

**Bucksport Board of Appeals
7:00 P.M., Tuesday, September 22, 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 September 8, 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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7:00 P.M., Tuesday, September 22, 2009
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50 Main Street

MINUTES

1. **Call to Order:** 7:05 P.M. by acting Chairman Richard Tenant. Mr. Tenant noted that Jeremy Daigle was not able to attend due to a family emergency.

2. **Roll Call**

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|---|--|
| <input type="checkbox"/> Jeremy Daigle, Chairman | <input checked="" type="checkbox"/> Louis Levasseur |
| <input checked="" type="checkbox"/> Richard Tennant | <input checked="" type="checkbox"/> W. Kim Delbridge |
| <input type="checkbox"/> Emery Deabay | |

3. **Review and Acceptance of Minutes:** Minutes from the September 8, 2009 meeting were reviewed.

MOTION(Levasseur): To approve the September 8, 2009 Minutes as submitted.

SECOND(Delbridge)

DISCUSSION: None

VOTE: 3-0 motion adopted.

4. **Unfinished Business:**

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

Mary Dension, Esq., was present to represent the applicant.

Rosemary Bamford, representing the Concerned Citizens Opposed to Long Pond Quarry, was present to provide rebuttal testimony to the applicant's testimony on surface water impacts, heard by the board at the September 8th meeting. Ms Bamford provided the board with a binder containing supporting documents extracted from the planning board's review record.

Ms Bamford stressed concerns with the sensitivity of the Long Pond watershed to adverse impact from development, such as the proposed quarry. She noted that the DEP permit issued for the quarry contained several conditions of approval that were directly related to these concerns. She also noted that the planning board's decision to deny a positive finding on surface water impact was based on scientific data provided to them during their review and not based on emotional reaction.

John Rand, a licensed geologist hired by the opponents to provide expert testimony on surface water impact of the proposed quarry, submitted testimony to the board. Mr. Rand explained his concern about the insufficiency of the applicant's groundwater study, which was based on well pumping. He also explained his concerns about the potential for dewatering of a nearby wetland, the long-term functioning of the storm water basin, adverse impacts to a nearby stream and to neighbor's water wells.

Steve Norton, resident of Bucksport, provided testimony on the water testing he conducted on the unnamed stream that the opponents claimed would be adversely impacted by surface water runoff from the proposed quarry. Dr. Norton noted that, if the quarry is finally approved, the stream should be subject to testing at least as stringent as the testing he conducted. He stated that the applicant's testing was inappropriate for determining impacts of ground water on surface water, but was appropriate for determining impact on human health.

Diego Castro, a party with standing to the appeal, commented on the current extremely dry condition of the unnamed stream.

The board took a brief recess at this point.

Upon reconvening, Mary Denison commented on some of the testimony submitted to the board by the opponents. Ms Denison noted that her expert consultants were not present and would be present at the next meeting to provide additional comments. Ms Denison asked John Rand to explain some of his comments on impact to the nearby wetland. He was also asked to explain his criticism of how the design of the proposed quarry evolved over time and the "cookbook" method employed to determine phosphorous impact.

Ms Denison also commented on testimony provided by Dr. Norton regarding the water quality of a pond on Mount Desert Island and the water quality of the unnamed stream. Ms Denison noted that the planning board's own expert consultants agreed that the design of the proposed quarry would not adversely impact surface water.

Ms Denison pointed out that some of the testimony heard from opponents addressed concerns about impact on groundwater, but the dissenting planning board members based their vote on concerns about impact to surface water and dewatering effects.

Ms Denison concluded her comments by stating for the record that she did not believe an additional public hearing would be necessary.

The CEO raised a question about the absence of two members of the board and if the members present believed the audio record would be sufficient for the absent members to review. It was noted that at several points during the testimony, visual aids were used to explain comments. The board discussed the question and concluded that the audio record should provide sufficient information for the board members to review.

The board scheduled the next meeting for Monday, October 12th at 7:00 P.M.

5. New Business: None

6. Other Business: None

7. Adjournment: 9:10 P.M.

Minutes prepared by Jeffrey Hammond, Recording Secretary