

WINSLOW PLANNING BOARD

Minutes of the Meeting

January 24, 2008

Special Meeting on FPLE Application to Breach Ft. Halifax Dam

Chairman, Michael Parker called the meeting to order at 7:15 p.m. There were six (6) members present:

Michael Parker	Elery Keene	Milton Poulliot
Roy Strahan	Dominic Carter	Richard Browning, Sr.

Mr. Fletcher has rescued himself from the proceedings.

Voting members were Milton Poulliot, Elery Keene, Michael Parker, Richard Browning Sr., and Roy Strahan. Dominic Carter will participate as a non-voting member.

Also Present:

Frank Stankevitz, CEO	Bill Lee, Town Attorney
Matt Manahan, Attorney FPLE	Andy Straz, TRC
Dave Dominic, TRC	Al Wiley, FPLE

Mr. Poulliot motioned to accept the minutes from the January 10, 2008 meeting. Seconded by Mr. Keene. Passed - Unanimous.

Mr. Keene motioned to dispense the minutes of the January 17, 2008 regular Planning Board Meeting to the next regular Planning Board Meeting. Seconded by Mr. Keene. Passed – Unanimous.

The purpose of the Special Meeting of the Planning Board Meeting is a public meeting to review the completed and accepted application as beginning sufficient. Pursuant with the regulations there is a 35 day time limit, bringing the timetable to February 14, 2008.

Mr. Lee stated that each criteria has been met but this does not mean that it is sufficient The Board may require more information if they feel that there is missing information on certain criteria.

Mr. Lee explained The Home Rule Enabling Act, under the Maine Constitution and Maine State Statute, municipalities have the power to regulate in all matters that are not expressed prohibited by State Statute or impliedly prohibited by State Statute. If the regulations on the Town use are more restrictive and there is no State Statute on it then the Town's regulation is followed.

Mr. Manahan reviewed the January 18th packet.

Tab A - drawing of the proposed carry in boat landing

Tab B - response to the erosion control plan that is being presented to the DEP

Tab C - response to Pleau's Market Certificate of Insurance

Tab D - response to the Eagle's nest and variance

Table E - response to the incidental taking of the mussels, with a letter from Maine Department of Inland Fisheries and Wildlife

Tab F - shows where the materials may be found in the application for each criteria.

Mr. Parker listed the concerns from the meeting on January 10, 2008 meeting:

Safety after the breach

Erosion and Sedimentation Control

Slumping of the embankment

Pleau's Market

Eagle's Nest

Sewer Line

Boat landing

Mr. Gerber from Sebago Technics and Mr. Murch of DEP will be at the February 14, 2008 meeting to answer any questions that the board may have on these specific studies.

Mr. Parker asked if the Board is unable to reach a decision at the February 14, 2008 meeting would FPLE be willing to extend the period to another meeting.

FPLE would like to see if the Board can come to a decision at that time and address the issue at that time if the Board can not render a decision.

The Board will wait till the end of the meeting to see if they would like Mr. Mitch, Weston & Sampson Engineers Inc., to attend the meeting on the February 14th.

The Board would like a formalized report from Weston & Sampson Engineers, Inc., for the February 14, 2008 meeting.

The slumping and erosion and sedimentation control will be discussed at the next meeting.

Mr. Keene asked if the State authority supercedes the Town authority on erosion control.

Mr. Lee answered that the Town does have some authority to have some conditions that may be different than the State.

The Issues that were addressed:

1. Pleau's Market – Mary Denison, Attorney for Pleau's Market – The Pleau's have come to agreements on traffic, size of the trucks and number of trucks per hour. Any drainage that may be needed would have no adverse effect on Pleau's Market and replacement of any trees that would be lost due to the construction of the temporary road will be paid for by FPLE. FPLE will pay for a pre-condition structural engineering survey of Pleau's Market and installation of a filter rack and filters for the compressor intake.

Concerns that came up was the fumes from the trucks and how it effects the Pleau's Market

Moving the road over 10 or 12 ft. to prevent damage to the Market and their stock – the roadway will only be one-way at a time.

The Board would like to see the final agreement between Pleau's Market and FPLE.

2. Sewer Line – Mr. Heavener has a proposal going before the Council with a special meeting on Monday, January 28, 2008. If the proposal is not accepted is there another plan in place. According to the DEP permit, FPLE is obligated to protect the sewer line.

