

St. George Planning Board Meeting
June 27, 2017 – 7:00 p.m.

The Planning Board meeting was called to order at 7:00 p.m. Members present were: Anne Cox, Chair, Noah Bly, Jane Brown, Ray Emerson, Paul Gill, Mary K. Hewlett, and Gary Minery. Also present: Terry Brackett, CEO, Town Manager Timothy Polky, Amanda Meader, Esq., Patrick Mellor, Esq., Paul Gibbons, Esq., Elizabeth Curtis, Richard Bates, Randy Elwell, Gerald Hall, Tammy Willey, Michael Smith, Sr., Terry Banda, John and Laurie Cormier, Jonathan Coggeshall, Suzanne and Don Moore, Randy Dunton, Sandra Dickson Coggeshall, Deborah Cotton, Wende McIlwain, Sheryl Tishman, Rill Reinhardt, Ron and Suzanne Merrill, Susan Burns, John Whitney, Sandra Roak, Tom Lloyd, Anita and Robert Siegenthaler, Karen Farquhar, Glen Haight, John Hansen, Will Gartley, Van Thompson, Michelle Wilson, **Dianne Rekow**, Michelle Graham, Scott Sullivan, Robert and Jan Hughes, Julian and Tatiana Fischer, Linda Bean, Steve Thomas, Evelyn Blum, Daniel Smith, Barbara Aras, Brendan Chase, Donald Wilson, Wendy Carr, Carl & Nancy Schwab, Jen Derbyshire, Jane, Greg Howland,

PUBLIC HEARING:

- **Wyeth Reading Room** - Chair Cox opened the Public Hearing at 7 p.m. and established a one-hour time frame as follows:

- The applicant will be allowed a 5-minute presentation.
- A spokesperson from the Horse Point Road group will be allowed a 5-minute presentation.
- The public will be allowed approximately 20 minutes for questions and comments. Chair Cox asked to first direct their questions to the Chair, and she would then redirect the question.
- She asked that comments be kept to 2 minutes and try not to repeat the same question. (Chair Cox wanted to give ample opportunity for everything to be considered.)
- There will be a 5-minute response from the applicant.
- There will be a 5-minute response from the representative from the Horse Point group.
- Time allowed for questions from the Planning Board to the public.

The Public Hearing is an edited verbatim narrative.

Attorney Paul Gibbons: I represent Linda Bean and the Old Cushman House. On the procedures, we wanted to go through the Standards of her Site Plan Review, at some point in time, because that is our proof. We have to prove that we met those standards. (Public member: Louder, please. We can't hear. Could he face us?)

Gibbons: What I would need today, is to go through the standards for Site Plan Review because my client's here for site plan review approval (Chair Cox: Right.) and that will take longer than five minutes, if I want to do it correctly.

Chair Cox: When we go into our meeting, itself, that is when we will do the site plan review.

Attorney Amanda Meader: That is fine. Good evening. I am Amanda Meader. I am here as the town attorney this evening.

Gibbons: Briefly, what my client intends to do...Will Gartley, our engineer, will talk about it, too. But the point that I want to make is, we are building a reading room. The big points that we need to make at the very beginning is this. You have a shoreland zoning ordinance that does not apply to this application. We are outside the shoreland zone. That is the only zoning ordinance you happen to have. You have a house conversion ordinance. What we are going to do here, is tear down the structure that is there now, and build something new. That ordinance does not apply. You have a site plan review ordinance that does apply and a minimum lot size ordinance that does apply.

The other thing that is important for me to say, there is a big difference between the zoning ordinance and a site plan review ordinance. A zoning ordinance allows you to do things or not do things. That is what it is about. Certain things are permitted. If it's not permitted; you can't do it. **Site Plan B** was not that way. Site Plan Review is not whether you can have it, but how you can have it. If you look at the Standards, it is all about how big it is, how much traffic it is. It is about the size and density. That is an important point for me to make. This is a Reading Room. It is 1,413 square feet, in size. It has a parking area, and I will let Will summarize from here.

Gartley: I want to just step over to the board so I can point to things, and I will be really brief. My name is Will Gartley. I am a civil engineer with Gartley & Dorsky Engineering, and I am representing Linda Bean and the Old Cushman House. As Paul said, Linda (unintelligible) a 1400 sq. foot, footprint building. Where the old building is now, it is right here (pointing it out on the draft board). There is a shed here, and another building here. We are going to have a six-parking space parking lot off Horse Point Road, with enough room internally to turn around and not have to back out. One handicapped space, a new septic system that will be under the parking lot, and this heavy red dash line is the setback lines - the entire footprint as we (unintelligible) setback. We have a pretty extensive landscaping plan that is in the packet, and we have our traffic consultant with us here tonight that can answer questions, at a later point. That is a summary of the project.

Chair Cox: Thank you. So, somebody from the Horse Point Association, a spokesperson. Let me ask everybody to state your name before you speak. Thank you.

Attorney Patrick Mellor: I am an attorney with Strout & Payson, Rockland, Maine. Procedurally, to have the Horse Point Road group with 60 some odd members, present their public comments in the timing - if it is two minutes per person, that gives us an hour and twenty minutes - that's fine. We are trying to make it a little easier by consolidating with four or five people talking. What we would prefer to do is, after the applicant has actually presented the information, we have a chance to respond. That is procedurally how it works in the, as far as, I am concerned.

Chair Cox to Meader: Do (we) stop the Public Hearing now and then do the Site Plan?

Meader: Sorry, folks. We are just kind of gaming this as we go, to think of the best way forward for everyone, really, as long as everybody has a fair opportunity to be heard. That is the most important thing.

Gibbons: Can I say something on that regard?

Meader: Almost. This is the Public Hearing. (Chair Cox, Right.) Yes.

Chair Cox: I thought we will be doing the Site Plan Review as our regular meeting, and so.

Meader: I need to look at the new code enforcement.... I am used to looking for Tim. To me, I think it fine. It all presents (unintelligible). I can speak up. It is somewhat tedious, but I am just trying to decide with my team, how best to structure this meeting, tonight. Because I know, it is somewhat unique, in that we have so many folks who are here to speak to us. (Meader and Brackett consulting with each other.)

Mellor: Excuse me. Amanda, may I approach?

Meader: Yes. Absolutely. How are you? Good to see you.

Mellor: I just want...and I will let you look at the...

Meador: Yes, thank you. I don't think we have... Yes, it's been deemed complete. Right, Paul? It's, been, you deemed, completed the last meeting. But you are probably hearing... The question is the best way to do this without...

Mellor: I think I am first.

Meador: Yes. Paul do you want to get in to? Let's just get a big game plan together that makes all of us happy.

Mellor: After the Planning Board, (unintelligible) determined whether a complete application has been filed and shows notify the applicant and begin its review. (Meador: Right.) That is what I thought we would begin the review.

Meador: We are definitely doing that. There is no question. We are going to hear Paul go through those Standards.

Gibbons: I think that, myself, make things move along. (unintelligible) agree with me. (Meador: Sure.) Since the Standards are the Site Plan Review Standards, (Meador: Yes.) if I go through those standards last, after he has had... these people have not had a (unintelligible) **content** (unintelligible) to seek. (Meador: Yes.) So, if I go through those first, then...

Minery: Re-open it up for questions. (Gibbons: Right.)

Meador: Are you comfortable with that?

Mellor: I think that makes the most sense for everybody, because they can hear what the application actually consists of, and then the public can have some questions, and the group can respond.

Mellor: It is not going to be perfect.

Meador: Right. But again, there is going to be a little bit of (unintelligible).

Chair Cox: And there will be repetition when we get to our meeting.

Meador: Right. A little bit of overlap, a little bit of rehashes, no perfect way to do it, unfortunately. But I think, if we are all. Where did Paul go? (Gartley: He's talking to Linda.) There he is.

Meador: But you publicized the public hearing for...

Chair Cox: 7 to 8 p.m., and our meeting starts at 8 p.m.

Meador: I see.

Chair Cox: Then that was when we were going to do the Site Review.

Meador: I see. So, Paul and Patrick. I think what Anne's just wrestling with is the procedure in terms of they notified that the Public Hearing portion would be at 7 p.m. That's the piece that we were ...

Chair Cox: That's what we were setting up here. Was to have the public hearing from 7 to 8 p.m. Then when we get to the meeting portion, that's when we will do the site plan review with us asking the questions.

Meador: Thought. Is there anything new from either party.

Gibbons: Yes.

Meador: That's fine. I'm new. I'm called in kind of...

Mellor: Everyone who is here for the public ...

Meador: That was what I was going to say. They are here.

Mellor: If they should go by 8, they could get their statements in and... (Meador: Yes.) but I think, speaking for the group of 60 some odd people, we want to wait and listen to the presentation so we can respond to it.

Meador: Okay. And how many folks, if you are comfortable giving me a show of hands, how many folks here tonight are not represented by Patrick and the Horse Point group. Okay, a fair number of folks.

Chair Cox: We let him do a full presentation, (Meador: Yes.) and let him respond?

Meador: Yes, because the public; they are here.

Chair Cox: Yes. (Meador: All right?) We are flexible. So, what we are going to do is.

Meador: I'll hear what you have to say but it might out of...

Susan Burns: It is a procedural question. (Meador: Certainly.) My husband and I live at 14 Horse Point Road. I want to know whether or not there is a chance that the public hearing would be continued to another night, in order to give the full...a better opportunity to make their comments. One hour with this kind of turnout is a bit short. Two to three hours would be better. They know it is long.

Chair Cox: All right.

Meador: Point very well taken. Again, until we stepped into this room, we did not know what we would have. We are not going to prevent folks from speaking, without a question. Every single person in this room will have their voice heard. Not for 10 and 15 minutes at a time, certainly. But are we going to leave at 8 or 9? Probably not. So, your point is well taken.

Gartley: I could just breeze through our submission real quick and then save the detail, if that is what you are looking for.

Meador: No, I don't think so. I think we are going to go for it. Okay?

Chair Cox: We are ready to go through the 20...

Meador: We are making way more headway than those folks in Augusta and Washington.

Chair Cox: So you are going to take us through the Site Plan Review. Then Patrick, after he's (Gartley) taken us through the Site Plan Review steps, you will be able to respond, and then we will open it up.

Meador: Okay, folks. I think we have a plan. I appreciate, in advance, everyone's patience, everyone's humor, everyone's sort of politeness with each other.

