

Union Planning Board Minutes
Friday, May 19, 2023, 6:30 p.m.
William L. Pullen Municipal Building Downstairs Meeting Room

Present: Jesse Thompson, Robin Milliken, Gerald S. Brooks, Jr. (“Jerry,” Chair), Mike Johnson, Dale Flint, John Mountainland, and Glenn Taylor

Others Present: CEO Grant Watmough, Abraham Knight, Linda Mountainland, Jan Hagen, and Daniel Hagen

1. **Meeting called to order:** 6:30 p.m. by Jerry Brooks.

2. **CONTINUATION OF APRIL 13, 2023 MEETING DISCUSSION OF THE PETITION REGARDING LAND USE ORDINANCE CHANGING OF INDUSTRIAL METALLIC MINING. PLANNING BOARD REVIEW.**

Jerry said we stopped at the last meeting where it was clear to everyone that the above did not comply as written. We sought legal counsel from Town Attorney Roger Therriault. We stepped back for a few days and submitted 17 questions to him and received answers this morning. Jerry would like to say it cleared up the confusion or questions but thinks it has presented a few more, at least for him, re: the process and the planning board’s responsibility for reviewing a petition.

He said this brings us back to page seven of the Town of Union Land Use Ordinance, section 1.5, Amendments. He went over 1.5.1 Scope and read aloud 1.5.2 Methods for Proposing Amendments:

“Amendments to this Ordinance shall be considered following petition, motion of the Planning Board, or motion of the Selectmen. All proposals for amendment of the Land Use Ordinance shall contain the recommendations (whether for or against) of the Planning Board.”

He said that’s fairly direct. Regardless of what it is, regardless of how it’s promulgated or promoted or proposed, we are to weigh in on the Land Use Ordinance amendments.

He read aloud 1.5.3 Planning Board Review of Petitions:

“Upon receiving a proposed amendment, the Town Clerk shall notify the Planning Board Chairperson within five (5) working days. The Planning Board, at its next regular or special meeting following notification from the Town Clerk, shall determine whether the proposed amendment is consistent with the Comprehensive Plan of the Town of Union.

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The board shall indicate, within thirty (30) days, in a written decision, whether a proposed amendment would be consistent with the Comprehensive Plan. The decision of the Planning Board may be appealed to the Board of Appeals within thirty (30) days of the Planning Board's decision."

Jerry recapped the board has 30 days to decide, to provide Findings of Fact/Conclusions of Law. After that the opposition group or whoever proposed the amendment/petition can appeal to the Zoning Board of Appeals. He said this is all very clear. It is written down very clearly.

He read aloud 1.5.4 Reconciliation with Comprehensive Plan:

"If the Planning Board finds the proposed amendment to be inconsistent with the Comprehensive Plan, unless overruled by the Board of Appeals or the Superior Court, such article shall not be considered by the Town Meeting until the Comprehensive Plan shall be amended in such a manner that the proposed Land Use Ordinance amendment would be consistent with the amended Comprehensive Plan. The Town may consider the proposed Land Use Ordinance amendment and the proposed amendment to the Comprehensive Plan simultaneously."

He said we don't have a choice; we need to vote as to whether it complies. There is also a process in case we find it does not comply. His question to the attorney was, are these ordinances of the Town of Union adopted by the legislative body, the voters, are these laws? He said yes.

Jerry said we will step back for a second. Number two on the questions: what happens if the Union Planning Board rejects the petition/Metallic Mining Ordinance Amendment (please reference p. 7 section above). The answer, read by Glenn, was: "The planning board does not reject a petition for an ordinance or ordinance change. The petition process is addressed under state statute. It is the responsibility of the select board to follow the procedures set forth in the state law, and the planning board has no specific authority over the petition. The adoption of an ordinance proposed by petition is still under the sole authority of the town meeting. The planning board can elect, if it wishes, to recommend a change or recommend against a change as may be proposed."

Jerry said that answer directly conflicts with page seven. During their conversation Roger mentioned the planning board does not vote on petitions. In all fairness Jerry has read the Land Use Ordinance, and perhaps the attorney didn't have the opportunity. Jerry had it in front of him so kind of stacked against the attorney. Jerry asked for questions, saying this is the most pertinent of all.

