

Lamoine Planning Board
June 7, 2021 - Regular Monthly Meeting

Minutes from the June 7, 2021 Meeting

Board Members Present: Chair, John holt, Vice-Chair, Don Bamman, Perry Fowler, Richard McMullen, Chris Tadema-Wielandt, and Stewart Workman.
CEO: Rebecca Albright

Members of the Public: Stephen Salsbury, Agent, and Edmond Bearor, Esq., Attorney for Harold MacQuinn, Griff Fenton, Nick Holt.
Call to Order: 7:00 pm

Consideration of minutes: None available

Code Enforcement Officer's Reports:

Permits Issued: Plumbing Permits: 5. Building Permits: 8. Filed
Enforcement Activities: Nothing specific to report.

Other: discussion of Kittredge Pit violations, CEO sent a letter to Stephen Salsbury on 12/06/2020 listing three violations. No reply. Another letter sent on 02/03/2021 asking for a response, none so far. Tadema-Wielandt requested that Steve Salsbury explain, and justify the lack of response and suggested strongly that an apology, at the very least, was appropriate. Salsbury responded that the Site Plan Review Application on the agenda tonight was MacQuinn's response.

Permit Conditions Tracking Report: None

Old Business: none

New Business:

a. Gravel Permit Application - Findings of Fact & Decision for Harold MacQuinn, Inc - Map 3 / Lots 31 & 33. Given Chair Holt's position with Cold Spring Water Company, an abutter, Holt recused himself from further participation in the matter at hand, and volunteered to act as Secretary Pro Tempore. Attorney Bearor objected to Holt's participation in any manner, consequently Holt left the building. Vice-Chair (Chair Pro Tempore) Bamman assumed control of the meeting, and asked for a volunteer to act as Secretary Pro Tempore, to which Tadema-Wielandt assented.

Prior to commencing the hearing, Chair Bamman responded to a prior inquiry from Carol Corty, President of the Board of Directors of Friends of Lamoine ("FoL") regarding FoL's request to be granted standing in this matter. Chair Bamman reported that a letter of Instruction had been requested from Counsel of the Maine Municipal Association (MMA), who informed the Board that it is not within the purview of the Planning Board to confer standing which is only available at

the Appellate Level. Kathy Gaianguest, also of FoL, requested a copy of the MMA letter which she said she would get from Stu Marckoon. Steve Salisbury did not receive a copy and doesn't want one. Chair Bamman asked whether any one present wished to have a re-cap of the written, or oral testimony, previously presented to the Board, there was no such request.

Findings of Fact & Decision:

Sec. A1(Chair Bamman read Section A1)

Fowler moved and Workman seconded a motion to Find that the Application meets Standard A1. Vote was 5-0 in favor.

Sec. A2(Chair Bamman read Section A2)

Fowler moved and Workman seconded a motion to Find that the Application meets Standard A2. Vote was 5-0 in favor.

Sec. A3(Chair Bamman read Section A3)

Fowler moved and Workman seconded a motion to Find that the Application meets Standard A3. Vote was 5-0 in favor.

Sec. A4 (Chair Bamman read Section A4)

Fowler moved and Workman seconded a motion to Find that the Application meets Standard A4. Vote was 5-0 in favor.

Sec. A5 Chair Bamman read portions of Section A5, and it was agreed that Section A5 is not applicable to this application.

Sec. B (Chair Bamman read Section B)

Fowler moved and Workman seconded a motion to Find that the Application meets Standard B. A discussion ensued relative to the plantings which took place in 2016, and the nullification by the Superior Court of subsequent planting requirements.

Vote was 5-0 in favor.

Sec. C1(Chair Bamman read Section C1)

Fowler moved and Workman seconded a motion to Find that the Application meets Standard C1. Vote was 5-0 in favor.

Sec. C2(Chair Bamman read Section C2)

Fowler moved and Workman seconded a motion to Find that the Application meets Standard C2. Vote was 5-0 in favor.

Sec. C3(Chair Bamman read Section C3)

Fowler moved and Workman seconded a motion to Find that the Application meets Standard C3. Vote was 5-0 in favor.

