

RANGELEY ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, April 5, 2017
6:00PM

Please see sign-in pages for attendance record.

Board Members: Brian St. Louis, Chairman / Dennis Marquis / Ryan Wilbur

Staff: Tricia Roy, Town Clerk / James Katsiaficas, Legal Council

1. OPEN MEETING

- Time: 6:00 p.m.
- Pledge of Allegiance

2. ELECT CHAIRMAN & VICE CHAIRMAN

Dennis Marquis nominates Brian St. Louis as Chairman

Ryan Wilbur second

Vote: 3-0

Brian St. Louis nominates Dennis Marquis as Vice Chairman

Ryan Wilbur second

Vote: 3-0

Chairman St. Louis set the record. Tonight's meeting is mostly presentation by the appellant, Rangeley Concrete (also known as M&H) after being turned down by the Code Enforcement Officer. The Board will not take any new info, as the Board is here to determine what the process was for the decision and if the decision was appropriate. Basically, Heavy Industrial v. Light Industrial. The Board will hear from the applicant and anybody who has direct standing, mainly abutters.

The CEO determined the application fell under light industrial and sent it on to the Planning Board for a Conditional Use Permit. The Planning Board reviewed the application, scheduled a Public Hearing. A legal opinion was sought the next day with the Code Enforcement Officer notifying M&H that it was actually heavy industrial not light and he as denying the application.

3. APPELLANT'S CASE

Attorney Albert Ayre representing Rangeley Concrete has typed up his arguments (included in the record), but touched on a few points. Jurisdiction in this case is still with the Planning Board as far as he is concerned. The CEO did not have the authority to remove it from their review.

Attorney Amanda Meader representing the abutters agrees with Town Attorney Kristin Collins opinion and removal from the Planning Board was the correct course to take.

4. PUBLIC TO SPEAK

Richard Frost, 2901 Main Street: Does rock processing take place on the site? Scott Millbury (Rangeley Concrete) answered no.

Ken Haley (Rangeley Concrete) gave an overview on the process of batch plant.

Planning Board accepted the application as complete.

Scheduled a Public Hearing.

Referred to lawyer after Public Hearing.

Legal opinion was sent to CEO, CEO sent letter denying permit.

Selectman should not have had an opinion, should have recused himself.

Judith Morton (abutter) Rob was speaking on behalf of Comprehensive Plan and National Scenic Byway, not as a Selectman.

Attorney Collins (Town) Thinks the Appeals Board should review minutes and DVD's of Planning Board meetings. She requested Attorney Ayre go on record and agree that the Board of Appeals can make a determination without reviewing the Planning Board meetings. He agreed. Attorney Meader agrees that the Appeals Board does not need to review the Planning Board information.

Chairman St. Louis motioned to close the public hearing.

Board Member Marquis second

Vote: 3-0

Chairman St. Louis requested Attorney Collins define factual and law.

Factual – things related to their project and operation, and material using.

Law – definitions

Board Member Marquis stated that the Board needed to determine light/heavy industrial and what other plants in the country are defined.

Attorney Collins (Town) pointed out that since we're not looking at Planning Board information we need to review just the Code Enforcement Officer's determination.

Chairman St. Louis clarified the process:

If light industrial is determined it goes back to the Code Enforcement Officer to send to the Planning Board.

If heavy industrial is determined it would then be appealed to the Superior Court.

Board Member Wilbur Googled definitions (Wikipedia and Cambridge English Dictionary):

Raw material: taken directly out of the ground and used

Extracted material: Take it out on site and use it.

Chairman St. Louis stated water, sand, aggregate and cement and combining and mixing in the truck in his opinion is light industrial.

Board Member Marquis requested that the Planning Board review and clarify these definitions in the Ordinance so that this issue doesn't come up again.

Board Member Marquis motions that they do have jurisdiction over this request for appeal.

Chairman St. Louis seconds and believes it fits pretty cleanly into the process laid out in the Ordinance. Vote: 3-0

Board Member Wilbur motion to reverse the decision of the Code Enforcement Officer based on the Board of Appeals finding that this is a light industrial use, with the understanding that the application will be sent back to the Planning Board for further review as a Conditional Use Permit.

Board Member Marquis second Vote: 3-0

8. ADJOURNMENT:

Chairman St. Louis motioned to adjourn the meeting at 7:20 p.m.

Board Member Marquis seconds Vote: 3-0

These minutes are not verbatim. For a copy of the tape, please contact the Town Office.

TLR