

**St. George Planning Board
Public Hearing – Weyth Reading Room
August 8, 2017 - 7:00 p.m.**

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The Public Hearing for the Wyeth Reading Room was called to order at 7:00 p.m. Members present were: Anne Cox, Chair, Noah Bly, Jane Brown, Mary K. Hewlett, Michael Jordan, Ray Emerson and Paul Gill. Also present: Terry Brackett, CEO, Tim Polky, Richard Bates, Robert J. Hughes, Paul Gibbons, Esq., Patrick Mellor, Esq., Amanda Meader, Esq., Alex Acquisto, Joss and Sandra Mason Dickson Coggeshall, Deborah Cotton, Anita and Robert Siegenthaler, Larry Bailey, Scott Sullivan, John McIlwain, Sandra Roak, Mr. Taylor, Tom Lloyd, Anne Moore, Chris Moses, Adele Welch, Julian and Tatiana Fischer, Sue Port, Michelle Wilson, Suzanne Merrill, Kevin Lipson, Ronald Merrill, Evelyn Blum, Louise Cormier, Will Gartley, Jim Dorsky, Randy Dunton, Suzanne and Don Moore, **Carolyn Thou**, Peg Fields, Elizabeth Ketcher, Tammy Willey, Becky Barrows, Holly Baearisse, Julie Cornell, Deb Flack, Linda Bean, Tina and Jeff Riedl, Susan Burns, John Whitney, Ann Snow, and Donald Wilson III.

Chair Cox called Part 2 of the Public Hearing on the Wyeth Reading Room, to order.

(Narrative is non verbatim with some edits.)

Chair Cox: This is a continuation and it is scheduled to be for 45 minutes. Please sign in and I will ask before people speak, state your name. The format is to allow Mr. Gibbons who is representing Linda Bean, 10 minutes to do his presentation. Then allow Mr. Mellor and the Horse Point Road group, 10 minutes, then it will be opened up to others for comment. We are not rehashing what we have already heard. We are interested in hearing new information which I know both parties have to present.

Gibbons: Paul Gibbons. I represent Linda Bean. The last time we were here for about 1 ½ hours to 2 hours. Now, I am required to summarize my reactions to that 2-hour meeting in 10 minutes. I will do the best I can. To do that, I would ask you not to ask me any questions until I am done. The first thing I want to get over, quickly, is we do meet the setback requirements of the ordinance on Raspberry Lane. The problem with theory developed by the neighbors is this, is that when you have a right of way and you have a travel lane in the right of way, in order to measure from the middle of the travel lane back to determine the length of it, that travel lane would have to be in the middle of the right of way. That seldom ever happens. So, that is not the correct procedure to determine the width of the right of way. So, they used the wrong procedure. I have been representing towns for years. Anyone dealing with roads will tell you that. You cannot determine the width of a right of way by measuring the width of the travel way because it hardly is never in the center. We offered you an opinion of our surveyor as to where the location is and that should be acceptable to you, because no one has any credible evidence against it.

Next, I want to talk about something which is very important to me and that you listen to me about it. That is, what we are applying for. We are applying for a reading room. A reading room. A place where people will go to read and learn. It is not a place where people are going to go to see some incredible vista like Marshall Point. It is not a place where people are going to go to shop; there is not going to be any shopping there. It is not a place where people who are

waiting for the Monhegan ferry. It is too far away. It is a place to read. People go into this facility to learn and to read and reading is a quiet act. This reading room is not going to be some beacon to attract tourists. It is not going to do that. Common sense will tell you, it isn't going to do that. People in Connecticut or New York are probably not going to say, "Well, let's take the kids to Port Clyde next year and go to the Reading Room." That probably is not going to happen. It is a place that very few people are likely to go. So, it is a meeting room.

The next problem, I want to talk about is the opinion of the neighbors that the Harbor Point Road, next to our property, is dangerous. They claim it is dangerous. They claim it is dangerous because they say, "Well, the road twists and turns, and there is a hill there, and there is a structure there that blocks the view; and therefore, that is going to be a dangerous place for cars to go. Dangerous. They say that, you know what, you and your report, use this 20-mph figure to determine it was safe, and we went out there, somebody went out there and measured the cars going by and in a week or two period, five cars a day, exceed that 20 mph figure. They did not say by how much. It could have been 21 mph, it could have been 29 mph; they did not say what that was. The problem is, is that the structure of this used by the MDOT, there is a 5-mph leeway, so it is really 25 mph, and the standard of the industry is, if you go more than 25 mph, the problem isn't the road, it is enforcement of the speeding laws. So, you don't change when people start speeding too fast, you don't change the zoning law, you enforce the speeding law.

