



5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
6. Proposed use will protect archeological and historic resources as designated in the Comprehensive Plan.
7. Will avoid problems associated with Flood Plan Development and Use.
8. Is in conformance with the provisions of Section 15, Land Use Standards.

Mr. Lee stated that there is a supplemental report from Sebago Technics on the one year monitoring of soil erosion on the Dallaire Street slope, a report from Mr. Mitch on the latest date for draw down and re-vegetation of the impoundment and a report from MDOT stating the FPLE have worked in a co-operative fashion. The possible Findings of Facts and Conclusions of Law have been updated to include those sections that the Planning Board has adopted. If the Board is to use the Finding of Facts they would be starting on page six and seven, the revisions to Dallaire Street Slope Stability that have yet to be adopted. These are the revisions that came from the report that Mr. Keene had requested. If you choose to continue with deliberations on these points and on conclusions of those points you would proceed to page ten, the criteria that pertains to water pollution, erosion and sedimentation control.

#### E. Dallaire Street Slope Stability

Mr. Parker introduced the three reports for the record and reviewed them for the public as they referred to the Dallaire Street Slope Stability.

Mr. Keene asked if there was an occurrence during the monitoring time what recourse does the Town have.

Mr. Lee stated that if the Board accepts the proposed Conclusion of Law number ten on the following page (page 7) drafted as follows:

In the event slumping or erosion occurs in the Dallaire Street slope area within two years of dam removal, and this event is determined by Sebago Technics to be related to the draw-down, FPL Energy will remediate that slumping or erosion at the direction of Sebago Technics. The cost of Sebago Technics services is to be paid by FPL Energy.

There would be a Town selected Geotechnical Service monitoring the situation and if they determine that there is erosion that could jeopardize the slope in some fashion they would direct FPLE to take appropriate measures and they would direct what those measures would be.

Sebago Technics are the experts and would decide when to do the monitoring and what needs to be done. If FPLE does not follow the directive of Sebago Technics, FPLE would be in violation of the permit which could cause court actions to be taken. The details would be in the contract with the Geotechnical services that would be hired.

Mr. Keene motioned to accept the following paragraph that has not been adopted yet.

Revised paragraph:

The permit issued by MDEP to FPL Energy contains a condition requiring FPL Energy to monitor and remediate significant bank erosion and slumping. The March 14, 2008, report of Sebago Technics indicates that monitoring for possible erosion or slumping of the Dallaire Street slope for two years is prudent. To meet the terms of the MDEP permit, and meet the requirements of

maintaining safe conditions, require that FPL Energy promptly remediate the effects of any slumping or erosion of the Dallaire Street slope that occurs within two (2) years after dam removal.

Seconded by Mr. Poulliot.

Vote – Passed – Unanimous

Conclusions of Law i. through ix and xi have been accepted. Drafted Conclusions of Law x. has not. x. reads as follows:

In the event slumping or erosion occurs in the Dallaire Street slope area within two (2) years of dam removal, and this event is determined by Sebago Technics to be related to the draw-down, FPL Energy will promptly remediate that slumping or erosion at the direction of Sebago Technics. The cost of Sebago Technics services is to be paid by FPL Energy.

Mr. Keene motioned to accept x. as drafted. Seconded by Mr. Browning.

Vote – Passed – Unanimous

## 2. Will Not Result in Water Pollution, Erosion or Sedimentation to Surface Waters

### Drafted Findings of Fact

The Maine Department of Environmental Protection has imposed detailed requirements on FPL Energy to prevent water pollution, erosion or sedimentation to surface waters. Compliance with these conditions is necessary to prevent these problems. Additionally, the Soil Erosion and Sedimentation Control Plan dated December, 2007, has been approved by MDEP, and by Mark Mitsch of Weston and Sampson Engineers, who additionally found that the drawdown would not produce un-stabilized soil conditions. Mark Mitsch was a town employed reviewing expert.

There has been some conflicting evidence presented by Peter Newkirk, who is both a member of SOS and head of the Surface Waters Resources Unit of DOT. In recent testimony Mr. Newkirk reiterated some of the objections noted in his November 27, 2007 submission to the Planning Board, but did note that the December 2007 FPL Energy plan did at least require timely monitoring of the re-growth of vegetation.