Gibbons: As long as you are not hurrying me. I would like to have my client tell the Board why she is doing this and what this is all about. Linda, why don't you come up forward, here? This is Linda Bean, my client and she is the one involved in the Cushman House, LLC. Maybe you can tell us, Linda, why you are interested in doing this project.

Bean: Sure. Well, I never thought I would have to have an attorney but the other group did, and I appreciate your concerns. We hope we can answer those adequately, tonight. My preparation was more for the 5-minute, after part, but I am glad to present it. There was a lot of concern when I was here last about the context of the location and why couldn't it be somewhere else? There seemed to be enthusiasm for the project, but I wanted to show you the context in some pictures that N.C. Wyeth did, and why I think it should be on the Horse Point Road.

He came here in 1920 with his friend Sidney Marsh Chase who was an illustrator from the Pyle School of Illustrations in Wilmington, Delaware and in the summer, Chadds Ford, Pennsylvania. He already was married and had five children, the youngest being Andrew Wyeth who was then three. He began to paint the people of the town. He bought the **fisherman's house** from Noris Seavy which we now know as Eight Bells. He named it after the Winslow Homer painting that he admired. Winslow Homer being an earlier period illustrator, here in Maine, who was headquartered down in Scarborough or Prout's Neck area of Portland. So, the first picture is on the cover and this is my favorite. It shows a woman washing her clothes on Monday morning. It is called Monday Morning Wash Day, and I have actually seen this picture. It is owned by somebody in Pennsylvania; but it is obviously on the Horse Point Road, looking down, as he most usually did, over the hill toward the water and the fishermen and the docks. Because we have been a largely fishing community, especially, even now, even though we have lost our ground fishermen mostly, but still are a big lobstering community and were then. So, the fishing families all lived along the shore. And the Horse Point Road is along the shore. I am going to leave this with you. It tells just a little brief on N.C. Wyeth. (Bean handed out pamphlets.)

The next picture is actually the intersection where this house, this reading room would be. It was then a dirt road. Coming up on the Horse Point Road and turning that corner, right there and the place we are looking at is right behind that spruce tree, was Mrs. Cushman's house. This is another view of it, with **Captain Hugh** walking by. This is sort of the remainder of what we are seeing there today, in a very dilapidated condition.

The Fishermen, 1938. He was very taken with the plight of the fishermen, the difficult, the hard work that they did but the joy with which they did it. Here they are in Herring Gut cleaning fish, 1933. There is the old canning factory which burned, as you all know, the sardine factory. And that shows up in several of his pictures. This one is called Herring, 1935. It is owned by Jamie Wyeth, now, his grandson. And there is another view called Dark Harbor Fishermen. I don't know why they named it that because Dark Harbor is what we know of being in Islesboro. But it is Port Clyde and that is at the Portland Museum of Art and was a gift of Elizabeth Noyes, to that museum.

This is the Cushman House in 1944. This is the lot we are talking about and that is John Teel outside tending his traps. From his home, he painted a picture of his daughter on the porch, reading. It looks down through the harbor. You can see houses that we know today. You can see Raspberry Island, here, and the lighthouse in the distance. He did not paint the road where the lighthouse is. He painted the Horse Point Road. He walked it almost every day to get down to the village. This is a view from his studio along the shore. It is, what you call, easel paintings. Others, he did for illustrative purposes, and they showed up in calendars, for example, or in books, children's books, or in magazines or in advertisements. This is 2 years after he arrived. It took him at least two years to finish the house to accommodate all of his children. So, he stayed where Jud Fischer lives, now. There was a rooming house there and his family stayed there for 2 or 3 years.

Chair Cox: Can I ask you to sort of summarize, because we have a lot of territory to cover?

Bean: Absolutely.

Chair Cox: I appreciate, though, the point you are making.

Bean: The upshot is. I have a whole book of pictures of the Horse Point Road. It is fishermen and its way of life. It's a life that we hope won't disappear. We have had a lot of newcomers come and buy the houses. A lot of the fishermen have had to push back onto the back road because they could not, frankly, afford shore frontage and to stay there, but we still have some. But the memory of this is what I am trying to retain, and I have a large collection of magazines, calendars, paintings, the whole story that I have been collecting for about 20 years. This is what I am talking about putting in the building. It will be free. No

admission. It is not commercial. I hear that word a lot but commerce means that there is money being exchanged and there would not be any, anything sold there.

Chair Cox: Thank you.

Gibbons: (unintelligible) what she does - make that part of the record (the booklet/pamphlet Bean had handed out).

Chair Cox: Add that in, thank you.

Gibbons: We have hired the engineering firm of Gartley and Dorsky. Most of the standards in your Site Plan Review Ordinance, not all of them require that kind of review. Will Gartley will start off going through the standards with you. You have the application in front of you that recites those standards.

Meador: If you just pull up your chair and put yourself here and speak to folks. This is your June 1st submission?

Gartley: Yes. (Meador: Thank you, so much.)

Gartley: I am going to just start by quickly going through our submission list. There is a lot of stuff in the ordinance that we had to prove that we met the criteria for, and we have submitted quite a few plans and documents to ensure that we have met those. We have a copy of the application. A description of the project. A letter that goes through the Section 4 and 5 of the ordinance, and I will go through those in just a second. We have a copy of the warranty deed. A site location map. An **ariel** photograph that shows abutting properties and driveways. Some existing conditions photographs. A list of the abutters and a map that shows the abutters. The tax map for the town. A HHE200 form which is the septic system design by Douglas Meservey who is the site evaluator. A sketch of the sign which is by Stephen Smith's office. The town of St. George does not have any parking requirements, and so we did some research from other towns and made copies of those ordinances and tried to find the most similar things that we could to document similar parking requirements. Rendering an image of the exterior lighting. Correspondence from the Water District. A response to some of the correspondence that we have received with regards to the project. Site Plan which labeled C-1. Some civil details which are construction details – erosion control. That type of thing. That plan is labeled C-2. We have architectural plans of the building by Stephen Smith's office. We have a landscape plan that is by Maine Stone Landscape and Design. A boundary survey by Ingraham Land Consulting, Inc., and a traffic evaluation by Gorrill Palmer. Randy Dunton from Gorrill Palmer is with me tonight, and I am going to let him explain his letter.

Next, I am going to quickly go through, which is in tab 3, the ordinance, Performance Standards which is the standards that the Board has to find that we have met to approve this project. I am just going to read through them real quickly and some of them, they are relatively long, so I am just going to read the heading or summarize and then our response.

Gartley continued:

1. Preserve and Enhance the Landscape – The existing site has very little vegetation. The landscape will be enhanced according to the landscaping plan provided by Maine Stone and Landscape which identifies how the applicant proposes to soften and screen the appearance of off street parking in the proposed structure.

2. Relationship of the Proposed Buildings/Structure to the Environment – The proposed structure is architecturally designed for the site to complement the existing and historic architecture of the surrounding community. The proposed building style is that of traditional cape with shed dormers.
3. Vehicular Access – The existing and surrounding roads have adequate capacity to accommodate traffic generated by the proposed activities. See the attached traffic evaluation by Gorrill Palmer.
4. Parking and Pedestrian Circulation – We have shown on our site plan that we a parking and access that there is plenty of room for two vehicles to pass, and six parking spaces. One of them being handicapped and plenty of room within that parking area to turnaround and exist so nobody is backing onto the street. All those parking spaces meet the standards which are also listed in this section of the ordinance. They are 9 feet. They are 90-degree parking spaces, 9' wide, 18' deep with a 24' drive aisle.
5. Surface Water Drainage – As provided on the civil details on sheets C-2, erosion and sedimentation control measures throughout construction will be in accordance with current and Maine DEP Best Management Practices. Sediment barriers identified on the site plan will be installed prior to any soil disturbance and all exposed soils will be stabilized per the BMP's which are Best Management Practices. In order to mitigate any potential increase in stone water runoff, we are proposing a stone drip edge around the perimeter of the building to capture roof runoff. In addition, the landscape plan shows a significant landscape buffer. These two items will mitigate any potential increase in runoff. There are no drainage ways on the existing site. Landscape buffering around impervious areas will provide sufficient storm water management during precipitation events.
6. Existing Utilities – Wastewater will be disposed of in a subsurface waste water disposal system designed by a licensed site evaluator in the state of Maine and installed by a certified installer. There are no anticipated storm water impacts associated with this project and there are no anticipated increases in public water demands associated with the project. We have a correspondence letter from the Port Clyde Water District included in the submission.
7. Advertising Features – We proposed a sign and there is a picture of that sign that meets the requirements of the ordinance.
8. Special Features – There are no special features or exposed storage areas. Hours of operation will be 9 to 5 daily, from Memorial Day through Columbus Day. Winter hours will be available by arrangement with or for staff.
9. Exterior Lighting – We are showing that on the rendering by Steve Smith and there is a copy in the application of the cut sheet for those lights. They are all down lights. No glare off the site.
10. Emergency Vehicle Access – The proposed parking layout provides safe emergency vehicle access to maintain entrance to the building, even when the parking lot is at its capacity.
11. Municipal Services – The surrounding municipal road system will not be adversely impacted from the traffic generated from the Reading Room. See the traffic evaluation by Gorrill Palmer. There are no anticipated effects on public safety functions, solid waste program or sewage treatment plant associated with the Reading Room. The proposed project will not burden the schools, open spaces, recreational programs or other municipal services or facilities.
12. Water/Air Protection – There are no flood zones on the subject parcel. As I mentioned, with the septic system, we have a design by a site evaluator. One of the comments in this section is, the slope of

the land. The parcel ranges from 0 to 33% slopes with vegetated landscaping to retain surface water discharges.

13. Water Supply – Post development is not anticipated to utilize more water than the previous use. See the attached letter from the Utilities Commissioner.

14. Soil Erosion – Erosion and sedimentation control practices will conform to the Maine DEP and BMP standards. See the site plan and civil details that we provided.

15. Sewage Waste Disposal – Some of these are a little redundant, but this is the site evaluation; we have a design for.

16. Hazardous, Special and Radioactive Materials – This is not applicable.

17. Financial/Technical Capacity – The financial capacity can be provided upon request. The technical capacity is demonstrated as follows: Architectural plans by Stephen Smith. Civil Engineering plans by Gartley & Dorsky Engineering and Surveying. Landscaping plan by Maine Stone Landscape & Design. Traffic evaluation by Gorrill Palmer. I did not list it in here, but boundary survey by Ingraham Land Consulting.

