

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

POSTED
6/08/21

TYPE OF MEETING: REMOTE
PLACE: ZOOM ONLINE MEETING

DATE: Tuesday, June 15, 2021
TIME: 7:00 P.M.

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

- 1) **ROLL CALL**
 - a) Quorum, Alternate Members, Conflicts of Interest
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **MOMENT OF SILENCE**
- 4) **10-MINUTE PUBLIC INPUT SESSION**
- 5) **ELECTION OF OFFICERS**
- 6) **ANNUAL TOWN MEETING AND REFERENDUM**
 - a) Overview of results, update on ordinances and other planning-specific ballot topics
- 7) **REVIEW AND APPROVE MINUTES**
 - a) June 1, 2021 – if available
- 8) **NOTICE OF DECISION**
- 9) **PUBLIC HEARING**
 - a) 37 Riverview Drive (Map 60/Lot 6), PID # 060-006-000, PB21-11: Shoreland Zoning Permit Application – Stabilization of approximately 158 linear feet of shoreline along the Piscataqua River
 - b) 43 Riverview Drive (Map 60/Lot 7), PID # 060-007-000, PB21-12: Shoreland Zoning Permit Application – Stabilization of approximately 130 linear feet of shoreline along the Piscataqua River
- 10) **OLD BUSINESS**
- 11) **NEW BUSINESS**
 - a) 242 River Road (Map 19/Lot 3), PID # 019-003-000, PB21-14: Home Business Application – In-Home Childcare – Sketch Plan Review
 - b) 86 Worster Road (Map 86/Lot 40), PID # 086-040-000, PB21-15: Home Business Application – Seasonal Bee Farm and Honey Production and Sales Home Business – Sketch Plan Review
- 12) **CORRESPONDENCE**
- 13) **SET AGENDA AND DATE FOR NEXT MEETING**
 - a) June 22, 2021
- 14) **ADJOURN**

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

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

Instructions to join remote meeting:

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



Denny Lentz – Chair



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

POSTED
6/02/21
KW

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Remote Zoom Meeting
DATE OF HEARING: June 15th, 2021
TIME: 7:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, June 15th, 2021 at 7:00 PM for the following application(s):

- **37 Riverview Drive (Map 60/Lot 6), PID # 060-006-000, PB21-11:** Shoreland Zoning Permit Application – Stabilization of approximately 158 linear feet of shoreline along the Piscataqua River
 - Applicant: Lynn & Glenn Bublely
 - Property Owner: Lynn & Glenn Bublely

- **43 Riverview Drive (Map 60/Lot 7), PID # 060-007-000, PB21-12:** Shoreland Zoning Permit Application – Stabilization of approximately 130 linear feet of shoreline along the Piscataqua River
 - Applicant: Charles S. Arvenitis, Jr. Revocable Trust
 - Property Owner: Charles S. Arvenitis, Jr. Revocable Trust

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.

ARVENITIS, CHARLES S JR R
CHARLES S ARVENITIS JR TR
43 RIVERVIEW DR
ELIOT, ME 03903

MCNERNEY, VERONICA & MART
VERONICA & MARTIN MCNERNE
44 RIVERVIEW DR
ELIOT, ME 03903

ZANNINI, ROBERT & JAYNE R
ROBERT J & JAYNE E ZANNIN
22 RIVERVIEW DR
ELIOT, ME 03903

BACKOWIES, THOMAS L
BACKOWIES, EVELYN K
31 RIVERVIEW DR
ELIOT, ME 03903

MORTON, TIMOTHY L
MORTON, LAURIE A
38 RIVERVIEW DR
ELIOT, ME 03903

BILLINGS, BRAD E
BILLINGS, SUZANNE M
8 SIENA WAY
ELIOT, ME 03903

NEWSON, ALAN P
NEWSON, FRANCES L
34 HIDDEN MEADOWS LN APT A
ELIOT, ME 03903

CARROLL, PATRICK J JR
CARROLL, MONICA N
23 RIVERVIEW DR
ELIOT, ME 03903

OLSZYNA, MALLEN NOMINEE R
MILDRED M MALLEN & SCOTT
25 RIVERVIEW DR
ELIOT, ME 03903

COLE, LEON A
701 RIVER RD
ELIOT, ME 03903

SHAPLEIGH, PATRICIA W
23 CLAY COVE DR
ELIOT, ME 03903

DERBY, PETER B
DERBY, ELIZABETH H
685 RIVER RD
ELIOT, ME 03903

THERRIEN, MARCELLE REVOCA
MARCELLE & CRAIG N THERRI
37 COUNTRY CLUB RD
COCOA BEACH, FL 32931

FORTUNATO, FRANK JR
FORTUNATO, JANICE G
26 RIVERVIEW DRIVE
ELIOT, ME 03903

TROIANO, MARK
TROIANO, JUDITH
21 RIVERVIEW DR
ELIOT, ME 03903

HAMMOND, PAMELA JOAN
28 SIENA WAY
ELIOT, ME 03903-0152

TROIANO, MARK J & JUDITH
TROIANO, JUSTIN M
1617 MINUTEMEN CAUSEWAY UNIT
201
COCOA BEACH, FL 32931

HARDY, JAN
49 RIVERVIEW DR
ELIOT, ME 03903

ZAMARCHI, ELWOOD J & CARO
ZAMARCHI, MICHAEL
50 RIVERVIEW DR
ELIOT, ME 03903

MANERO, ANTHONY T
31 ANTHONYS LANDING
ELIOT, ME 03903

ZAMARCHI, MICHAEL E
30 RIVERVIEW DR
ELIOT, ME 03903

BACKOWIES, THOMAS L
BACKOWIES, EVELYN K
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ELIOT, ME 03903

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MILDRED M MALLEN & SCOTT
25 RIVERVIEW DR
ELIOT, ME 03903

BUBLEY, GLENN
BUBLEY, LYNN
37 RIVERVIEW DR
ELIOT, ME 03903

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23 CLAY COVE DR
ELIOT, ME 03903

