



**LONG ISLAND PLANNING BOARD WORKSHOP
OCTOBER 6, 2009
EBTAC, LLC. AMENDMENT TO SITE PLAN FOR RETAIL SERVICE ESTABLISHMENT
#3 GARFIELD AVE.**



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Presentation to the LIPB Workshop
October 6, 2009

INTRODUCTION -

A Clear set of steps we are doing in order to license our operation

1. All operations will be allowable under municipal land-use code, based on the location in the Island Business zone (I-B).
2. All operations will meet requirements of state environmental and health safety laws.
3. All state and local licenses are applicable.
4. Seating capacity will be as per state health and fire code regulations

Handout Materials

1. LONG ISLAND PLANNING BOARD FINDINGS OF FACT AND CONCLUSION OF LAW Sept. 14, 2004 - The LI Planning Board approval granted at a meeting in May of 2004 was subject to a Superior Court filing in June of 2004. This resulted in the LI PB amending the original decision having 23 conditions on use, down to ten conditions.
2. 1ST AMENDMENT TO THE SITE PLAN – LETTER TO THE LIPB; JAN. 21, 2009 – ISLAND’S Builder Inc., building contractor received LIPB approval for changes related to the utilities, addition and rear deck construction.
3. 2ND AMENDMENT TO THE SITE PLAN – LETTER TO THE LIPB; AUGUST 13, 2009 – EBTAC LLC, property owner requested that the above referenced conditions be amended.
4. LETTER FROM ALBERT FRICK ASSOCIATIONS, INC – September 2, 2009 – provides an overview of a design for a pre-treatment septic system which will increase the design flow and capacity of the system to 900 + GPD, while improving the water quality.
5. HHE-200 SUB-SURFACE WASTE WATER DISPOSAL SYSTEM APPLICATION – SEPTEMBER 2, 2009 – provides a design flow of 900 GPD for an expansion using advanced treatment system.
6. CAPTAIN PERRY’S EXPLANATION OF USES – OCTOBER 6, 2009 – provides an explanation of the business operations which was used to determine septic capacity and for discussion with the Town regarding the business plan for operations that the business owner will be seeking state and local licensing for.
7. OTHER-
 - a. As per Site Plan Approval condition #9, the existing well depicted on the Plan will be used.
 - b. Proposed Lot merger – for discussion.
 - c. Site Plan Approval – Parking; no change



LONG ISLAND PLANNING BOARD

FINDINGS OF FACT AND CONCLUSION OF LAW

Project: Appeal of EBTAC, Inc., 3 Garfield Avenue, Long Island, Maine,
Tax Map 97, Lot H-3 & H-4

Applicant: EBTAC, Inc., represented by Mr. Anthony Donovan.

Date of Final Approval: September 14, 2004

Pursuant to the provisions of the Long Island Land Use Ordinances, the Long Island Planning Board has considered the application of EBTAC, LLC for the proposed establishment for the primary purpose of selling baked goods and find the following facts:

1. The applicant is seeking Site Plan Review approval for Retail Establishment for the primary purpose of selling baked goods and a commercial kitchen facility for the preparation and sale of foodstuffs for consumption off premise.
2. The property under consideration is located at #3 Garfield Avenue, Long Island, Maine and is in the Island Business District (I-B). The property is identified on Tax Map 97, Lot(s) H-3 and H-4.
3. The applicant has submitted sufficient evidence to demonstrate their right, title or interest in the property under consideration.
4. The applicant's proposal to operate a Retail Establishment is listed as a permitted use in the I-B District.
5. Since the proposed use requires Site Plan Review, the applicant was required to submit an application to the Long Island Planning Board. As such, the Long Island Planning Board reviewed said application and granted the applicant's request at the September 14, 2004 meeting, with conditions. (See Attached)
6. The Long Island Planning Board reviewed the application against the applicable criteria outlined in the Long Island Land Use Ordinances considered the project's application.

7. Water Supply: individual private well will serve the proposed development.

8. Utilities: the proposed development will be served by above ground utility lines.

9. Septic Waste Disposal: a private subsurface septic system will serve the proposed development.

10. Vehicular Access: access to the proposed development will be from Island Avenue, Long Island, Maine.

11. The applicant has demonstrated that the area under consideration is not located within a Flood Hazard Area.

12. The applicant has demonstrated that the proposed development will be built on soils that are appropriate for both the required foundations and septic systems.