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Glenn said he was not really familiar with all of this until 4:45 this afternoon when Jerry came in where he works, and Glenn printed off his email with his questions and answers from the town attorney, and the page in the Land Use Ordinance that states how these amendments are supposed to be handled. It all conflicts.

Glenn aloud question three to the attorney: “Is the passage of the petition/amendment by the Union Select Board on April 11, 2023 valid? Two members of the Union Select Board signed the petition and subsequently voted to approve the same petition/amendment days later. Both members were present and voted on April 11. Had they recused themselves appropriately, a quorum would not have been present; only two members were present for that meeting.”

Glenn then read aloud the response: “Yes, it is valid. Planning board members do not lose their rights as citizens to engage in petitions for government, and there is no specific prohibition against signing a petition and then fulfilling the planning board’s obligation as a member of the planning board.” Glenn said we’re talking about select board and planning board. He wrote a huge “No” next to that. That’s a conflict of interest.

Motion to vote no on the amendments for that reason, and for the reasons put forth in our Land Use Ordinance stating how amendments and petitions are supposed to be handled,
by: Glenn Taylor
2nd by: John Mountainland

Jerry said in all fairness he received the responses mid-morning in pdf format and Word format. He sent both formats to everyone but was also checking individually to make sure everyone had received them. He was not just picking on Glenn. Glenn was glad he did.

Grant brought up on page seven, 1.5.1 Scope, “This section in no way supersedes the right of initiative and referendum granted by 30-A M.R.S.A. Section 2528.” Dale and Jerry said secret ballot. Glenn said he feels the planning board has been, he wouldn’t use the word “railroaded,” but pushed aside. He said this clearly states it is up to the planning board to look at these; it’s gone to the town manager, and it’s gone to the selectmen, and we really didn’t see a lot of it. It all got approved and voted on by boards that had no right, no business voting on it.

Jerry said those are the methods of proposing. For a proposed amendment, there are three ways: petition, select board, or planning board. Grant as CEO cannot initiate an amendment nor can the town manager. Citizens petitions as a whole are of high value. They are the checks and balances.

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He continued if we had a planning or select board that was biased or would not entertain an amendment perhaps, this is the means by which citizens can gather together, 20% of the last gubernatorial vote, that's the checks and balances. It is highly regarded in our state, one of the few New England states that still has it. However, that being said, if an amendment is contradictory to the Comprehensive Plan, contradictory to the existing ordinances – just for one moment take mining away from this, get rid of that word because everyone loses their absolute minds when you talk about this – Mike said it's the principle of it; anybody can make a petition or a motion but it still has to be...

Jerry said so if it contradicts the Comprehensive Plan, contradicts the existing mining ordinance, absolutely contradicts the moratorium that's now in place, he is sorry it is just not well written, and it just does not comply. It's an unfortunate spot. This is not where the planning board wants to be, in a position to effectively negate or send back a citizens petition. This is one of the most awful things to do, but that's the way it has... This has been an ongoing thing.

Jerry continued he went back through the archives to each Comprehensive Plan since 1973, every revision, even the revision that did not pass in 1987. There was absolutely no direction in any of those Comp Plans up until the present, no direction toward a ban on metallic mining. We have been basking in the security of a massive monstrous metallic mining ordinance from 1994. We have been secure under that ordinance, and that's why there has been no push for a ban. It's inexplicable to go from – first of all we've got a 109-page mining ordinance that protects us. Can it be updated? It certainly can; that's what the moratorium is for. That's been in effect for 28 years, and no push for a ban, and you can't tell him now if you can just turn around and go from 100 mph to a stone wall just like that. It is not correct to do. He's not a lawyer, but in the court of common sense this does not fly. He's sorry.

Dale brought up the motion.

Glenn added Jerry had said in one of his emails, with all that's going on – what's the sense to have a planning board? He was speaking to someone today about this, and those were their exact words: what's the sense to have a planning board?

