

**Town of Mount Desert Planning Board  
Meeting Minutes  
6:00 PM, May 3, 2021**

**Public Present:**

Janet Ellis, Janet Leston Clifford, Robert G. Clifford, David Shields, Scott Stevens, Joanna Krasinski, Steve Krasinski, Lincoln Millstein, Marianne Buchala, William Buchala, Mark Bergeron, Brian Rayback, Elizabeth S. Roberts, Paul MacQuinn, Ed Bearor, Andy Odeen, Pam Bowie, Keith Bowie, Jeff Gammelin, Kelly M. O’Neil, M. Christine Breedlove, C.H. Breedlove, Charlotte Singleton, P. Seth Singleton, Thomas M. Boatright, Jan Coates, Maureen McGuire, James W. J. Collier, Esq., Fran Leyman, George Gilpin, Celeste Lindsey, Roger Katz, Esq., Daniel Pileggi, Carey Kish, Kim Heist

**Board Members Present:** David Ashmore, Chair William Hanley, Tracy Loftus Keller, Joanne Eaton, Christie Anastasia, Meredith Randolph.

**I. Call to order 6:00 p.m.**

Chair Hanley called the Meeting to order at 6:01PM. Board Members were identified. Tracy Loftus Keller is an Alternate, Non-voting Member.

**II. Quarrying License Application:**

**Public Hearing:**

**A. Quarrying License Permit #001-2014.**

**OWNER(S):** Harold MacQuinn, Inc.

**OPERATOR(S):** Fresh Water Stone & Brickwork, Inc.

**AGENT(S):** Steven Salsbury, Herrick & Salsbury, Inc.

**LEGAL REPRESENTATION:** Edmond J. Bearor, Rudman Winchell

**LOCATION:** Off Crane Road, Hall Quarry

**TAX MAP:** 007 LOT: 075 **ZONE(S):** Residential 1 (R1)

**PURPOSE:** Quarrying License Application –

Chair Hanley oriented attendees regarding where the application process stands. At the last Planning Board Meeting addressing the Quarrying Licensing Application, discussion on Item 6.2.J, Noise ended. The Board is now in deliberations and Public Comment is closed.

Attorney for the Planning Board James Collier explained that at this juncture the Board deliberates to create Findings of Fact to support their Final Decision of the Application. After deliberation, the Board may decide to approve the application, or deny the application, or approve the application contingent upon conditions set by the Board.

1 Following the Final Decision, a review is made of supporting Findings of Fact and  
2 Conclusions of Law.

3  
4 Alternatively, a review can be made of the decisions made thus far on each section of the  
5 Application to determine the decisions made are acceptable. This process is followed by  
6 a final vote to approve, or deny, or approve with conditions the Application.

7  
8 Attorney Collier announced that it has come to light that the Applicant's lot is not a  
9 lawfully pre-existing non-conforming lot. The lot does not have the appropriate road  
10 frontage and is therefore a non-conforming lot. At the time Section 6.2.G, Road and  
11 Driveway Design, was originally reviewed, it was believed that the road was  
12 grandfathered. The Land Use Zoning Ordinance (LUZO) contains a provision requiring that  
13 if there are three or more lots on a road then the road must meet the standards in the  
14 Subdivision Ordinance. Those standards include a variety of technical requirements. The  
15 issue came to light when an application to build on a nearby lot came before the CEO.  
16 The application was denied because the road is not up to subdivision standards.

17  
18 Issues such as this have come up before. There are a number of roads in town that must  
19 be made to meet the Subdivision Ordinance standards before more development may  
20 occur. When the issue came to light, CEO Keene inquired of Attorney Collier how it affects  
21 the Quarrying Licensing Application. Attorney Collier requested an explanation from the  
22 Applicant's attorney.

23  
24 The Applicant researched the issue, and it was confirmed that the road is not satisfactory,  
25 and the lot is nonconforming.