13. The applicant has demonstrated that the proposed development will not have an adverse impact on both the quantity and quality of groundwater in the area.

14. The applicant has demonstrated that the proposed development will not have undue impact on historic sites, natural areas, visual quality, or wildlife and/or fisheries habitat.

CONCLUSION

The Long Island Planning Board has reviewed the complete application for the project under consideration and hereby finds that the applicant has met all of the applicable standards set forth by the Long Island Land Use Ordinance. Furthermore, the Planning Board grants final approval of the project on this September 14, 2004, provided that the ten (10) following conditions are met and maintained.

September 14, 2004


Emily C. Jacobs, Co-Chairman
Long Island Planning Board

1. EBTAC Inc.'s ("EBTAC") application and submissions for a Change of Use and Site Plan Review indicate that it will renovate and enlarge the existing residence on Lots 3 and 4 into a retail establishment for the primary purposes of selling baked goods and into a commercial kitchen facility for the preparation and sale of foodstuffs for consumption off premises. The on-site seating proposed and approved is limited to serve up to four customers. The on-site seating may be located either indoors or outdoors but in no event shall exceed service for four persons. The foodstuffs prepared in the commercial kitchen for catering purposes are to be either delivered or picked up by customers and are not to be served for consumption on the property. In the event that EBTAC wishes to expand the capacity to serve customers on the premises it must satisfy applicable requirements under Article 10 of the Land Use Ordinance relating to revisions or amendments of site plan approval.
2. EBTAC's application requests a Change of Use and Site Plan Review and approval to renovate and enlarge the existing residence on the property into a retail establishment to sell prepared baked goods and into a commercial kitchen for catering and sale of prepared foodstuffs. During the appeal proceedings EBTAC's principal, Mr. Donovan, indicated that in addition to the sale of baked goods and prepared food products at the facility, that EBTAC intends to conduct other incidental retail sales at the property. The Board is concerned that such incidental retail sales were not the subject of EBTAC's application, the Board's review and the Board's Site Plan approval, and if not limited, might create conditions at the property that no longer remain in compliance with the Standards under Article 10 F. of the Land Use Ordinance. In the event that the level of such proposed incidental sales activities escalates so that the type and level of activities materially deviate from the primary use for retail sales of baked goods with incidental other retail sales and for a commercial kitchen for preparation and sale of foodstuffs to be consumed off the premises, EBTAC must satisfy applicable requirements under Article 10 of the Land Use Ordinance relating to revisions or amendments for site plan approval.
3. EBTAC's proposed retail establishment facility on Lots 3 and 4 will rely on the use of the existing (and planned to be enlarged) subsurface wastewater disposal system located on the adjacent property, Lot 21, currently owned by Anthony and Julie Donovan. EBTAC's proposed activities on Lots 3 and 4 will also rely on the

use of the existing and planned location and operation of sewer pipes, collection tanks and lift pumps on Lots 1 and 2, currently owned by Anthony and Julie Donovan and Phillip Feblano. The Board's grant of Site Plan approval to EBTAC, Inc. is conditioned on EBTAC's seeking and obtaining all necessary authorizations to site, locate and operate the subsurface wastewater disposal system and accessory lines and structures on Lots 1, 2 and 21 to serve Lots 3 and 4. The subsurface wastewater disposal system shall be designed, installed, operated and maintained in conformance with State and local plumbing codes.