Jerry said here is the problem. Yes, it doesn't comply, we all know that, we knew that last week, a couple weeks ago. The problem is the process by which this was initiated by the opposition group, and it's not entirely the opposition group's fault, to circumvent the planning board at every step of the way, we did not get a chance. It should have gone to us initially. We did not get input on the first moratorium. We did not get input on the

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second moratorium. This is a land use issue, and we did not get input or even a sniff test on this? It's mind boggling. Who initiated the moratoriums?

Grant said the select board initiated the moratoriums as rightly they can. Jerry asked who is the governing body for land use ordinances in the Town of Union? Glenn said planning board. Grant said no. Glenn said the townspeople and the planning board. Jerry said the legislative body. Grant said generally speaking that's absolutely true. He gave an example why that may not be in some cases: if our ordinance conflicts with state law, state law overrides it. An example would be, could we ban cell towers town wide? We cannot. If you voted to do that, we can't do it. State and federal law says you have to allow them whether you like it or not. But we can put criteria.

Glenn said we can make our ordinances stricter than the state but not less strict. Grant said absolutely.

Jerry said in general the question was who deals – does the select board, if we've got an application for land use, does it go to the select board? It does not go to the select board, it goes to the planning board.

Grant has said all along it's too bad CARMA did not come to the planning board first. That would have been the proper approach he believes.

Jerry said March 1 when the opposition group held the meeting at the Masonic Lodge, and they had a panel of experts, one person stood up and said we do not need to consult any of the boards, planning board or select board. The person implied that they were on the take or crooked or biased. When the moderator did not counter that statement, that spoke volumes to him. That is the position they took, and it is most unfortunate, because we could help write the amendments, we could help with the petition, and this was – he hesitated to say lack of good faith representation – but this was not a well-written document. To that end the chair will accept a motion.

Glenn asked if anyone had anything to add. Jerry said he would love to hear from everyone. Robin said there is nothing to add, you've said it. Mike agreed. Dale said the people's petition is a very valuable tool and he's all for it; he wants to be very clear – it has nothing to do with the people's petition, it has to do with the process. The board concurred. Dale said we're going to be stuck with a mess either way. John said that was very accurate.

Jerry said he would entertain a motion. Glenn said he made the motion; we have a second.

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Vote on the above motion

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Glenn said it was to not recommend these amendments, now that it's all been done, we've been railroaded, all we can do is not recommend.

Jerry said we are stating it does not comply with the Comprehensive Plan. Glenn said for these reasons, going back. Jerry said we really need to fine tune the motion:

Motion that the Town of Union Planning Board finds the citizens petition/amendment does not comply with the Comprehensive Plan as written. Glenn added or the Land Use Ordinance section 1.5 Amendments, any of that, by: Glenn Taylor

2nd by: John Mountainland

Dale added it contradicts, also. Jerry confirmed and said their purview is whether it complies with the Comprehensive Plan or not. Glenn said that's his motion.

Jerry said it should also be noted, going back through all the Comprehensive Plans and so on, the second moratorium written by the town attorney in reference to the amendment/petition – this would also appear to be in conflict with the town's Comprehensive Plan under Land Use Table Provision on page 172.

Dale said our issues are it doesn't comply with the Comprehensive Plan, and he thinks it's contradictory to our existing ordinances. The board concurred. The board decided to state the motion again.

Motion to not recommend the amendments to the Land Use Ordinance/Mining Ordinance for the reasons of our Ordinance section 1.5 article stating it does not comply with the Comprehensive Plan or other ordinances; it contradicts our other ordinances and the Comprehensive Plan; he does not feel the process for accepting this petition was valid and correct by: Glenn Taylor

2nd by: John Mountainland

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Jerry asked for comments from the public.

Daniel Hagen of 146 Davis Road thought he was hearing the people's amendment is contradictory or against policy.

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Glenn said it's contradictory to our current ordinances and the Comprehensive Plan. We feel the people have a valid complaint – he feels the same way, owns property on Crawford Pond, stands to lose just as much as anyone else – but personally he thinks the minute people hear mining they've gone great guns to try to stop it. There are things that can be done to do it in a calm reasonable manner without having rallies and all that. That's not why he made the motion he made. He made the motion he made because it contradicts, and the process was all wrong.