26  
27 Attorney Collier opined that public notification of the issue was not necessary until such  
28 time as another meeting was scheduled and allowing time for all parties to comment in a  
29 timely fashion. He sent an email notifying the Planning Board Chair of the issue on March  
30 24, 2021, and cc'd attorneys representing various other parties. CEO Keene, wanted to  
31 inform all parties involved of the road issue long before the March 24, 2021, email by  
32 Attorney Collier. Attorney Collier believed this provided ample time for interested parties  
33 to respond to the new development. The Applicant has secured a wider Right of Way  
34 (ROW). A full plan of the ROW has not been received.

35  
36 The new ROW travels the same way as the existing road, expanded to a 50-foot width  
37 instead of 30.

38  
39 Attorney Collier voiced concerns with the ROW. No plan has been presented showing  
40 abutters. It is unclear what lots the ROW crosses.

41

1 Attorney for the Applicant Ed Bearor confirmed that the Applicant has secured an  
2 easement from Mr. Musetti. The easement runs from Hall Quarry Road to the Quarry  
3 property. The Applicant has submitted a request for waiver, providing facts supporting  
4 why they believed they were entitled to a waiver. The Fire Chief visited the site and  
5 deemed that, once vegetation is cut and the road is graded, the road was adequate for  
6 public safety equipment use. Dump trucks loaded with stone are heavier than fire  
7 engines, providing further proof the road is stable for fire engines.

8  
9 Attorney Bearor pointed out that the Planning Board voted in 2016 that the road met the  
10 necessary requirements, with the only condition made being that a portion of one end be  
11 paved. The Planning Board has been to the site and seen the road. This issue is merely  
12 an oversight. Numerous building permits have been approved for lots on the road. The  
13 road has served the property for over 30 years.

14  
15 Chair Hanley suggested that in an effort to thoroughly vent the issue, public comment  
16 should be invited. Ms. Anastasia agreed; it has been the spirit of this process to allow for  
17 comment on the various facets of the issue as they have arisen.

18  
19 Ms. Eaton thought it strange the Planning Board was not informed of this sooner. She  
20 suggested road improvements could be made a condition of approval.

21  
22 Attorney Collier believed a survey was necessary to show exactly where the ROW is  
23 located. Additionally, a submission was made by the Applicant on the Friday prior to this  
24 meeting. It was only fair to allow other parties to review all new submissions and be given  
25 a chance to respond. If the Applicant is requesting a waiver, then a survey showing where  
26 the ROW is, along with a more formal request for waiver should be submitted. Submittals  
27 should be made in a timely fashion so other interested parties may review and respond,  
28 followed by the Applicant's rebuttal of those responses.

29  
30 Attorney Bearor stated that a request for waiver was presented Friday and was based on  
31 the language from the Ordinance. He contended that bringing the road up to Subdivision  
32 Ordinance standards is not required because Section 6.2.G of the Quarrying Licensing  
33 Ordinance reads that *"Any new driveway or road shall conform to the standards set forth  
34 in the Town of Mount Desert Land Use Zoning Ordinance, Subdivision Ordinance, and in  
35 the Public Right-of-Way Ordinance, as applicable."* Attorney Bearor contended that this  
36 is not a new driveway or road and therefore the requirement to bring the road to any  
37 standards is Not Applicable. Another provision to the Quarrying Licensing Ordinance  
38 states in Section 6.2.A.1 that *"Quarrying activities shall conform to all applicable State  
39 laws and local ordinances and regulations."* Driving on a road is not a quarrying activity,  
40 as defined by the Ordinance.

1 Section 4.3 of the Quarrying Licensing Ordinance states that a waiver can be granted by  
2 the Planning Board from any provision or performance standard where there are  
3 extraordinary circumstances “...to the extent necessary to relieve the hardship or address  
4 the circumstances, provided such a waiver or modification will not affect the general  
5 health, safety, or welfare of the Town, and provided further that the applicant has  
6 demonstrated that the approval standards themselves have been adequately met in the  
7 absence of the performance standards to the extent reasonably practical by the  
8 applicant.”