Sec. C4 Chair Bamman read Section C4, and it was agreed that Section C4 is not applicable.

Sec. C5 Chair Bamman read Section C5, and it was agreed that based on the Fall 2020 water sampling, there is no evidence of necessity to apply Section C5 to this application.

Sec. D1 (Chair Bamman read Sections D1 and D1a), and indicated that the application shows restoration planned, that was in progress during the site walk, and has been completed according to Steve Salsbury except seeding has not been done. CEO wants permanent boundaries demarking the Permitted Area, which Steve Salsbury expects to be done “sometime this Summer”. CEO also wants “quantified and qualified plan for the restoration which was requested in the Spring pursuant to the previously issued Permit.

Fowler moved and Tadema-Wielandt seconded a motion to Find that the Application meets Standard D1, upon the conditions that (1) permanent boundary markers demarking the Permitted Area be installed, and (2) “quantified and qualified plan for the restoration which was requested in the Spring pursuant to the previously issued Permit, be delivered to the CEO, and that she be kept apprised of the progress thereof. Chair Bamman requested a clarification of language on Pg. 26 of the Application regarding establishing the required 2.5 h to 1v slope during the initial excavation, and about the meaning of the term “over digging” (digging over the line). Vote was 5-0 in favor.

Sec. D1b (Chair Bamman read Section D1b),

Fowler moved and Workman seconded a motion to Find that the Application meets Standard D1b, provided that the work that was to have been done pursuant to the previously issued Permit be completed within 6 months, and that the CEO be kept informed of progress thereof.

Vote was 5-0 in favor. A brief discussion ensued regarding the time allowed for completion of the aforementioned restoration work, wherein the CEO suggested that 4 months, rather than 6 months was more appropriate, whereupon, Fowler moved and Workman seconded an amended motion reducing the time for completion of the aforementioned restoration work from 6 months to 4 months. Vote was 5-0 in favor.

Sec. D1c (Chair Bamman read a portion of Section D1c), whereupon the Board agreed that a full reading was not necessary. Fowler moved, and Workman seconded a motion to Find that the Application meets Standard D1c. Vote was 5-0 in favor.

Sec. D1d (Chair Bamman read Section D1d). and it was agreed that Section D1d is not applicable.

Sec. D1e (Chair Bamman read Section D1e), Fowler moved, and Workman seconded a motion to Find that the Application meets Standard D1e. Vote was 5-0 in favor.

Sec. D2 Chair Bamman indicated that a Restoration Plan is on file at the Registry of Deeds, a copy of which is included in the Application. Fowler moved, and Workman seconded a motion to Find that the Application meets Standard D2. Vote was 5-0 in favor.

Sec. D3 Chair Bamman indicated that the Application includes the required language pursuant to Sec. D3, whereupon Fowler moved, and Workman seconded a motion to Find that the Application meets Standard D3, including sub-sections D3a through D3f. Vote was 5-0 in favor.

Sec. E1 Chair Bamman indicated that the Application includes the required language pursuant to Sec. E1, whereupon Fowler moved, and Workman seconded a motion to Find that the Application meets Standard E1 Vote was 4-1 in favor. (Tadema-Wielandt voted against.)

Sec. E2 Chair Bamman indicated that the Application includes the required language pursuant to Sec. E2, whereupon Fowler moved, and Workman seconded a motion to Find that the Application meets Standard E2 Vote was 5-0 in favor.

Sec. E3 Chair Bamman indicated that the Application includes the required language pursuant to Sec. E3, whereupon Fowler moved, and Workman seconded a motion to Find that the Application meets Standard E3. Vote was 5-0 in favor. Chair Bamman issued a clarification for the record, that the new "Haul Road" which is the subject of a subsequent Site Plan Permit Application, but is shown on the plan for the instant Application is NOT included as a part of this Application.

Secs. E4 through Sec. E7 Chair Bamman indicated that the Application includes the required language pursuant to Secs. E4 through E7, whereupon Fowler moved, and Workman seconded a motion to Find that the Application meets Standards E4 through E7. Vote was 5-0 in favor.

