

**PUBLIC HEARING
TREMONT COMMUNITY BUILDING
TUESDAY, JUNE 21, 2005
6:30 PM**

The Planning Board held a Public Hearing on June 21, 2005 at 6:30 pm in the Tremont Community Building to hear the following:

Review of an application submitted by Greg Johnston of CES, Inc. for Robert Egbert Map 8 Lot 9, Limited Residential Shoreland Zone. To construct a 137 foot long pier with a 60 foot ramp and two 40 foot by 20 foot floats connected by a seasonal bridge of 45 feet. Total combined length of 305 feet.

Present were Chairman George Urbanneck, Planning Board Members Alden Gray, Jim Keene, Linda Graham and Wayne Patton, Town Attorney Jim Collier, CEO Millard Billings and Recording Secretary Debbi Nickerson.

Members of the public present were Louise Kinney, Jeff Crafts, Edward Fielding, Wendy Fielding, Rob Egbert, Tyler Reynolds, Richard Podolsky, James Parker, Stephanie Clement, Robert Radle, Brian Reilly, Heath Higgins, Mary Anne Fox, Glenn Squires, Diane Miller, L Farley, Sheila Paine, Charles Dillon, Gregory Johnston, Virginia Davis, Douglas Chapman, Thomas Wheatley, Edwin Chase, Brian F. Beal, Pritam Singh, Richard MacDonald, Alyson Perkins, Gordon Longsworth, Wayne Libhart, Mark Good – Islander, Holly Dominie, David Caswell, Cherie Galyean, Jarvis Newman, Peter Butler, Nancy Elliott, Lynn Carol, Mabel Cabot, Nancy Hamblen, Sylvia Constable, John Constable, Sandy Salisbury, Sigmund Schutz.

Chairman George Urbanneck opened the Public Hearing as 6:30 pm.

Michael Ross, Attorney for the Applicant, asked, “I just wanted to check with the Board to see if any and all the Board Members were prepared to be voting on this or if there are going to be any recusals at all from the Board Members.” Chairman George Urbanneck replied, “There will be one recusal. That would be Mr. Gray. Alden Gray is our newest member; this is his first night on the Board. There are many, many meetings he had not attended, so he’s really not up to speed on what’s going on with this application. So Mr. Gray requested that he be recused from voting on this application.” Attorney Ross asked, “I just want to make certain that we are permitted to have rebuttal of witnesses even if they do not testify during our initial presentation.” Chairman Urbanneck responded, “Doesn’t sub-section E say rebuttal statements by any of the people who testified previously cover that?” Attorney Ross then said, “So I can have rebuttal witnesses without the need for them to testify at this time. Is that correct?” Chairman Urbanneck agreed.

Chairman George Urbanneck followed the *Sequence of Presentations at a Public Hearing* (see attached).

Chairman Urbanneck began with A. Presentation by applicant and his or her attorney and witnesses, without interruption.

Attorney Ross introduced the Applicant’s position and his interpretation of the Tremont Zoning Ordinance. Mr. Crafts went over a time line of the Egbert Pier Application (see attached). Mr. Johnston reviewed the four standards the Town of Tremont has for piers and how the Egbert Pier fits those standards (see attached). He also introduced

correspondence from the Maine Department of Inland Fisheries and Wildlife (see attached).

Chairman Urbanneck then asked for B. Questions to the applicant by board members and people who will be directly affected by the project, the imitate abutters, and request for more detailed information on the evidence presented by the applicant. Mr. Wheatley, an attorney employed by Douglas Chapman, asked many questions of the applicant and his representatives.

