)

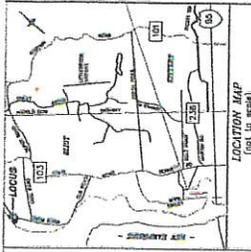
Nature of action requested:  
 (Example: Request to amend a previously approved site plan by adding a 10' x 20' addition)  
PROPOSED LOT LINE ADJUSTMENT BETWEEN PARCEL B + C  
OF ROCKY POINT RD SUBDIVISION. PARCEL C DONATING .34 AC  
TO PARCEL B. PARCEL C REMAINS 2.0 ACRES

Attach ten (10) copies of sketch plan of property showing in approximate dimensions, all zoning districts, existing/proposed structures, parking areas, streets, entrances, existing and proposed setbacks, proposed lot divisions, proposed open space to be preserved, common areas, site & public improvements and facilities, any areas of excavation and grading, and any other criteria needed to evaluate request. Sketch plan is not required if so advised by the Planning Assistant.

Applicants signature *[Signature]* Date 9/15/2020  
 Property owners signature *[Signature]* Date 9/15/2020

TO BE COMPLETED BY PLANNING ASSISTANT

Date application received by PA \_\_\_\_\_ PA signature \_\_\_\_\_  
 Sketch plan required? YES NO  
 FEE AMOUNT \$ \_\_\_\_\_ DATE PAID: \_\_\_\_\_ FORM OF PAYMENT: \_\_\_\_\_



ZONING DATA PER ZONE OF THE DISTRICT ZONING ORDINANCE  
 COMMERCIAL DISTRICT - JULY 20, 2020.

REQUIREMENTS:  
 MINIMUM LOT SIZE: 2 Acres  
 MINIMUM FRONT YARD SETBACK: 30 FT  
 MINIMUM REAR YARD SETBACK: 30 FT  
 MINIMUM SIDE YARD SETBACK: 10 FT  
 MAXIMUM LOT COVERAGE: 10%  
 NORMAL HIGH WATER SETBACK: 75 FT  
 MINIMUM STREET FRONTAGE: 150 FT

CALCULATIONS:  
 1. "WETLAND SUBMISSION" FOR PROPERTY OF ROCKY POINT ROAD, ELOT, YORK COUNTY, MAINE, OWNED BY ESTATE OF MARTIN H. GARDNER C/O FRANCES L. BENDER, PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED MAY 22, 2020, PROJECT NO. 2019-020, AND RECORDED AT THE Y.C.R.D. AS PLAN 8008 281 PAGE 31.  
 2. "EXISTING CONDITIONS PLAN FOR PROPERTY AT 19 COUNTRY COVE LANE, ELOT, YORK COUNTY, MAINE OWNED BY EVERETT COVE REALTY TRUST, PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JULY 13, 2017, AND ON FILE AS PROJECT NO. 17883.

*Land from parcel "B" to parcel "C" for inclusion of L.P. Tanks + front yard. Parcel "C" becomes exactly 2 acres.*

*3.9 ACRES From Parcel "C" to Parcel "B" For Wetland Setback + Secondary septic site*

EXISTING WETLANDS (SEE WETLAND MAP) 1:50,000 SCALE (SEE MAP 42 LOT 28)

CUTTING OF ONE ACCESS EXHIBIT (SEE PLAN 8008 281 PAGE 31)

QUOTED WETLANDS (SEE WETLAND MAP) 1:50,000 SCALE (SEE MAP 42 LOT 28)

QUOTED WETLANDS (SEE WETLAND MAP) 1:50,000 SCALE (SEE MAP 42 LOT 28)

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QUOTED WETLANDS (SEE WETLAND MAP) 1:50,000 SCALE (SEE MAP 42 LOT 28)

TO LOW WATER



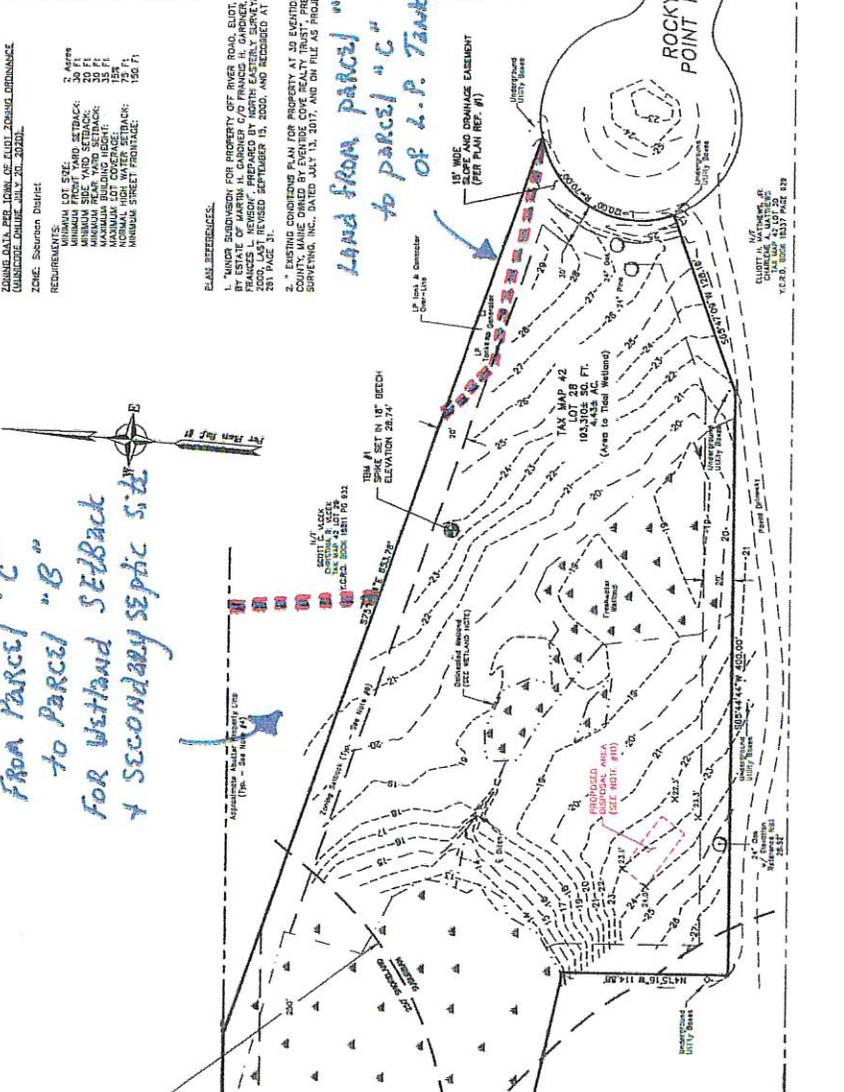


**ZONING DATA FOR ZONE OF EACH ZONING JURISDICTION**  
 JURISDICTION: YORK COUNTY, MAINE  
 ZONE: Suburban District  
 REQUIREMENTS:  
 MINIMUM LOT SIZE: 2 Acres  
 MINIMUM FRONT YARD SETBACK: 30 FT.  
 MINIMUM SIDE YARD SETBACK: 10 FT.  
 MINIMUM REAR YARD SETBACK: 35 FT.  
 MAXIMUM BUILDING HEIGHT: 35 FT.  
 NORMAL HIGH WATER SETBACK: 75 FT.  
 MINIMUM STREET FRONTAGE: 150 FT.

**PLAN REFERENCES:**  
 1. MAINE SUBDIVISION MAP FOR PROPERTY OF RIVER ROAD, ELIOT, YORK COUNTY, MAINE, DRAINED BY ESTATE OF MARION H. GARDNER, C. OF PLAN NO. 100, DATED MAY 21, 1983.  
 2. EXISTING CONVEYANCE PLAN FOR PROPERTY AT 28 SAVINGS COVE LAKE, ELIOT, YORK COUNTY, MAINE, DRAINED BY EVERETT COVE REALTY TRUST, PROJECTED BY NORTH EASTERLY SURVEYING, INC., DATED JULY 13, 2017, AND ON FILE AS PROJECT NO. 17883.

*Land from parcel "B" to parcel "C" for inclusion of L.P. Tanks + front yard. Parcel "C" becomes exactly 2 acres.*

*3.74 ACRES FROM Parcel "C" to Parcel "B" for Wetland Setback + Secondary Septic Site*



**SUBJECT OF PLAN:**  
 THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS FOR DESIGN PURPOSES. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND SHOULD BE RECORDED, USED FOR CONVEYANCE, OR ANY OTHER TITLE PURPOSES.

**EXISTING CONDITIONS PLAN**  
 FOR PROPERTY AT  
 Rocky Point Road  
 Eliot, York County, Maine  
 PREPARED FOR  
 Scott Vicsek  
 500 Main Street  
 Eliot, ME 05032

**NORTH**  
 T. EASTERLY  
 SURVEYING, INC.  
 SURVEYORS IN N.H. & MAINE 181 STATE ROAD, SUITE #1  
 (207) 430-0303 KITTERY, MAINE 03904  
 SCALE: 1" = 40' DATE: 7/19/2020 SHEET: 1 OF 1  
 DRAWN BY: J.A.P. CHECKED BY: J.A.P. PROJECT NO.: 2019-001  
 DRAWING NO.: 2019 EXISTING CONDITIONS PLAN  
 FIELD BOOK NO.: "021" 10"

**PRELIMINARY**



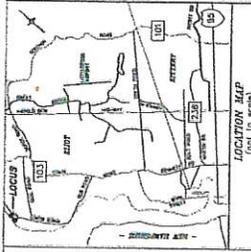
REV.	DATE	STATUS	BY	CHKD (DATE)

**NOTES:**  
 1. OWNERS OF RECORD:  
 TAX MAP 42, LOT 28  
 CHRISTINE SOGOMAN  
 DATED JUNE 21, 2020 PAGE 87  
 2. TOTAL EXISTING PARCELS ARE:  
 4.51 AC.  
 3. BASIS OF BEARING IS PER PLAN REFERENCE #1.  
 4. APPROXIMATE ADJUTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RECORDED UPON AS BOUNDARY INFORMATION.  
 5. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.  
 6. ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF ELIOT PRIOR TO DESIGN OR CONSTRUCTION.  
 7. THIS PLAN IS THE RESULT OF FIELD SURVEY AND PHOTOGRAPHS. IT MAY BE REVISED AS NECESSARY TO CORRECT ANY ERRORS OR TO CHANGE IT OTHER EVIDENCE BECOMES AVAILABLE.  
 8. FEMA FLOOD INSURANCE RATE (FIRM) CONTAINS DATA FROM WRITERS RECORDS, FIELD EVIDENCE AND PHOTOGRAPHS. DATE OF JUNE 24, 2018 SHOWS A PORTION OF THE LOT IN ZONE X AREAS OF 300-YEAR FLOOD. AREAS OF 100-YEAR FLOOD WITH A FLOOD DEPTH OF 1 FOOT OR DRAINAGE LESS THAN 1 SQUARE MILE.  
 9. THIS PLAN IS SUBJECT TO THE LATEST REVISIONS OF THE MAINE ZONING REGULATIONS (VERSION 2, JANUARY 2021).  
 10. REFER TO SUBSURFACE WATER TEST REPORT, PROJECT NO. 17883, DATED 7/19/2020, PREPARED BY JOSEPH W. NOEL, MAINE S.E. 221, FOR SPECIFICATIONS.

**REMARKS:**  
 A PORTION OF THE WETLAND BOUNDARY AS SHOWN ON THIS PLAN (IN BOLD) WAS DELINEATED/PLACED BY JOSEPH W. NOEL, MAINE LICENSED SOIL SCIENTIST #209 AND WETLAND SCIENTIST ON MAY 20, 2020. THE FLAG WAS PLACED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (VERSION 1, 1987) ALONG WITH THE REQUIRED REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (REGIONAL AND NON-REGIST REGION, VERSION 2, JANUARY 2021).  
 NON-BOLD WETLAND BOUNDARIES ARE PER PREVIOUS DELINEATIONS PERFORMED BY OTHERS.







**ZONING DATA PER NORMAL USE RULES ZONING ORDINANCE**  
 COMMERCIAL DISTRICT JULY 20, 2000.

**ZONE:** Section District

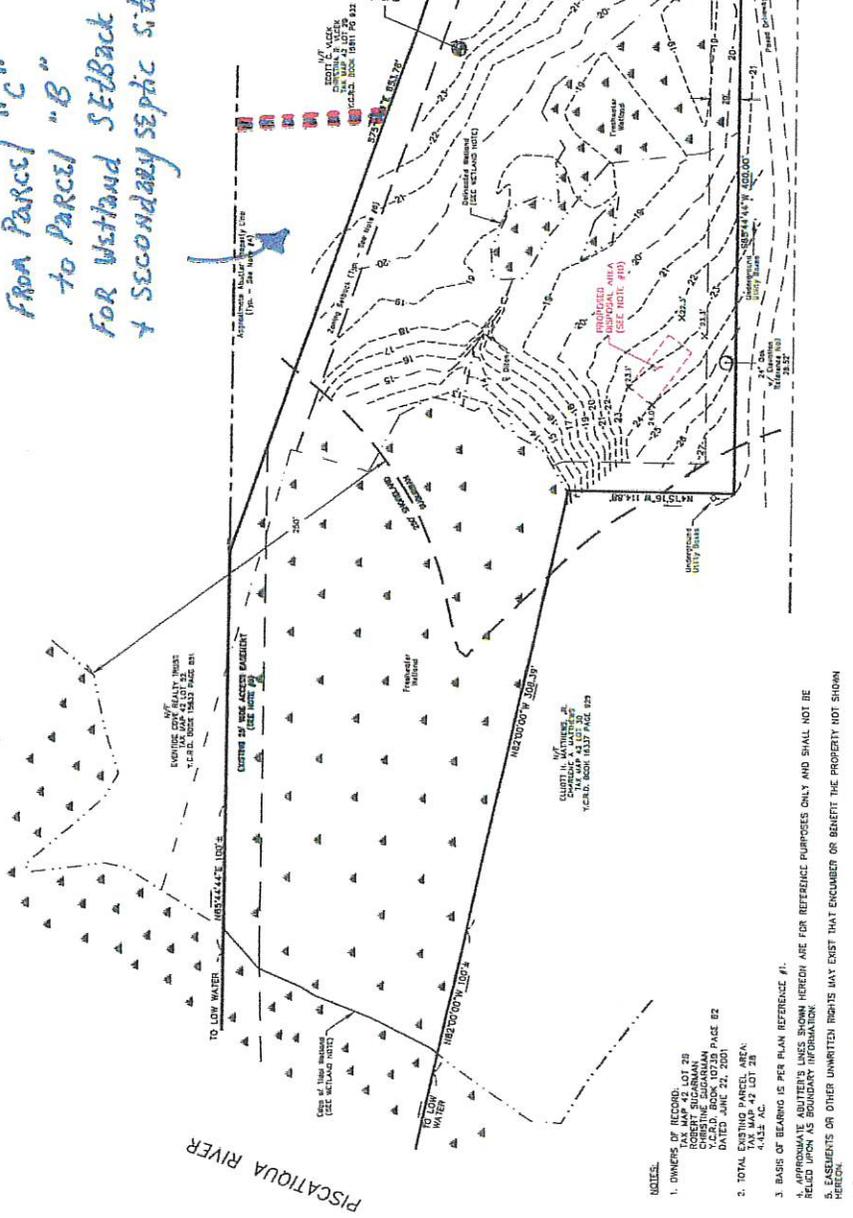
**REQUIRED MINIMUM LOT SIZE:** 2 Acres  
**MINIMUM FRONT YARD SETBACK:** 30 FT  
**MINIMUM SIDE YARD SETBACK:** 10 FT  
**MINIMUM REAR YARD SETBACK:** 35 FT  
**MINIMUM BUILDING HEIGHT:** 35 FT  
**NORMAL HIGH WATER SETBACK:** 75 FT  
**MINIMUM STREET FRONTAGE:** 150 FT

**PLAN REFERENCES:**

1. TOWN SUBMISSION FOR PROPERTY OF RIVER ROAD, ELOT, YORK COUNTY, MAINE, DINED BY EDGAR H. GARDNER, C.O.P. AND FRANCES L. HENGEY, PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED MAY 22, 2010, PROJECT NO. 2010-01, SHEET 1 OF 1.
2. EXISTING CONVEYING PLAN FOR PROPERTY AS IS, SURFACE GOV. LANE, ELOT, YORK COUNTY, MAINE, DINED BY EVERETT COVE REALTY TRUST, PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JULY 13, 2017, AND ON FILE AS PROJECT NO. 17883.

**Land from parcel "B" to parcel "C" for inclusion of L.P. Tanks + front yard. Parcel "C" becomes exactly 2 acres.**

**34 ACRES FROM PARCEL "C" TO PARCEL "B" FOR WETLAND SETBACK + SECONDARY SEPTIC SITE**



**DISCLOSURE OF PLAN:**  
 THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS FOR DESIGN PURPOSES. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND SHOULD NOT BE RECORDED, USED FOR CONVEYANCE, OR ANY OTHER PUBLIC PURPOSE.

**EXISTING CONDITIONS PLAN**  
 FOR PROPERTY AT  
 Rocky Point Road  
 Eliot, York County, Maine

PREPARED BY  
 Scott V. Eck  
 North Easterly Surveying, Inc.  
 100 Main Street  
 Eliot, ME 05303

**W. NORTH EASTERLY SURVEYING, INC.**  
 SURVEYORS IN N.H. & MAINE 181 STATE ROAD, SUITE #1  
 (207) 430-8833  
 SUFFERLY, MAINE 03904

DATE: 7/29/2020  
 PROJECT NO: 2020-01  
 SHEET: 1 OF 1  
 DRAWN BY: A.H.P.  
 CHECKED BY: A.H.P.

ISSUED TO: 2020 EXISTING CONDITIONS  
 TAX MAP: 42 LOT 28

**PRELIMINARY**



1" = 100 FT  
 Vertical Datum is MGS2011  
 Contour Interval = 1'

- NOTES:**
1. DIMENSIONS OF RECORD: 42-29, 42-30, 42-31, 42-32, 42-33, 42-34, 42-35, 42-36, 42-37, 42-38, 42-39, 42-40, 42-41, 42-42, 42-43, 42-44, 42-45, 42-46, 42-47, 42-48, 42-49, 42-50, 42-51, 42-52, 42-53, 42-54, 42-55, 42-56, 42-57, 42-58, 42-59, 42-60, 42-61, 42-62, 42-63, 42-64, 42-65, 42-66, 42-67, 42-68, 42-69, 42-70, 42-71, 42-72, 42-73, 42-74, 42-75, 42-76, 42-77, 42-78, 42-79, 42-80, 42-81, 42-82, 42-83, 42-84, 42-85, 42-86, 42-87, 42-88, 42-89, 42-90, 42-91, 42-92, 42-93, 42-94, 42-95, 42-96, 42-97, 42-98, 42-99, 42-100.
  2. TOTAL EXISTING PARCEL AREA: 4.05 AC.
  3. BASIS OF BEARING IS PER PLAN REFERENCE #1.
  4. APPROXIMATE BOUNDARY LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RECORDED UPON AS BOUNDARY INFORMATION.
  5. DIMENSIONS AND BEARINGS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT RECORDS AND BEARINGS WITH THE TOWN OF ELIOT.
  6. THE BOUNDARY SHOWN HEREON IS DETERMINED FROM BOTTLE RECORDS AND MAPS. BEARING RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
  7. FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 25049 D010 B WITH THE EFFECTIVE DATE OF JUNE 5, 1980 SHOWS A PORTION OF THE LOCUS PARCEL IN FLOOD ZONE A1, WITH A FLOOD ELEVATION AVERAGE DEPTH OF 1 FOOT OR DAMAGE LOSS. THE AREAS OF 100-YEAR FLOOD WITH AN AVERAGE DEPTH OF 1 FOOT OR DAMAGE LOSS ARE SHOWN IN RED.
  8. PER Y.C.P.D. DEED BOOK 10749 PAGE 63 THE BOUNDARY BEARING IS 15.48 21.71 WISE ACROSS EASEMENT BY FOOT APPURTENANT TO TAX MAP 42 L.P. 28. REFERENCE IS MADE TO THE DEED FOR FURTHER DETAILS.
  9. REFERENCES TO SUBSURFACE WASTEWATER DISCHARGE APPLICATION (HS-200), DATED 7/19/2020, PREPARED BY JOSEPH W. HEE, MAINE S.E. #21, FOR SPECIFICATIONS.

**WETLAND LINE:**  
 A PORTION OF THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN (IN BOLD) WAS DELINEATED/FLAGGED BY SCOTT V. ECK, NORTH EASTERLY SURVEYING, INC. ON MAY 28, 2020. THE FLAGGING WAS PERFORMED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHERN AND NORTHEAST REGION (VERSION 2, JANUARY 2007).

NON-BOLD WETLAND BOUNDARIES ARE PER PREVIOUS DELINEATIONS PERFORMED BY OTHERS.







8 Rocky Pt RD



BK 16811 PGS 932 - 935 05/01/2014 11:18:46 AM  
INSTR # 2014015175 DEBRA ANDERSON  
RECEIVED YORK SS REGISTER OF DEEDS

Return To:  
Scott and Christina Vlcek

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS: That **Paul H. DuFault and Brenda M. DuFault**, of **8 Rocky Point Road , Eliot, ME 03903**, for consideration paid, grant to

***Scott C Vlcek and Christina R Vlcek , of 31 Great Hill Way, Eliot, ME 03903***

As Joint Tenants

with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

Subject to and with the benefit of easements, restrictions, covenants, conditions and takings of record, insofar as the same are now in force and applicable.

MEANING and INTENDING to describe and convey the same premises conveyed to the grantors herein by deed of Alan P. Newson and Frances L. Newson dated 5/14/01 recorded at Book 10635, Page 84 in the York County Registry of Deeds.

Maine R.E Transfer Tax Paid

4p → RedDor

Executed this 7 day of March, 2013.

Brenda M. DuFault  
Brenda M. DuFault

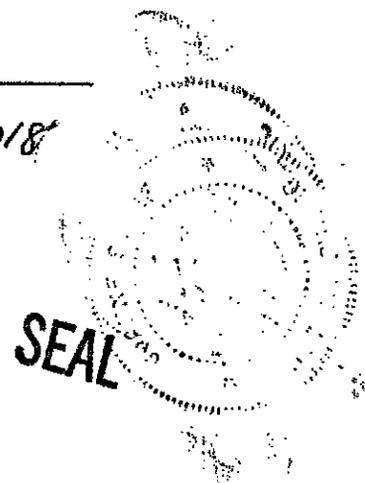
State of Maine

County of York

317 12013

Then personally appeared before me the said **Brenda M. DuFault** and acknowledged the foregoing to be her voluntary act and deed.

Joanne Stone  
Notary Public  
Commission expiration: 10/4/2018  
Joanne Stone



Executed this 7<sup>th</sup> day of March, 2013.

Paul H. DuFault  
Paul H. DuFault

State of Maine

County of York 317 2013

Then personally appeared before me the said Paul H. DuFault and acknowledged the foregoing to be his voluntary act and deed.

Joanne Stone  
Notary Public My commission expires: 10/4/2018  
Joanne Stone



**EXHIBIT A**

A certain lot or parcel of land situate in Eliot, County of York, State of Maine, on River Road, and being more specifically shown as "PARCEL 'C'" on a certain plan entitled "MINOR SUBDIVISION FOR PROPERTY OFF River Road Eliot York County, Maine OWNED BY: Estate of Martin H. Gardner c/o Francis (sic) H. Gardner", dated 5/22/00, by Easterly Surveying, which plan was approved by the Town of Eliot Planning Board, and which plan is recorded in the York County Registry of Deeds at Plan Book 261, Page 31.

Subject to the notes contained on the aforementioned plan and any conditions of approval imposed upon the subdivision by the Town of Eliot Planning Board.

Together with the right to use the right of way shown as "R.O.W." on the aforementioned plan for the purposes of gaining access, ingress and egress from the property herein conveyed and said River Road, and for installation of utilities as may be necessary for the benefit of said lot, and for all other purposes consistent with the use of a right of way.

Together with a right-of-way twenty-five (25.00) feet in width over "PARCEL B" as shown on the aforementioned plan from the westerly corner of the parcel herein conveyed and running along and parallel to the northerly boundary of "PARCEL B" to the low water mark of the Piscataqua River for the sole purpose of providing access on foot only from said Parcel B to the Piscataqua River. The right of way granted herein shall be strictly limited to such passage on foot over the existing terrain, and no cutting, clearing, filling or alteration of the right of way area shall be allowed, it being the intention of the grantor to preserve the area over which the right of passage exists in its natural state.

⊙ Rocky Point Rd

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, That **ROBERT SUGARMAN** and **CHRISTINE SUGARMAN**, both of Oyster Bay, in the County of Nassau and State of New York, for consideration paid, grant to **SCOTT C. VLCEK** and **CHRISTINA R. VLCEK**, both of Eliot, County of York and State of Maine, whose mailing address is 8 Rocky Point Road, Eliot, Maine 03903, with **WARRANTY COVENANTS**, as joint tenants, a certain lot or parcel of land, together with the buildings and any improvements located thereon, situated on Rocky Point Road, in the Town of Eliot, County of York and State of Maine, and being more specifically bounded and described as follows:

A certain lot or parcel of land situated in said Eliot, on River Road, and being more specifically shown as "PARCEL B" on a certain plan entitled "MINOR SUBDIVISION FOR PROPERTY OFF River Road Eliot, York County, Maine OWNED BY: Estate of Martin H. Gardner c/o Francis (sic) H. Gardner", dated 5/22/00, by Easterly Surveying, which plan was approved by the Town of Eliot Planning Board, and which plan is recorded in the York County Registry of Deeds at Plan Book 261, Page 31.

Said lot is conveyed subject to the notes contained on the aforementioned plan and any conditions of approval imposed upon the subdivision by the Town of Eliot Planning Board.

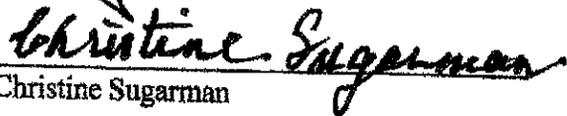
Also conveying the right to use the right of way shown as "R.O.W." on the aforementioned plan for the purposes of gaining access, ingress and egress from the property herein conveyed and said River Road, and for installation of utilities as may be necessary for the benefit of said lot, and for all other purposes consistent with the use of a right of way.

Said lot is also conveyed subject to a right-of-way twenty-five (25.00) feet in width for the benefit of the owners of Parcel C as shown on the aforementioned plan, their heirs, successors and assigns, over "PARCEL B" commencing from the westerly corner of said Parcel C and running along and parallel to the northerly boundary of "PARCEL B" to the low water mark of the Piscataqua River for the sole purpose of providing access on foot only from said Parcel B to the Piscataqua River. The right of way granted herein shall be strictly limited to such passage on foot over the existing terrain, and no cutting, clearing, filling or alteration of the right of way area shall be allowed, it being the intention of the grantor to preserve the area over which the right of passage exists in its natural state.

Meaning and intending to convey and hereby conveying the same premises conveyed to Robert Sugarman and Christine Sugarman by warranty deed from Alan P. Newson and Frances L. Newson dated June 22, 2001 and recorded in the York County Registry of Deeds at Book 10739, Page 062.

WITNESS our hands this 13<sup>th</sup> day of August 2020.

  
\_\_\_\_\_  
Robert Sugarman

  
\_\_\_\_\_  
Christine Sugarman

State of New York  
~~COMMONWEALTH OF PUERTO RICO~~

County of Nassau

August 13<sup>th</sup>, 2020

Personally appeared the above-named **Robert Sugarman** and **Christine Sugarman**, known to me or satisfactorily proven to be the persons who signed this instrument, and acknowledged that they signed this instrument as their voluntary act and deed for the purposes therein contained.

JULIE A RAUCH  
Notary Public - State of New York  
NO. 01RA6267712  
Qualified in Nassau County  
My Commission Expires 8/20/2024

Before me,

  
\_\_\_\_\_  
Notary Public

(Seal or stamp)

Print Name: Julie A. Rauch



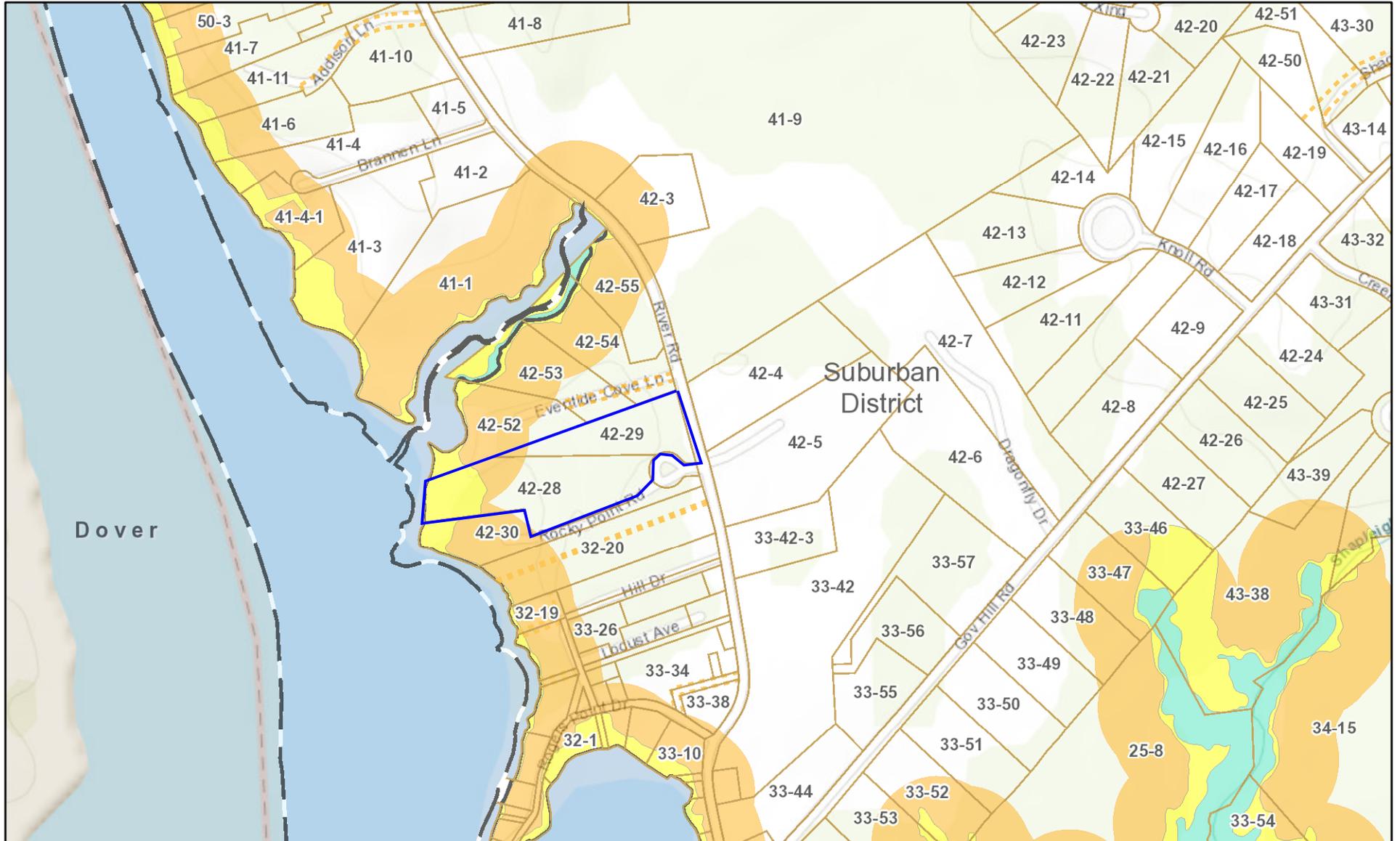
Eliot, ME



1 inch = 549 Feet



October 1, 2020



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



**PB20-19: 41 Rogers Point Dr. (Map 32/Lot 2) Shoreland Zoning Application to replace and expand existing non-conforming residential structures – Sketch Plan Review**



**TOWN OF ELIOT MAINE**

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

To: Planning Board  
From: Jeff Brubaker, AICP, Town Planner  
Cc: Chris Wilber, Applicant  
Shelly Bishop, Town of Eliot Code Enforcement Officer (CEO)  
Kearsten Metz, Land Use Administrative Assistant  
Date: October 6, 2020 (meeting date)  
Re: PB20-19: 41 Rogers Point Drive (Map 32/Lot 2) Shoreland Zoning Application to replace and expand existing non-conforming residential structures – **Sketch Plan Review**

Application Details/Checklist Documentation	
✓ Address:	41 Rogers Point Drive
✓ Map/Lot:	Map 32 / Lot 2
✓ PB Case#:	PB20-19
✓ Zoning District:	Suburban
✓ Shoreland Zoning:	Resource Protection, Limited Residential
✓ Owner Name:	Chris and Jennifer Wilber
✓ Applicant Name:	Chris Wilber
✓ Proposed Project:	Shoreland Zoning Application – Residential use
✓ Application Received by Staff:	Date: September 16, 2020
Application Fee Paid and Date:	N/A – Sketch Plan Review stage
Application Fee Paid and Date:	
✓ Application Sent to Staff Reviewers:	Date: September 21, 2020
Application Heard by PB	Date: October 6, 2020 (scheduled)
Found Complete by PB	Date:
Site Walk	Date: TBD
Public Hearing	Date: TBD
Public Hearing Publication	Date: TBD
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Shoreland Zoning Application / Site Plan Review

## **PB20-19: 41 Rogers Point Dr. (Map 32/Lot 2) Shoreland Zoning Application to replace and expand existing non-conforming residential structures – Sketch Plan Review**

### **Overview**

Applicant Chris Wilber has submitted a Shoreland Zoning application “to replace and expand an existing nonconforming residential structure located within 75 ft. of the Piscataqua River” at 41 Rogers Point Drive (Map 32, Lot 2). The existing residence would be completely demolished and replaced with a new year-round residence, which is described in the application as a cottage. The application “proposes to increase the overall distance [of the residence] from the river, to bring the structure in greater compliance with the ordinance.” The applicant also proposes to modify an existing boathouse/garage, while generally keeping its current footprint, as well as build new retaining walls. The boathouse/garage modification is proposed to create a living area with living/dining room, bedroom, and bathroom over the car storage area. In between the residence and retaining wall, the application proposes “semi-pervious pavers, stone or bricks and low growing grasses and shrubs”. The application states that there is an approved septic system in place.

The application includes both a Request for Planning Board Action and a Shoreland Zoning application; a warranty deed showing the applicant’s current ownership of the property; an abutters list; a site plan with building side elevations; and an expanded project narrative with proposed construction schedule.

### **Zoning**

41 Rogers Point Drive is located entirely within the Resource Protection (RP) and Limited Residential (LR) Shoreland Zoning districts. The underlying base zoning is Suburban.

### **Type of review needed by Planning Board**

Planning Board review of the Shoreland Zoning Application and Site Plan Review is needed. One-family residential and accessory structures are SPR uses in the RP district in the Shoreland Zoning land use table (44-34), and Planning Board approval is needed per Section 44-32(c) – expansions of nonconforming structures.

This is the sketch plan review stage. At this point the Planning Board may wish to request additional information of the applicant, make suggestions to be incorporated into future submittals, consider referrals of the application to agencies, plan a site walk, and discuss Town Code provisions in relation to the application.

### **Existing conditions**

The lot is on the east side of Rogers Point Drive, facing a tidal mud flat in a cove in the river. While the current address is 41 Rogers Point Drive, in older permits, the address, 15 Rogers Point Drive, is used. The lot currently has a house/camp and a two-story boathouse/garage (simplified to “house” and “boathouse” in this report). The project narrative indicates that the house was built in 1940 (which matches online property records) and the boathouse was built in the 1970s. (In the property file, there is a

## **PB20-19: 41 Rogers Point Dr. (Map 32/Lot 2) Shoreland Zoning Application to replace and expand existing non-conforming residential structures – Sketch Plan Review**

building permit application for the boathouse, dated February 1979. The permit appears to have been issued in March 1979, and there are notes in the application about DEP approval and Board of Appeals variance issuance.) The narrative states that the prior owners occupied the house sometimes year-round and sometimes seasonally. A 2001 Shoreland Zoning application by the previous owner for the pouring of a slab floor foundation for the boathouse lists the residence as year-round. The lot also has a dock, retaining wall, and septic system. The narrative states that “there is a shared drilled well on a neighboring property with deed rights”. The narrative describes the vegetation on the site as follows:

The property is vegetated with fully mature white pine, black oak, along with white birch, and several fruit bearing trees. Other areas are grassed and gravel parking, lawn, and blackberry/invasive bittersweet. Draining is essentially sheet flow across vegetated areas toward the tidal zone.

Access to the lot is via Rogers Point Drive, a private gravel road with about a 20-25 ft. right-of-way, according to the Town’s online GIS map.

### **Nonconformance**

The lot (about 0.32 ac.) is a nonconforming lot of record in the Suburban district, and the existing structures are nonconforming. According to the application, the lot was created in 1937. The lot’s shore frontage is about 320 ft. While this exceeds the minimum required shore frontage (44-35(a)(1); 150 ft. street frontage requirement in Section 45-405) the narrow shape of the lot, whose maximum depth from the right-of-way to the river is about 70 ft., makes it impossible to meet both a Rogers Point Drive lot line setback and the river normal high-water line setback. According to GIS, the existing house is both partially within 25 ft. of the river and within 10 ft. of the private right-of-way, and it is partially within the RP zone. The boathouse is less than 10 ft. of both the right-of-way and the river – entirely in the RP zone. Since the existing house and boathouse are within the 75 ft. river normal high-water line setback prescribed Section 44-35(b)(1), any modifications are subject to Section 44-32 – Nonconformance. Within this section:

- Subsection (c)(1)a prohibits expansion of any portion a structure within 25 ft. of the normal high-water line, or of an accessory structure that is located closer to the normal high-water line than the principal structure.
- Subsection (c)(1)c1 permits the expansion of the “combined total footprint for all [legally existing nonconforming principal and accessory] structures” less than 75 ft. from the normal high-water line up to “1,000 square feet or 30 percent larger than the footprint that existed on January 1, 1989, whichever is greater”, and it also limits the height of any structure to “20 feet or the height of the existing structure, whichever is greater”.