9  
10 The Applicant received an opinion from the Fire Chief; that the road was adequate. The  
11 Planning Board is in receipt of the Town’s assessment of the safety of the road. This is  
12 standard procedure when requesting a waiver. The road meets the standard for granting  
13 a waiver under the Town’s ordinance.

14  
15 Ms. Eaton asked once a road is required to be improved to meet the Subdivision  
16 Ordinance standards, whose responsibility is it to widen the road?

17  
18 Attorney Collier explained that the landowner requesting to build a house that triggers  
19 the requirement to widen the road is denied an application. If the landowner wants to  
20 build, the road must be brought up to standard.

21  
22 Attorney Bearor stated there are several lots on the road. All lot owners have an  
23 easement over Mr. Musetti’s land. The quarry was the first lot there in 1983. The other  
24 lots followed.

25  
26 Ms. Randolph recalled a situation where a subdivision road was never widened by the  
27 subdivision upon creation of the subdivision. In that case, the property owner triggering  
28 the widening requirement built their access in a different location to avoid having to use  
29 the road and address the issue of widening it.

30  
31 CEO Keene pointed out that this was not a subdivision; it was a family division. At the  
32 time the lots were conveyed there were no road standards.

33  
34 Attorney for the Shencavitz’ and the Aylens, Daniel Pileggi, referred the Planning Board  
35 to Attorney Matt Manahan’s letter dated April 14, 2021. Regarding a waiver, Attorney  
36 Pileggi asserted that the only way to get a waiver on the Quarrying Licensing Ordinance is  
37 by complying with Section 4.3 proving extraordinary circumstances and only to the extent  
38 necessary to relieve hardship or address the circumstances, provided the modification  
39 will not affect general health, safety, and welfare of the Town and that the Applicant has  
40 demonstrated approval standards have been adequately met. Quarrying activities must  
41 first conform to all applicable ordinances and regulations.

1 Section 2.8 of the Quarrying Licensing Ordinance requires all standards of the Quarrying  
2 Licensing Application be reviewed concurrently with the Land Use Zoning Ordinance  
3 standards.

4  
5 LUZO Section 6.B.11 requires all private roads that access two or more lots meet the  
6 street design standards found in Section 5.1.4 of the Subdivision Ordinance. Technical  
7 standards addressed in that Ordinance include:

- 8 - minimum grade
- 9 - minimum centerline radius
- 10 - roadway crown
- 11 - Minimum angle of street intersection
- 12 - Thickness of the compacted road material

13  
14 None of this information has been addressed. There is no information showing whether  
15 the road crosses other property. The information presented does not meet the standard  
16 of what the Planning Board must find in order to grant a waiver.

17  
18 To grant a waiver, the Board must deem that what has been presented is a hardship.  
19 Attorney Pileggi contended that nothing presented can be deemed hardship. There is no  
20 proof of compliance with this standard and without compliance the Application cannot  
21 be approved.

22  
23 Moreover, there has been no formal, technical submission from the Applicant addressing  
24 the technical aspects of the Standard. Additional technical information is necessary and  
25 for the sake of due process interested parties should be given adequate time to present  
26 evidence in response to the Applicant's submissions.

27  
28 Attorney for several Hall Quarry residents, Roger Katz, requested that if the Planning  
29 Board delves into plans and surveys of the road, then he would like the opportunity to  
30 reply. The issue only came to light for the residents on March 24, 2021.

31  
32 Attorney Katz believed there was nothing unique about this case. Many like it come  
33 before Planning Boards. The Applicant must show that they comply with every provision  
34 of the ordinance in a satisfactory manner. Attorney Katz contended that the Applicant  
35 has not met this burden in relation to road standards. An easement has been submitted  
36 to solve the problem. That easement states that except for an emergency, no  
37 construction, repair, service, or maintenance may occur without the prior consent of the  
38 Grantor. It is essentially an empty easement. The Applicant has no right to do anything  
39 to the road without further permission granted. The standard has not been met.  
40