Chairman Urbanneck asked C. Presentations by abutters or others who will be directly affected by the project and their attorneys and witnesses. Sylvia Paine Constable introduced herself and said, "I'm here because we would like to preserve the cove as it is. Many people use it. It's not one persons, it belongs to the summer residents. My father gave that area where people picnic. It is every bit of my family's pleasure to go down to the cove and to see so many people picnicking – particularly at night, but during the day it's equally busy. We love this cove. We're very attached to this area. The view means a lot to us and I am of the opinion that a huge dock is not an amenity, if anything it's an eye sore to that view. Now I know we have an equally large dock, but my father build that dock in 1930 and it doesn't infringe on anyone's turf." Chairman George Urbanneck informed Mrs. Constable the Board was just taking questions from abutters. Chairman Urbanneck asked, "Are there any questions from direct abutters regarding the application? Any questions from the Planning Board?" Chairman Urbanneck asked, "I have a question pertaining to the use and the definition of use as a primary activity on the property. In the application presented by Rob Egbert on February 1st, on three separate locations - on the cover sheet to the Town of Tremont Application *please describe your project* it was stated that *to construct a pile supported residential pier to be used in common by multiple home owners*. That's multiple home owners. On the second page of *the overview of standards of a residential piers* presented by CES Section D. it is stated that the pier is intended to serve more than one homeowner. On the Permit by Rule, to the DEP, the description of the project is *constructing a pier for common use of residential homes*. I'm in a quandary here because we're trying to resolve that there is presently a single residential use on that property. A pier is an accessory use to a residential use. The only allowable use in that zone is residential use. You have clearly stated by your own definition that the use of the pier is for multiple homes. How would you resolve that given the fact that there is one existing residence on that property?" Attorney Michael Ross suggested amending the application to make the application for a single residence. Town Attorney James Collier said, "I'm tending to think that's okay, but I want more study on that. I've been looking at it and I haven't quite nailed it down yet."

Chairman Urbanneck moved on to Section C. Presentations by abutters or others who will be directly affected by the project and their attorneys and witnesses. Attorney Doug Chapman, representing Sheila Paine, Sylvia Constable and Moose Island Limited Partnership and Seal Cove Trust, presented his clients views. Using many experts, they explained, in their opinion, how the Seal Cove area would be adversely affected. Several Tremont residents also voiced their opinion.

Chairman Urbanneck went on to Section D. Questions by the applicant and board members through the chairperson to the people directly affected and the witnesses who made presentations. Mr. Ross brought in experts to question the experts. Chairman

Urbanneck asked if there was a typo in the letter from James Hall, Wildlife Biologist with the Department of Inland Fisheries and Wildlife, date June 6, 2005. The letter has the Egbert Pier project in Seal Harbor not Seal Cove. He was assured it was a typo.

Chairman Urbanneck asked E. Rebuttal statements by any of the people who testified previously. There were not.

Chairman Urbanneck asked F. Comments or questions by other interested people in the audience. Wendy Fielding, Thomas Whitley, Michael Ross, Pritam Singh and Douglas Chapman spoke.

Chairman Urbanneck poled the Planning Board and James Collier on their thoughts on voting on the Egbert Pier. The Planning Board Members all said they were ready to vote on this issue. Chairman Urbanneck voiced his concern about not having a voting quorum. James Collier assured him there were enough Planning Board Members present to have a quorum.

Motion made by Planning Board Member Linda Graham, with second by Planning Board Member Jim Keene, to close the Public Hearing and not extend the comment period. Motion passed by a show of hands 2-1-2. Planning Board Members Linda Graham and Jim Keene voted yes, Chairman George Urbanneck voted no, Planning Board Members Wayne Patton and Alden Gray abstained – they had not been to all the meetings. The Public Hearing closed at 10:10 pm.

**PLANNING BOARD MEETING
TREMONT COMMUNITY BUILDING
TUESDAY, JUNE 21, 2005
IMMEDIATELY FOLLOWING THE PUBLIC HEARING**

1. CALL TO ORDER

The June 21, 2005 Planning Board Meeting was called to order by Chairman George Urbanneck at 10:10 pm.

2. ROLL CALL

Present were Chairman George Urbanneck, Planning Board Members Alden Gray, Jim Keene, Linda Graham and Wayne Patton, Town Attorney Jim Collier, CEO Millard Billings and Recording Secretary Debbi Nickerson.

Members of the public present were Louise Kinney, Jeff Crafts, Edward Fielding, Wendy Fielding, Rob Egbert, Tyler Reynolds, Richard Podolsky, James Parker, Stephanie Clement, Robert Radle, Brian Reilly, Heath Higgins, Mary Anne Fox, Glenn Squires, Diane Miller, L Farley, Sheila Paine, Charles Dillon, Gregory Johnston, Virginia Davis, Douglas Chapman, Thomas Wheatley, Edwin Chase, Brian F. Beal, Pritam Singh, Richard MacDonald, Alyson Perkins, Gordon Longworth, Wayne Libhart, Mark Good – Islander, Holly Dominie, David Caswell, Cherie Galyean, Jarvis Newman, Peter Butler, Nancy Elliott, Lynn Carol, Mabel Cabot, Nancy Hamblen, Sylvia Constable, John Constable, Sandy Salisbury, Sigmund Schutz.

3. ADJUSTMENTS/ADOPTION OF AGENDA

Motion made by Planning Board Member Linda Graham, with second by Planning Board Member Jim Keene, to dispense with the approval of minutes and address them at a future meeting. Motion passed by a show of hands 3-0-2. Planning Board Members Wayne Patton and Alden Gray abstained – they had not been present for the previous meetings about the pier.

4. SUBDIVISIONS (AGENDA ITEM 5.)

None

5. NEW BUSINESS (AGENDA ITEM 6.)

None

6. OLD BUSINESS (AGENDA ITEM 7.)

A. Review of an application submitted by Greg Johnston of CES, Inc. for Robert Egbert Map 8 Lot 9, Limited Residential Shoreland Zone. To construct a 137 foot long pier with a 60 foot ramp and two 40 foot by 20 foot floats connected by a seasonal bridge of 45 feet. Total combined length of 305 feet.

Chairman George Urbanneck said, “I would like a vote on each of these individual standards by the eligible members of the Board. I’m talking about section N. 2. Standard for Piers, Docks, Wharfs and Bridges.”

N. 2. a. Access from shore shall be developed on soils appropriate for such uses and constructed so as to control erosion. Chairman Urbanneck asked, “All those in favor that the application meets this standard please raise your hand.” 3 members raised their hands. 2 members abstained.

N. 2. b. The location shall not interfere with developed beach areas. 3 members voted that the pier would not interfere. 2 members, Alden and Wayne abstained.

N. 2. c. The facility shall be located so as to minimize adverse effects on fisheries. 3 members voted that the pier would be built in a location that would minimize the adverse effects. 2 members, Alden and Wayne abstained.

N. 2. d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area. 2 members voted that the pier would meet this standard. 1 member voted that the pier would not meet this standard. 2 members, Alden and Wayne abstained.

Town Attorney James Collier requested the Board take a vote on whether the applicant has standing on this pier project. 3 members agreed, Mr. Egbert had standing. 2 members, Alden and Wayne abstained.

Motion made by Planning Board Member Jim Keene, with second by Chairman George Urbanneck, to accept the amended application submitted to the Town of Tremont Planning Board for a residential pier application for Rob Egbert, Tax Map 8 Lot 9, originally submitted February 1, 2005. Motion passed by a voice vote 3-0-2. Planning Board Members Wayne Patton and Alden Gray abstained – they had not been present for all the meetings.

7. CEO ISSUES (AGENDA ITEM 8.)

None

8. NOTICES (AGENDA ITEM 9.)

None

9. OTHER (AGENDA ITEM 10.)

CEO Millard Billings asked if any Planning Board Members wished to attend the Striking-A-Balance Workshop on June 30, 2005.

10. SET DATE FOR NEXT MEETING (AGENDA ITEM 11.)

July 12, 2005

11. ADJOURN (AGENDA ITEM 12.)

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Jim Keene, to adjourn. Motion passed by a show of hands 5-0. The meeting was adjourned at 10:37 pm.

Respectfully submitted,

Debbi Nickerson,
Recording Secretary

George Urbanneck