

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

CONTINUATION OF HEARING FOR EATON HOLDINGS, LLC

SEPTEMBER 04, 2025 MEETING

CALLED TO ORDER @6:35PM

PRESENT:

TOM ADAMO, CHAIRMAN

STEVE SKILLIN

DAVID KOENKA

TROY STAPLES

JANINE KIMBALL, SECRETARY

ALSO PRESENT:

DEAN BEAUPAIN – TOWN OF PENOBSCOT ATTORNEY

BRYCE EMERSON – CEO/LPI

KAREN EATON – APPLICANT + JAIME MCNAIR – REPRESENTATIVE FOR APPLICANT

SEVERAL APPELLANTS

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CHAIR – OPENING STATEMENT

DETERMINATION OF QUORUM – YES

APPROVAL OF MINUTES – JULY 28/AUGUST 1/AUGUST 19 – ALL APPROVED BY THE BOARD

CHAIR ASKED IF THERE WERE ANY OBJECTIONS TO THE COMPOSITION OF THE BOARD – NO  
OBJECTIONS NOTED

PRESENTATION OF NEW EVIDENCE BY THE APPLICANT – J MCNAIR STATEMENT THAT THE ADA  
APARTMENTS HAVE BEEN REMOVED FROM THE NEW PLAN, WHICH IS SAD THAT IT NEEDED TO  
BE DONE.

ANY SUBMISSION OF NEW DOCUMENTS – NONE

ANY QUESTIONS FROM THE BOARD TO THE APPLICANT/REPRESENTATIVE – NONE

ANY QUESTIONS FROM THE APPELLANTS TO THE APPLICANTS – NONE

ANY QUESTIONS FROM THE CEO/LPI TO THE APPELLANTS – NONE  
PRESENTATION OF NEW EVIDENCE BY THE APPELLANTS – NONE  
ANY SUBMISSION OF NEW DOCUMENTS – NONE  
ANY QUESTIONS FROM THE BOARD TO THE APPELLANTS – NONE  
ANY QUESTIONS FROM THE APPLICANT TO THE APPELLANTS – NONE  
ANY QUESTIONS FROM THE CEO/LPI TO THE APPELLANTS – NONE  
PRESENTATION OF NEW EVIDENCE BY THE CEO/LPI – NONE  
ANY QUESTIONS FROM THE BOARD TO THE CEO/LPI – NONE  
ANY QUESTIONS FROM THE APPLICANT TO THE CEO/LPI – NONE  
ANY QUESTIONS FROM THE APPELLANTS TO THE CEO/LPI – NONE  
PUBLIC COMMENTS -- GENERAL COMMENTS COMPLIMENTING THE MEMBERS OF THE BOARD  
AND THAT WE SHOULD BE A WELCOMING COMMUNITY  
CLOSE OF EVIDENCE

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MOTION TO REVISE EXHIBIT LIST TO INCLUDE:

G1 – APPELLANTS CORRECTED DOCUMENT ABOUT SUBSURFACE WASTEWATER DISPOSAL

G2 -- HHE 200 & VARIANCE REQUEST FOR “FRM WEST WING BUILDING #1 DATED 08.12.25  
(SAME EXHIBIT AS EXHIBIT A3 – FIRST HHE 200 AND VARIANCE APPROVED BY LPI WITHOUT LPI  
APPROVAL) 09.02.25

H1 – CEO/LPI – EMAILS BETWEEN BRYCE EMERSON, CEO AND ALEX PUGH, SENIOR  
ENVIRONMETAL HYDROGEOLOGIST, SUBSURFACE WASTEWATER UNIT, DRINKING WATER  
PROGRAM, DHHS, AND DEAN BEAUPAIN, ESQ., FROM 08.19.25 – 08.27.25

MOTION TO APPROVE AND ENTER INTO THE RECORD THE REVISED EXHIBIT LIST AND EXHIBITS  
LISTED—MOTION MADE BY CHAIR – 2<sup>ND</sup> BY S. SKILLIN – IN FAVOR – 5/OPPOSED – 0/ABSTAIN – 0

THE CHAIR AND THE BOARD RECOMMENED THAT THE TOWN OF PENOBSCOTS LAND USE  
AND SUBDIVISION ORDINANCES BE UPDATED.

PER TOWN ATTORNEY – LONG PROCESS – COULD BE UP TO TWO (2) YEARS AND WILL REQUIRE  
THE HIRING OF CONSULTANTS.

