

Embden Planning Board – October 12, 2023

Members present were Leo Mayo, Ann Bridges, Myles Durkin, Kelly Bragg and Randy Caldwell. Also present were CEO Terri Lamontagne, Tracy Knapp, Laurie Nile, Kenny Dube, Charles Pease, Larry Dunphy and Anthony Sparrow.

Mr. Pease and Mr. Sparrow were observing the meeting and they were both interested in possibly being on the Board as alternates.

The minutes of the September, 2023 meeting were accepted as presented.

Citizens: Tracy Knapp (1022 East Shore Road; Tax Map 015, Lot 008) had a question about her permit to dismantle her permanent pier. She wanted to know if they would be required to leave the floating silt fence in over the winter. The board explained to her that it could be taken out for the winter.

Laurie Nile wanted to know what the Town of Embden could do in repairing the water damage caused by the solar array that was being built adjacent to her property. Mr. Dunphy also asked the same question for clarification.

AB explained that the town did not currently have an ordinance controlling solar arrays. That a draft of an ordinance had been reviewed by the town's attorney and was delivered to the Embden Selectboard on September 7, 2023 for their review. AB explained to the Selectboard that the time for the moratorium would run out in mid-October. The Selectboard at their meeting made a motion to continue the moratorium for 90 days to give them sufficient time to review the draft; schedule a public hearing; and special town meeting.

There was a great deal of discussion back and forth between the parties outlining the problems; why the town wasn't doing anything, etc. The CEO advised the parties that DEP and other agencies had been involved had been out to the site and had made several suggestions to remediate the area. Kenny Dube, site contractor, explained what they had been doing to try to stop the water from flowing on the Niles property by using sediment ponds; retaining pools, stone, berms, jute mats, etc.

The Board was told that DEP will not sign off on the project until the area is completely grassed and stabilized.

Mr. Dunphy and Mrs. Nile thanked the Board for hearing the problems.

The Chairman turned the meeting over to the Vice Chairman Myles Durkin.

Old Business: The CEO indicated that she had received approval of the DEP Permit by Rule for the David Parmigian application. The Board has been previously advised by the town's attorney that the original permit was in error as it failed to make the permit "contingent upon receipt of DEP Permit by Rule" and that a correct permit be issued to Mr. .Parmigian.

Permit #	Issued to	Construction Type	Plumbing Permit #	Amt.	TR #
2921	David Parmigian	Corrected Permit To construct 5' pressure treated retaining wall on west side of structure with returns of 10' on north and south sides with posts under existing structure; structure not to be raised higher than 20'; to change roof pitch 90 degrees; to enclose 7'10" x 7" section of rear of structure; to replace existing 10' x 10' deck & 35' x 4' deck on posts with steps parallel to structure; to replace existing windows and doors; to clear 50' x 50' area and emplace 100 yds gravel 100' HWM; contingent upon receipt of DEP Permit by Rule; DEP Permit by Rule #77719 accepted 09-30-23; site review completed 07-13-23; 1867 Embden Pond Road; Tax Map 26, Lot 14			

The secretary gave the Board members a copy of a letter from the Appeals Board to Craig Jewell (Tax Map 35, Lot 4) stating that his request for a variance to construct commercial storage units was denied for insufficient proof of the four undue hardship tests.

Next on the agenda was an application by Charles and Michelle Padgen (80 Mill road; Tax Map 022, Lot 021; site review completed 10-11-23; TR#232237-1 - \$25.00) requesting a permit to divert water shed away from the foundation on the west side and south side of the dwelling with ditching and hay mats. The dwelling is 59' HWM. It was noted on the application that there were no length of the ditching and if any of the ditching would be within 75' HWM. A motion was made by RC and seconded by AB to table any further action on the application until the Board receives more information concerning the length of the ditching and a DEP Permit by Rule. All were in favor. The CEO will contact the Padgens.

The meeting was turned back over to the Chairman.

The Board discussed the absence of Bill Gassert, an alternate, on the board. The Chairman asked the secretary to draft a letter to Bill.

The secretary mentioned that she would possibly be unable to attend the meeting on November 9th due to foot surgery. The CEO also indicated that she would not be available for that night either. The members suggested that the meeting be moved to November 16th. The secretary will ask the town clerk to post the change of meeting on the town's website

There being no further business to come before the Board, it was voted to adjourn. Adjourned at 8:20 p.m.

Respectfully submitted,

Ann C. Bridges, Secretary