What is remarkable about the claim that it is unsafe, is that in the past 10 years, there has only been two accidents, there. Two. Two. In a ten-year period. Neighbors say in their Findings of Fact, that is okay, but you are not planning for the future. In the future, there will be more traffic and therefore, it will become dangerous. That doesn't work either. If you are on Route 1, and you have got a place where you can see very well, you want to make a left-hand turn, against the middle, and when no one is around, you can make it safely. If there are all kinds of cars, and traffic in both directions, you can still make that left hand turn safely. The traffic has nothing to do with the safety of the turn. It is all about site distance, speed, timing, and brake distance.

All the purview of an expert, like we have. What they are trying to tell you in so many words, is that we hired an engineering firm to come forward and defraud you and tell you that this place was safe but it is not safe. And the evidence they have for that, is their own opinions. Reasonable thinking people would never adopt their opinion. Never.

I want to now talk about residential neighborhoods. Another thing they talk about in their Findings of Facts is that what you must do as a Board is to preserve this area as a residential neighborhood. Unless we preserve it, you can't have an institution like this. You have to preserve it. Well, the truth is there is no ordinance provision, anywhere, that says that. Outside Shoreland Zoning, you do not have zoning. It is not in the residential conversion ordinance. It is not in the site plan review ordinance. Nowhere does it say anything about, you have to preserve something as residential. If you did that, it would be a mistake of law. There is nothing in the ordinance that gives you the power to do that.

The other thing that got me was, they said Horse Point Road is scenic. It says so in the comprehensive plan and what you are doing is disturbing the scenic area of Horse Point Road. Anyone who has gone there, knows that this area of Horse Point Road, is not scenic. People

aren't going to go to our property to go view the ocean, number 1. In their Findings of Fact, they say they like our building, they like our landscaping, but we are destroying the scenic area. That just simply is not true. It cannot be truer.

Parking is another thing that they are talking about. They say we have inadequate parking. If you look at #22, Tab 13, you will see what Will Gartley says. First of all, your ordinance doesn't have any standards for parking. None. So, what he did, is he looked at the standards in Camden, Thomaston, Rockland and the Kennebec County Council of Governments' parking sign plans. All of those places, he looked to see what the parking requirement would read for an art gallery or museum. Those (unintelligible). All of those standards, all said that for every 300' of space, we need one parking space.

Chair Cox: Paul, could I ask you to begin to wrap it up for time?

Gibbons: No. It's not fair for you to do that to me, because I have so much and I have to cover all these points. I promise you, I won't take more than 5 more minutes.

Chair Cox: Five minutes. Five minutes.

Gibbons: You just need to understand. Fair is fair. This is 2 hours of a meeting that I only have 10 minutes to comment on. That is not fair, this 10-minute imposition. It is an appealable issue; that is how bad this time constraint is. Ten minutes is too short.

Chair Cox: Five more minutes, please.

Gibbons: I want to be thorough, and I will do it as fast as I can. Hopefully, I can do it in five minutes.

So, getting back to the parking requirements. Let's go back to that at the beginning, again. We had a choice of five ordinances that had a standard. Our engineer found a national standard. It was all the same. And that says, all we need is five parking spaces based upon the size of what is there. What is included in all of these standards, is that it includes the problem of peak demands during the day. If these standards (unintelligible), they would be worthless. These standards include peak times that are already there. These neighbors pretend that does not exist for these standards. Of course, it exists. Off parking requirements meet five different zoning ordinance standards plus a national standard. So, it is a reasonable standard to meet.

The next thing I want to talk about is the road, itself. The problem is that people are saying, "Well this road is different. It is a dead-end road, and there is no real place to turnaround," and therefore, it should be treated differently. The problem with that is this is a public road, and people who live there can't expect that all of a sudden, it's going to become like a gated community and only the people who live there or work there, can go down that road. That is never going to happen. In the future, people will go down there and as more and more people find out how nice it is to drive down there, they will probably drive down there. It is a public road. So, the question is when faced with a public road, what is the capacity of that road? There are two roads in town that are similar to this, in that they have a dead-end. We pointed out there

is Hart's Neck Road and Marshall Point Road. Both of both roads service more people than this road does and works just fine. So, you will find there is no particular problem in developing the road capacity with a road that has a turnaround at the end – it doesn't affect the road capacity. If it did, there would be real problems for public access.

