

Old Town Planning Board JRL Expansion Application Review Procedural Outline

At a public meeting held on July 11, 2017, the Old Town Planning Board met with notice to applicants, abutters and the public to establish procedures and a schedule the Planning Board will use to review the NEWSME/BGS (“Applicants”) Application for Expansion of Juniper Ridge Landfill (the “Application”). Those procedures and schedule are as follow:

A. General Procedural Rules.

1. **Relevance.** The Planning Board recognizes that the Legislative Resolve which creates Juniper Ridge Landfill (JRL) limits City review authority, and that Chapter 24 of the City’s Code of Ordinances contains the criteria the Planning Board may consider within those limitations. The Planning Board also understands that the Maine Department of Environmental Protection and Board of Environmental Protection have conducted a Public Benefit Determination and review of the expansion under State and federal law and regulations. Therefore, issues such as the need for landfill expansion, the State solid waste hierarchy, climate change consequences, endangered species, and out-of-state waste that may have been raised before the DEP and BEP but are not relevant to the Chapter 24 criteria are not before the Planning Board. Any issues of relevance of material and testimony submitted will be decided by the Planning Board Chair.

2. **Submittal Deadlines.** The Planning Board meets on the second Tuesday of each month; any written materials and plans any person wishes to submit to the Planning Board for consideration shall be provided to Code Enforcement Officer David Russell by the close of business on the Tuesday that is two weeks before the next Planning Board meeting. CEO Russell’s contact information is:

Code Enforcement Officer David Russell
265 Main Street
Old Town, ME 04468
drussell@old-town.org
207-827-3965, ext. 205

The Planning Board prefers that persons submit written information and plans to CEO Russell in electronic format so that these can be posted on the City’s website for all to access.

3. **Notice of Meetings.** The Planning Board will provide notice of meetings as follows:

a. First meeting to review the Application (the August 8, 2017 Workshop meeting), by publishing in the *Bangor Daily News* and *Penobscot Times* a notice containing the date, time and location of the meeting and a brief description of the proposed Solid Waste Facility, and by mailing a copy of the published notice to all Abutters, the City Manager, the Board of Selectmen of the Town of Alton, Maine, the Penobscot Indian Nation and members of the Joint Committee and of the Solid Waste Facility Review Committee;

b. Public Hearing, the Planning Board shall follow its usual procedures for notice of and conducting the public hearing; and

c. Other meeting dates shall be posted in the Town Offices at least five (5) business days in advance of the meeting.

4. Requests for Speakers. The Planning Board asks speakers to:

a. Keep comments and submittals relevant to the criteria in Chapter 24 for reasons noted in A.1. above;

b. Avoid repetition; and

c. Adhere to any reasonable time limits that the Planning Board, in its discretion, may impose to ensure everyone who wants to speak has an opportunity to speak.

5. Rules. A copy of the City of Old Town Planning Board Rules is attached; this will govern the proceedings, but where the Rules are silent, the Board reserves the right to establish a procedure so long as that procedure does not violate State law or City of Old Town ordinances and is fair.

B. Review Schedule

1. Site Visit. The Planning Board will hold a site visit at the JRL site on Thursday, July 20, 2017 at 5 pm to observe the new liner construction on a new cell in the existing landfill and to see the proposed expansion area and site boundaries.

2. Workshop. The Planning Board will hold a workshop on Tuesday, August 8, 2017, 6-9:30 pm. At this time, the Applicants will provide the Planning Board with an overview of the Application and its technical components, and will present any waiver requests.

3. Public Hearing. The Planning Board will conduct a public hearing on September 12, 2017 and may conduct a Public Hearing if necessary on October 10, 2017 – if a public hearing is not necessary on this date, the Planning Board may instead begin deliberations on that date. Having presented the Application at length on August 8, the applicants will make a summary presentation at the public hearing to allow sufficient time for abutters and the public to speak. Meeting times may be adjusted by the Planning Board to accommodate other business before it.

4. Deliberations. Following the close of the public hearing, the Planning Board will begin its deliberations on the Application. This could begin on October 10, 2017, and may continue to November 14, 2017 and December 12, 2017. The Planning Board will deliberate, make decisions on the individual Chapter 24 criteria, a decision on the overall permit and any conditions, and will adopt written Findings of Fact and Conclusions of Law as part of its written Decision. The Planning Board will conduct its deliberations in public; during deliberations, the public will not have the right to speak or to provide new information to the Planning Board unless requested to do so by the Planning Board. Meeting times may be adjusted by the Planning Board to accommodate other business before it.

Issued on July , 2017,

By: _____
Theodore W. Shina, Chair
City of Old Town Planning Board