Effective re-growth has been noted by both Mr. Mitsch and Mr. Newkirk to require a significant portion of the growing season to occur after the actual breach. Based on the March 17, 2008, report of Mark Mitsch, completion of the draw-down should occur no later than August 15<sup>th</sup>. Additionally, to allow adequate re-growth, the decision to actively re-seed the area should be made within two weeks of completion of the draw-down.

During construction of the access road certain trees will need to be removed. Any tree measuring six inches or more in diameter, 4.5 feet above the ground will need to be replaced.

The MDEP order indicates that those residents with overboard discharge systems should be able to extend their discharge lines, if they wish, at minimal expense, to the Sebasticook River. To accomplish this FPL Energy needs to grant permission to these property owners to cross FPL Energy property to the river.

Mr. Strahan wanted to know whose expense it would be to extend the home owners discharge line.

Mr. Lee stated that it would be at the home owner's expense. The Board can not assign financial responsibility.

The e-mail from Mr. Mark Mitsch was introduced for the records at this time on the time frame for re-vegetation of the impoundment.

Drafted Conclusions of Law

Conditions imposed by MDEP and IF&W to prevent water pollution, soil erosion and sedimentation to surface waters are adequate, and with the following added conditions, this aspect of the Application is approved:

- A. All trees six inches or more in diameter, measured 4.5 feet above ground level, that are removed during construction of the access road shall be replaced following completion of dam removal activities, at a time when tree survival is optimized;
- B. Replacement trees shall be substantial nursery stock of at least four to six feet in height;
- C. The completion of the draw-down must occur on or before August 15<sup>th</sup>, and the decision on active re-seeding should be made within two weeks of the completion of the draw-down.; and
- D. FPL Energy will allow those with overboard discharge systems to extend them across its property.

The Board moved on to section three as the two e-mails from Mr. Mitsch were not available for the records.

3. The Proposed Use Will Adequately Provide For the Disposal of All Waste Water

Drafted Findings of Fact

The proposed use will not create any waste water.

Mr. Strahan motioned to accept the Findings of Fact as drafted. Seconded by Mr. Browning.

Vote – Passed – Unanimous

Drafted Conclusions of Law

Since the proposed use will not provide any waste water, this aspect of the Application is approved.

Mr. Browning motioned to accept Conclusions of Law as drafted. Seconded by Mr. Strahan.

Vote – Passed - Unanimous

4. Will Not Have an Adverse Impact on Spawning Grounds, Fish, Aquatic Life, Bird or Other Wildlife Habitat

Comment: Where a state or federal regulatory agency with specialized, full time professional staff has approved of some aspect of this Application using criteria virtually identical to those in our shoreland zoning ordinance, and where this approval has been affirmed by the highest reviewing state or federal court, it would require new and compelling evidence before the planning board could reach a contrary conclusion. My review of the evidence does not show any new and compelling evidence to allow the Planning Board to reach a contrary result.

The Planning Board has not received any new information that is contrary on wildlife habitat.

Mr. Keene has not been able to review the Town Shoreland Zoning Ordinance compared to the State criteria.

Mr. Lee sees them both as about the same. The Town ordinance is written in broad terms, not species specific.

Mr. Manahan agreed with Mr. Lee that they are about the same.

#### Drafted Findings of Fact

Maine Department of Environmental Protection and the Department of Inland Fisheries and Wildlife have imposed detailed requirements upon FPL Energy to prevent an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. Compliance with these conditions is necessary to prevent an adverse impact in these areas. There has been much discussion about whether FPL Energy has to obtain a variance under 12-M.R.S.A. §12806 due to the recent addition of an eagles nest adjacent to the impoundment area. IF&W and Mark Randlett, Assistant Attorney General advising IF&W, have indicated that no variance is necessary.

Mr. Carter stated that the eagle is a federally protected bird and it has not been determined by them that it is ok to remove the dam. He doesn't understand why a bird that likes fast moving water would build a nest on slow moving water.

Mr. Manahan stated that the eagle has been down listed on the Federal list of endangered species.