18. Shoreland Zone – This is not applicable. The proposed site is not within the shoreland zone.

19. Flood Plain – This is not applicable. This is not in a flood plain.

20. Lot Standards – There are four of these: a,b,c and d.

- a. Lot configuration and adequate parking. We have discussed that. We are meeting all the lot standards and we are providing adequate parking.
- b. The maximum lot coverage for structures is 20 per cent. The proposed lot coverage is 12.4 %.
- c. Maximum height of the building is 35 feet. The building is less than 35' as proposed.
- d. The minimum building setbacks:
 1. Front yard: 25'
 2. Side yard: 20'
 3. Rear yard: 20'

All the setbacks are shown and met according to the ordinance. I would like to just let Randy, (unintelligible).

Dunton: As Will said, there were two reports or two memos that were submitted to the town. One dated June 1 and the other dated June 20. Basically, the Reader's Digest version of the traffic, the access is proposed: one driveway approximately .07 to .08 miles off Port Clyde Road. We looked at the trip generation. The trip generation we arrived at approximately 34 trips per day which is equivalent to approximately three single family residential houses. A trip end is one trip in and one trip out is two trip ends, so that is approximately 17 vehicles per day. It is approximately double what we were told for the exhibit, down above the general store.

The safety was reviewed. Maine DOT provided some crash history for the years 2014 to 2016 which is what the DOT looks at. We were looking for high crash locations as well as crashes with bicycles or pedestrians. There actually were no high crash locations and in fact there were no reported crashes at all in the immediate area.

The site distance was reviewed. Per the town ordinance, it is based on Maine DOT criteria. The posted speed limit is 20 mph. That requires 155 feet and based on the measurements, all criteria is met or exceeded.

The capacity of the road was reviewed and the capacity is not even close to capacity nor is it expected to get closer with the proposed project. The most significant section for traffic is Section 5, Subsection A, Subsection 3 – Vehicular Access. The points in that section are:

- They provide adequate location.
- They are providing one access and they are providing it as far away from Raspberry Lane or the corner as possible which is where you want the access to be. Numbering controls of access points.
- The number of driveways is limited to one, including requirement site distance. I just went over that. The site distances are met or exceeded.
- Turning lanes or traffic signalization. The project would not generate enough traffic to warrant any signalization or turning lanes.
- Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. We reviewed the capacity that is provided in the memos, and it is significantly under capacity nor it is expected to exceed capacity with this project.

Meador: I think we will get to that.

Dunton: I am sure we will.

Meador Thank you very much

Chair Cox: Thank you. Is that all?

Gibbons: We went through the standards as fast as we could.

Chair Cox: Thank you very much.

Meador: Very well done.

Chair Cox: You know we will be visiting them, when we visit it. Patrick.

Mellor: Thank you. I am Patrick Mellor. I am assisting the Horse Point Road group. We have four individuals on behalf of Horse Point Road group which is a group of about 60 some odd people who will chime in along the way. First thing I want to do is, I have a package of exhibits. Paul, I already gave you these. We know Linda is going to forward and has put forward a nice, tight package, collated, it's dotted, it's crossed with professionals on her side, surveyors, two engineers, excellent lawyer and that is great. It helps us all to look at these standards. It does not mean that the application is perfect, and it is not by any stretch. We will show you why, this evening.

First, I want you to keep in mind it is the applicant that has the burden of proof under Maine law and under your statute, under your ordinance. It is the applicant that has to prove.

Chair Cox: Could you put that somewhere so the public could see that?

Meador asked if the public had the material or was it just on the screen. Mellor said he had not made copies (to hand out). Gibbons suggested Mellor could read it.

Sigenthaler: Point of order. The screen behind could be used if the Board would leave a space and go on either side of it. Frequently, these tables are set at an angle so that can happen, and it works very well for everybody. It would only take a minute to rearrange.

Meador said to take a 3-5 minute break in order to rearrange the seating.

Chair Cox Called the meeting back to order and to reconvene.

Mellor: Two or three minutes and then we will move on. Again, the burden of proof is more than just saying that something is true. The applicant must prove that it has satisfied the requirements that are in this town's ordinance. The Maine Municipal Association (MMA) provided some guidance:

- Has the applicant met his or her burden of proof?
- Has it presented all the evidence which the Board needs to determine whether the project will comply with every applicable requirement of the ordinance?
- Is it outweighed by conflicting evidence?

Now, the Board may not rest a decision to deny an application just because you do not find it tasteful, you think it's not, or you don't like it. There has to be substantial reasons, and we will provide you with many of those, tonight. It can deny the application because the applicant has failed to carry its burden of convincing you. You could deny it based on the determination the project would have adverse safety consequences, which it will. We will show you that. You may deny the application based upon the fact that it does not meet setback requirements on Raspberry Lane, which it does not. We will show you that. Or, you can deny the application for all of those reasons. It is also important to remember that common sense and individual's opinions from lay people can and should be considered by the Board. You are not compelled to accept conclusions of an expert. There are multiple cases that support this legal concept and one of them is MacK v. Municipal Office of Town of Cape Elizabeth. The MMA, again, tells the Planning Board that the Board may base its decision on non-expert testimony in the record, if it finds that testimony more credible than expert testimony presented on the same issue. Now, this is especially true in instances where there are paid experts as opposed to individuals living on the road who have actual experience with conditions on the road.

In order to help all of us understand the site plan review ordinance which Attorney Gibbons referenced, the purpose of that ordinance, Section 1, reads as follows: The substantial development or major changes in the use of land can cause a profound impact upon the cost and efficiency of municipal services and facilities and upon the environment of the town. Such impact can affect municipal schools, recreation facilities, public utilities, solid waste programs, police department, fire department, open space, road systems, transportation systems and the general health, safety and welfare of the municipality. It is the purpose of this ordinance to avoid such impacts when they are unreasonable and are potentially caused by developments including commercial, retail, industrial, family residential dwellings consisting of three or more units, etc. With those important concepts serving as your framework as we move forward, I am going to turn this over to Scott.

Scott Sullivan: Hi, everyone. When Patrick said, a lay person, non-expert, I am front and center. I am a new member of the community. My wife, Michelle, and I moved here a year ago. We live on Horse Point Road. For the record, I am very much in favor of the center, just not at the proposed location. One of the things being new to the community that really fascinated me about this, watching it for six months, was kind of the depth of response from the community against it. Terry (Brackett) knows I have spent a number of days in the town office looking back six months. Six months ago, this is where it all began. Looking back saying, well what have the members of the community actually said about this, in aggregate, if you look at it. What does it actually say, and how does that square with the engineering documents and all they telling us and what I would like to do?

1. Here is a list and the packet of all the letters. I know you have them. There are probably multiple folders spanning seven months, and I will also give you a copy of the slides that I am going to talk to. If you just look at the data. If you start with the letter that was written by the Horse Point Road group in

January and look at all the other letters that have been submitted, you come up with a list of 86 neighbors who have said they are not in support of this center. Thirty-five letters have been written. One letter is in support. I am not going through the analysis and everything, to say – is that a representative sample? In my own experience, it is of an overwhelming response to the proposed center.

I looked at it and said, why? What are people really saying and how does that square with a lot of the stuff we are talking about. Next slide. This is just a thematic analysis. You read the letters, you read them again, and you read them again. You just write down every issue that people bring up and then you try to lump them together and categorize them, so you can get some kind of picture of what is actually looks like.

This is the categorization that I used. The first was safety. There was a lot of concern about increased traffic on this narrow, dangerous, dead end road. There are actually two dead end roads. There was also a safety issue related to this particular site. We all walk it every day. We know it is a 90-degree turn. We know it is a steep slope. We know there are lots of pedestrians. We know it is too narrow. We know there is no shoulder, sidewalks, all of that. People know it is a dangerous road, and it is a particularly dangerous location. There is a lot of concern about the permanent change to the neighborhood of adding a non-residential or commercial building and that having a diminished quality in life for the people that live there. It is a permanent change, and we don't know what the future brings, but once this is introduced to the neighborhood, what is it going to do to us? In fact, it is happening on a road that has been designated as a scenic resource by the town. A lot of people just say, 'Look, better locations are available.' Not a bad idea; there are better locations.

Now in keeping with the Wyeth spirit, Linda talked about the context; some people disagree with what the historic context is but then there is also the sense that Horse Point Road has always been a road that everybody walks. Even N.C. Wyeth and Andy, and that is the way we want to keep it, and they would not like to see this kind of a change. (I lost the formatting.) What it says - unreasonable imposition on neighbors and the two things that it points to are:

1. We have no on street parking on that road and we expect there will be a lot more traffic and therefore people parking all over the road.

2. The other is, and it is inescapable, it is two dead end streets. Right now, lots of people go to the end of both of streets and turnaround. In fact, you can go and you can see the signs that individuals have written warning people that they are going to have to turnaround.

Finally. The site is too small for its intended use. It is a tiny, tiny little location and so there are lots of issues with that.

Next slide, and I will wrap up. What this is saying is, this due an account across all of those issues. It is basically saying, safety is the main concern. It is not that I disagree with Linda about the context, that is some of it. It is not, I have site issues or that sort of thing. The primary issue is the roads are too small and narrow. They do not have shoulders, they don't have sidewalks, there is a lot of pedestrians, there are a lot of bicyclists and that particular location is also very unsafe. The combination of those two things, in our minds, says there is a real public safety concern that I think the Board should deal with. Thank you.

Anita Seigenthaler: I have lived on the road for over 25 years, and I know Horse Point Road very well. I know the residents very well and I know the way it is used, today as opposed to the way it might have been used 100 years ago. Horse Point Road is not a road that leads somewhere else. It is only a mile. It is dead end and it functions like a narrow driveway, in a small neighborhood. The little neighborhood is known for caring and generosity. The church at the head of Horse Point Road has a free soup event once a week during the winter season, usually. The summer people miss out. Break an ankle and the neighbors drop off food. When driving, we all watched for the little lady who was legally blind with her white cane who had to walk on the road because there is no other way to walk on that road. We help

neighbors who are on oxygen, have MS, and memory loss. Gatherings include pot luck for July 4th, brown bag lunches at Jan Smith's to which Linda Bean at least twice, I think, Linda. Three owners on the road offer neighborhood access paths to people who walk into a field by the shore, the shore itself, and to a private sand beach. This neighborhood is famous as a quiet place. There are many, many walkers. They bring their dogs. They bring their children. The kids go down to the Collins Park which is there at the head of the road, very close to this proposed center. There are people that come from Marshall Point Road, especially in the summer time because Marshall Point Road is very, very business. There are people who come from Tenants Harbor to walk on this road. However, Linda Bean, on March 21st, mentioned that this is a very fragile road. That is correct. Horse Point Road is, in reality, a very fragile road. That is why people who know the road, think it is a joke that a 1,000 vehicles per hour represent the capacity of Horse Point Road in the June 1st traffic evaluation. The idea is that it is very easy to visual - walkers, dogs, children, bicyclers, and artists dodging a 1,000 cars an hour, going back and forth on the road. It is dangerous. There is a safety issue. Linda, herself, said on March 21st, that the road might need a sidewalk or something where people could feel safer walking along the road with their dog.

