

I am submitting these comments not as a representative of the Planning Commission, but as an individual who is on the Planning Commission (PC). I have concerns about the process for the appeal of CUP#23-87B. Southeast Road Builders (SERB) made seven points on which to base their appeal, but they have not included any documentation or justification to support these points. It is unclear if they intend to present evidence to support these seven points at the next assembly meeting. If evidence is not submitted prior to this meeting, the public will not be allowed an opportunity to respond to these points before the Assembly deliberates SERB's request for an appeal, nor will the Assembly have sufficient time to consider the evidence so that they might reach an appropriate conclusion.

With this in mind, I will comment on what I can only assume will be a part of the appeal. SERB states that the PC's action was made arbitrarily and violated code. The PC spent over two hours listening to Mr. Mason, asking questions, and discussing the eight requirements for granting a CUP. This was not arbitrary, nor did it violate borough code. If it did violate code, there has been no evidence submitted to demonstrate this. The PC found that the CUP failed on five of the eight requirements for granting a CUP. We also considered the Manager's recommendation and found that they were in error as evident by the five failed requirements, despite what SERB claims in their appeal. I would be happy to address specific justifications for these claims, but SERB has failed to submit any within their appeal.

SERB also claims that there are conflicts of interest that were not disclosed by individuals on the PC, however information about these conflicts was not included in the appeal. Members of the PC should be allowed to address these claims before a decision by the assembly is made based on them.

Finally, SERB claims undue bias against them relative to other permit applicants. This claim is confusing because as far as I understood, SERB did not have any other CUP's up for deliberation at the March 14<sup>th</sup> PC meeting. There was a separate CUP for resource extraction that was postponed because the public was not adequately notified of this CUP's renewal, however no action was taken at that time other than to extend the permit for another month while adequate notification under borough code was adhered to.

SERB is asking for an appeal hearing of CUP#23-87B without showing evidence to support the need for this hearing. If evidence exists, the public and Assembly should be informed prior to the meeting so that due process can enable the Assembly to make a more informed decision. This is only step one of the appeal process but each step of the process should be treated with the same amount of care for due process.