1 The Applicant bears the burden of showing they are compliant to the ordinance. Allowing  
2 further time and more chances to bring it into compliance will only add more length to an  
3 already lengthy process. Attorney Katz believed the Application to be insufficient. It is  
4 not the Planning Board's job to help the Applicant make the Application sufficient.  
5

6 TRC Representative Mark Bergeron was in attendance as the writer of the April 14, 2021  
7 letter sent to the Town by Attorney Manahan and referenced by Attorney Pileggi. He  
8 stated he did not get adequate time to review the ROW plan the Applicant provided the  
9 Friday before the meeting. He noted that some of the numbers on the ROW plan  
10 submitted are not legible. The technical standards previously pointed out by Attorney  
11 Pileggi are important ones and necessary to prove the Applicant has met their burden.  
12 Perhaps these issues are solvable, but there was not presently enough information to  
13 make a determination.  
14

15 Attorney Brian Rayback was in attendance on behalf of Attorney Manahan, representing  
16 Hans Utsch and Julia Merck. Attorney Rayback concurred with Mr. Bergeron's assessment  
17 that a determination could not be made at this meeting, due to a lack of information.  
18 Further, this is a variance and only the Zoning Board of Appeals has the authority to grant  
19 variances. Further review of the issue is required.  
20

21 Chair Hanley requested that, due to the venue of a drive-in meeting and the physical  
22 distances between those attending, any members of the audience wishing to speak please  
23 approach the podium, so the Board is aware of their wish.  
24

25 Attorney Bearor stated that the request can be enhanced, and more detail regarding the  
26 request can be provided, and the Planning Board can decide to grant the waiver or deny  
27 it. The Applicant can investigate the possibility of bringing the road up to standard.  
28 Regarding Attorney Rayback's contention that granting the waiver is essentially granting  
29 a variance and therefore the province of the Zoning Board of Appeals, Attorney Bearor  
30 asserted that the question at hand is not a question of the zoning ordinance; it is a request  
31 for a waiver from Quarrying Licensing Ordinance standards.  
32

33 Attorney Bearor maintained the Applicant is entitled to the waiver. There are  
34 extraordinary circumstances. The Town has allowed construction and use on this ROW  
35 for decades. The Applicant was not aware that the road was legally deficient, and it was  
36 only brought to the Applicant's attention because a separate request to build on the ROW  
37 was made. The Applicant was not required to obtain a larger ROW, yet they have done  
38 so. These are extraordinary circumstances, and it is well within the Planning Board's  
39 discretion to waive or modify the requirements.  
40

1 Attorney Bearor reiterated the choices: The Planning Board may review the request as it  
2 stands tonight, or require the Applicant to return with more information, and allow other  
3 parties to review and respond. Denying the Application at this point, because of this issue,  
4 seems unreasonable.

5  
6 Resident Janet Leston Clifford stated that any claim that those opposed to the Quarrying  
7 Licensing Application have had six weeks to review and address this issue is incorrect; only  
8 those residents represented by an attorney who received Attorney Collier's March 24,  
9 2021 email would have known about the issue. The only other way to have known about  
10 the issue would have been to travel to the Town Office to review the cart where  
11 submission materials for the issue are kept. Ms. Leston Clifford has spent considerable  
12 time reviewing the information on the cart and saw nothing about this issue as of March  
13 24, 2021. Tonight's meeting might perhaps be the first time some Hall Quarry residents  
14 are hearing about this issue.

15  
16 Additionally, the meeting was advertised as a Public Hearing. Those in attendance were  
17 not aware they would not be allowed to speak.

18  
19 Regarding the suggestion of a waiver, Ms. Leston Clifford used as an example her own  
20 road – it is a private road with two residences. Should a third person request to build on  
21 that road, the road will be required to be upgraded. Those living on the road are private  
22 citizens. Regular homeowners are required to upgrade their road if three houses are built.  
23 The Applicant, a company, alleges upgrading the road would be a hardship. It is not  
24 beyond the means of the Applicant to comply with this standard.