Mr. Keene wanted to know if a finding of statement of facts can be draw up.

Mr. Lee stated that a statement of facts can be drawn up at the next meeting or when the Board is done.

FPLE is willing to draw up a statement of facts to help with the decision making.

The Board would like to have FPLE draw up a statement as a baseline with the Board drawing a final statement of facts.

3. Variance needed on the Bald Eagle's Nest 512A – Mr. Stankevitz contacted IF&W. An e-mail from Mr. Todd, Wildlife Biologist for IF&W stated that the location is not an official Essential Habitat and therefore does not need a variance. If the Board wants further legal clarification from the state Attorney General they are willing to pursue it. Lori Nordstom, Field Supervisor State of Maine IF&W, said that the dewatering of the impoundment would be a net benefit to the bald eagle.

Mr. Manahan stated that a variance is not needed because IF&W has not designated the eagle nest as "essential habitat," but even if IF&W had designated it as essential habitat a variance would not be needed because the breaching will not have an adverse affect on the bald eagles. The Board could get a determination on the variance from the Attorney General if a variance is needed even if it does not have an adverse affect on the eagles nest or if it is not an official Essential Habitat.

Mr. Poulliot motioned to have Mr. Lee contact the Attorney General's office for clarification on the variance. Seconded by Mr. Keene. Passed – Vote 4 in favor 1 against

4. Safety Issues –

The gate on the south buttress is 6ft up to the gate and each panel is 3ft wide not including the barbed wire. The Board would like the correct drawing showing all the panels measurements.

Mr. Parker wanted to know what the drop in elevation from the top of the structure on the south side nearest the water was. Mr. Straz stated that the remaining structure will be about 20 ft and the upriver side will be the same. The upstream slope is 45 degrees and the down stream slope is 12 feet, the lip to ground is 12 ft.

Chief Grindall expressed concerns of children climbing and falling, graffiti and debris building up.

Mr. Browning had concerns on post draw down. The gate will stop people from entering by the walkway, but with the water drawn down, people could walk down stream in order to reach and climb the remaining structure. Would it be possible to gate the whole remaining structure?

Mr. Stankevitz mentioned the 100 year flood would come over the top of the remaining structure causing a larger build up of debris and causing more safety issues for boaters.

Mr. Stankevitz questioned why the Ft. Halifax Dam removal is different from the complete removal of the Edwards Dam? Mr. Parker stated that the question should not be considered in the application process at this time.

Mr. Manahan stated that the two dams are different in structure and the Edward's Dam easier to remove. Second that the State and Federal licensing allowed an option for the breaching of the Ft. Halifax Dam leaving the possibility to rebuild the dam.

Mr. Straz stated the Edwards Dam was not completely removed. The base of the dam is still there.

Mr. Bowin wanted to know if FPLE owned the land or flooding rights and who would be sued if someone was to be hurt behind his home.

Mr. Wiley stated that if FPLE owns it in fee now, they will own it in fee after the breach, if someone else owns it in fee then they will still own it in fee.

Mr. Poulloit wanted to know if there was a plan to warn citizens about the breach.

Mr. Manahan stated the plan can be found in Tab 5 of the original submission. Tab 5 is the retirement of the Dam. It can be found in the front of the original binder. Mr. Manahan will send a copy of the plan to the Board. It is one of the requirements of the FERC permit to have a written plan.

Mr. Dominic stated there would be a public notice requesting people not to be on the impoundment at the time of breach, personnel from FPLE, IF & W and personnel from DMR and US Fish and Wildlife will police the area of the breach.

Mr. Carter wanted to know if the people on the south side of Dallaire Street would be removed during the draw down, the study shows there is a stabilization issue.

Mr. Wiley will address the concerns when Mr. Gerber presents his facts. FLPE will work with the Town on these issues.

Next Planning Board meeting on FPLE partial breaching of the Fort Halifax Dam will be on February 14, 2008, 6:00 pm at the Winslow Council Chambers.

Mr. Strahan motioned to have Mr. Mitsch present at the February 14, 2008 meeting. Seconded by Mr. Keene. Passed - Unanimous.

Motion to adjourn meeting made by Mr. Keene. Seconded by Mr. Browning. Passed - Unanimous.
Meeting adjourned 9:30 pm