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CARROLL, MONICA N
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34 HIDDEN MEADOWS LN APT A
ELIOT, ME 03903

37 Riverview Drive (Map 60/Lot 6), PB21-11, and 43 Riverview Drive (Map 60/Lot 7), PB21-12: Shoreland Zoning Permit Application – Shoreline Stabilization (consolidated staff report for two applications) – Public Hearing



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Kuerstin Fordham, Riverside & Pickering Marine Contractors, Applicant’s Representative
 Shelly Bishop, Code Enforcement Officer
 Kearsten Metz, Land Use Administrative Assistant
 Date: June 8, 2021 (report date)
 June 15, 2021 (meeting date)
 Re: 37 Riverview Drive (Map 60/Lot 6), PB21-11, and 43 Riverview Drive (Map 60/Lot 7), PB21-12: Shoreland Zoning Permit Application – Shoreline Stabilization (consolidated staff report for two applications) – **Public Hearing for each item**

Application Details/Checklist Documentation	
✓ Address:	37 Riverview Dr. and 43 Riverview Dr.
✓ Map/Lot:	60/6 and 60/7
✓ PB Case#:	21-11 and 21-12
✓ Zoning:	Suburban
✓ Shoreland Zoning:	Resource Protection, Limited Residential
✓ Owner Name:	Lynn & Glenn Bublely (37 Riverview Dr.) Charles S. Arvenitis, Jr., Revocable Trust (43 Riverview Dr.)
✓ Applicant Name:	Lynn & Glenn Bublely (37 Riverview Dr.) Charles S. Arvenitis, Jr., Revocable Trust (43 Riverview Dr.) Agent: Riverside & Pickering Marine Contractors
✓ Proposed Project:	Shoreline Stabilization
✓ Application Received by Staff:	April 6, 2021
✓ Application Fee Paid and Date:	\$200 each paid on April 7, 2021 \$225 each due (\$50 for shoreland apps for “Piers, docks, wharves, bridges and other structures extending over or below the high-water line”; \$175 for public hearings); additional \$25 each has been requested of applicant
✓ Application Sent to Staff Reviewers:	May 12, 2021
✓ Application Heard by PB	May 18, 2021

37 Riverview Drive (Map 60/Lot 6), PB21-11, and 43 Riverview Drive (Map 60/Lot 7), PB21-12: Shoreland Zoning Permit Application – Shoreline Stabilization (consolidated staff report for two applications) – Public Hearing

✓ Found Complete by PB	May 18, 2021
Site Walk	N/A
Site Walk Notice Publication	N/A
Public Hearing	June 15, 2021 (scheduled)
✓ Public Hearing Publication	June 5, 2021
Deliberation	TBD
✓ Reason for PB Review:	Shoreland Zoning Permit Application; SPR use

Overview

This is a combined staff report for two applications/agenda items:

- 37 Riverview Drive (Map 60, Lot 6), PB21-11
- 43 Riverview Drive (Map 60, Lot 7), PB21-12

The Planning Board should review each separately and make individual motions on each, but this consolidated staff report is provided because the proposed activity is contiguous along the Piscataqua River shore frontage of two neighboring properties. The two applications have generally been submitted and reviewed together, first by DEP and now by the Planning Board, and they share the same site plan.

37 Riverview Dr. Applicants and property owners Lynn & Glenn Bublely (agent: Riverside & Pickering Marine Contractors) are seeking review and approval of a Shoreland Zoning Permit Application for the “stabilization of the owner’s eroding shoreline by installing approximately 158 linear feet of rip-rap (2,100 total SF; 1508 SF about HAT line and 493 SF below HAT line) to stabilize an eroding shoreline and prevent further / future erosion and help stabilize and retain the mature trees that are in jeopardy of being lost”.

43 Riverview Dr. Applicant and property owner Charles S. Arvenitis, Jr., Revocable Trust (agent: Riverside & Pickering Marine Contractors) is seeking review and approval of a Shoreland Zoning Permit Application for the “stabilization of approximately 130 linear feet of eroded shoreline using 130 linear feet of rip-rap (1,250 SF Total; 730 SF above HAT line and 520 SF below HAT line) to stabilize an eroding shoreline and prevent further / future erosion and help stabilize and retain the mature trees that are in jeopardy of being lost.”

Each application package includes a Shoreland Zoning Permit Application, DEP NRPA Permit Application package, DEP approval, and a site plan.

37 Riverview Drive (Map 60/Lot 6), PB21-11, and 43 Riverview Drive (Map 60/Lot 7), PB21-12: Shoreland Zoning Permit Application – Shoreline Stabilization (consolidated staff report for two applications) – Public Hearing

Zoning

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

Type of review needed by Planning Board (*June 15 meeting update*)

Planning Board review is needed because permanent residential piers, docks, wharves, bridges and other structures and uses and extending over or below the normal high-water line or within a wetland are SPR uses in Section 44-34 – shoreland zoning land use table. This particular meeting is for conducting a public hearing on each application.

DEP and ACOE permit review

Each application includes DEP and US Army Corps of Engineers (ACOE) approvals.

- NRPA Coastal Wetland Alteration, Significant Wildlife Habitat, Water Quality Certification, Findings of Fact and Order – approved by DEP and filed 2/10/21
- ACOE authorization letter dated 9/24/20

Shoreline stabilization and revegetation summary and review considerations

Existing piers, ramp/gangways, and floats exist with each property; these would remain while the project installs new rip-rap along the shore frontage.

One of the key aspects of shoreland zoning review for a project of this type is tree removal and revegetation. A revegetation plan for both properties is included in the 43 Riverview Drive packet. (See Sheet 2 of 2 with trees shown in green ink.) This plan is intended to show compliance with 44-35(p) – the standard for clearing or removal of vegetation for activities other than timber harvesting.