The application package includes conceptual sketches of the proposed residence (cottage) and renovated boathouse, and the expansion calculation is included in questions 24 and 25 of the Shoreland Zoning application. The calculation shows the current residence footprint at 742 sq. ft. and the proposed new residence footprint at 920 sq. ft. The

## **PB20-19: 41 Rogers Point Dr. (Map 32/Lot 2) Shoreland Zoning Application to replace and expand existing non-conforming residential structures – Sketch Plan Review**

proposed height of the new residence is 20 ft. The application notes that the overall footprint area of the boathouse will not change, although the gambrel roof would be modified to be a pitched shed roof, and a replacement of the existing wood deck on the westerly side of the structure with a new exterior stairway of the same square footage on the easterly side of the structure is proposed.

### **Proposed lot coverage**

The application proposes about 2,000 sq. ft. of lot coverage by non-vegetated surfaces, or about 15% of the lot area. This is less than the 20% maximum prescribed by Section 44-35(b)(4).

### **Accessory Dwelling Unit**

The application proposes to create a new space on the second floor of the boathouse that would serve as an ADU, with living/dining space, a bedroom, and a bathroom. ADU provisions are in Section 45-459 of the Town Code. The Board may wish to discuss this proposed unit further with the applicant.

### **Setbacks**

The proposed new residence would be further back from the river than the current one. According to the site plan, a portion of the new structure would still be within the 25 ft. normal high-water line setback; however, a site plan inset/detail shows how the new residence's encroachment within that 25 ft. setback is 9 sq. ft., compared to the existing house's encroachment of 58 sq. ft. With regard to the Rogers Point Drive setback, the new residence would hold the same line as the current residence, and the nonconformity would not be increased. The new residence would also hold the same side extents as the current residence. As noted above, the footprint of the boathouse would generally stay the same except for the deck/stairway replacement and relocation.

### **Pier**

No changes in the existing residential pier/dock are proposed on the site plan. The narrative describes it as in "poor condition".

### **Retaining wall**

The site plan and narrative propose the replacement of the existing railroad tie retaining wall along the shore with a new retaining wall along the front of the residence for soil stability. This retaining wall is shown as partially within and partially outside of the 25 ft. normal high-water line setback. Per Section 44-35(b)(1) and (5), retaining walls that are necessary for erosion control are not subject to the normal high-water line setback, and neither are low retaining walls that meet certain conditions. Since some of these conditions for a non-erosion-control retaining wall are presumptively not met (e.g. needing to be more than 25 ft. from the normal high-water line and needing to be

**PB20-19: 41 Rogers Point Dr. (Map 32/Lot 2) Shoreland Zoning Application to replace and expand existing non-conforming residential structures – Sketch Plan Review**

outside of the 100-year floodplain), the retaining wall does appear to have to meet the erosion control purpose, which is what the application describes its purpose as.

**Septic system**

The narrative notes that the existing (approved, functioning) septic system is located northeast of the existing structure, preventing further expansion on that side. An HHE-200 septic replacement application from 2001 is in the property file, and this is for 2 bedrooms and 180 gallons per day. A state-issued variance for setback reduction for the septic system, dated June 2000, is in the property file. The Board may wish to discuss the proposed 3 bedrooms (2 in the new residence and 1 in the boathouse) in relation to the septic system.

**Tree removal**

The site plan indicates a limited number of trees to be removed, as well as trees to be replanted.

**Erosion and sedimentation control**

The site plan includes details about erosion control measures to be taken during construction, including silt fencing or hay bales, disturbed areas mulched and seeded, and jute matting.

Respectfully submitted,

Jeff Brubaker, AICP  
Town Planner

RECEIVED

SEP 16 2020



TOWN OF ELIOT

1333 STATE RD. , ELIOT, ME 03903

RECEIVED

SEP 16 2020

BY

[Signature]

BY

REQUEST FOR PLANNING BOARD ACTION

(FOR MISCELLANEOUS USES OR CHANGES)

Applicant Chris Wilber
Mailing Address PO Box 90 City Eliot State ME Zip 03903
Telephone # 207-451-3940 Email address chriswilberpls@gmail.com

Property Owner Christen & Jennifer Wilber
Mailing Address PO Box 90 City Eliot State ME Zip 03903

Property address 41 Rogers Point Dr. Tax Map # 32 Lot # 2
Size (acres) 0.32 Zoning District Suburban Shoreland Overlay District? Yes

Conforming Lot? YES/NO Conforming Use? YES/NO Conforming Structure? YES/NO

- Legal interest in property identified by applicant by:
[X] Owner (copy of deed &/or tax records)
[ ] Pending Owner (copy of purchase & sale agreement)
[ ] Lease (copy of lease agreement with owners & applicants signature)
[ ] Corporate Officer (letter from corporation)
[ ] Other (identify: )

Nature of action requested:
(Example: Request to amend a previously approved site plan by adding a 10' x 20' addition)
Request for approval to replace and expand an existing non-conforming residential structure located within 75' of the Pistacaqua River. The replacement and expansion is subject to compliance with Sec. 44-42 of the Eliot Code of Ordinances. The applicant proposes to increase the overall distance from the river, to bring the structure in greater compliance with the ordinance. There is an approved septic system in place.

Attach ten (10) copies of sketch plan of property showing in approximate dimensions, all zoning districts, existing/proposed structures, parking areas, streets, entrances, existing and proposed setbacks, proposed lot divisions, proposed open space to be preserved, common areas, site & public improvements and facilities, any areas of excavation and grading, and any other criteria needed to evaluate request. Sketch plan is not required if so advised by the Planning Assistant.

Applicants signature [Signature] Date 9/15/20
Property owners signature [Signature] Date 9/15/20

TO BE COMPLETED BY PLANNING ASSISTANT
Date application received by PA PA signature
Sketch plan required? YES NO
FEE AMOUNT \$ DATE PAID: FORM OF PAYMENT:

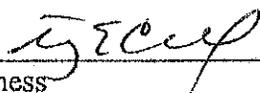
## WARRANTY DEED

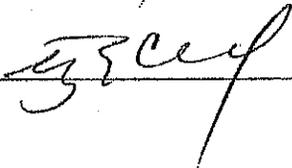
Know all by these presents that We, **MICHAEL G. DYSART AND PETRA W. HESSE (A/K/A W. PETRA HESSE)** of Eliot, Maine, for consideration paid, grant to **CHRISTEN B. WILBER AND JENNIFER C. WILBER** both with a mailing address of P.O. Box 90, Eliot, Maine 03903, with **WARRANTY COVENANTS**, as **JOINT TENANTS**, the real property situated in the Town of Eliot, County of York and State of Maine, described as follows:

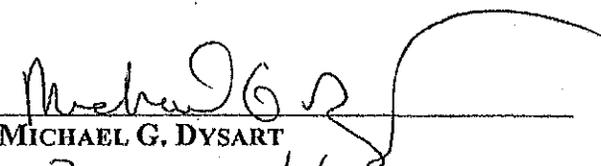
See Exhibit A Attached Hereto

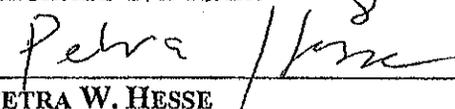
The current property address is 41 Rogers Point Drive, Eliot Tax Map 32, Lot 2.

Witness my hand and seal this 4 day of September 2020.

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
**MICHAEL G. DYSART**

  
\_\_\_\_\_  
**PETRA W. HESSE**

STATE OF MAINE

County of York

September 4, 2020

Then personally appeared the above named Michael G. Dysart and Petra W. Hesse and severally acknowledged the foregoing instrument to be their free act and deed.

Before me,



  
\_\_\_\_\_  
Notary Public  
Print Name:  
Commission Expires:

## **EXHIBIT A**

Property: 41 Rogers Point Drive, Eliot

A certain parcel of land, with the buildings thereon, situated in the Town of Eliot, County of York and State of Maine, described as follows: It being that plot of land known as Lot No. 22 as shown on a plan of "Rogers Point", made by George Hawes and filed at the York County Registry of Deeds in Alfred, Maine in Plan Book 12, Page 30.

Also conveying all water rights as contained in a certain easement between Albert Bernier et al and Harry E. Thompson and Mary A. Thompson dated September 1, 1956 and recorded at the York County Registry of Deeds in Book 2010, Page 512.

Also included within this conveyance is a right-of-way over the streets and roads as shown on the plan of "Rogers Point", said rights-of-way to be used in common with other lot owners.

Being the same premises conveyed from Michael G. Dysart to Michael G. Dysart and Petra W. Hesse (aka) W. Petra Hesse by deed dated January 3, 2017 and recorded at the York County Registry of Deeds at Book 17409, Page 180.

Application of Chris Wilber

Request for Planning Board Action: 41 Rogers Point Drive

Abutters List:

Map 32 Lot 1

Robert A. & Melinda M Longtin

25 Rogers Point Dr.

Eliot, ME 03903

Map 32 Lot 3

Dan Rawlings & Robert Vaccaro

46 Rogers Point Dr.

Eliot, ME 03903

Map 32 Lot 4

Mattheson Realty Trust

John & Tracy Mattheson, Trustees

42 Rogers Point Dr.

Eliot, ME 03903

Map 32 Lot 6

John & Tracy Mattheson, Trustees

42 Rogers Point Dr.

Eliot, ME 03903

Map 32 Lot 7

Stephen A Oeser

Lorrain P Oeser

38 Rogers Point Dr

Eliot, ME 03903

Map 32 Lot 8

Jeffrey D Henderson

36 Rogers Point Dr

Eliot, ME 03903

## Application of Chris Wilber

### Request for Planning Board Action: 41 Rogers Point Drive

#### Expanded Project Narrative:

The property consists of a 0.32 Ac. non-conforming lot of record with approximately 320 ft of frontage along the Piscataqua River. There exists 2 structures, a 1 story, 1 bedroom, 3/4 bath cottage and a 2 story boathouse/garage. The cottage was built around 1940 and has been occupied on both a year round and seasonal basis by the prior owners. The structure is heated with a combination of propane radiant heat and a woodstove. A portion of the structure falls within the 25 foot setback from the high tidal line, the remaining building with within the 75 foot setback. The boathouse/garage is within the 25 foot setback.

There is an existing dock and retaining wall in poor condition along the edge of the tidal zone. The septic system is an approved design and installation and there is a shared drilled well on a neighboring property with deed rights. Access to the lot is via a private gravel road. The building does not conform with the front or rear set-back.

The property is vegetated with fully mature white pine, black oak, along with white birch, and several fruit bearing trees. Other areas are grassed and gravel parking, lawn, and blackberry/invasive bittersweet. Drainage is essentially sheet flow across vegetated areas toward the tidal zone.

The proposed construction shall include:

**Cottage-** Complete demolition. Foundation & cellar to be filled in and a retaining wall constructed along water side. A 1/2 story, 2 bedroom 1 3/4 bath house, based on proposed 30% expansion shall be constructed in its place. The proposal shall increase, to as great extent possible, the setback to the tidal zone, while holding the existing setback to Rogers Point Drive. The house shall be built on a frost protected slab, 2 feet above the flood zone, base elevation 9. For soil stability, a retaining wall shall be built along the front of the new structure. The area between the structure and the wall shall be covered with semi-pervious pavers, stone or bricks and low growing grasses and shrubs. The existing wall along the tidal zone is to be rebuilt in place.

**Boat House/Garage-** The original structure was built as part of a prior owner's marine salvage business in the mid 1970's. The structure is built primarily on a concrete block foundation, with poured slab floor. The remainder is supported by sonatubes. The overall footprint area of the structure shall not change. The request is to change the "gambrel roof" to a modern shed roof line. There exists an attached wood deck along the westerly side of the structure. It is requested that this be removed and on the easterly side, an exterior stairway of the same square footage shall be constructed. The existing deck and the proposed stairway are not considered impervious cover.

**Septic System-** Immediately to the northeast of the existing structure, there exists an approved septic system which limits any further expansion on that side. The system is functioning as designed and there are no known issues.

#### Proposed Schedule:

The schedule is highly dependent on receipts of permits; Ideally the schedule would follow:

October 2020: Removal of trees endangering the existing structure and which will either need to be removed for the expanded footprint or for will create hazards during the construction.

November 2020: Install erosion and sediment control measures. Removal of existing cottage structure, fill in foundation using clean fill, compacted in lifts.

December: Pending receipt of permits, commence construction of frost protected slab foundation, to include subgrade plumbing and electric conduits. Upon completion, vertical construction shall commence, with weather tight shell complete in January.

February: Plumbing and Electric construction

April: Occupancy

Site work and landscaping continue throughout spring and summer. Erosion control and sediment control devices shall stay in place until site has stabilized and vegetation grown in.

**FOR OFFICE USE ONLY:**

**PERMIT NO.:** \_\_\_\_\_

**ISSUE DATE:** \_\_\_\_\_

**FEE AMOUNT:** \_\_\_\_\_

**TOWN OF ELIOT  
SHORELAND ZONING PERMIT APPLICATION**

**GENERAL INFORMATION**

1. APPLICANT Chris & Jennifer Wilber	2. APPLICANT'S ADDRESS PO Box 90 Eliot, ME 03903	3. APPLICANT'S TEL. # 207-451-3940
4. PROPERTY OWNER Same	5. OWNER'S ADDRESS	6. OWNER'S TEL. #
7. CONTRACTOR Chris Wilber	8. CONTRACTOR'S ADDRESS PO Box 90 Eliot, ME 03903	9. CONTRACTOR'S TEL. # 207-451-3940
10. LOCATION/ADDRESS OF PROPERTY 41 Rogers Point Dr.	11. TAX MAP/PAGE & LOT # AND DATE LOT WAS CREATED Map 32 Lot 2 Lot created 8/1937 (Shadow Land Company Plan)	12. ZONING DISTRICT Suburban
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, (E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS - PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3). <p>The property consists of a 0.32 Ac. non-conforming lot of record with approximately 320 ft of frontage along the Piscataqua River. There exists 2 structures, a 1 story, 1 bedroom, 3/4 bath cottage and a 2 story boathouse/garage. There is an existing dock and retaining wall in poor condition along the tidal zone. The septic system is an approved design and installation and there is a shared drilled well on a neighboring property with deed rights.</p> <p>The proposed construction shall include:</p> <p>Cottage- Complete demolition. Foundation &amp; cellar to be filled in and a retaining wall constructed along water side. A 1/2 story, 2 bedroom 1 3/4 bath house, based on proposed 30% expansion shall be constructed in its place, such that its footprint increases the setback to the tidal zone. The new house shall be built on a slab, above the flood zone. The wall along the tidal zone is to be rebuilt.</p> <p>Boat House/Garage- The overall footprint of the main structure shall not change. The request is to change the "gambrel roof" to a modern shed roof line. There exists an attached wood deck along the westerly side of the structure. It is requested that this be removed and on the easterly side of the structure, an open, exterior stairway be constructed, of the same square footage.</p>		

14. PROPOSED USE OF PROJECT Single Family Residence	15. ESTIMATED COST OF CONSTRUCTION \$250,000
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**SHORELAND AND PROPERTY INFORMATION**

16. LOT AREA (SQ. FT.) 14,000+/- SF	17. FRONTAGE ON ROAD (FT.) 310 +/- Ft
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES 2000 +/- SF (15%)	19. ELEVATION ABOVE 100 YR. FLOOD 2 Ft
20. FRONTAGE ON WATERBODY (FT.) 320+/- Ft	21. HEIGHT OF PROPOSED STRUCTURE 20 Ft
22. EXISTING USE OF PROPERTY Single Family Cottage-some winter use	23. PROPOSED USE OF PROPERTY Year round dwelling

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback.

24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89  <u>Foot Print-742</u> SQ. FT.	25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89:  <u>N/A    10,809</u> CUBIC FT.
B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT:  <u>0</u> SQ. FT.	B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT:  <u>0</u> CUBIC FT.
C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK:  <u>Foot Print-920</u> SQ. FT.	C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK:  <u>N/A    13,450</u> CUBIC FT.
D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:	D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:



**SITE PLAN**

PLEASE INCLUDE: LOT LINES; AREA TO BE CLEARED OF TREES AND OTHER VEGETATION; THE EXACT POSITION OF PROPOSED STRUCTURES, INCLUDING DECKS, PORCHES, AND OUT BUILDINGS WITH ACCURATE SETBACK DISTANCES FROM THE SHORELINE, SIDE AND REAR PROPERTY LINES; THE LOCATION OF PROPOSED WELLS, SEPTIC SYSTEMS, AND DRIVEWAYS; AND AREAS AND AMOUNTS TO BE FILLED OR GRADED. IF THE PROPOSAL IS FOR THE EXPANSION OF AN EXISTING STRUCTURE, PLEASE DISTINGUISH BETWEEN THE EXISTING STRUCTURE AND THE PROPOSED EXPANSION.

NOTE: FOR ALL PROJECTS INVOLVING FILLING, GRADING, OR OTHER SOIL DISTURBANCE YOU MUST PROVIDE A SOIL EROSION CONTROL PLAN DESCRIBING THE MEASURES TO BE TAKEN TO STABILIZE DISTURBED AREAS BEFORE, DURING AND AFTER CONSTRUCTION (See attached guidelines)

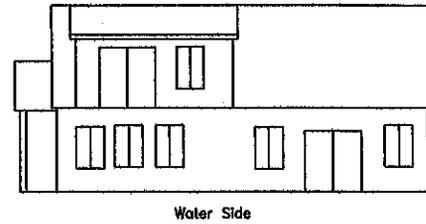
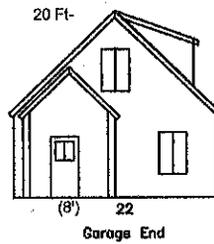
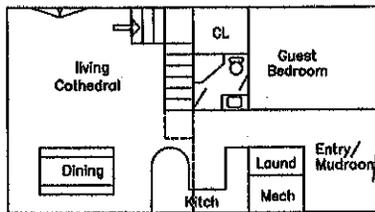
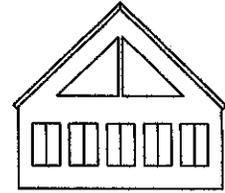
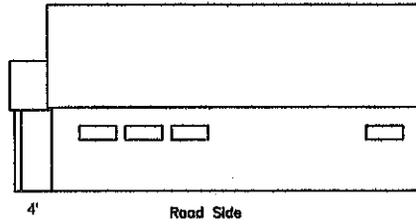
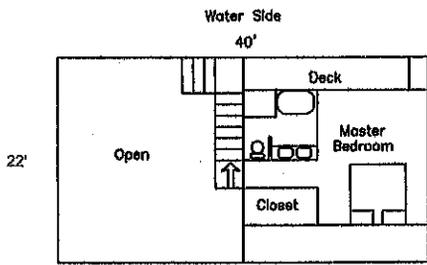
See Attached

SCALE: \_\_\_\_\_ = \_\_\_\_\_ FT.

**FRONT OR REAR ELEVATION**

**SIDE ELEVATION**

**DRAW A SIMPLE SKETCH SHOWING BOTH THE EXISTING  
AND PROPOSED STRUCTURES WITH DIMENSIONS**



## Proposed Cottage

**DRAWN**  
CBW

**DATE**  
05/06/20

41 ROGERS POINT RD  
ELIOT, ME

**APPROVED**

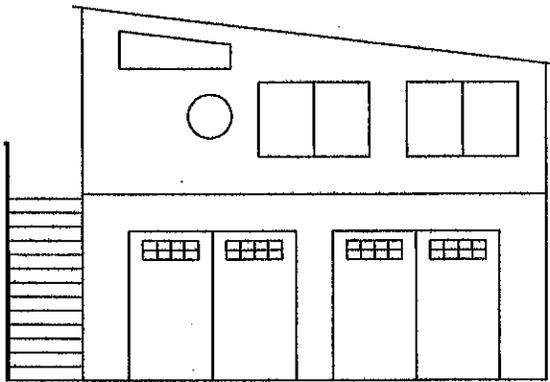
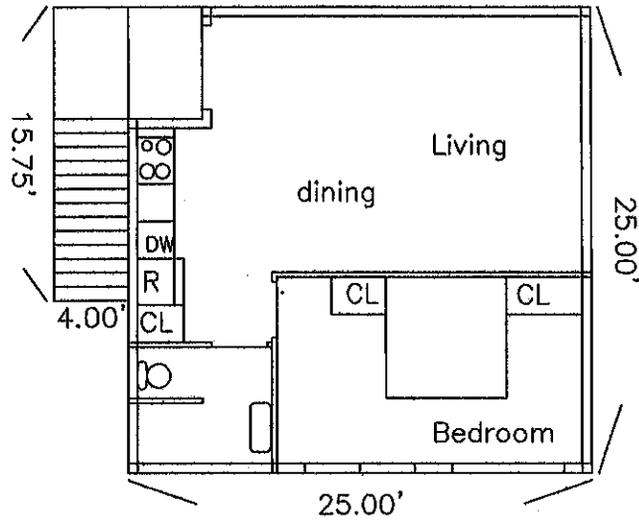
**DATE**

Work Sheet Only  
Revised 8/1/20

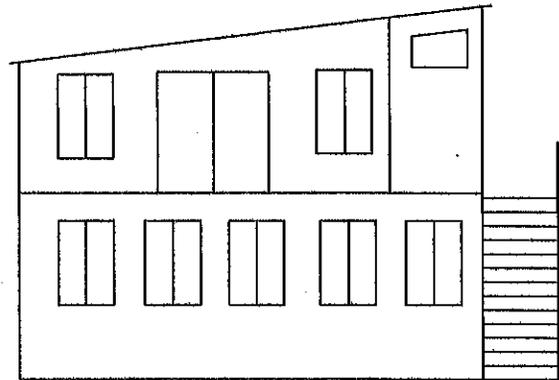
**SCALE**  
1" = 20'

**SHEET**

**PROJECT NO.**



Road Side



Water Side

## Proposed Boathouse

**DRAWN**  
CBW

**DATE**  
05/06/20

41 ROGERS POINT RD  
ELIOT, ME

**APPROVED**

**DATE**

Work Sheet Only  
Revised 8/01/20

**SCALE**

1" = 10'

**SHEET**

**PROJECT NO.**

**ADDITIONAL PERMITS, APPROVALS, AND/OR REVIEWS REQUIRED**

CHECK IF REQUIRED:

- PLANNING BOARD REVIEW APPROVAL  
(e.g. Subdivision, Site Plan Review)
- BOARD OF APPEALS REVIEW APPROVAL
- FLOOD HAZARD DEVELOPMENT PERMIT
- EXTERIOR PLUMBING PERMIT  
(Approved HHE 200 Application Form)
- INTERIOR PLUMBING PERMIT
- DEP PERMIT (Site Location,  
Natural Resources Protection Act)
- ARMY CORPS OF ENGINEERS PERMIT  
(e.g. Sec. 404 of Clean Waters Act)

OTHERS:

- Building Permit \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

NOTE: APPLICANT IS ADVISED TO CONSULT WITH THE CODE ENFORCEMENT OFFICER AND APPROPRIATE STATE AND FEDERAL AGENCIES TO DETERMINE WHETHER ADDITIONAL PERMITS, APPROVALS, AND REVIEWS ARE REQUIRED

I CERTIFY THAT ALL INFORMATION GIVEN IN THIS APPLICATION IS ACCURATE. ALL PROPOSED USES SHALL BE IN CONFORMANCE WITH THIS APPLICATION AND THE <u>TOWN OF ELIOT</u> SHORELAND ZONING ORDINANCE. I AGREE TO FUTURE INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AT REASONABLE HOURS.	
 _____ APPLICANT'S SIGNATURE	<u>9/15/20</u> _____ DATE
 _____ AGENT'S SIGNATURE (if applicable)	<u>9/15/20</u> _____ DATE



**PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use:  
Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses**



**TOWN OF ELIOT MAINE**

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

To: Planning Board  
 From: Jeff Brubaker, AICP, Town Planner  
 Cc: Kenneth A. Wood, PE, Attar Engineering  
 Brian Nielsen, EIT, Attar Engineering  
 Shelly Bishop, Town of Eliot Code Enforcement Officer (CEO)  
 Kearsten Metz, Land Use Administrative Assistant  
 Date: October 6, 2020 (meeting date)  
 Re: PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses

<b>Application Details/Checklist Documentation</b>	
✓ Address:	495 Harold L. Dow Highway
✓ Map/Lot:	Map 53 / Lot 6
✓ PB Case#:	PB20-20
✓ Zoning District:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	N/A
✓ Owner Name:	Flower Company Properties
✓ Applicant Name:	NEK Assets, LLC
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none"> <li>• Change of Use</li> <li>• Site Plan Amendment for Marijuana Establishment</li> </ul>
✓ Application Received by Staff:	Date: September 15, 2020
Application Fee Paid and Date: Application Fee Paid and Date:	Not yet paid – Sketch Plan Review
✓ Application Sent to Staff Reviewers:	Date: September 21, 2020
Application Heard by PB	Date: October 6, 2020 (scheduled)
Found Complete by PB	Date: TBD
Site Walk	Date: TBD
Public Hearing	Date: TBD
Public Hearing Publication	Date: TBD
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Site Plan Review / Change of Use

**PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses**

**Overview**

NEK Assets, LLC (agent: Attar Engineering) is applying for a Change of Use from Medical Marijuana Cultivation (land use table reference: Nonprofit Medical Marijuana Dispensary) to Medical and Adult Use Marijuana Cultivation (Marijuana Establishment) at 495 Harold L. Dow Highway (Map 53, Lot 6) and is seeking review and approval of proposed site improvements. The Change of Use would allow the applicant to cultivate adult use marijuana in addition to its current approved medical marijuana cultivation. The property is 3.04 acres in area.

The application includes a cover letter; Site Plan Review application; location map; OMP conditional license and draft local authorization form; 2017 HHE-200 form for the on-site septic system; October 2019 Notice of Decision; November 2017 Board of Appeals Notice of Decision; and amended site plan.

**Zoning**

The site is in the Commercial/Industrial (C/I) district.

**Type of review needed**

Section 11-3 of the Town Code defines a “marijuana establishment” as follows:

*Marijuana establishment* shall mean a “marijuana establishment” as that term is defined in 28-B M.R.S.A. § 102(29), as may be amended. A *marijuana establishment* is a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility, or a marijuana testing facility or a marijuana social club.

The applicant is applying for a “marijuana establishment” use in the table of land uses (45-290). This is an SPR use in the C/I district, which means it may be permitted subject to site plan review and conformance with the requirements of Section 33-190 – Performance Standards for Marijuana Establishments. Section 33-190 requires that all marijuana establishments go through site plan review and receive approval from the Planning Board.

Sec. 33-140 allows for amended site plan review by the Planning Board. Subsection (b) states, in part:

...if the planning board determines that the proposed revisions are minor and do not result in any substantial changes to the approved development or further impact abutters, the planning board may approve the amended site plan. If the planning board determines that the changes are substantial, then the planning board shall process the application for the amended site plan in the same fashion as an application for review of a site plan under division 4 of this article III.

**PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses**

Sketch plan review

This is the sketch plan review phase. At this point the Planning Board may wish to request additional information of the applicant, make suggestions to be incorporated into future submittals, plan (or waive) a site walk, and discuss Town Code provisions in relation to the application. The Board may also wish to decide on application completeness and scheduling of a public hearing, but it is recommended that the question of Change of Use not be split off from the overall application/Site Plan Review in terms of Board decisions on this application. Based on Sections 33-57, 33-58, and 45-126 of the Town Code, I do not believe that the Change of Use and Site Plan Review aspects can be cordoned off from each other.

**Previous Planning Board actions**

The application proposes to revise a previously-approved site plan. Most recently, on October 15, 2019, the Planning Board approved a site plan amendment to replace an existing 4,500 sq. ft. building damaged by fire with a new 32,832 sq. ft. greenhouse for the cultivation of medical marijuana. Previous Planning Board decisions for this site took place in August 2018 and April 2019.

**State conditional license**

Before an application is heard by the Planning Board, the Town requires that applicants furnish a conditional license from the Maine Office of Marijuana Policy (OMP) for any adult use marijuana establishment for which they are seeking land use approval. The application package includes an OMP conditional license granted to Sweet Dirt LLC for an Adult Use Marijuana Cultivation Facility, Tier 4 (expires 8/10/21). The license includes Hughes Pope and Kristin Pope as principals/owners of Sweet Dirt, LLC.

**Section 33-190 – Performance standards for marijuana establishments**

When an applicant seeks a change of use to adult use marijuana uses, the application becomes subject to the performance standards in Section 33-190. The below sections run through these standards.

*Screening*

Marijuana establishments must be screened from view according to Section 33-175. Subsection (b) states:

Front yards, especially those along Rte. 236, shall have an extensive vegetative cover, including large shade trees. Areas along Rte. 236 shall be 50 feet in width, beginning at the 50-foot setback line and extending to the rear of the front yard so as to screen the proposed use. Similarly, half of the front yard for commercial or industrial uses on other streets shall be landscaped.

**PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses**

The existing site includes a vegetated buffer of variable width within and behind the 50 ft. setback. The Board may wish to discuss potential additional screening opportunities with the applicant.

*Parking and loading*

The site plan includes parking calculations in general note 7. The calculations use the 1 space per 200 sf standard for the caregiver retail store on site (nonprofit medical marijuana dispensary) – 14 spaces – and the 1 space per employee standard for the greenhouse, with 8 employees – 8 spaces – resulting in a requirement of 22 spaces. A total of 34 spaces are provided.

The site plan shows 2 accessible parking spaces in front of the caregiver retail store that are being finalized, as of this report, based on the applicant's previous site plan approval and building permit application. The in-progress construction of these spaces needs to meet Section 502 of the 2010 ADA Standards for Accessible Design – which has been discussed with the applicant – and the site plan currently before the Board should reflect the ADA-compliant design. ADA parking space access aisles need to adjoin an accessible route and connect to accessible entrances. The accessible route from the access aisle should not pass behind parked vehicles. To this end the site plan should show, at minimum, an accessible route from the access aisles to building entrances. The Board may wish to discuss how wheelchair accessibility from the parking spaces to the greenhouse building would be achieved.

Parking space and circulation aisle dimensions are shown on the site plan. The 10'x18' space dimensions meet the minimum square footage requirement of 180 sf in Section 45-488. The Board may wish to discuss with the applicant delivery/loading areas and where those take place on the site plan.

*Signage and advertising*

The site includes an existing business sign along Route 236; no changes to this signage are apparent on the site plan.

*Area of marijuana-related activities*

Section 33-190(4) requires all marijuana activities to be conducted indoors. There is no apparent change to the location of the cultivation within the greenhouse – only an added adult use classification to the existing cultivation.

*Odor management*

There is no apparent change in the application related to on-site odor management.

*Marijuana product disposal*

Section 33-190 requires “an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner and in accordance with all

**PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses**

applicable federal, state and local laws and regulations”. A standalone disposal operational plan was not submitted with the application. However, the cover letter states that “Marijuana waste products are mixed with a soap solution to render them unusable and then mixed in with standard non-marijuana waste to further dissuade reuse.” The site plan shows the proposed dumpster location with fencing, and site plan general note 11 states: “Facility waste products to be placed in dumpster shown on site plan. Any plant material to be ground up into a compostable form and disposed of as such. Other waste to be packing material and standard farm debris. Dumpster will be fenced in and monitored by security cameras. Specific waste procedures under review by MDEP.”

*Security measures*

The site plan general notes include information about on-site security, including permanent security camera locations, surveillance system storage, duration of stored recordings, and locking, key card access, and Knox box provisions for all exterior doors. The application package also includes a lighting plan that shows illuminance throughout the site. Additionally, as required by the state Adult Use Marijuana Program Rule, each licensee at the state level needs to have a written security plan approved by the state before they can operate.

The application cover letter states: “Security has been upgraded since the previous approval. Other than the items listed on the Site Plan additional cameras have been added as well as methods of detection that trigger when a person has gone over or through the perimeter fence.”

The Planning Board may wish to request more information from the applicant on whether some other required security measures are included, such as:

- Whether the security cameras will be operating 24 hours per day, 7 days per week
- An alarm system with audible and police department notification components
- To be provided to the Eliot Police Department, the name and functioning telephone number of a 24-hour on-call staff person to whom the town may provide notice of any operating problems associated with the establishment
- A locking safe permanently affixed to the premises that is suitable for storage of all adult use marijuana product and cash stored overnight on the premises
- Locks or bars on any other access points besides doors (e.g., windows)

The application was sent to the Police Chief for his review; no comments have been received at the time of this report.

*Separation from sensitive uses*

Regarding the Section 33-190(5) 500 ft. buffer/setback requirement, the application states that the “facility is not within 250 [feet] of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public

**PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use: Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses**

facility. The reduction of setback from 500' to 250' was granted to the site by the Zoning Board of Appeals in November 2017." Adult use marijuana cultivation is not subject to the 33-190(5) buffer/setback requirement.

*Hours of operation*

The application cover letter states that "Employee operations will continue as they have been".

*Packaging and labeling*

Section 33-190(10) covers allowable pesticide use and requires compliance with state packaging and labeling rules. The state Adult Use Marijuana Program Rule has extensive packaging and labeling requirements for marijuana establishments.

*Inspection*

Section 33-190 requires Code Enforcement Officer and Fire Chief (or designee) inspections prior to Certificate of Occupancy.

**Wastewater**

A copy of the 2017 wastewater disposal system application (HHE-200) is included in the application packet.

**Water supply**

The site plan shows the existing well location, which will provide water service.

**Traffic and driveway**

No changes to the existing site's traffic and driveway are noted in the application.

**Stormwater**

The application notes that there are "no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management". The proposed detention pond at the rear of the site is shown on the site plan.

A soil erosion and sedimentation control plan is included in the site plan set.

**Fire safety**

The Fire Chief provided his review for the site plan amendment that was previously reviewed by the Board. The October 2019 NOD (in the application package) includes the Fire Chief's comments at that time.

**Requested information waivers**

- Drainage plan – 33-127(8)
- High intensity soils report – 33-127(12)

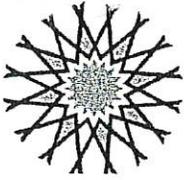
**PB20-20: 495 H.L. Dow Hwy. (Map 53/Lot 6) Site Plan Amendment / Change of Use:  
Add Marijuana Establishment (Adult Use Marijuana Cultivation) to existing uses**

Respectfully submitted,

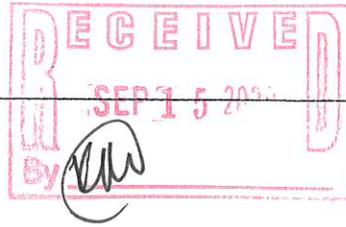
Jeff Brubaker, AICP  
Town Planner

**References**

2010 ADA Standards for Accessible Design, Section 502 – Parking Spaces:  
<https://www.ada.gov/reg2010/2010ADAStandards/2010ADAstandards.htm#pgfld-1006250>



**ATTAR**  
ENGINEERING, INC  
CIVIL • STRUCTURAL • MARINE



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

September 15<sup>th</sup>, 2020  
Project No. C066-20

**RE: Site Plan Application (Change of Use)  
495 H.L. Dow Highway (Tax Map 53, Lot 6)  
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 3.04 acre parcel, located at 495 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 Site Plan Amendment as well as a Change of Use for the existing Medical Marijuana Cultivation Facility on the site to "Medical and Adult Use Marijuana Cultivation", an allowed use in the C/I District. The facility is not within 250 of the property line of an existing public or private school, residential property, childcare facility, place of worship or a public facility. The reduction of setback from 500' to 250' was granted to the site by the Zoning Board of Appeals in November 2017. There are no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management.

Employee operations will continue as they have been. Security has been upgraded since the previous approval. Other than the items listed on the Site Plan additional cameras have been added as well as methods of detection that trigger when a person has gone over or through the perimeter fence.

Marijuana waste products are mixed with a soap solution to render them unusable and then mixed in with standard non-marijuana waste to further dissuade reuse.

A number of waivers are requested as part of the application. These are detailed in the attached checklist.

A summary of the site plan information (Municipal Code of Ordinances Town of Eliot, Maine - Section 33-127. Contents, required information) is included with the application.

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  
C066-20\_Eliot\_cover

Site Plan Review Submissions Checklist

10/1/09

Applicant Name: **NEK Assets, LLC.**  
 Address & Map/Lot: **495 Harold Dow Highway, Tax Map 53 Lot 6**

This is a working document, to be used with applicants and staff to ensure information provided is consistent and complete. It should be used as a guide in assembling the information necessary for a site plan review. Once the checklist is completed, applicable waivers indicated, and the information provided, it should be submitted with the application materials.

Instructions for Applicants:

1. Indicate if the information has been submitted by checking the appropriate box in column 1.
2. The Planner and Board will use this checklist with the applicant to determine if the application presented is complete.
3. If you believe that a required submission is not applicable to your proposed project, please discuss this matter with the Planner. If the staff agrees the submission to be not applicable, the staff member will check the appropriate category and indicate the reason the item is not applicable.
4. If a staff member denies a waiver request, that staff member will check the box in column 4 and the Planning Board will make the determination at the meeting.
5. The developer shall submit two originals of a site plan, drawn at a scale of not smaller than one inch equals 20 feet, and ten copies reduced to 11 inches by 17 inches, and showing the following information unless the Planning Board waives these requirements, upon written request of the applicant.