Mr. Parker read the findings from Mr. Todd, the state eagle expert, stating that the removal of the dam will be a benefit to the eagles.

Mr. Parker stated that IF & W has determined that there is no negative findings and has not seen anything new to the contrary information the Board has received.

Mr. Keene feels that the Town ordinance is to protect the ecosystem that is there now and that the removal of the Dam would change that ecosystem whether it is for the better can't be determined. The State ordinance may encourage the type of change to bring back the rivers the way they were but the Town ordinance does not, it is there to protect the ecosystem that is there now.

Mr. Strahan motioned to accept the drafted Findings of Fact. Seconded by Mr. Browning.  
Vote – Passed – 4 for Mr. Strahan, Mr. Browning, Mr. Poulliot, Mr. Parker  
1 against Mr. Keene

Mr. Keene asked if the comment would be in the final document and Mr. Lee answered no.

#### Drafted Conclusions of Law

The conditions imposed by MDEP and IF&W to prevent an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat are adequate, and this aspect of the Application is approved.

Mr. Manahan stated that IF & W should be changed to FERC as IF&W would fall under the FERC permit.

Mr. Browning motioned to accept the drafted Conclusions of Law with the revision of IF&W changed to FERC. Seconded by Mr. Strahan.

Vote – Passed - Unanimous

5. Will Conserve Shore Cover and Visual, As Well As Actual, Points of Access to Inland Waters  
A. Shore Cover

Drafted Findings of Fact

The de-watering will not remove any existing shore cover, so it is being conserved. Additionally, shore cover will be increased as vegetation fills in the de-watered area. To insure the expansion of shore cover in a natural manner, FPL Energy shall remove any visible man-made objects in the de-watered area.

Mr. Browning motioned to accept the drafted Findings of Facts. Seconded by Mr. Strahan.

Vote – Passed – Unanimous

Drafted Conclusions of Law

With the condition that FPL Energy will remove visible, man-made objects from the de-watered area; this aspect of the Application is approved.

Mr. Strahan motioned to accept the drafted Conclusions of Law. Seconded by Mr. Browning.

Vote – Passed - Unanimous

B. Visual and Actual Points of Access

Drafted Findings of Fact

There will be no restrictions of visual access.

FPL Energy has agreed to allow abutting land owners to cross FPL Energy's property to access the stream. Regarding carry in boat access, FPL Energy has made two alternate proposals. Proposal A is an extension of the existing carry-in access. FPL Energy has not established that it has clear title to this property, so use of this access cannot be guaranteed. Proposal B is across FPL Energy property, and with it carry-in access can be guaranteed.

FPL Energy has agreed to allow parking to continue in the existing area as noted in the map outlining the A & B alternatives. Additionally FPL Energy has agreed to develop access from any Town owned land to the water if the Town wishes.

Mr. Keene wanted to know if the parking is on FPLE owned property.

Mr. Manahan stated that FPLE has an easement to that property from CMP.

Mr. Lee stated that he has not lined up the property descriptions as where the property lines begin and end. His commit had to do with the carry in property not parking area.

Mr. Poulliot wanted to know if they are going to determine if they would use proposal A or B and this would be a good time to determine which one the Board wanted to use.

Mr. Poulliot motioned to accept the drafted Findings of Facts with proposal B as the recommendation by the Board. Seconded by Mr. Keene.

Mr. Strahan would like to see option A added as an amendment to the Finding of Fact. It was the preferred choice if FPLE can get an easement from the Paine Family Heirs and option B if they can not get the easement.

Mr. Carter would like to see option B as FPLE already owns that property.

Mr. Browning would like to see option A to be used first with option B as the alternative. The public is used to option A.

Mr. Keene does not have a preference as long as it is on owned land by FPLE and if the Board did go with option A it could end up in court for a lengthy time.

Mr. Parker would like to see option B.

Vote – Passed – 3 for Mr. Poulliot, Mr. Keene, Mr. Parker  
2 against Mr. Browning and Mr. Strahan

Mr. Keene would like to see parking on FPLE land if possible and if FPLE would look into it.