The last thing I want to talk about is how many people are going to come to this reading room. That is where the real controversy (unintelligible) lies. Our expert used standard procedures that says there are going to be 17 cars a day here. Seventeen cars per day. And he noted that the gallery that Linda has, only has 14 cars a day. So, he admits he over-estimated the number of cars that are going to be there.

Then he went on to say...The neighbors assume that when everybody goes there, they are going to go right down Horse Point Road, which isn't true. They are going to put a sign directing them to go out to the main road. When you think about it, there are hundreds of cars that go down that road every single day, and even if all 17 went down Horse Point Road that would not add a significant number of cars, and you know that is not going to happen. So, this allegation that we are over burdening this road, is just simply not believable. What my concern with this is, what the neighbors want you to do, is to travel down a road of speculation and conjecture about the number of people who are going to go there. Once you get into speculation and conjecture, there is no limit to how much, there is no limit, the sky's the limit.

They say that because we have a new art director who wants to influence the number of people coming to Linda's art gallery who hoped that he could get 6,000 people to come there, they will claim, "Oh those people are just going to go over to our reading room." First of all, if there was going to be 6,000 people coming here, that's not true; that's a conjecture and speculation. And 2., they are all going to come to our reading room. Common sense will tell you, that the people who go to the gallery now, are mostly people waiting for the Monhegan Ferry. As far as people transitioning, when you look at Marshall Point Road, there are 14,000 people that go down there. Those people didn't all of a sudden transfer and go down to Linda's gallery when she opened it up. Likewise, the people who go to her gallery are not going to go to a reading room. It is after all, a reading room. Only special kind of people will go to that reading room.

What I am about to say now to you is the most important part of my presentation to you. What I think you should do, to the extent that we insist on, we want to insist on it, is for this Board to hire its own traffic engineer and my client will pay for it. When you do that, then you will have the best information available to make a decision on this matter.

I represent a lot of towns and planning boards and I insist on this, a lot, because, I know, most people on a planning board – they are not traffic experts. They can't really know whether our traffic expert did the right thing or not. But more important than that is this, when the Board hires a traffic engineer that engineer is contractually bound to you. He is on your side. If we misrepresent something, you can't do anything about it. If they say something that isn't true, then they are liable for it. They are contractually liable to you.

So, when you get this expert to review what we did, ask them questions about what happens to road when you don't have turnarounds on them, when you have to turn around again. Ask them

questions about what is the likelihood of how many people are really going to come to this facility. Did we use the right standards? Then you will have, in your possession, the best evidence you can get. Someone on your team who is an expert. And we are willing to pay for that. We are doing that because there is so much misinformation, **eloquently wrapped**, that doesn't make any sense.

Chair Cox: Thank you.

Mellor: Thank you. Actually, I would for Mr. Hughes to start, if that's okay.

Hughes: Good evening ladies and gentlemen, and the Planning Board. I am Robert Hughes, of 8 Raspberry Lane of Port Clyde. You have been presented with two very different points of view on this application. Only one of these can be largely or mostly true and your job is to decide which one represents the most likely circumstance.

The applicants would have you believe that this project will represent little or no impact on the neighborhood. Throughout these proceedings, they have told you that there will only be a few visitors per day. You just heard that, again. They have told you, in their printed application and in other material, that these visitors will somehow arrange their visitors across the hours of operation of the reading room, so there are hardly ever more than two cars in the six-car parking lot. They have told you, based on data bases maintained by the State of Maine that there have been, two crashes, previously, they said no crashes. In fact, that jives with the information we presented to you the last time I was here. No crashes at this location in the last 10 years and that, therefore, based on this data, that this location is safe to use as they have applied for.

They also claim to have met measurements required under the site plan review ordinance, but you will have a hard time finding those measurements in feet and inches in the material that they have submitted to you. So, you must decide if they have provided the evidence that supports their case. As we also have told you under a case in Maine law, you are allowed to reject evidence, findings, conclusions and assumptions when in your determination, they simple make no sense.