Section Number of Ordinances	Item Description from Ordinances	1 Submitted by the Applicant	2 Submission Determined to be Sufficient by the Planning Board	3 Submission Determined Not Applicable by the Planner	4 Applicant Requests Waiver of Submission Requirement
33-127(1)	Development name or identifying title and name of the Town	✓			
33-127(2)	Name & Address of Record Owners, Developer and Designer	✓			
33-127(3)	Names & Addresses of All Abutters and Their Present Land Use	✓			
33-127(4)	Perimeter Survey of the Parcel Made and Certified by a State-Registered Land Surveyor, Relating to Reference Points, Showing True North Point, Graphic Scale, Corners of the Parcel, Date of Survey, Total	✓			

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features				
33-127(5)	The Location of Temporary Markers Adequate to Enable the Planning Board to locate readily and appraise the basic layout in the field	✓			
33-127(6)	Contour lines at intervals of not more than five feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more	✓			
33-127(7)	Provisions of Chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development	✓			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan	Waiver Requested: Using currently approved stormwater plan. No changes to overall impervious area or drainage paths.			
33-127(9)	Preliminary designs of any bridges or culverts which may be required	✓			
33-127(10)	The location of all natural features or site elements to be preserved	✓			
33-127(11)	A soil erosion and sediment control plan	✓			
33-127(12)	A high intensity soils report identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon	N/A, Using existing subsurface wastewater disposal system			

	compliance with any recommendations included in such report				
33-127(13)	The locations & size of any existing sewers & water mains, culverts & drains on the property to be developed	✓			
33-127(14)	Connection with existing water supply or alternative means of providing water supply to the proposed development	✓			
33-127(15)	Connection with existing sanitary sewerage system or alternative means of treatment & disposal proposed	✓			
33-127(16)	If a private sewage disposal system is proposed, location & results of tests to ascertain subsurface soil & groundwater conditions, depth to maximum groundwater level, location & results of soil testing	✓			
33-127(17)	An estimated progress schedule	✓			
33-127(18)	Construction drawings sufficient to enable the Code Enforcement Officer to verify the following information:				
a.	Total floor area, ground coverage & location of each proposed building, structure or addition	✓			
b.	All existing & proposed setback dimensions	✓			
c.	The size, location, direction & intensity of illumination of all major outdoor lighting apparatus & signs	✓			
d.	The type, size & location of all incineration devices	N/A			
e.	The type, size & location of all machinery likely to generate appreciable noise beyond the lot lines	✓			
f.	The amount & type of any raw, finished or waste	✓			

	materials to be stored outside of roofed buildings, including their physical & chemical properties, if appropriate				
g.	The location, type & size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas & the layouts together with all dimensions	✓			
h.	All landscaped areas, fencing & size & type of plant material proposed to be retained or replanted	✓			
i.	A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.	N/A			
j.	Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this code. If these submission requirements conflict with the requirements of chapter 41, the stricter standards shall apply.	N/A			
33-127(19)	Site plans and construction drawings for new and existing structures listed as SPR in section 45-290 shall	✓			

	be submitted to the Eliot Fire Chief for review and comment prior to final approval by the Planning Board				
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In addition to the above, when applicable, the Planning Board may require detailed interior plans including dimensional measurements and uses of all interior spaces, placement of equipment, counters, etc. and when applicable, seating charts indicating table/chair arrangements and the number of requested tables and seats.

**The Planner will work with the applicant to ensure this checklist is complete before a Site Plan Review application is scheduled for review by the Planning Board.**

\_\_\_\_\_  
Town Planner

\_\_\_\_\_  
Date

**Staff Section Only:**

Address:	
Map/Lot:	
PB Case #:	
Zoning District:	
Shoreland Zoning:	
Owner Name:	
Applicant Name:	
Proposed Project:	
Application Received by Staff:	
Application Fee Paid and Date:	
Application Received/Found Complete by PB:	
Site Walk Date:	
Public Hearing Date:	
Public Hearing Publication Date:	
Reason for PB Review:	

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# 6    Lot Size 3 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? PW ME Can Re SD LLC

Address (Location) of the property 495 Harold 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? Marijuana Establishment  
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

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

The site is currently approved for Medical Marijuana Cultivation and Medical Marijuana Sales.  
We propose to add Adult Use Cultivation to the existing greenhouse. The greenhouse would be use for both Adult Use and Medical Marijuana Cultivation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

	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 *Michael* agent Date 9/15/2020

Property Owner \_\_\_\_\_ agent Date 9/15/2020  
*See attached Landlord Letter.*

**Step 6** Application received by Planning Assistant  
 Date received by the PA \_\_\_\_\_ PA initials \_\_\_\_\_

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

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

**PART 1 - THE PROCEDURE**

Case No. \_\_\_\_\_

Site review?    Yes    No

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

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

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

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

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

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

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

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

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

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

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

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

**PART 2**

Case No. \_\_\_\_\_

Site review?    Yes    No

**DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT**

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

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

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

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

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

Case No. \_\_\_\_\_

Site review?    Yes    No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. \_\_\_\_\_

Site review?    Yes    No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

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

Case No. \_\_\_\_\_  
Site review?    Yes    No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

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

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



# 500 foot Abutters List Report

Eliot, ME  
September 15, 2020

## Subject Property:

Parcel Number: 053-006-000  
CAMA Number: 053-006-000  
Property Address: 495 HAROLD L DOW HWY

Mailing Address: FLOWER COMPANY PROPERTIES INC  
C/O PW ME CANRE SD LLC 301  
WINDING ROAD  
OLD BETHPAGE, NY 11804

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## Abutters:

Parcel Number: 045-005-000  
CAMA Number: 045-005-000  
Property Address: 413 HAROLD L DOW HWY

Mailing Address: MARITIMES & NORTHEAST PIPELINE  
C/O DUFF & PHELPS LLC  
PO BOX 2629  
ADDISON, TX 75001

Parcel Number: 053-007-000  
CAMA Number: 053-007-000  
Property Address: 505 HAROLD L DOW HWY

Mailing Address: NORTHEAST KIND ASSESTS LLC  
987 HAROLD L DOW HWY  
ELIOT, ME 03903

Parcel Number: 053-008-000  
CAMA Number: 053-008-000  
Property Address: 525 HAROLD L DOW HWY

Mailing Address: XNG MAINE LLC  
300 BRICKSTONE SQUARE STE 1005  
ANDOVER, MA 01810

Parcel Number: 054-002-000  
CAMA Number: 054-002-000  
Property Address: 483 HAROLD L DOW HWY

Mailing Address: FLOWER COMPANY PROPERTIES INC  
9 ISLAND AVE  
KITTERY, ME 03904

Parcel Number: 054-003-000  
CAMA Number: 054-003-000  
Property Address: HAROLD L DOW HWY

Mailing Address: BONDGARDEN  
255 DEPOT RD  
ELIOT, ME 03903

Parcel Number: 054-005-000  
CAMA Number: 054-005-000  
Property Address: 496 HAROLD L DOW HWY

Mailing Address: CPN REALTY LLC  
2028 STATE RD  
ELIOT, ME 03903

Parcel Number: 054-006-000  
CAMA Number: 054-006-000  
Property Address: HAROLD L DOW HWY

Mailing Address: LAC REALTY LLC  
31 CLARK RD  
ELIOT, ME 03903

Parcel Number: 054-008-000  
CAMA Number: 054-008-000  
Property Address: 468 HAROLD L DOW HWY

Mailing Address: TOWN OF ELIOT TRANSFER STATION  
1333 STATE RD  
ELIOT, ME 03903



www.cai-tech.com

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

9/15/2020

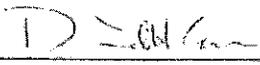
Page 1 of 1

LANDLORD STATEMENT OF PERMISSION

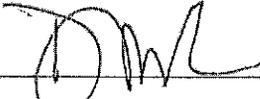
I, David Lesser, am the (authorized agent of the record owner/record owner) of the property at 495 Harold L. Dow Hwy., Eliot, Maine (the "Property").

NEK Assets, LLC ("Tenant"), is a lawful tenant at the Property (the "Rented Unit"). I give Tenant permission to operate and develop Marijuana Establishment(s) pursuant to applicable State and local laws and regulations.

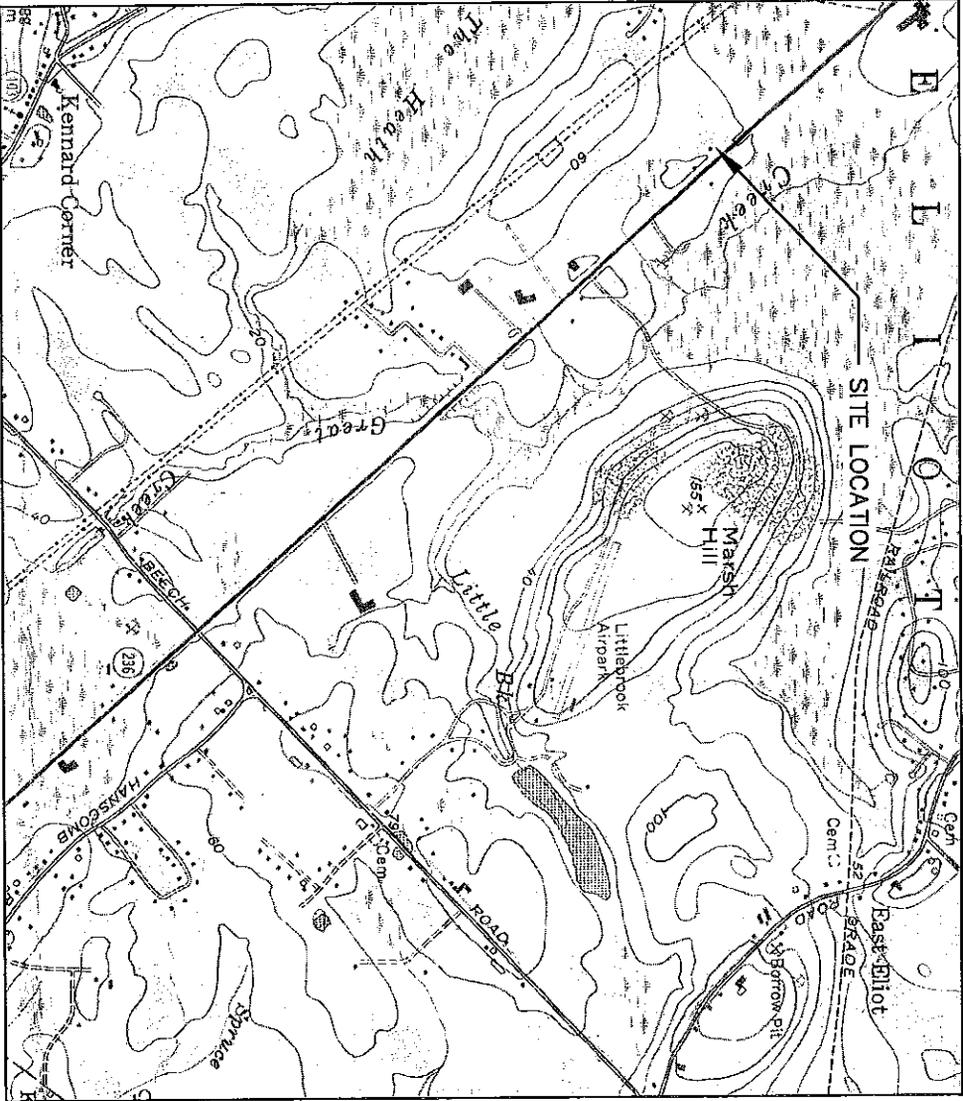
I have reviewed the relevant portions of the Town Code and understand the potential consequences of Tenant's use of the Rented Unit as a Marijuana Establishment(s).

Date: 9/11/20 Signature:   
Title: Authorized Signatory Printed name: David H. Lesser

Personally appeared before me the above-named affiant and made oath that the foregoing affidavit is true and correct to his/her personal knowledge.

Date: 9/11/20 Signature:   
Notary Public/Attorney at Law

DANIELLE C. LESSER  
Notary Public, State of New York  
No. 31-5003580  
Qualified in New York County  
Commission Expires January 4, 2021 23



SITE LOCATION MAP  
1" = 2000'

OFFICE OF MARIJUANA POLICY

MAINE ADULT USE MARIJUANA  
PROGRAM



This certifies that

**SWEET DIRT, LLC**

**ACD357**

**DOING BUSINESS AS: SWEET DIRT**

has been issued a **CONDITIONAL** license as an **ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 4** under 28-B MRS. This does **NOT** permit the licensee to engage in any activity.

ISSUED ON  
08/11/2020

  
DIRECTOR  
OFFICE OF MARIJUANA POLICY  
MAINE ADULT USE MARIJUANA PROGRAM

EXPIRES ON  
08/10/2021

**NOTE: THIS IS NOT AN ACTIVE  
LICENSE**

To make a complaint about this licensed Adult Use Marijuana Establishment:  
Email: [Licensing.OMP@maine.gov](mailto:Licensing.OMP@maine.gov)

The Conditional License for ACD357 has been issued based on the following organizational structure:

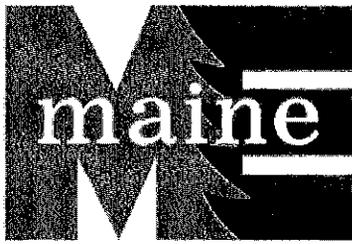
**Principals:**

KRISTIN ANN POPE, MANAGER  
HUGHES SPENCER POPE, MANAGER  
JESSICA JEAN OLIVER, OFFICER

**Owners:**

50.00% - HUGHES SPENCER POPE  
50.00% - KRISTIN ANN POPE

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



# OFFICE OF MARIJUANA POLICY

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

## Maine Adult Use Local Authorization Form

This Local Authorization Form must be completed by the proposed municipality or the Maine Land Use Planning Commission. The authorized local official responsible for completing this Form must forward the Form and **all required attachments** to the Office of Marijuana Policy at [Licensing.OMP@maine.gov](mailto:Licensing.OMP@maine.gov) or 162 State House Station, Augusta, Maine 04333.

If the authorized local official in receipt of this Form has not recently met with the Office of Marijuana Policy to discuss the local authorization process and OMP's expectations for completion of this Form, please contact Tracy Jacques, Director of Licensing, at [Licensing.OMP@maine.gov](mailto:Licensing.OMP@maine.gov) or (207) 530-7389 prior to filling it out.

Section 1: License Information. Information generated by the Office of Marijuana Policy.					
Business Legal Name: SWEET DIRT, LLC		Business DBA: SWEET DIRT		Conditional License Number: ACD357	
License Type: ADULT USE MARIJUANA CULTIVATION FACILITY, TIER 4					
Mailing Address: 84 MARGINAL WAY STE 600 PORTLAND, ME 04101-2473			Facility Phone: +1 (207) 253-0598		
			Primary Contact Person: HANNAH E. KING		
			Primary Contact Email: hking@dwmlaw.com		
Section 2: Marijuana Establishment and Local Authorization Information. This section to be completed by the Municipality/Maine Land Use Planning Commission in receipt of request for Local Authorization.					
Physical Location of Establishment (include unit number)		Municipality/Town/Plantation/Township	County	State	ZIP
Tax Map #:		Tax Lot #:			
Date Local Authorization Request Received by Municipality/Maine Land Use Planning Commission:		Date Local Authorization Approved by Municipality/Maine Land Use Planning Commission:			
If you are requesting Local Authorization from a <i>municipality</i> , complete Section 3.					
If you are requesting Local Authorization from a <i>town, plantation or township in the unorganized and deorganized areas</i> through the Maine Land Use Planning Commission, complete Section 4.					
Section 3: Local Authorization of Marijuana Establishments within Municipalities. This section to be completed by the Municipality in receipt of request for Local Authorization.					
<b>Section 3(a): Request for local authorization to operate marijuana establishment in municipality prohibited unless authorized by municipal ordinance or warrant article.</b> A person seeking to operate a marijuana establishment within a municipality may not request local authorization to operate the marijuana establishment and a municipality may not accept as complete the person's request for local authorization unless the following questions are answered in the affirmative.					
1. Has the legislative body of the municipality voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including the type of marijuana establishment the person seeks to operate as indicated in the "License Type" box of Section 1 of this form? <input type="checkbox"/> Yes <input type="checkbox"/> No					

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

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

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

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

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

**Section 4: Local Authorization of Marijuana Establishments within Towns, Plantations and Townships in the Unorganized and Deorganized Areas.** This section to be completed by the Maine Land Use Planning Commission in receipt of request for Local Authorization.

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

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

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

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

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

1. Has the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, certified to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses **not** relating to land use planning and development?  
 Yes  No
2. Is a copy of the certification including a list of all applicable approvals, permits, or licenses **not** relating to land use planning and development with the issuance and expiration dates attached or included with the submission of this form?  
 Yes  No

3. Has the person obtained all applicable Maine Land Use Planning Commission approvals, permits, or licenses that are required for the operation of this type of adult use marijuana establishment? By selecting "yes" below, the Maine Land Use Planning Commission is affirming that all Maine Land Use Planning Commission approvals, permits, or licenses have been approved, granted, or issued and no further action by the Maine Land Use Planning Commission is required prior to the Office of Marijuana Policy's issuance of an active license. The Office of Marijuana Policy encourages the Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.  
 Yes  No

4. Is a list and copy of all applicable Maine Land Use Planning Commission approvals, permits, or licenses with the issuance and expiration dates attached or included with the submission of this form? The Office of Marijuana Policy encourages Maine Land Use Planning Commission to coordinate the issuance date of a local license with the Office when appropriate.  
 Yes  No

**Statutory Guidance for Municipalities/Maine Land Use Planning Commission**

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

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

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

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

**Municipality/LUPC Representative**

Legal Name and title of Municipality/LUPC Representative:	City:	County:
---	-------	---------

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

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

**Notarization**

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

Name of Notary Public (Printed):	Signature of Notary Public:
Notary Public, State of Maine	
My commission expires:	
<b>STAMP/SEAL</b>	

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

<b>PROPERTY LOCATION</b>		<b>&gt;&gt; CAUTION: LPI APPROVAL REQUIRED &lt;&lt;</b>	
City, Town, or Plantation	<u>ELIOT</u>	Town/City	Permit # _____
Street or Road	<u>495 H.L. DOW HIGHWAY</u>	Date Permit Issued	Fee: \$ _____ Double Fee Charged [ ]
Subdivision, Lot #			L.P.I. # _____
<b>OWNER/APPLICANT INFORMATION</b>		Local Plumbing Inspector Signature _____	
Name (last, first, MI)	<u>FLOWER COMPANY P20R</u>	The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
Mailing Address of Owner/Applicant	<u>403 H.L. DOW HIGHWAY</u>	Municipal Tax Map # <u>53</u> Lot # <u>6</u>	
Daytime Tel. #	<u>JACQUE 439 6075</u>	<b>CAUTION: INSPECTION REQUIRED</b> I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application. (1st) date approved _____	
<b>OWNER OR APPLICANT STATEMENT</b> I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.		Local Plumbing Inspector Signature _____ (2nd) date approved _____	
Signature of Owner or Applicant _____ Date _____			

PERMIT INFORMATION			
<b>TYPE OF APPLICATION</b>	<b>THIS APPLICATION REQUIRES</b>	<b>DISPOSAL SYSTEM COMPONENTS</b>	
<input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type replaced: <u>EXISTING</u> Year installed: <u>HOLDING TANK</u> <input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	<input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	<input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & all toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input type="checkbox"/> 11. Pre-treatment, specify: _____ <input type="checkbox"/> 12. Miscellaneous Components	
<b>SIZE OF PROPERTY</b>	<b>DISPOSAL SYSTEM TO SERVE</b>	<b>TYPE OF WATER SUPPLY</b>	
<u>43</u> <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	<input type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: _____ <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: <u>OFFICE 12 EMPLOYEES</u> (specify) Current Use <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Year Round <input type="checkbox"/> Undeveloped	<input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other	
<b>SHORELAND ZONING</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)			
<b>TREATMENT TANK</b>	<b>DISPOSAL FIELD TYPE &amp; SIZE</b>	<b>GARBAGE DISPOSAL UNIT</b>	<b>DESIGN FLOW</b>
<input checked="" type="checkbox"/> 1. Concrete <u>WATER TIGHT TWO COMPARTMENT</u> <input type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: _____ CAPACITY: <u>1000 GAL.</u>	<input checked="" type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. cluster array <input type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: <u>20 x 45'</u> SIZE: <u>500</u> <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft.	<input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	<u>180</u> gallons per day BASED ON: <input type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input checked="" type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities: <u>15 GPD / EMPLOYEE</u>
<b>SOIL DATA &amp; DESIGN CLASS</b>	<b>DISPOSAL FIELD SIZING</b>	<b>EFFLUENT/EJECTOR PUMP</b>	<b>LATITUDE AND LONGITUDE</b>
PROFILE <u>91D</u> CONDITION _____ a) Observation Hole # <u>2</u> Depth <u>9"</u> of Most Limiting Soil Factor _____	<input type="checkbox"/> 1. Medium--2.6 sq. ft. / gpd <input type="checkbox"/> 2. Medium--Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large--4.1 sq. ft. / gpd <input checked="" type="checkbox"/> 4. Extra Large--5.0 sq. ft. / gpd	<input type="checkbox"/> 1. Not Required <input type="checkbox"/> 2. May Be Required <input checked="" type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	at center of disposal area Lat. <u>43</u> d <u>8</u> m <u>46.1</u> s Lon. <u>70</u> d <u>47</u> m <u>27.1</u> s If g.p.s, state margin of error: _____

SITE EVALUATOR STATEMENT		
I certify that on <u>3 FEB 17</u> (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).		
<u>Michael Cuomo</u> Site Evaluator Signature	211 SE #	<u>9 FEB 17</u> Date
Michael Cuomo Site Evaluator Name Printed	(207) 363-4532 Telephone Number	mcuomosoi@gmail.com E-mail Address
Note : Changes to or deviations from the design should be confirmed with the Site Evaluator.		

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
 Division of Health Engineering  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

Eljor 495 H.L. DOW HIGHWAY

FLOWER COMPANY PROP.

SITE PLAN

Scale 1" = 20 ft.

SITE LOCATION PLAN

DEPOT ROAD

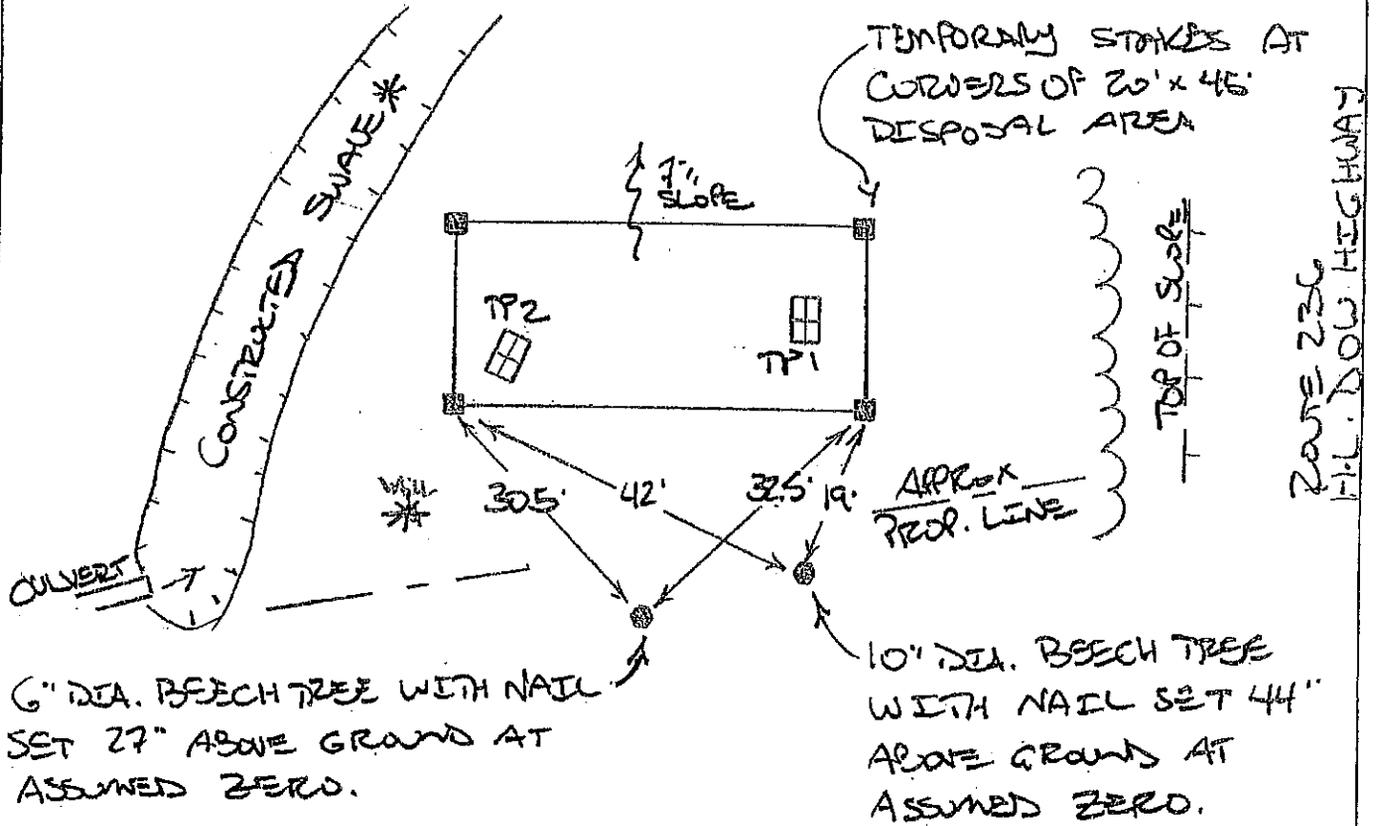
SITE

ROUTE 236  
 H.L. DOW  
 HIGHWAY

APPROX  
 NORTH

BEECH ROAD

EXISTING  
 CURV.



\* SEE NOTES ON PAGE 5 of 5

*Michael Cronin*

Site Evaluator Signature

211

SE #

9 FEB 17

Date



Town: ELIOT

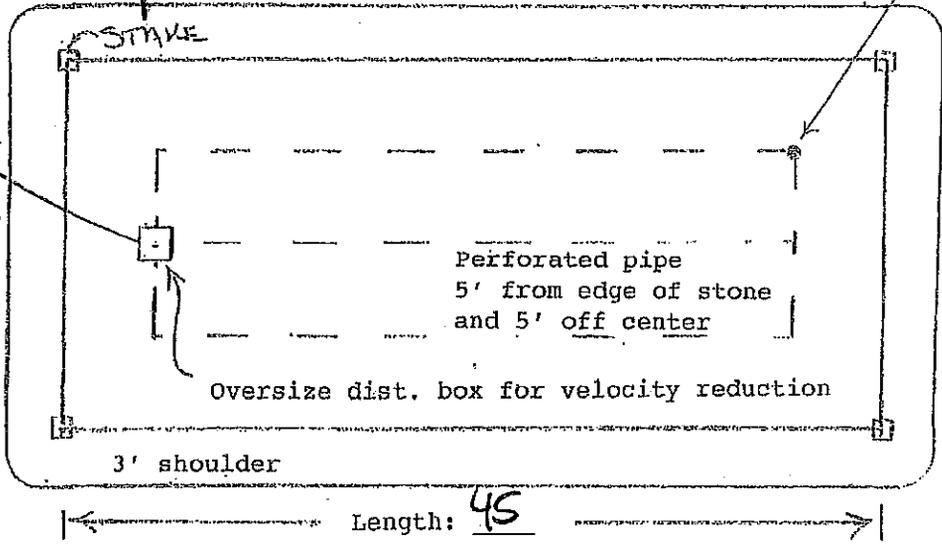
Street: 495 H.C. DOW HWY.

Owner: FLOWER COMPANY PROPERTIES  
Vent required

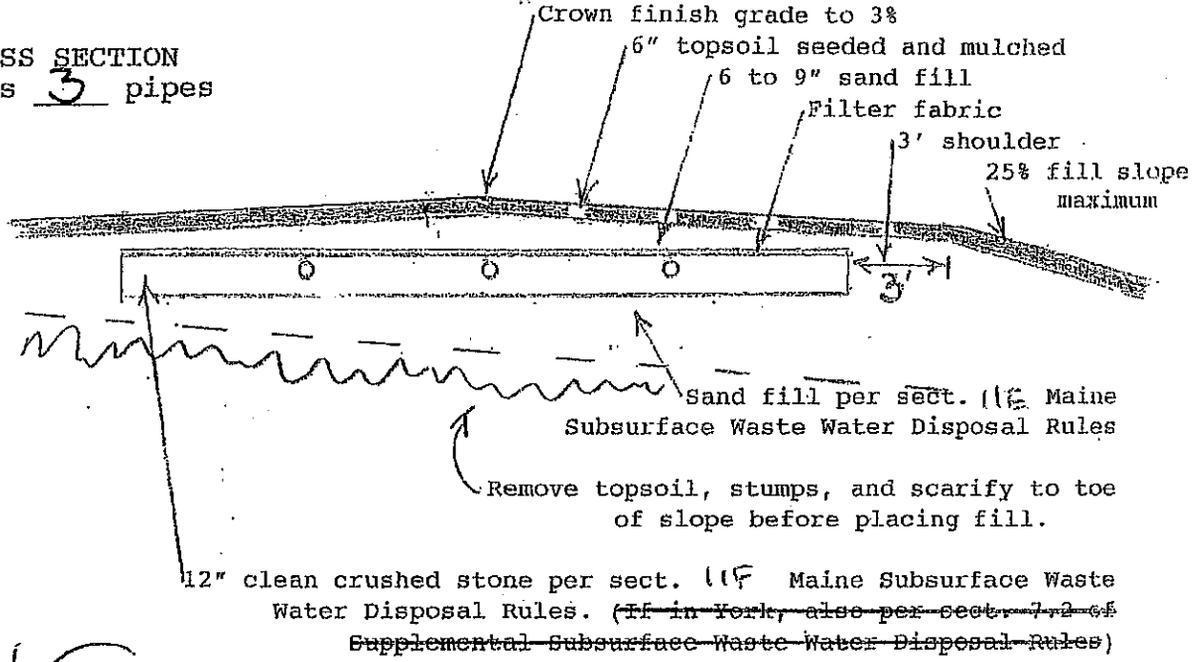
TYPICAL PLAN VIEW  
This bed is 20 x 45 feet

*20MP CHAMBER*

Effluent sewer



TYPICAL CROSS SECTION  
This bed has 3 pipes



*Wildcat Coors*

SE# 211 Date: 9 FEB 17

Page 4 of 5

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. of Health & Human Services  
 Division of Environmental Health, STS 11  
 (207) 287-5689 FAX (207) 287-3165

Town, City, Planlation  
**ELIOT**

Street, Road, Subdivision  
**495 H.L. DOW HIGHWAY**

Owner or Applicant Name  
**FLOWER CO. PROPERTIES**

### Constructed Swale

Existing swale to be filled with sand during construction of disposal area fill extension. It can be replaced by a new swale in a new location or closed culvert in a new location. The new culvert or top of bank of the new swale must be at least 25 feet from the disposal area.

### Existing Well

To be abandoned in accordance with State rules.

### Existing Holding Tank

To be pumped out, then either filled with soil and buried in place OR removed from the property.

## SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole # **ONE**  Test Pit  Boring

1" Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	VERY FINE SANDY LOAM		VERY DK. GRAY	
6	SANDY LOAM	PLASTIC	YELLOW BROWN	NO
12	SILT LOAM		LT. GR.	
18	LOAM		LIGHT OLIVE BROWN	
24	SILTY CLAY	FIRM		
30	CLAY		OLIVE	YES
36	LOAM			
42				
48				

Soil Profile	Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Groundwater
9	D	7	- 12 -"	<input type="checkbox"/> Restrictive Layer
	Condition	Percent	Depth	<input type="checkbox"/> Bedrock

Observation Hole # **TWO**  Test Pit  Boring

1" Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	VERY FINE SANDY LOAM		VERY DARK BROWN	
6	SANDY LOAM	PLASTIC	LT. GR. BL.	NO
12	SILT LOAM		LIGHT GRAY	
18	LOAM		LT. OLIVE	
24	SILTY CLAY	FIRM	OLIVE	YES
30	CLAY			
36				
42	LOAM			
48				

Soil Profile	Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Groundwater
9	D	7	- 9 -"	<input type="checkbox"/> Restrictive Layer
	Condition	Percent	Depth	<input type="checkbox"/> Bedrock

*Michael Connors*  
 Site Evaluator Signature

211  
 SE #

9 FEB 17  
 Date

Page 5 of 5  
 HHE-200 Rev. 08/09

# TOWN OF ELIOT, MAINE

## PLANNING BOARD NOTICE OF DECISION

CASE #: <b>PB19-8 – AMENDED SITE</b>	MAP/LOT: <b>53/6</b>	DATE OF DECISION: <b>OCTOBER 15,</b>
<b>PLAN/REQUEST FOR PLANNING BOARD</b>		<b>2019</b>
<b>ACTION APPLICATION</b>		

October 31, 2019

Flower Company Properties, Inc.  
Attn: Jacquelyn Nooney, President  
483 Harold L. Dow Highway  
Eliot, Maine 03903

Mr. Ken Wood  
Attar Engineering, Inc.  
1284 State Road  
Eliot, Maine 03903

Sweet Dirt, Inc.  
Attn: Hughes Pope, Owner  
495 Harold L. Dow Highway  
Eliot, Maine 03903

Dear Ms. Nooney, Mr. Wood, and Mr. Hughes,

This **Notice of Decision** is to inform you that the Planning Board has acted on your **Amended Site Plan Review/Request for Planning Board Action Application** to add a greenhouse facility to replace structure lost to fire:

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

Submitted for August 6, 2019:

1. Site Plan Review/Request for Planning Board Action Application, received July 2, 2019.
2. Copy of Planning Board Notice of Decision for PB18-0, approved August 28, 2018.
3. Copy of Planning Board Notice of Decision for PB19-4, approved April 16, 2019.
4. Confirmation letter from J. Nooney approving site plan amendments and changes on subject property, dated July 2, 2019.
5. Letter from Justice Rines, COO – Sweet Dirt, LLC, containing project narrative and reason for request, dated July 2, 2019.
6. Revised Letter from Justice Rines, COO – Sweet Dirt, LLC, containing project narrative and reason for request, received August 5, 2019.
7. Renderings of new proposed project design, received July 2, 2019.
8. Eliot GIS Location Maps, dated July 2, 2019.
9. Eliot GIS Topographical/Abutter Maps, dated July 2, 2019.
10. Sheet L1 – Amendment to Site Plan, dated June 7, 2017, showing proposed amendments.
11. Site Plan Review Submissions Checklist, received August 5, 2019.
12. Location Plan showing 500-foot buffer, with abutter's list.
13. Memo from A. Sherwin, Interim Planner, dated August 2, 2019.

Submitted for August 20, 2019:

1. Amended Site Plan – Sheet L-1, dated August 15, 2019.
2. Revised Request for Planning Board Action Application, dated August 13, 2109.

3. Memo from Abbie Sherwin, Interim Planner, dated August 16, 2019.
4. Copy of Letter from Justice Rines, COO of Sweet Dirt, Inc., dated July 2, 2019.
5. Site Plan Review Submissions Checklist.
6. Quitclaim Deed, Book 17214, Page 79-80, dated April 12, 2016.
7. Copy of confirmation letter from J. Nooney approving site plan amendments and changes on subject property, dated July 2, 2019.
8. Eliot GIS maps showing location, abutting properties, and aerial overview.
9. Eliot GIS Elevation map.
10. Copy of Planning Board Notice of Decision for PB18-0, approved August 28, 2018.
11. Copy of Planning Board Notice of Decision for PB19-4, approved April 16, 2019.
12. Letter from J. Rines for Request for Waivers, dated August 13, 2019.
13. Subsurface Wastewater Disposal System Application, dated February 9, 2017.
14. Estimated Progress Schedule.
15. Full HVAC Option Package, received July 2, 2019.
16. NRCS Soil Resource Report, dated August 6, 2018.

Submitted for September 17, 2019:

1. Public Hearing Notice, posted August 29, 2019.
2. Copy of Portsmouth Herald Legal Notice of Public Hearing, dated September 3, 2019.
3. Copy of abutter's list and certified mailings, dated August 27, 2019.
4. CAI Technologies Location Map, dated August 27, 2019.

Submitted for October 15, 2019:

1. Memo from E. Sanderson, Interim Planner, dated October 9, 2019.
2. Public Hearing Notice posted, dated September 20, 2019.
3. Copy of Portsmouth Herald Legal Notice of Public Hearing, dated September 3, 2019.
4. CAI Technologies Location Map, dated September 20, 2019.
5. Revised Request for Planning Board Action Application to clarify the change of Sweet Dirt from LLC to INC, dated August 13, 2019.
6. Letter from Brian Nielsen, EIT, dated October 8, 2019.
7. Draft Post Construction Stormwater Management Plan and Stormwater Management Study from Attar Engineering, Inc., dated October 1, 2019.
8. Sheet 1 – Site Plan Sweet Dirt Facility (8X11 & 11X17), dated October 8, 2019.
9. Sheet 2 – Existing Conditions Plan (8X11 & 11X17), dated October 8, 2019.
10. Sheet 3 – Grading and Utility Plan (8X11 & 11X17), dated October 8, 2019.
11. Sheet 4 – Erosion and Sediment Control Plan (8X11 & 11X17), dated October 8, 2019.
12. Sheet 5 – Site Details (8X11 & 11X17), dated October 8, 2019.
13. Sheet 6 – Lighting Plan (8X11 & 11X17), dated October 8, 2019.
14. Sheet 1 – Stormwater Analysis Existing Conditions, dated October 8, 2019.
15. Sheet 2 – Stormwater Analysis Proposed Conditions, dated October 8, 2019.
16. Standard Boundary and Topographic Survey Plan, dated August 8, 2019.
17. Memo from Chief Muzeroll, dated October 14, 2019.

**FINDINGS OF FACT:**

1. The owner of the property is: Flower Company Properties, Inc. (mailing address: 9 Island Avenue, Kittery, Maine 03904).
2. The applicant is: Sweet Dirt, Inc., re: Justice Rines (mailing address: 495 Harold L. Dow Highway, Eliot, Maine 03903).
3. The property is located at 495 Harold L. Dow Highway Eliot, ME and is 3 acres.
4. Property can be identified as Assessor's Map 53/ Lot 6 and is located in the Commercial/Industrial Zoning District.