In an RP district that does not abut a great pond, clearing or removal of vegetation for activities other than timber harvesting “shall be limited to that which is necessary for uses expressly authorized in that district” – in this case, the proposed shoreline stabilization. The revegetation plan shows trees to be removed along the eroding shoreline as X’s. Note 3 of the plan describes how this shoreline has a coastal bluff that has been designated as unstable by the Maine Geological Survey, and Note 4 describes how vegetation and trees on the bluff “have been undermined by erosion control caused by tidal currents, waves and ice movement. The underlying soils and root systems...have been exposed in many areas.” (See also site photos included in the application.)

The stabilization project’s armoring of the lower slope with rip-rap and regrading of the upper bank at a max. 3:1 slope will require the removal of some trees shown on the plan. Before rip-rap installation, the existing marsh vegetation in the mudflat would be transplanted and temporarily stored, to be replanted along with native materials after rip-rap construction. The rip-rap would then armor the lower slope up to an elevation of

37 Riverview Drive (Map 60/Lot 6), PB21-11, and 43 Riverview Drive (Map 60/Lot 7), PB21-12: Shoreland Zoning Permit Application – Shoreline Stabilization (consolidated staff report for two applications) – Public Hearing

(+/-)12, above the FEMA 500-year flood elevation. The upper bank would be regraded 3:1 (max.) with high-nutrient topsoil, with proposed minimization of disturbance to existing vegetation along with replanting of herbaceous low perennials and woody low shrubs according to the planting schedule in the lower right corner of the revegetation plan. Landward of the top of bluff, new trees and saplings would be planted, along with erosion control mix to accompany the existing lawns.

The gridlines shown on this plan are intended to show compliance with 44-35(p)(2) regarding maintaining a vegetated buffer strip within 75 ft. of the river.

- Subsection a. prohibits a cleared opening greater than 250 ft. in the forest canopy. Based on a visual inspection of the plan, this appears to have been met.
- Subection b. allows selective cutting of trees within the buffer “provided that a well-distributed stand of trees and other natural vegetation is maintained”. “Well-distributed” is quantitatively defined by assigning points to trees based on their diameter and maintaining a score of 16 within every 25’ x 50’ rectangular area in the buffer – as shown by the grid cells.
- Notes iii and iv, in summary, generally allow grid cells with less vegetation (<16 pts.) to remain as long as no vegetation is removed, and for grid cells with more vegetation (>16 pts.) to have vegetation removal but it can’t bring them below 16 pts., except as otherwise allowed by the shoreland zoning chapter.
- The middle right of the revegetation plan shows the applicant’s point calculation table. The table shows that grids 2, 4, and 10 are under 16 pts., and no more tree removal can occur. It also shows that grids 5 and 7 would be less than 16 pts., but that achieving this point total is not feasible due to the proposed shoreline stabilization (see note 10). The applicant instead proposes additional tree plantings in the landward grid cells (6 and 8).

If Planning Board members have questions about this, you may wish to ask the applicant to walk through this calculation with the revegetation plan on screenshare.

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner

PB21-14: 242 River Rd. (Map 19, Lot 3): In-Home Childcare Home Business – **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: Angela Boyle, Applicant
 Date: June 8, 2021 (report date)
 June 15, 2021 (meeting date)
 Re: PB21-14: 242 River Rd. (Map 19, Lot 3): In-Home Childcare Home Business – **Sketch Plan Review**

Application Details/Checklist Documentation	
✓ Address:	242 River Rd.
✓ Map/Lot:	19/3
✓ PB Case#:	21-14
✓ Zoning:	Suburban
✓ Shoreland Zoning:	N/A
✓ Owner Name:	Angela and Daniel Boyle
✓ Applicant Name:	Angela Boyle
✓ Proposed Project:	Home Business, Day Nursery (Day Care Center)
✓ Application Received by Staff:	April 28, 2021
✓ Application Fee Paid and Date:	\$25 Home Business – April 28, 2021
✓ Application Fee Paid and Date:	\$175 Public Hearing – not yet paid
✓ Application Sent to Staff Reviewers:	May 26, 2021
Application Heard by PB	June 15, 2021 (scheduled)
Found Complete by PB	
Site Walk	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
Deliberation	TBD
✓ Reason for PB Review:	Home Business Application

Overview: Applicant Angela Boyle is seeking Planning Board review and approval for an in-home child care home business located at 242 River Rd. (Map 19, Lot 3) within the Suburban zoning district. The lot contains an existing single-family residential dwelling unit. The proposed use for the purpose of the land use table is “day nursery” (45-290), allowable in the Suburban district as “SPR 8” – Planning Board home business site plan review – when not abutting Route 236. The applicant owns the home and it is her primary home year-round.

PB21-14: 242 River Rd. (Map 19, Lot 3): In-Home Childcare Home Business – **Sketch Plan Review**

At this time, the applicant does not propose to have any non-occupants employed with the home business. I am seeking more information on hours of operation and maximum number of children to be enrolled and hope that this can be provided by the applicant during the meeting. No merchandise or products will be sold as part of the proposed home business. No business sign is proposed. No fluids, solids, or gases that would be subject to the land use regulations for home businesses are listed in the application. The application notes a regular playset in the backyard, which may be visible from the street and-or neighboring residences.

The application proposes to have 2 parking spaces in addition to those needed by the persons residing at the home. The application proposes a total home business area of 1,000 sq. ft., under the 1,500 sq. ft. maximum in 45-456.1(c). The sketch plan included in the application packet shows the location of the home, backyard, driveway, and proposed additional parking.

Type of Review Needed: This is the first (sketch plan) review for this application. The Planning Board may wish to ask questions of the applicant, request additional information, if needed, or make a motion on application completeness and setting of a public hearing.