25  
26 Ms. Leston Clifford believed the 4:00PM Friday afternoon submission made by the  
27 Applicant is a clear violation of the time limits that were initiated by the Planning Board  
28 to ensure timely receipt and process of submissions, review, and rebuttal. Those time  
29 limits were put in place in response to the Applicant's arguments regarding last-minute  
30 submissions. Why has the Applicant been allowed to make such a last-minute submission;  
31 on a Friday afternoon, for a Meeting occurring the following Monday? This submission  
32 was made without public knowledge.

33  
34 Chair Hanley stated that the Town's Comprehensive Plan steers the Planning Board away  
35 from allowing non-conformity, or granting waivers, or spot-zoning. In the context of  
36 asking for a waiver, the Planning Board must know the requester's situation, and the  
37 standard. This helps paint the picture of what is being requested in a quantitative way.  
38 The Board does not have the information necessary to make such a decision. Ms.  
39 Randolph added that the information presented does not provide basic information such  
40 as properties the easement crosses. Chair Hanley agreed. The Board cannot review the  
41 waiver request based on the information presented by the Applicant.

1  
2 Resident Marian Buchala stated she lives on the Crane Road. She was unaware there  
3 were any plans to do any work on the road. She has a deeded ROW easement. She asked  
4 why she was not informed. Those with deeded access to the road should be informed of  
5 changes planned for the road. Attorney Collier stated the issue of informing residents of  
6 changes to a road has little to do with the Planning Board. He suggested Ms. Buchala  
7 contact the CEO or hire an attorney for an appropriate explanation regarding notification  
8 of this type.

9  
10 Chair Hanley noted that in the years of review and deliberation over the Application, it  
11 has been clear that issues such as this need to be discussed in public meetings. This is the  
12 first time this issue has come to light and the first opportunity for public discussion on it.  
13 The process is only beginning. He encouraged Ms. Buchala to contact the CEO for further  
14 information. CEO Keene could provide direction on her concerns.

15  
16 Chair Hanley asked for further Public Comment. There was none.

17  
18 Chair Hanley closed Public Comment on the Right of Way issue.

19  
20 Chair Hanley stated that more information regarding the road issue was necessary,  
21 including a survey of the road as it stands. If the Applicant is going to request a waiver,  
22 then a better, more specific request is needed to determine exactly what the waiver is  
23 for, based on what is there now. Only then can the Planning Board effectively weigh in  
24 on the issue.

25  
26 Ms. Eaton felt that in the face of needing further information, there was little the Planning  
27 Board could do at this meeting.

28  
29 Chair Hanley agreed. Additionally, once this revisit to Section 6.2.G of the Quarrying  
30 Licensing Ordinance is concluded, the Board likely needs to revisit the entirety of the  
31 Checklist for review and possible revision. Once that has been done, perhaps a final  
32 decision could be made.

33  
34 Ms. Eaton noted that the original Finding on Section 6.2.G was made five years ago. To  
35 try to revisit and revise each Checklist item, in the light of years passing and Ordinance  
36 revisions, the Board might find itself running in circles.

37  
38 Chair Hanley believed the Board must be clear on their original position on a checklist  
39 finding, relative to the current view of the situation. The Planning Board must be cautious  
40 in revisiting past action; however, they are entitled to do so.

41



1 Mr. Ashmore pointed out that the Quarrying Licensing Ordinance has not changed. This  
2 is new information on the situation. Had the Planning Board had this information when  
3 a review of the road was first made, more information would have been requested at that  
4 time.

5  
6 Ms. Randolph believed this is merely an oversight. Nothing has changed since the initial  
7 review.