Daniel clarified the people's amendment was the opposition.

Jerry said he had been fairly diplomatic referring to the opposition, known as CARMA, Citizens Against Residential Mining. That citizens petition was proposed by this group, and they hired a couple of attorneys to put this forward, unfortunately. He thought the issue for them, not his place, was a timing issue. The real push was to get it on the town warrant for the June 13 vote. That was part of the problem, just rushing it too fast. Glenn asked what the group was that came to them and said it would be a year or better. Jerry said what started the ball rolling was interest from a Canadian firm that expressed interest in mining in Union and Warren.

Grant said at this point they had only shown interest in researching what was there. A timeframe for starting exploration was 10 or 15 years. Grant said he had not heard a timeframe. Glenn said we've got 10 or 15 years to do this. Jerry said since 1994 we've had the most stringent mining ordinance, in conjunction with Warren, in this state. This is the most extreme, very protective ordinance. Like he said we've been basking for 28 years in its security. To think we could just absolutely shut that down is preposterous.

Jerry continued the other issue at hand is they've set up a road map. Take mining out of the equation. If you were to say – what this opposition group did, this proposal – if you were to say any other application – a grocery store, an industrial fabrication business on Rt. 17 – and they followed the same route, and you get enough people to fight it, and you get enough lawyers, you can circumvent the planning board. They are setting up a roadmap for the future for all applications. It is unbelievable and unfathomable. He feels like we are in a time warp of some sort.

Glenn said he was on the planning board in 1993. At that time, they were able to tunnel under Crawford Pond, Seven Tree Pond, wherever they found anything. It was all underground. So this ordinance, we didn't just throw it together. At that time, we said we need to protect our lakes and rivers and property. It's not a half-assed ordinance that we already have.

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Jerry said it is certainly more stringent than what the state has. He said there are several factors, but the biggest one is they've established – you could effectively, anyone who develops a special interest group, can shoot down any application regardless of what it is, by doing what they've done, and that is just wrong. He has tried to explain this over and over. We haven't even got to mining, we haven't had a chance to think about it, because the process – We're involved in the process, and what they've done is they've short circuited the democratic process. Jesse said they're going to make it past practice.

Jerry said if the planning board were to acquiesce in this matter, we would have established a precedent for future opposition to any applications regardless of what it is, take mining out of the equation. Glenn said we have a big one coming up, Steel Pro. Jerry said if you can gather the requisite number of voters, in this case 20% of the last gubernatorial election, and hire a couple lawyers, you can – the groundwork is there. It's not the opposition group. He knows the folks on CARMA, wonderful people, intelligent people, but they have been misled is the best way to put it.

Grant said you're making it sound like this could happen with every little thing. Glenn said major things. Grant thought this was of such magnitude it was polarizing. He asked when the last time was, we had a petition that wanted to change the ordinance. Jerry and Glenn said 2012 cell phone towers. Grant said that was a legal challenge.

Jerry said a group of five of us went to a lawyer in Bath. Out of good faith that particular attorney said do not do this, you will lose money, go to the Board of Appeals, it won't cost you anything, go to the Superior Court. That attorney acted in good faith, and he has a problem with what he's seen so far all the way around.

Grant reiterated it was unfortunate the process it went through. Grant asked if they asked the town attorney, if they had this vote tonight, what next? The select board has already signed the warrant. Jerry said that was question two, what happens if the Union Planning Board rejects this amendment. That was the basis of his call, to question that. Again, it's unfortunate (the town attorney) hadn't read or didn't have in front of him the Land Use Ordinance. He was at a clear disadvantage. They didn't have time because at the beginning of the phone call, he said we had to make it quick. Jerry had requested that the attorney be present at planning board meetings several times. Here we are. Glenn will be curious to see how much we get charged for that phone call. Jerry said again it was quick.

Dale asked if the board is to recommend changes to the petition, what could we change that would fix it?