Then there is our point of view. We noted that the chair of this Board advised the applicant to plan for the greatest use, and they have ignored that advice repeatedly. Instead, they have told you repeatedly that it won't be very many. We have told you that their own math and the statements of the applicant's art director reveal a very different story, and we have submitted evidence from local media that you can read those statements in context, and you can see whether we have misrepresented anything that we have submitted. Instead of a few visitors per day, the actual intent is to attract as many as 6,000 people to this tiny, little lot in the middle of a residential neighborhood. That's nearly half the number of people that use the Monhegan ferry; that's a third of the people who visit Marshall Point and let's remember that they will all come in the summer months and there is no way that they will all arrange their visit as the applicant has suggested, evenly metered across all hours of operation. That never happens anywhere, and they know it. After all, they are traffic engineers. They know about traffic.

Image what this means at a tiny, ugly shaped lot in a very difficult location. It means that it's highly likely, that at times, not all of time, but some of the time, the parking lot will overflow, people will park partly on private property, and partly on the road. That creates a hazard that has already resulted in a Horse Point Road home burning to the ground because the fire trucks couldn't get passed the parked cars. So, we are not exaggerating, we are not misrepresenting, we are not making anything up. We are talking about facts.

We have suggested that you ignore the State of Maine data base information on crashes because this application wants to radically change the use and the conditions of this particular site, in a way that the last 10 years of data, simply doesn't reflect. Attracting thousands of people to this site is in no way, at all, like adding three residences. If there were three residences on Horse Point Road that attracted 6,000 people, we would have law enforcement or Access Hollywood investigating because something serious would have changed.

You've received scores and scores of letters and heard testimony from residents telling you that this site is unsafe. It's unsafe to use as proposed. You have heard from a respected, local deputy that the combination of the blind curves, the hilly terrain makes this a very dangerous site, especially when you consider that people will be trying to turn across Horse Point Road in the face of oncoming traffic up to 50 times per day. They also told you that what will make this safe is the assumption, and they plainly labeled as an assumption that people will somehow go slower than 20 mph. Tonight, you heard maybe we will have law enforcement and that will enforce that. I mean, we know what is going to happen. People don't obey the speed limit on that road or on most roads in the United States. It is an assumption, and they present no proof to back it up.

These are very different views to this particular application. Your job is to carefully review the submissions and choose which one of these is most likely to be true, and we have a large group of nearly 60 residents. We urge you to reject this application. Thanks.

Mellor: Patrick Mellor, also on behalf of the Horse Point Road group. The question about safety; it's not close. Their own engineer has stated that if people go under 20 mph, then you meet the site distance requirement. We know people go faster than 20 mph. Common sense tells us that. Also, the data that we have received shows us that. It is not safe. There is no, and conjecture, speculation that's not what we are offering you. You have data. You have expert witnesses. Law enforcement who have provided their expert opinion that this location, this project is unsafe. You also have dozens and dozens of individuals who are giving you their everyday experiences on that road, in this town. That is one issue.

Secondly, to suggest that... - we have seen all of Linda and her people really pushing this as something that is going to bring in hundreds of people and the statistics they are looking to bring in are overwhelming in comparison to what we are hearing today, that it is just for special people. I don't know what that means. There is going to be a lot of people going to a Wyeth reading room. I know we are calling it a reading room now, but if you look at the literature that was put out before the application, that was not how they were putting it out there.

I want to remind you of the Grant Farm Associates case, 554 82nd 799 for the attorneys amongst us. In that case, a developer argued that because the rotary traffic was already characterized as unacceptable, the obligation not to cause unsafe conditions must be read narrowly so an exacerbation of traffic hazards can't be grounds for the denial of a permit. The Maine Supreme Court said that belies common sense. Whether it is an exacerbation or an existing problem, such as speeding around a corner, is merely part of the background effect of inevitable growth or if it can be properly said to cause further traffic hazard, must be determined by balancing the analysis inherent in the reasonableness standard. So, basically what the Supreme Court is saying is reasonableness. Is it reasonable to suggest that that would cause unsafe conditions? It is very reasonable to suggest that the traffic there, going around that corner, will cause unsafe conditions in your town.

I want to (talk) briefly, on the setback issue. It's not an easy question and it is a difficult question for a surveyor. It is a difficult question for an attorney. It is a difficult question for you to answer, but the burden is not on those opposed to show you where the location of the right of way is, or where the setback is.