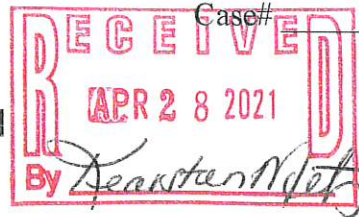
Town Planner's Review Notes: I believe the relevant issues for the Planning Board to consider and discuss include, but are not limited to, the following:

Parking: As the application and sketch plan indicate, 2 additional parking spaces are proposed for the home business, both near the front property line along River Rd. and presumptively within the front setback. While parking is generally prohibited within lot line setbacks (45-487), 45-456.1(i) makes an exception for home businesses allowing up to 2 spaces in the front setback. The Planning Board may wish to review these spaces further with the applicant. Although the general location is allowable, the diagonal orientation of one space near the driveway cut at River Rd., and the other space being accessed directly from River Rd., offset from the driveway, may encourage awkward access/egress movements (see 45-406 – Traffic – for standard on safe access to/from roads). It may be better to locate the parking spaces off of the existing driveway.

Visibility of home business: The Planning Board may wish to provide guidance to the applicant on whether screening is needed from the backyard area to River Rd. and-or neighboring properties [45-456.1(k)].

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



Case# _____

HOME BUSINESS APPLICATION

Date Submitted 4.7.2021

Applicant Name(s) Angela Boyle

Mailing Address 242 River Rd Eliot ME 03903 Phone 603 834 4594

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

Email address boyle79 @ hotmail .com

Property Owner(s) Angela Boyle

Mailing Address 242 River Rd Phone 603 834 4594

Property Location/Address 242 River Rd Eliot m3 03903

Map 19 Lot 3 Size (acres) 2.84

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.))

In Home Childcare

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?

Day Nursery Day Care Center

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 Angela Boyle Date 4.7.21

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>a. The Home Business must be clearly secondary to the residential use of the property. This means that there must be a dwelling unit on the property, and the dwelling unit must be occupied by an owner of the Home Business during the months of the year that the business is in operation. (As used in this paragraph, the term owner includes a principal of a corporation, limited liability company or other legal entity that owns a business.)</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><i>This is my primary home year round. I am also the owner</i></p>
2.	<p>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><i>1,000 sq. ft.</i></p>
3.	<p>c. All structures used as part of a Home Business must meet minimum yard and setback 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>



<p>4. d. Any use that is not listed in the Table of Land Uses, Section 45-290 may be permitted as a Home Business provided the following requirements are met:</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>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><i>Yes, Day Nursery</i></p>
<p>5. e. 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><i>Angela & Bayle</i></p>
<p>6. f. 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><i>None at this time.</i></p>



TOWN OF ELIOT, MAINE

Case# _____

<p>7.</p> <p>g. A Home Business may engage in selling of merchandise and products as follows:</p> <ul style="list-style-type: none">(1) On-site sales of merchandise and products that are created, grown, built, or substantially altered as part of the Home Business.(2) On-site sales of merchandise and products that are customarily incidental to the services or products provided by a Home Business.(3) Off-site, phone, mail, and internet, or similar sales of merchandise and products.(4) On-site wholesale distribution of merchandise and products to dealer/sales representatives who sell the merchandise and products off site.	<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>NO.</p>
<p>8.</p> <p>h. Parking shall not exceed four spaces in addition to the spaces required for parking by occupants of the dwelling unit. Parking must meet setback requirements with the exception of two spaces that may be allowed within the front setback only.</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>2</p>



TOWN OF ELIOT, MAINE

Case# _____

9.	<p>i. Sign dimensions must meet Sec. 45-405 residential (non-commercial) requirement and shall be a maximum of 6 sq. ft. in area.</p>	<p>Are you going to have a sign? If so, how big will it be? <i>No.</i></p>
10.	<p>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.</p>	<p>Describe how all external (outside) evidence of the business will be screened from the street and neighboring residences. Describe all business-related vehicles. <i>Regula Playset in backyard.</i></p>
11.	<p>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.</p>	<p>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. <i>NONE.</i></p>

386' Prop Line.

Additional parking

20ft

House

30ft

Backyard

Adcht parking

DRIVEWAY

293ft

I will be using our existing space that is lined off with from walls.

Side yard

566'

223'

