

TOWN OF LAMOINE

**Minutes of Planning Board Meeting**

**April 1, 2014  
Lamoine Town Hall**

Planning Board Members

Present: Holt, Bamman, Gallagher, Donaldson, Tadema-Wielandt

Code Enforcement Officer

Present: M. Jordan

Members of the Public

T. Gott, S. Salsbury, E. Bearor, T. Bearor, C. de Tuede, C. Korty

Members of the Press - None

1. Chair Holt called the meeting to order at 7:02 p.m.
2. Consideration of [Minutes](#)  
Several minor corrections were suggested by members of the Board.  
Tadema-Wielandt (Gallagher) moved to approve the minutes as amended.  
**Approved by vote of 5-0.**
3. [Code Enforcement Officer's](#) Report
  - a. [Permits Issued](#) - None
  - b. [Enforcement Actions](#) - None
4. [Conservation Commission](#)  
C. Korty reported on a work session to be held 4/7 to explore grant funds to help the town prevent various kinds of pollution to the environment in the future.
5. Old Business

[Harold MacQuinn, Inc. application for Site Plan Review/Gravel Permit](#) for pit expansion (Map 3, Lots 31 & 33)

Chair Holt reported that Robert Gerber of Ransom Consulting, Inc. has submitted his final report dated 3/27/14 after reviewing the study performed by Summit Environmental Consultants. Gerber's report includes a secondary review of data he requested in a memorandum dated 3/20/14. The next step in the process is to hold a public hearing on the Summit and Ransom reports (as per the Planning Board's decision April 2, 2013). Holt (Donaldson) moved to set the public hearing for April 29, 2014 at 6:30 at the Lamoine Town Hall. **Approved by vote of 5-0.** Holt emphasized that the public hearing will be restricted to presentations by Summit and Ransom

personnel and comments and questions about the information presented. The Board agreed to make findings on Review Standards at the next regular meeting following the hearing.

[Later in the meeting, Donaldson inquired about resources the Board can access to educate ourselves about the definitions and legal precedents of terms in our ordinances. He mentioned specifically the term “unique natural features” found in Section 8 K (Landscape Preservation) of the Lamoine Gravel Ordinance as it, in his opinion, appears to have a bearing on the MacQuinn expansion application. Board members noted that we can consult with the town attorney, Maine Municipal Association, and the Hancock County Planning Commission. There was sufficient interest in pursuing the issue that Chair Holt volunteered to consult with any or all of the above resources. ]

## 6. New Business

### a. Excavation activity by Doug Gott & Sons, Inc. on Map 3 Lots 6 and 8

Chair Holt invited Mr. Gott to explain the removal of a large amount of soil from Lot 8 and the removal of vegetation and screening from the buffer zone on Lot 6. (See Holt memorandum to Gott dated March 14, 2014.)

Bearor, representing Gott, said that Steve Salsbury had written CEO Jordan May 15, 2013 describing his intention to do “earthwork” on Lot 8. (See copy of letter attached.) Jordan indicated that he could proceed so, in Bearor’s words, “right or wrong”, he did what he believed he was permitted to do. He further noted that if the action was in violation of town ordinances, “we’ll take our medicine”.

Discussion ensued regarding the May 15, 2013 Salsbury letter. Bearor provided a copy and it was distributed to the Board and the CEO.

Gott indicated that he had “done the work himself” and that he did not think he’d moved more than 500 cubic feet of material. He further suggested that the piling of stumps around the edge of the cleared area may have given the appearance that more soil had been removed. He noted that “we screened [the soil] and took a couple of loads out of there. Then we heard that there was a concern so we stopped.”

Members of the Board inquired about the removal of screening and vegetation from the buffer zone on Lot 6. (This action was not proposed or mentioned in Salsbury’s May 15, 2013 letter to the CEO.) Discussion about enforcement responsibilities and possible remedies ensued.

Members of the Board reinforced the judgment set forward in Chair Holt’s memorandum that there was strong evidence of ordinance violations on both lots.