Mr. Wiley stated that they may look into it for the future, but as of now there is existing parking.

#### Drafted Conclusions of Law

This aspect of the Application is approved with the following conditions:

- i. FPL Energy will allow abutting land owners to cross its property to access the stream;
- ii. Carry-in boat access proposal B will be constructed, and parking in the existing parking area will be allowed to be continued; and
- iii. FPL Energy will develop access from any Town owned land to the water if the town wishes.

Mr. Keene would like to see a land survey showing the boundaries of the access so the Town would know exactly where the carry-in is located.

Mr. Lee stated that ii. of Conclusions of Law could read as follows:

Carry-in boat access proposal B will be constructed, and parking in the existing parking area will be allowed to be continued, and the Town will be provided with a surveyor's map to scale depicting the access and existing parking area, and parking in the existing parking area will be allowed to be continued.

Mr. Manahan would like to see iii to read allow not develop.

Mr. Keene would like to have a date for when the carry-in boat access would be constructed.

Mr. Manahan stated it is in the DEP permit that is must be constructed within one year.

Mr. Lee stated that the time frame could be added to the start of ii. and The Conclusions of Law could read as follows:

- i. FPL Energy will allow abutting land owners to cross its property to access the stream;
- ii. Within one (1) year of dam removal, carry-in boat access, Proposal B will be constructed, and the Town will be provided with a surveyor's map to scale depicting the access and existing parking area, and parking in the existing parking area will be allowed to be continued; and
- iii. FPL Energy will allow development of an access from any town owned land to the water if the town wishes

Mr. Browning motioned to accept the drafted Conclusions of Law with the revisions. Seconded by Mr. Keene.

Vote – Passed – Unanimous

Mr. Parker, Chairman, Planning Board, called for twenty minute recess at 7:50 p.m.

Mr. Parker, Chairman, Planning Board, called the meeting back to order at 8:10 p.m.

#### 6. Proposed Use Will Protect Archeological and Historic Resources As Designated In the Comprehensive Plan

##### Drafted Findings of Fact

FPL Energy has entered into multiple agreements with the Maine State Historic Preservation Commission to protect historic and archeological resources at the site. Additionally, the MDEP permit imposes a number of requirements that will protect archeological and historic resources. Compliance with agreements with the Maine Historic Preservation Commission and the conditions of the MDEP permit pertaining to protecting archeological and historic resources will satisfy the requirements of protecting archeological and historic resources as designated in the comprehensive plan.

Mr. Parker read into the record the letter from Mr. Murch dated February 26, 2008.

Mr. Keene stated that he is not sure what criteria the Fort Hill Cemetery would come under. This is the old cemetery between Halifax Street and the river, going up the hill with steep slopes and wants to make sure that the cemetery is not adversely affected. This is the oldest cemetery in the Town and still is a working cemetery. Mr. Keene wanted to know if FPLE has investigated the slope at the cemetery.

Mr. Manahan said that this is the first time that FPLE has heard about it and that it would fall under the same category that is regulated by the DEP permit. It was not identified under the Archeological and Historical Sites and may be better brought up under section two that covers water pollution, erosion and sedimentation control.

The Board decided to bring the discussion of the Fort Hill Cemetery under erosions and sedimentation control.

Mr. Browning motioned to accept the drafted Findings of Fact. Seconded by Mr. Strahan.  
Vote – Passed – Unanimous

Drafted Conclusions of Law

This aspect of the Application is approved, subject to the following conditions:

- A. FPL Energy will comply with the terms and conditions of the agreement with the Maine State Historic Preservation Commission; and
- B. FPL Energy will comply with all MDEP requirements for the protection of archeological and historic resources.

Mr. Strahan motioned to accept the drafted Conclusions of Law. Seconded by Mr. Poulliot.  
Vote – Passed - Unanimous

7. Will Avoid Problems Associated With Flood Plan Development and Use

Drafted Findings of Fact

The dam removal will not have any adverse impact on flood plain development and use. No information opposing this aspect of the Application has been provided.

The MDEP permit includes a requirement that the Applicant provide all necessary technical information to the Towns of Winslow and Benton to support a request to the Federal Emergency Management Agency (FEMA) to revise the flood way maps for the Sebasticook River to take into account the removal of the Fort Halifax Dam.