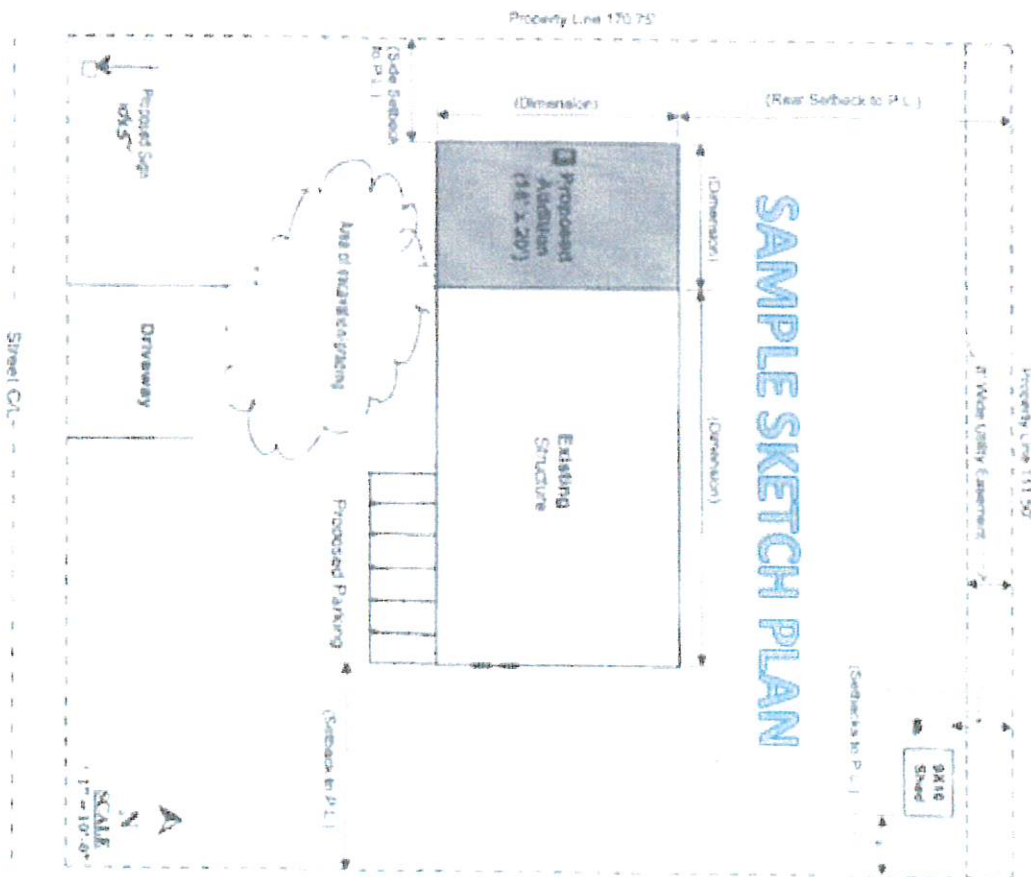


TOWN OF ELIOT, MAINE

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 Placer No.
 (Assessor Parcel Number)
 Zoning District



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: John Manchester, Applicant
 Date: June 8, 2021 (report date)
 June 15, 2021 (meeting date)
 Re: PB21-15: 86 Worster Rd. (Map 86, Lot 40) – Seasonal Bee Farm and Honey Production and Sales Home Business – **Sketch Plan Review**

Application Details/Checklist Documentation	
✓ Address:	86 Worster Rd.
✓ Map/Lot:	86/40
✓ PB Case#:	21-15
✓ Zoning District:	Rural
✓ Shoreland Zoning:	N/A
✓ Owner Name:	John Manchester & Valerie Romoser
✓ Applicant Name:	John Manchester
✓ Proposed Project:	Seasonal Bee Farm / Honey Production and Sales Home Business
✓ Application Received by Staff:	5/3/21
✓ Application Fee Paid and Date:	\$200 (\$25 home business; \$175 public hearing) 5/3/21
✓ Application Sent to Staff Reviewers:	5/26/21
Application Heard by PB	6/15/21 (scheduled)
Found Complete by PB	TBD
Site Walk	TBD
Public Hearing	TBD
Public Hearing Publication	TBD
Deliberation	TBD
Notice of Decision	TBD
✓ Reason for PB Review:	Home Business Application

Overview: This Home Business Application is for a seasonal bee farm and honey production home business to be located at 86 Worster Rd. (Map 86, Lot 40). The applicant is John Manchester, and the property owners are John Manchester and Valerie Romoser. The property is located in the Rural zoning district and does not have shoreland zoning.

PB21-15: 86 Worster Rd. (Map 86, Lot 40) – Seasonal Bee Farm and Honey Production and Sales Home Business – **Sketch Plan Review**

The ~16-acre property contains an existing single-family residence with an attached barn. The Town’s online GIS system shows a cemetery on the property but in a different part of the lot than where the home business activities are proposed. A sketch plan and warranty deed are included in the application package.

According to the description in the application, the applicant proposes to produce “queen bees and nucleus (starter) colonies for sale to other local beekeepers” as well as honey to be “produced and sold off-site (local farmers markets, etc)”. Sales would be “conducted by phone and internet”, and the operation would take place seasonally between May and September. Regarding structures, visibility, and parking, a note on the applicant’s sketch plan states: “No new structures or parking are proposed. The bee yard is not visible from the road and located behind the barn where it is secluded from foot traffic, visitors, etc. Hives are set on moveable pallets in the bee yard.”

The applicant proposes to use approximately 300 sq. ft. of home business space, using existing structures. The application (Item 2) states that this includes “storage of equipment, feed and other supplies in the barn; plus use of the home kitchen for extracting and packaging honey.”

The applicant does not propose to have any non-occupant employees employed at the home business. The applicant and his wife own the property and live in the dwelling unit on the property year-round. No new parking spaces are proposed; the sketch plan shows the location of two existing spaces. No business sign is proposed. The application states that the bee yard is not visible from the road or adjacent properties. The applicant will use his personal vehicle for transporting supplies, honey, and bees. Fluids and solids include honey, sugar, and natural extracts for disease and mite control (see Item 11 in the application).

Type of Review Needed: This meeting is for sketch plan review. The Planning Board may wish to ask clarifying questions of the applicant, request additional information if needed, and provide review comments. The Board may also wish to make a determination of application completeness and schedule a public hearing.

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:

Zoning: The proposed use on the front page of the application is “agriculture”. Item 4 (p. 3) of the application also mentions “animal husbandry”. Both of these are allowed uses for the Rural district in the land use table (45-290). Item 4 also offers the specific beekeeping term “apiculture”. Based on their Section 1-2 definitions, I believe both “animal husbandry” and “agriculture” would be consistent with the use as proposed, and the former is actually a “branch of” the latter.

Home business area limit: The applicant proposes approximately 300 sq. ft., well under the 1,500 sq. ft. limit in 45-456.1(c). As stated above, the areas to be used for the home business would be the bee yard (15 ft. x 30 ft.), storage space in the existing barn, and existing home kitchen. In my staff report for the recent garlic home business review, I explained how a reasonable interpretation of the Town Code meant that an outdoor garden bed would not be counted against the 1,500 sq. ft. limit. Similarly for this application, I don’t believe the entire bee yard would do so, but even if it did, the area as proposed would not exceed the allowable limit.