4. The Board's Site Plan approval is also conditioned on EBTAC or its successors maintaining continuous and uninterrupted wastewater disposal service to Lots 3 and 4 in conformance with State and local plumbing codes. Future uses and activities on Lots 1, 2 and 21 must not interfere with the capacity of Lots 1, 2 and 21 to continue to supply the activities on Lots 3 and 4 with a subsurface wastewater disposal system in accordance with State and local plumbing codes. To address these concerns EBTAC has agreed to secure access and utility easements tying Lots 3 and 4 with Lots 1, 2 and 21 for subsurface wastewater disposal service to Lots 3 and 4. The easement documents shall be subject of review and approval by the Town's legal counsel. Upon approval by the Town attorney, EBTAC shall record these instruments in the Cumberland County Registry of Deeds and thereafter present documentation to the Town that such recording has been accomplished. EBTAC shall complete the execution and filing of the access and utility easements before seeking a building permit. Any change to the approved and recorded easements by EBTAC or its successors will require approval by the Planning Board and except for emergency situations, and strict compliance with this condition shall be subject to enforcement under Article 10 H. of the Land Use Ordinance.
5. Without further review and amendment of this Site Plan approval, there shall be no outdoor sales or outdoor storage on the property.
6. The proposed renovations of the existing structure and addition are to be designed and constructed in accordance with all applicable codes and standards.
7. The second floor area of the proposed renovated structure and addition is not to be used for food service to customers.
8. EBTAC will install and maintain a minimum of two (2) parking spaces as depicted and located on the plan entitled "Site Plan Proposed Retail Establishment", dated January 14, 2004 as prepared and submitted to the Planning Board by Land Use Consultants on January 28, 2004 (the "Plan"). Access to the parking area shall be from Island Avenue and constructed in the location depicted on the Plan. The parking area and access road shall be designed and constructed in accordance with the accepted practices, procedures and standards of the Cumberland County Soil and Water Conservation District (the "CCSWCD"). EBTAC shall have obtained review from the CCSWCD for the design.

installation and operation of the parking area and access road before applying for building permit and shall provide the Code Enforcement Officer with evidence of the CCSWCD review. EBTAC, Inc. and its successors shall be responsible for ensuring that the access road and parking area continue to be properly maintained so as to prevent erosion or discharge of sediments from the site onto adjacent properties or public ways.

9. EBTAC wishes to maintain the opportunity for future use of the existing well depicted on the Plan on Lot 3. EBTAC will adequately secure the well so that it is properly protected from contamination.
10. The Planning Board's approval of this application is dependent upon and limited to the proposals, plans and supporting documents submitted and affirmed by the applicant in connection with its application and the plans, documentation and other submissions and information that have been specifically presented to the Planning Board in the proceedings related to the application. The applicant may not amend or change the specific authorizations granted hereunder, and except for de minimis or field changes under Section 10 H. 12 that the Code Enforcement Officer may approve, must obtain further authorizations for any changes or modifications of the specific authorizations and approvals granted hereunder. None of the above conditions shall be interpreted to prohibit permitted or accessory uses on the property otherwise allowed in the L-B Island Business Zone subject to EBTAC's obtaining a revision or amendment of this approval in accordance with the applicable requirements of Article 10 of the land use ordinance.



Islands' Builder Incorporated
11 Gerry Avenue
South Portland, Maine 04106
04050
Tel. (207)879-4677
Cell (207)329-5110

Phil Fabiano
Garfield Avenue
Long Island, Maine
Fax (207)766-5110

January 21 2009

Long Island Planning Board
105 Wharf St. , PO Box 263
Long Island, ME 04050

RE: Garfield Ave. Long Island CBL: 97-H-3-4

To Whom It May Concern:

This letter is a request for an audience with the Planning Board to submit Amendments to the original site plan.

Enclosed is a copy of the original Findings Of Fact And Conclusion Of Law Dated May 11 , 2004.

The specific Amendments or additions to the original are as follows:

- 1) Item H, Utilities: The proposed development will be served by above ground utility lines. The change would be "served by underground utility lines."
- 2) Item 1. of Conclusions: In accordance with representations made by the applicant, the existing 22'x32' structure on the property will remain in its present location on a new frost wall foundation and will have an 8'x22' addition to the south and a 8'x22' entry porch facing Garfield as depicted on the Land Use Consultants plan dated 1/14/04 and revised 3/23/04. The change would be " 8'x22' enclosure facing Garfield with access deck and stairs as depicted on the plan prepared by Nice Design Titled "Captain Perry's" dated 9/23/08 section #2 Garfield Ave Elevation."
- 3) Addition of a rear deck the length of the building as depicted on the plan prepared by Nice Design Titled "Captain Perry's" dated 9/23/08 section #4 Rear Elevation. The center deck measures 12'x12' with 2 flanking decks that measure 14'x8'. The center deck will be used for a walk-in cooler/freezer. The deck to the left of the

cooler will be for loading and unloading supplies and the deck to the right of the cooler will be used for handicap access. This entire rear deck will be roofed over with open railings.

Also enclosed is a copy of the Pipe, Septic System and Access Easement Deed and a copy of the recording receipt at the Cumberland County Registry of Deeds dated 3/29/05. This is recorded in book 22465 page 290.
This item was missing from the original file.