I, admittedly, I am having problems determining, first the width of the right of way. The width is 33'. The note that was referenced in the applicant's submission is Note 4 on the Ingraham survey and it says that there was a discussion with the code enforcement officer indicating that it was 25' or 33'. I am not questioning whether that conversation took place, but your town records are clear that it is 33', so that has to be the basis from which measurements are then taken. I was not able to, and I don't think it is clear. I think the code enforcement officer, I don't think the town needs to be able to make a determination if the setback has been complied with on the face of the earth. Is there a longitudinal, are there coordinates for the setback line, are there coordinates for the building envelope? If so, then may I have just two more minutes, please? I am not asking for five more. Two more, please. Thank you.

Chair Cox: One please, to be fair with what Paul had.

Mellor: Have I gone that far? Okay? Thank you. I agree. It needs to be equal.

We have gone over this before. Burden of proof; it is all on the applicant. It is not our burden. They have not met it. The Board may base its decision on non-expert testimony, that is Maine law. In addition, the Planning Board is not required to assume that if site line distances are adequate, that safety issues don't exist. I would encourage this.

Questions that may be asked are as follows: If this traffic survey is based upon normal vehicles, driving as opposed to commercials with thousands of pounds of cargo, those site distances are different and you can ask that question of what kind of vehicle did you make your determination based upon.

Thank you for your time, and we do appreciate what you do for the town.

Chair Cox: Thank you.

Gibbons: An opportunity to rebut. More than that you understand that the applicant should always have the last say. When that happens, let me know.

Chair Cox: I would like to, at this point, open it up for others who may have different things to contribute to the conversation that are different from what we went over a month ago.

Lloyd: Tom Lloyd, Horse Point Road. My computer desk looks out at the end of Horse Point Road and since the last meeting, there has been an exponential increase in the number of dogs, bicycles, pedestrians. It's an obstacle course, the likes which I have never seen.

As most of you know, very sadly, this past Thursday, the granddaughter of friends of good architect, Steve Smith and mine, hit a young employee of Linda Bean's on a bicycle. She was helicoptered to the brain center in Lewiston, was thought to probably die. Fortunately, I gather, I hope it is accurate, she is going to survive and faces operations on an ankle. But there is absolutely no question in my mind that if we have an increase in cars. Now remember, the people who are going to the reading room are not going to be people who realize that this road is different in that an extraordinary number of pedestrians are on it and people on bicycles. It's absolutely inevitable that this almost tragedy that it took place on Rt. 131 a couple of miles north of Port Clyde. This could have happened on our road and it just would be very sad to have it happen.

Now, I personally, Linda, feel a real obligation to you. You have made me pay much more attention to the 20-mph speed limit. I think that's great, but you are not going to be able to control a lot of people who are coming and will probably drive down the road. It is not your fault. It's a dangerous road, and I think you have a wonderful dream, and I appreciate the need for dreams but I just wish you could execute it somewhere else. Because I am just very convinced there is going to be a tragedy, at some point, if we increase the volume.

Michelle Wilson: I was just speaking to a few things that were brought up. My name is Michelle Wilson. I am the biggest property abutter to this piece of land, and keep hearing speculation and conjecture. I am not a paid expert. I am an expert; I live there. Since our last meeting, I have two near misses on that corner. One, with a car almost hitting me and one bicycle almost being hit by me. It is a dangerous place and especially you are saying everything is going to happen in the summer. That is the worst time because that road, everything increases exponentially in the summer. You're five people that went over the speed limit on that road. I think most of you have been there when we have come around that corner, naturally you slow down a little bit and you look ahead and you see the speed limit measuring sign, whatever you call it, you slow down when you see one of those. If you are coming back the other way, you know it's there, so you slow down. I know it's the only way to gauge that short of having somebody hide in the bushes with the radar gun, but I don't think you get an accurate picture of how many people speed there because you know it's there. You see it before you get up to it, when you are already going a little bit slower and you know coming the other way, that it is there.

Julian Fischer: One of the difference between Marshall Point Road and Horse Point Road. Marshall Point has a parking lot and a turnaround that does not exist down at the end of Horse Point Road.

Polly Beckery: I just worry about setting a precedent that other enterprises like this could then follow. And, then also, I have had near misses on that same corner, many times.