The question for you, tonight, is:

- How much of an impact will her project have?
- Who will be impacted?
- Who will provide the remedies?

Let's look at the actual road. Not at statistics about a road that is considered by some people to be under capacity. If the road could accommodate a 1,000 vehicles an hour, that would be a car entering and exiting every 3.6 seconds. Do I have the math right on that? First, Horse Point Road is lined with drainage ditches, rather than the preferred 4' standard shoulder. There is little or no safe zone for walkers, bicyclers, or drivers of cars who need to pull off the road. Next, the paved width barely meets minimum standards and in some places, it is less. Where the town portion ends, the paving is a scant 11' - 4". At the house Linda just bought from Ruth Thomas, the width is 11' - 9". Two-way traffic can be tricky. Where the road ends, at this point, there is no town turnaround. There is a private gravel road that forks directly into Eight Bells, and there is a private road that goes up to the right where seven (7) residences can be accessed. A driver trying to turnaround on an 11' - 4" paving, is going to be in trouble. They will be in the drainage ditch. They will be blocking access for the residents, and they will be blocking access for ambulance and fire trucks. At that fork, a resident, who is here, has kindly put up a sign to let tourists know that both of the one lane gravel roads at the location (in the previous slide) – both of these roads are private. The sign says, Private, with two arrows. That resident that put up that sign to help people has also generously provided, (next slide) on private property, a driveway to let the stuck drivers, turnaround. Seven houses are on the private gravel road which is one lane wide with no turnarounds. This private road provides the only view of Eight Bells. My family's pond and property is next to that section of the gravel road. At least twice, that I know of, cars have run off into the deep drainage ditch along that exact section. We know that a tourist trying to back up or turnaround, stands a good chance of ending up in the drainage ditch. We, who live there, know that ambulance and fire truck access will be blocked. Someone will have to come and haul out the driver and that could take time.

Promoting Eight Bells and the Wyeth legacy without a safe way to exit Eight Bells and a place to park once you get there, sets the scene for a devastating impact on those of us who live there. Changing the use of a ¼ acre property at 20 Horse Point Road from residential to non-residential use will increase the hazards on this road. Right now, the town has posted, a 20-mph speed limit and cautionary signs. Right now, private property is being used to lessen the problems. Right now, brochures and advertising promote the applicant's businesses. (Brochures were passed out.) This is a lovely brochure. What will happen with this fragile road when a new tourist business that actually promotes the road and Eight Bells, comes into being? I believe that one person's project should not come at the expense of the neighbors or the town taxpayers. Residents on Horse Point Road should not have to create turnarounds on their own property to accommodate customers of an owner proposing a new, non-residential, commercial use.

Taxpayers of St. George should not have to reconstruct Horse Point Road to create safe vehicle width, sidewalks, shoulders and safe access for fire and ambulance. It is difficult to see how this application meets even the quote, "Minimum requirements for approval," Section 5-A Performance Standards. It is difficult to see how this application meets the requirement of Section 5-A, #11. Quote, "Will not have an unreasonable, adverse impact on municipal road systems, and public safety functions."

It is easy to see how this project, if given a reality test, could put the existing property owners, at risk. It is easy to see how taxpayers could be on the hook for sidewalks, shoulders along the road, blasting the ledge at the turn by the marsh, and using eminent domain to create a turnaround at the end of the town road. It is easy to see that if the Planning Board agrees with the traffic evaluation, that other commercial businesses will have an open door to use, to add commercial use to this "under capacity road." Linda Bean professes to love this place. I think she does, but the success of her project would lead to the failure of this small place. I urge her to withdraw the application, and I urge the Planning Board to reject the application.

Chair Cox: Thank you, Anita.

Meader: We are just having a procedural pause. (Discussion between Chair Cox and Atty. Meader to make sure they are still on the same path.)

Chair Cox: You are the fourth speaker, with Patrick? (Meader: Patrick doesn't count as one.) I think we will plan to hear from you, and then we will open this up for any other comments from the public.

Meader: Is this your last speaker, Patrick, or do you have one more? (Mellor: There is one more.) Okay, you have a fourth one.

Mellor: We don't need to go in order. Anyone can chime in.

Meader: I would like them to finish. (Mellor: Okay.) I would like your two, and again it will be another 5 to 8 minutes with each of your speakers, and then I do think before you summarize, because you will have your opportunity. Then maybe we would get a sense from other folks from public comment. I think the chart provided by Scott, gave us a nice sense for how much that...

Mellor: Again, just for the record, there are 60 some odd people that are part of this group, so we are trying to give voice to all of them, and we are summarizing and make things as quick as we can.

Robert Hughes: I am Robert Hughes of 8 Raspberry Lane in Port Clyde. Thank you very much for the opportunity to speak to you tonight. Last time I was here, was March 21st, and we had a conversation with Linda about the number of visitors that would come to the reading room, and you asked her how many? She said she did not know but it wouldn't be very many. I challenged her on that, because I know Linda. I have actually done some marketing work for Linda. I know she is a savvy, aggressive, thoughtful and determined business woman. Now I know, that Linda Bean is not going to be satisfied with not very many. That is not the way Linda Bean works. So, she told you a story about how things are going in the art world. I would like to tell you a companion story that does involve her. (Next slide, please.)

On March 17th, the Portland Press Herald printed this article about a man named Ron Crusan who is leaving Oquanquit Museum to curate Linda Bean's art. Ron has been the museum's executive director, and he was leaving to come to Port Clyde and run Linda's gallery (next slide) and described this job this way. She wants to build an orientation center and create a destination for her collection. Now, Ron and Linda knew each because she was a donor to the Oquanquit Museum, and he knew she had some kind of a Wyeth collection but he didn't know what it was. But, he guessed, according to the article, that it had to

be pretty spectacular. She lent him some pieces, 15 originals from her collection, by N.C. Wyeth, Andy and Jamie, and they put them in a show at the Oquanquit Museum. The results were spectacular. In that show in 2014 with Linda's pieces, now there are other pieces as well, but the paid attendance hit 22,000. Now I mention that to give you a sense that Ron Crusan, when it comes to getting people to pay attention to art, is a guy who knows what he is doing, and he is now running Linda's gallery.

Now August of 2016, Ron was interviewed and featured in this article, in the St. George Dragon. He was already on the job at the Wyeth Gallery above the Port Clyde General Store and in that article, he gave us a hint of his plans. He said over 2,000 people came through the gallery between Memorial Day and early August, but he said he would like to triple that number. Let that sink in. Triple the number to 6,000 people. Back to the Planning Board. The minutes of March 27th of this Board, Chair Cox asked Bean would it be five people a day or would it be a 100 people a day? Then she said, directly to Linda, if you are building something this nice, you might want to plan for the greatest use, not the least use.

With that as a background, I want to take you through some of the findings of the traffic report by Gorrill Palmer. On page one, of their traffic assessment, they reference a Wyeth gallery above the Port Clyde General Store and they state last summer, the number of visitors was approximately 10-15 per day. That would be the summer of 2016. The same time period that Ron is talking about in that article in the Dragon. For the purpose of this application, Gorrill Palmer has to turn the number of visitors into number of cars because cars use roads and cars require parking, and those factors are all part of the application. So, here is how they do it. Gorrill Palmer says last year there were 10 to 15 visitors per day, assuming two people per vehicle. That would be 8 cars per day. Using this as a base, they expected attendance to double to 16 cars per day.

Question. What happens if Ron Crusan actually does triple the attendance? Well, it is a simple mathematics problem. Instead of 10-15 cars per day, it comes to be more like 45-50. At two people per vehicle, that is 25 cars per day compared to 8 last year and 26 which they project. In other words, the individual that Linda has hired to run her gallery is projecting 60% more visitors than you see reflected in the Gorrill Palmer report. Or, think of it another way – 25 cars, each one makes a trip into the parking lot and a trip out of the parking lot. That is what they call a trip in. Fifty (50) times per day, vehicles will be crossing Horse Point Road in the face of oncoming traffic to enter or exit the parking lot. That assumes in the parking lot, but we will get to that. This is the first place but not the last where it appears that Gorrill Palmer did not do what this Board asked it to do, which is to plan for the maximum. Instead, they tried to make it look like it would not be very many.

Tripling attendance, to be honest, probably won't happen instantly – it will take some time – but it is clear that if you approve this application, the pressure on this part of Horse Point Road will increase rapidly and it will grow more and more intense over time. And, once it is built, you can't unbuild it. Is it reasonable? Is it even reasonable to think that Ron Crusan could triple attendance at this little reading room, here? Well, there is actually a reason to think he could be more successful on that, and here's why.

In Cushing, Maine, there is a very famous Andrew Wyeth site called Olsen House; you know about it. Last year, 3,200 people drive to Cushing to visit Olsen House. That is more than 26 visitors per day in Cushing, Maine. Now, some key differences. Olsen House is a real, Wyeth historical site. This is a new place, never lived in or used by a Wyeth to create art but it would contain some of Linda's treasures. So, if she put some good stuff in there, and they promote it, people could be interested. Here is another reason. Aside from visiting Olsen House in Cushing, Maine, there is not much to do there but that's not as true here, is it? (Next slide.)

