

Town of Jonesport

Planning Board Public Hearing Minutes

Time: 6:00 p.m.

Place: JBHS gymnasium

Date: August 25, 2022

Present:

Planning Board Members: Frank, Lee, Paul, and Alvin (Kathy arrived 8:30ish)

Alternates: Anthony, Bill, and Diane

Counsel: Attorney John Hamer

Representing the Kingfish Maine Application: Bill Lane, Megan and Tom Sorby, Darrell Richards, and Attorney Adrian Kendall

Motion was made by Paul; seconded by Frank to allow Bill Nunan to vote during tonight's meeting in Kathy's absence. **Vote:** Unanimous (Bill will vote the entire meeting).

Motion: Paul motioned; Bill seconded to accept the minutes as submitted for August 2, 2022, with one correction of Darrell's last name Richardson to Richards. **Vote:** Unanimous

Frank welcomed everyone and discussed procedure. The applicant had requested that we hold meetings twice weekly. Frank asked if the applicant would accept having a meeting every Thursday night. On behalf of the applicant, Tom Sorbey requested an all-day session. The Board was not favorable to the all-day session but were in agreement to meet weekly on Thursdays at 6 p.m.

Frank explained that each issue would be dealt with when we get to the performance standard that deals with the issue. Mr. Kendall address concern about standard that hadn't been finalized. Frank and the Board agreed that procedure for tonight will be to continue through the Land Use standards and then go back to address any that didn't get finalized.

G. Town Services

At the 8/2 public hearing, Al motioned to table G. Town Services until the next meeting. Frank asked Al if he had any comment. Al stated that as it is written there would be no adverse impact, with the exception of a fire emergency.

Motion: Paul motioned; Lee seconded to accept the applicant's proposal for Town Services.

Vote: Unanimous

H. Natural Environment

Attorney Kendall, for the applicant, addressed Attorney Boepple's requirement of transmission lines.

Questions from the Board came from Lee and Al.

Megan, Tom, Attorney Kendall, and Bill all responded on behalf of the applicant.

Public comment: Sean Turley (Protect Downeast), Betty Kelley, and Richard Aiston.

Frank asked for counsel from Attorney Hamer. Attorney Hamer advised that the SLODA permit has been issued. If the requirement should have included, then that should have been brought before the State not the Board.

Motion: Frank motioned; Bill seconded the applicant meet the requirement for H. Natural Environment.

Vote: Unanimous

I. Automobile Graveyards or Junkyards

Motion: Frank motioned; Paul seconded that I. Automobile Graveyards or Junkyards was not applicable.

Vote: Unanimous

J. Land Clearing

Megan explained the applicant's plan.

Motion: Bill motioned; Frank seconded that Kingfish is satisfying the requirement of our Land Clearing performance standard based on the evidence they have provided.

Vote: Unanimous

A. Neighborhood impact:

Board comments/questions: Frank, Al, and Bill

Applicant responses: Bill Lane

Public: Holly O'Neal and Shaun Turley

Megan rebutted Shaun.

More public comments: Julie Farris, Bob Burke, Joy Alley, and Glenda Beal

Counsel: Attorney Hamer

Motion: Frank motioned; Bill seconded that Kingfish has satisfied the neighborhood impact standard under 6A.

Vote: Frank, Al, and Bill voted in favor; Lee and Paul abstained.

Section 7- Additional Standards A. Dimensional Requirements

A.1 State Roads

Bill Lane spoke for the applicant.

Motion: Bill motioned; Paul seconded that Kingfish satisfies the performance standard Dimensional requirements: State Roads based on the plan details shared in the packet provided.

Vote: Unanimous

A.2 Town Roads

Motion: Frank motioned; Bill seconded that we find #2 not applicable because it is not on a Town Road.

Vote: Unanimous

A.3

Motion: Frank motioned; Bill seconded that we find #3 not applicable.

Vote: Unanimous

A.4 Private Roads

Motion: Frank motioned; Paul seconded that we find #4 not applicable.

