

**Bucksport Planning Board  
Meeting  
6:30 P.M., Tuesday, February 5, 2019  
Bucksport Town Office  
50 Main Street**

**AGENDA**

**1. Roll Call**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Steven Bishop   | <input type="checkbox"/> Steve Feite    | <input type="checkbox"/> George Hanson |
| <input type="checkbox"/> Brian MacDonald | <input type="checkbox"/> Edward Belcher | <input type="checkbox"/> Jay Durost    |
| <input type="checkbox"/> David Grant     |   |  |

Planning Board Chair: Brian MacDonald

Planning Board Secretary: Steve Feite

**2. Review and Acceptance of Minutes:** January 8, 2019 meeting.

**3. Chair's Report**

**4. Code Enforcement Officer's Report**

**5. Limited Public Forum:** An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.

**6. Unfinished Business:** None

**7. New Business:**

A. Application to amend an approved subdivision plan  
Applicant: Bucksport Mill LLC

B. Request to reconsider the approval of a place of worship at 3 River Road.  
Requested by David Keene

**8. Administrative Business**

**9. Discussion**

**10. Adjournment**

**Bucksport Planning Board  
Meeting  
6:30 P.M., Tuesday, February 5, 2019  
Bucksport Town Office  
50 Main Street**

**MINUTES**

**1. Roll Call**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Steven Bishop   | <input checked="" type="checkbox"/> Steve Feite    | <input checked="" type="checkbox"/> George Hanson |
| <input checked="" type="checkbox"/> Brian MacDonald | <input checked="" type="checkbox"/> Edward Belcher | <input checked="" type="checkbox"/> Jay Durost    |
| <input checked="" type="checkbox"/> David Grant     |  |   |

Planning Board Chair: Brian MacDonald      Planning Board Secretary: Steve Feite

**2. Review and Acceptance of Minutes:** January 8, 2019 meeting.

MOTION: (Durost) To approve the January 8, 2019 minutes as drafted.

SECOND: (Belcher)

DISCUSSION: None

VOTE: 7-0 motion adopted

**3. Chair's Report:** None

**4. Code Enforcement Officer's Report:** The CEO shared photos of projects underway in Bucksport.

**5. Limited Public Forum:** An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.  
No comments were submitted.

**6. Unfinished Business:** None

**7. New Business:**

**A. Application to amend an approved subdivision plan  
Applicant: Bucksport Mill LLC**

Attorney Michael Lane was present to represent the applicant. The CEO displayed the proposed amendment on the screen. The purpose of subdivision amendment was to facilitate sale of a portion of a lot owned by Bucksport Mill LLC and Bucksport Generation LLC. Bucksport Mill LLC proposed to convey a portion of the lot under its ownership (89.69 acres) to Whole Oceans, LLC for aquaculture development that will be the subject of its own Planning Board and Department of Environmental Protection permitting processes. Bucksport Mill LLC would retain 17.5 acres for industrial redevelopment (no specific plans are in place at this time). Bucksport Generation LLC would retain 3.9 acres of the lot for electricity generation, using existing facilities.

Mr. Lane answered board questions and asked the board to conduct its review and findings based on the draft document prepared for their review. He asked the board to grant a waiver of the vegetated buffer requirement due to the fact that the area was previously used as an industrial site that required the removal of most vegetation in the area. Mr. Lane also stated that easement documents needed for the subdivision had not yet been finalized and asked if this requirement could be added as a condition of approval.

The board reviewed the draft standards review and noted no concerns with the proposed language justifying compliance with those standards. Upon completion of this review, the board conducted their findings.

**Criterion 1: Lots and Blocks**

The proposed amended subdivision contains lots that are appropriately laid out and are of adequate size to support the existing and intended uses. The lots are not arranged in blocks.

MOTION: (Hanson) To make a positive finding for Criterion 1.

SECOND: (Belcher)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 2: Streets**

No new streets are proposed in connection with the proposed amended subdivision.

No structural improvements are required on any public easement utilized for access to the proposed amended subdivision.

MOTION: (Bishop) To make a positive finding for Criterion 2.

SECOND: (Feite)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 3: Traffic and Access Management**

The proposed amended subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of existing highways or public roads.

No new roads are proposed in connection with the proposed amended subdivision.

No approval from the Maine Department of Transportation for driveways or entrances was required as no new driveways or entrances are proposed in connection with the proposed amended subdivision.

No portion of the proposed amended subdivision is located in an adjoining municipality.

MOTION: (Hanson) To make a positive finding for Criterion 3.

SECOND: (Feite)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 4: Utilities**

Each lot in the proposed amended subdivision is currently served by utilities.

MOTION: (Feite) To make a positive finding for Criterion 4.

SECOND: (Belcher)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 5: Groundwater**

The proposed amended subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

The proposed amended subdivision will not cause an unreasonable burden on the existing water supply.

The proposed amended subdivision will not alone, or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

MOTION: (Belcher) To make a positive finding for Criterion 5.

SECOND: (Durost)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 6: Wastewater**

The proposed amended subdivision will provide for adequate wastewater disposal and will not cause an unreasonable burden on the municipal wastewater disposal system.

MOTION: (Feite) To make a positive finding for Criterion 6.

SECOND: (Durost)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 7: Solid Waste**

The proposed amended subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.

MOTION: (Durost) To make a positive finding for Criterion 7.

SECOND: (Feite)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 8: Erosion Control**

The proposed amended subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

The proposed amended subdivision provides for adequate stormwater management.

MOTION: (Hanson) To make a positive finding for Criterion 8.