Also Enclosed:
Copy of Elevation Drawings
Copy of Site Plan

Thank You
Phil Fabiano

**EDUCATION, BUSINESS &
TRANSPORTATION ADVISORY CORPS.****Tel: 207-774-6732****Fax: 207-871-0914****Mailto: Tdonovan@Maine.EB.com**

Friday, August 14, 2009 ~~Thursday, August 13, 2009~~

Long Island Planning Board
105 Wharf Street, PO Box 263
Long Island, Maine 04050

RE: Lot # 313 3 Garfield Ave Long Island Maine

To: Chair, Long Island Planning Board

This letter is a request for an audience with the Planning Board to submit Amendments to the Site Plan Approval for retail & service establishment at the above address, of Sept. 14, 2004.

Enclosed is a copy of the original Findings of Fact and Conclusions of Law.

The specific Amendments or additions to the site plan are as follows:

In regards to the Conclusion referencing conditions numbered 1 through 10 applicant requests the following amendments:

1. Under Item # 1 changed as follows:

EBTAC Inc's ("EBTAC") application for a Change of Use and Site Plan Review indicate that it will renovate and enlarge the existing residence on Lots 3 and 4 into a retail service establishment for the primary purpose of selling baked goods and into a commercial kitchen facility for the preparation and sale of foodstuffs for consumption off-premises. The on-site seating proposed and approved is limited to serve up to four customers capacity as per the subsurface wastewater disposal system which shall be designed, installed, operated and maintained in conformance with State and local plumbing codes. The on site seating may be located either indoors or outdoors but in no event shall exceed service for four persons. The foodstuffs prepared in the commercial kitchen for catering purposes are either to be delivered or picked up by customers and are not to be served for consumption on the property.

The purpose for this amendment is to meet a demand which is expected to exceed the limits allowed by the original approval, but in a manner which is allowed under state plumbing codes and which satisfies the applicable requirements of the local Land Use Ordinance for the Island Business Zone.

This communication and its attachments are confidential and may be privileged. If you are not the intended recipient, please immediately notify the sender and then delete this communication and its attachments without reading it or forwarding it.

 Please consider the environment before printing this.

2. Item # 5:

~~Without further review and amendment of this Site Plan Approval, there shall be no outdoor sales or outdoor storage on the property.~~

Also enclosed is a copy of the Site Plan as approved and signed by the Planning Board on April 14, 2009.

Thank you,

Anthony J. Donovan, EBTAC
Its President

This communication and its attachments are confidential and may be privileged. If you are not the intended recipient, please immediately notify the sender and then delete this communication and its attachments without reading it or forwarding it.

 Please consider the environment before printing this.



Albert Frick Associates, Inc.

Soil Scientists & Site Evaluators

95A County Road
(207) 839-5567

Corham, Maine 04748
FAX (207) 839-5564

Albert Frick, SS, SE
James Logan, SS, SE
Matthew Logan, SE
Brady Lock, SF
Bryan Jordan, SE
William O'Connor, SE

September 2, 2009

Anthony Donovan/Phil Fabiano
Islands Builders, Inc.
11 Gerry Avenue
South Portland, ME 04106

Re: N/F Donovan/Fabiano Property, Proposed Expansion, 3 & 11 Garfield Avenue,
Long Island

Dear Tony and Phil:

We met at the above-referenced property on August 20, 2009, in order to evaluate the existing disposal system, and determine the potential for expansion of use utilizing an advanced wastewater disposal treatment unit.

Currently, the system in use on-site serves the existing two-bedroom dwelling at 11 Garfield Avenue. However, the design, which was provided by Mark Hampton in 1991, was sized for 315 gpd. The system was observed to be functioning adequately on the day of inspection. The second on-site system, also designed by Mark Hampton (dated 3/23/04), is in the process of installation, but is not yet in service. This second system was sized for 215 gpd.

The proposal to add an advanced wastewater treatment unit in line to treat all the on-site wastewater would effectively reduce the system size by 50%, or potentially double the existing design flow. This increase would allow for the theoretical design flow of approximately 1,060 gpd., however, since the State of Maine Subsurface Wastewater Disposal Rules require increased setbacks for systems over 1,000 gpd, the proposal would be to potentially increase the design flow rate to 900 gpd.