HAROLD HATCH – FIRST SELECTMAN -- COMMENTED THAT AS IT WILL INCUR COSTS THAT IT WILL NEED TOWN APPROVAL

APPLICANT IS REQUESTING TO WITHDRAW SUBDIVISION APPLICATION 25-019

QUESTIONS ABOUT WHAT CAN AND CANNOT BE DONE ON THE SITE BY THE APPLICANT ONCE THE APPLICATION IS WITHDRAWN.

APPELLANTS AGAIN ASKING ABOUT SEPTIC AND WHO THEY APPEAL TO IF THE P-ZBA DOES NOT HAVE THE JURSDICTION TO HANDLE SAID APPEAL – TOLD BY THE TOWN CEO/LPI TO ASK THEIR OWN ATTORNEY FOR THE ANSWER TO THAT QUESTION

PHIL RAPP, SELECTMAN, NOTED THAT THE LPI DOES NOT HAVE THE AUTHORITY TO QUESTION SEPTIC DESIGNS – THEY ARE THE LICENSED PLUMBING INSPECTOR – THEY ARE NOT RESPONSIBLE FOR THE DESIGN

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PROPOSED FINDING OF FACT AND DECISION ON APPLICATION FOR SUBDIVISION APPROVAL ON APPEAL OF PLANNING BOARD DECISION

APPLICATION NUMBER: 25-019

APPLICANTS NAME: EATON HOLDINGS LLC

AFTER DE NOVO HEARINGS ON JULY 28, 2025, AUGUST 1, 2025 AND AUGUST 19, 2025, THE APPLICANT HAS INFORMED THE BOARD THAT THEY WOULD LIKE TO WITHDRAW THEIR APPLICATION FOR SUBDIVISION APPROVAL BASED ON A REVISED PROPOSAL FOR THE PROJECT. AFTER REVIEW OF THE RECORD, INCLUDING TESTIMONY OF THE PARTIES, THE PUBLIC AND THE REQUEST TO WITHDRAW THE APPLICATION, THE PENOBSCOT ZONING BOARD OF APPEALS MAKES THE FOLLOWING FINDINGS OF FACT:

1. I MOVE THAT WE FIND AS A FACT THAT THE APPLICANT DOES NOT WANT TO PROCEED TO A FINAL DECISION ON THE PROPOSAL DETAILED IN THE APPLICATION AND WISHES TO WITHDRAW THE APPLICATION AND TERMINATE THESE PROCEEDINGS. MOTION MADE BY CHAIR – 2<sup>ND</sup> BY D KOENKA  
ALL IN FAVOR – 5/OPOSED – 0/ABSTAIN – 0
2. I MOVE THAT WE FIND AS A FACT THAT THE APPELLANTS DO NOT OPPOSE THE REQUEST TO WITHDRAW THE APPLICATION. MOTION MADE BY THE CHAIR  
ALL IN FAVOR – 5/OPOSED – 0/ABSTAIN -0
3. I MOVE THAT 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. MOTION MADE BY CHAIR – 2<sup>ND</sup> BY D KOENKA

ALL IN FAVOR – 5/OPPOSED -0/ABSTAIN -0

4. I MOVE THAT WE FIND AS A FACT THAT THE APPELLANT FILED A TIMELY APPEAL OF THE MAY 20, 2025 DECISION OF THE PLANNING BOARD. MOTION MADE BY THE CHAIR – 2<sup>ND</sup> BY D KOENKA

ALL IN FAVOR – 5/OPPOSED -0/ABSTAIN -0

DECISION:

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 THE 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, WITH NO OBJECTION FROM THE APPELLANTS FOR THE CONTINUING OF WORK ON THE INSIDE OF THE BUILDINGS (AMENDMENT)
4. THE TOWN ATTORNEY DRAFT A WRITTEN DECISION CONSISTENT WITH THE FOREGOING FINDINGS AND DECISION, INCLUDING PROVISION OF 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<sup>TH</sup> AT 5:30 PM AT THE PENOBSCOT TOWN HALL.

MOTION BY CHAIR TO ACCEPT AMENDMENT #3 AS REWRITTEN AND READ ABOVE  
2<sup>ND</sup> S SKILLIN

ALL IN FAVOR – 5/OPPOSED – 0/ABSTAIN -0

MOTION BY THE CHAIR TO ACCEPT 4 PART MOTION AS WRITTEN AND READ ABOVE  
2<sup>ND</sup> T STAPLE

ALL IN FAVOR – 5/OPPOSED – 0/ABSTAIN – 0

MOTION TO ADJOURN – MADE BY CHAIR – 2<sup>ND</sup> S SKILLIN

ALL IN FAVOR – 5/OPPOSED – 0/ABSTAIN -0