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Jerry said re: the citizens petition, as the planning board it doesn't apply. We can make recommendations. When he first saw this March 21, the proposed amendment – Initially the opposition group came to the select board on March 21 with an amendment. They tried to push the land use amendment through the select board. He said what, really, with the select board, a land use issue? At the time he specifically asked the attorney is this a ban. He said yes. Long story short, it got rejected by the select board. Then it came back, and at that meeting the attorney said regardless we've got a citizens petition on its way, so we're going to go that route.

Jerry continued we said it doesn't comply. We can make recommendations. Back then, having read it that very night, one of the easiest routes to have taken – They are saying industrial metallic mining that implies industrial processes should be relegated to the industrial division, industrial zoning. We have an industrial zone, commercial, rural, and village districts he should say. It should be relegated to industrial district. It makes sense. Does it matter if there's nothing mined there? It's not a ban. There may not be a single stone to mine.

Grant said we do not have an industrial zone or district. It's a floating thing, and it has to be determined when somebody takes a vote on it. Jerry said the floating industrial district is just that. Grant said it is undetermined. It says this is where it should go but it is not determined. Grant referred to page 10, 1.8.1.3 Floating Industrial District. John referred to page 13 (map), range of potential locations for a floating industrial district. Grant said that is where it could be. Glenn asked if it was up to them. Jerry said scratch that recommendation. Dale said we've already got commercial mineral extraction. We also have a Metallic Mining Ordinance. Now we have proposed before us an Industrial Metallic Mining Ordinance.

Jerry said the first sign of trouble was they tried to place a ban. First of all, they didn't read our current ordinance, neither attorney, so they attempted to place a ban without having read and understood what our Metallic Mining Ordinance entails. Second is changing it to industrial metallic mining. We have a Metallic Mining Ordinance. Question one for the town attorney was what does that mean, "industrial metallic mining"? Glenn read aloud the town attorney's response: "The most obvious distinction is that the proposed industrial metallic mineral mining definition specifically excludes the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, etc. not associated with industrial mineral mining." Jerry said ok, so why change it to industrial? Perhaps when Aga Dixon of Drummond Woodsum, when she generated this had recently done one in Pembroke; perhaps the terminology just carried forth, but it doesn't make sense.

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Jerry continued that ban, would it apply? This is what contradicts: it is a ban, the attorney verified it's a ban. They are banning -- which generally would directly take our current mining ordinance and chuck it. We just passed a moratorium the purpose of which is to fix that or bring it up to speed. When we say it contradicts, that's what it contradicts. We have a moratorium in place, six months, 180 days; we are supposed to be working toward bringing our current mining ordinance up to date. If the final warrant article/citizens petition passes, it would eliminate that completely, everything we worked on.

John asked Jerry if that ban takes place, that means all our ordinances get thrown out? This supersedes those? Dale said look at question eight. John said if we go to court and this petition, that ban is ruled illegal or not valid, that means we have no ordinances in place at all then, so the mining company could do anything they want.

Glenn read aloud question eight: "What happens if the proposed mining ordinance amendment/ban passes? Do all of our mining ordinances go away?" He read aloud the town attorney's response: "No. The current ordinance remains in effect." Dale, John, and Glenn said that's contradictory.

Jan Hagen of 146 Davis Road commended all the board members for their professionalism, integrity, and caring concern. They came to try to understand and get more clarity. She was approached about the petition at the market. She is big on processes and details. Glenn said she seemed a reasonable person. She recapped the situation according to her understanding. She said it seemed like the attorney should know. Not reading appropriately is a big deal, foundational.

Jerry reiterated he was at the March 1 meeting where the panel of experts from the opposition group and the attorney stated she had not read the current mining ordinance, but she assumed (paraphrasing) it was set up much like the other towns that she had been in contact with, which for a panel of experts really made his hair stand up a little bit. On March 21 the opposition group sent an attorney to the select board trying to pass it through as a proposed amendment straight up. Jerry showed up and said that's not the process. There was a bit of a discourse between he and the attorney for about 20 minutes. He asked the attorney have you read the Metallic Mining Ordinance from 1994. The attorney had not. Jerry said it was on video again, and rather disappointing. The Metallic Mining Ordinance is on the town website.