Mr. Browning motioned to accept the drafted Findings of Fact. Seconded by Mr. Strahan.  
Vote – Passed - Unanimous

Drafted Conclusions of Law

With the requirement that FPL Energy provide all necessary technical information to the Towns of Winslow and Benton to support a request to FEMA to revise the flood maps for the Sebasticook River to take into account the removal of the Fort Halifax, this aspect of the Application is approved.

Mr. Strahan motioned to accept the drafted Conclusions of Law. Seconded by Mr. Browning with an amendment, the adding of Dam after Fort Halifax.  
Vote – Passed - Unanimous

8. Is In Conformance With The Provisions of Section 15, Land Use Standards

Drafted Findings of Fact

The provisions of Section 15 A through T either do not apply to the pending Application or are covered under criteria 1 through 7 above. The Application is in conformance with Section 15, Land Use Standards. No evidence opposing Standard #8 has been offered.

Mr. Keene motioned to accept the drafted Findings of Fact. Seconded by Mr. Browning.  
Vote – Passed - Unanimous

Drafted Conclusions of Law

This aspect of the Application complies with Section 15 and is approved.

Mr. Browning motioned to accept the drafted Conclusions of Law. Seconded by Mr. Keene.  
Vote – Passed - Unanimous

9. Temporary Use Permit

Drafted to read as follows:

The temporary access road and contractor field office trailer that may be temporarily brought on site comply with criteria numbers 1 through 8, as discussed above.

Mr. Browning motioned to accept the drafted version of section nine. Seconded by Mr. Strahan.  
Vote – Passed – Unanimous

10. Flood Plain and Management Ordinance

Drafted to read as follows:

The requirements of the Flood Plain Management Ordinance are either not applicable or are covered in the criteria 1 through 8, as discussed above.

Mr. Browning motioned to accept the drafted version of section ten. Seconded by Mr. Strahan.

Mr. Keene wanted to make sure that the flood plain management had been checked with Mr. Stankevitz, CEO as he deals with flood plain management.

Mr. Manahan stated that Mr. Stankevitz would be able to deal with it as it is a separate permit that he would issue.

Mr. Lee stated that The Flood Plain has more to do with putting a structure in that would cause flooding whereas this is to remove a structure.

Mr. Parker stated that in 2003 the Board was over whelmed and put the permit in to be on the safe side.

Mr. Browning would like to leave the ordinance in and let Mr. Stankevitz deal with what he would need.

Vote – Passed – Unanimous

Mr. Parker, Chairman, referred the Board back to section 2, Will Not Result In Water Pollution, Erosion or Sedimentation to Surface Waters. Re-presented the Findings of Fact as follows:

Drafted Findings of Fact

The Maine Department of Environmental Protection has imposed detailed requirements on FPL Energy to prevent water pollution, erosion or sedimentation to surface waters. Compliance with these conditions is necessary to prevent these problems. Additionally, the Soil Erosion and Sedimentation Control Plan dated December, 2007, has been approved by MDEP, and by Mark Mitsch of Weston and Sampson Engineers, who additionally found that the drawdown would not produce un-stabilized soil conditions. Mark Mitsch was a town employed reviewing expert.

There has been some conflicting evidence presented by Peter Newkirk, who is both a member of SOS and head of the Surface Waters Resources Unit of DOT. In recent testimony Mr. Newkirk reiterated some of the objections noted in his 11/27/07 submission to the Planning Board, but did note that the December 2007 FPL Energy plan did at least require timely monitoring of the re-growth of vegetation.

Effective re-growth has been noted by both Mr. Mitsch and Mr. Newkirk to require a significant portion of the growing season to occur after the actual breach. Based on the March 17, 2008, report of Mark Mitsch, completion of the draw-down should occur no later than August 15<sup>th</sup>. Additionally, to allow adequate re-growth, the decision to actively re-seed the area should be made within two weeks of completion of the draw-down.

During construction of the access road certain trees will need to be removed. Any tree measuring six inches or more in diameter 4.5 feet above the ground will need to be replaced.