5. The applicant proposes to amend a previously-approved Site Plan (19-4) to replace an existing 4,500 square-foot building damaged by fire with a new 32,832 square-foot greenhouse for the cultivation of medical marijuana.
6. Lot coverage will increase from 12.7% to 39.2%.
7. There will not be more than 12 employees on the site.
8. The use of the property will not change.
9. At the August 20, 2019 meeting, the Planning Board decided, by approved motion, that this application required a full site plan review.
10. Copies of the application and supporting materials were provided to the Police Chief, Fire Chief, Town Manager, Public Works, and Code Enforcement. The Police Chief, Public Works, and Code Enforcement Officer had no comments. The Town Manager submitted a comment in a memo dated August 15, 2019 regarding installation of fire protection system. The Fire Chief submitted comments on October 14, 2019 (attached).
11. Regarding the Fire Chief's comments, the applicant has increased the turning radii around the perimeter of the proposed building, agreed to complete a master lock shut-off installation, and clarified that there is no intent to utilize the retention pond for fire protection purposes.
12. The Planning Board reviewed the application at the following regular meetings:
  - August 6, 2019
  - August 20, 2019
  - September 17, 2019
  - October 15, 2019
13. The following application fees have been paid by the applicant, in accordance with §1-25:
  - Site Plan Review Application Fee (Amendment): \$325 (dated July 15, 2019).
  - Public Hearing Fee: \$175.00 (dated September 3, 2019).
14. In accordance with §33-129 & 130, public hearings were advertised in the Portsmouth Herald/Seacoast Online on September 3, 2019 and September 25, 2019 and held on September 17, 2019 and October 15, 2019. In accordance with §33-129 & 130, abutting land owners were notified via certified mail.
15. The Planning Board accepted the application as complete on September 17, 2019.
16. Applicable ordinances are §33-189: Non-profit Medical Marijuana Dispensaries & Registered Primary Caregivers and §35-4(3) Post-construction stormwater management plan approval.
17. The proposed use location meets the required 500-foot buffer from sensitive uses.
18. Requested waivers: §33-127(12) High Intensity Soils Survey Schedule was waived at the August 20, 2019 Planning Board meeting. §33-127(4) Perimeter Survey was submitted August 20, 2019. §33-127(8)(c) Outdoor Lighting and §33-127(18)(f) Amount and type of any raw, finished, or waste were both approved, by motion, to be added as conditions of approval at the August 20, 2019 meeting. At the September 17, 2019 meeting, the applicant submitted a lighting plan and waste removal notes on the site plan.
19. Maine DEP Stormwater Permit-by-Rule (SWPBR #68737), dated September 25, 2019.
20. Smaller hoop greenhouse to be moved outside of 20-foot setback.

#### 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. 'Non-profit Medical Marijuana Dispensary' is a permitted use in the Commercial/Industrial Zoning District under the Town of Eliot Zoning Ordinances with Site Plan Review (SPR) (9) by the Eliot Planning Board per Sec. 45-290.
3. The standards of Section 45-405 (Dimensional standards) of the Zoning Ordinance (Chapter 45) have or will be met.
4. All applicable performance criteria and/or ordinance requirements have been addressed by the Planning Board in accordance with Chapter 33 §189, Planning & Development, Article III, Division 6.

#### DECISION:

1. Based on the above facts and conclusions, on **October 15, 2019**, the Planning Board voted to approve your application to amend a previously-approved Site Plan (19-4) to replace an existing 4,500 square-foot building damaged by fire with a new 32,832 square-foot greenhouse for the cultivation of medical marijuana.

## CONDITIONS OF APPROVAL:

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

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. The applicant will provide, within 30 days, the Stormwater Management Plan made between the Town of Eliot and the applicant.
5. The applicant agrees to a Fire Department Safety and familiarization walk-thru prior to the issuance of an occupancy permit.
6. The applicant will provide a modified Knox Box, as recommended by the Eliot Fire Chief.

## 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 **October 15, 2019** 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 **October 15, 2019** 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,



Dennis Lentz, Chair

*This letter reviewed and approved by the Planning Board on October 29, 2019.*

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

### Fire Chief Memo from October 14, 2019.

**From:** Chief Jay Muzeroll <elliottfirechief@hotmail.com>  
**Sent:** Monday, October 14, 2019 6:45 PM  
**To:** Kristina Goodwin <kgoodwin@eliotme.org>  
**Subject:** Sweet Dirt

Please pass this along to the Planning Board and the applicant.

I have reviewed the plans dated October 1, 2019 and have the following comments and suggestions:

- The 32,000 square foot greenhouse is a "Special Purpose" building and because it has no offices or other conditions that would require a Maine Fire Marshal review, my office (Fire Department only) will waive the Fire Marshal review. The Eliot Codes Enforcement Office will need to concur and establish any life safety requirements.
- The retention pond has no year round value for fire protection purposes and will not be considered a "water source"
- The perimeter road will not safely provide emergency vehicle access/egress for primary fire suppression tactics. Personnel only, no apparatus.
- The "Knox Box" should be of adequate size to support and all keys, cards and access codes and should also include space for the same to the Retail Storefront.
- If the applicant chooses to install a fire alarm system in either building it should be monitored continuously off premise for emergency forces notification and zones and detectors be identified in common language. Panel(s) location with assistance from Fire Chief.
- The greenhouse will have multiple electrically supplied support equipment. It is suggested the one master locked shutoff be installed.
- A Fire Department Safety and familiarization walk thru prior to the issuance of an occupancy permit.

If you need anything further please don't hesitate....

Chief Muzeroll  
Eliot Fire Department

# Board of Appeals Notice of Decision



Town of Eliot  
1333 State Road  
Eliot, Maine 03903  
November 19, 2017

Hughes & Kristin Pope  
43 Creek Crossing  
Eliot, ME 03903

Dear Mr. and Mrs. Pope:

This is to inform you that the Board of Appeals acted at the November 16, 2017, meeting on your application for a waiver to dimensional standards of 50% for property owned by Jacquelyn Nooney, Flower Properties Inc. and identified as Tax Map 53, Lot 6.

## **FINDINGS OF FACT:**

- The application is a request for a waiver to dimensional standards for a reduction of setback from 500 ft. to 250 ft.
- The applicants are Hughes and Kristin Pope, 43 Creek Crossing, Eliot, Maine
- The property is in the Commercial/Industrial zone
- The property is located at 495 Harold L. Dow Highway and is identified as Tax Map 56, Lot 6
- The property is owned by Jacquelyn Nooney, Flower Properties Inc.
- Sec. 33-189 of the town ordinance provides for non-profit medical marijuana dispensaries
- Sec. 45-194, c, (2) of the ordinance states the Board of Appeals has the authority to grant a waiver of up to 50% reduction of dimensional standards
- The property is 347 ft. from a public facility, the Town of Eliot Transfer Station, where 500 ft. is required by the ordinance
- The property is a non-conforming lot of record
- 213 ft. of the lot frontage, where 300 ft. is required
- The property is to operate as a non-profit medical marijuana dispensary with consent by the property owner

## **CONCLUSION:**

After hearing testimony, the Board concluded that the 50% maximum should be granted in order for the applicants to operate and expand their business.

## **DECISION:**

Based on the above facts and conclusions, the Board of Appeals voted 4-1 to grant your request for a waiver to dimensional standards for a reduction of 50%, from 500 ft. to 250 ft.

**Please be advised that this decision can be appealed to Superior Court within 45 days from November 16, 2017.**

IN WITNESS THEREOF, I have hereto set my hand and seal this 20 day of November 2017.



Bill Hamilton, Chairman, Board of Appeals

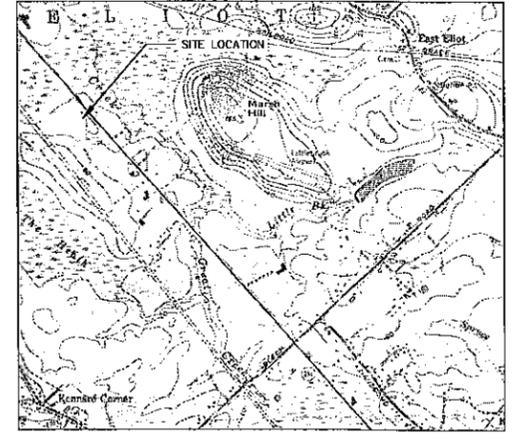
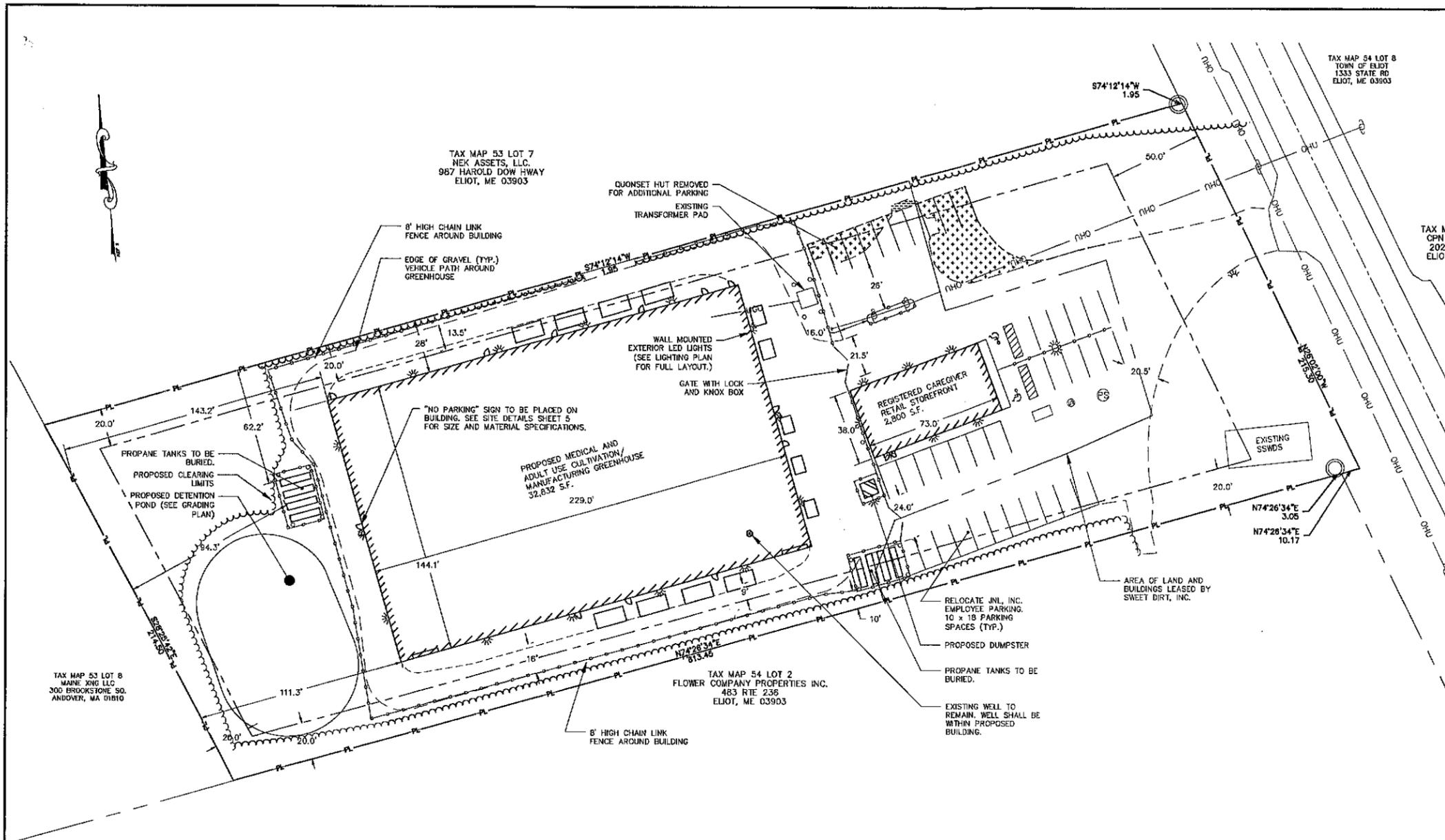
STATE OF MAINE  
YORK, SS

Then personally appeared the above-named Bill Hamilton and acknowledged the above certificate to be of his free act and deed in his capacity as Chairman of the Eliot Board of Appeals.

  
Notary Public

LAURA BRAGG  
Notary Public, Maine  
My Commission Expires August 26, 2021

**YOU HAVE 90 DAYS  
IN WHICH TO FILE THIS WAIVER  
WITH THE YORK COUNTY REGISTRY OF DEEDS  
OR IT WILL BE VOID**



**GENERAL NOTES**

- THE PLAN PROVIDES A SITE PLAN AMENDMENT AND CHANGE OF USE TO THE PROPERTY LOCATED AT 495 HAROLD DOW HIGHWAY (ROUTE 235) IN ELIOT. THE PROPOSED CHANGE INCLUDES ADDING ADULT USE CULTIVATION TO THE EXISTING MEDICAL CANNABIS GREENHOUSE. THE GREENHOUSE WILL BE USED TO CULTIVATE BOTH MEDICAL AND ADULT USE MARIJUANA. NO OTHER BUILDINGS ON THE SITE ARE AFFECTED BY THIS CHANGE.
- BOUNDARY LINES, EXISTING CONDITIONS AND TOPOGRAPHY WERE TAKEN FROM REFERENCE 1.
- THE SITE IS IDENTIFIED ON TOWN OF ELIOT TAX MAP 53 AS LOT 6 AND IS APPROXIMATELY 3.0 ACRES IN AREA. THE PARCEL IS LOCATED IN THE COMMERCIAL/INDUSTRIAL (C/I) DISTRICT.
- DIMENSIONAL REQUIREMENTS  
COMMERCIAL/INDUSTRIAL (C/I) DISTRICT  
MINIMUM LOT SIZE 3 ACRES  
FRONT YARD SETBACK 50 FEET  
SIDE YARD SETBACK 20 FEET  
REAR YARD SETBACK 20 FEET  
MAXIMUM BUILDING HEIGHT 55 FEET  
MAXIMUM LOT COVERAGE 50%
- COVERAGE CALCULATIONS:  
EXISTING BUILDING COVERAGE: 35,632 S.F. 31.1% LOT COVERAGE  
EXISTING IMPERVIOUS SURFACE COVERAGE: 82,641 S.F. (1.90 AC.) (NO NEW IMPERVIOUS PROPOSED)
- WATER SERVICE SHALL BE PROVIDED BY AN EXISTING, INDIVIDUAL, PRIVATE, DRILLED WELL. SEWER SERVICE SHALL BE PROVIDED BY AN EXISTING, PRIVATE, ON-SITE, SUBSURFACE WASTEWATER DISPOSAL SYSTEM (SSWDS). WASTEWATER SYSTEM DESIGNED FOR 180 GALLONS PER DAY, 15 GALLONS PER DAY PER EMPLOYEE = 12 FULL TIME EMPLOYEES.
- PARKING CALCULATIONS  
RETAIL: 1 SPACE/200 S.F. X 2,800 S.F. = 14 SPACES  
GREENHOUSE: 1 SPACE/EMPLOYEE X 8 EMPLOYEES = 8 SPACES  
TOTAL SPACES: = 22 REQUIRED WITH 34 PROVIDED
- GENERAL LAYOUT FROM REFERENCE 2.
- SECURITY CAMERAS MUST BE PERMANENTLY FIXED AT THE FOLLOWING LOCATIONS IN THE ESTABLISHMENT:  
1. ALL EXIT/ENTRY POINTS (SUFFICIENT TO IDENTIFY INDIVIDUALS ENTERING AND EXITING THE PREMISES AND LIMITED ACCESS AREAS).  
2. EACH POINT OF SALE A SUFFICIENT NUMBER OF CAMERAS MUST BE PERMANENTLY FIXED TO ALLOW VIEWING OF THE FOLLOWING:  
1. 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).  
2. ANY AREA WHERE MARIJUANA WASTE IS STORED.  
3. ALL AREAS OF THE PREMISES WITHIN 10 FEET OF THE EXTERIOR FENCE AND GATES OF A CULTIVATION FACILITY WITH OUTDOOR GROWING.  
3. 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.  
4. ALL SURVEILLANCE RECORDINGS MUST BE KEPT FOR A MINIMUM OF 45 DAYS ON THE LICENSEE'S RECORDING DEVICE.
- 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.
- FACILITY WASTE PRODUCTS TO BE PLACED IN DUMPSTER SHOWN ON SITE PLAN. ANY PLANT MATERIAL TO BE GROUND UP INTO A COMPOSTABLE FORM AND DISPOSED OF AS SUCH. OTHER WASTE TO BE PACKAGING MATERIAL AND STANDARD FARM DEBRIS. DUMPSTER WILL BE FENCED IN AND MONITORED BY SECURITY CAMERAS. SPECIFIC WASTE PROCEDURES UNDER REVIEW BY MDEP.

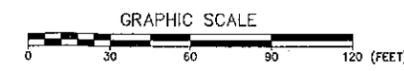
- REFERENCES**
- "STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY" PREPARED FOR SWEET DIRT, TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. JACQUELYN NOONEY, 9 ISLAND AVE, KITTERY, ME 03904. BY AMSDEN FIELD SURVEY.
  - "AMENDMENT TO SITE PLAN" PREPARED FOR SWEET DIRT, INC. TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. BY JUSTIN KRONENBITTER.

**LEGEND**

PROPERTY LINE	PL
SETBACK	---
EXT. ABUTTER LINE	---
PRP. RIGHT-OF-WAY	---
EXT. PAVEMENT	---
PRP. GRAVEL	---
PRP. BUILDING	▨

STATE OF MAINE  
YORK COUNTY ss. REGISTRY OF DEEDS  
RECEIVED \_\_\_\_\_ 20\_\_\_\_  
AT \_\_\_\_\_ h. \_\_\_\_\_ m. \_\_\_\_\_ AND RECORDED IN  
PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ATTEST \_\_\_\_\_ REGISTER

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
CHAIR \_\_\_\_\_



NO.	DESCRIPTION	DATE



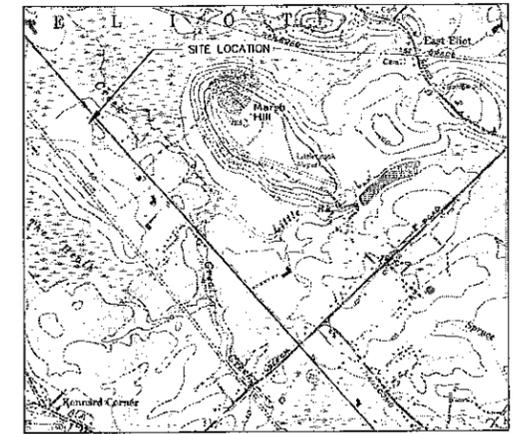
TAX MAP 53, LOT 6

**SITE PLAN**  
SWEET DIRT FACILITY  
495 HAROLD DOW HIGHWAY, ELIOT, MAINE

FOR:  
NEK ASSETS, LLC  
987 HAROLD DOW HIGHWAY  
ELIOT, MAINE 03903

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

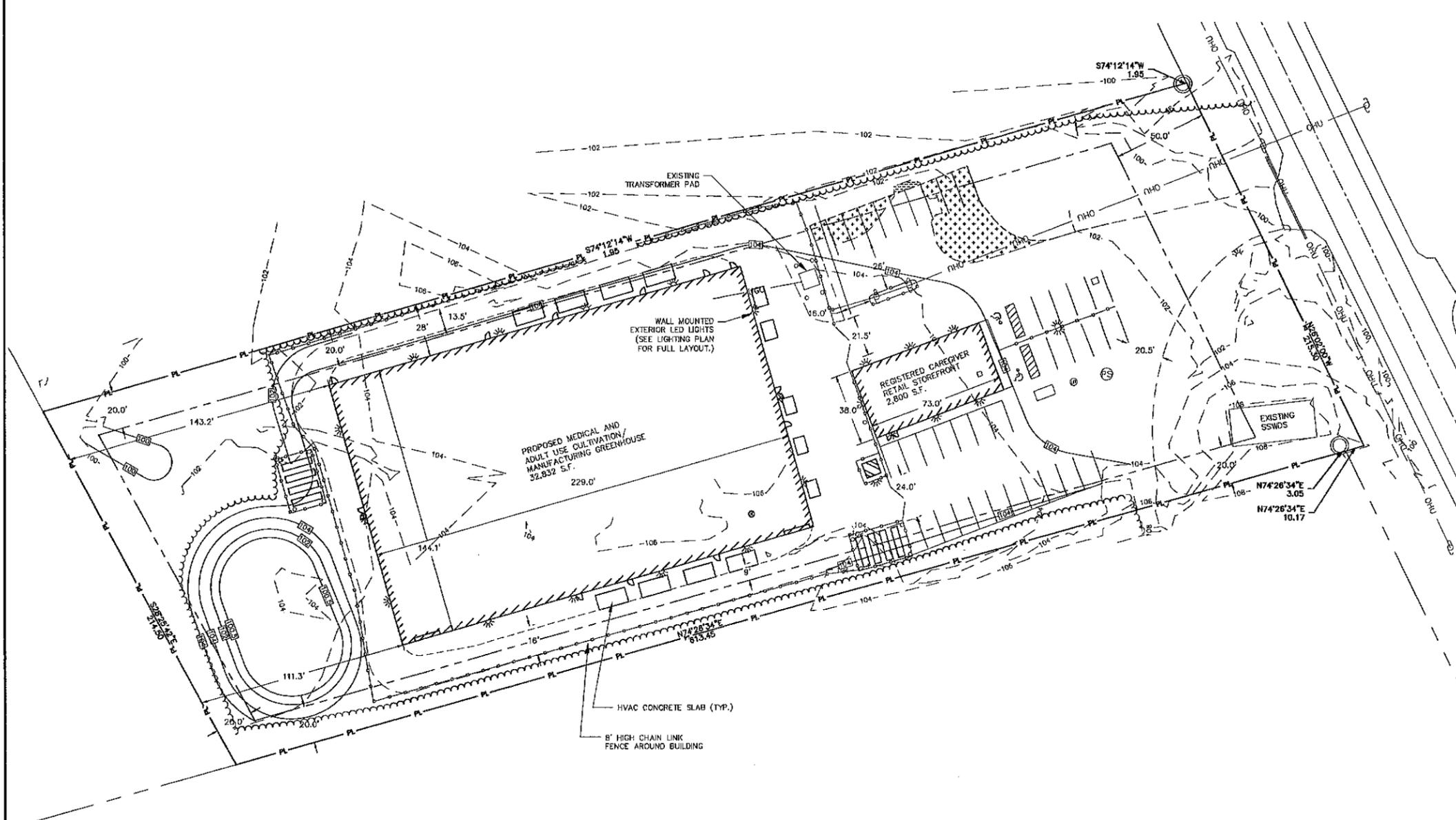
SCALE: 1" = 30'	APPROVED BY: <i>[Signature]</i>	DRAWN BY: BRN
DATE: 9/15/2020	REVISION DATE: --:--	
JOB NO: C066-19	FILE SWEET DIRT BASE.DWG	SHEET: 1



SITE LOCATION MAP  
1" = 2000'

**GENERAL NOTES**

1. ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT ELIOT WATER DISTRICT STANDARDS.
2. ALL STORM DRAINS TO BE ADS N-12 (PE) OR APPROVED EQUAL.
3. A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.
4. CENTRAL MAINE POWER COMPANY WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION.
5. NEW WATER AND SEWER LINES SHALL BE TESTED IN ACCORDANCE WITH RESPECTIVE DISTRICT REQUIREMENTS.



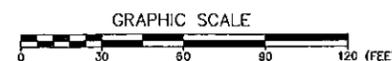
**REFERENCES**

1. "STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY" PREPARED FOR SWEET DIRT, TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. JACQUELYN NOONEY, 9 ISLAND AVE, KITTERY, ME 03904. BY AMSDEN FIELD SURVEY.
2. "AMENDMENT TO SITE PLAN" PREPARED FOR SWEET DIRT, INC. TAX MAP 53 LOT 6, 495 HAROLD DOW HWY., ELIOT, ME 03903. OWNER OF RECORD: FLOWER COMPANY PROPERTIES INC. BY JUSTIN KRONEWITZER.

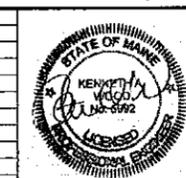
LEGEND	
PROPERTY LINE	PL
SETBACK	---
EXT. ABUTTER LINE	---
PRP. RIGHT-OF-WAY	---
EXT. PAVEMENT	---
PRP. GRAVEL	---
PRP. BUILDING	▨

STATE OF MAINE  
YORK COUNTY ss. REGISTRY OF DEEDS  
RECEIVED \_\_\_\_\_ 20\_\_\_\_  
AT \_\_\_\_\_ M., AND RECORDED IN  
PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ATTEST \_\_\_\_\_ REGISTER

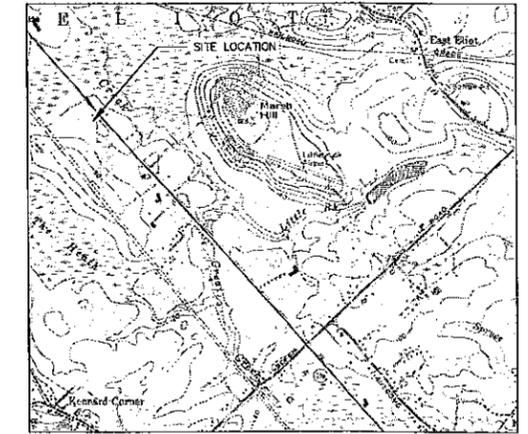
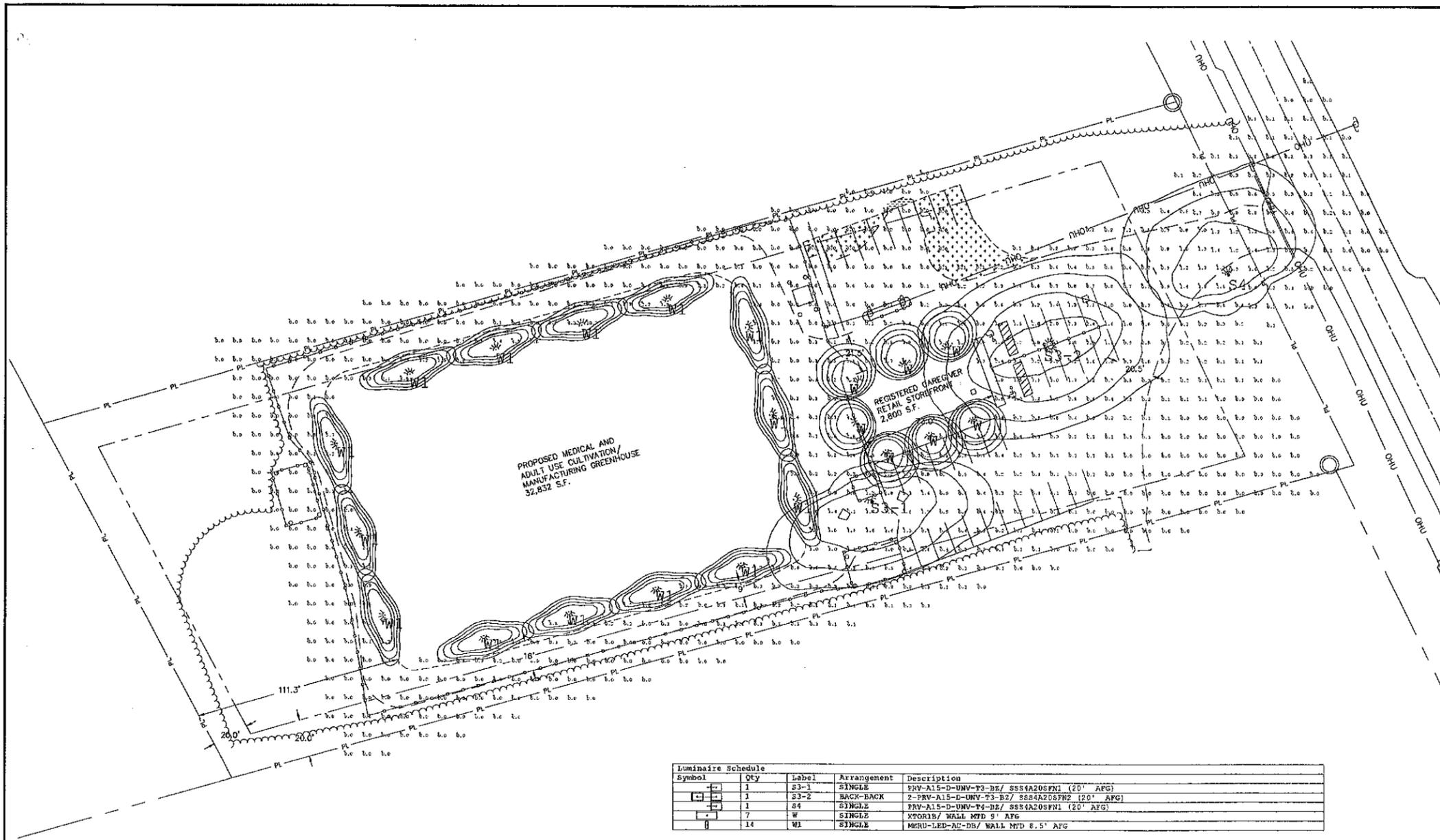
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CHAIR \_\_\_\_\_



NO.	DESCRIPTION	DATE



TAX MAP 53, LOT 6		
GRADING AND UTILITY PLAN SWEET DIRT FACILITY 495 HAROLD DOW HIGHWAY, ELIOT, MAINE		
FOR: NEK ASSETS, LLC 987 HAROLD DOW HIGHWAY ELIOT, MAINE 03903		
ATTAR ENGINEERING, INC. CIVIL • STRUCTURAL • MARINE 1284 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128		
SCALE: 1" = 30'	APPROVED BY: <i>[Signature]</i>	DRAWN BY: BRN
DATE: 9/15/2020	REVISION DATE:	REVISION DATE:
JOB NO: 0066-19	FILE: SWEET DIRT BASE.DWG	SHEET: 2



SITE LOCATION MAP  
1" = 2000'

GENERAL NOTES

- LIGHTING DESIGN PROVIDED BY CHARRON INC.

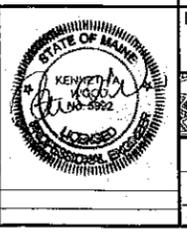
Symbol	Qty	Label	Arrangement	Description
[Symbol]	1	S3-1	SINGLE	ENV-A15-D-DNV-F3-B2/ SSS4A20SFN1 (20' AFG)
[Symbol]	1	S3-2	BACK-BACK	2-ENV-A15-D-DNV-F3-B2/ SSS4A20SFN2 (20' AFG)
[Symbol]	1	S4	SINGLE	ENV-A15-D-DNV-F3-B2/ SSS4A20SFN1 (20' AFG)
[Symbol]	7	W	SINGLE	WFORIS/ WALL MTD 5' AFG
[Symbol]	14	W1	SINGLE	MERU-LED-AC-DB/ WALL MTD 8.5' AFG

LEGEND	
PROPERTY LINE	PL
SETBACK	---
EXT. ADJUTER LINE	---
PRP. RIGHT-OF-WAY	---
EXT. PAVEMENT	---
PRP. GRAVEL	---
PRP. BUILDING	[Hatched Box]

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
CHAIR \_\_\_\_\_



NO.	DESCRIPTION	DATE



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TAX MAP 53, LOT 6

LIGHTING PLAN  
SWEET DIRT FACILITY  
495 HAROLD DOW HIGHWAY, ELIOT, MAINE

FOR: NEK ASSETS, LLC  
987 HAROLD DOW HIGHWAY  
ELIOT, MAINE 03903

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DATE: 9/15/2020		REVISION DATE: --
JOB NO: C066-19	FILE: SWEET DIRT BASE.DWG	SHEET: 3

**EROSION & SEDIMENTATION CONTROL NOTES**

- 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 STOCKPILE. 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.
- 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.
- 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.
- 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-K20) 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.
- POND BOTTOMS AND INNER POND SIDESLOPES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 8 LB/ACRE BIRDSFOOT TREFLOIL AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.
- 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.
- TEMPORARY SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. PERMANENT SEEDING SHALL BE ACCOMPLISHED BEFORE SEPTEMBER 15.
- ALL SEEDED AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-90 LB) PER 1000 S.F. OF SEEDED AREA.
- 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.
- EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.
- 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.
- 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.

**EROSION & SED. CONTROL NOTES (CONT.)**

- 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 INSTALLED. 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.
- 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.
- 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 ROWS. MAINTAIN THE SCE UNTIL ALL DISTURBED AREAS ARE STABILIZED.
- 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.
- REMOVE ANY TEMPORARY CONTROL MEASURES, SUCH AS SILTATION FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ACHIEVED. REMOVE ANY ACCUMULATED SEDIMENTS AND STABILIZE.
- 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 SOEDING, PLANTING, AND SEEDING SO TO AVOID DIE-OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEED OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED WITH 80% 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.
  - 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.
  - 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.
  - 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.
- 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.

**WINTER CONSTRUCTION NOTES**

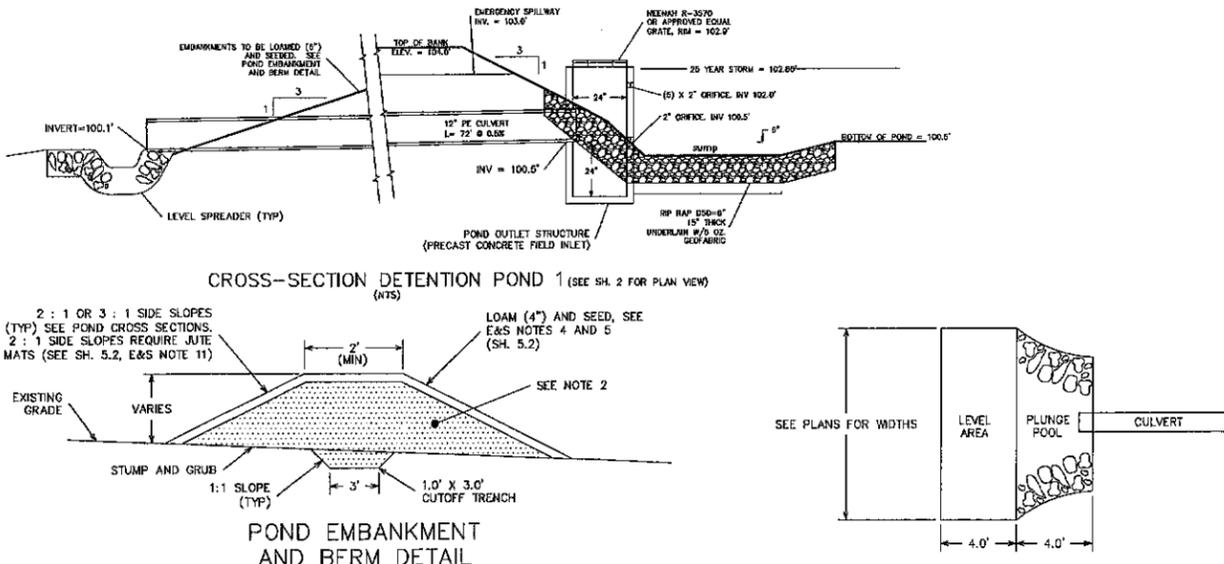
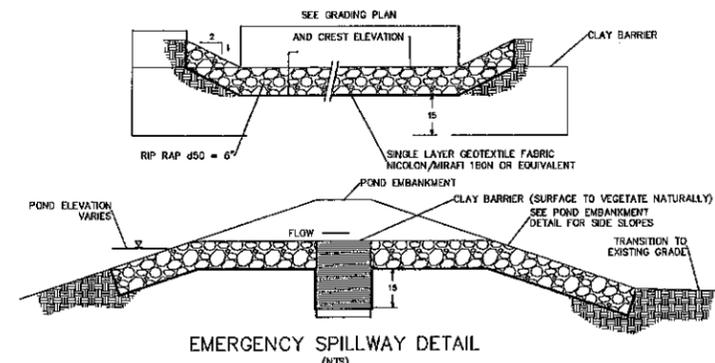
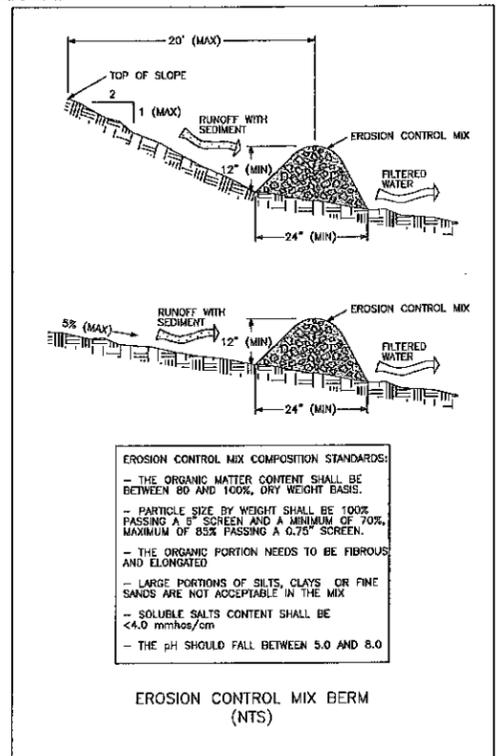
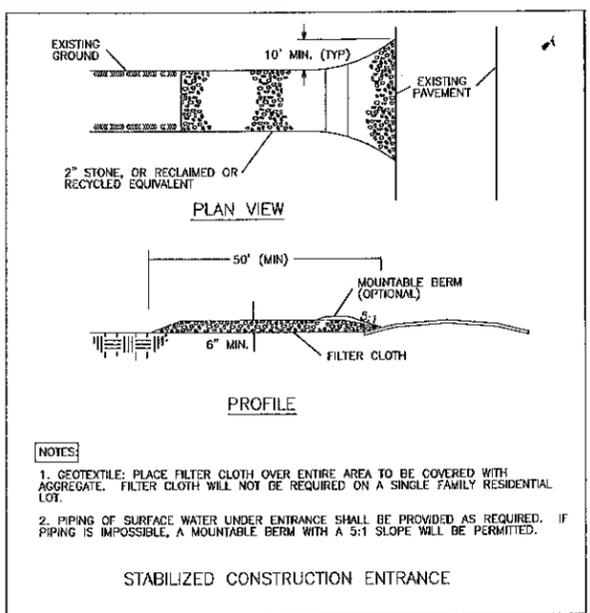
- NOVEMBER 1 - APRIL 15
- AN AREA SHALL BE CONSIDERED STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH HAY AT A RATE OF 100 LB/1000 S.F. OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SO THAT THE SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH.
  - 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.
  - 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%.
  - SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.
  - 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.
  - ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE SHALL BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.
  - 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.
  - 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**