Vote: Unanimous

A.5

Bill Lane spoke for the applicant.

Motion: Frank motioned; Paul seconded that we find #5 not applicable.

Vote: Unanimous

Frank conferred with Counsel Attorney Hamer about n/a items.

A.10 Towers

Applicant: Megan Sorbey

Public: Carrie Peabody

Motion: Frank motioned; Paul seconded that we find Towers not applicable as their plan has no towers.

Vote: Unanimous

Section 7 B Off-Road Parking

1.& 2. Board: Al, Frank, Diane

Applicant: Bill Lane, Adrian Kendall

Counsel: Attorney Hamer – Subdivisions can be taken up later before a permit is issued.

Motion: Frank motioned; Bill seconded that Kingfish’s plan satisfies both B.1 and B.2.

Vote: Unanimous

Frank discussed procedure. Public submissions must be made by noon on Monday for Thursday’s meeting. We will only be addressing an issue as it applies to the standard we are discussing. We will be taking the standards in order top to bottom.

Public: Richard Aishton, Crystal Canney, John Church, Lyn Alley

7.C. Roads 1-9

Motion: Bill motioned; Frank seconded that C. Roads are not applicable in this scenario because Kingfish is not developing roads for Town transport.

Vote: Unanimous

7.D Mobile Homes: 1 & 2

Motion: Frank motioned; Bill seconded that D. 1 & 2 are not applicable.

Vote: Unanimous

7.E. Road Buffers: 1 & 2

Motion: Frank motioned; Paul seconded that E. 1 & 2 are not applicable according to the plan.

Vote: Unanimous

7. F. Lots: 1-5

Applicant: Bill Lane

Board: Paul, Frank, Bill, Al, Lee

Attorney Hamer- base the F. Lots as if subdivision review will be done.

Public: Sean Turley

Motion: Bill motioned; Paul seconded that Kingfish has provided ample evidence to satisfy the standard in 7F of our Land Use Ordinance based on review of their plans. That includes 7F. 1, 2, 3, 4, and 5. This does not necessarily mean that we will or will not be doing subdivision review later. If we do, we may have to revisit but not as it applies tonight.

Vote: Unanimous

Counsel recommended that final public comment of the Land Use standards, close the Public Hearing, and take a final vote. Once voted the record would be closed.

Frank asked if the Board could vote on both the Land Use and the Shoreland Ordinance after the Shoreland review was done. Mr. Kendall and Megan responded for Kingfish that they would like a vote on the Land Use portion.

Public Comment: Carrie Peabody, Shaun Turley, Richard Aishton, and Crystal Canney

Board: Diane

Public Hearing portion closed at 8:21 p.m.

Deliberations:

Frank made a motion to approve the Land Use portion of the Kingfish application.

At this time there was not a second.

Lee stated that the Board has not addressed the Land Use Table. Concern is that Industrial structures and Commercial structures in the Limited Residential are not permitted. The Board must go with the most restrictive.

Shaun Turley requested to comment stating that it was a legal comment not a public comment. The Board voted 4 in favor that public comment would remain over; Lee abstained.

There was much deliberation by the Board members.

Bill Lane, Megan Sorbey, and Attorney Kendall spoke for the applicant.

Attorney Hamer stated that Kingfish did not fit the definition of agriculture. He advised that the Board should determine if it fits under #19 Marine Related Activities. Don't worry if it is commercial or industrial. If the Board determines that it is functionally water dependent, then it can pass.

Motion: Frank motioned; Bill seconded that this Board considers fish farming a functionally water-dependent use.

Vote: Unanimous

Motion: Frank motioned; Bill seconded that Kingfish passes the Land Use Ordinance portion of the process.

Vote: Frank, Paul, Al, and Bill in favor; Lee opposed.

Attorney Hamer and Attorney Wagner will create a draft decision and findings report for the Board to approve.

Bill suggested that we review the appropriate uses within the Shoreland Zoning Ordinance before we address each standard.

Meeting adjourned at 9:14 p.m.

Minutes by TJM