Here is Trip Advisor's top things to do in Port Clyde. We know this. Marshall Point light, Monhegan Boat Line, big draws. Look at what's number five (5). Linda Bean's Wyeth Gallery. It has already

established itself as one of the top 5 things to do in Port Clyde. The Marshall Point Lighthouse attracts 20,000 paid and unpaid customers a year; the Boat Line attracts 15,000. That is a lot of people here with time on their hands, looking for stuff to do. Now it is true that some of those people are the same people that are customers of both places but the point is, they are here and they are looking for stuff to do. In addition, Linda has some 20 properties here, including rental houses, hotels, retail stores, and a boat tour all of which are bringing people to Port Clyde, and she promotes these properties in ads like this to bring more people in; and Ron Crusan has said in the Dragon that he is going to do more of this. He is going to bring more and more people to Port Clyde by promoting Linda Bean, Wyeth, and this village, itself.

Here is what we know, at this point. We can discard the idea that it won't be very many. It will be a lot, and the number will grow. What about parking? On page 2 of the Gorrill Palmer report, they discussed the number of vehicles per day and you think when you read it, oh this is the part where they compare the number of visitors to the number of parking spaces, and they tell us that the parking will be adequate. But here is what is amazing. The word parking never appears in this report. Not once. So, we went to look at the Gartley & Dorsky documents and it is exactly as they told you. There is no regulation about parking. They looked up some standards. They did what they thought was right, and that is what we got here in this report.

Here is the most important question. Is the parking they are proposing, going to be enough to handle the crowds they intend to attract? It matters a lot, because if it is not, where do people park? Gorrill Palmer does kind of bring it up on page 2, under trip generation. They talk about time on site and they say if their assumptions were right, there would only be two to four vehicles on site, presumably in parking spots at any one time. Assumptions are not evidence. They are more like a speculation or a guess or maybe a wish. Just because an engineering firm puts an assumption on paper and signs it and stamps it, does not mean that you get to accept it without proof. You should ask for the evidence.

So here is what they say exactly. Let's look at the slide. Assuming the vehicles are spread throughout the day 9 a.m. to 5 p.m. that would result in two vehicles per hour spread throughout the day. Is that a valid assumption? Actually, it's not. Here is a chart showing McDonalds on Camden St. in Rockland. As you can see, there are hours at McDonald's in Rockland where the traffic is a lot more than other hours.

Next slide. Here is the Port Clyde General Store. Guess what we see here? The same thing. There are some hours where the traffic is a lot more than other hours. Okay. Does that apply to museums and art? Yes, it does. Here's the Farnsworth. There are hours at the Farnsworth where they have way more traffic than their average traffic hour. Here is another museum. This is the Oquanquit Museum where Ron used to work. Same thing. What about a small museum on the coast of Maine to which people have to drive? Does this apply there? Well, we found one. Owls Head Transportation Museum. As you can see, here again, they have peak hours of traffic that are significantly higher than their average hour. When somebody says to you, that talks about averages and assumptions, we need to look deeper and this is what we need to look at.

The idea that traffic will be spread evenly throughout the day, simply isn't valid. There is no evidence this is true, and they actually know that because they are traffic engineers, right? Now, here is what they could have done that would have been helpful. They could have asked themselves, what would the worst day at the Reading Room look like? How bad could it get? And if it got that bad, what would we do? Now, why does that matter? It matters because it relates directly to the performance standards about the use of the roads and the safety of the usability of this location. Let's say it is a beautiful Labor Day weekend. The parking lot is jammed, where do people park? We know the answer because this is Port Clyde, and they will park wherever they can and that means on the side of the road or on private property or in front of my garage at the end of Raspberry Lane, which I do not want them to do.

Here is an ariel shot that I did that showed what that could look like. A lot of cars all over the road. I do not have a parking lot here, so that is a fair criticism. Let's look at the next slide. In case you think this is clever photoshopping, this a picture from Sunday afternoon when there was a gathering at the Chadwick's house and it was one of their guests who parked here. As you can see, it is exactly as I said. Parked partially on private property and partially on the road in a way that restricts the roadway. That is the nature of this particular site.

So, we wanted to give you a sense of what this would look like if it were a really bad day at the Reading Room. It's about 12 cars. This Board suggested to them, they plan for the maximum. Well, this is what it could look like on somedays, a few days, several days in a season it could look like this and there is not a word about this in their documents. This directly affects the performance standards. If the parking is inadequate, if it overflows onto the two-lane roads with no shoulders, forcing the people to park on private property or partially block the road, that affects the access of emergency vehicles, it magnifies the risk of accidents as people walk from behind parked cars, potentially in the path of an oncoming vehicle. If you feel like they have failed to prove their compliance with the performance standards, you are entirely justified to reject this application.

On the other hand, what happens if you accept this report and you approve the application? Well, it then becomes a matter of record. A precedent. And, any future applicant could use it to their advantage. You will have put on record a statement that this location is safe to be used this way, and that Horse Point Road is operating significantly under capacity because that is what is in their report. That is what it says.

So, we need to pay close attention to the rest of what it says. That is what I am going to do now. (The next slide.) They tell us that they use something called the ITE Trip Generation Manual Land Use Code 210 Single Family and that based on that standard, the Reading Room would generate an amount of traffic that is the equivalent of 3 single family homes. You heard them say that tonight. Since the site is already a resident, it is actually only 2 single family homes. There are a couple of things they don't mention.

- First of all, for the last many years, this site has been abandoned and the buildings have been empty, so you cannot pretend this location has created any traffic. You can't net that traffic against what you are going to create.
- Second, this proposal changes the use of this site from residential to commercial and that changes everything, doesn't it? It does. Now, if this was to be an insurance agency and they had a couple of employees who showed up and worked all day and went back and forth to lunch and so on. That would be one thing. But, that is not what this is. What they are proposing is an art attraction with highly interesting American art objects, open to the public and in the hands of man with a proven ability to bring lots of people in to see this stuff.

If we believe their most conservative figures, we will have dozens of cars of people, full of people, turning across Horse Point Road and entering and exiting the parking lot, many times a day. Vehicles that at that point will be vulnerable to broadside collisions. Later on, on page 2, Gorrill Palmer says they reviewed the State of Maine high crash location data base. You heard them talk about that tonight. They found between 2014-2016, there were no deaths and no accidents, no pedestrians, no bicycles. You know what? They are absolutely right. I went and verified it myself, personally. They told you the truth. So that means the location is safe, right? No, it doesn't. That is history. They are changing the use of this site. You can't rely on anything that happened in the past to predict what could happen in the future. We have to use common sense.

Now on page 3, they talk about the site distance and they say the available site distance meets or exceeds the Maine DOT criteria, assuming the speed limit of 20 mph. The language here is very precise and there is a reason why. If a lobster truck, hits a family because it was going 30 or 40 instead of 20, you won't be able to blame them because they told you here that the safe speed was 20 mph. They told you that. Two things. They probably should have said the site distance meets the criteria but not by a lot because that is in fact the truth. They probably should have said that if the speed of the lobster truck coming around that blinding curve is more than 20 mph, there would need to be a much greater site distance to come to a safe stop, but they didn't say that. They also should have said there is no shoulders, so if you need a place to go in an emergency to avoid hitting a car cross ways on the road in front of you, there really isn't any place to go, except maybe into Chris Chadwick's yard. They didn't say any of that. So, it is really left up to us and our common sense.

Tonight, this is a choice between the engineers, the textbooks, the manuals, their standards and their website data bases and the common sense of merely everyone who lives on this road.

Now, here is something I don't understand. Linda Bean is an avid collector and promoter of the art of the Wyeths. This year, right now, is the Centennial of Andrew Wyeth. Interest in his art is at an all-time high, probably. She could have, had she wanted to, had this center up and operating at another location. We suggested it to her multiple times, but she wants it at this location. Interesting.

(Next slide.) Page 3 of the Gorrill Palmer report. This highly qualified, respected traffic engineering firm, and I checked their references, they are very well thought of, in their own community. They tell us that there is a Maine map viewer that says Horses Point Road could handle up to 1,000 cars per hour. They also say that because it only carries fewer than 600 cars per day, that it is operating "significantly under capacity." This statement reveals how seriously out of touch they are with what we have been trying to say. That is surprising because it is in our letters, and we know they are reading our letters. Linda, herself, has copies, she's walking around showing them to people and asking them about what's in our letters. This is what is in our letter. They recently responded to my colleague, Anita's, letter in depth, having read what she said and what you heard her say. It still seems like they don't get what the issue is. So, let me see if I can explain it. (Next slide.)

This is a 5" pipe. My plumbing friends tell me that the capacity of the 5" pipe is 45,000 gallons per hour. Now, if it is actually counting 1,000 gallons per hour, it is significantly under capacity. Yes? This is what they are telling us. They are telling us that Horse Point Road is a big enough pipe to carry 1,000 cars an hour. But, wait. What happens if, we put a plug in the end. (Activate the slide.) Now we have this 5"-inch pipe with 45,000 gallon per hour capacity. What is the capacity? Anybody? Zero. The capacity is zero. Nothing can flow through it. So, Horse Point Road, and we said this before tonight, it bears repeating because they don't seem to get it. Horse Point Road and Raspberry Lane are both dead ends. Traffic cannot flow through; it has to come back out. Try this on. Accept the idea that Horse Point Road can easily handle a lot more traffic and go ahead and approve this application. Now imagine what happens if every property owner out of self-defense puts fences on their lawn and gates on their driveway. Now what? No place to turn around. You're 1,000 car per hour road becomes gridlock. You are going to need tow trucks to unpack it.

Our group firmly believes that anyone who owns property, should be able to do what they want with that property, provided they follow the rules. We also believe that no property owner has the right to situate or operate their business in a way that impairs or deprives us of the full, fair and free use of our property. Linda Bean, as much as I love her, and I do, has no right to use the private property of me or my neighbors to provide for overflow parking. She has no right to operate a business that requires visitors to use our property for their access or convenience. Her customers have no right to drive over or through our property or turnaround. We also believe that no one, no one in this community has any right to

situate a business in a way that creates a public nuisance or a danger to life and the property of others. This is not safe.

So, you have a clear choice, Planning Board. You can review their documents, and you can't make this decision emotionally, and we know that – you've got to make it on facts. So, review their documents. Look at them really hard. Consider their assumptions and notice where they are unsupported by any evidence at all. Evaluate the inferences they make and the conclusions they come to that fly in the face of common sense. Take note of the several places where their compliance is only minimal and then, do what you think is right. Tell them that they did not meet their burden of proof. Tell the applicant that they did not do what you asked them to do which was to plan for the maximum use. Tell them that they deliberately underestimated the impact by their own evidence. Tell them this is the wrong site for any kind of business that draws a constant strain of traffic. And tell them that you will not approve this application. Tell them that is why you are rejecting this proposal. If you want to save them a lot of time and trouble, tell them to pick another spot.

