



Lamoine Planning Board

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Minutes of the August 7, 2023 Monthly Meeting

Boards Members Present: Don Bamman, Chris Tadema-Wielandt, Perry Fowler, Richard McMullen, Steve Gabel-Richards, Stewart Workman

Town Attorney: Dan Pileggi

CEO: Rebecca Albright

Members of the Public Present:

Representing CPEX, LLC - Hal Feinberg, Stephen Salsbury, Brian Rayback
Public - Nancy Pochan, Annie Crisafulli, Michael Duquette, Jon Van Amringe, Nicole Cardano, Frank Donnelly, Hana Brown, Jonny Brown, Mark Harris, Amy Morley, Brett Jones, Michael Laundry, Kathryn Gaianguest

Call to Order: 7:00 PM

Consideration of Minutes: Motion made to accept the minutes as written from the [June 19, 2023](#) meeting. Tadema-Wielandt/Fowler, passed 5 - 0. The [July 17 minutes](#) were tabled until the September meeting.

Code Enforcement Officer's Reports:

- a. [Permits](#) - no discussion
- b. Enforcement activities - two letters of inquiry have gone out. One resulted in a call back from an attorney while the other has produced no response.
- c. Other - the CEO received an anonymous complaint about the house across the street from the town office dealing with trash and number of people. She is consulting the town attorney about citing them for operating a boarding home without proper permitting. She also reported that the state has gone to this house and removed 19 animals. No letter has been sent as yet. Rebecca and Dan Pileggi are working on that together and will update us next month.

Old Business:

Site Plan, Commercial Building, and Subdivision Permits, [CPEX, LLC / Clear Sky Acadia Resort](#), Map 4 Lot 41 and Map 8 Lot 23

An initial discussion ensued as to the status of the required ME DEP permits, which were listed as a condition of the application being found complete by the Board at its May 1 meeting. It was stated then that the application would not be approved at a future date if this permit was not granted. The Board was advised by Dan Pileggi that they could proceed with the review of the application with the understanding that work on the project could not begin until the DEP permit was issued. It was also explained that once the Board found the application complete it was bound to a timeline set forth in the ordinance. The Board then proceeded with review of the [subdivision](#) application.

Criteria 1 - Impact on Community Services (schools, roads, waste, etc) - after a lengthy discussion, mostly focused on the traffic study, a motion was made, Fowler/Tadema-Wielandt, that the standard for this criteria was met. Passed 5 - 0

Criteria 2 - Maintenance of Prescribed Densities and Setbacks

Section 12 G - Setbacks, Side and rear yard widths, and buffers.

Section 12 H - Lot Size and Density Standards

A motion was made, McMullen/Fowler, to find the standards satisfied. Passed 5 - 0

Criteria 3 - Preservation and Protection of Natural Resources - In response to a question, Brian Rayback listed the following permits as likely needed. Natural Resources Protection Act permit (state), Federal Clean Water Act (not certain pending interpretation of a recent Supreme Court decision), Site Location of Development Law, and the Storm Water Management Law. Dan Pileggi reminded the Board that in the process of obtaining these permits changes may be made to the plan in which case the applicant will need to come back before the Board to amend the application.

A motion was made, Fowler/Tadema-Wielandt, that this standard was met. A discussion followed which resulted in the motion being declined, 0 - 5. A new motion was made, Gabel-Richards/Fowler, to ask the applicant for the completed study by Watershed Resource Consultants on wetlands, streams, vernal pools, etc., and for an independent peer review of the Water Supply Analysis Report prior to finding this criteria satisfied. Passed 4 - 1 with Tadema-Wielandt opposed.

Criteria 4 - Retention of Open Space and Geographic or Historic Features - a motion was made to find this criteria standard met. Gabel-Richards/Tadema-Wielandt, passed 5 - 0.

Criteria 5 - Easements - No easements were noted. Motion made to find the standard met. Fowler/McMullen, passed 4 - 0 -1 with Tadema-Wielandt abstaining

Criteria 6 - Utilities - the utilities plan was found acceptable, with utilities being placed underground. Motion made to find this standard satisfied. Gabel-Richards/Tadema-Wielandt, passed 5 - 0.

Criteria 7 - Land Not Suitable for Development - no development was proposed on land not suitable for development. Motion made to find this standard satisfied. Tadema-Wielandt/Gabel-Richards, passed 5 - 0.

Criteria 8 - Floodplain Management Requirements - Documentation was provided indicating that no activity was planned for the floodplain management area as shown on FEMA maps. Motion was made to find this standard satisfied. McMullen/Workman, passed 5 - 0.

Section 12 F - Street Design - Street designs as presented satisfied the ordinance requirements. A motion was made to find this standard satisfied, subject to a Board imposed requirement that the first 750 feet of the entrance road be paved to help reduce dust and noise in front of an abutter's home. McMullen/Workman, passed 5 - 0

Section 12 I - Fire Protection - A motion was made to table this standard until an updated letter, signed by the fire chief, stating that all fire suppression requirements have been met. Tadema-Wielandt/Gabel-Richards, passed 3 - 2 with Fowler and McMullen opposed.

Section 12 G - A motion was made to revisit Section 12 G, Fowler/McMullen, 5 - 0.

A follow up motion was made to table this criteria until the applicant submits a plan from a landscape architect for vegetative screening along the paved section of road specified in section 12 F. Tadema-Wielandt/Fowler, passed 5 - 0.

Section 12 J - Groundwater Standards - A motion was made to table this criteria until an independent hydrogeologist can provide a peer review of the St. Germain hydrology report. The hydrologist will be determined by CEO Albright and Stephen Salsbury. Fowler/Gabel-Richards, passed 5 - 0.

A motion was made to table further consideration of the subdivision application until the November 13 Board meeting allowing time for the applicant to gather all requested materials. Gabel-Richards/McMullen, passed 5 - 0.

A motion was then made to place consideration of the Site Plan and Commercial Building applications on the agenda for the September 11 Board meeting. McMullen/Fowler, passed 5 - 0.

Election of Officers: A motion was made to elect Gabel-Richards as Board secretary. Fowler/Workman, passed 4 - 0 -1. A second motion was made to nominate Perry Fowler as the new chair of the Board and for Don Bamman to retain his position as vice chair. Gabel-Richards/Tadema-Wielandt, 5 - 0.

Meeting Adjourned: 9:47 PM