SECOND: (Feite)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 9: Buffers**

The proposed amended subdivision requires a waiver from the applicable buffer standard. A waiver is appropriate under the standard set forth in Section 14 of the Subdivision Ordinance.

MOTION: (Durost) To make a positive finding for Criterion 9.

SECOND: (Feite)

DISCUSSION: None

VOTE: 7-0 motion adopted

**Criterion 10: Natural Resources**

Based on consideration of the elevation of the land above sea level and its relation to the flood plains, the nature of the soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, the availability of streams for disposal of effluents, and the applicable state and local health and water resource rules and regulations, the proposed amended subdivision will not result in undue water or air pollution.

The proposed amended subdivision has identified on any maps submitted as part of the application all potential freshwater wetlands within the subdivision, regardless of the size of those wetlands.

The proposed amended subdivision has identified on any maps submitted as part of the application any river, stream or brook within or abutting the proposed amended subdivision and will not unreasonably increase a great pond's phosphorous concentrations during the life of the subdivision. No construction is proposed in connection with this application.

The proposed amended subdivision is not located on a parcel of land that has been owned by the applicant for less than 5 years and which has been harvested in violation of Maine Forest Service rules pertaining to liquidation harvesting.

The proposed amended subdivision will have no lot with a depth to shore frontage ratio of greater than 5 to 1 for any lot in the proposed subdivision that has shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B of the Maine Revised Statutes.

MOTION: (Durost) To make a positive finding for Criterion 10.

SECOND: (Feite)

DISCUSSION: None  
VOTE: 7-0 motion adopted

**Criterion 11: Scenic and Historic Areas**

The proposed amended subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

MOTION: (Feitet) To make a positive finding for Criterion 11.  
SECOND: (Durost)  
DISCUSSION: None  
VOTE: 7-0 motion adopted

**Criterion 12: Floodplain Management**

The proposed amended subdivision does not include any development in the flood zone.

MOTION: (Durost) To make a positive finding for Criterion 12.  
SECOND: (Feite)  
DISCUSSION: None  
VOTE: 7-0 motion adopted

**Criterion 13: Reserved Land**

The proposed amended subdivision is an existing developed industrial site. Open space, recreational use, and/or an area designated for municipal use is not required.

MOTION: (Belcher) To make a positive finding for Criterion 13.  
SECOND: (Feite)  
DISCUSSION: None  
VOTE: 7-0 motion adopted

**Criterion 14: Financial and Technical Capacity**

Applicant retained Preti Flaherty Beliveau and Pachios, One City Center, Portland, Maine 04112 and Plisga & Day, 72 Main Street, Bangor, Maine 04401, to assist with the subdivision application review process and preparation of application materials. Each firm is being paid by Bucksport Mill LLC on a time and materials basis. As no site work, construction, or other activities are proposed, no other financial and technical capacity showing is required.

MOTION: (Hanson) To make a positive finding for Criterion 14.  
SECOND: (Belcher)  
DISCUSSION: None  
VOTE: 7-0 motion adopted

**Criterion 15: Zoning and Land Use**

The proposed amended subdivision conforms with all applicable provisions of the Bucksport Town Code and the Town's adopted Comprehensive Plan.

MOTION: (Feitet) To make a positive finding for Criterion 15.  
SECOND: (Durost)  
DISCUSSION: None  
VOTE: 7-0 motion adopted

**Criterion 16: Clustered Developments**

The proposed amended subdivision is not a clustered development.

MOTION: (Durost) To make a positive finding for Criterion 16.  
SECOND: (Grant)  
DISCUSSION: None  
VOTE: 7-0 motion adopted

**Criterion 17: Mobile Home Parks**

The proposed amended subdivision is not a mobile home park.

MOTION: (Hanson) To make a positive finding for Criterion 17.

SECOND: (Bishop)

DISCUSSION: None

VOTE: 7-0 motion adopted

Upon completion of their findings, a motion was made for approval of the application:

MOTION: (Durost) To approve the amended subdivision plan, including a condition requiring easement documents to be submitted to the town, and also to include a waiver for the vegetated buffer requirement.

SECOND: (Bishop)

DISCUSSION: None

VOTE: 7-0 motion adopted

**B. Request to reconsider the approval of a place of worship at 3 River Road. Requested by David Keene**

David Keene was not present. Immediately after the chair read the agenda item, a motion was made:

MOTION: (Hanson) To delete the agenda item.

SECOND: (Belcher)

DISCUSSION: The chair noted that, based on the legal opinion on the matter, the reconsideration request should not be considered.

VOTE: 5-2 (Bishop and Durost opposed) motion adopted

**8. Administrative Business**

The CEO asked the board if they are interested in adding provisions dealing with reconsideration requests. The board indicated that they would like to review proposed language.

Doug Erickson commented that reconsideration might pose a difficulty on any property conveyance if the reconsideration period is lengthy.  
Elaine Pelletier commented that during her time as a planning board member, she did not see a request to reconsider any board decision.  
Rich Rotella commented that the board should take more time for reviews to ensure their decision is correct and less likely to be vulnerable to reconsideration challenges.  
Susan Lessard commented that a reconsideration provision would delay finalizing decisions on applications and could prove to be a hardship for moving projects forward.

After further discussion, the board decided to take up the matter at the next meeting and review how reconsideration is currently addressed in the Town Code and in other municipalities.

**9. Discussion: None**

**10. Adjournment: 8:03PM**

Minutes prepared by  
Jeffrey Hammond  
Recording Secretary

