

PLANNING BOARD - TOWN OF MACHIAS

FEBRUARY 1, 2023

This meeting was called to order at 7:00 PM by Acting Chairman Arthur McCurdy. In attendance were Board members Rich Rolfe and Harry Flower; Secretary Cathy Lord; Code Enforcement Officer Kevin Brodie; Town Manager William Kitchen; Wesley Graham, Heather Graham, Bob Berta, James Ackley, Jeanne Tennison, Rick Madden, Sarah Craighead Dedmon, Sandra Sinford, Jennifer Smith, David Clark, Mary Angarola.

1. MINUTES - REVIEW AND ACTION

On a motion by Rich Rolfe, seconded by Harry Flower the Board voted to approve the minutes of the January 4, 2023 Board meeting.

2. BUILDING PERMIT APPLICATIONS - REVIEW AND ACTION

A. Board reviewed a building permit application submitted by Wesley Graham (Graham Holdings) for the construction of a commercial campground/cottages on Canal Street located off Water Street.

On a motion by Arthur McCurdy, seconded by Harry Flower, the Board
VOTED:

To adjourn to executive session at 8:02 PM as allowed under MRSA Title I Chapter 13 Subsection 405 Paragraph 6D to consult with the Code Enforcement Officer on this permit.

On a motion by Rich Rolfe, seconded by Harry Flower, the Board voted to adjourn the executive session and reconvened into regular session at 8:22 PM.

Mr. Rolfe noted that the Board wanted some guidance and advice from Mr. Brodie. Mr. Graham reviewed his permit application with the Board. He asked the Board if he could amend his permit to state that he wants to construct cottages, not a campground. Mr. McCurdy denied the request. Mr. Graham noted that in the recent past the Planning Board has allowed applicants to make changes to their permits at the monthly meeting. Mr. Graham explained that he only wished to strike the word "campground" and that everything else on the permit remains the same. He advised the Board that the term "campground" is misleading. Mr. Graham explained that he plans to operate his cottages most of the year during the warm months and to shut the facility down during the winter months.

Mr. Graham gave the Board copies of a Department of Environmental Protection National Resources Protection Act Maine Construction General Permit approved by the DEP on 2/1/23 and the site plan for the project.

The Board allowed Mr. Graham to make changes to his permit application as he requested. Mr. McCurdy noted that the Board must follow ordinance guidelines in the consideration of this permit but he was inclined to deny this permit. Mr. Graham informed the Board that the Machias River is recognized as a Class B river by the DEP. The Board listened to concerns from neighbors that alders were cut on the property. Mr. Brodie commented that the DEP has no issues with the cutting of alders on the property and the DEP had been aware of the cutting when they visited the site.

Ms. Jeanne Tennison read aloud a letter of protest on the project from her personal attorney. She claimed that there have been "a lot of back-door goings-on" and she stated that she has been lied to by the Town Manager, Mr. Graham, and the Planning Board Chairman. Some

attendees questioned the ownership of the property. Mr. Brodie noted that a copy of the land deed or tax bill is sufficient to prove ownership.

Mr. Graham told the members of the Board that the application is for the construction of cottages and/or bunkhouses on the property. He told the Board that he does not want to build one large building which would obstruct the neighbors' views but that he wants to build small structures which would enhance the area. Mr. and Mrs. Graham said that they want to improve the property and that they want to improve Machias with their construction project. Mr. Graham said that that he has followed the steps involved in properly submitting his permit as outlined by the Town and the State of Maine. Mr. McCurdy noted that the property is a buildable piece of land.

Mr. Graham told the Board that his plan is located in the town's general development zone. He explained that he does not want to be a bad neighbor but that he wants to use his property for small cottages instead of building one large building. Mr. Graham said that he is not blocking anyone's views with the building of small cottages. He told the Board that he believes that the construction of small cottages is the best scenario for the property. Mr. Graham noted that he has followed all the Town and State rules in planning a project that would enhance the area.

On a motion by Arthur McCurdy, seconded by Rich Rolfe, the Board
VOTED:

To adjourn to executive session at 8:09 PM as allowed under MRSA Title I Chapter 13
Subsection 405 Paragraph 6D to consult with the Town Manager.

On a motion by Rich Rolfe, seconded by Harry Flower, the Board voted to adjourn the executive session at 8:23 PM and reconvened into regular session.

Mr. Rolfe explained that it was the Board's decision to engage the town's legal counsel to advise the Town on this permit. He noted that the Town Manager will provide materials to the town's attorney and will schedule a special Board meeting as soon as the attorney gives a legal recommendation on the permit.

On a motion by Rich Rolfe, seconded by Harry Flower, the Board
VOTED:

To table the Graham Holdings permit application until the entire permit application including submitted documents can be reviewed by the town's attorney.

B. The Board reviewed the Michael Moores/Ashley Norman permit for the location of a mobile home to 5 JD Lane.

On a motion by Rich Rolfe, seconded by Harry Flower, the Board
VOTED:

To accept and approve the Michel Moores/Ashley Norman building permit for the location of a mobile home to 5 JD Lane.

On a motion by Rich Rolfe, seconded by Arthur McCurdy, the Board voted to adjourn the meeting at 8:35 PM.