

## WINSLOW PLANNING BOARD

Minutes of the Meeting  
January 10, 2008

Special Meeting on FPLE's Application to Partial Breach of the Fort Halifax Dam

**Chairman, Michael Parker** called the meeting to order at 7:15 p.m. There were five (5) members present:

Michael Parker	Elery Keene	Milton Poulliot
Roy Strahan	Dominic Carter	

Absent from meeting was Richard Browning, Sr. Mr. Fletcher has secluded himself from the proceedings.

Voting members were Milton Poulliot, Elery Keene, Michael Parker, Dominic Carter, and Roy Strahan.

Also Present:	Bill Lee, Town Attorney	Matt Manahan, Attorney FPLE
	Michael Heavener, Town Manager	Al Wiley, FPLE
	Frank Stankevitz, CEO	Dave Dominie, TRC
		Andy Straz, TRC

Elery Keene made a motion to accept the minutes from the November 30, 2007 Planning Board Meeting with the following revisions:

Correct spellings for the following - Mr. Dominie in "Also Present"

To change from providing rear power to providing peak power in second paragraph  
Seconded by Dominic Carter.

Passed - Vote 5 in favor 0 against

Dominic Carter made a motion to accept the minutes from the December 13, 2007 Planning Board Meeting with the following revisions:

Correct spellings for the following - Mr. Dominie found in "Also Present"; partial, paragraph 3, page 1; Poulliot, paragraph 4 page 1; summary, paragraph 2 page 2; incorporated, paragraph 2 page 2; plan, paragraph 2 page 2; incidental, paragraph 3 page 2; trestle, paragraph 4 page 3; FERC, paragraph 4.

Add the following - for a partial and of the Fort, paragraph 2 page 1.

Change the vote to be 2 in favor 3 against, paragraph 4 page 4.

Seconded by Milton Poulliot.

Passed - Vote 5 in favor 0 against

Chairman, Michael Parker stated that this was a Special Meeting to determine if FPLE's application to breach the Fort Halifax Dam is complete.

Mr. Lee gave an overview that the Planning Board needs to determine if the application is complete but that does not mean it has been approved. By voting on the completeness of the application the Planning Board is stating the applicant has submitted information in each category. The two part process includes determining tonight if the application is complete. Once determined application is indeed complete, the process of approval or denial will begin. After application has been deemed complete, the Planning Board has 35 days for a decision. There may need to be an extension in order to gather needed information and it would be Mr. Lee to work with the applicant, FPLE, to make the arrangements.

Mr. Manahan, Attorney for FPLE, reviewed the additional information that was sent to the Planning Board.

1. Extension of the DEP permit can be found in Tab A
2. Fence Gate would be adequate can be found in Tab B
3. Erosion and Sedimentation Control Plan can be found in Tab C, which is what will be submitted to the DEO
4. Traffic Control at Pleau's Market and the impact on Pleau's Market can be found in Tab D. Pleau's Market Attorney, Mary Dennison and FPLE's attorney, Matt Manahan are still in discussion on this matter.
5. Sewer Line can be found in Tab E. A proposal has been sent to Mr. Heavener, Town Manager to present to the Winslow Council.
6. Background information can be found in Tabs F thru M.
7. Land Use Standards can be found in Tab 1 on pages 3 thru 8. (Consolidated Application)

There were no questions at this time.

Mr. Parker referred to the criteria in the Shoreland Zoning Ordinance on page 21. The board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that proposed use:

**1. Will maintain safe and healthful condition.**

FPLE and Pleau's Market are working on a proposal on the structural integrity of the building and who is responsible.

Mr. Poulliot made a motion for Mr. Heavener, Town Manager to request the Town Council to fund two studies. One on FPLE's Soil and Erosion Control Plan and the second on the stability of the bank slope erosion and slumping. Mr. Keene seconded.

Passed – Vote 5 in favor 0 against

Mr. Strahan motioned that FPLE has provided safe and healthful conditions information.

Seconded by Mr. Poulliot.

Passed – Vote 5 in favor 0 against

The Board would like to see the agreement that FPLE and Pleau's Market come to.

Sewer line issues will be determined at next meeting.

Erosion and sediment control studies should be finished for next meeting

**2. Will not result in water pollutions, erosion, or sedimentation to surface waters.**

Mr. Strahan motioned that FPLE has provide information on erosion and sedimentation plans.  
Seconded by Mr. Carter.

Passed – Vote 5 in favor 0 against

**3. Will adequately provide for the disposal of all wastewater.**

Mr. Strahan motioned that at this time it in not a requirement and need not be submitted.  
Seconded by Mr. Carter.

Passed – Vote 5 in favor 0 against

**4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.**

Mrs. Fletcher, new speaker, claimed since the 2003 submission that there has been an eagle's nest (512A) built over the impoundment and the dewatering of the impoundment will have an adverse impact on the nesting of the eagles. She claims a variance is needed from Inland Fisheries and Wildlife to be able to continue with the dewatering.

Mr. Manahan submitted an e-mail from Charlie Todd, IF&W eagle expert on the eagle's nest stating there would be no adverse impact.

The Board would like more information on the variance that may be needed pertaining to the eagle nest (512A) in order to dewater.

Mr. Keene motioned that FPLE has submitted information on the effects on wildlife. Seconded by Mr. Strahan.

Passed – Vote 5 in favor 0 against

**5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.**

After some discussion the Board would like to see a drawing or map showing the route to get to the access point once the water has been lowered.

Mr. Strahan motioned that FPLE has provide information on the access point. Seconded by Mr. Carter. Passed – Vote 4 in favor 1 against

**6. Will protect archaeological and historic resources as designated in the comprehensive plan.**

Mr. Keene motioned that FPLE has provided this information. Seconded by Mr. Carter.  
Passed – Vote 5 in favor 0 against

**7. Will avoid problems associated with flood plain development and use.**

Mr. Poulliot motioned that FPLE has provided information. Seconded by Mr. Strahan.  
Passed – Vote 5 in favor 0 against

**8. Is in conformance with the provisions of Section 15, Land Use Standards.**

Mr. Strahan motioned that FPLE has provided this information. Seconded by Mr. Carter.  
Passed – Vote 3 in favor 2 against

Mr. Strahan motioned that the application is complete. Seconded by Mr. Carter.  
Passed – Vote 3 in favor 2 against

Mr. Lee stated that the Planning Board may request additional information before approving or denying the permit for the partial breaching of the Fort Halifax Dam.

Additional materials requested at this time:

- Pleau's Market and FPLE's agreement
- Map showing carry in access
- Eagle nest (512A) variance

Mr. Strahan motioned to hold the next Special Public Meeting to FPLE's application for partial breaching of the Fort Halifax Dam on January 24, 2008, at which time they will discuss any additional information needed. Seconded by Mr. Carter.

Passed - Vote – 5 favor 0 against

Next Planning Board meeting on FPLE's partial breaching of the Fort Halifax Dam will be on January 24, 2008, 7:15 pm at the Winslow Council Chambers.

Motioned to adjourn made by Mr. Strahan. Seconded by Mr. Poulliot. All in favor.  
Meeting adjourned 9:30 pm