The property is currently approved for a 9-seat coffee shop with 2 employees (93 gpd), food preparation for catering for up to 70 meals (70 gpd), as well as the 2-bedroom existing dwelling (180 gpd), for a total of 343 gpd ($93\text{gpd} + 70\text{gpd} + 180\text{gpd} = 343\text{gpd}$).

Please feel free to contact me if you have any questions or additional matters for discussion regarding this property.

Respectfully,

Matthew Logan
Licensed Site Evaluator #324
ML/nd

Enc.



The affordable, ecologically sound alternative septic system using a much smaller leach field for both residential and commercial applications.

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How The Clean Solution Works

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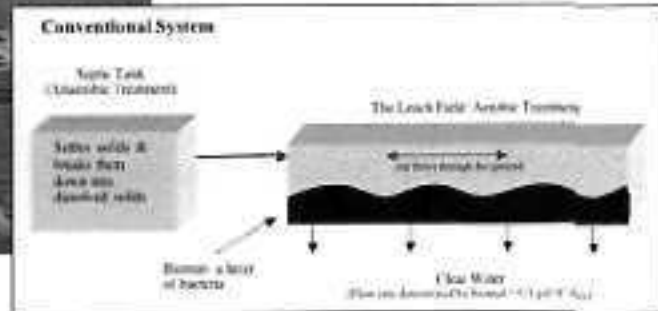
MASFC Demitrialation

System Pictures

Contact Information



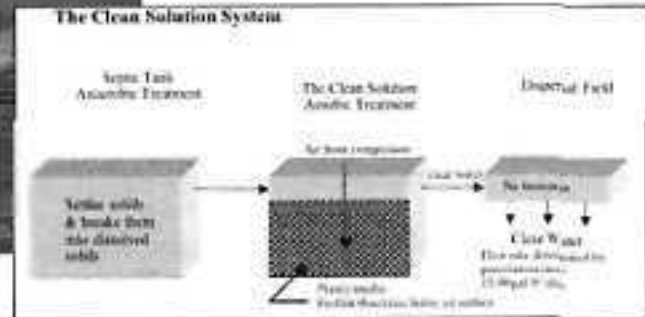
Conventional System



In aerobic treatment systems, bacteria treats the effluent by using the carbon sources as food and air for oxidation, thereby producing carbon dioxide, water, and more bacteria. Groups of these bacteria "floculate" creating a biomat and accumulate in the settling tank as sludge. The Clean Solution performs the same functions as a leach field, except it accomplishes them mechanically inside the Clean Solution tank. The square footage of surface area on the plastic media that is installed in the Clean Solution, actually exceeds the square footage of a conventional leach field. The Clean Solution discharges clean, clear water as though it were coming from the bottom of a leach field. Therefore, the only purpose of the leach field when installed with the Clean Solution, is to disperse the clean, clear, treated water back into the ground.



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www.wastewateralternatives.com



John Elias Baldacci
Governor

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention
266 Water Street, 3rd Floor
11 State House Station
Augusta, ME 04333-0011

Brenda M. Harvey,
Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

December 19, 2006

Wastewater Alternatives, Inc.,
Attn.: Wesley C. Brighton
27 Kensington Road
Hampton Fall, NH 03488

Subject: Modified Product Registration, General Use Approval, The Clean Solution

Dear Mr. Brighton:

The Division of Environmental Health has completed a review of a registration application for your company's product. This information was submitted pursuant to Section 1802 of the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules (Rules), for code registration, for use in Maine.

Product Description

The Clean Solution system consists of a separate treatment tank which follows a conventional septic tank. The volume of the various models range from 1,000 gallons to 2,600 gallons. The volume is comprised of a section dedicated to an aerated recirculating filter media, a section dedicated to settling, and a pump chamber. The ratio of filter media volume to settling volume varies from model to model. This was approved in 2004.

Claim

The current proposal is for a standard reduction of 75 percent in the size of disposal areas, when the Clean Solution system is used. In support of this request, you submitted designs for 50 systems which have been installed in New Hampshire, and in use from one to eleven years. The loading rates for these systems range from 0.43 gpd/sq. ft. to 12 gpd/sq. ft. with an average loading rate of 3.44 gpd/sq. ft. You stated that these systems are not known to have had any operational problems. You also propose a reserve replacement disposal area be designated, sufficiently large for installation of a disposal area sized pursuant to Table 603.1 of the Rules, in the event that the reduced size disposal area malfunctions.