Gott repeated his request from the March meeting to be permitted to place a berm at the north boundary of Lot 8 to serve as screening in place of the removed soil and vegetation on Lot 6 and to “do some grading and plant

grass” and maintain the remaining trees within the violated buffer zone on Lot 6. Tadema-Wielandt suggested that this made more sense than making Gott plant trees in the violated buffer.

Bearor offered that “we can come back next month with a plan” for this. The matter was suspended with the expectation that Gott will propose a specific remedy at the next meeting.

[Later in the meeting, Salsbury inquired about a document submitted by Willem Brutsaert regarding the MacQuinn application. The Board had discussed this matter at an earlier meeting and instructed that copies of Dr. Brutsaert’s comments be made available to all concerned and to the public. A copy of Dr. Brutsaert’s comments was distributed to Salsbury, Bearor, and Gott by the secretary. ]

b. Doug Gott & Sons, Inc. Gravel Permit Application – Completeness Review for Alexander, Deerworldz, and Davis Pits totaling 44 acres.

(Map 1 Lot 67-1, Map 1 Lot 70, Map 4 Lots 11 & 16)

The Board agreed at the outset that it would perform one review for the three gravel pits as they are combined in the application materials.

The Board reviewed all application requirements and found insufficient or missing information in the following 10 areas: (See Board checklist in file for details)

- #2a1; 2a2; 2a3; 2a4; 2a5 (most of these reflect the fact that the entire parcel does not appear on the map)
- #2b (insufficient number of monitoring wells; elevations of water table not documented fully)
- #2c (no data on water quality or plan to monitor same)
- #3c (designate buffers and setback on entire parcel)
- #4e (designate buffer strips on entire parcel)
- #12 (indicate intention and plan to restore section along Stocking boundary)

The Board pondered whether the missing information constituted an “incomplete application” or the application was eligible to be found “complete with conditions”. While the completion of map requirements appeared straightforward, the absence of required information and plans regarding monitoring wells (#3b) and water quality (#3c) were of serious concern to some Board members. Donaldson restated the goals of the latter requirements: to provide reliable data on water table levels (#3b) and a baseline of data for future water quality monitoring (#3c). He noted that the applicant and his representatives have heard the concerns of the Board and are responsible for addressing them to the Board’s satisfaction.

Donaldson (Gallagher) moved to find the application incomplete.

**Motion approved by vote of 5-0.**

c. Request for deadline extension for well installation by Steve Salsbury o/b/o Harold MacQuinn Inc, R.F. Jordan, and John W. Goodwin Jr. (Request made to the Board of Selectmen)

Chair Holt reported that he and Gallagher had attended the Select Board meeting March 27. He expressed the view to the Select Board that the Planning Board had rendered a decision on this matter, that it was the Code Enforcement Officer's obligation to enforce the ordinance, and that this request was beyond the purvey of the Board of Selectmen. The Select Board tabled the matter in order to consult with the town attorney.

Donaldson clarified the status quo on this matter: that if the monitoring wells are not installed by May 1, 2014, enforcement mechanisms will be triggered. Board members agreed with this statement as it is important to "follow through with the process" described in the ordinance. CEO Jordan stated that "I will issue a Notice of Violation on May 2 [if I find that no wells have been installed]".

Gallagher, later in the meeting, read a statement entitled "Wells and the Rule of Law" expressing his opinions on this matter. (See copy enclosed.)

#### 7. Other Public Matters

Chair Holt reported that Doug Gott & Sons, Inc. has [appealed](#) the Planning Board's denial of a Site Plan Review permit for Map 3 Lot 8.

#### 9. Next Meetings:

CEO Jordan and member Donaldson indicated they would not be able to attend the regular May meeting scheduled for May 6. The Board agreed to reschedule for May 13 at 7:00 p.m.

April 29, 2014 6:30 p.m. Lamoine Town Hall Public Hearing  
May 13, 2014 7:00 p.m. Lamoine Town Hall Regular May Meeting  
June 3, 2014 Regular June Meeting

#### 10. Adjourned at 9:37 p.m.

Respectfully Submitted,

Gordon Donaldson, Secretary