

MINUTES OF PENOBSCOT ZONING BOARD OF APPEALS

CONTINUATION OF APPEAL OF EATON HOLDINGS, LLC

09.08.25

MEETING CALLED TO ORDER 5:31PM

PRESENT:

TOM ADAMO, CHAIR

STEVE SKILLIN

TROY STAPLES

JANINE KIMBALL, SECRETARY

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CHAIR – OPENING STATEMENT

DETERMINATION OF QUORUM -- YES

MOTION TO ACCEPT FINAL EXHIBIT LIST – MOTION BY CHAIR 2<sup>ND</sup> S SKILLIN

ALL IN FAVOR – 4/OPPOSED -0/ABSTAIN -0

MOTION BY CHAIR TO WAIVE APPROVAL OF MINUTES OF LAST MEETING OF 09.04.25 TO A LATER DATE 2<sup>ND</sup> T STAPLES

ALL IN FAVOR – 4/OPPOSED – 0/ABSTAIN – 0

J MCNAIR FOR APPLICANT-- THEY DO NOT WANT TO VACATE THE SEPTIC PERMITS AS THEY WERE APPROVED POST SUBDIVISION APPROVAL – AS STATED IN APPELLANTS APPEAL PAPERWORK – APPLICANT DID NOT WITHDRAW ANY OF THE SEPTIC/PLUMBING/GRAVEL PERMITS—CONTINUING TO WORK WITH THE STATE AND THE LOCAL LPI, BRYCE EMERSON’S, KNOWLEDGE, AS IT IS A WORK IN PROGRESS

CHAIR ASKED J MCNAIR THE STATUS OF THE RENOVATION – REPLY PARTIAL SHEETROCK INSIDE, SOME VINYL SIDING EXTERIOR

CHAIR – OUR DECISION WILL VACATE WORK ON ANYTHING WITH 3 UNITS OR MORE AS A SUBDIVISION IS CONSIDERED 3 UNITS OR MORE – LEGALLY, PER TOWNS ATTORNEY, CANNOT CONTINUE TO WORK ON THE INSIDE OF THE BUILDINGS -- WINDOWS/DOORS/EXTERIOR ARE OK

WHAT STAGE IS THE SEPTIC AT -- PER CHAIR – TANKS ARE IN, LPI IS AWARE --PER J MCNAIR

READING OF NOTICE OF DECISION PREPARED BY THE TOWN ATTORNEY

(ONLY LAST MOTION IN DOCUMENT IS BELOW – SEE RECORDS WITH AT THE TOWN HALL FOR COMPLETE DOCUMENT)

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A MOTION TO AMEND THE FORGOING MOTION TO READ AS FOLLOWS WAS MADE:

FOR THE REASONS STATED IN THE FOREGOING FINDINGS OF FACT AND BECAUSE THE DECISION OF THE PLANNING BOARD APPROVING THE SUBDIVISION ON MAY 20, 2025, REMAINS IN EFFECT UNTIL THIS BOARD MAKES A FINAL DECISION ON THE APPEAL, I MOVE THAT:

1. THE SUBDIVISION APPLICATION IS WITHDRAWN AT THE REQUEST OF THE APPLICANT WITH NO OBJECTION FROM APPELLANTS.
2. 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;
3. THE APPLICANT CEASE ALL WORK ON THE SUBDIVISION AUTHORIZED BY THE VACATED DECISION OF THE PLANNING BOARD, WORK THAT DOES NOT REQUIRE A PERMIT FROM THE PLANNING BOARD MAY CONTINUE; AND
4. THE TOWN ATTORNEY DRAFT A WRITTEN DECISION CONSISTENT WITH THE FOREGOING FINDINGS AND DECISION, INCLUDING PROVISION FOR RECORDING NOTICE OF THIS DECISION IN THE HANCOCK COUNTY REGISTRY OF DEEDS AS PUBLIC NOTICE THAT THE RECORDED FINAL SUBDIVISION PLAN IS NO LONGER VALID, FOR CONSIDERATION AND ADOPTION BY THE BOARD AT OUR NEXT MEETING ON SEPTEMBER 8, 2025 AT 5:30 PM.

NO SECOND WAS MADE

J MCNAIR REQUESTED TO WITHDRAW THE WITHDRAWAL OF 09.04.25 MEETING AS #3 OF THE ABOVE DECISION WAS NOT WHAT WAS APPROVED AT THAT MEETING.

CHAIR CONTACTED THE TOWNS ATTORNEY BY PHONE AND HE STATED THAT IT WAS TOO LATE TO WITHDRAW THE WITHDRAWAL.

J MCNAIR QUESTIONED THAT IF THE TOWNS ATTORNEY MADE CHANGES TO THE WORDING, THEN SHOULDN'T THE APPLICANT BE ABLE TO MAKE CHANGES AS WELL.

DISCUSSION WITH THE TOWNS ATTORNEY DID NOT ANSWER ANYONES QUESTIONS TO ANY SATISFACTORY RESULTS. BOARD WAS TOLD THAT WE COULD CHANGE ANY AND ALL OF THE FOUR (4) SECTIONS ABOVE.

J MCNAIR HAD TO LEAVE AS THE MEETING WENT ON WELL PAST WHAT WAS PLANNED. APPROXIMATELY AT 6:50 PM

MORE PUBLIC DISCUSSION OF THE POSSIBILITY OF MOVING THE SEPTIC UP BEHIND THE HISTORICAL SOCIETY AS PREVIOUSLY MENTIONED IN THE FIRST MEETING OF THE P-ZBA ON JULY 28, 2025

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I MOVE BASED UPON DENOVO HEARING AND FINDING OF FACT THE CHAIR MOVES TO DISMISS NOTICE OF DECISION OF 09.04.25 AS WRITTEN BY THE TOWN ATTORNEY AND ADDRESSED TO PENOBSCOT ZONING BOARD OF APPEALS, APPLICANT, APPELLANTS AND ANY AND ALL PARTIES CONCERNED AND READ ABOVE. 2<sup>ND</sup> T STAPLES

ALL IN FAVOR -- 4/OPPOSED -- 0/ABSTAIN -- 0

I MOVE BASED UPON DENOVO HEARING AND FINDING OF FACT AND ALL EVIDENCE SUBMITTED TO THE PENOBSCOT ZONING BOARD OF APPEALS TO DEEM THAT THE ORIGINAL SUBDIVISION APPLICATION SUBMITTED BY EATON HOLDINGS, LLC TO THE PENOBSCOT PLANNING BOARD WAS INCOMPLETE AT THE TIME OF APPROVAL AND THEREFORE IS TO BE VACATED. MOTION BY CHAIR -- 2<sup>ND</sup> JKIMBALL

ALL IN FAVOR -- 4/OPPOSED -- 0/ABSTAIN -- 0

I MOVE THAT THE CHAIR OF THE PENOBSCOT ZONING BOARD OF APPEALS NOTIFY THE TOWN ATTORNEY, DEAN BEAUPAIN, HE MUST DRAFT THE FINAL DECISION AND SUBMIT DOCUMENTS AS REQUIRED BY LAW -- MOTION MADE BY CHAIR -- 2<sup>ND</sup> T STAPLES

ALL IN FAVOR -- 4/OPPOSED -- 0/ABSTAIN -- 0

NO NEXT MEETING SCHEDULED AT THIS TIME

MOTION TO ADJORN MADE BY T STAPLES, 2<sup>ND</sup> S SKILLIN @7:33PM

ALL IN FAVOR -- 4/OPPOSED -- 0/ABSTAIN -- 0