**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 (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.

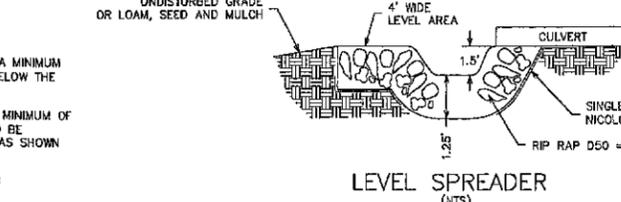
**MAINTENANCE.** IF BEST MANAGEMENT PRACTICES (BMPs) NEED TO BE REPAIRED, THE REPAIR WORK SHOULD BE INITIATED UPON DISCOVERY OF THE PROBLEM BUT NO LATER THAN THE END OF THE NEXT WORKDAY. IF ADDITIONAL BMPs OR SIGNIFICANT REPAIR OF BMPs ARE NECESSARY, IMPLEMENTATION MUST BE COMPLETED WITHIN 7 CALENDAR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

**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.

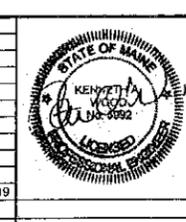


**EMBANKMENT CONSTRUCTION NOTES**

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



NO.	DESCRIPTION	DATE
A	PLANNING REVIEW REVISIONS	10/08/19
	REVISIONS	



**EROSION AND SEDIMENTATION CONTROL SWEET DIRT FACILITY**  
495 HAROLD DOW HIGHWAY, ELIOT, MAINE

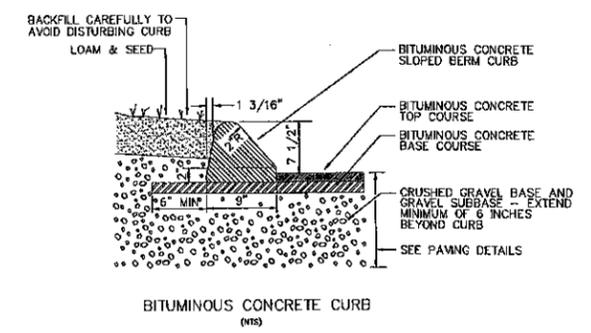
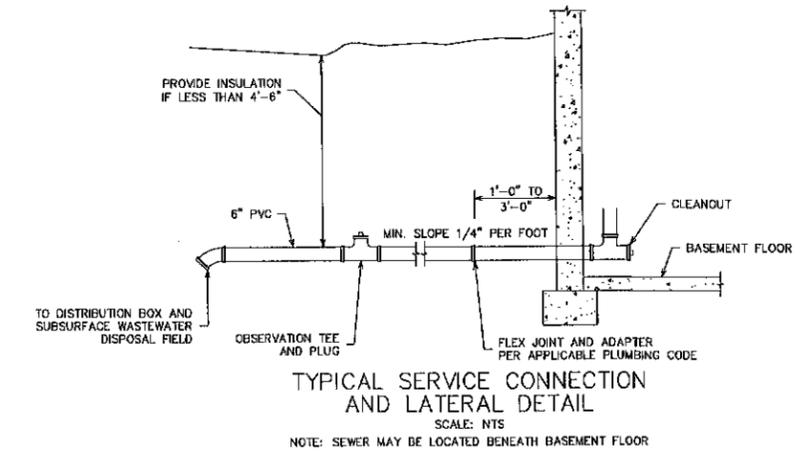
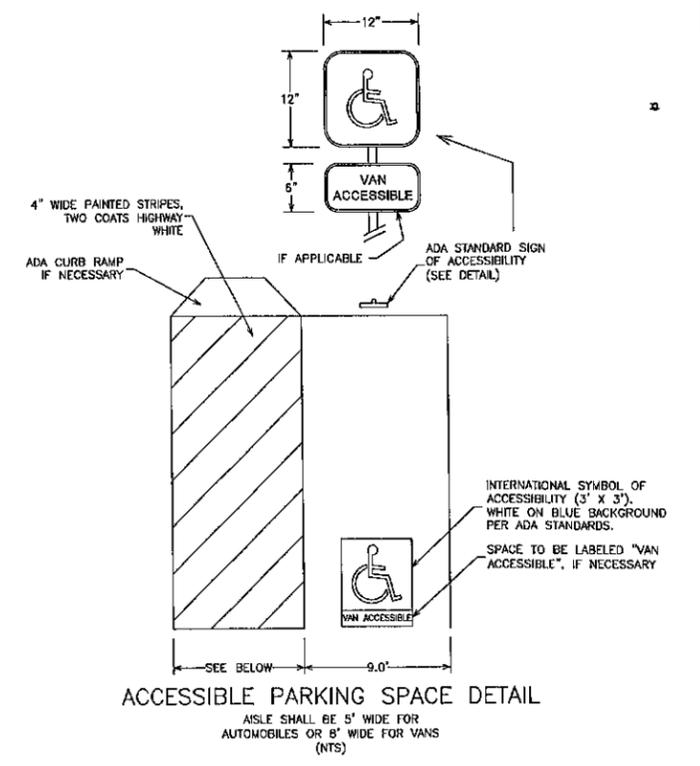
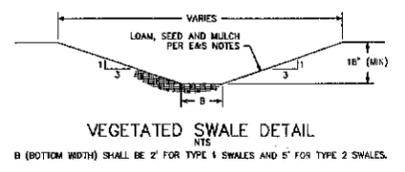
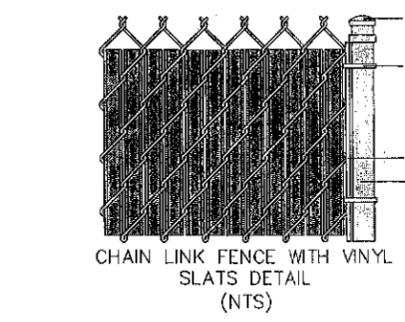
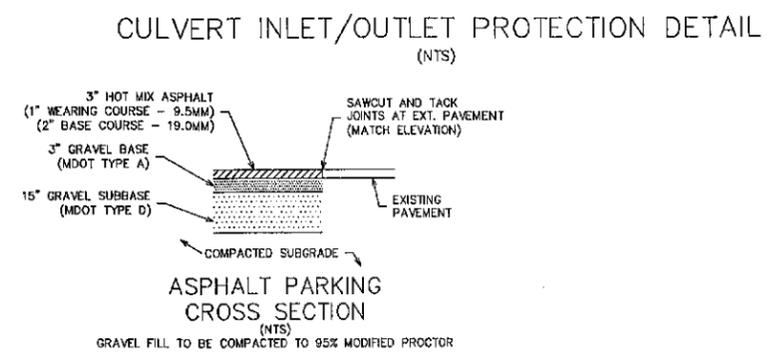
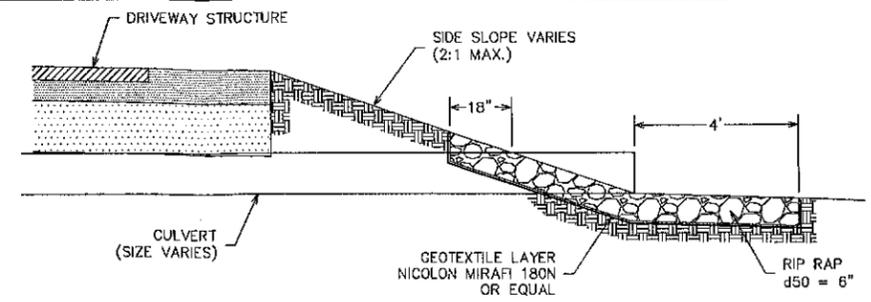
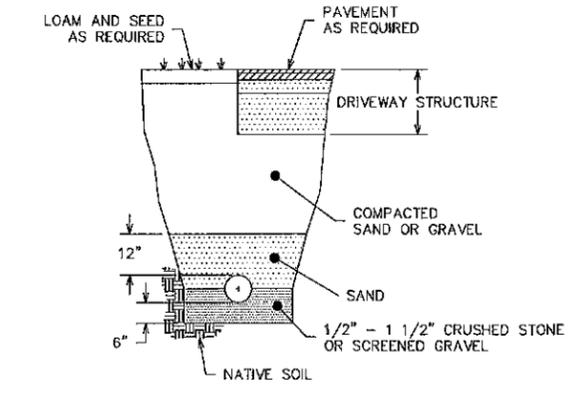
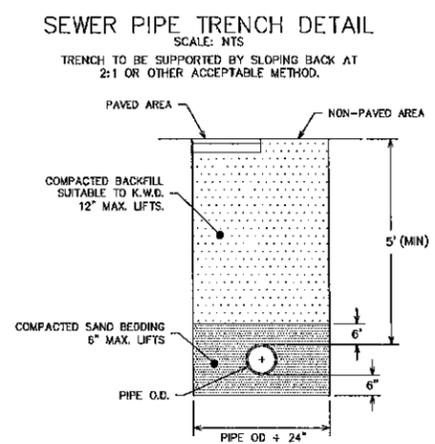
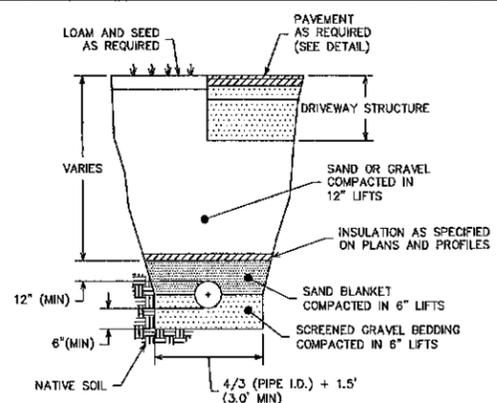
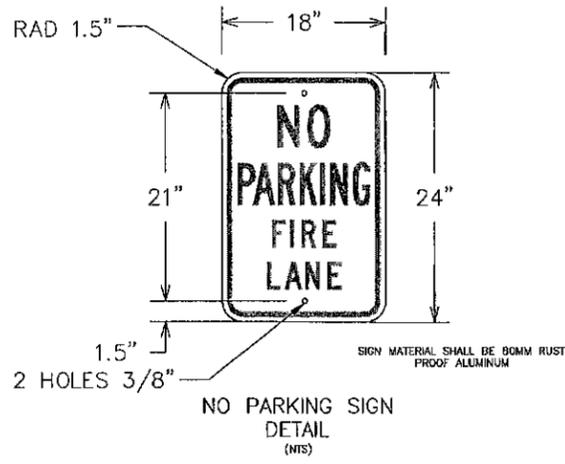
FOR: **NEK ASSETS, LLC.**  
987 HAROLD DOW HIGHWAY  
ELIOT, MAINE 03903

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

SCALE: 1" = 30'  
DATE: 9/15/2020  
JOB NO: C066-18

APPROVED BY: *[Signature]*

DRAWN BY: BRN  
REVISION DATE: A: 10/08/19  
SHEET: 4



NO.	DESCRIPTION	DATE
A	PLANNING REVIEW REVISIONS	10/08/19
	REVISIONS	



**SITE DETAILS**  
 SWEET DIRT FACILITY  
 495 HAROLD DOW HIGHWAY, ELIOT, MAINE

FOR: NEK ASSETS, LLC.  
 987 HAROLD DOW HIGHWAY  
 ELIOT, MAINE 03903

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

SCALE: 1" = 30'  
 DATE: 9/15/2020  
 JOB NO: C066-19

APPROVED BY: [Signature]  
 DRAWN BY: BRN  
 REVISION DATE: A : 10/08/19  
 SHEET: 5

53-7  
 GAYLEN & MARGARET MARBLE  
 505 HAROLD DOW HWAY  
 ELIOT, ME 03903  
 1973/523

53-8  
 MAINE XNG LLC  
 300 BROOKSTONE SQ.  
 ANDOVER, MA 01810  
 16738/796

54-8  
 TOWN OF ELIOT  
 1333 STATE RD  
 ELIOT, ME 03903  
 5386/127

54-5  
 CPN REALTY LLC  
 2028 STATE RD  
 ELIOT, ME 03903  
 17116/707

54-2  
 FLOWER COMPANY PROPERTIES INC.  
 483 RTE 236  
 ELIOT, ME 03903  
 14139/362

54-6  
 LAC REALTY LLC  
 142 DOW HWAY  
 ELIOT, ME 03903  
 17120/511

STEEL AXLE ROD FOUND SET  
 IN 4" STEEL HUB NOT HELD

24" IP WITH FURLED  
 TOP FOUND PRONE

1" FROTTED IP AT BASE  
 OF 20" WHITE PINE

2"x4" I/P  
 LEANING SOUTHERLY, HELD

S74°12'14"W  
 1.95'

S74°12'14"W  
 633.07'

214.50' RECORD DATA HELD  
 S28°25'42"E

SEE NOTE 8

N74°26'34"E  
 613.45'

N26°02'00"W  
 215.30'

N74°26'34"E  
 3.05'

N74°26'34"E  
 10.17'

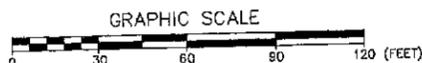
NOTES

- THIS PLAN PORTRAYS THE DATA FOR A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY AT 495 RTE. 236, A.K.A. HAROLD DOW HIGHWAY. THE PROPERTY IS LISTED IN THE TOWN OF ELIOT TAX ASSESSING DATABASE AS MAP 54 LOT 2.
- SURVEY PERFORMED 8-1-2019 USING A TOPCON DS ROBOTIC TOTAL STATION.
- NO WETLAND FEATURES WERE MAPPED.
- UNDERGROUND UTILITIES ARE NOT DEPICTED. CONTRACTORS PERFORMING WORK AT THE SITE SHOULD CHECK WITH DIG-SAFE AND HAVE UNDERGROUND UTILITIES MAPPED BEFORE COMMENCING ANY WORK.
- THE PROPERTY IS NOT IN A FLOOD ZONE PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL 2301490010 B, EFFECTIVE DATE JUNE 5, 1989.
- THE PROPERTY IS LOCATED IN THE COMMERCIAL INDUSTRIAL DISTRICT. DISTRICT REQUIREMENTS ARE 50' FRONT YARD, 20' SIDE AND REAR YARD SETBACKS UNLESS ADJUTING RESIDENTIAL PROPERTIES.
- THE PROPERTY IS SUBJECT TO THE FOLLOWING EASEMENTS:  
 YCRD 3253/30, 7598/109, AND 17889/194.
- SEE BOUNDARY LINE AGREEMENT YCRD 15068/415.
- VERTICAL DATUM IS ARBITRARY.
- NUMEROUS HOPE TUBES ON THE SITE HAVE BEEN SET FOR CONCRETE PIERS. THEY ARE NOT DEPICTED.

PLAN/DEED REFERENCES

- "STANDARD BOUNDARY SURVEY AND TOPOGRAPHY PLAN" OWNED BY CARLETON D. STAPLES, BY EASTERLY SURVEYING, INC., DATED 1/15/04.
- "MAINE STATE HIGHWAY COMMRIGHT-OF-WAY MAP" S-0100(5) S.H.C. 16-112 SHEET 9
- "PROPERTY OF EVELYN H. JOHNSON, RTE 236, ELIOT, MAINE, DRAWN BY C.J. ROGERS, SEPTEMBER, 1977.
- "BOUNDARY AGREEMENT PLAN" MAP 45 LOT 5 AND MAP 54 LOT 2" BY SGC ENGINEERING, LLC. DATED 8/25/06.

- UTILITY POLE
- IRON PIPE/ROD FOUND



CERTIFICATION:  
 THIS SURVEY CONFORMS TO THE BOARD OF LICENSURE FOR  
 PROFESSIONAL LAND SURVEYORS STANDARDS FOR A CATEGORY 1,  
 CONDITION 1 SURVEY, EXCEPT THAT NO WRITTEN REPORT HAS  
 BEEN PREPARED AS OF EVEN DATE.



STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY

SWEET DIRT  
 TAX MAP 54 LOT 6  
 495 HAROLD DOW HWY.  
 ELIOT, ME 03903

OWNER OF RECORD:  
 FLOWER COMPANY PROPERTIES INC.  
 JACQUELYN NOONEY  
 9 ISLAND AVE.  
 KITTERY, ME 03904  
 17214/79

BY  
 AMSDEN FIELD SURVEY  
 799 MAIN ST.  
 ELIOT, ME 03903  
 207-451-0444

SCALE 1"=30'

DATE 8/8/19

**PB20-14: 276 Harold L. Dow Hwy. (Map 37/Lot 9) Site Plan Amendment / Change of Use: Add Medical Marijuana Dispensary as an allowed use**



**TOWN OF ELIOT MAINE**

PLANNING OFFICE  
1333 State Road  
Eliot ME, 03903

To: Planning Board  
From: Jeff Brubaker, AICP, Town Planner  
Cc: Kenneth A. Wood, PE, Attar Engineering  
Brian Nielsen, EIT, Attar Engineering  
Shelly Bishop, Town of Eliot Code Enforcement Officer (CEO)  
Kearsten Metz, Land Use Administrative Assistant  
Date: October 6, 2020 (meeting date)  
Re: PB20-14: 276 Harold L. Dow Highway (Map 37/Lot 9) Site Plan Amendment / Change of Use: Add Medical Marijuana Dispensary as an allowed use

<b>Application Details/Checklist Documentation</b>	
✓ Address:	276 Harold L. Dow Highway
✓ Map/Lot:	Map 37 / Lot 9
✓ PB Case#:	PB20-14
✓ Zoning District:	Commercial/Industrial (C/I) District
✓ Shoreland Zoning:	Stream Protection
✓ Owner Name:	Black Hawk Holdings, LLC
✓ Applicant Name:	Black Hawk Holdings, LLC
✓ Proposed Project:	Site Plan Review for the following: <ul style="list-style-type: none"> <li>• Change of Use</li> <li>• Site Plan Amendment for Medical Marijuana Dispensary</li> </ul>
✓ Application Received by Staff:	Date: August 18, 2020
Application Fee Paid and Date: Application Fee Paid and Date:	Not yet paid – Sketch Plan Review
✓ Application Sent to Staff Reviewers:	Date: September 21, 2020
Application Heard by PB	Date: October 6, 2020 (scheduled)
Found Complete by PB	Date: TBD
Site Walk	Date: TBD
Public Hearing	Date: TBD
Public Hearing Publication	Date: TBD
Deliberation	Date: TBD
Notice of Decision	Date: TBD
✓ Reason for PB Review:	Site Plan Review / Change of Use

## **PB20-14: 276 Harold L. Dow Hwy. (Map 37/Lot 9) Site Plan Amendment / Change of Use: Add Medical Marijuana Dispensary as an allowed use**

### **Overview**

Black Hawk Holdings, LLC (agent: Attar Engineering) is applying for a Change of Use to allow for a Medical Marijuana Dispensary (land use table reference: Nonprofit Medical Marijuana Dispensary) at 276 Harold L. Dow Highway (Map 37, Lot 9) and is seeking review and approval of proposed site improvements. The Change of Use would allow the applicant to convert the existing wood-framed building near the site entrance to a medical marijuana dispensary. A review of previous communications regarding this site indicate that the current approved use is Automobile Recycling Business. The property is about 49 acres in area but the proposed medical marijuana use would be restricted to the aforementioned building, which is near Route 236.

The application includes a cover letter; Site Plan Review application; warranty deed; agent authorization letter; abutters list; boundary plan; sensitive use buffer map for the proposed medical marijuana dispensary; and 1986 HHE-200 form for the on-site septic system.

After receiving the application, prior to scheduling for sketch plan review by the Planning Board, Town staff sought additional information from the applicant, specifically regarding an ongoing compliance issue on the property related to unapproved marijuana cultivation uses occurring on-site in the metal-framed (larger) building. Town staff have been communicating with the property owner for several months about the issue and a process for coming into compliance. The application does not apply for approval for these unapproved uses. In meeting with the applicant and applicant's agent, Town staff sought additional written correspondence from the applicant asking for a timeline for compliance and the unapproved uses' attempts to obtain a state conditional license for adult use marijuana, a prerequisite for moving forward with any application that specifically includes that adult use marijuana change of use request. That additional correspondence is attached.

### **Zoning**

The site is in the Commercial/Industrial (C/I) district.

### **Type of review needed**

This is the sketch plan review phase. At this point the Planning Board may wish to request additional information of the applicant, make suggestions to be incorporated into future submittals, plan (or waive) a site walk, and discuss Town Code provisions in relation to the application.

### **Registered primary caregiver**

The applicant's agent has provided the identification card (current) of the registered primary caregiver for Town staff review.

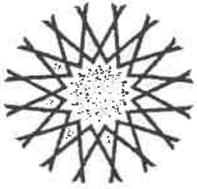
**PB20-14: 276 Harold L. Dow Hwy. (Map 37/Lot 9) Site Plan Amendment / Change of Use: Add Medical Marijuana Dispensary as an allowed use**

**Requested information waivers**

- Drainage plan – 33-127(8)
- High intensity soils report – 33-127(12)

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

RECEIVED

AUG 18 2020

ELIOT, MAINE

August 18<sup>th</sup>, 2020  
Project No. C019-20

**RE: Site Plan Application (Change of Use)  
276 H.L. Dow Highway (Tax Map 37, Lot 9)  
Eliot, Maine**

Dear Mr. Brubaker:

On behalf of Black Hawk Holdings, LLC I have enclosed an Application for Site Plan Review and additional supporting documentation for the above referenced project. The 49.13 acre parcel, located at 276 Howard L. Dow Highway, is in the Commercial/Industrial zoning district. The developed portion of the property is not located in a flood hazard zone.

The applicant is proposing a change of use for this existing site to "Medical Marijuana Dispensary", an allowed use in the C/I District. The change of use will enable Black Hawk Holdings, LLC to sell Medical Marijuana from the proposed facility. The existing wood framed building (shown on site plan) will be utilized. 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 (graphic map attached). There are no changes proposed to increase the existing impervious area and there will be no additional impacts on stormwater management.

The metal framed building in the rear of the site will be used as commercial/industrial rental space for uses allowed in the zone.

The dispensary will employ approximately 2-4 employees from 10 am to 8 pm.

The Boundary Survey of the parcel is enclosed; there have been no changes to the boundary and the original owner is the current owner.

Wastewater disposal will be provided by the existing wastewater disposal field. The existing disposal system was designed to provide treatment for 30GPD equating to 4 employees at 15 GPD/employee. The HHE-200 Form for the system is attached. Domestic water will be provided by the on-site well shown on the site plan.

Traffic generated by the facility will include 2-4 employees per shift and 1 delivery per day. Peak hourly trips generated by the retail facility will be 32.75 trips. Traffic generated by the facility will not impact the existing traffic on H.L. Dow Highway, approximately 17,000 vehicles per day (Source: MDOT 2017 "Maine Transportation Count Book" – ADT 2016 and 2013).

A number of waivers are requested as part of the application. These are detailed in the attached checklist.

A summary of the site plan information (Municipal Code of Ordinances Town of Eliot, Maine - Section 33-127. Contents, required information) is included with the application.

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;

A handwritten signature in black ink, appearing to read "Brian Nielsen".

Brian Nielsen, E.I.T.  
Staff Engineer

cc: Black Hawk Holdings, LLC  
C019-20\_Eliot\_Cover

**Site Plan Review Submissions Checklist**

**Applicant Name:** Black Hawk Holding, LLC  
**Address & Map/Lot:** 276 Harold Dow Highway, Tax Map 37 Lot 9

This is a working document, to be used with applicants and staff to ensure information provided is consistent and complete. It should be used as a guide in assembling the information necessary for a site plan review. Once the checklist is completed, applicable waivers indicated, and the information provided, it should be submitted with the application materials.

**Instructions for Applicants:**

1. Indicate if the information has been submitted by checking the appropriate box in column 1.
2. The Planner and Board will use this checklist with the applicant to determine if the application presented is complete.
3. If you believe that a required submission is not applicable to your proposed project, please discuss this matter with the Planner. If the staff agrees the submission to be not applicable, the staff member will check the appropriate category and indicate the reason the item is not applicable.
4. If a staff member denies a waiver request, that staff member will check the box in column 4 and the Planning Board will make the determination at the meeting.
5. The developer shall submit two originals of a site plan, drawn at a scale of not smaller than one inch equals 20 feet, and ten copies reduced to 11 inches by 17 inches, and showing the following information unless the Planning Board waives these requirements, upon written request of the applicant.

Section Number of Ordinances	Item Description from Ordinances	1 Submitted by the Applicant	2 Submission Determined to be Sufficient by the Planning Board	3 Submission Determined Not Applicable by the Planner	4 Applicant Requests Waiver of Submission Requirement
33-127(1)	Development name or identifying title and name of the Town	✓			
33-127(2)	Name & Address of Record Owners, Developer and Designer	✓			
33-127(3)	Names & Addresses of All Abutters and Their Present Land Use	✓			
33-127(4)	Perimeter Survey of the Parcel Made and Certified by a State-Registered Land Surveyor, Relating to Reference Points, Showing True North Point, Graphic Scale, Corners of the Parcel, Date of Survey, Total	✓			

	Acreage, Existing Easements, Buildings, Watercourses & Other Essential Existing Physical Features				
33-127(5)	The Location of Temporary Markers Adequate to Enable the Planning Board to locate readily and appraise the basic layout in the field	✓			
33-127(6)	Contour lines at intervals of not more than five feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more	✓			
33-127(7)	Provisions of Chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development	✓			
33-127(8)	Provisions for collecting and discharging storm drainage, in the form of a drainage plan	Waiver requested. No change to impervious area or drainage paths.			✓
33-127(9)	Preliminary designs of any bridges or culverts which may be required	✓			
33-127(10)	The location of all natural features or site elements to be preserved	✓			
33-127(11)	A soil erosion and sediment control plan	✓			
33-127(12)	A high intensity soils report identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon	Waiver requested. Making use of existing septic systems. No change to stormwater drainage infrastructure.			✓

	compliance with any recommendations included in such report				
33-127(13)	The locations & size of any existing sewers & water mains, culverts & drains on the property to be developed	✓			
33-127(14)	Connection with existing water supply or alternative means of providing water supply to the proposed development	✓			
33-127(15)	Connection with existing sanitary sewerage system or alternative means of treatment & disposal proposed	✓			
33-127(16)	If a private sewage disposal system is proposed, location & results of tests to ascertain subsurface soil & groundwater conditions, depth to maximum groundwater level, location & results of soil testing	✓			
33-127(17)	An estimated progress schedule	✓			
33-127(18)	Construction drawings sufficient to enable the Code Enforcement Officer to verify the following information:	✓			
a.	Total floor area, ground coverage & location of each proposed building, structure or addition	✓			
b.	All existing & proposed setback dimensions	✓			
c.	The size, location, direction & intensity of illumination of all major outdoor lighting apparatus & signs	✓			
d.	The type, size & location of all incineration devices	✓			
e.	The type, size & location of all machinery likely to generate appreciable noise beyond the lot lines	✓			
f.	The amount & type of any raw, finished or waste	✓			

	materials to be stored outside of roofed buildings, including their physical & chemical properties, if appropriate				
g.	The location, type & size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas & the layouts together with all dimensions	✓			
h.	All landscaped areas, fencing & size & type of plant material proposed to be retained or replanted	✓			
i.	A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.	N/A			
j.	Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this code. If these submission requirements conflict with the requirements of chapter 41, the stricter standards shall apply.	N/A			
33-127(19)	Site plans and construction drawings for new and existing structures listed as SPR in section 45-290 shall	✓			

	be submitted to the Eliot Fire Chief for review and comment prior to final approval by the Planning Board				
--	---	--	--	--	--

In addition to the above, when applicable, the Planning Board may require detailed interior plans including dimensional measurements and uses of all interior spaces, placement of equipment, counters, etc. and when applicable, seating charts indicating table/chair arrangements and the number of requested tables and seats.

**The Planner will work with the applicant to ensure this checklist is complete before a Site Plan Review application is scheduled for review by the Planning Board.**

\_\_\_\_\_  
Town Planner

\_\_\_\_\_  
Date

**Staff Section Only:**

Address:	
Map/Lot:	
PB Case #:	
Zoning District:	
Shoreland Zoning:	
Owner Name:	
Applicant Name:	
Proposed Project:	
Application Received by Staff:	
Application Fee Paid and Date:	
Application Received/Found Complete by PB:	
Site Walk Date:	
Public Hearing Date:	
Public Hearing Publication Date:	
Reason for PB Review:	

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 37    Lot# 9    Lot Size 49.31acres    Zoning District: Commercial/ Industrial

Your Name Attar Engineering, Inc    Your mailing address 1284 State Road  
Kenneth A. Wood, P.E.

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

Who owns the property now? Black Hawk Holding LLC.

Address (Location) of the property 276 Harold 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? Marijuana Establishment  
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

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

The woodframed building near the site entrance will be converted to a medical marijuana dispensary. The existing large scale and associated concrete will be removed and new pavement and parking striping put in its place.

The metal framed building to the rear will be reserved as commercial/industrial rental space for uses allowed in the zone.

No new structures or other coverage is proposed.

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 *Pauline Agent* Date 8/18/2020

Property Owner *Pauline Agent* Date 8/18/2020

**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.

<b>PART 2</b>
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Case No. \_\_\_\_\_  
Site review? Yes No

**DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT**

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

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

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

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

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

	Case No. _____
	Site review?    Yes    No

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

Chapter 33 required information

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

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

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

Other Chapter 33 Site Review Ordinance Requirements.

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

Case No. \_\_\_\_\_  
Site review? Yes No

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

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

Chapter 35 Post-Construction Stormwater Management

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

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

- 4.9. Dimensional Standards (Section 45-405)
- 4.10. Traffic (Section 45-406)
- 4.11. Noise (Section 45-407)
- 4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
- 4.13. Odor (Section 45-409)
- 4.14. Glare (Section 45-410)
- 4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
- 4.16. Erosion Control (Section 45-412)
- 4.18. Preservation of Landscape (Section 45-413)
- 4.19. Relation of Buildings to Environment (Section 45-414)
- 4.20. Soil Suitability for Construction (Section 45-415)
- 4.21. Sanitary Standards for Sewage (Section 45-416)
- 4.22. Buffers and Screening (Section 45-417)
- 4.23. Explosive Materials (Section 45-418)
- 4.24. Water Quality (Section 45-419)
- 4.25. Refuse Disposal (Section 45-421)
- 4.26. Specific Activities (Article IX) which include:
  - 4.26.1. Accessory Use or Structure (Section 45-452)
  - 4.26.2. Home Occupation (Section 45-455)
  - 4.26.3. Mobile Homes (Section 45-457)
  - 4.26.4. Off-street Parking and Loading (Article X)
  - 4.26.5. Signs (Article XI)

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

Case No. \_\_\_\_\_  
Site review? Yes No

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

5.1. Board discusses Site Plan with applicant.

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

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

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

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

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

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

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

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

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

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

**CODE OF MUNICIPAL ORDINANCES – TOWN OF ELIOT, MAINE**  
**Section 33-127. Contents; required information**  
**Nonprofit Medical Marijuana Dispensary / Adult Use Marijuana Product**

- (1) Development name or identifying title and the name of the town

*This information is provided on the Site Plan.*

- (2) Name and address of record owners, developer and designer

*This information is provided on the Site Plan.*

- (3) Names and addresses of all abutters and their present land use

*This information is provided on the Site Plan.*

- (4) Perimeter survey of the parcel made and certified by a state-registered land surveyor, relating to reference points, showing true north point, graphic scale, corners of the parcel, date of survey, total acreage, existing easements, buildings, watercourses and other essential existing physical features.

*The original perimeter survey is provided; there have been no changes to the boundary (verified by an on-site inspection) and the same owner who purchased the parcel based on the survey currently owns the parcel.*

- (5) The location of temporary markers adequate to enable the planning board to locate readily and appraise the basic layout in the field.

*The site layout is apparent due to its existing conditions; the proposed development will be located in an existing building. A small utility shed is also proposed.*

- (6) Contour lines at intervals of not more than five feet or at such intervals as the planning board may require, based on U.S. Geological Survey topographical map datum of existing grades where change of existing ground elevation will be five feet or more.

*Contours are provided on the Site Plan at 2' intervals.*

- (7) Provisions of chapter 45 of this Code applicable to the area to be developed and any zoning district boundaries affecting the development.

*Zoning district boundaries are depicted on the Site Plan (Commercial Industrial/ Shoreland Limited Commercial).*

- (8) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

*The developed areas of the site are existing and were constructed in accordance with previous approvals. No new construction is proposed, therefore, no new Stormwater infrastructure is proposed. Stormwater is managed on the existing site by sheet flow of runoff to upland, wooded, buffers.*

- (9) Preliminary designs of any bridges or culverts which may be required.

*No new bridges or culverts are proposed.*

- (10) The location of all natural features or site elements to be preserved.

*All natural features outside the existing treeline are proposed to be retained.*

- (11) A soil erosion and sediment control plan.

*The existing site is stabilized in regards to Erosion & Sedimentation Control. No new soil disturbance is proposed, therefore, the applicant respectfully requests a waiver from this submittal requirement.*

- (12) A high-intensity soils report by a state-certified soils scientist identifying the soils boundaries and names in the proposed development, with the soils information superimposed upon the plot plan. Such soils survey shall account for the water table in wet and dry seasons, slope, soil quality, etc.; and planning board approval will be conditioned upon compliance with any recommendations included in such report.

*The site is to be utilized in its existing condition, therefore, the applicant respectfully requests a waiver from this submittal requirement.*

- (13) The location and size of any existing sewers and water mains, culverts and drains on the property to be developed.

*The location of both existing subsurface wastewater disposal systems (SSWDS) are depicted on the plan (1,500 GAL septic tank for primary building, as well as previously-constructed 1,000 GAL septic tank and pump chamber for rear building – dispensary). The 1,000 GAL septic tank and pump chamber shall continue to serve the dispensary. The existing well has a yield of 55 GPM which is sufficient to serve both the dispensary and all activities within the primary Northern Pool & Spa building. The two buildings on-site are served by an existing, overhead utility line which provides power to the front building and underground power to the rear building which houses the dispensary. These existing conditions are all shown on the Site Plan.*

- (14) Connection with existing water supply or alternative means of providing water supply to the proposed development.

*Water supply will be provided by an existing well, depicted on the Site Plan.*

- (15) Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.

*Existing SSWDS structures will be utilized to serve both on-site buildings and their employees. See Item #13 for additional information.*

- (16) If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and groundwater conditions, depth to maximum groundwater level, location and results of soils testing.

*Location and test pit results are provided in the HHE-200 form as part of this application.*

- (17) An estimated progress schedule.

- (18) Construction drawings sufficient to enable the code enforcement officer to verify the following information:

- a. Total floor area, ground coverage and location of each proposed building, Structure or addition.

*This information is provided on the Site Plan.*

- b. All existing and proposed setback dimensions.

*This information is provided on the Site Plan.*

- c. The size, location and direction and intensity of illumination of all major lighting apparatus and signs.  
*Proposed lighting information provided on the Site Plan.*
- d. The type, size and location of all incineration devices.  
*No incineration devices exist or are proposed.*
- e. The type, size and location of all machinery likely to generate appreciable noise beyond the lot lines.  
*No such machinery exists or is proposed.*
- f. The amount and type of any raw, finished, or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.  
*No waste materials are proposed to be stored outside buildings.*
- g. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts together with all dimensions.  
*This information is provided on the Site Plan.*
- h. All landscaped areas, fencing and size and type of plant material proposed to be retained or planted.  
*No landscaping is proposed; proposed fencing is shown on the Site Plan.*
- i. A site plan for a telecommunication structure must provide a description and construction detail of the telecommunication structure, including the plot plan identifying location of the structure on the property; dimensions of the structure; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are proposed in connection with the operation of the telecommunication structure.  
*No telecommunication structures exist or are proposed.*
- j. Applications for subdivisions shall include all applicable submission requirements above, in addition to those required by chapter 41 of this Code. If these submission requirements conflict with the requirements of the chapter 41, the stricter standards shall apply.  
*The project is not a subdivision, therefore, this item is not applicable.*

(19) A copy of this application has been submitted to the Fire Chief.

Summit Title Services, LLC ..  
120 Bedford Center Road, Suite 202  
Bedford, NH 03110

NANCY E HAMMOND, REGISTER OF DEEDS  
E-RECORDED Bk 17973 PG 921  
Instr # 2019022115  
06/17/2019 03:03:49 PM  
Pages 3 YORK CO

### MAINE SHORT FORM WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that ELIOT WOOD SERVICES, LLC, a Maine limited liability company, with a mailing address of 276 Harold L. Dow Highway, Eliot, Maine 03909,

for consideration paid,

grants to BLACK HAWK HOLDINGS, LLC, a Maine limited liability company with a mailing address of 23 Arrowhead Drive, Bedford, New Hampshire 03110,

with WARRANTY COVENANTS the following described real property:

A certain lot or parcel of land, together with the buildings and improvements thereon, situated on the northeasterly side of Harold L. Dow Highway in the Town of Eliot, County of York and State of Maine and being bounded and described as follows:

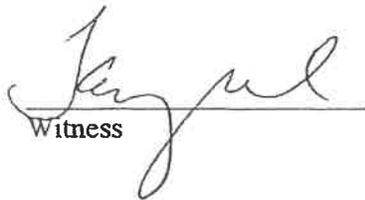
Beginning at an iron rod set at the northeasterly corner of land now or formerly of Eliot Home, Farm & Garden, LLC as described in deed recorded in the York County Registry of Deeds at Book 16026, Page 195; Thence running N 60° 13' 40" E along land now or formerly of Allan D. Maclellan a distance of 134.23 feet to the remains of a stone wall; Thence running N 55° 58' 59" E along said Maclellan land a distance of 368.54 feet to the remains of a wire fence; Thence running N 69° 21' 37" E along said Maclellan land a distance of 136.41 feet to a granite bound and land now or formerly of Siegrid M. Baumann; Thence running along said Baumann land the following three (3) courses and distances: (1) S 25° 59' 32" E, 292.73 feet to the remains of a wire fence; (2) S 26° 55' 26" E, 215.12 feet to a 1 inch iron pipe; (3) S 83° 33' 38" E, 869.79 feet to a 1/2 inch iron pipe and land now or formerly of Larry J. Kilbourn; Thence running along said Kilbourn land the following three (3) courses and distances: (1) S 07° 23' 49" W, 151.40 feet to a 3/4 inch iron pipe; (2) S 26° 09' 02" E, 308.43 feet to a 3/4 inch iron pipe; (3) S 46° 35' 56" W, 192.35 feet to an 18 inch beech tree with a PK nail and land now or formerly of Jonathan A. Hixon; Thence running along said Hixon land the following five (5) courses and distances: (1) S 79° 46' 38" W, 494.51 feet to a stone bound; (2) S 29° 10' 44" E,

Maine R.E. Transfer Tax Paid

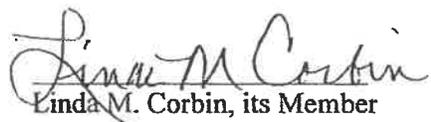
274.85 feet to a 1/2 inch iron pipe in the corner of a stone wall; (3) S 25° 53' 02" E, 77.52 feet to a drill hole at the end of said stone wall; (4) S 47° 11' 15" E, 49.42 feet to an iron rod; (5) S 22° 20' 03" E, 210.88 feet to an iron rod and land now or formerly of Thomas J. Corcoran; Thence running along said Corcoran land the following three (3) courses and distances: (1) S 71° 01' 41" W, 169.75 feet to an iron rod; (2) N 36° 17' 32" W, 231.23 feet to an iron rod; (3) S 61° 19' 58" W, 96.71 feet to a drill hole in the corner of a stone wall and land now or formerly of Roland and Jeanne Roy Joint Living Trust; Thence running S 62° 01' 26" W along said Trust land and said stone wall a distance of 211.45 feet to a drill hole; Thence running S 60° 59' 51" W along said Trust land and said stone wall a distance of 382.78 feet to a drill hole in a stone wall intersection and land now or formerly of the United Methodist Church; Thence running S 64° 48' 26" W along said Church land and a stone wall a distance of 72.30 feet to a 3/4 inch iron pipe at a corner of said stone wall and land now or formerly of Wayne Davis; Thence running along said Davis land the following six (6) courses and distances: (1) N 27° 00' 43" W, 180.53 feet to a 3/8 inch iron pin at the end of a stone wall; (2) N 26° 08' 09" W, 141.08 feet to a 3/4 inch iron pipe; (3) S 63° 12' 55" W, 93.52 feet to a drill hole at the end of a stone wall; (4) S 65° 31' 56" W, 45.17 feet to an iron rod; (5) S 60° 40' 55" W, 217.45 feet to a drill hole in a stone wall; (6) S 61° 44' 05" W, 236.41 feet to the northeasterly sideline of Harold L. Dow Highway; Thence running N 25° 34' 20" W along the northeasterly sideline of Harold L. Dow Highway a distance of 563.39 feet to an iron rod and the southwesterly corner of land now or formerly of AMP Realty Holdings as described in deed recorded in said Registry at Book 15795, Page 88; Thence running N 64° 25' 40" E along said AMP Realty Holdings land a distance of 350.00 feet to an iron rod and the above-referenced land now or formerly of Eliot Home, Farm & Garden, LLC; Thence running N 47° 14' 15" E along said Eliot Home, Farm & Garden, LLC land a distance of 774.28 feet to an iron rod set; Thence running N 42° 02' 21" W along said Eliot Home, Farm & Garden, LLC land a distance of 624.31 feet to the point of beginning.