8  
9 Chair Hanley read the original Section 6.2.G Findings of Fact: *"The Applicant described the*  
10 *driveway and travel surfaces; see application"*. The original Section 6.2.G Conclusion of  
11 Law states that the *"...applicant will construct a paved apron at the end of Crane Road if*  
12 *required to do so by the Public Works Director."* Ms. Randolph felt the ROW issue was  
13 looking beyond the quarry itself to how many developments are on the road. It is not a  
14 change to the situation; the issue was simply never brought to the Planning Board's  
15 attention. Chair Hanley agreed; there was no point at which a review of road standards  
16 of Subdivision Section 5.1.4 was triggered as a requirement. There are three sections of  
17 review criteria under Section 6.2.G. While Chair Hanley understood the decision  
18 previously made, broader compliance issues cannot be disregarded. Ms. Randolph added  
19 that the quarry activity means the use and travel of heavy machinery and large trucks is  
20 occurring over this road. The heavy use on the road makes the review even more  
21 important.

22  
23 Attorney Collier believed that at the time of the initial review there was an assumption  
24 the road was grandfathered. Others on the road have received permits over time as well.  
25 Only through the CEO's diligence with another application did the issue come to light.  
26 Now that new information has been made available, it is appropriate the Planning Board  
27 reviews the issue again.

28  
29 Chair Hanley believed a review of the issue was necessary for the Planning Board's due  
30 diligence.

31  
32 Ms. Randolph noted that some in attendance have suggested simply rejecting the  
33 application on the basis of the issue. The Applicant has been given opportunity to provide  
34 additional information on other items during the review. She did not feel it fair to reject  
35 the application for lack of supporting information at this late date. Chair Hanley agreed.

36  
37 Ms. Anastasia agreed. The issue of the Right of Way is complicated, and the Board needs  
38 more information and a plan. The Board cannot even begin a proper review without more  
39 information on the location of the ROW.  
40

1 Ms. Eaton suggesting crafting a list of items necessary for further review. Chair Hanley  
2 felt the TRC letter received provided a good set of bullet points regarding construction  
3 standards. In looking at Section 5.1.4 of the Subdivision Ordinance and Section 6.B.11 of  
4 the LUZO, the construction standards are clear. If these standards are not being met, and  
5 the Applicant is applying for a waiver then the Board needs to be told why, specifically, a  
6 waiver is being requested, relative to the established standards. Specifically, what is  
7 being requested to be waived.

8  
9 Attorney Collier suggested requesting the following list of items necessary for further  
10 review:

- 11 1 If no waiver is granted, how exactly does the Applicant intend to meet the standards  
12 in the Subdivision Ordinance.
- 13 2 The language of the ROW easement and a plan showing the precise location of the  
14 ROW in order to make a comparison of the easement to the plan. The plan should  
15 show all of the lands that the easement crosses and who owns those lands.
- 16 3 A formal request for a waiver including discussion or argument as to why it should be  
17 granted.
- 18 4 An explanation of MMA Manual, Page 72, regarding non-zoning waivers and the  
19 standards for granting them, including caselaw on what those standards are.

20  
21 Chair Hanley suggested the Applicant work towards compliance instead of simply  
22 requesting a waiver. Ms. Randolph requested solid ROW information. The wording is  
23 ambiguous, and it appears to be unclear over what properties the ROW travels. Chair  
24 Hanley agreed the language of the ROW was concerning.

25  
26 Chair Hanley read Section 4.3 of the Quarrying Licensing Ordinance, *“Where the Planning  
27 Board finds that unnecessary hardship will result from strict compliance with a  
28 performance standard, or where there are extraordinary circumstances of a particular  
29 plan, it may waive or modify the performance standard only to the extent necessary to  
30 relieve the hardship or address the circumstances, provided such a waiver or modification  
31 will not affect the general health, safety, or welfare of the Town, and provided further that  
32 the applicant has demonstrated that the approval standards themselves have been  
33 adequately met in the absence of the performance  
34 standards to the extent reasonably practical by the applicant.”*

35  
36 Attorney Collier asked whether, per the MMA Manual regarding non-zoning waivers, it  
37 can be determined that the Board has sufficient standard to grant a waiver. Or should  
38 the standard be deemed void for vagueness? He suggested that perhaps other attorneys  
39 might weigh in on the question.  
40

1 Ms. Randolph did not believe the Planning Board should direct an Applicant to submit a  
2 waiver. Chair Hanley agreed. It is not the Planning Board's job to facilitate applicants  
3 receiving waivers. Ms. Randolph felt Attorney Collier's listed point regarding the waiver  
4 should not be part of a Motion of direction for the Applicant. Attorney Collier felt that if  
5 the Applicant comes back with a request for a waiver, then it would be helpful to the  
6 Applicant to know exactly what the Planning Board wants in such a request.