Jerry said around 1990 there was a company out of Canada called Blackhawk. They set up a local company called Knox Nickel. Back then there were no regulations on open pit mining. In fact there were no ordinances in place at all. They dug a bunch of pits, there was a mess.

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There happened to be a rather astute gentleman, Peter Krakoff, Warren Planning Board Chair, who pushed for and got a moratorium. In that time period they developed this mining ordinance, and it is a monster. It is massive. That's what we do – read ordinances, interpret, apply, and there's nothing like this you've ever seen. It's really something else. That's where it all started. It came to fruition in 1992 in Warren.

Jerry continued basically they knew back then that a ban is unconstitutional. It's hard to defend in court. The way to take the wheels off a mining operation is, as Grant has mentioned before, to attack the money. If the ends don't justify the means they'll have to pull out, and that's what they did. Union went a step further. We took their ordinance and added a few things. One of those things was was if a company was to establish metallic mining, they'd have to pay for a five-person board for the entire life of that mine, a paid commission/watchdog group that would oversee with weekly reports, and it's astounding if you think about it. These mines last 30, 40 years. This is in our current ordinance that you can read. That was in 1994, and we've had no movement otherwise. He noted the cost of nickel, 28% of stainless steel is nickel, batteries for solar, etc., and when you mine for nickel there is cobalt and copper as well.

Abraham Knight said he realized there was a timeframe to get all this signed to get it on the warrant. Shouldn't they have had the planning board's opinion before? Jerry said ideally. Abraham asked if there were any way to take that back and take it off the warrant? Jerry said yes and no. Where we voted tonight, that it doesn't comply with the Comprehensive Plan, ideally there is a method by which it actually says, "if the Planning Board finds the proposed amendment inconsistent with the Comprehensive Plan, unless overruled by the Board of Appeals or the Superior Court, such article shall not be considered by the Town Meeting until the Comprehensive Plan shall be amended in such a manner that the proposed Land Use Ordinance amendment would be consistent with the amended Comprehensive plan." He said that is pretty straightforward. Now what the select board decides to do at this point...

Abraham asked if they could revote with the planning board's recommendation. Grant said there are major problems. This is the first year we are voting by referendum, which means the time to get ballots ready so people can vote absentee, that's so stretched out we are into that timeframe. The ballots are already done or in the works. Glenn said this nullifies that article, period, in his opinion. Grant said a court could say that.

Abraham suggested putting an X through it before sending the ballots out. Jerry said that was question two presented to the attorney.

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Linda Mountainland thought the select board manual said on petitions, when presented to you, they are voted on, and you accept them; but she thought it also said if not for the best interest of the town, you don't have to follow through with them.

Jerry did not know. He said the entire select board at one time, he thought April 14, said none of them agreed with the citizens petition, said it was poorly written, goes against everything, then they voted it through. He said Bill Packard attended the last meeting and was of the understanding when they voted it through, it comes to the planning board. Unfortunately, two of the select board members had signed that petition prior to the vote, which brings up some serious ethical questions, and that was the point of our questions to the town attorney. At the time, April 14, there were only four members present. Two had signed the petition and subsequently voted. They had to have a quorum of three. He would think it would be illegitimate.

Linda's question was, if it's not for the best of the town, people vote on it, they vote yes, they say yes to the moratorium – If it's not for the best of the town, though, why don't you get together with lawyers you can trust who really know what they're talking about as far as this whole mining thing, and they say it's not best for the town – Can't you just take it back to the town and say the petition that was brought to us is not in our best interest, it's going to get us in trouble, then vote a different way, put another vote on the November ballot? Glenn said it sounds like a court case. Jerry said the time to do it is now, prior to the June vote. We are in a bit of a stick, because we're going to ballot, and it requires 60 days.

Abraham said he was at that meeting and thought at the time the select board voted, they were under the understanding it would be the best process if they voted for it because it could be put on the ballot and then voted down, and the moratorium would be in place, then you guys would have an opportunity to get the ordinances up to speed – hoping the people's initiative voters would say we both want the same thing, we don't want mining.