Sec. F Chair Bamman indicated that the Application includes the required language pursuant to Secs. F1 through F4, whereupon Fowler moved, and Workman seconded a motion to Find that the Application meets Standard F1 through F4. Vote was 5-0 in favor.

Sec. G Chair Bamman indicated that the Application includes the required language pursuant to Secs. G1 through G3, whereupon Fowler moved, and Workman seconded a motion to Find that the Application meets Standard G1 through G3. Vote was 5-0 in favor.

Sec. H Chair Bamman indicated that the Application includes the required language pursuant to Sec. H1a, that Standard H1b is inapplicable to this Application, and that both Standards H1c and H1d are met by this Application, whereupon Fowler moved, and Workman seconded a motion to Find that the Application meets Standard H1a, H1c and H1d. Vote was 5-0 in favor.

There being no provision in the Application for Exterior Lighting, it was declared that Standards I1 and I2 are not applicable.

Sec. J (Chair Bamman read Section J), Fowler moved, and Workman seconded a motion to Find that the Application meets Standard J. Vote was 5-0 in favor.

Sec. K (Chair Bamman read Section K), Fowler moved, and Workman seconded a motion to Find that the Application meets Standard K. Vote was 5-0 in favor.

Sec. L (Chair Bamman read Section L), Fowler moved, and Workman seconded a motion to Find that the Application meets Standard L. Chair Bamman abstained, Vote was 4-0-1 in favor. A brief discussion followed about how to define "neighboring properties".

Sec. M (Chair Bamman read Section M), Fowler moved, and Workman seconded a motion to Find that the Application meets Standard M. Vote was 5-0 in favor.

Sec. N (Chair Bamman explained Section N, and it was agreed that Section N is not applicable to this Application.

Fowler moved and Workman seconded a motion to APPROVE the Application, upon the CONDITIONS that:

- (1) permanent boundary markers demarking the Permitted Area be installed, and
- (2) "quantified and qualified plan for the restoration which was requested in the Spring pursuant to the previously issued Permit, be delivered to the CEO, and that she be kept apprised of the progress thereof, and that
- (3) The unfinished restoration work which is the subject of several Notices of Violation, shall be completed within 4 months (October 7, 2021).

b. Site Plan Review Permit pre-application for Harold MacQuinn, Inc - Map 3/ Lots 31 & 33. Chair Bamman asked Steve Salsbury to give the Board a brief explanation of the Application, which he did, indicating that the road would be approximately 24 feet wide for the purpose of accessing the remaining 4.4 Acres in the currently permitted area. Chair Bamman asked Steve Salsbury to use the application plan to describe for the live and television audiences. Carol Korty asked why the new road is not within the area which already has a Site Plan Review Permit. Steve Salsbury explained that the proposed road will be less steep than the existing roads and will be the most useful location for purposes of accessing the remaining gravel, etc. Kathy Gaianguest asked for help in visualizing the location, on the ground, of the proposed road. Richard McMullen, who had been on the site walk, explained that it was the area that had been used to access the upper areas of the pit during the site walk. The cross will not be removed for this project. Nick Holt, an abutter to this lot, spoke of the history of permits issued in this area, including a building which was never built, and a proposed carrot farm which precipitated erection of the cross. He wondered whether this was just another carrot farm scheme. Fowler moved and Workman seconded a motion to proceed with consideration of the pre-application as road permit, not a gravel permit. Vote was 4-1 in favor.(Bamman voted against). CEO uncomfortable with the vote. Chair Bamman proceeded to do a cursory Completeness review, and it was consensus that the application is complete. Steve Salsbury will stake the center of the proposed road. Given the late hour (9:10pm EDT) Chair Bamman asked Salsbury whether the formal completeness review might be held at the July (12th) meeting, to which Salsbury agreed.

The CEO asked Board members to familiarize themselves with the campground ordinance for discussion at next month's meeting.

Chair Bamman decided that ordinance development would occur next month. Upcoming regular meeting dates will be July 12, August 9 and September 13, 2021. Site walk to be scheduled after the completeness review, public hearing to be scheduled after the site walk. Fowler moved and Workman seconded a motion to adjourn. Vote was 5-0.

Meeting Adjourned at 9:14pm EDT
Respectfully submitted