Determination

On the basis of the information and sample product submitted, the Division has determined that the Clean Solution systems with a standard 75-percent reduction in disposal area size is acceptable for use in the State of Maine, provided that they are installed, operated, and maintained in conformance with the manufacturer's directions and the following conditions:

1. In the event that the Clean Solution system fails to perform adequately in a 75 percent reduced disposal area utilization, use of the system shall cease, and disposal area sized pursuant to Table 603.1 of the Rules shall be installed in the reserve area, with appropriate permit(s) from the Local Plumbing Inspector.

Our vision is Maine people enjoying safe, healthy and productive lives.

Phone: (207) 287-5695

Fax: (207) 287-3165

NexTalk (former TTY/TDD Line)
1-800-606-0215

This approval shall not supersede or abrogate any requirement, warranty, or recommendation of the manufacturer and/or distributor of any proprietary disposal device, including but not limited to, prefabricated chambers, fabric wrapped pipes, and gravel-less beds.

Because installation and owner maintenance has a significant effect on the working order of onsite sewage disposal systems, including their components, the Division makes no representation or guarantee as to the efficiency and/or operation of Clean Solution system. Further, registration of this product for use in the State of Maine does not represent Division preference or recommendation for this product over similar products.

You may freely reproduce and distribute this letter. If you have any further questions please feel free to contact me at (207) 287-5695.

Sincerely,

James A. Jacobsen, Environmental Specialist IV
Wastewater and Plumbing Control Program
Division of Health Engineering
e-mail: james.jacobsen@state.me.us

