

STATE OF MAINE  
TOWN OF PENOBSCOT  
FINDINGS OF FACT AND DECISION  
ON APPLICATION FOR SUBDIVISION APPROVAL ON APPEAL OF PLANNING  
BOARD DECISION

Application Number: 25-019  
Applicant's Name: EATON HOLDINGS, LLC  
Project Name: Norther Bay Commons  
Map MO8 Lot 67  
Book 7225 Pages 75-77

*After de novo hearings on July 28, August 1, August 19,  
September 4, September 8, September 12, and September 29, 2025, and in  
consideration of the written record and including testimony of the parties and the public,  
the Zoning Board of Appeals makes the following findings of fact:*

1. We find as a fact that the Planning Board approved the application on May 20, 2025, including approval of the Final Subdivision Plan which was recorded in the Hancock County Registry of Deeds on June 17, 2025 in File 53 No. 20.

2) We find as a fact that the Appellants filed on June 18, 2025, a timely appeal of May 20, 2025, decision of the Penobscot Planning Board. The appellants with standing are Tim Beidel, Sara Fisher, Austin Shull, Bailey Bowden, Ben Petersen, Shelly Griffin, Heather Emanuelson, Sloan Butler, Doug Campbell, Betsy Daus, Sylvia Tapley, Becky Tapley

3) With respect to the Shoreland Zoning Ordinance:

We find as a fact that the project location is not within the Shoreland Zone as depicted on the Shoreland Zoning Map of the Town of Penobscot and the Shoreland Zoning Ordinance does not apply to the project.

4) With respect to the Subdivision Application:

We find as a fact that the subdivision application is incomplete, therefore the permit was not issued in compliance with the Penobscot Subdivision Ordinance and the Penobscot Land Use Regulations.

4) With respect to the Penobscot Land Use Regulations, Variances related to Septic Systems are prohibited. A variance of less than one hundred (100) feet was granted, which is not in compliance with the Penobscot Land Use Regulations.

## DECISION

The Subdivision granted by the Penobscot Planning Board on 20 May 2025 be vacated and a revised Preliminary Plan shall be submitted to and reviewed by the Penobscot Planning Board in accordance with the time periods outlined in relevant town ordinances.

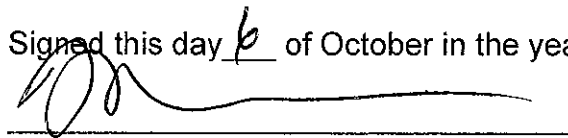
Further, upon completion of the review of the revised Preliminary Plan by the Planning Board a revised Final Plan shall be submitted in accordance with the time periods outlined in relevant town ordinances for review by the Planning Board.

The May 20, 2025, decision of the Planning Board approving the subdivision application, including approval of the Final Subdivision Plan recorded in the Hancock County Registry of Deeds, is vacated.

The following motion was made and seconded: "The subdivision permit approved by the Penobscot Planning Board on May 20, 2025, be vacated and that a revised application be submitted by the applicant to the Penobscot Planning Board at their next meeting. And that any current building activity that does not require a permit from the Land Use Regulations or the Subdivision Ordinance be allowed to continue."

A vote was taken 4 in favor, 0 opposed, 0 Abstain, 1 Absent (DK)  
Members of the Zoning Board of Appeals, Town of Penobscot  
Ms. Janine Kimball, Mr. Steve Skillin, Mr. Troy Staples, Mr. David Koenka

Signed this day 6 of October in the year 2025.



Thomas R. Adamo, Chairperson  
Penobscot Zoning Board of Appeals

Cc: Permanent Record, First Selectman Mr. Harold Hatch, Mr. Dana Willis, Chairperson Penobscot Planning Board, Ms. Bryce Emerson Penobscot CEO/LPI, Applicant's Representative Ms. Jamie Austin MacNair, Appellant's Representative Mr. Tim Beidel