

PHIPPSBURG PLANNING BOARD
PUBLIC HEARING – New Business
Hawkes Tree Service, Inc.
78 Main Road & 20 Mill Road, Tax Map 1, Lot 28
March 29, 2022

PRESENT: Mark Hawkes, Ashley Thayer, John Totman, Jr., Marie Varian, Chair

[0:3:06] The hearing was held at the Phippsburg Town Hall and was opened at 5:01 pm by Ms. Varian. Ms. Varian stated that the purpose was to hear and act upon the application of Jarrod Hawkes, owner of Hawkes Tree Service, Inc., Phippsburg. The hearing, per ordinance, was timely and properly advertised in the *Times Record*. It was also posted on the Town's website and in several public places around town. Per Section 15.G.1.a of the Town's Shoreland Zoning Ordinance (SZO), the Planning Board is the permitting authority for conducting business-related hearings. As is customary, such hearings are filmed and recorded.

Ms. Varian introduced herself as Chair of the Board and the members of the Board in attendance.

Ms. Varian called the public hearing to order and stated that a quorum required to conduct business is three members. She declared that a quorum was present. She then asked if there was any member who wished to recuse, due to a real, or potentially surmised, conflict of interest or bias. Mark Hawkes stated that he wished to do so, as the applicant is his son. The members agreed that he should step down for this hearing, and he removed himself from the Board.

Ms. Varian stated that Section 15.G.1.a of the SZO deals with business applications and that the Board would use the following procedure:

- The Board will allow the applicant to present and describe his plans.
- The Board may ask questions.
- When the applicant is finished, the public may ask questions. Ms. Varian requested that members of the public who wished to speak raise their hands to be recognized.
- After these sessions are over, Ms. Varian will close that part of the hearing, but the Board reserves the right to re-question the applicant for verification.
- The Board will then deliberate the facts.
- The Board will then vote to approve, approve with conditions, or deny the application.

Ms. Varian then turned the hearing over to the applicant.

Mr. Hawkes reported that he and his wife purchased the business and land of John G. Morse & Sons, LLC. He stated that they would like just to continue to run the business there. They also have the tree service, which is the majority of what they do. They store a lot of vehicles there. There's a warehouse there, where they work on their vehicles. They would like to get a Fleet Inspection license so they can inspect their own vehicles. They're working on fixing up the warehouse. They've done all the wiring and insulated it.

Ms. Varian asked Mr. Hawkes to elaborate on his statement that he planned to continue to run the business that he acquired from John G. Morse & Sons, LLC, which was a custom sawmill business. She stated that the notice of the public hearing stated that Mr. Hawkes' plan was to encompass all of

the activities of the prior owner should Mr. Hawkes want to bring them back, even if the prior owner had not been involved in those activities at the time of the acquisition. She asked if her understanding of his plan was correct.

Mr. Hawkes said that it was. He said that the prior owner had slowed down a bit toward the end. He sold some lumber that he had in stock and Mr. Hawkes believed that he ran the planer a little bit each year. Mr. Hawkes stated that he did want to get the saw mill running again and start sawing out lumber. He noted that he had a lot of lumber due to the other services that he provides. It would be good to make use of all of that.

It is noted in the packet that Mr. Hawkes submitted that there is a quit claim deed with covenant transferring the land.

Ms. Varian stated that one reason for the hearing is the Section 15.G.1.a of the SZO states that “Any cessation of use exceeding two (2) years . . . shall be considered a new business for the purposes of this Ordinance and shall require a new business permit.” Since not all aspects of the business acquired have been conducted in the last two years, the hearing is required to ensure that any prior uses that the applicant plans to continue are considered. Ms. Varian stated that it was a technicality that brought him in to this hearing.

Ms. Varian then made the following statements of fact:

- This public hearing was timely advertised in the *Times Record*.
- Abutters have all signed page 3 of the application acknowledging notice.
- When this application was discussed at the earlier meeting on March 8th, the Board had determined that a site walk was not needed. Everyone was familiar with the land.

Ms. Varian then referred to Section 17.D.3 of the SZO:

“After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- a. Will maintain safe and healthful conditions. Applicant responded, “Of course.”
- b. Will not result in water pollution, erosion, or sedimentation to surface waters. Applicant responded, “No.”
- c. Will adequately provide for the disposal of all wastewater. Applicant responded, “Yes.”
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. Applicant responded, “No. We coexist with the wildlife in the area.”
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters. Applicant responded, “Yes.”
- f. Will protect archaeological and historic resources as designated in the comprehensive plan. Applicant responded, “Yes. I don’t know of any down there, but I would.”

- g. Will not adversely affect existing commercial fishing or maritime activities. Applicant responded, "Yes."
- h. Will avoid problems associated with flood plain development and use. Applicant responded, "Yes."
- i. Is in conformance with the provisions of Section 15, Land Use Standards. Applicant responded, "Yes."

Ms. Varian asked the Board members if they had any questions. There were none.

Ms. Varian then asked if any members of the public had any questions or comments.

John Morse IV, who was in the audience, stated: "I would point out that, when the Shoreland Zoning Ordinance was developed back when I was on the Planning Board, there were created a couple of what they called 'General Development Areas.' The mill up there in Winnegance is in that category. The property line between the house and the mill property, which the applicant now owns, is the dividing line between the development district and whatever other districts are there now."

Ms. Varian confirmed that the property was still in a General Development District.

Ms. Varian officially declared this section of the public hearing over.

Ms. Varian then asked the Board members if there were reasons for (1) approving, (2) approving with conditions, or (3) denying this application.


No one expressed any objections to the proposed business. Ms. Thayer moved to accept the application as written, with no objections. Mr. Totman seconded the motion, which was passed unanimously.

Mr. Morse stated that he didn't want this to be a restriction or a condition, but he expressed the hope that, in general, Sunday would be sort of a non-business day, because some day there may be residents in his father's house and residents in the other house. At least Sunday would be a day when they didn't have to listen to the diesel engines starting up at 6 or 6:30. Mr. Hawkes stated that, usually, they don't do too much on Sunday, unless they're plowing snow or something like that.

The applicant paid the fee of \$240 by check #1617.

[0:41:45] Ms. Varian declared this public hearing closed at 5:40 pm.

Respectfully submitted,



Channa A. Eberhart
Planning Board Secretary