Chair Cox: Since we do have some time. I am about to give the lawyers a chance to finish, but do you have something new, Anita?

Anita Siegenthaler: A little different from what I have said before. Anita Siegenthaler. Just two points, and then I will hand this into your minute keeper, if that is okay, for the official records. (The report is attached to the minutes.)

I will make this short. I am a little concerned as the lady said about precedence that are being set because the town records the width of Raspberry Lane as 33' and I am not sure how we measure the official width of town roads as currently listed when you go to do a development like this. I am really concerned that if you approve the material that was submitted by the applicant, which seems to me to go back to 1836 and talks about the road being laid out, and then but it wasn't accepted by the town, so it's really a prescriptive use. Well, my understanding from previous cases here in town about prescriptive use, is that, if the town laid out the road in 18 whatever it was and the town didn't officially accept it, things were done differently then. The records are different. I don't see how you could stretch a road that is laid out in 1836, into a prescriptive use today. Then have different criteria for how you measure the road width. Would this open up every local road in town to a challenge? I am really concerned about that. If you are not able to sort through the legalese in that argument which I found kind of impenetrable. Interesting historically, but I wouldn't want to accept it as a fact.

The other thing is, and I will be brief, is that the statistics on the capacity of the road has changed. They go from 1,000 cars an hour to 500 an hour to 1,500 and something a day. Nobody knows what the road is capable of, and you're well aware of the physical characteristics of the road and the use as we are who live there year-round. So, I ask you to consider that use very carefully.

Chair Cox: We have one more. Yes.

Ann Snow: I am Ann Snow from Marshall Point. It bothers me that all this talks about the technicalities – the roads and traffic and so forth and is not addressing the spirit of the village. I wrote a letter to Linda this spring and I thanked her for her generosity to this town, to our village. In particular, to keep the store open (unintelligible). It is so essential to the life of the village, but I think this is a big mistake and no one may have thought of that more than the Wyeth family, who really appreciated their privacy and were not made a big fuss about them. Today we have our Chief Justice living here and able to roam freely and people know who he is but they give him his privacy and it's just a wonderful place and we don't need commercialization.

Chair Cox: Thank you. Patrick can I ask you, give you two minutes and then Paul, we will give you two minutes to wrap it up.

Mellor: To follow up on what Anita was saying with regard to location of the setback. Because it is unclear to me and impenetrable was a good description of it. It appears to me as though, in order to make the structure fit, that the right of way is pushed farther to the other side of the road. The impact that could potentially have on the neighbors on the other side, is that they, therefore, could not build a shed or expand their buildings because they would then be within the setback which is unclear.

The other issue with regard to the site distances. I think it is important for the Board to, again, ask are we dealing with the American Association of State Highway and Transportation officials, the Green Book, which is what engineers refer to. If so, does that book dictate when there are commercial vehicles loaded with cargo that it is a different site distance. I think that is a question worth asking. I think we have covered it. I don't think it is close. Thank you very much.

Gibbons: The thing I want to talk about is the road and setback. This is not the first in Maine that people have to deal with roads when the records of them are not particularly well described. There are rules about it and surveyors follow those rules. Our surveyor followed those technical rules which are very complicated but to make a short cut of it, is that what he did was, he found out that our property, the north part of Raspberry Road, had a description and defined, itself, as being on the northerly side of Raspberry Road back in 1800's. He did look at that description as said, "Well, there is a wall." He made reference to a wall or an iron pin, and he found that wall and an iron pin. Meaning to say he found the north side of Raspberry Road as depicted in 1835, I think it is. That is the correct way to go about it. To say that if you couldn't figure out exactly where the right of way is, that everybody couldn't build, it is just an absurd assumption. It is a complicated thing. That is why you have surveyors and opinions. There is no opinion of some other surveyor saying this isn't where the right of way is. There are some neighbors saying that.

Let's go back to the problem of speculation, and by the way, even if it was, we could always build a building smaller to meet the setback requirement. That is not a deal killer for us, but we know the right of way is right. Most of the problems you are hearing now, will be solved if you do what we ask you to do. Is to hire your own traffic engineer, because that way, there you will be able to know someone is on your side, looking at evidence at what is relevant and what is not relevant. To suggest that somebody was, this Ron fellow of ours, was trying to increase the traffic from the gallery by 6,000. We don't know if that is ever going to happen. That is speculation, but it is certainly ridiculous to claim that they are all going to come to our reading room. That is a ridiculous assumption that no person, no professional would ever rely on.