Chair Cox: You have one more person?

Mellor: I am going to let John Hansen speak for a minute about safety, then I will come back in.

John Hansen: Good evening. For those of you that don't know me, my name is John Hansen. I have lived in the community for 25 years. I have been a law enforcement officer since 1980 and Friday, I retire. I was contacted by the law firm for the Horse Point group to ask my opinion about what is going on down on Horse Point. Just for clear **conscious** to let you all know, I had no idea what was going on or what was being planned to be put in down there. What I do have is 25 years of living in this community. Twenty-five (25) years that I have been asked by this town as a law enforcement officer to try and keep a path way on Drift Inn Road. The situation where that road is and Horse Point - yes, luckily there have been no accidents; but I did drive down it with counsel just to get a view of it, yesterday, and as we drove down and made the turn, there are four (4) people walking in the middle of the road and there are two (2) dogs. I know some of the knuckleheads in this community and how they drive. I am not saying that everybody is going to be racing down there. For the Board, I think from a safety conscious standpoint, whether it is for law enforcement, EMS or fire personnel, you really need to consider this; because no parking here signs, don't work. Ask Tim Polky. He put the signs up on Drift Inn at my request. I enforce no parking that I am not supposed to enforce, because it is a town ordinance. The County is not going to come down here and work your parking problem. You get one vehicle stopped on that road and that is all you need. Now try getting a fire truck, try getting EMS down through there. You will have a nightmare. I have no dog in this race, so it is just my opinion as a resident and as a law enforcement officer. Thank you, folks.

Mellor: I just have one question for you. There is an assumption in GP's report where it says it assumes that vehicles will travel slower than 20 mph when they come around that corner at Horse Point.

Hansen: Well, as we made our trip down Horse Point and came back around, we were coming back to the curb and there was a car coming at us in the middle of the road. Do they abide by the speed limit? No. And I think those of us who have lived here, all know there are posted warning signs of please go 35; please go 15 (mph). The enforcement down here, yes, it is somewhat lacking, but you are talking about 8 deputies that are covering all of Knox County, so they can't come down and hit traffic. I have worked down here. I have slowed a few of them down and there are parents here that can attest to that. But, it is what it is and I have done business with Linda Bean. She owns property right next door to me. I think she has a great idea. I think the location is definitely asking for trouble.

Chair Cox: Thank you, John. Are you through, Patrick? Are you going to wrap it up?

Mellor: I am going to speak for a little bit. Thank you. Again, on behalf of 60 some odd people from the group, I am going to try to wrap this up.

(Back to the GP slide about assumption that they go less than 20 mph.) Just so we are clear, I am sure the Board has already seen it. One of the assumptions that is made, is that vehicles who enter onto the road and make that turn, even though it is a 20 mph, they are going to go slower than 20 mph. Therefore, for this evaluation, the site distance was also reviewed for vehicles waiting to turn left, into the site. For this evaluation, there was an assumption that vehicles would slow down slightly as they came up the hill and around the corner. Meaning they are going less than 20 mph. Based on that evaluation, the site distance is also acceptable. I don't know what world. I grew up around here. This is not happening. It is not happening. People are not driving, most people, aren't slower than the speed limit. It is not a reasonable assumption to make. There are some other questions that I would like to put through to the Board, later when we get to that point.

The next issue I would like to bring to the Board's attention has to do with the setback on Raspberry Lane. In the package, there is the town road document. It just shows the width of all the town roads. Both Horse Point Road and Raspberry Lane are 33' in width. That is the width of the right of way. We all know the traveled way is much narrower but the town has a 33' right of way. The setbacks from the town right of way are where you must measure and that is 25'. That is what it has to be from the edge of the town right of way. Not from the edge of the traveled way. The logic behind that is pretty simple. If the town, in the future, decides to use all of its 33' wide right of way for a shoulder which would be nice because it does not exist, or to widen the road, they would have to use that. So, you measure from the edge of what the town has a right of way on. If you look at the two separate submissions. The setback from the edge of Raspberry Lane of the right of way to the house, needs to 25'. Because I did not create this, I am just going to ask briefly for the gentleman that did, John, to please describe how you arrived at these numbers.

John McIlwain: We have been coming here for 25 years. We have owned a house on Horse Point Road for 20 years, and we happen to actually be the primary turnaround at the end of Horse Point Road. This does affect us. I was curious at the site plan because what I noticed when it was first done and presented that a 33' wide setback was shown 16.5' – one Rod, from here on Horse Point Road. I wondered if Raspberry Lane was a town road. Well it is. Of course, it has just been mentioned. I noticed there is a 33' wide right of way and that was not shown on their site plan. I simply mocked this up on my computer at the right scale. This is not the right scale but I did 1" to 10', and I drew the center line of the paved road and I took 16.5', half of the 33', one Rod, and this is the right of way for the town. What I noticed was, from the line they drew to the building envelop was 25'; but when you take it from the right of way, it is only 16.5', roughly. Now, I am not an engineer. I have been, forgive me, a lawyer in real estate and other things for 45 years, so my drawing may be a little bit off. I would be happy to have them show how it is done correctly, but that is how I came to the fact that this building envelop, as far as I can see, is not in compliance. (Next slide.)

Mellor: This afternoon I went to confirm that with someone who has the capacity to do that fancy stuff with computers. If you take the 16.5' from the center of Raspberry Lane, because it is 33', half way you go to the center, 16.5' plus the 25' setback, that has to be 41.5'. Instead, from the center of Raspberry Lane, it is only 33' to the house. Again, it is the same. It is very close to the measurements that John had, and I do look forward to the applicant explaining that; proving that we're mistaken. Anne, for now, I am going to let the public speak, and then I will come back later after they have put their information in. Thank you.

Chair Cox: This would be a chance for anybody else to say things. We have heard quite a bit, and again, please state your name before you say something.

Ron Merrill: My wife, Suzanne, and I are direct abutters to the property and we own the property at 13 Horse Point Road which is the home that is on the inside of that corner. I would like to start by saying I am compelled to speak tonight. I never came expecting to speak, but I have full confidence in Robert, Anita and counsel where we have contributed to the group and fully support all their efforts. I am compelled to speak, though.

To start with, as I am listening to the applicant's traffic engineer, I am nodding to myself. I'm just saying yeah, yeah because he's really not (unintelligible). To think we haven't had an accident there, yet, yet. We have sitting areas on both side of our home. One end of the corner, if you want to put it that way, and one on the other end. We hear traffic come by, not just the lobstermen at 5 in the morning, but we have bait trucks, we have lobster trucks, commercial trucks, fuel trucks and it is constant in the summer months. Quite often what arouses us is we hear brakes, downshifting where they happen to meet on the corner. How many times you drive down the road, you could drive 10 miles and not see anybody and when you come to a hair pin turn, and you run into a car. Seems to be the case here. There is no place for the traffic to go at that point.

Children. We have families, walking, dogs, kids, bikes coming down. It is human nature to cut that corner, both ways, heading to the end of Horse Point and coming back. It is human nature to cut that corner. Just before we came to the meeting tonight, I ran upstairs to our bedroom which is right there at that corner (to grab a sweater), and I am watching this car come right through there. They are almost on our land, on the inside of the corner. All it takes, and it chills me to recall a couple of years ago, where all it takes a flip flop or sandal stuck underneath the accelerator or a brake pedal. It would be a catastrophe. If that were the case, we would be absolutely knocked over. And he is not here for purpose, but this is our, we have five grandchildren. We see these kids coming down and we see families coming from the end of the road and the minute those kids see the park and see the basketball hoop. Boom. They bee line. (unintelligible). Straightest length, they cut that corner. I speak in terms of safety. I fully support everything that our group has presented (unintelligible). I am speaking only from a personally perspective of the safety issue.

Not to mention the parking. It is our land that it would be parking on. If I can expound a little bit, I would like to say we are not from here, but we got here as fast as we could and we love it. Part of what drew us here was the Wyeth legacy. A lot of Linda's effort to maintain and to promote that legacy. We have been here about five years. Our first year, we maintained the property year- round. We came up as often as we could in the winter. (unintelligible.)

Chair Cox: Let me ask you. Do you have anything more specific to address the safety issue, beyond what has been said?

Merrill: I will keep it as brief as I can. (Chair Cox: Two minutes.) I had the opportunity to speak with Linda and asked her about her activities within the town. She said well, I've got the means and I don't want to make this place another Boothbay or Camden. I want to keep it charming and small and the way it is. As I am hearing the applicant speak earlier about she wants to maintain the rural community and the fishing population. Geez, Linda you're the one that is buying up all the property. Do you propose to rent this stuff out at \$800 a month to maintain and keep the fishermen? I am sorry for my cynicism, but this is also something that is in my heart. The safety is up here. This is in my heart.

Tom Lloyd: I have owned a house at the end of Horse Point Road at the end of the paved section for 35 years. I hate to compete with the McIlwains, but I do a pretty good job in terms of the turnaround factor.

I hear the comments about, well maybe the reading room would necessitate the town coming up a substantial sum of money in turnarounds, sidewalks, wider road. I think this would dramatically decrease the appeal of the road which is a very special place, and it certainly would devastate the value of our place to have a turnaround right in front of us. I put in a turnaround a few years ago on a neighbor's property, with her blessing which is scantily utilized.

During the summer months, it is horrendous the number of cars that come barreling down, some airborne, practically at the time they are in front of us, at the end of a long straight section. They scream into Linda's drive. Sometimes they go up into the woods towards the seven homes to which Linda referred. And it would create absolute chaos to say nothing about the safety issues, if one of them, as this happened, got stuck in the ditch. They go into our drive. They have knocked down light poles.

This brings me to a (unintelligible) session I had (unintelligible) having with Linda a week ago, and who I've known for years and years and have a very pleasant relationship with, respect. But she and Steve Smith both sincerely believe that by luring people into the Reading Room who have any interest in the Wyeths, such people will become so sated with information that even if she is promised, (unintelligible) is not encouraged them to go down the end of the road where they can't really see anything but spruce trees I planted some years ago to protect Helga from (intelligible). It is a little bit, I think, analogous to showing kids a picture of a banana split and then say, 'Oh by the way, you can get the real banana split, five minutes up the road.' I just don't believe for a minute that if people get interested in materials Linda introduces them to, they won't be induced to getting in their car and driving down the end of the road.