Being the same premises described and conveyed to the within grantor by Maine Short Form Warranty Deed from Eliot Recycling Services, LLC dated October 22, 2013 and recorded in said Registry of Deeds at Book 16725, Page 832.

**IN WITNESS WHEREOF**, Eliot Wood Services, LLC has caused this instrument to be executed on its behalf by its duly authorized representative this 17th day of June, 2019.

  
Witness

Eliot Wood Services, LLC

By:   
Linda M. Corbin, its Member  
Duly Authorized

**STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM**

**June 17, 2019**

Personally appeared the above-named Linda M. Corbin, in her capacity as Member of Eliot Wood Services, LLC, and acknowledged the foregoing instrument to be her free act and deed in her above-stated capacity.

Before me,

  
Notary Public



**BLACK HAWK HOLDING, LLC**

36 Wilson Road  
Wilton, NH 03086  
603-232-3586

Jeffrey Brubaker  
Town of Eliot Maine  
1333 State Rd, Eliot, ME 03903

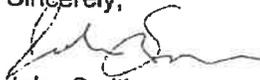
August 17, 2020

Dear Mr. Brubaker,

Please be informed that Kenneth A. Wood, P.E. and Brian Nielsen, E.I.T. of Attar Engineering, Inc. will be acting as my agents for the applications and permitting of my project at 276 Harold Dow Highway.

Please contact me if I can provide any additional information.

Sincerely;



John Smith  
Black Hawk Holding, LLC

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



# 500 foot Abutters List Report

Eliot, ME  
August 18, 2020

## Subject Property:

Parcel Number: 037-009-000  
CAMA Number: 037-009-000  
Property Address: 276 HAROLD L DOW HWY

Mailing Address: BLACK HAWK HOLDINGS LLC  
36 WILSON ST  
WILTON, NH 03086

## Abutters:

Parcel Number: 029-005-001  
CAMA Number: 029-005-001  
Property Address: 257 HAROLD L DOW HWY

Mailing Address: DG STRATEGIC II LLC ATTN: TAX DEPT  
STORE #15940  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072

Parcel Number: 029-014-000  
CAMA Number: 029-014-000  
Property Address: 238 HAROLD L DOW HWY

Mailing Address: UNITED METHODIST CHURCH  
238 HAROLD L DOW HWY  
ELIOT, ME 03903

Parcel Number: 029-030-000  
CAMA Number: 029-030-000  
Property Address: 249 HAROLD L DOW HWY

Mailing Address: PRIME ELIOT LLC  
83-85 RAILROAD PLACE  
SARATOGA SPRINGS, NY 12866

Parcel Number: 037-001-000  
CAMA Number: 037-001-000  
Property Address: 265 HAROLD L DOW HWY

Mailing Address: CHURCHILL, EVAN A/ROSALIE B  
REVOCABLE TR EVAN A AND ROSALIE  
B CHURCHILL TRUSTEES  
1288 STATE RD  
ELIOT, ME 03903

Parcel Number: 037-002-001  
CAMA Number: 037-002-001  
Property Address: 291 HAROLD L DOW HWY

Mailing Address: PAOLUCCI REALTY TRUST PETER J &  
CARMEN S PAUL TRUSTEES  
291 HAROLD L DOW HWY  
ELIOT, ME 03903

Parcel Number: 037-002-002  
CAMA Number: 037-002-002  
Property Address: 4 BROOK DR

Mailing Address: MORIARTY, MARIE  
23 LANDING DR  
METHUEN, MA 01844-5825

Parcel Number: 037-002-004  
CAMA Number: 037-002-004  
Property Address: BROOK DR

Mailing Address: GORANSSON, PAUL GORANSSON,  
HLEN  
255 DEPOT RD  
ELIOT, ME 03903

Parcel Number: 037-003-001  
CAMA Number: 037-003-001  
Property Address: 299 HAROLD L DOW HWY

Mailing Address: NATURAL ROCKS SPRING WATER ICE  
CO INC  
299 HAROLD L DOW HWY  
ELIOT, ME 03903

Parcel Number: 037-005-000  
CAMA Number: 037-005-000  
Property Address: 26 MACLELLAN LN

Mailing Address: BROWN DOG PROPERTIES MAINE LLC  
396 BEECH RD  
ELIOT, ME 03903

Parcel Number: 037-010-000  
CAMA Number: 037-010-000  
Property Address: 262 HAROLD L DOW HWY

Mailing Address: DAVIS, RITA REVOCABLE TRUST RITA L  
DAVIS TRUSTEE  
17 ELIZABETH LN  
KITTELY POINT, ME 03905



www.cai-tech.com

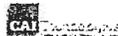
Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



# 500 foot Abutters List Report

Eliot, ME  
August 18, 2020

Parcel Number: 037-013-000 CAMA Number: 037-013-000 Property Address: 26 VITTUM HILL RD	Mailing Address: TEBBETTS, ROBERT F TEBBETTS, CONSTANCE A 26 VITTUM HILL RD ELIOT, ME 03903
Parcel Number: 037-013-001 CAMA Number: 037-013-001 Property Address: VITTUM HILL RD	Mailing Address: TOWN OF ELIOT 1333 STATE RD ELIOT, ME 03903
Parcel Number: 037-015-000 CAMA Number: 037-015-000 Property Address: 22 VITTUM HILL RD	Mailing Address: MA, GEORGE 22 VITTUM HILL RD ELIOT, ME 03903
Parcel Number: 037-015-001 CAMA Number: 037-015-001 Property Address: 27 EVERGREEN LN	Mailing Address: METZ, LORI DECATO 27 EVERGREEN LN ELIOT, ME 03903
Parcel Number: 037-016-000 CAMA Number: 037-016-000 Property Address: 24 SURREY LN	Mailing Address: ROY, JAMES G MUZEROLL-ROY, HEATHER A 24 SURREY LN ELIOT, ME 03903
Parcel Number: 037-017-000 CAMA Number: 037-017-000 Property Address: 29 SURREY LN	Mailing Address: ESTES, CRAIG W ESTES, LEAH N 29 SURREY LN ELIOT, ME 03903
Parcel Number: 037-018-000 CAMA Number: 037-018-000 Property Address: 24 EVERGREEN LN	Mailing Address: DEGRAPPO, DOUGLAS A DEGRAPPO, MARIA 24 EVERGREEN LN ELIOT, ME 03903
Parcel Number: 037-020-000 CAMA Number: 037-020-000 Property Address: 290 HAROLD L DOW HWY	Mailing Address: AMP REALTY HOLDINGS LLC C/O NORTHERN POOL & SPA 291 HAROLD L DOW HWY ELIOT, ME 03903
Parcel Number: 037-021-000 CAMA Number: 037-021-000 Property Address: 300 HAROLD L DOW HWY	Mailing Address: SLATE HILL RECYCLING LLC 171 YORK WOODS RD SOUTH BERWICK, ME 03908
Parcel Number: 037-022-000 CAMA Number: 037-022-000 Property Address: SURREY LN	Mailing Address: LAMS LLC 6 YORK POND RD YORK, ME 03903
Parcel Number: 038-016-001 CAMA Number: 038-016-001 Property Address: 20 EVERGREEN LN	Mailing Address: HASHEM, LEON M JR HASHEM, BETH F 20 EVERGREEN LN ELIOT, ME 03903
Parcel Number: 038-021-000 CAMA Number: 038-021-000 Property Address: BEECH RD	Mailing Address: KILBOURN, LARRY J/MARYL W REV TRUST LARRY J/MARYL W KILBOURN TRUSTEES 37 LITTLE BROOK LN ELIOT, ME 03903



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8/18/2020

Page 2 of 4



# 500 foot Abutters List Report

Eliot, ME  
August 18, 2020

Parcel Number: 038-025-000  
CAMA Number: 038-025-000  
Property Address: 37 LITTLEBROOK LN

Mailing Address: KILBOURN, LARRY J/MARYL W REV  
TRUST LARRY JMARYL W KILBOURN  
TRUSTEES  
37 LITTLE BROOK LN  
ELIOT, ME 03903

Parcel Number: 038-026-000  
CAMA Number: 038-026-000  
Property Address: 43 LITTLEBROOK LN

Mailing Address: HARRIS, MICHAEL D PETERSEN, JENNY  
43 LITTLEBROOK LN  
ELIOT, ME 03903

Parcel Number: 038-027-000  
CAMA Number: 038-027-000  
Property Address: 67 LITTLEBROOK LN

Mailing Address: STACY, HAROLD A STACY, MARCIA C  
67 LITTLE BROOK LN  
ELIOT, ME 03903

Parcel Number: 038-028-000  
CAMA Number: 038-028-000  
Property Address: 46 LITTLEBROOK LN

Mailing Address: PERKINS FAMILY REVOCABLE TRUST  
DANIEL W & JANICE L PERKINS  
TRUSTEES  
46 LITTLEBROOK LN  
ELIOT, ME 03903

Parcel Number: 046-001-000  
CAMA Number: 046-001-000  
Property Address: 71 LITTLEBROOK LN

Mailing Address: SCHULTZE, ABEL A SCHULTZE,  
ANGELA  
71 LITTLEBROOK LN  
ELIOT, ME 03903

Parcel Number: 046-002-000  
CAMA Number: 046-002-000  
Property Address: 97 LITTLEBROOK LN

Mailing Address: REMICK, STEPHEN H REMICK, CYNTHIA  
97 LITTLE BROOK LN  
ELIOT, ME 03903

Parcel Number: 046-003-000  
CAMA Number: 046-003-000-000  
Property Address: 107 LITTLEBROOK LN

Mailing Address: SWEET PEAS LLC  
PO BOX 243  
ELIOT, ME 03903

Parcel Number: 046-003-000  
CAMA Number: 046-003-000-001  
Property Address: 107 LITTLEBROOK LN #1

Mailing Address: BROX, ERIC A  
C/O JEAN HARDY PO BOX 79  
ELIOT, ME 03903

Parcel Number: 046-003-000  
CAMA Number: 046-003-000-002  
Property Address: 107 LITTLEBROOK LN #2

Mailing Address: MAY LIVING TRUST GEORGE  
F/MARTHA D MAY TRUSTEES  
C/O JEAN HARDY PO BOX 79  
ELIOT, ME 03903

Parcel Number: 046-003-000  
CAMA Number: 046-003-000-003  
Property Address: 107 LITTLEBROOK LN #3

Mailing Address: BAUMANN, SIGRID  
C/O JEAN HARDY PO BOX 79  
ELIOT, ME 03903

Parcel Number: 046-003-000  
CAMA Number: 046-003-000-004  
Property Address: 107 LITTLEBROOK LN #4

Mailing Address: MILLER, JOHN  
C/O JEAN HARDY PO BOX 79  
ELIOT, ME 03903

Parcel Number: 046-003-000  
CAMA Number: 046-003-000-005  
Property Address: 107 LITTLEBROOK LN #5

Mailing Address: GALLO, ANTHONY  
C/O JEAN HARDY  
ELIOT, ME 03903



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8/18/2020

Page 3 of 4



# 500 foot Abutters List Report

Eliot, ME  
August 18, 2020

Parcel Number: 046-003-000 CAMA Number: 046-003-000-006 Property Address: 107 LITTLEBROOK LN #8	Mailing Address: ROBBINS, GLEN C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-007 Property Address: LITTLEBROOK LN	Mailing Address: GALLO, ANTHONY C/O JEAN HARADY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-008 Property Address: 107 LITTLEBROOK LN #8	Mailing Address: BULGER, EDWARD P C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-009 Property Address: LITTLEBROOK LN	Mailing Address: PROSTKOFF, MELVIN E C/O JEAN HARDY PO BOX 79 ELIOT, ME 03903
Parcel Number: 046-003-000 CAMA Number: 046-003-000-010 Property Address: LITTLEBROOK LN	Mailing Address: MACKLE REVOCABLE TRUST ROBERT B & BARBARA MACKLE TRUSTEES C/O JEAN HARDY ELIOT, ME 03903
Parcel Number: 046-007-000 CAMA Number: 046-007-000 Property Address: 50 MACLELLAN LN	Mailing Address: HISSONG READY-MIX AGGREGATES LLC 48 YORK ST SUITE 2 KENNEBUNK, ME 04043
Parcel Number: 046-008-000 CAMA Number: 046-008-000 Property Address: 22 EVERETT LN	Mailing Address: FORD, STEPHEN M ZAMALLOA, ALEJANDRO ENRIQUEZ 22 EVERETT LN ELIOT, ME 03903
Parcel Number: 046-010-000 CAMA Number: 046-010-000 Property Address: MACLELLAN LN	Mailing Address: BROWN DOG PROPERTIES MAINE LLC 396 BEECJ RD ELIOT, ME 03903
Parcel Number: 046-100-000 CAMA Number: 046-100-000 Property Address: 55 LITTLEBROOK AIRPARK	Mailing Address: KAICHEN, MICHAEL & JILL M REVOCABLE LIVING TRUST MICHAEL & JILL KAICHEN TRUSTEES 55 LITTLEBROOK AIRPARK ELIOT, ME 03903
Parcel Number: 047-003-000 CAMA Number: 047-003-000 Property Address: 84 LITTLEBROOK LN	Mailing Address: SCREMIN, CLAUDIO F SCREMIN, JENNIFER L 84 LITTLE BROOK LN ELIOT, ME 03903
Parcel Number: 047-004-000 CAMA Number: 047-004-000 Property Address: 7 BARNARD LN	Mailing Address: MCKENNEY, DONALD D MCKENNEY, SALLIE J 7 BARNARD LN ELIOT, ME 03903
Parcel Number: 047-005-000 CAMA Number: 047-005-000 Property Address: 15 BARNARD LN	Mailing Address: BARBOUR, ANN C BARBOUR, FREDERICK J 15 BARNARD LN ELIOT, ME 03903



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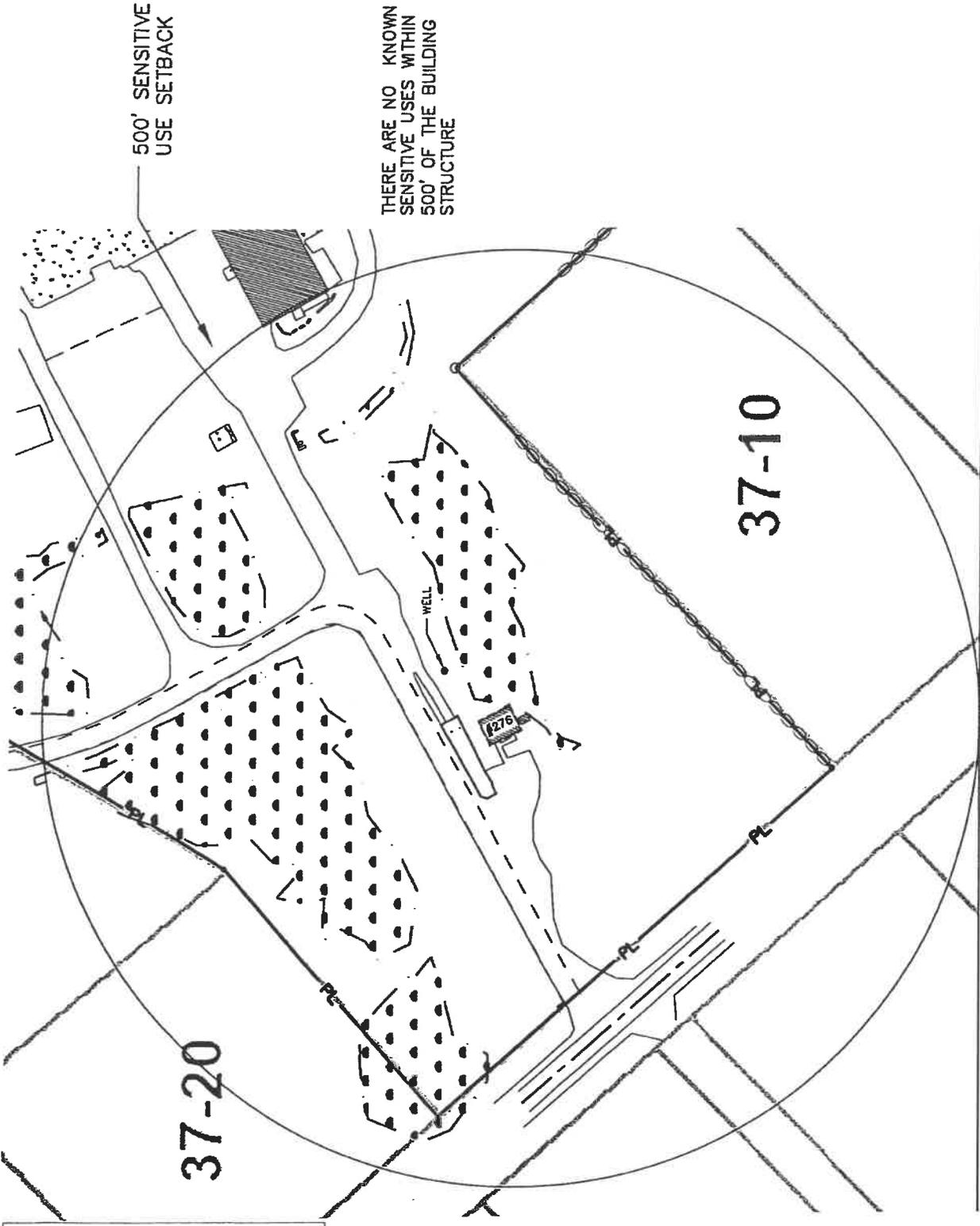
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8/18/2020

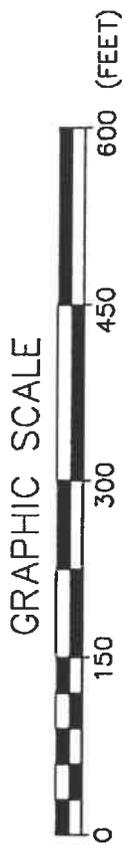
Page 4 of 4







GRID NORTH  
 WEST ZONE  
 ME SPC  
 NAD82(2011)



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering  
(207) 289-3826

PROPERTY ADDRESS	
Town Or Plantation	ELIOT
Street	DOW HIGHWAY
Subdivision Lot #	ROUTE 236
PROPERTY OWNERS NAME	
INTERSTATE EQUIPMENT CORP.	
Last: ATTN: PAUL CHASE First:	
Applicant Name:	SAME
Mailing Address of Owner/Applicant (If Different)	66 DOW HIGHWAY ELIOT ME 03903

R-3-1

ELIOT PERMIT # 384 TOWN COPY

Date Permit Issued: 7/25/86 \$ 15.15 FEE  if Double Fee Charged

Walter W. Apple Local Plumbing Inspector Signature L.P.I. # 212121

37-9

**Owner/Applicant Statement**

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Paul A. Chase 7/25/86  
Signature of Owner/Applicant Date

**Caution: Inspection Required**

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Walter W. Apple 12/8/86  
Local Plumbing Inspector Signature Date Approved

## PERMIT INFORMATION

**THIS APPLICATION IS FOR:**

1.  NEW SYSTEM
2.  REPLACEMENT SYSTEM
3.  EXPANDED SYSTEM
4.  SEASONAL CONVERSION
5.  EXPERIMENTAL SYSTEM

**THIS APPLICATION REQUIRES:**

1.  NO RULE VARIANCE REQUIRED
2.  NEW SYSTEM VARIANCE  
Attach New System Variance Form
3.  REPLACEMENT SYSTEM VARIANCE  
Attach Replacement System Variance Form
4.  Requiring Local Plumbing Inspector Approval
5.  Requires State and Local Plumbing Inspector Approval

**INSTALLATION IS:**

COMPLETE SYSTEM

1.  NON-ENGINEERED SYSTEM
2.  PRIMITIVE SYSTEM  
(Includes Alternative Toilet)
3.  ENGINEERED (+ 2000 gpd)

INDIVIDUALLY INSTALLED COMPONENTS:

4.  TREATMENT TANK (ONLY)
5.  HOLDING TANK
6.  ALTERNATIVE TOILET (ONLY)
7.  NON-ENGINEERED DISPOSAL AREA (ONLY)
8.  ENGINEERED DISPOSAL AREA (ONLY)
9.  SEPARATED LAUNDRY SYSTEM

**IF REPLACEMENT SYSTEM:**

YEAR FAILING SYSTEM INSTALLED 1968

THE FAILING SYSTEM IS:

1.  BED
2.  CHAMBER
3.  TRENCH
4.  OTHER: \_\_\_\_\_

**DISPOSAL SYSTEM TO SERVE:**

1.  SINGLE FAMILY DWELLING
2.  MODULAR OR MOBILE HOME
3.  MULTIPLE FAMILY DWELLING  
Commercial/Shop
4.  OTHER \_\_\_\_\_ SPECIFY

**TYPE OF WATER SUPPLY**

DRILLED WELL

SIZE OF PROPERTY  
40± AC

ZONING  
Not Applicable

## DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

**TREATMENT TANK**

1.  SEPTIC:  Regular  Low Profile
2.  AEROBIC

SIZE: 1000 GALS.

**WATER CONSERVATION**

1.  NONE
2.  LOW VOLUME TOILET
3.  SEPARATED LAUNDRY SYSTEM
4.  ALTERNATIVE TOILET

SPECIFY: \_\_\_\_\_

**PUMPING**

1.  NOT REQUIRED
2.  MAY BE REQUIRED  
(DEPENDING ON TREATMENT TANK LOCATION AND ELEVATION)
3.  REQUIRED

DOSE: 300 GALS.

CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)

ASSUMED 10 EMPLOYEES

$3.3 \times 150 = 495$

20' x 25' BED

DESIGN FLOW: 15 gpd/person  
(GALLONS/DAY)

**SOIL CONDITIONS USED FOR DESIGN PURPOSES**

PROFILE	CONDITION
<u>3</u>	<u>C</u>

DEPTH TO LIMITING FACTOR: 32

**SIZE RATINGS USED FOR DESIGN PURPOSES**

1.  SMALL
2.  MEDIUM
3.  MEDIUM-LARGE
4.  LARGE
5.  EXTRA LARGE

**DISPOSAL AREA TYPE/SIZE**

1.  BED 500 Sq. Ft.
2.  CHAMBER \_\_\_\_\_ Sq. Ft.
- REGULAR  H-20
3.  TRENCH \_\_\_\_\_ Linear Ft.
4.  OTHER: \_\_\_\_\_

## SITE EVALUATOR STATEMENT

( ) SITE EVALUATION WAIVED BY LOCAL OPTION

On JUNE 16<sup>th</sup> 1986 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

Walter W. Apple 164 6-20-86  
Site Evaluator Signature SE# Date

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering

Town, City, Plantation

Street, Road, Subdivision

Owners Name

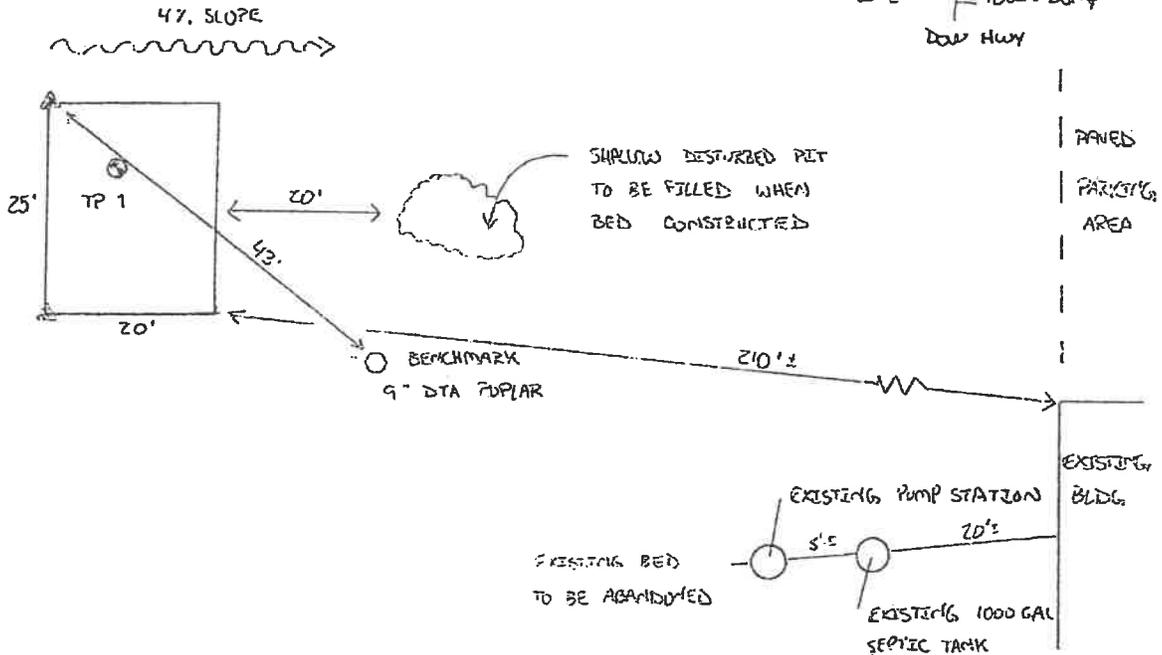
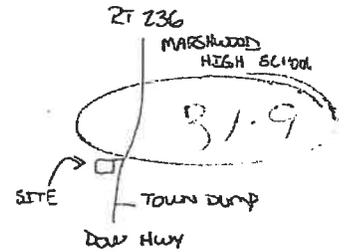
ELIOT

DOW HIGHWAY RT 236  
SITE PLAN

INTERSTATE EQUIPMENT CORP

Scale 1" = 20' FL.

SITE LOCATION PLAN (Attach Map from Maine Atlas for New System Variance)



## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole  ONE  Test Pit  Boring  
 ○ Depth of Organic Horizon Above Mineral Soil

Observation Hole   Test Pit  Boring  
 ○ Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
5				
10	STONY			
12	FINE	FRAGILE	BROWNISH	NONE
15	SANDY		YELLOW	
20	LOAM			
30				
35	STONY		CHISE	
38	SANDY	FIRM	YELLOW	MOTTLED
42	LOAM			
45	SILTY CLAY	FIRM	GREENISH	MOTTLED
48	LOAM		GREY	
50				

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
5				
10				
15				
20				
30				
40				
50				

Soil Profile: 3, Classification: C, Slope: 4%, Limiting Factor: 32.  Ground Water,  Restrictive Layer,  Bedrock

Soil Profile: , Classification: , Slope: % , Limiting Factor: .  Ground Water,  Restrictive Layer,  Bedrock

*Mark A. Souda*  
Site Evaluator Signature

164  
SF#

6-20-86  
Date

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City, Plantation  
ELIOT

Street, Road, Subdivision  
DOW HIGHWAY RT 236

## SUBSURFACE WASTEWATER DISPOSAL PLAN

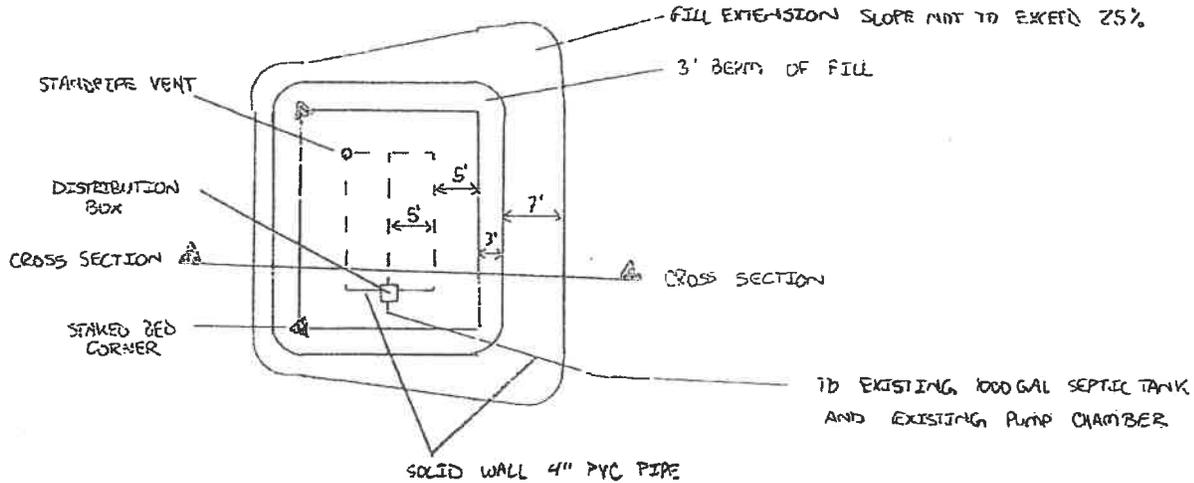
Department of Human Services  
Division of Health Engineering

Owners Name

INTERSTATE EQUIPMENT CORP

Scale 1" = 20 Ft.

37-9



BOTTOM OF BED MUST BE LEVEL WITHIN 1" VERTICAL OVER 100' HORIZONTAL TOLERANCE  
DISTRIBUTION BOX MUST HAVE VELOCITY REDUCING BAFFLES

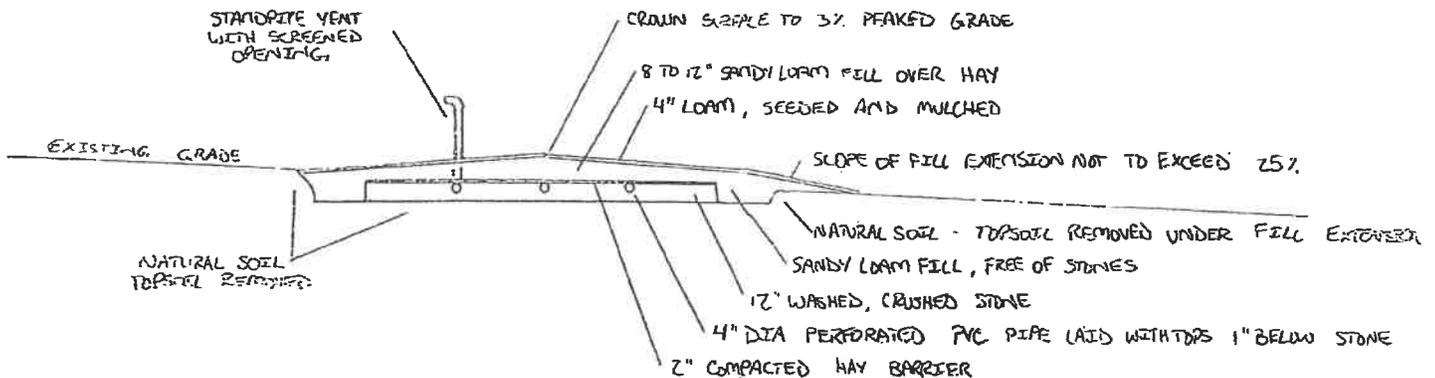
FILL REQUIREMENTS		CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT LOCATION & DESCRIPTION	
Depth of Fill (Upslope)	$\frac{5}{15}$ "	Reference Elevation is	$\frac{0}{-61}$	9" DIA. POPLAR MAIL SET AT 5.67'	
Depth of Fill (Downslope)	$\frac{15}{15}$ "	Bottom of Disposal Area	$\frac{-61}{-50}$		
		Top of Distribution Lines or Chambers	$\frac{-50}{-50}$		

### DISPOSAL AREA CROSS SECTION

Scale:

Vertical: 1 inch = 10 Ft.

Horizontal: 1 inch = 10 Ft.



*Mark D. Sawyer*  
Site Evaluator Signature

114  
SE#

6.20.86  
Date

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering  
(207)289-3826

R3/1

**PROPERTY ADDRESS**

Town Or Plantation: ELIOT

Street Subdivision Lot #: Rt 236

**PROPERTY OWNERS NAME**

Last: GARLAND First: BILL

Applicant Name: INTERSTATE EQUIP. CORP

Mailing Address of Owner/Applicant (if Different): ELIOT ME

**ELIOT PERMIT # 890 TOWN COPY**

Date Permit Issued: 5-17-89 \$ 1140  Double Fee Charged

*[Signature]* Local Plumbing Inspector Signature L.P.I. # 854

57.9

**Owner/Applicant Statement**

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

*[Signature]* Signature of Owner/Applicant 5-17-89 Date

**Caution: Inspection Required**

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

*[Signature]* Local Plumbing Inspector Signature 8/18/89 Date Approved

**PERMIT INFORMATION**

**THIS APPLICATION IS FOR:**

- NEW SYSTEM
- REPLACEMENT SYSTEM
- EXPANDED SYSTEM
- EXPERIMENTAL SYSTEM

**SEASONAL CONVERSION**  
to be completed by the LPI

- SYSTEM COMPLIES WITH RULES
- CONNECTED TO SANITARY SEWER
- SYSTEM INSTALLED - P#
- SYSTEM DESIGN RECORDED AND ATTACHED

**IF REPLACEMENT SYSTEM:**  
YEAR FAILING SYSTEM INSTALLED ?

THE FAILING SYSTEM IS:

- BED
- CHAMBER
- TRENCH
- OTHER:

SIZE OF PROPERTY: ± 2/1 Ac ZONING: YES

**THIS APPLICATION REQUIRES:**

- NO RULE VARIANCE
- NEW SYSTEM VARIANCE  
Attach New System Variance Form
- REPLACEMENT SYSTEM VARIANCE  
Attach Replacement System Variance Form
  - Requiring Local Plumbing Inspector Approval
  - Requires State and Local Plumbing Inspector Approval
- MINIMUM LOT SIZE VARIANCE

**DISPOSAL SYSTEM TO SERVE:**

- SINGLE FAMILY DWELLING
- MODULAR OR MOBILE HOME
- MULTIPLE FAMILY DWELLING
- OTHER COMMERCIAL  
SPECIFY

**INSTALLATION IS:**

**COMPLETE SYSTEM**

- NON-ENGINEERED SYSTEM
- PRIMITIVE SYSTEM  
(Includes Alternative Toilet)
- ENGINEERED (+2000 gpd)

**INDIVIDUALLY INSTALLED COMPONENTS:**

- TREATMENT TANK (ONLY)
- HOLDING TANK \_\_\_\_\_ GAL
- ALTERNATIVE TOILET (ONLY)
- NON-ENGINEERED DISPOSAL AREA (ONLY)
- ENGINEERED DISPOSAL AREA (ONLY)
- SEPARATED LAUNDRY SYSTEM

**TYPE OF WATER SUPPLY**  
EXISTING WELL

**DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)**

**TREATMENT TANK**

- SEPTIC:  Regular  Low Profile
- AEROBIC NGW

SIZE: 1500 GALS.

**WATER CONSERVATION**

- NONE
- LOW VOLUME TOILET
- SEPARATED LAUNDRY SYSTEM
- ALTERNATIVE TOILET

SPECIFY: \_\_\_\_\_

**PUMPING**

- NOT REQUIRED
- MAY BE REQUIRED  
(DEPENDING ON TREATMENT TANK LOCATION AND ELEVATION)
- REQUIRED

DOSE: 200 GALS.

**CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)**

40 Employees  
@ 15 GPD ea  
= 600 GPD

**EQUIPMENT Maintenance Facility**

DESIGN FLOW: 600  
(GALLONS/DAY)

**SOIL CONDITIONS USED FOR DESIGN PURPOSES**

PROFILE	CONDITION
<u>3</u>	<u>C</u>

DEPTH TO LIMITING FACTOR: 24.

**SIZE RATINGS USED FOR DESIGN PURPOSES**

- SMALL
- MEDIUM
- MEDIUM-LARGE
- LARGE
- EXTRA LARGE

**DISPOSAL AREA TYPE/SIZE**

- BED \_\_\_\_\_ Sq. Ft.
- CHAMBER 1120 Sq. Ft.  
 REGULAR  H-20
- TRENCH \_\_\_\_\_ Linear Ft.
- OTHER: \_\_\_\_\_

**SITE EVALUATOR STATEMENT**

On 4-11-89 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

*[Signature]* Site Evaluator Signature 219 SE# 5-1-89 Date

(Local Plumbing Inspector's Signature if permit is for Seasonal Conversion.)