The MDEP order indicates that those residents with overboard discharge systems should be able to extend their discharge lines, if they wish, at minimal expense, to the Sebasticook River. To accomplish this FPL Energy needs to grant permission to these property owners to cross FPL Energy property to the river.

Mr. Parker referred to the e-mails dated March 17, 2008, dealing with re-vegetation for a date of August 15 should not have an adverse effect on re-vegetation. Mr. Mitsch recommends only waiting two weeks after their monitoring. The dates have already been inserted into the Findings of Facts.

An e-mail from Mr. Buxton, Maine Department of Transportation on the Mile Brook Bridge is the only bridge that would have an adverse effect. The Maine Department of Transportation has done a preliminary study of the bridge and will be working closely with the applicant.

Mr. Keene would like to know what measures would be taken to protect the graves that are in the Fort Hill Cemetery.

Mr. Wiley stated that if there is an issue the DEP permit has imposed detailed requirements on FPL Energy to prevent erosion.

Mr. Keene is wondering if there should be monitoring done with the inclinometers and piezometers.

Mr. Manahan stated that the inclinometers and piezometers are being used because of a public safety issue. The Dallaire Street residents need an immediate way to make sure they are protected.

Mr. Keene stated that some of those grave sites are the oldest in the Town and that is why he brought them up under Historical Sites.

Mr. Lee stated the following could be a Findings of Fact for the Fort Hill Cemetery:  
To protect the Fort Hill Cemetery from irreparable harm, FPL Energy should closely monitor the slope adjacent to the cemetery and promptly remediate any slumping or erosion.  
It is the same general conditions as the DEP permit. It does put a focus on this area.

Mr. Browning motioned to accept drafted Findings of Fact with the inclusion of Fort Hill Cemetery. Seconded by Mr. Strahan.

Vote – Passed – Unanimous

#### Drafted Conclusions of Law

Conditions imposed by MDEP and IF&W to prevent water pollution, soil erosion and sedimentation to surface waters are adequate, and with the following added conditions, this aspect of the Application is approved:

- A. All trees six inches or more in diameter, measured 4.5 feet above ground level, that are removed during construction of the access road shall be replaced following completion of dam removal activities, at a time when tree survival is optimized;
- B. Replacement tree shall be substantial nursery stock of at least four to six feet in height;
- C. The completion of the draw-down must occur on or before August 15<sup>th</sup>, and the decision on active re-seeding should be made within two weeks of the completion of the draw-down.; and
- E. FPL Energy will allow those with overboard discharge systems to extend them across its property, provided that discharges are in compliance with applicable permits.

Mr. Lee that conditions if could read as follow:

- F. FPL Energy shall closely monitor the slope adjacent to the Fort Hill Cemetery and promptly remediate any slumping or erosion that may occur related to the drawdown.

Mr. Keene motioned to accept the revised draft of Conclusions of Law. Seconded by Mr. Browning. Vote – Passed – Unanimous

Mr. Lee stated at this point the Board has voted on all the criteria and they have been in the majority. The Board can motion to accept the application with the conditions previously approved. With this motion the application will have been completely voted on. What will occur is the clean copy of the document will be drawn up that the Board will need to sign. Mr. Lee recommended that the Board takes a brief recess and re-adjoin as Mr. Fletcher would like to address the Board. As due process, Mr. Fletcher has the right to do that to protect his rights in terms of any appeal or anything else, but that would take place after the vote but while the Board is still here.

Mr. Keene - wondered if it would it be a desirable have another public hearing to present what the Board has done and to see if there is any more information that they want to present to them before they make a final actions.

Mr. Lee stated that if the Board takes a final vote approving the application with the conditions previously approved, the Board can proceed in two ways. The Board could meet to sign the final document in a public hearing, but you are not legally required to do that, you are not taking any action so you may stop by the Town Office to sign. Mr. Fletcher has something that he would like to present to the Board. It is up to the Board if they wish to discuss what he has presented and how you wish to proceed at that point is up to you. It is appropriate to vote on the application with the previous conditions previously approved by the Board.