PB21-15: 86 Worster Rd. (Map 86, Lot 40) – Seasonal Bee Farm and Honey Production and Sales Home Business – **Sketch Plan Review**

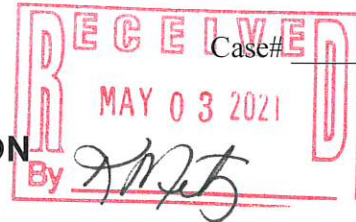
Home business sales of merchandise and products: The applicant proposes off-site phone, internet, and farmers market sales of honey, and phone and email-based sales of bees. Based on a review of the application, the types of sales proposed are allowable under 45-456.1(h).

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



TOWN OF ELIOT, MAINE



HOME BUSINESS APPLICATION

- Date Submitted May 3, 2021
- Applicant Name(s) John Manchester
- Mailing Address 86 Worster Road, Eliot Phone (603) 479-9915
- If you prefer to receive meeting notices and other communications via email please provide your email below:
Email address john.i.manchester @ gmail .com

- Property Owner(s) John Manchester & Valerie Romoser
- Mailing Address 86 Worster Road, Eliot Phone (603) 479-9915

- Property Location/Address 86 Worster Road, Eliot

- Map 86 Lot 40 Size (acres) 16

- 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.))
Bee farm, producing queen bees and nucleus (starter) colonies for sale to other local beekeepers. Honey is also produced and sold off-site (local farmers markets, etc). Operation is seasonal (May - Sept) with sales conducted by phone and internet.

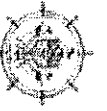
- What permitted use as listed in the Table of Land Use (Sec. 45-290) are you applying for? (note: cannot be "home business" or "home occupation") If your proposed use is not listed, which one is it most similar to?
Agriculture

- 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 May 3, 2021

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>a. The Home Business must be clearly secondary to the residential use of the property. This means that there must be a dwelling unit on the property, and the dwelling unit must be occupied by an owner of the Home Business during the months of the year that the business is in operation. (As used in this paragraph, the term owner includes a principal of a corporation, limited liability company or other legal entity that owns a business.)</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>My wife (Valerie) and I own this property and live in the dwelling unit (house) on this property year-round.</p>
2.	<p>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? Approximately 300 square feet total, using existing structures. That includes storage of equipment, feed and other supplies in the barn; plus use of the home kitchen for extracting and packaging honey. (The bees live outside year-round in hives on movable pallets, in a yard behind the barn).</p>
3.	<p>c. All structures used as part of a Home Business must meet minimum yard and setback 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>



TOWN OF ELIOT, MAINE

Case# _____

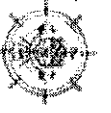
4.	<p>d. Any use that is not listed in the Table of Land Uses, Section 45-290 may be permitted as a Home Business provided the following requirements are met:</p> <p>(1) The applicant must provide a rationale, acceptable to the Planning Board, substantiating that the proposed use is similar to a permitted use as allowed in the applicable zoning district.</p> <p>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>Both "agriculture" and "animal husbandry" are listed as approved uses. Beekeeping ("apiculture") seems to fit best within agriculture since it is similar to dairy farming.</p>
5.	<p>e. 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>John Manchester</p>
6.	<p>f. 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>0</p>



TOWN OF ELIOT, MAINE

Case# _____

<p>7.</p> <p>g. 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>I will sell the honey that I produce off-site via phone and internet, and at farmers markets.</p> <p>Sales of bees will be done via phone and email to local beekeepers by networking through the York County Beekeeper's Association.</p>
<p>8.</p> <p>h. Parking shall not exceed four spaces in addition to the spaces required for parking by occupants of the dwelling unit. Parking must meet setback requirements with the exception of two spaces that may be allowed within the front setback only.</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>There is space for 2 additional vehicles in the existing driveway.</p>



TOWN OF ELIOT, MAINE

Case# _____

<p>9. i. Sign dimensions must meet Sec. 45-405 residential (non-commercial) requirement and shall be a maximum of 6 sq. ft. in area.</p>	<p>Are you going to have a sign? If so, how big will it be? No sign.</p>
<p>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.</p>	<p>Describe how all external (outside) evidence of the business will be screened from the street and neighboring residences. Describe all business-related vehicles. The bee yard is located behind the barn and is not visible from the road (or adjoining properties). I will use my pickup (Tacoma) for transport of supplies, honey and bees. The truck is parked in the driveway year-round. I have a compact tractor (Kioti CK3510) that I use for maintaining fields on the property in order provide forage (clover, buckwheat, sunflowers, and wildflowers). The tractors is stored in the barn.</p>
<p>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.</p>	<p>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. Honey: <250 gallons at any time; stored in buckets/bottles in barn prior to distribution Sugar: 200 pounds; stored in chest freezer in barn Assorted natural extracts for control of bee diseases & mites, small quantities (<5 lbs) stored in chest freezer in barn.</p>