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering

Town, City, Plantation

ELIOT

Street, Road, Subdivision

RT 236

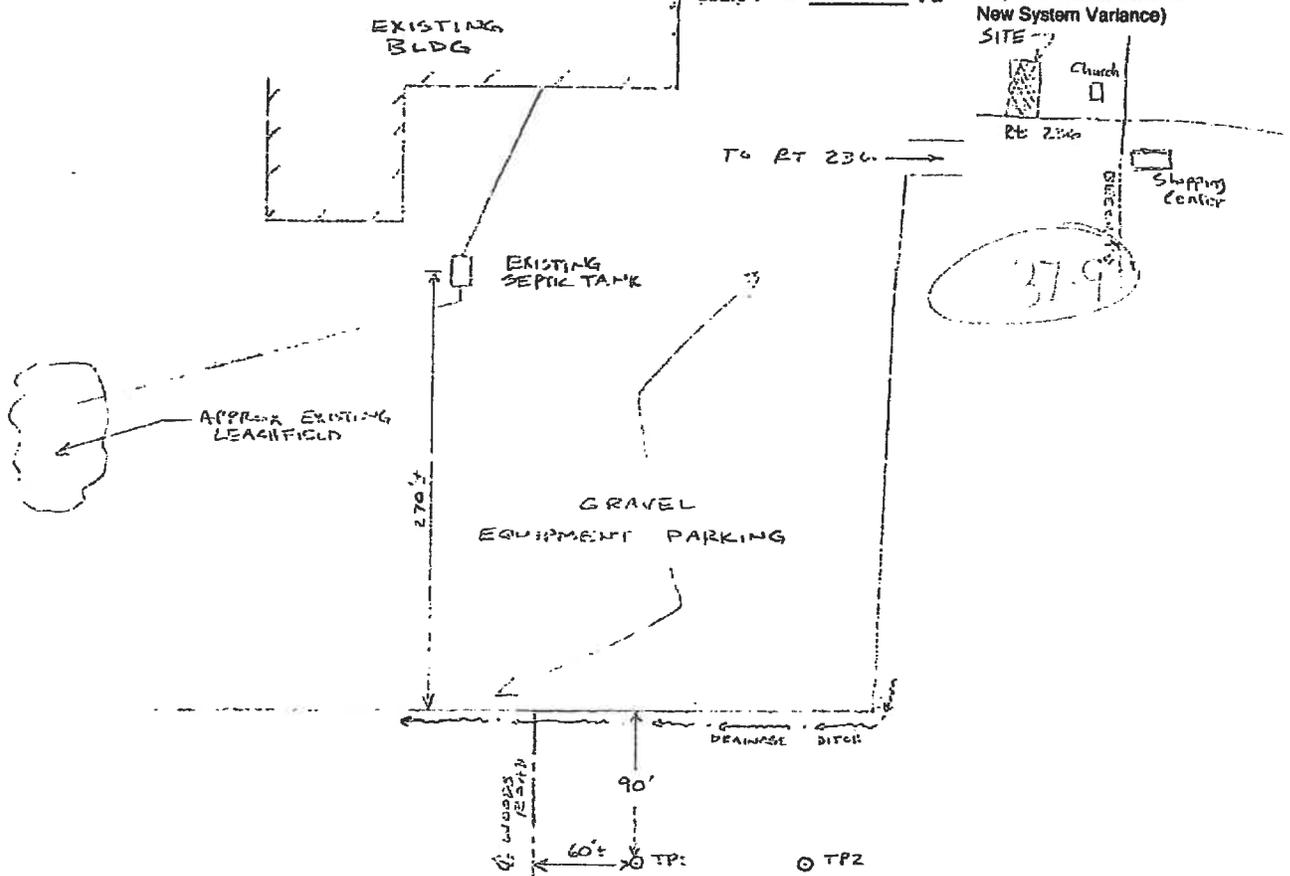
Owners Name

INTERSTATE EQUIP. CORP

## SITE PLAN

Scale 1" = 200' PL.

SITE LOCATION PLAN (Attach Map from Maine Atlas for New System Variance)



### SOIL DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole TP1  Test Pit  Boring  
3" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0	FINE SANDY LOAM	FRIABLE	DARK BROWN	
6			STRONG BROWN	
15			YELLOWISH	
20			BROWN	
30		FIRM	PALE BROWN	
40			BROWN	FEW
50				

Soil Profile 3 Classification C Slope 2 % Limiting Factor 26  
 Ground Water  
 Restrictive Layer  
 Bedrock

Observation Hole TP2  Test Pit  Boring  
3" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0	F.S.L.	FRIABLE	DR. BROWN	
6	FINE SANDY LOAM	FRIABLE	STRONG BROWN	
15			YELLOWISH BROWN	
20			PALE BROWN	
30		FIRM	BROWN	
40				FEW
50				

Soil Profile 3 Classification C Slope 2 % Limiting Factor 24  
 Ground Water  
 Restrictive Layer  
 Bedrock

*Michael M...*

Site Evaluator Signature

219

SE#

4-11-89

Date

Page 2 of 3

HHE-200 Rev.1/84

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering

Town, City, Plantation

ELIOT

Street, Road, Subdivision

RT 236

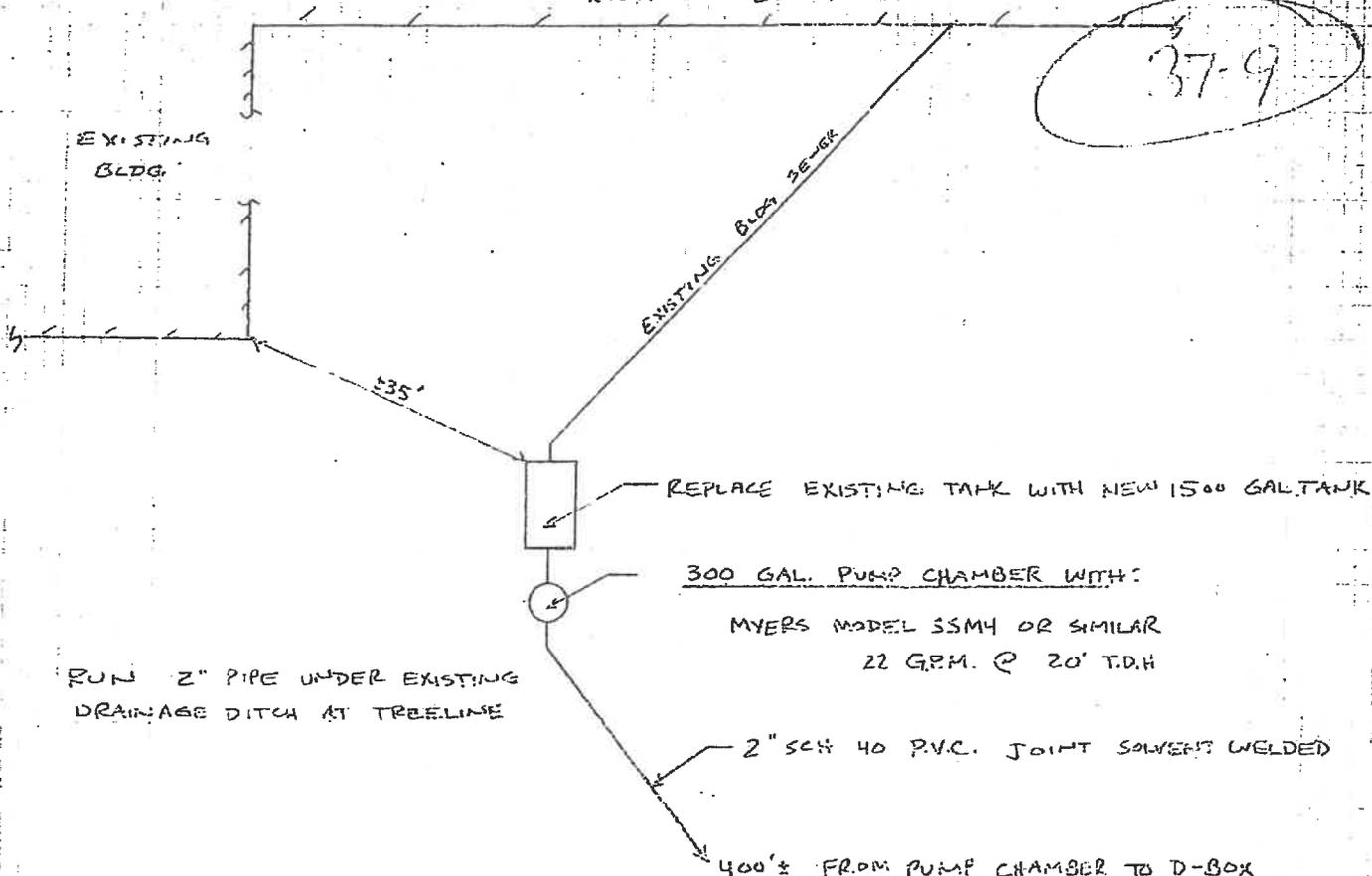
Owners Name

INTERSTATE EQUIP. CORP

## SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = 20' Ft.

EXISTING BUILDING



RUN 2" PIPE UNDER EXISTING DRAINAGE DITCH AT TREE LINE

REPLACE EXISTING TANK WITH NEW 1500 GAL. TANK

300 GAL. PUMP CHAMBER WITH:

MYERS MODEL SSM4 OR SIMILAR

22 G.P.M. @ 20' T.D.H

2" SCH 40 P.V.C. JOINT SOWERS WELDED

400'± FROM PUMP CHAMBER TO D-BOX

### FILL REQUIREMENTS

Depth of Fill (Upslope)  
Depth of Fill (Downslope)

### CONSTRUCTION ELEVATIONS

Reference Elevation is \_\_\_\_\_  
Bottom of Disposal Area \_\_\_\_\_  
Top of Distribution Lines or Chambers \_\_\_\_\_

### ELEVATION REFERENCE POINT LOCATION & DESCRIPTION

### DISPOSAL AREA CROSS SECTION

Scale:

Vertical: 1 inch = Ft.  
Horizontal: 1 inch = Ft.

SEE NEXT PAGE

*Michael Mancini*  
Site Evaluator Signature

219  
SE#

4-11-87  
Date

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering

Town, City, Plantation

Street, Road, Subdivision

Owners Name

ELIOT

RT 236

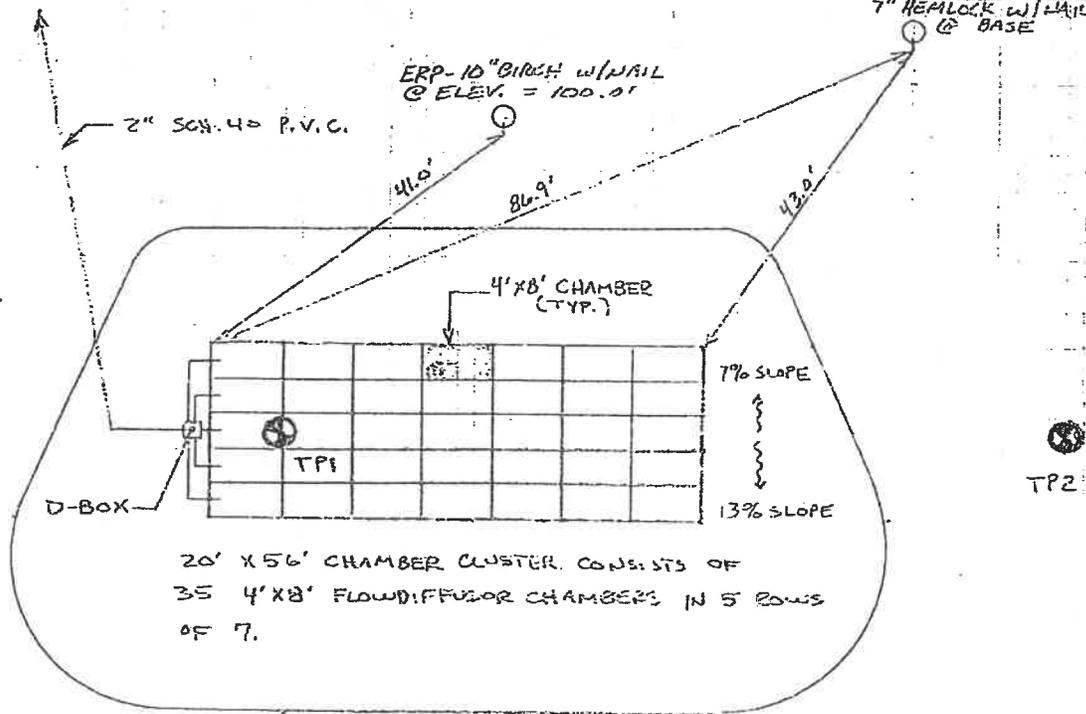
INTERSTATE EQUIP. CORP

## SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = 20' Ft.

RUN 2" PIPE UNDER EXISTING DRAINAGE DITCH AT TREELINE

± 400' FROM D-BOX TO PUMP CHAMBER



APPROX LIMIT OF FILL

### FILL REQUIREMENTS

Depth of Fill (Upslope)  $\frac{13}{25}$   
Depth of Fill (Downslope)  $\pm 25$

### CONSTRUCTION ELEVATIONS

Reference Elevation is 100.0'  
Bottom of Disposal Area (STONE) 96.0'  
Top of Distribution Lines or Chambers 97.6'

### ELEVATION REFERENCE POINT LOCATION & DESCRIPTION

ERP-10" BIRCH W/NAIL @ ELEV. = 100.0'

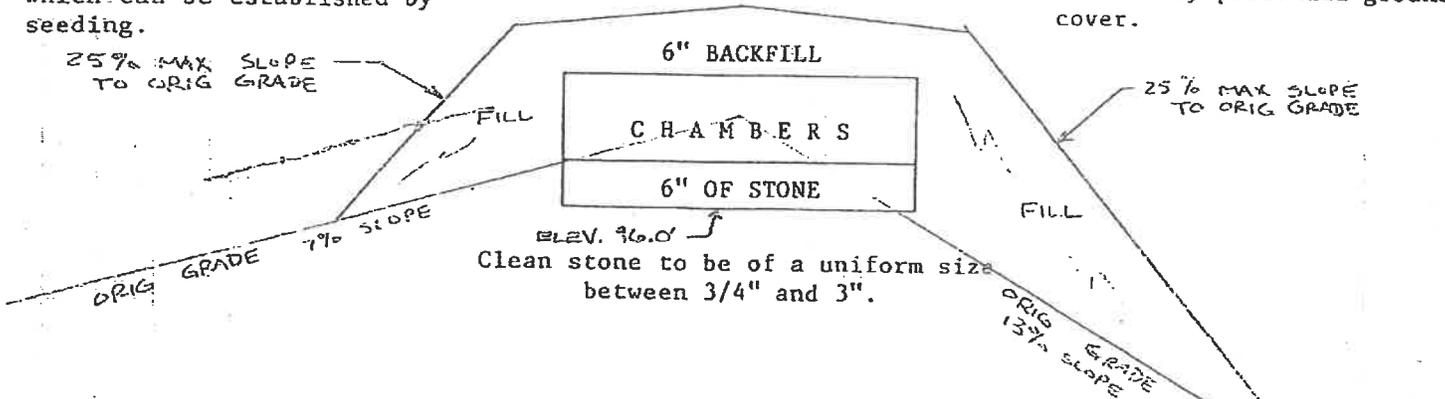
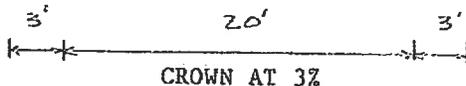
Scale:

Vertical: 1 Inch = 2 Ft.  
Horizontal: 1 Inch = 10 Ft.

Cover for fill extensions may be: Small woody shrubs with hardy perennial ground cover.

Cover for bed may be: grass, clover, trefoil, vetch, perennial wild flowers, or other herbaceous perennials which can be established by seeding.

### DISPOSAL AREA CROSS SECTION



*Walter Marano*  
Site Evaluator Signature

219  
SE#

5-1-89  
Date



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City or Plantation

ELIOT

Street, Road or Subdivision

66 ROUTE 236

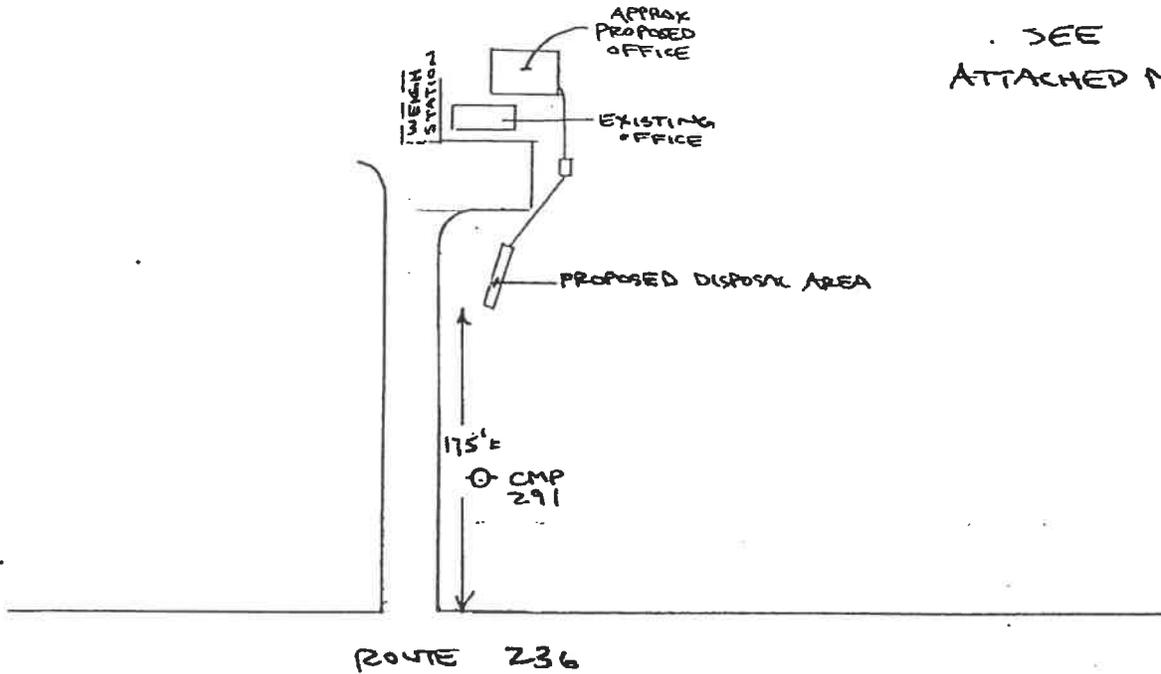
Name of Owner

TIRES

SITE PLAN

Scale: 1" = 100 ± Ft  
or as shown

SITE LOCATION PLAN  
(Map from The Maine Atlas  
recommended)



SEE ATTACHED MAP

## SOIL DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole TP  Test Pit  Boring

\* Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0 V F S L	FRILABLE	10YR 3/3	NONE
6 VERY FINE SANDY LOAM		STRONG BROWN 7.5YR 5/6	↓
15 SILT LOAM		LT. OLIVE BROWN 2.5Y 5/4	
30 SILT LOAM	FIRM	GRAY 10/1	MINY
40		AND 2.5Y 5/2	

Soil Profile 8 Class D Slope 15% Limiting Factor 13

Ground Water  Restrictive Layer  Bedrock

Observation Hole  Test Pit  Boring

\* Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0			
6			
10			
15			
20			
30			
40			
50			

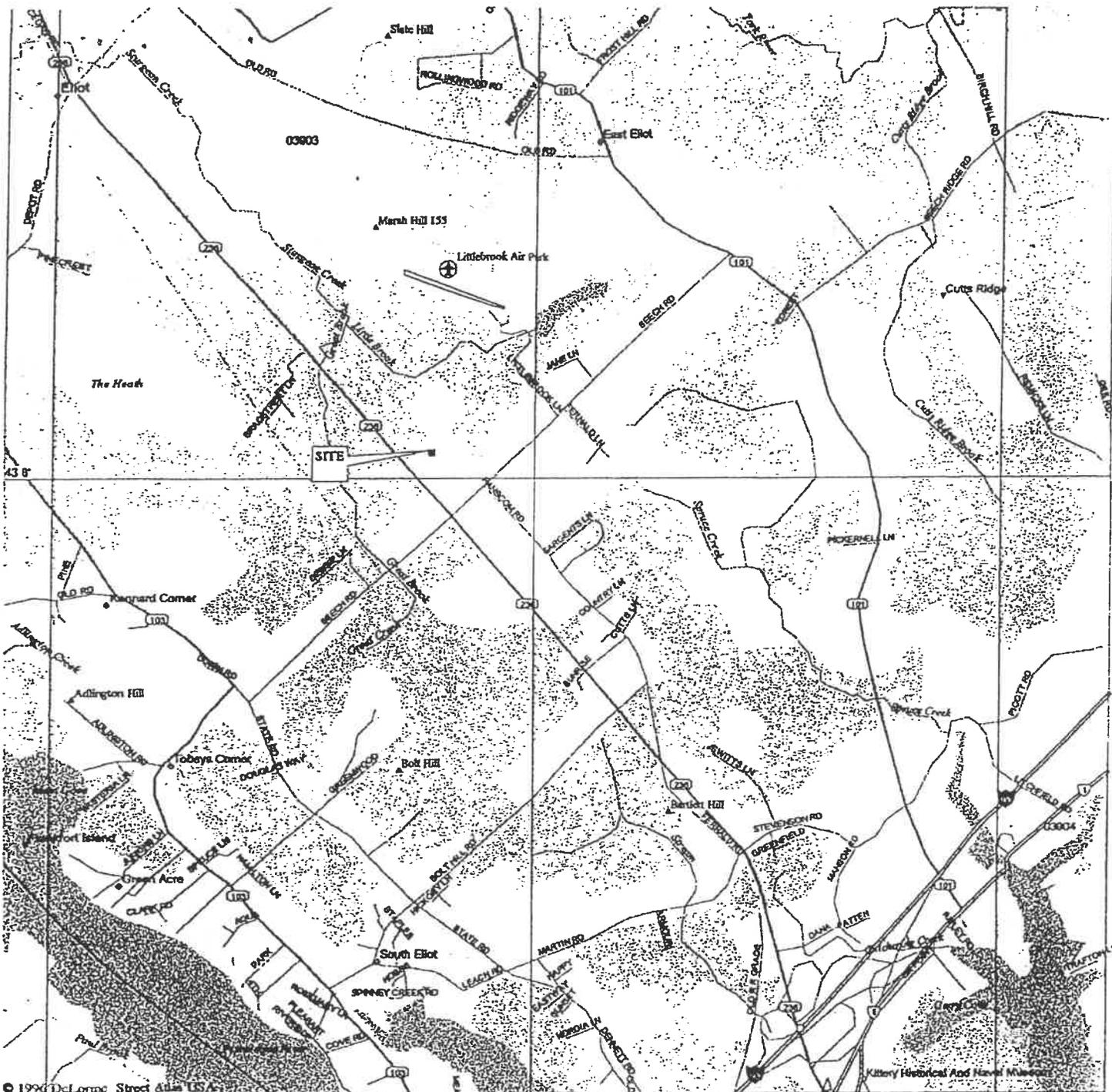
Soil Profile \_\_\_\_\_ Class \_\_\_\_\_ Slope \_\_\_\_\_% Limiting Factor \_\_\_\_\_

Ground Water  Restrictive Layer  Bedrock

Michael M...  
Site Evaluator Signature

217  
SE #

\_\_\_\_\_  
Date



© 1996 DeLorme Street Atlas USA

Mag 14.00  
 Wed Jul 23 12:35 1997  
 Scale 1:31,250 (at center)  
 2000 Feet  
 1000 Meters

- |                           |                    |
|---------------------------|--------------------|
| Local Road                | Airfield           |
| State Route               | Summit             |
| Interstate/Limited Access | Geographic Feature |
| US Highway                | Locale             |
| Utility/Pipe              | Public Airport     |
| Railroad                  | Exit               |
| Point of Interest         | Cemetery           |
| Small Town                | State Boundary     |

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City or Plantation

ELIOT

Street, Road or Subdivision

66 ROUTE 236

Name of Owner

TIRES

## SUBSURFACE WASTEWATER DISPOSAL PLAN

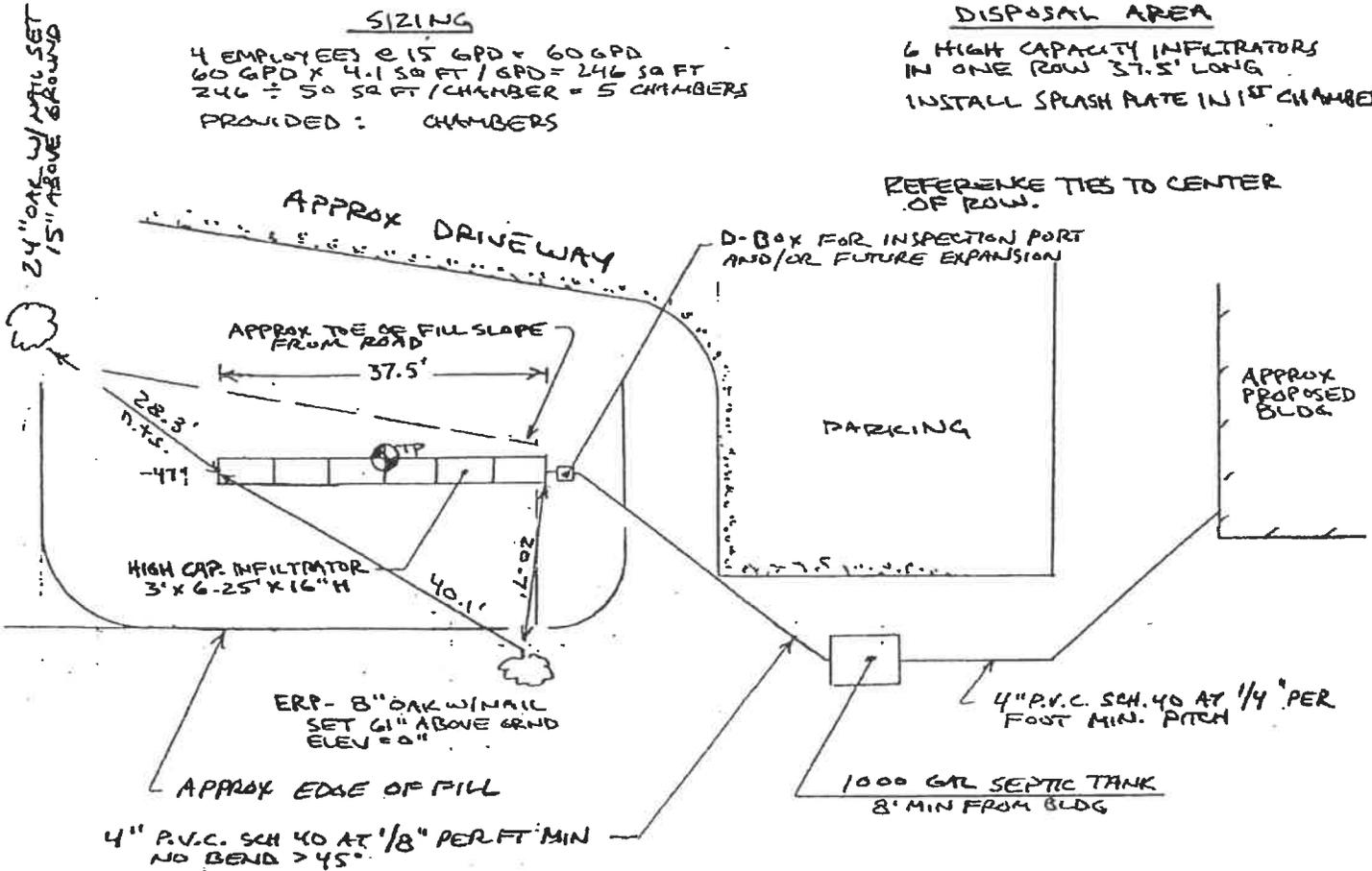
Scale: 1" = 20 FL

### SIZING

4 EMPLOYEES @ 15 GPD = 60 GPD  
 60 GPD x 4.1 SQ FT / GPD = 246 SQ FT  
 246 ÷ 50 SQ FT / CHAMBER = 5 CHAMBERS  
 PROVIDED: 5 CHAMBERS

### DISPOSAL AREA

6 HIGH CAPACITY INFILTRATORS  
 IN ONE ROW 37.5' LONG  
 INSTALL SPLASH RATE IN 1<sup>ST</sup> CHAMBER



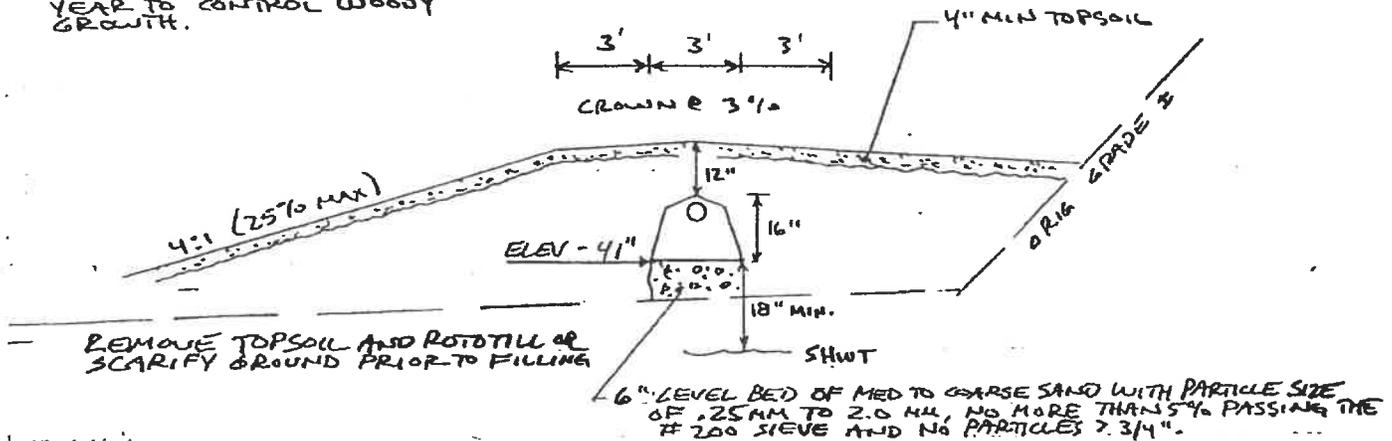
FILL REQUIREMENTS	CONSTRUCTION ELEVATIONS	ELEVATION REFERENCE POINT
Depth of Fill (Upslope) <u>35</u>	Finished Grade Elevation <u>-12"</u>	Location & Description <u>ERP-8" OAK</u>
Depth of Fill (Downslope) <u>45</u>	Top of Distribution Pipe or Proprietary Device <u>-25"</u>	<u>W/MAIL SET 6" ABOVE GROUND</u>
	Bottom of Disposal Area (CHAMBERS) <u>-41"</u>	Reference & Elevation <u>0"</u>

COVER: GRASS  
 HERBACEOUS PERENNIALS

MOW AT LEAST TWICE PER  
 YEAR TO CONTROL WOODY  
 GROWTH.

### DISPOSAL AREA CROSS SECTION AT END OF ROW

Scale:  
 Vertical: 1" = 3 FL  
 Horizontal: 1" = 6 FL



REMOVE TOPSOIL AND ROTOTILL OR  
 SCARIFY GROUND PRIOR TO FILLING

6" LEVEL BED OF MED TO COARSE SAND WITH PARTICLE SIZE  
 OF .25MM TO 2.0MM, NO MORE THAN 5% PASSING THE  
 # 200 SIEVE AND NO PARTICLES > 3/4"

*Michael Manow*  
 Site Evaluator Signature

219  
 SE #

7-23-97  
 Date

# PLUMBING APPLICATION

Department of Human Services  
Division of Health Engineering

## PROPERTY ADDRESS

Town Or Plantation: 6620W Highway ELIOT ME 03903  
Street Subdivision Lot #:

## PROPERTY OWNERS NAME

Last: Casella Waste Management First: MANAGEMENT  
Applicant Name: FEDERAL PLUMBING  
Mailing Address of Owner/Applicant (If Different): 10500 271 Freedom Hill 03936

ELIOT 1799 TOWN COPY  
Date Permit Issued: 11/22/99 \$ 1310  Double Fee Charged  
Local Plumbing Inspector Signature: [Signature] L.P.I. # 79

## Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Signature of Owner/Applicant: [Signature] Date: 11/22/99

## Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules.