As far as the danger, it all has to do with speed, site distance that engineers are used to dealing with. If you hire your own engineer, they can look at those statistics, themselves. I would also tell you, if someone were to say to anyone that you can't build here because people have been speeding on this road, then half the roads in Maine would be gone. That's not the standard of the industry. By putting our reading room there, we are not creating the problem of speeding. The problem with speeding is you have to enforce the speeding limit. If you do that and you're okay.

You can't say, "We're not going to bother to enforce the speeding rules, you can't build." That isn't how it works, anywhere.

The other thing about the problem, the State of Maine said that there were a thousand cars that went across this road every day. My engineer said people seem to be upset about that. I am going to show you how that really doesn't matter that much. I am going to pretend it said 500, to show it will work, even if it is 500, and he showed it, it would still work that it still had a brake capacity. Five hundred cars per day and we have 17 cars per day. Most of those aren't going to go up that road. They are claiming that we are going to cause this incredible problem. So, I call upon you to call upon your common sense. The best thing you can do for yourselves in this town, we'll pay for it, you hire your own engineer and then you will have the best information available to you. What they are saying is not credible. You will find that out from your own engineer. Thank you.

Chair Cox: Thank you.

Mellor: Just in regard to that new question.

Gibbons: Wait, wait, wait., wait. What? Last time.

Mellor: This is just the new question about a new engineer.

Gibbons: That wasn't new.

Chair Cox: Okay. No, he'd mentioned it. He mentioned that earlier this evening. He mentioned that earlier this evening. I would like to draw this to a close. Very briefly, yes.

Jeannette Martin: Hi, I am Jeannette Martin of 837 Port Clyde Road. I just would like to say that I find it a little bit, possibly illegal, for someone to suggest that the town hire a traffic engineer but that person who wants to build this building will pay for it. I think that's a definite conflict of interest.

Chair Cox: Thank you.

Mellor: Now, I am happy for Paul to respond to this, but it is important for me to just simply say the burden is on the applicant. The burden is not on the town.

Chair Cox: Thank you.

Mellor: Thank you.

Chair Cox: I am going to call the Public Hearing part of this to a close. Thank you, all.

The Public Hearing was closed at 7:46 p.m.

To: Planning Board
Re: Wyeth Reading Room/Gallery proposed by Linda Bean
Documents sent with covering letter July 13
Setting Precedents
Date: Public Hearing August 8, 2017
From: Anita Siegenthaler

(1) Re the July 12, 2017 letter sent by Jim Dorsky of Gartley & Dorsky to Mr. Paul L. Gibbons:

The current Town records are the criteria for road width. The current width of Raspberry Lane is listed as 33'. If the Planning Board and the Town accept the various suppositions in Mr. Dorsky's endorsement of prescriptive use, then all town roads "laid out" by the town in the early days will be subject to challenge. Could the current road widths used by the Town be up for grabs? Could the way that the Town currently determines the location of the roads be challenged with future applications? Will accepting the argument put forth in this letter open a Pandora's box?

(2) Re Proposed Findings of Fact from the Linda Bean team re. Section V.A.11 regarding "an unreasonable adverse impact on...municipal road systems" - The application fails to meet this requirement.

The changing statistics on "municipal road systems" erode credibility of the assertion that Horse Point Road is "not even close to capacity."

The Gorrill-Palmer Memo of June 20, 2017 and the Traffic Summary of July 12, 2017 casually downsize the original Traffic Evaluation (June 1, 2017) capacity of 1000 vehicles per hour on Horse Point Road as "too high" and propose a capacity of 500 vehicles per hour. Then they discuss 1,156 vehicles per day as being "not even close to capacity." The capacity seems to be an uncertain statistic.

As they endorse their own uncertain statistics, they report that "numerous residents" identified Horse Point Road as "dangerous." They questioned the "benchmark" that residents used. The residents clearly identified the "benchmarks" based not on statistics but on the physical road and the use of that road. Residents described the road as narrow (11'4" at the end of the paving), winding, blind curves, hills, and next to the water at the marsh location, as well as dead end with no turnaround. Residents described the use by pedestrians, bicycles, tourists, dog-walkers and children. These "benchmarks" are real, not variable statistics from a report.