Mr. Keene wanted to know if the Board could make changes after they heard what Mr. Fletcher has to present if they would be able to so.

Mr. Lee stated that the Board may change their mind after they hear what Mr. Fletcher has to say. Mr. Manahan would be allowed to reply to Mr. Fletcher's presentation. The Board does have the ability to change something if they feel they made a mistake. To complete the process the Board should take a vote on the over all matter.

Mr. Browning made a motion to accept the Findings of Fact and Conclusions of Law with the conditions that have previously been approved. Seconded by Mr. Strahan.

Mr. Strahan stated that the Board has spent a lot of time on the application and have gone over every thing that has come up and if they continue on with it there will always be some little quirk that will come up. The Board has followed the ordinances and done a good job with it.

Mr. Parker agrees with Mr. Strahan and has taken what the public has had to say to heart and there comes a time when a vote must be taken.

Mr. Lee stated that if you take a vote as the Board you may reconsider and revote on your decision.

Mr. Carter stated that every one has done an excellent job on bring the information to the Board but feels there should have been more studies done and there is an injustice being done to the ecosystem at the dam site.

Mr. Browning stated that he appreciates all the time that everyone has put into the application from both sides.

Mr. Poulliot stated there has been a lot of areas covered, three issues that he feels are still issues: 1. the safety of the remaining dam structure, 2. the chromium in the river, and 3. the stability of Dallaire Street.

Mr. Strahan had no comment.

Mr. Keene stated that he agrees with Mr. Carter on the treatment of the ecosystem in that area is unjust. He also agrees with Mr. Poulliot on the chromium three blowing once the impoundment is dewatered but it is time to have a vote and hear what Mr. Fletcher has to say.

Mr. Parker stated that he would like to thank everyone who has participated in the process. The Board has proceeded in this process to the best of their ability.

Vote – Passed – Unanimous

Mr. Fletcher thanked every one for all the work the Board went through. The reason the Board had to do so much is because the DEP did not hold a public hearing on the sewer line or on the Dallaire Street issue.

Mr. Fletcher presented the petition to have a public hearing as soon as possible because the public meeting does not permit the public to ask specific questions of the Board and the applicant for the records.

Mr. Manahan thanked the Board for all the time that they have put in. The Board took their jobs very serious and applied the ordinances accordingly

Mr. Wiley thanked the Board, SOS, and the Fletchers for all the time put in and the respect that everyone has given them even when they did not agree.

Mr. Lee spoke on the petition; this is a request to reconsider the permit, as the permit is not final. A motion would need to be made in order to reconsider.

Mr. Keene stated that there was great deal of interest in the original public hearing and would like to have another so the public has the opportunity to see what the Board has done and if they might have over looked something.

Mr. Carter had no comment.

Mr. Browning had no comment.

Mr. Poulliot stated that there have been citizens approaching him stating that they have not had any say in this matter and would like to be given an opportunity to express themselves.

Mr. Parker stated that there has been several meetings and the public has dwindled down at each one, the same people have been at these meeting and the Board has accepted information through out these meetings.

Mr. Lee said he would look at the laws to grant a public hearing from the petitioning of a number of residences. A motion to reconsider the decision and a second with an affirmative vote of the five members the decision stands.

Mr. Keene motioned to reconsider the Planning Board's decision so that there is opportunity for the public to hear what the Planning Board has done and to ask questions at a public hearing. Seconded by Mr. Poulliot.

Mr. Keene stated that when the Town formulated a plan for the Comprehensive Plan there was a public hearing for the Town citizens to see what the Committee had done.

Mr. Browning stated that there has been opportunity for the public to voice their concerns at the public hearing and to present information and doesn't feel there would that much new development.

Vote- Failed – 2 for        Mr. Keene, Mr. Poulliot  
                                  3 against     Mr. Strahan, Mr. Browning, Mr. Parker

Mr. Strahan motioned to adjourn. Seconded by Mr. Browning seconded.

Vote – Passed – Unanimous  
Meeting adjourned at 9:30 p.m.

All minutes of the Special Meeting on FPLE Application to Breach Ft. Halifax Dam was taken by  
Cindy McCann acting secretary for the Winslow Planning Board.