

FRIENDS OF LAMOINE, P.O. Box 963, Ellsworth, ME 04605

August 15, 2019

Lamoine Planning Board
Town of Lamoine, 606 Douglas Highway
Lamoine, ME 04605

Dear Planning Board:

We request that Perry Fowler, current registered agent of Horpland, LLC. recuse himself from evaluation of Harold MacQuinn, Inc.'s application for a gravel permit for the "Kittredge Pit", 22 acres on Map 3/ Lots 31&33 and all gravel permit requests by Harold MacQuinn, Inc. for the following reason.

On July 10, 2017, two applications for gravel permits in Lamoine were approved with a boundary agreement signed by each owner. We have attached the minutes from July 20, 2017, when this agreement was presented to the Lamoine Planning Board. It involves two adjoining gravel pits: Gravel Permit Application, Harold MacQuinn, Inc., Map 7/Lot 9, "Beal Pit" and Gravel Permit application, Horpland LLC, Map 7/Lots 13 + 24, "Butler Pit". This agreement needs to be renewed every three years according to:

"Lamoine Gravel Ordinance 2013, Amended May 16, 2018

SECTION 8. PERFORMANCE STANDARDS

All Gravel Operations shall conform to the following standards:

A. Set-backs

The purpose of set-backs is to lessen adverse impacts, such as noise, erosion, despoiling of views, and deterioration of water quality on neighboring properties and residents.

1. A buffer strip of at not less than 100 feet in width shall be maintained between the boundary of the Gravel Pit and the boundary of the Parcel on which the Pit is located.
 - a. However, the buffer strip between permitted Gravel Pits on abutting Parcels may be eliminated with the written permission of both owners, provided the elimination of the buffer strip does not increase the runoff from either excavation across the property boundary."

This agreement entitles the owners of adjacent gravel pits to eliminate the 100 foot required boundary in the zone where the two gravel pits meet. It also reduces the restoration requirements of this boundary, giving each pit owner additional gravel to mine. The agreement thereby constitutes a fiduciary benefit to each of the pit owners if they work cooperatively.

Fiduciary benefit creates a conflict of interest for Perry Fowler as a member of the Planning Board in reviewing applications for gravel permits submitted by Harold MacQuinn, Inc.. We therefore request that Perry Fowler, as current registered agent of Horpland, LLC. recuse himself from evaluation of all permits being submitted by Harold MacQuinn, Inc. while this agreement is in effect.

Sincerely yours,

Inc. Planning Board minutes
July 20, 2017

Carol Korty, President
for FOL Board

The Planning Board minutes for July 20, 2017 can be found at <http://www.lamoine-me.gov/Town%20Hall/Boards/Planning%20Board/Minutes/2017/PBMin071017.htm>.

The pertinent parts, items 8 and 9 are below:

8. Finding of Facts & Decision - Gravel Permit application, Horpland LLC, Map 7 / Lots 13 + 24, "Butler Pit"

The applicant, Perry Fowler, provided a signed boundary line agreement with Harold MacQuinn Inc to eliminate the setback requirement between the two abutting pits and also agreed, after discussion, to pay the required amount into the restoration escrow account. The Board reviewed the performance standards checklist and found that the application met all the standards with the condition that the escrow amount be paid. The Gravel Permit was approved 4-0 with that condition.

The permit will be dated July 10, 2017 to July 9, 2020.

9. Findings of Facts & Decision - Gravel Permit application, Harold MacQuinn, Inc, Map 7 / Lot 9, "Beal Pit"

The applicant, through its agent, Steve Salsbury, provided a boundary line agreement with Horpland LLC to eliminate the setback requirement between the two abutting pits. The Board, having previously found all other performance standards had been met, voted 4-0 to grant the Gravel Permit, dated July 10, 2017 to July 9, 2020.