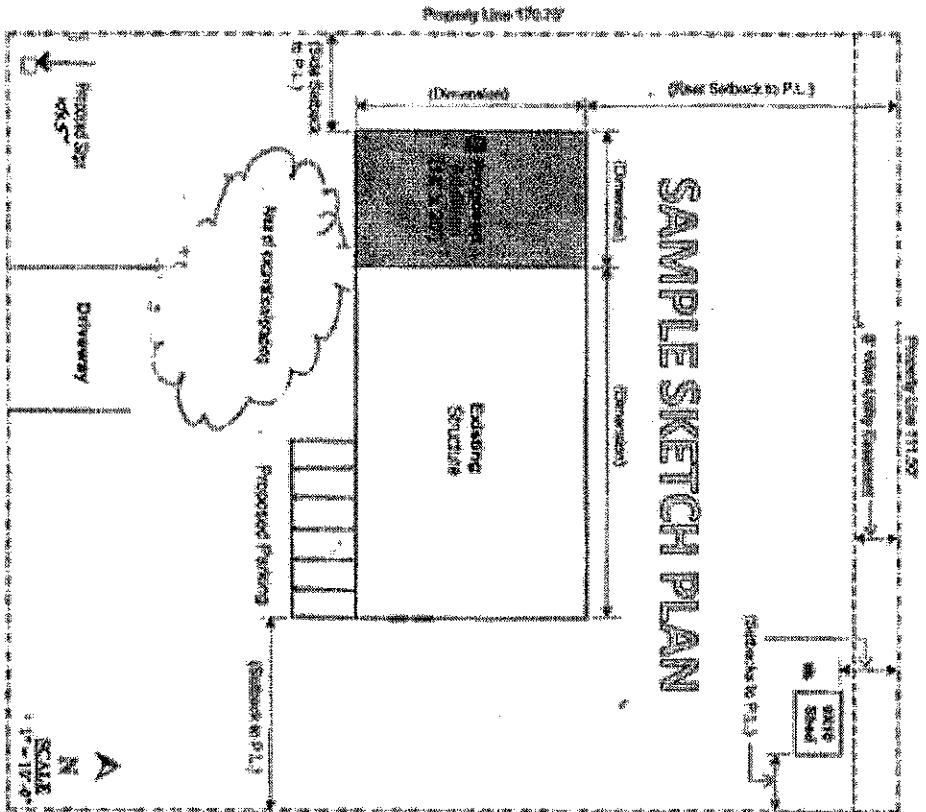


TOWN OF ELIOT, MAINE

Case# _____

SKETCH PLAN REQUIREMENTS

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



SITE PLAN
(Sample Only)

Project: _____
Property Address and Plots No.
(Assessor Parcel Number)
Zoning District



BK 16817 PGS 965 - 966 05/12/2014 10:14:10 AM
 INSTR # 2014016843 DEBRA ANDERSON
 RECEIVED YORK SS REGISTER OF DEEDS

WARRANTY DEED

Know all by these presents that We, **MECHTHILD A. ROMOSER** and **VALERIE A. ROMOSER A/K/A VALERIE ROMOSER AND A/K/A VALERIE MANCHESTER**, both of Eliot, Maine, for consideration paid, grant to **VALERIE A. ROMOSER** and **JOHN I. MANCHESTER** whose mailing address is 86 Worster Road, 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 86 Worster Road, Eliot Tax Map 86, Lot 40.

Witness our hands and seals this 9th day of May 2014.

No R.E. Transfer Tax Paid

Donna M Reynolds
 WITNESS

BY: [Signature]
 MECHTHILD A. ROMOSER

Donna M Reynolds
 WITNESS

BY: [Signature]
 VALERIE A. ROMOSER

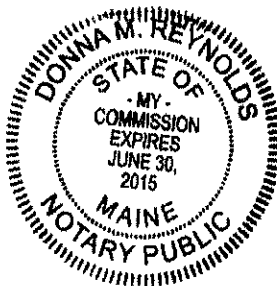
STATE OF MAINE

York, ss.

May 9, 2014

Then personally appeared the above named Mechthild A. Romoser and Valerie A. Romoser and severally acknowledged the foregoing instrument to be their free act and deed.

Before me,



Donna M Reynolds
 Attorney at Law/Notary Public
 Print Name:
 Commission Expires:

EXHIBIT A

Property: 86 Worster Road, Eliot

TRACT I:

A certain lot or parcel of land in the Town of Eliot, in the County of York and State of Maine, with the buildings thereon, beginning on the northerly side of land now or formerly of Phyllis W. Anderson at a pipe on the Worster Road, thence running North 09° 18' East", one hundred eleven and four hundredths (111.04) feet to a pipe; thence continuing along said road North 1° 14' East, one hundred forty-four and ninety-six hundredths feet (144.96) to a pipe; thence continuing by said road North 7° 11' East, ninety-seven and twelve hundredths feet (97.12) to a pipe; thence continuing along said road North 21° 16' East, sixty-five and two hundredths feet (65.02) to a pipe at the Pond Area and land now or formerly of Doris L. Foster; thence South 61° 30' East, three hundred thirty and sixty-six hundredths feet (330.66) to a fence post; thence North 45° 30' East, eighty-one and eighteen hundredths feet (81.18) to a fence corner at said Foster's land; thence Southeast three hundred fifty-eight and seventy-five hundredths feet (358.75) by the fence to a stone marker at land now or formerly of Gerald L. Raitt; thence Southeast one hundred ninety-two and fifty-five hundredths feet (192.55) by a fence by said Raitt land to a pipe at land of said Phyllis W. Anderson; thence North 80° 23' West, one hundred twenty-nine and ninety-two hundredths feet (129.92) to a pipe; thence continuing North 80° 23' West, two hundred forty-two and eighty-seven hundredths feet (242.87) to an iron pipe; thence continuing North 80° 23' West, three hundred forty-eight and sixteen hundredths feet (348.16) to the point of beginning;

TRACT II:

A certain lot or parcel of land, located in the Town of Eliot, County of York and State of Maine, being the Gould Burial Lot, so-called, situated in Eliot, in the County of York and State of Maine.

TRACT III:

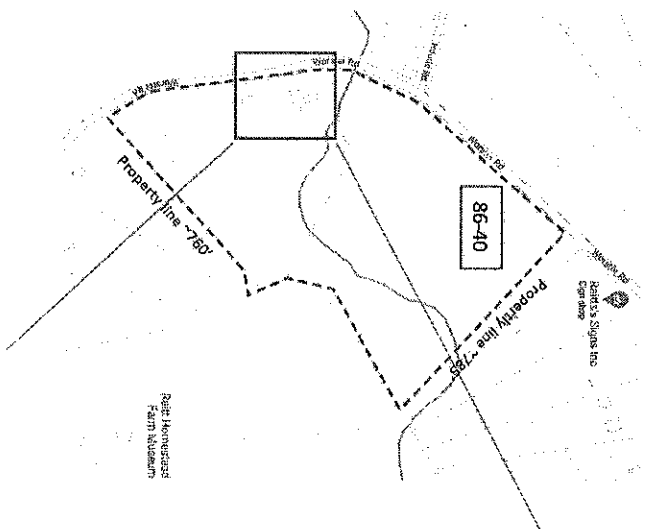
A certain triangular-shaped parcel of land located on the easterly sideline of the Worster Road in the Town of Eliot, County of York and State of Maine, being bounded and described as follows:

