

MINUTES OF PENOBSCOT ZONING BOARD OF APPEALS (P-ZBA)

APPLICATION OF EATON HOLDINGS, LLC

AUGUST 19, 2025 – MEETING

MEETING CALLED TO ORDER @ 6:32PM BY CHAIR

PRESENT:

TOM ADAMO, CHAIR

STEVE SKILLIN

TROY STAPLES

DAVID KOENKA

JANINE KIMBALL, SECRETARY

(JEFF BREZINIS – RESIGNED AS OF 08.19.25—NOT IN ATTENDANCE)

DEAN BEAUPAIN – TOWN ATTORNEY

KRISTIN COLLINS – APPELLANTS ATTORNEY – BY ZOOM

KAREN EATON – APPLICANT + JAIME MCNAIR – REPRESENTATIVE FOR APPLICANT

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CHAIR – THIS IS NOT A HEARING – IT IS A MEETING – ASKED WHO HAD DOWNLOADED PAPERWORK ONTO THE TOWN'S WEBSITE – DONE BY HEIDI REINHART (SPELLING?) – NOT AFFILIATED WITH THE APPEAL

APPROVAL OF MINUTES – TABLE APPROVAL FOR NEXT SCHEDULED MEETING ON 9.04.25

REVIEWED EXHIBIT INDEX

T. STAPLES MOVE TO ACCEPT EXHIBIT INDEX WITH NO MORE ADDITIONS OR DELETIONS, WITH THE EXCEPTION OF THE MINUTES, 2<sup>ND</sup> BY S. SKILLIN – ALL IN FAVOR – 5/OPPOSED – 0/ABSTAIN – 0 – MOTION PASSES

DISCUSSION OF CLARIFICATION OF AUGUST 1, 2025 VOTE BY THE P-ZBA TO REMAND TO THE PENOBSCOT PLANNING BOARD (PBB)

CHAIR – P-ZBA DID NOT MAKE A FINAL DECISION ON 8.1.25

STILL HAVE APPEAL ITEMS THAT WERE NEVER ADDRESSED – THE MEETINGS WERE TOO LONG

D. BEAUPAIN – P-ZBA DID NOT MAKE ANY FINDINGS OF FACT AT MEETINGS WHICH IS A STATUTORY OBLIGATION – ASKED BOTH APPLICANT AND APPELLANTS LAWYER IF THEY FELT ANY DECISION HAD BEEN MADE

JAIME MCNAIR – IN HER VIEW P-ZBA DID NOT MAKE A FINAL DECISION

K. COLLINS – NO DECISION WAS MADE “DENOVO DOES NOT ALLOW FOR REMAND”

CHAIR – WITH DENOVO – OUR INTENT WAS NOT TO REMAND TO THE PPB, OUR INTENT WAS TO RETURN TO PPB TO LOOK AT AGAIN

CHAIR – HAS HIS OWN NOTES FROM MEETING OF 8.1.25, PRESENTED AS A NEW DOCUMENT REGARDING THE REST OF THE APPELLANTS CONCERNS.

CHAIR MOTION TO ADMIT NEW DOCUMENT, 2<sup>ND</sup> BY J. KIMBLE – D. KOENKA ASKED “WHAT DOES THIS DO WITH WHAT WE SENT BACK TO THE PPB”

**\*\*NOTE – NO FINAL VOTE TAKEN FOR THE ADMITTANCE OF CHAIRS OWN PERSONAL NOTES BEING ADDED TO THE EXHIBITS. \*\***

D. BEAUPAIN – RECORD DOES NOT REFLECT ANY DECISION – CHAIR ASKED “IF THE PPB HAS A PUBLIC MEETING AND THEY REVIEW CAN THEY CHANGE?”

D. BEAUPAIN – PPB NO LONGER HAS JURISDICTION – CANNOT CORRECT – CANNOT CHANGE

S. SKILLIN ASKING IF 10 OF THE 14 BULLET POINTS FROM THE APPELLANTS ARE SEPTIC AND WETLANDS, ARE WE ABLE TO RULE ON?

CHAIR – WE CAN REQUEST INFORMATION TO ANSWER

D BEAUPAIN – OUR RECORDS ARE NOT COMPLETE – WE NEED TO HAVE A MOTION OF FINDINGS OF FACT – HAS THE BURDEN BEEN MET OR NOT BASED UPON TOWNS ORDINANCES NEED TO HAVE SERIES OF MOTIONS --WITH A HEARING OUTLINE-- WHICH HAVE MERIT AND WHICH DO NOT.

MEETING WILL BE CONTINUATION OF 8.1.25 MEETING – NO DEADLINES

CHAIR – WE POSSIBLY WILL NEED MORE THAN ONE MEETING

CHAIR AND D. KOENKA WILL BE GONE PART OR ALL OF SEPTEMBER INTO OCTOBER AFTER 9.6.25

CHAIR ASKED FIRST SELECTMAN HAROLD HATCH TO CONSIDER FINDING A NEW MEMBER AS ALTERNATE TO REPLACE JEFF BREZINIS

T. STAPLES – I MOVE THAT THE BOARD CONFIRM THAT NO FINAL ACTION WAS TAKEN DURING THE AUGUST 1<sup>ST</sup> HEARING AND THAT WE SCHEDULE AN ADDITIONAL HEARING TO CONTINUE REVIEW OF THE APPEAL, TAKE ADDITIONAL EVIDENCE, AS APPROPRIATE, MAKES FINDINGS OF FACT AND MAKE A FINAL DECISION ON THE APPEAL BASED ON THE RECORD AND FINDINGS OF FACT. 2<sup>ND</sup> S. SKILLIN – ALL IN FAVOR – 5/OPPOSED – 0/ABSTAIN – 0 – MOTION PASSES

CHAIR – MOTION THAT THE NEXT DENOVO MEETING BE SCHEDULED FOR SEPTEMBER 4, 2025 AT 6PM AT THE PENOBSCOT TOWN OFFICE/HALL—2<sup>ND</sup> J. KIMBALL – ALL IN FAVOR – 5/ OPPOSED – 0/ABSTAIN – 0 – MOTION PASSES

DISCUSSION ABOUT HAVING A SITE VISIT BY THE PZBA AND THE APPEALANTS – MOTION MADE BY CHAIR FOR SITE VISIT WAS LATER RESCINDED BY CHAIR BEFORE VOTE – NO PLANNED SITE VISIT SCHEDULED.

TOWN CLERK, SALLY BRIDGES – HEAD OF PLANNING BOARD, DANA WILLIS AND DEAN BEAUPAIN WILL MEET TO GET ALL OF THE EXHIBITS TOGETHER FOR COPYING FOR ALL CONCERNED WITH APPEAL.

S. SKILLIN MADE A MOTION TO ADJOURN – 2<sup>ND</sup> BY T. STAPLES – ALL IN FAVOR –5/OPPOSED – 0/ABSTAIN – 0 – MOTION PASSES