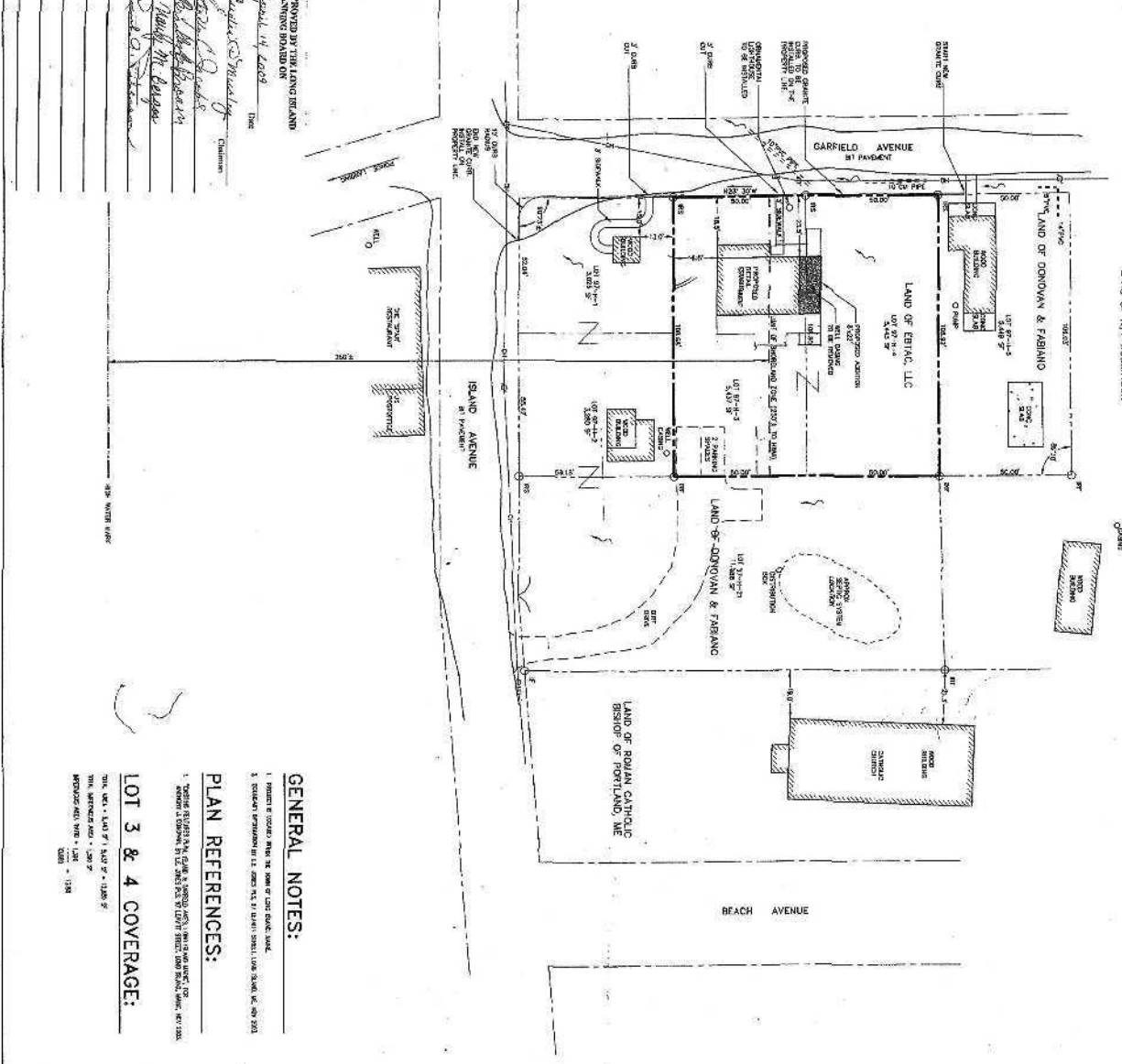
/jaj

xc: Clean Solution Product File

Capt Perry's Catering and Café
 # 3 Garfield Ave
 Long Island, Maine
 Contact:
 Tony Donovan
 207-329-6732 cellular
 mailto: tdonovan@maine.rr.com

<u>Use: Eating Place with Take Out</u>	<u>Season</u>	<u>Hours/Servings</u>	<u># of Employees</u>	<u>Number of Seats/Meals</u>	<u>GPD</u>
Café/coffee shop	Year- Round	7 Days. 5:00 am To 5:00 PM / Bakery	2	21 seat	7/day/seat = 147
On-site serving private functions (Picnic tables outside, non-enclosed porch or lawn)	May to Oct. (Memorial Day to Columbus Day)	6 days, one serving per day	3	70 seat	1gal/meal = 70
Take-out for off-site catered events	May to Oct. 1-day/week (20 event days)	8 hrs per event. Preparation on-site. Food products delivered off-site	3	150	1gal/meal = 150
Total Employees			8		15 gal/day = 120
Single-Family 2/BR Residence	Year- Round				180 gpd/2 or less BR = 180
Total Use					667 gpd

- All servings paper goods only, no china
- Water can be metered. All drinking water is bottled from mainland
- Preference is for Porta-potties to remove waste from island for on-site functions
- Includes a 2-BR residence
- Seeking excess capacity of 200 gpd minimum
- Septic System will use pre-treatment



APPROVED BY THE LONG ISLAND PLANNING BOARD ON
 APRIL 14, 2004
 Chairman: [Signature]
 [Signature]
 [Signature]

GENERAL NOTES:

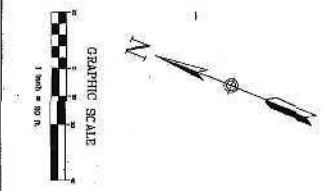
1. PROPERTY TO BE DEVELOPED SHALL BE SUBJECT TO ALL CITY ORDINANCES.
2. CONSULT PROFESSIONAL ENGINEER FOR ALL UTILITIES AND EROSION CONTROL.

PLAN REFERENCES:

1. "PROPOSED RETAIL ESTABLISHMENT" (SEE SHEET 100-100-0000)

LOT 3 & 4 COVERAGE:

THIS LOT - 1.50 AC ± 1.50 AC ± 1.50 AC ±
 THIS LOT - 1.50 AC ± 1.50 AC ± 1.50 AC ±
 APPROXIMATE AREA - 1.50 AC ± 1.50 AC ± 1.50 AC ±



Designed DAK	Revision	Date
Drawn CMT	REVISED AREA IN LOT 20, APPROX	12-27-03
Checked	ADDED COVERAGE FOR LOTS 3 & 4	
Scale 1" = 20'		
Date 1-14-04		

PROPERTY OF:
 DONOVAN & FABIANO & EBTAC, L.L.C.
 ISLAND & GARFIELD AVENUES
 LONG ISLAND, MAINE

STATE OF MAINE
 LAND USE DIVISION
 100 INVESTOR STREET
 PORTLAND, MAINE 04102
 TEL: (207) 896-5500
 FAX: (207) 896-5505
 WWW: www.maine.gov