7  
8 Ms. Eaton agreed with Ms. Randolph. The Applicant has heard the remarks made at this  
9 meeting. If they choose to submit a request for waiver, they must provide information  
10 on what they need, and why they need it, and how it would compare to full compliance.  
11 It is up to the Applicant to explain their request. It should not be the Planning Board's job  
12 to guide them on requesting a waiver.

13  
14 Chair Hanley believed more quantitative data was required addressing the existing  
15 conditions of the road and how it works toward compliance of the road standards of 5.1.4  
16 and 6.B.11.

17  
18 Ms. Randolph wondered why so little information was presented in light of the amount  
19 of time the Applicant has known about the issue.

20  
21 Attorney Bearor confirmed the Applicant's understanding of what was being requested  
22 by the Board. Additional information will be provided. His focus has been on the 50-foot  
23 ROW. Unable to purchase the entire parcel, an easement was obtained by the Applicant,  
24 and it was hoped the easement would prove sufficient. Attorney Bearor felt the Applicant  
25 was entitled to ask for a waiver, and they would work to prove sufficient reason for why  
26 a waiver should be granted. Submissions will be presented well in advance of any future  
27 meeting, allowing others to review and offer comment.

28  
29 Attorney Collier made note of the submission deadlines set by the Planning Board.

30  
31 CEO Keene said the next meeting would have to be determined via Doodle Poll. The  
32 venue for the meeting is also unknown, due to constraints necessitated by the Covid-19  
33 pandemic. Discussion ensued regarding scheduling.

34  
35 Ms. Eaton felt a Motion was necessary if only to include in the official record what is being  
36 requested of the Applicant.

37  
38 MS. EATON MOVED, WITH MR. ASHMORE SECONDING, TO REQUEST FROM THE  
39 APPLICANT THE FOLLOWING:  
40

- 1                   1 IF NO WAIVER IS GRANTED, HOW EXACTLY DOES THE APPLICANT INTEND TO MEET
- 2                   THE STANDARDS IN THE SUBDIVISION ORDINANCE.
- 3                   2 THE LANGUAGE OF THE ROW EASEMENT AND A PLAN SHOWING THE PRECISE
- 4                   LOCATION OF THE ROW IN ORDER TO MAKE A COMPARISON OF THE EASEMENT
- 5                   TO THE PLAN. THE PLAN SHOULD SHOW ALL OF THE LANDS THAT THE EASEMENT
- 6                   CROSSES AND WHO OWNS THOSE LANDS.
- 7                   3 DISCUSSION WITH REGARD TO THE MMA MANUAL PAGE 72, REGARDING NON-
- 8                   ZONING WAIVERS AND THE STANDARDS FOR GRANTING THEM, INCLUDING
- 9                   CASELAW ON WHAT THOSE STANDARDS ARE. WITH THE INTENT OF HAVING THE
- 10                  NEXT MEETING AS SOON AS CAN BE SCHEDULED.

11  
12                  MOTION APPROVED 5-0.

13  
14                  **III. Other**

15                  Chair Hanley announced that this was Ms. Eaton’s last Planning Board meeting, as she  
16                  was moving from the area. Ms. Eaton has been a voice of reason on the Planning Board  
17                  and will be deeply missed.

18  
19                  **IV. Adjournment**

20                  MS. EATON MOVED, WITH MS. ANASTASIA SECONDING, TO TABLE THE MEETING TO A  
21                  DATE TO BE DETERMINED VIA A POLL CONDUCTED BY THE CEO.  
22                  MOTION APPROVED 5-0.

23  
24                  The Meeting adjourned at 7:49PM.

25  
26  
27