Local Plumbing Inspector Signature: \_\_\_\_\_

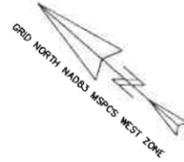
Date Approved: \_\_\_\_\_

## PERMIT INFORMATION

<b>This Application is for</b> 1. <input checked="" type="checkbox"/> NEW PLUMBING 2. <input type="checkbox"/> RELOCATED PLUMBING	<b>Type Of Structure To Be Served:</b> 1. <input type="checkbox"/> SINGLE FAMILY DWELLING 2. <input type="checkbox"/> MODULAR OR MOBILE HOME 3. <input type="checkbox"/> MULTIPLE FAMILY DWELLING 4. <input type="checkbox"/> OTHER — SPECIFY <u>office</u>	<b>Plumbing To Be Installed By:</b> 1. <input checked="" type="checkbox"/> MASTER PLUMBER 2. <input type="checkbox"/> OIL BURNERMAN 3. <input type="checkbox"/> MFG'D. HOUSING DEALER / MECHANIC 4. <input type="checkbox"/> PUBLIC UTILITY EMPLOYEE 5. <input type="checkbox"/> PROPERTY OWNER LICENSE # <u>MS, 1,0,0108652</u>
---	---	--

Hook-Up & Piping Relocation Maximum of 1 Hook-Up	Column 2		Column 1	
	Number	Type of Fixture	Number	Type of Fixture
HOOK-UP: to public sewer in those cases where the connection is not regulated and inspected by the local Sanitary District.  <b>OR</b> HOOK-UP: to an existing subsurface wastewater disposal system.	0, 1	Hosebibb / Sillcock		Bathtub (and Shower)
		Floor Drain		Shower (Separate)
PIPING RELOCATION: of sanitary lines, drains, and piping without new fixtures.		Urinal	0, 2	Sink
		Drinking Fountain		Wash Basin
<b>OR</b> TRANSFER FEE [\$6.00]		Indirect Waste	2, 1	Water Closet (Toilet)
		Water Treatment Softener, Filter, etc.		Clothes Washer
		Grease / Oil Separator		Dish Washer
		Dental Cuspidor		Garbage Disposal
		Bidet		Laundry Tub
		Other: _____	0, 1	Water Heater
		<b>Fixtures (Subtotal) Column 2</b>	0, 4	<b>Fixtures (Subtotal) Column 1</b>
			0, 1	<b>Fixtures (Subtotal) Column 2</b>
			5	<b>Total Fixtures</b>
			\$ 4, 1	<b>Fixture Fee</b>
			\$	<b>Transfer Fee</b>
			\$	<b>Hook-Up &amp; Relocation Fee</b>
			\$ 3, 1	<b>Permit Fee (Total)</b>

SEE PERMIT FEE SCHEDULE FOR CALCULATING FEE



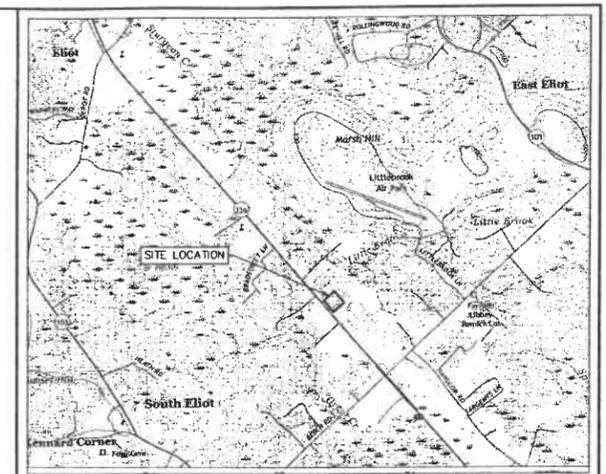
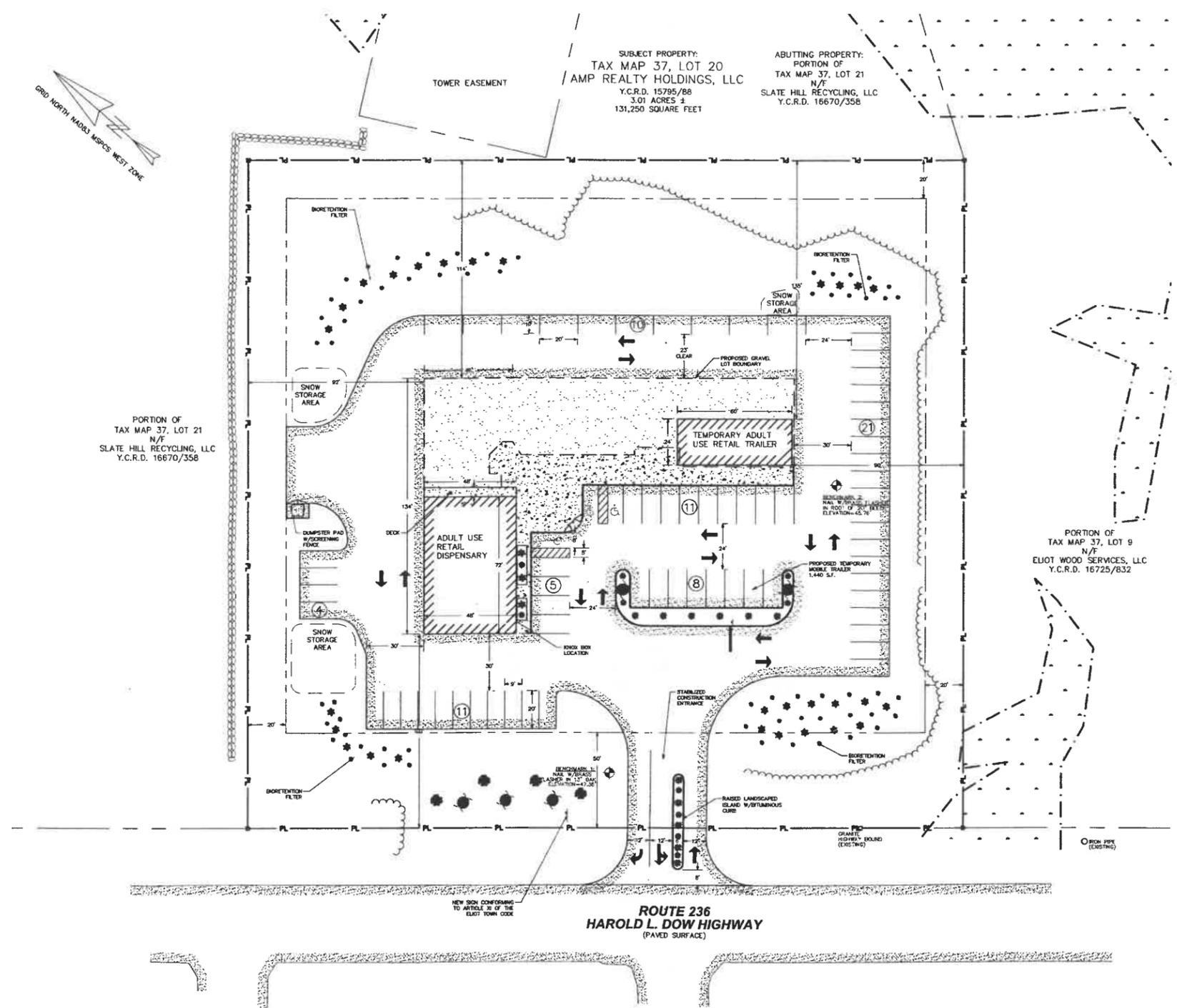
SUBJECT PROPERTY:  
 TAX MAP 37, LOT 20  
 AMP REALTY HOLDINGS, LLC  
 Y.C.R.D. 15795/88  
 3.01 ACRES ±  
 131,250 SQUARE FEET

ABUTTING PROPERTY:  
 PORTION OF  
 TAX MAP 37, LOT 21  
 N/F  
 SLATE HILL RECYCLING, LLC  
 Y.C.R.D. 16670/358

PORTION OF  
 TAX MAP 37, LOT 21  
 N/F  
 SLATE HILL RECYCLING, LLC  
 Y.C.R.D. 16670/358

PORTION OF  
 TAX MAP 37, LOT 9  
 N/F  
 ELIOT WOOD SERVICES, LLC  
 Y.C.R.D. 16725/832

LEGEND	
PROPERTY LINE	—
SETBACK	- - - -
EXT. ABUTTER LINE	- - - -
PRP. RIGHT-OF-WAY	- - - -
EXT. PAVEMENT	=====
PRP. PAVEMENT	=====
PRP. BUILDING	[Hatched Box]
EXT. WETLAND BNDY	[Wavy Line]
EXT. WETLAND AREA	[Stippled Area]
FOUND PIPE OR IRON ROD	○
FOUND STONE OR CONCRETE MONUMENT	□



SITE LOCATION MAP  
 APPROXIMATE SCALE 1" = 2000'

GENERAL NOTES

- THE PLAN PROVIDES A PROPOSED SITE PLAN AMENDMENT TO THE PROPERTY LOCATED AT 290 HAROLD DOW HIGHWAY (ROUTE 236) IN ELIOT. THE PROPOSED AMENDMENT REDUCES THE OVERALL SIZE OF THE PROPOSED BUILDING AND CHANGES THE USE TO ADULT USE RETAIL STOREFRONT.
- BOUNDARY LINES, EXISTING CONDITIONS, TOPOGRAPHY AND INITIAL DESIGN BASIS BASED UPON REFERENCE 3.
- ASSESSOR'S INFORMATION: TOWN OF ELIOT  
 PORTION OF ASSESSOR'S MAP 37 LOT 20
- RECORD OWNER: AMP REALTY HOLDINGS  
 C/O NORTHERN POOL & SPA  
 291 HAROLD L. DOW HIGHWAY  
 ELIOT, MAINE 03903
- DEED REFERENCE: Y.C.R.D. 15795/088
- ZONING INFORMATION: COMMERCIAL/INDUSTRIAL (C/I) DISTRICT  
 LOT SIZE: 3 ACRES  
 MINIMUM LOT SIZE: 3 ACRES  
 FRONT SETBACK: 50'  
 SIDE SETBACK: 20'  
 REAR SETBACK: 20'  
 MAXIMUM BUILDING HEIGHT: 55'  
 MAXIMUM LOT COVERAGE: 50%
- LOCUS PARCEL CONTAINS 3 ACRES MORE OR LESS
- PARKING REQUIREMENTS:  
 REQUIRED SPACE: 1 SPACE/150 S.F.  
 APPROX. RETAIL AREA: 4172 S.F./150 S.F. = 27.8 SPACES  
 REQUIRED OFFICE SPACE: 1 SPACE/700 S.F.  
 APPROX. OFFICE SPACE: 278 S.F./700 S.F. = 1.4 SPACES  
 TOTAL REQUIRED: 29.2 SPACES  
 TOTAL PROVIDED: 70 SPACES
- SECURITY CAMERAS MUST BE PERMANENTLY FIXED AT THE FOLLOWING LOCATIONS IN THE ESTABLISHMENT:  
  - ALL EXIT/ENTRY POINTS (SUFFICIENT TO IDENTIFY INDIVIDUALS ENTERING AND EXITING THE PREMISES AND LIMITED ACCESS AREAS).
  - 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).
  - 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.
  - ALL SURVEILLANCE RECORDINGS MUST BE KEPT FOR A MINIMUM OF 45 DAYS ON THE LICENSEE'S RECORDING DEVICE.
- 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.

REFERENCES

- "UPDATED EXISTING CONDITIONS PLAN OF LAND OF AMP REALTY HOLDINGS, LLC., 290 HAROLD L. DOW HIGHWAY (ROUTE 236), TAX MAP 37, LOT 20, ELIOT, YORK COUNTY, MAINE." DATED MAY 17, 2017. PREPARED BY CIVIL CONSULTANTS.
- REFER TO MAINE DOT ENTRANCE PERMIT #9781 DATED JANUARY 1, 2010 FOR 42' WIDE ENTRANCE TO COMMERCIAL/INDUSTRIAL USE WITH THE DIMENSIONS SHOWN HEREON.
- "SITE PLAN, AMP COMMERCIAL DEVELOPMENT, 290 HAROLD L. DOW HIGHWAY (ROUTE 236), TAX MAP 37, LOT 20, ELIOT, YORK COUNTY, MAINE." DATED SEPTEMBER 28, 2017. PREPARED BY CIVIL CONSULTANTS.

TOWN OF ELIOT PLANNING BOARD		DATE
CHAIR		

NOT FOR CONSTRUCTION


TAX MAP 37, LOT 20



SITE PLAN  
 AMP COMMERCIAL DEVELOPMENT  
 290 HAROLD L. DOW HIGHWAY, ELIOT, MAINE

FOR: 290 HAROLD L. DOW, LLC  
 61 BRADSTREET LANE  
 ELIOT, ME 03903

**ATTAR ENGINEERING, INC.**  
 CIVIL • STRUCTURAL • MARINE • SURVEYING  
 1284 STATE ROAD - ELIOT, MAINE 03903  
 PHONE: (207)438-6023 FAX: (207)439-2128

SCALE: APPROVED BY: DRAWN BY:

**LEGEND:**

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS
- MAP 11 / LOT 21
- RAILROAD SPIKE FOUND
- IRON ROD/IRON PIPE FOUND
- IRON PIPE FOUND
- STONE/CONCRETE BOUND FOUND
- RAILROAD SPIKE SET
- IRON ROD SET
- DRILL HOLE SET
- GRANITE BOUND SET
- BOUNDARY
- BUILDING SETBACK
- OVERHEAD ELECTRIC/WIRES
- CONTOUR
- SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (=/ GUY)
- SIGNS
- ELEVATION
- EDGE OF PAVEMENT
- FINISHED FLOOR
- INVERT
- TEMPORARY BENCHMARK
- TYPICAL

**PLAN REFERENCES:**

- 1) ALTA/ASCM LAND TITLE SURVEY FOR RUBBER RECOVERY TECHNOLOGIES, ROUTE 236 ELIOT, MAINE. PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC. DATED MARCH 12, 2001. NOT RECORDED.
- 2) SUBDIVISION PLAN, TAX MAP 37 - LOTS 6, 9 & 14. RECORD OWNERS: ELIOT RECYCLING SERVICES, LLC, 276 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903. PROPERTY LOCATED AT: HAROLD L. DOW HIGHWAY, TOWN OF ELIOT, COUNTY OF YORK, STATE OF MAINE. PREPARED BY AMBIT ENGINEERING, INC. DATED SEPTEMBER 2010. FINAL REVISION DATE DECEMBER 7, 2010. Y.C.R.D. PLAN BOOK 348 PAGE 9.
- 3) SKETCH TO ACCOMPANY DEED FOR PROPOSED OUTSALE LAND OF ELIOT RECYCLING SERVICES, LLC TAX MAP 37, LOT 6 AND 9 ROUTE 236, ELIOT, YORK COUNTY, MAINE, PREPARED FOR: PETER PAUL, P.O.BOX 694, ELIOT, ME 03903, SCALE 1" = 100', DATED 12/3/09, PREPARED BY CIVIL CONSULTANTS, Y.C.R.D. PLAN BOOK 341 PAGE 20.

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

**NOTES:**

- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 37 AS LOT 9.
- 2) OWNER OF RECORD:  
BLACK HAWK HOLDINGS  
276 HAROLD L. DOW HIGHWAY  
ELIOT, ME 03903  
17973/921
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 2301490010B. EFFECTIVE DATE JUNE 5, 1989.
- 4) EXISTING LOT AREA:  
2,140,126 S.F.  
49.1305 ACRES
- 5) PARCEL IS LOCATED IN COMMERCIAL/INDUSTRIAL DISTRICT & PARTIALLY IN THE STREAM AND WETLANDS PROTECTION DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA: 3 ACRES  
FRONTAGE: 300 FEET  
SETBACKS: FRONT 30 FEET  
SIDE 20 FEET  
REAR 20 FEET  
MAXIMUM STRUCTURE HEIGHT: 35 FEET  
MAXIMUM LOT COVERAGE: 50%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A BOUNDARY SURVEY OF ASSESSOR'S MAP 37 LOT 9 IN THE TOWN OF ELIOT.
- 8) PARCEL IS SUBJECT TO THE TERMS AND CONDITIONS OF A LEASE BY AND BETWEEN CASELLA T.I.R.E.S., INC. AND SPRINT SPECTRUM LP OF A PCS SITE AGREEMENT RECORDED AT YCRD 11290/92 AND AN EASEMENT FOR A CELL TOWER AND ACCESS (AND GUY OR UTILITY AREAS) RECORDED AT 14856/86.
- 9) PARCEL IS SUBJECT TO AN ENVIRONMENTAL COVENANT WITH THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A VOLUNTARY RESPONSE ACTION PROGRAM. (SEE YCRD 15377/845)
- 10) PARCEL IS SUBJECT TO THE PERMITTED ENCUMBRANCES AS ENUMERATED IN YCRD 14534/625.
- 11) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').

**BLACK HAWK HOLDINGS**  
**TAX MAP 37 LOT 9**  
**276 HAROLD L. DOW HIGHWAY, ELIOT, ME.**

NO.	DESCRIPTION	DATE
1	ISSUED FOR REVIEW	3/17/20
0	ISSUED FOR COMMENT	12/31/19

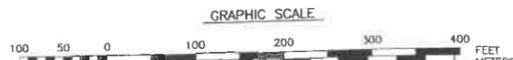
**REVISIONS**

NO.	DESCRIPTION	DATE

SCALE: 1" = 100' NOVEMBER 2019

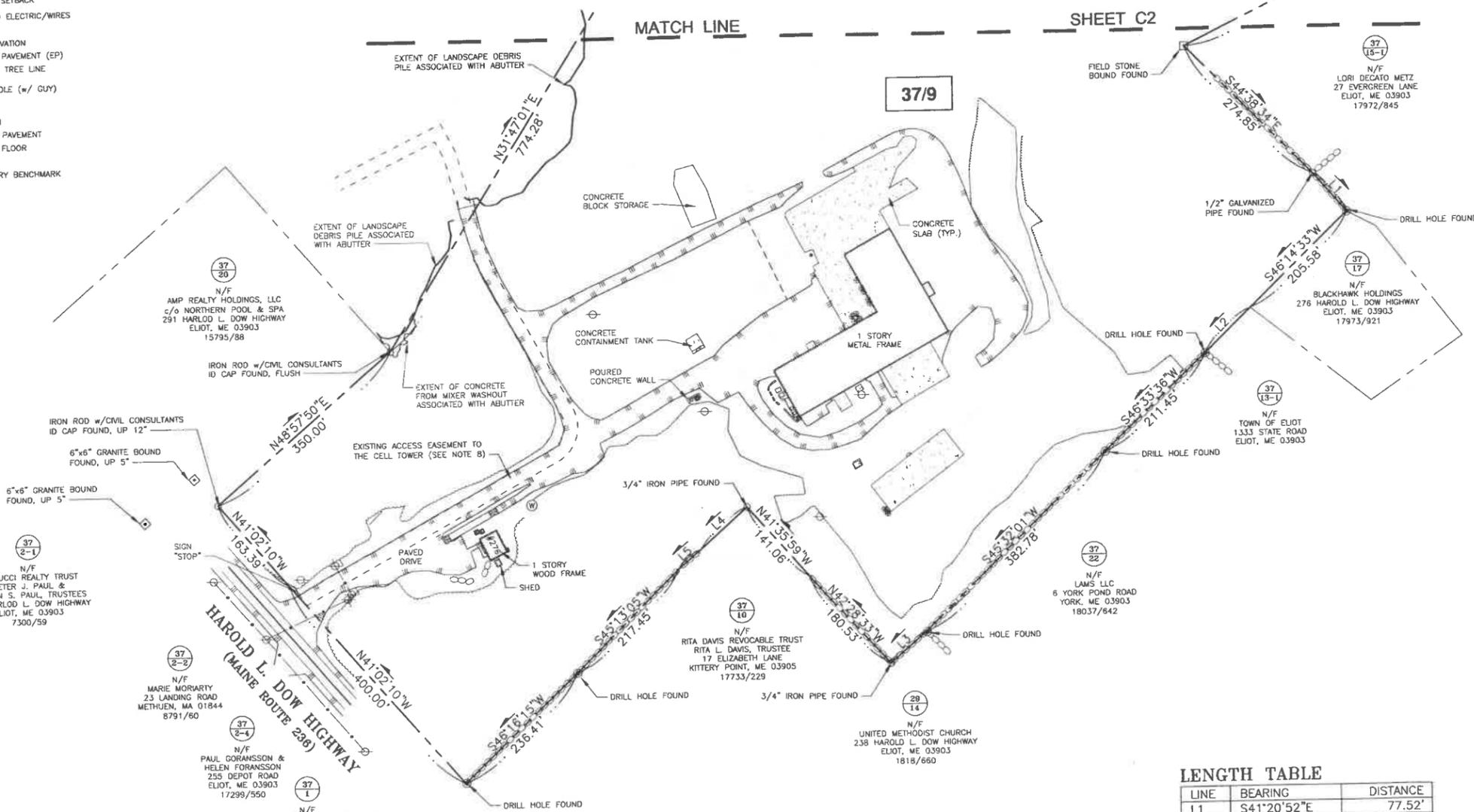
**BOUNDARY PLAN** **C1**

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



**LENGTH TABLE**

LINE	BEARING	DISTANCE
L1	S41°20'52"E	77.52'
L2	S45°52'08"W	96.71'
L3	S49°20'36"W	72.30'
L4	S47°45'05"W	93.52'
L5	S50°04'06"W	45.17'



ME SPC  
NA082(2011)  
GRID NORTH  
WEST ZONE

**LEGEND:**

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS
- MAP 11 / LOT 21
- RAILROAD SPIKE FOUND
- IRON ROD/IRON PIPE FOUND
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- BOUNDARY
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- CONTOUR
- SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- SIGNS
- ELEVATION
- EP EDGE OF PAVEMENT
- FF FINISHED FLOOR
- INV. INVERT
- TBM TEMPORARY BENCHMARK
- TYP TYPICAL

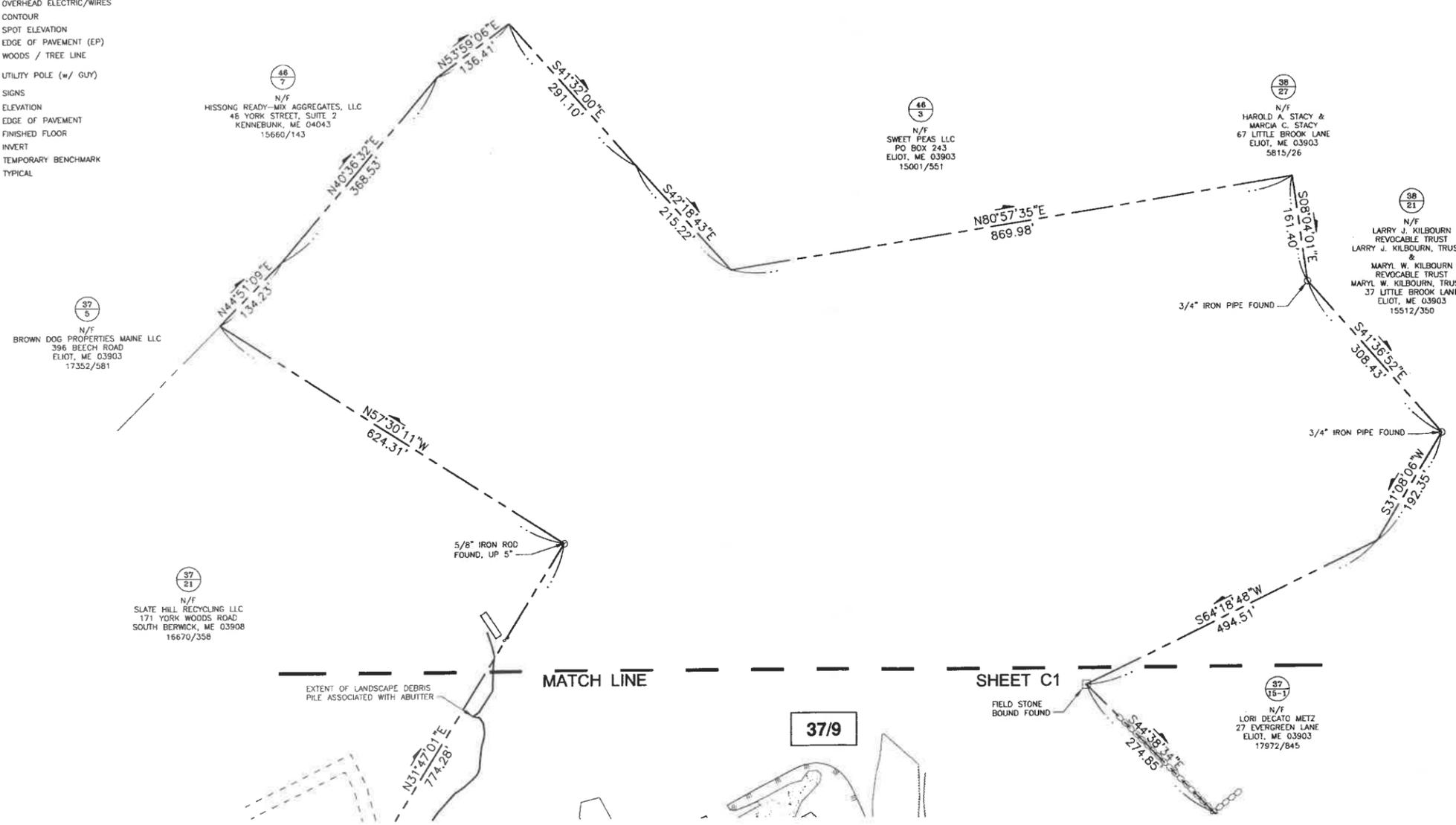
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**AMBIT ENGINEERING, INC.**  
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 Tel (603) 430-9282  
 Fax (603) 436-2315

**NOTES:**

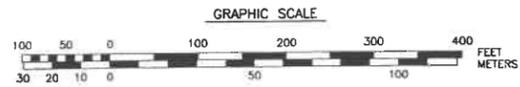
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 BLACK HAWK HOLDINGS  
 276 HAROLD L. DOW HIGHWAY  
 ELIOT, ME 03903  
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 49.1305 ACRES
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- 6) DIMENSIONAL REQUIREMENTS:  
 MIN. LOT AREA: 3 ACRES  
 FRONTAGE: 300 FEET  
 SETBACKS: FRONT 30 FEET  
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                   REAR 20 FEET  
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 MAXIMUM LOT COVERAGE: 50%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A BOUNDARY SURVEY OF ASSESSOR'S MAP 37 LOT 9 IN THE TOWN OF ELIOT.
- 8) PARCEL IS SUBJECT TO THE TERMS AND CONDITIONS OF A LEASE BY AND BETWEEN CASSELLA T.I.R.E.S., INC. AND SPRINT SPECTRUM LP OF A PCS SITE AGREEMENT RECORDED AT YCRD 11290/92 AND AN EASEMENT FOR A CELL TOWER AND ACCESS (AND GUY OR UTILITY) AREAS) RECORDED AT 14856/86.
- 9) PARCEL IS SUBJECT TO AN ENVIRONMENTAL COVENANT WITH THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A VOLUNTARY RESPONSE ACTION PROGRAM. (SEE YCRD 15377/845)
- 10) PARCEL IS SUBJECT TO THE PERMITTED ENCUMBRANCES AS ENUMERATED IN YCRD 14534/625.
- 11) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS (±0.2').



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



*John R. Chagnon*  
 JOHN R. CHAGNON, PLS #2276  
 3-17-20  
 DATE



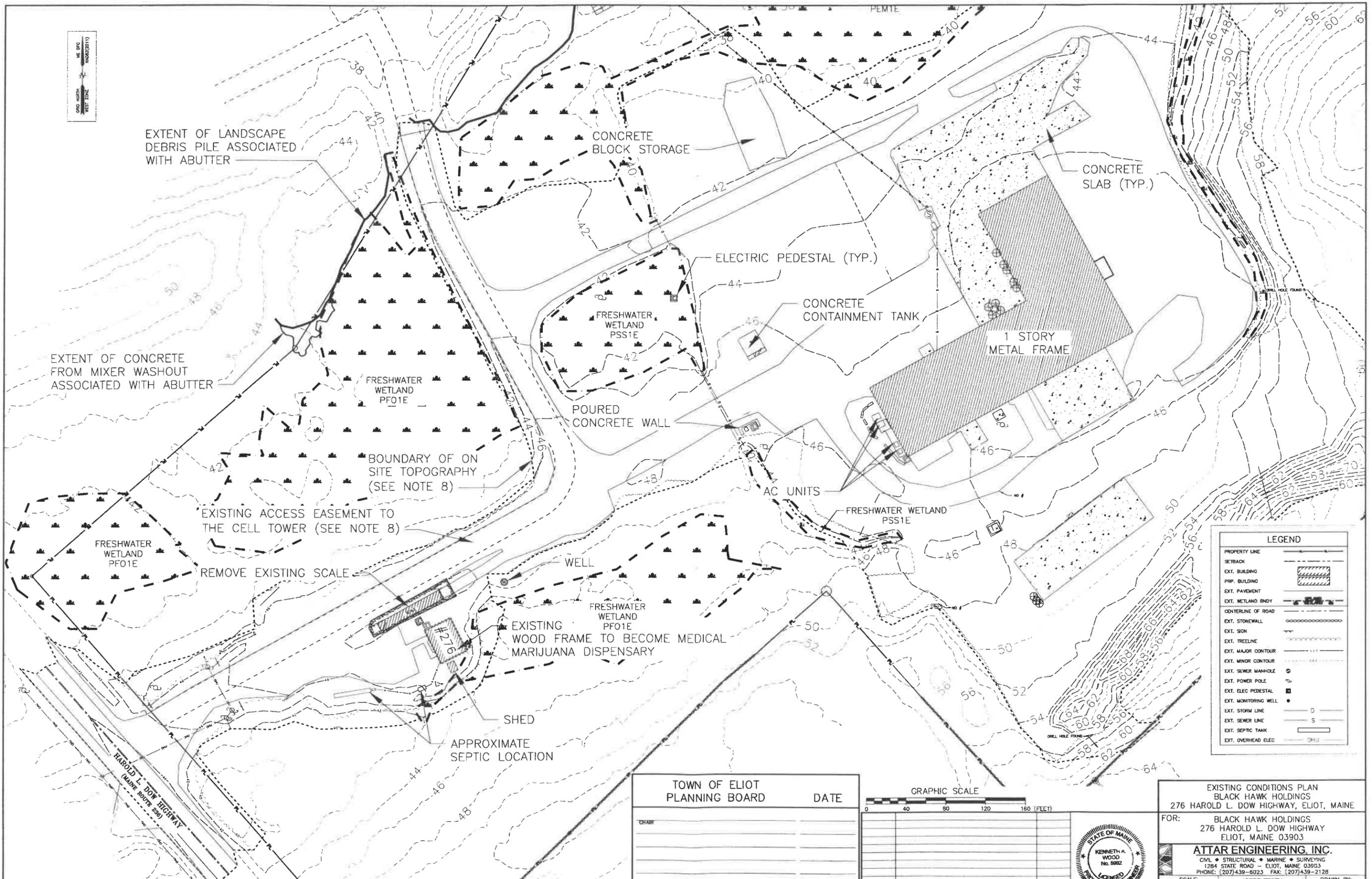
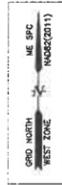
**BLACK HAWK HOLDINGS**  
 TAX MAP 37 LOT 9  
 276 HAROLD L. DOW HIGHWAY, ELIOT, ME.

1	ISSUED FOR REVIEW	3/17/20
0	ISSUED FOR COMMENT	12/31/19
NO.	DESCRIPTION	DATE
REVISIONS		

SCALE: 1" = 100'      NOVEMBER 2019

**BOUNDARY PLAN**      **C2**

J:\0857\151850\151850.dwg Plot: P:\Users\jchagnon\151850.dwg Plot: 2/17/2020 12:40:37 PM



EXTENT OF LANDSCAPE DEBRIS PILE ASSOCIATED WITH ABUTTER

CONCRETE BLOCK STORAGE

CONCRETE SLAB (TYP.)

ELECTRIC PEDESTAL (TYP.)

FRESHWATER WETLAND PSS1E

CONCRETE CONTAINMENT TANK

1 STORY METAL FRAME

EXTENT OF CONCRETE FROM MIXER WASHOUT ASSOCIATED WITH ABUTTER

FRESHWATER WETLAND PFO1E

POURED CONCRETE WALL

BOUNDARY OF ON SITE TOPOGRAPHY (SEE NOTE 8)

AC UNITS

FRESHWATER WETLAND PSS1E

EXISTING ACCESS EASEMENT TO THE CELL TOWER (SEE NOTE 8)

FRESHWATER WETLAND PFO1E

REMOVE EXISTING SCALE

WELL

EXISTING WOOD FRAME TO BECOME MEDICAL MARIJUANA DISPENSARY

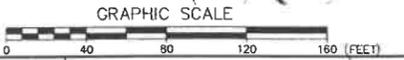
FRESHWATER WETLAND PFO1E

SHED

APPROXIMATE SEPTIC LOCATION

LEGEND	
PROPERTY LINE	---
SETBACK	---
EXT. BUILDING	[Hatched Box]
PRP. BUILDING	[Dotted Box]
EXT. PAVEMENT	----
EXT. WETLAND BNDY	[Wetland Symbol]
CENTERLINE OF ROAD	---
EXT. STONEWALL	-----
EXT. SIGN	---
EXT. TREELINE	~~~~~
EXT. MAJOR CONTOUR	-----
EXT. MINOR CONTOUR	-----
EXT. SEWER MANHOLE	⊙
EXT. POWER POLE	⊕
EXT. ELEC PEDESTAL	⊞
EXT. MONITORING WELL	⊙
EXT. STORM LINE	---
EXT. SEWER LINE	---
EXT. SEPTIC TANK	---
EXT. OVERHEAD ELEC	---

TOWN OF ELIOT PLANNING BOARD	DATE
CHAIR	



EXISTING CONDITIONS PLAN  
BLACK HAWK HOLDINGS  
276 HAROLD L. DOW HIGHWAY, ELIOT, MAINE

FOR:  
BLACK HAWK HOLDINGS  
276 HAROLD L. DOW HIGHWAY  
ELIOT, MAINE 03903

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

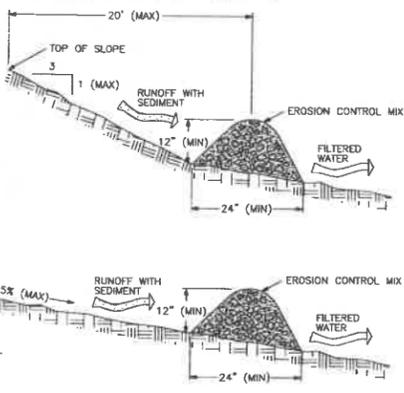
- INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL PARTICLES ACCUMULATING BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND IN NO INSTANCE SHOULD ACCUMULATION EXCEED 1/2 THE HEIGHT OF THE FENCE. TORN OR DAMAGED AREAS SHALL BE REPAIRED.
- TEMPORARY AND 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.
  - 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.
  - ALL LAWN AREA, OUTER POND SIDE SLOPES AND SWALES SHALL BE PERMANENTLY SEEDDED 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-K20) 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.
  - POND BOTTOMS AND INNER POND SIDESLOPES SHALL BE PERMANENTLY SEEDDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 8 LB/ACRE BIRDFOOT TREFOIL AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.
  - 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.
  - TEMPORARY SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. PERMANENT SEEDING SHALL BE ACCOMPLISHED BEFORE SEPTEMBER 15.
  - ALL SEEDED AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-90 LB) PER 1000 S.F. OF SEEDED AREA.
  - 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.
  - EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.
  - 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.
  - 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.
  - 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.
  - THE CHANNEL SHOULD RECEIVE ADEQUATE ROUTINE MAINTENANCE TO MAINTAIN CAPACITY AND PREVENT OR CORRECT ANY EROSION OF THE CHANNEL'S BOTTOM OR SIDE SLOPES.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.

- 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.
- 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.
  - 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.
  - 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.
  - REMOVE ANY TEMPORARY CONTROL MEASURES, SUCH AS SILTATION FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ACHIEVED. REMOVE ANY ACCUMULATED SEDIMENTS AND STABILIZE.
  - 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, SOO, OR THROUGH THE USE OF PERMANENT MULCH OR RIPRAP. 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 SEED 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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).
  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:
    - DISCHARGES FROM FIREFIGHTING ACTIVITY;
    - FIRE HYDRANT FLUSHINGS;
    - VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
    - DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS AND APPENDIX C(3);
    - ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
    - 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;
    - UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;
    - UNCONTAMINATED GROUNDWATER OR SPRING WATER;
    - FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;
    - UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN APPENDIX C(5));
    - PORTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS
    - LANDSCAPE IRRIGATION
  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:
    - WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
    - FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE;
    - SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND
    - TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE

- MULCHED AND ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SO THAT THE SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH.
- 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.
  - 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 5%. 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%.
  - SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.
  - 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.
  - ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE SHALL BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.
  - 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.
  - 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**

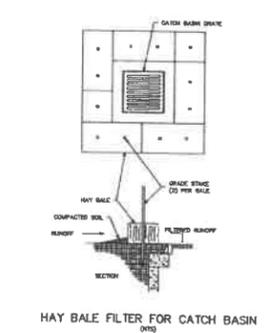
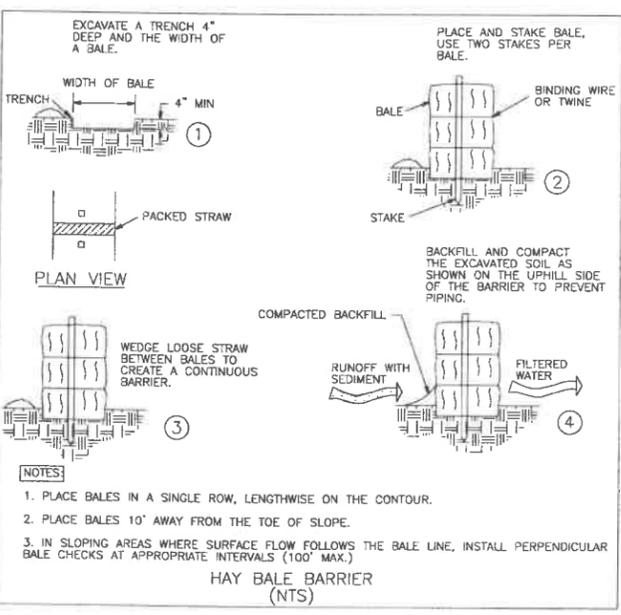
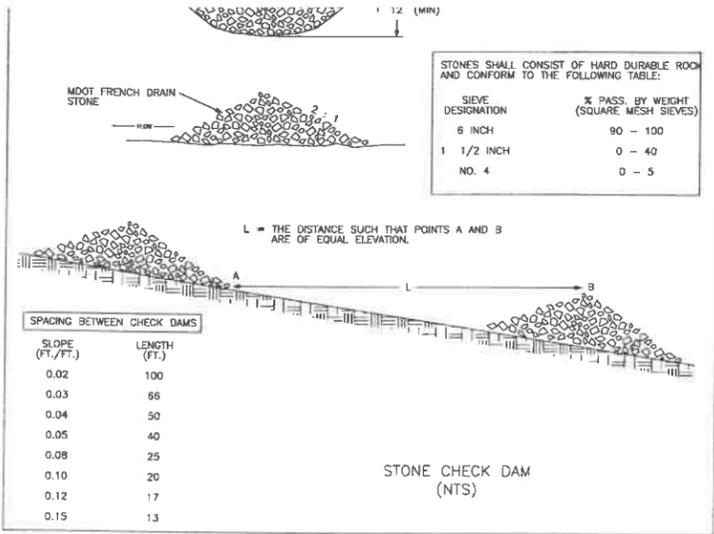
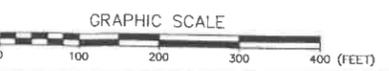
- INSPECTION AND CORRECTIVE ACTION. INSPECT DISTURBED AND IMPERVIOUS AREAS, EROSION CONTROL MEASURES, MATERIALS STORAGE AREAS THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE. INSPECT THESE AREAS AT LEAST ONCE A WEEK AS WELL AS BEFORE AND WITHIN 24 HOURS AFTER A STORM EVENT (1" 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.
- 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.
- 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.



**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)



**TOWN OF ELIOT PLANNING BOARD**

DATE \_\_\_\_\_

CHAR \_\_\_\_\_

NO.	DESCRIPTION	DATE

**EROSION AND SEDIMENTATION CONTROL PLAN**  
BLACK HAWK HOLDINGS  
276 HAROLD L. DOW HIGHWAY, ELIOT, MAINE

FOR: BLACK HAWK HOLDINGS  
276 HAROLD L. DOW HIGHWAY  
ELIOT, MAINE 03903

**ATTAR ENGINEERING, INC.**  
CIVIL • STRUCTURAL • MARINE • SURVEYING  
1284 STATE ROAD - ELIOT, MAINE 03903  
PHONE: (207)439-8023 FAX: (207)439-2128

SCALE: 1" = 40'  
DATE: 08/18/2020  
JOB NO: C019-20

APPROVED BY:

FILE: BLACK\_HAWK\_BASE.DWG

DRAWN BY: ACC  
REVISION DATE: - - -  
SHEET 4 OF 4





# ATTAR

ENGINEERING, INC

CIVIL ♦ STRUCTURAL ♦ MARINE

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

September 22<sup>nd</sup>, 2020  
Project No. C019-20

**RE: Site Plan Application (Change of Use)  
276 H.L. Dow Highway (Tax Map 37, Lot 9)  
Eliot, Maine**

Dear Mr. Brubaker:

On behalf of Black Hawk Holdings, LLC I am reaching out regarding their project located at 276 Howard L. Dow Highway.

As in the application sent on the 18<sup>th</sup> of August our client is proposing a Medical Marijuana Retail Storefront. This would be a Medical Marijuana Establishment for the retail sale of Medical Marijuana.

The metal framed building in the rear of the site is currently used for Medical Marijuana Cultivation and is in the process of becoming compliant as an Adult Use Medical Marijuana Establishment for Adult Use Marijuana Cultivation.

Once a conditional license is obtained from the State of Maine our client will return to the Planning Board to request an allowed use of the building as an Adult Use Marijuana Establishment.

Enclosed is a letter from our client detailing the history of the property and the intent for the future.

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: Black Hawk Holdings, LLC  
C019-20\_Eliot\_Cover

Black Hawk Holdings LLC  
276 Harold L Dow Highway  
Eliot, ME 03903

To: Town of Eliot (Planning Board)

To whom it may concern:

Background:

In June of 2019 Black Hawk Holding purchased the parcel of land located at 276 Harold L Dow Highway in Eliot ME. Post purchase we were notified of a potential code violation regarding our tenant who had a medical cannabis cultivation company on the site. The code violation was in regards to the five-hundred-foot buffer required when a property abuts a residential, government, or place of worship. The building in question is approximately four hundred and ten feet to its nearest corner (although a good portion of the building is beyond the buffer). Black Hawk Holding presented this issue to the town and started the process of compliance. Unfortunately, the pandemic shut down town operations which lasted until July causing further delays.

Purpose of letter: The purpose of this letter is to inform the town of Eliot and the Planning board that the current Medical Cannabis Cultivation business has begun the process to become compliant by becoming an "Adult Marijuana Establishment" for Adult Use Marijuana Cultivation. We have provided written notification the tenant that in order to continue business operations, compliance must be achieved in the most expedited way possible.

We very much look forward to our continued focus of cleaning up what was a dilapidated property and turning it into an attractive, taxable property for the town of Eliot.

Thank you,

Stephen Dunker

Managing Partner

Black Hawk Holdings LLC