Beginning at an iron pipe set on the easterly sideline of the Worster Road, said pipe is at the northwesterly corner of the premises herein described and southwesterly corner of adjoining land now or formerly of George K. and Mechthild A. Romoser; thence running South 81° 07' 50" East along land of said Romoser for a distance of 348.16 feet to an iron pipe; thence continuing South 81° 07' 50" East still along land of Romoser for a distance of 242.91 feet to an iron pipe; thence continuing South 81° 08' 14" East still along land of Romoser for a distance of 45 feet to an iron pipe; thence turning and running South 64° 37' 19" West along land now or formerly of Early American Homes for a distance of 687.30 feet to an iron pipe set on the easterly sideline of the Worster Road; thence turning and running North 22° 50' 01" West along the Road for a distance of 14.73 feet; thence continuing along the Road on the following courses and for the following distances: North 15° 15' 18" West for 114.02 feet; North 00° 00' 00" East for 90 feet; North 08° 57' 34" East for 181.27 feet to an iron pipe at the southwesterly corner of land of said Romoser and being the point of beginning.

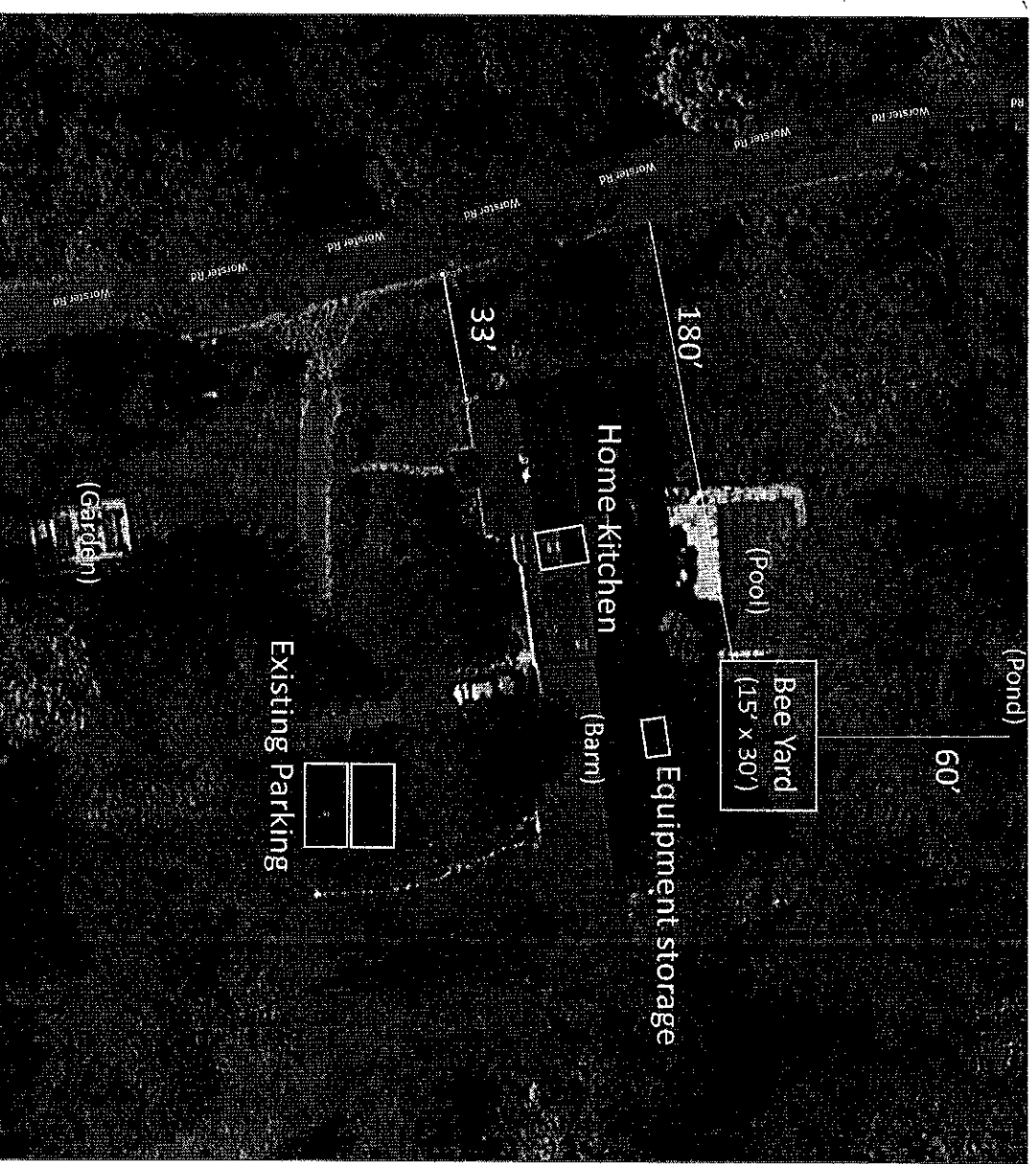
Being the same premises conveyed from George K. Romoser and Mechthild A. Romoser to Valerie Romoser, a/k/a Valerie Manchester by deed dated May 5, 2009 and recorded at York County Registry of Deeds in Book 15625, Page 631.

Please Return To:
John Manchester
Valerie Romoser
86 Worster Rd
Eliot, ME 05403

John Manchester
2



No new structures or parking are proposed. The bee yard is not visible from the road and located behind the barn where it is secluded from foot traffic, visitors, etc. Hives are set on moveable pallets in the bee yard.



John Manchester
 86 Worster Road
 (603) 479-9915
 Assessor Parcel 86-40
 Zoning District Rural