Jerry said we have never, collectively or individually, said we don't want mining, I don't really like it. For a select person to stand before you, a neutral party, and say we do not want mining – which let's face it they all did – gave him goosebumps. Glenn said if it goes on the ballot it's going to pass. Linda agreed. Glenn reiterated he has as much to lose as anybody else but is not freaking out because there is a process, and he honestly doesn't feel it will ever happen in his opinion.

Jerry said what Abraham is referring to, and this did happen that evening: all select board members present stated they didn't like what was happening, didn't like what was going on, how it was processed. The town manager came up with a scheme with some advice

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from the attorney, or not, to accept the petition as poorly written as it is and present it alongside a second moratorium to correct the wording. Jerry added he doesn't need to tell you how stupid that is, because it is. He said that night to the chairman, what happens if the moratorium doesn't pass? The chairman said we're screwed. Jerry said you're damned right you are. This isn't roulette. You don't propose a second moratorium just based upon the town manager saying specifically no worries, got an active group, it's going to pass, etc. Jerry didn't know who had a crystal ball but would love to see it. He said it is games of chance. It is wrong. It is not how you conduct yourself. Not in this town. He said sorry.

Glenn said he thought the board was done and did what it came here to do.

Jerry read aloud question 14: "what happens if the second moratorium fails to pass during a town vote on warrant articles"? Glenn read aloud the town attorney's response: "I do not understand what the second moratorium is. As far as I know, the only one is the one being considered at the town meeting." Glenn said we already approved the first moratorium.

Jerry said there's a second and asked if he were in a different universe. He said there are two moratoriums in play. Grant said correct, there is one in effect now. Jerry said we just passed one, being a legislative body. This one is number two. You're saying it doesn't exist; what town are you talking about?

Grant said he didn't know exactly what the town attorney meant when he wrote that. He said we currently have a moratorium. He believes if the petition passes, it automatically lifts the current moratorium. It's gone. Because the idea of that moratorium is that you're going to work on something to fix the problem. That's why there is a proposal for that next moratorium.

Jerry asked if he were wrong saying one or the other may not pass. He doesn't care if we've got 500 people in opposition. There are 2,200 people in the Town of Union. You can't tell him 265 is the majority. They may be speaking the loudest at this point, but it defies rational explanation to pass a second moratorium. A moratorium is designed – he knows the statute on moratorium – a moratorium is designed for specific reasons. There are two reasons: 1) if it overcomes public uses or public, like the fire department, if you overrun that; 2) it provides if there's a danger to the general health of the public. Grant added or a deficiency in an ordinance. Jerry said that moratorium does neither and corrects the wording on a poorly written document. You cannot tell him that is correct. Perhaps you can, he added.

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Grant said from start to finish this has been a flawed system that we've set up. Jerry said there's been a series of missteps along the way, and he thinks we're on the tail end of it. We are trying to correct the deficiency.

Abraham said we should try to get people to vote down the people's petition. Glenn and Robin said we can't do that. Abraham meant individuals, talking to people in town, saying both things are going to serve the same purpose, but the town already has an ordinance, and it just needs to be upgraded, which would be better than the people's initiative. Jerry said and the fact it would stand up under scrutiny, under litigation. That is the quest. We are not proponents of mining. We haven't even delved into that. None of us knows what industrial metallic mining modern practices look like, not one of us, and neither does the select board, unless you work in the mining industry from which he would welcome anyone to come aboard.

Daniel and Abraham said they figured there would be a huge crowd.

Jerry said when the select board voted, everybody considered it to be a dead issue, done. He stood at that meeting and said you folks can vote on this, but the final word lies with the planning board. As far as the opposition group is concerned, it's a done deal. It's unfortunate.

Grant noted back in April the planning board had this issue on their agenda. They had discussion and legal questions. This is a continuation of that meeting. Robin and Dale said they did not feel they got legitimate answers.

Jerry thanked attendees for their input. Grant said we have an opening on the Zoning Board of Appeals.

3. Any other business by the board: None.

4. Adjourn:

Motion by: Glenn Taylor
2nd by: John Mountainland
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Meeting adjourned at 7:48 p.m.

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Respectfully submitted,

Sherry Abaldo
Secretary