So, I think it is absurd that the numbers that have been touted as representing the maximum increase volume. I just don't think there is any legitimacy to that. My partner and I have for the last 15 years, spent about 51/2 months here. Almost every day, we have walked to the post office, a mile and back. So, we have very good experience on the shoulder season and in the middle of the season where the impact of Linda's proposal would be the worst. As other people have mentioned, there is an incredible number of walkers on the road, dogs, kids, skate boarding, biking, etc. The 20 mph is a joke and for a traffic study to assume 20 mph is just plain ludacris. The number of times I've had to dive to the side, is (unintelligible). It was only a few minutes, Linda, after you and I were talking, recently that I was actually driving and I was forced off the road in front of the McIlwains by speeding truck that then turned into your new acquisition. It was not one of your trucks. And then Roy backed down the road. Unfortunately, I would say the average speed limit is much more like 40 mph. True, while walking I am not logging professionally a speed limit but having had my Maine license for 65 years, and done a heck of a of of driving, I have a pretty good sense of speed and the cars and traffic coming around the corners, as well as, the straight away has got to produce a huge, huge safety issue.

Chair Cox: Just so you know, the policy of the Planning Board is if we come up to 9 p.m., we have to vote to extend the meeting or not. I will ask people to speak briefly to everybody a chance to hear because we have about 10 minutes. Very clearly, we are not going to be making a decision tonight. We have lots of information that has been coming. We have some new information we are going to need to digest. So, very clearly, we are going to need to schedule another meeting. The hearing, I believe, will end tonight. The deliberation of the Planning Board where we will be able to hear from a representative from each side... (Meador: Paul objects.)

Gibbons: I have a problem with that. (Meador: We might as well hear it now.) When I got involved in this, I was very careful to make sure the other side all the information that we had, and plenty of time to react to it. I said I will give you this continuance that you wanted and please give me any information you have, two weeks ahead of time. Now we have all this new information that I have never seen before.

I want to continue this Public Hearing, so I can come back the next time and respond to this in a logical way. If I can't do it that way, it will take much longer because I can do it much more succinctly having more time to look at it and come back to you. Ultimately, you should want to have the best information available to you to make this decision, and this kind of is an unfair surprise for me; some of the points that you are making. Sincere as they may be, I should have a fair opportunity to respond to that, and I am seeing it for the first time. When you respond to things for the first time, they tend to go on and on and they are not succinct. They are wasting your time and my time.

I have given them an opportunity at the last meeting to come back, so I want to continue this Public Hearing; because I want the information at a Public Hearing to tell you our response. After all the responses are in, then you can go forward. I look at this, this way. All the evidence has to come in at the Public Hearing. Because if I said, okay, let's close up the public hearing and I started giving stuff to you that no one had seen before, they could legitimately say, 'Look I didn't get a chance to respond to that.' That is not how it works. The Public Hearing is when we give you all the evidence. We can talk later after the public hearing, but all the evidence should come at the public hearing. Just like it is right here.

Chair Cox: Certainly all of it will be public. (Meador called a meeting between attorneys and Brackett, Chair Cox.)

Chair Cox: I think we have a solution that will work for everyone. A point well taken. We need a chance for everybody to see the information. What we would like is to have the Planning Board potentially vote to continue this meeting for another 20-30 minutes. Then we will continue the Public Hearing in two weeks. It would be my hope at that time, there would be two main speakers, and we will not run into the situation of new evidence being presented that no one has had a chance to respond to. Because this is only going to push it further and further as we go (unintelligible).

Mellor: Paul and I can work together to make sure that whatever is going in at the next meeting, he and I have had a chance to review and exchange. But what I would suggest is, the applicant, I think what Paul is suggesting, may be providing additional information. (Gibbons: Right.) Typically, I think you would agree, Paul, we'd have a chance to at least look at it, so we would know how to respond.

Chair Cox: Sounds very much like where he has been.

Mellor: We are on the same page, I think.

Meador: Typically, the town attorney gets to make ... So, I would want to see this stuff, too. (Mellor: I agree.)

A. Sigenthaler: Point of Information. Are you saying that the people that are here that do not get to speak tonight, will not be allowed to speak in two weeks?

Chair Cox: I am hoping we are going to have everybody here who would like to speak, to speak tonight, and we do have a public comment section which we limit but I'm getting a sense we are hearing, getting a really good picture.

A. Sigenthaler: Like the man with his grandchild who uses the park. The park is a big draw and that is important.

Chair Cox: We have heard that and we will hear more. What I would like, if somebody from the Planning Board would make a motion to continue for no more than half an hour.

Hewlett: We have other applicants for tonight. Are we going to hear them, or should we dismiss them or give them the opportunity to leave, if they want to?

Chair Cox: We had a full agenda today and we had two other applicants that we would be hearing. Could we ask you to come back in two weeks? (The building permit for Collin Moller and the site plan review for The Happy Clam were moved to the July 11th Planning Board meeting.)

Meador: Could we get a sense from the room of how many members of the public still want to speak? About 8 or 10 people.

Minery: On a motion by Minery, seconded by Brown, it was voted 5-0 to extend the Planning Board meeting beyond 9 p.m. for another 30 minutes.

Michelle Wilson: I have been living on my property for 30 years but my family is from here, so I have been coming here my whole life. The safety. I know that is the only thing we have going for us. The safety on that corner is... I stop because I'm going up into Raspberry Lane, so I know what is coming. If you do not know it is a 90-degree turn, uphill and you can't see what is coming. Then everybody who doesn't know that it is a 90 degree, comes up into Raspberry Lane and turns around in my driveway. It is what Bob was saying. Usually, they hit my driveway before they get to your garage but if they do, then they back into my driveway. And it is a lot. It is a lot of people. My husband is home every day. It is a lot. It is a safety consideration in that regard, too. We have grandchildren. People don't know where they are going; they are just driving up in, even though my husband's put a sign out that says the town ends at our driveway. But people don't know that and they keep going in. There is a lot of traffic because they are a lot of rental properties, and there are a lot of workers going in and out of that road. They are not going 20 mph, either, on Raspberry Lane. Safety. It's not funny. It's not conjecture. I have seen it. It is bad. We all have. Thank you.

Susan Burns: My husband is John Whitney. We have been visiting at 14 Horse Point Road for 28-30 years since my in-laws bought the house. After Marguerite (Whitney) died, she was one of the women, she had the white cane and who has been walking down that road for years. After she died, John and his two sisters inherited the property.

We have two comments, specific to our lot and I have to inform you, Michelle, that they don't all turn around in your (driveway) because the visibility is poor, turning across the road to Raspberry Lane. People turn into Raspberry Lane and then they either back into our driveway if it is empty but if our upper driveway has cars parked in it, they back out into Horse Point Road in order to turn around on that curve. It is not safe and several cars a day do that in July, August and early September, easily. It has already started.

The second thing specific to our lot has to do with storm water runoff. We easily have 30-50 people, I would say, who walk across what we call the playground. I think you call it the park. We are adjacent to the playground and Jane Scarpino's. People walk across the park into our lower lot and driveway, which is fine. Thirty to fifty people a day, not counting dogs and what they are walking through, quite often at spring thaw and rains, if not soggy ground, is they are splashing through it. It is wet on both sides of driveway and on the park land. We would like to know, for sure, that there is no additional storm water runoff coming down the slope of that road. We know it drains into our yard because those fish trucks that go up and down that hill that spill the water, you can look at the dark stains on the road and this is fine. It is part of the neighborhood, but you look at those stains and they run into our yard on that uphill slope and there are not curves up on the uphill slope of our driveway.

I would like to recommend the town hire an expert and hopefully the application fees to pay for it, to evaluate the storm water run-off analysis that's in their proposal (unintelligible). We don't want any more water down there. I know it does not all come from storm water runoff, some of it (unintelligible). We would like you to consider that.

Two other things that we would like to ask you to consider is that – the relationship to the environment standard. I think that maybe the terminology. I think it doesn't only have to do only with architectural styles. It may look somewhat similar to a residence but more important than fitting in with the neighborhood environment, I think, is the character of a residential neighborhood. We already have heard that the traffic is going to increase above single-family level, and that is important.

The storm water may increase depending on how much the lot is impervious. I would ask the parking, for sure, be made of materials that infiltrate water, don't allow it to run off.

The connection I see with your conversion ordinance, I question. I don't know the language of the conversion ordinance. I don't know how you have applied it, but if it has to do with conversion of residential and non-residential, I think, it does not matter if you are in the same building, if you are renovating a building or whether you are raising it and building a new structure, you are changing the use. You are losing another residence in your community. The Horse Point Road is already being, somewhat, hollowed out by all the seasonal residents and we realize we live in Vienna, near Farmington, year-round. We realize we are now some of those seasonal residents, but I think that small house on that corner is a reasonable use of a one-quarter acre lot and it can be rented to either starter families or sternman or whoever needs housing in your community, and it is a reasonable return on investment, is what I would suspect.

Finally, I would just like to add with regard to the Public Hearing continuing. I wrote and email to Larry Bailey, asked him to forward it to you. I didn't see it in the file today when we went to the town office to review the file. I tried to forward it to the CEO and added some comments. Do we need to write that all, in additional, to what I have said tonight? We are signatories to the group but we have (unintelligible) been any other meetings or seen the comment (unintelligible) wrote.

Chair Cox and Brackett: That's in the file. (Burns: It is in the file?)

Brackett: It probably was not in the one that was (unintelligible)

Burns: I just forwarded it today.

Chair Cox: We have all that and everything you have just said, will also be in the public record.

Sandra Mason Dickson Coggeshall: I am a resident of Horse Point Road ever since I married my husband 20 years ago, but I have been in Port Clyde since 1981-82. This application horrifies me for all the reasons that you have heard. In particular, I was wondering if the Planning Board has actually had a chance to read all of the letters at this point? Has the applicant read all of the letters of protest, at this point? That is a yes or no question, basically. Have you read all of the application and understand it? You probably have.

In terms of traffic safety study –

- What kind of a study was done?
- Did anybody ever put those lines across the road on Horse Point Road to actually count the cars?
- Has the town ever put that machine down there that records how fast people are really going?
- Has there been a pedestrian study and how would one conduct a pedestrian study for real to find out how many people really are there?
- Has anyone observed when two trucks are trying to get by each other down the road where it is 11.5' wide and they both, the tires go off on both sides? There is just so much about the safety that I think has not been accurately addressed.
- Has the ambulance service made an assessment and contributed in writing, their thoughts on the safety?

