

Bucksport Board of Appeals
7:00 P.M., Tuesday, August 11, 2009
Bucksport Town Office
50 Main Street

AGENDA

1. Call to Order

2. Roll Call

Jeremy Daigle, Chairman
 Richard Tennant
 Emery Deabay

Louis Levasseur
 W. Kim Delbridge

3. Review and Acceptance of Minutes: Minutes from the July 15, 2009 meeting.

Unfinished Business:

A. Administrative appeal of a decision of the Planning Board.
Applicant: Vaughn Thibodeau & Sons

4. New Business

5. Other Business

6. Adjournment

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MINUTES

1. **Call to Order:** 7:00 PM by Chairman Jeremy Daigle
2. **Roll Call**

<input checked="" type="checkbox"/> Jeremy Daigle, Chairman <input checked="" type="checkbox"/> Richard Tennant <input checked="" type="checkbox"/> Emery Deabay	<input checked="" type="checkbox"/> Louis Levasseur <input checked="" type="checkbox"/> W. Kim Delbridge
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Staff present : Jeffrey Hammond, Code Enforcement Officer

3. **Review and Acceptance of Minutes:** Minutes from the July 15, 2009 meeting were reviewed.

MOTION(Levasseur): To approve the July 15, 2009 Minutes as submitted.

SECOND(Delbridge)

DISCUSSION: None

VOTE: 5-0 motion adopted

Unfinished Business:

A. Administrative appeal of a decision of the Planning Board.
Applicant: Vaughn Thibodeau & Sons

Mary Denison, Esq. was present to represent the applicant. Ms Denison responded to comments submitted by the public in rebuttal to her testimony on traffic safety criteria reviewed by the planning board. She reiterated that MDOT standards were met, a traffic impact was not required and truck activity will decrease on Route 46 and, thereby, address the safety concerns expressed by the police department.

Ms Denison presented testimony on the planning board's review of the noise standard in the land use ordinance. She noted that the evidence provided to the board (noise measurements taken at the Prospect quarry) was sufficient to prove that DEP noise standards can and will be met at the Route 46 site. The measurements were plotted out on the site plan for the Bucksport quarry to show the planning board how they would be met. She also stated that the quarry will meet a decibel rating that is more restrictive than the one they are required to meet.

Dr. Bonnie Blake-Kline submitted testimony in rebuttal. She provided the board with several documents that were submitted to the planning board and also submitted a written explanation of her position regarding the planning board's finding on noise. Dr. Blake-Kline stated that the applicant submitted insufficient data, conducted a faulty extrapolation of noise measurements from the Prospect quarry to the proposed quarry on Route 46, and demonstrated a simplistic view of noise with no consideration given to the health and welfare of the nearby residents. The planning board was correct in finding that the applicant did not provide clear and

convincing evidence that there would be no unreasonable adverse effects from noise.

Ms Denison noted that there was no evidence in the planning board's record that the noise data provided was insufficient. There was also no information submitted showing that the DEP standards would not be met.

The board discussed dust impact and it was noted by the CEO that the planning board's findings did not include any concerns about adverse impacts from dust.

The board also discussed how the issue involving compliance with common law, as noted by Dr. Blake-Kline in her presentation, should be addressed in their review. It was suggested that an opinion be obtained from the town attorney but, after further discussion, it was decided that input from the town attorney would not be necessary. The consensus of the board was that their responsibility was limited to reviewing the planning board's decision based on the requirements of the land use ordinance and not common law.

The board concluded their review of the application for the evening.

4. New Business: None

5. Other Business: None

6. Adjournment: 9:17 PM

Minutes prepared by
Jeffrey Hammond
Recording Secretary