Now, the Reading Room. I spoke with a spokesperson at the Farnsworth. He told me he does not understand why Linda is doing this project. He said the Farnsworth is already a world class center for information on the Wyeths. The other is the Brandywine in Pennsylvania. When you are talking about the Wyeths, you have to talk about Eight Bells, and realistically there is no way anybody's going to come to that little corner property which is already so dangerous and not want to drive down to see Eight Bells. We have seen people stop on the road, for years, and say where is Eight Bells. We say we would rather not tell you, really, but they come anyway. They already know about it. They are going to know more about it, and it is just going to be a nightmare.

I looked at the application and I saw that the building is for a story and a half. Usually when you have 1 ½ story building, it is because there are two floors in it. Is there more than one story proposed for this project, and if there is, is that because it will be expanded? The current residence, the little house, is one story.

I can tell you stories about the danger on that corner, but you have heard it. (Chair Cox: We've heard them.) Most people who live there know if there is any chance another vehicle is coming around the corner, you come to a complete stop and wait for them to cut the corner, rather than think you have the right of way, because you don't. That's all I can say.

Van Thompson: I am a recent full-time resident. Just out of interest, I was here on the 21st and on the 21st, my understanding was ... the idea of the Reading Room and it certainly wasn't the way I understood it - an extension of the gallery. It was for much more serious types of things which means it has the potential of being something that is not open to the public by appointment? Or something that perhaps could be different in terms of when it is open to the public. Could be off season, or something like that. The question is really, I don't know where we are going with its intended use. I can understand the concern if we are talking about large amounts of traffic, but I was hearing just very serious and a few people at a time, most. The way it was presented. Now, I really don't know where we are and maybe that has to come up in further discussion. Coming away from the 21st, that is what I understood.

Bean: I wanted to respond to a lot of what I'm just hearing, and.

(Meador: Before she starts.)

Chair Cox: Wait, wait. Just one quick, quick thing. Before you respond, it may not be tonight, would be the time since you have had an opportunity, and we will have another opportunity. There are some more public comments, so if we could hear.

Bean: I have had very little time compared to everybody else.

Chair Cox: I understand.

Bean: I think there are a lot of valid points, and I would like to ask this one thing of everybody to think of in the next two weeks because the traffic and the safety seems to be a big thing. If I were...

Meador: No. No.

Chair Cox: Linda, could I ask you to hold and let's finish. (Bean: Sorry.) We had a hand, over here.

Joss Coggeshall: Horse Point Road. My family's house caught fire and burned to the ground because the fire trucks couldn't get through it, some years ago. One other point, is people are already saying it is on the website, and they have been stopping and asking me where it is. Where the Reading Room is, and they are not driving very well.

Meador: Anybody else for Public Comment? We really would encourage, now to be the time. It isn't to say, you will be silenced in two weeks or two more, but really, please.

Carl Schwab: This has already been mentioned, a little bit. We have that park in Port Clyde. The kids are going across. We built that park there for the kids growing up, and it is still being used that way. That corner is right next to the park, the kids are coming across between the ice pond and the other parking lot, and they are not all looking both ways. We were talking about 10 cars as against 200 cars, it is a major difference.

Jen Derbyshire: I have been coming to Port Clyde my whole life in the summers and walked on the road as a child. My children walked on the road, etc., then for years I have been driving on that road. I just want to make this quick. When you are coming from Horse Point towards Port Clyde and you come to (your house) and there's that corner, when you are turning that corner in your car, there is a small period of time when you cannot see what is coming towards you, coming from the other direction because your rearview mirror blocks it. That has happened to me in my car, in both my cars and in my truck. It has been going on for years. So, I always slow down when I get there, because I know there will be a moment when I can't see if anything else is coming towards me.

Meador: Anyone that hasn't spoken? Last chance? Not really, but kind of. Anybody new?

Tom Lloyd: I understand your viewpoint asking Linda to hold off until the next time. Could she just answer this gentleman's question about her perception of the use of the..(unintelligible).

Chair Cox: I think that is a big question, and I think we should wait until next time.

S. Coggeshall: My question is if anybody still wants to write to the Planning Board, is there time before the two-week meeting in terms of getting information to both the lawyers and you?

Gibbons: I was hoping that we could exchange information in two weeks, so we would have a month.

Meador: That is probably the best, realistically.

A discussion followed between Gibbons, Meador, Mellor regarding the amount of time to continue the hearing to give both sides to respond, properly. Mellor said whether it was two weeks or a month, for some of the group, it is going to be difficult but it is what it is. Meador asked in what way. Mellor said in getting back here, some of them have plans. There are so many. Meador said it is summer in Maine. She said, "We definitely hear you."

Mellor said to choose a time that worked best for the Board and when the applicant puts forward their application, then the people would have a chance to respond to it. If there was new information that came from Paul, he would give it to him (Mellor) in a time frame that worked, and then Mellor would respond and then have the meeting.

Meador asked Gibbons what he needed to be responsive to what Patrick and his team have offered.

Gibbons: What I want to be able to do is to have at least two weeks to get this information together and give it to the Planning Board.

Meador: Can you turn around and respond to what he said in a week? We have nothing in this ordinance...

Mellor: Why don't we just do a week and week, so we each have a same amount of time? Or something like that. Equal time. Sounds reasonable?

Chair Cox: Would we be moving this into our first meeting in August?

Meador: I don't know that yet.

Gibbons: As long as I have two weeks in advance of the next meeting, I can give it to them and they can have a week to respond. I will give it to them sooner, if I can. To me that is fair enough. There is nothing I am going to give them that is going to be overwhelming. I just want to put this in logical argument. I don't see anything, they are going to say, well, there are no new experts or anything like that.

Meador: Right. (Consulting with each other)

Gibbons: Because we have a long weekend and I get those days counted. 10 business days. Multiple conversations amongst attorneys.

Gibbons: What you did to me today isn't fair. (Mellor: You're right.)

Gibbons: What you did to me today was not fair and (unintelligible) not (unintelligible) take advantage of that. I want to be fair to you and everybody else. I want 10 business, on either side of this. (Meador: Okay.) (Attorneys consulting to determine a hearing date.)

Chair Cox: We have a decision, folks. They have all agreed, and we will continue this meeting until August 8, at 7 p.m.

Meador: Technically, the August 8 meeting will be a Public Hearing but understand that the goal will not be to repeat this. Because it has been incredibly helpful. I live 1 ½ hour from here, but I am hearing what you are saying. It will be to get that new information to the extent that it gets and to just try to get a well-reasoned decision.

Chair Cox: Because there will be no need to go over, we will have in the record and will have all the minutes. Everything that has been stated.

Meador: Does that answer your question?

S. Coggeshall: I was asking if people could continue to give input through letters?

Meador: Absolutely. We have asked that Paul and his team provide information to Patrick and his team on July 12 by 5 p.m. Then Patrick be responsive to that by July 26 by 5p.m. To the extent there are folks out there who are not working with Paul or working with Patrick, absolutely, get your comments, questions or concerns this Board by July 26th.

(Consultation between attorneys, Brackett, Cox regarding deadline of information.)

Meador: Certainly nothing comes in later to this Board than July 28th.

Meador: Mame (Coggeshall), your questions will be answered in due course, quite frankly, as the Board proceeds through each of the criteria.

Chair Cox: As we go through them, they will come up.

Meador: Sir, you had something?

R. Hughes: I would like to thank the Board for indulging my overly long presentation. I just want to say something from the heart, and I am not used to speaking emotionally, but I do want to say this. It's become obvious to me, and I think everybody in the room and hopefully, Linda, you, too that there is nothing that is going to come from Linda and her eminently qualified team that are going to change the hearts and the minds of the people who live along the Horse Point (unintelligible) Road. There is not a single fact that is going to persuade us that this will ever be a good, safe use. There are no facts that are going to convince us that people won't be violating my private property right and my privacy, threatening

my family, my children and my pets by driving and parking in my driveway. Nothing is going to change. There is no fact that modifies that.

It is also clearly true that there will be no change in the topography and geology of Raspberry Lane, Horse Point Road, the ascending curve and all of that. Nobody is going to move the Cormier's house, so that people can see as they come down the road, the cars that are crossing into the parking lot at this site. There is nothing that is going to change the physical and facts that relate to this application.

What will change is the arguments about it but if this application is approved, you will have a broadside collision and family with children that is going to get wiped out. That is a prediction that you can easily make by just visiting the site. You heard a law enforcement officer. He came down and walked the site and looked at and saw what happens. Drive down Horse Point, and you can see there is a slight bend there; it doesn't look like much on the map but when you are coming down that way, you can't see what is on the other side of it. Somebody is going to get hurt or killed or some driver is going to try to do a heroic thing and dodge into somebody's yard. (Meador: Thank you.)

Hughes: Please let me finish. (Meador: 60 seconds.) Please let me finish. (Meador: 60 seconds.)
Hughes: Please, let me finish. (Meador: Continue.) Hughes: Yes. Thank you. It would be an extraordinary act of generosity, Linda, if you would recognize that the community does not want this and if you were to withdraw your application, please, and do this in another place. Everybody here would support you, because we love the Wyeths and we like the way that you (unintelligible). Would you please, end the use of time, legal and professional fees and withdraw your application (unintelligible)? Would you please?

Bean: I have a question of whether that would solve the problems that I have heard here tonight? There is a lot of issues about speed, traffic, turnarounds and (unintelligible) today, those are the illustrations of today. Would my withdrawing change any of that?

Public Members: Yes. Accidents. It's not practical. (Multiple answers.)

Bean: I hear that but what are we going to do about it today?

Public Member: Okay, that is another conversation.

Bean: If we don't stand (unintelligible). (Chair Cox: We're losing this.)

Meador: Sixty more seconds and the meeting is adjourned.

Bean: Time isn't standing still for Port Clyde and nobody cares about it more than I do.

Public Members: Whoa, whoa, whoa. (A great deal of multiple conversations began taking place over this statement.)

Chair Cox: Okay. All right. May I have a motion to adjourn this meeting? Minery: I make a motion to adjourn this meeting. Brown: Second. Chair Cox: All in favor? 5-0. Meeting was adjourned at 9:33 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary

