



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

January 13, 2011

6:30 p.m.

## MINUTES

**CALL TO ORDER:** Meeting was called to order at 6:30 pm by Tom Vanchieri.

**ROLL CALL:** Members present were Susan Dunham Shane, Tom Vanchieri, Frank Higgins, Henry Hodges, Gretchen Heldmann, Charles Norburg, Jeff Thurlow and Russell Smith, Town Manager. Motion that we make Frank Higgins a voting member for the January 13, 2011 meeting by Susan Dunham-Shane, Henry Hodges 2<sup>nd</sup>. All in favor.

**MINUTES:** Motion to accept the minutes of December 7, 2011 by Susan Dunham-Shane, Henry Hodges 2<sup>nd</sup>. All in favor. Motion to accept the minutes of December 9, 2011 and December 15, 2011 by Frank Higgins, Susan Dunham-Shane 2<sup>nd</sup>. 5 in favor, Gretchen abstained because she was not at either meeting. Susan explained to Gretchen that in the minutes of the December 15<sup>th</sup> meeting, it was noted that they would like her to make some changes to the Zoning District Map legend.) Motion to accept the minutes of January 6, 2011 by Frank Higgins, Henry Hodges 2<sup>nd</sup>. All in favor.

**NEW BUSINESS:** This is a workshop to continue work on the Windmill Ordinance. The Board first discussed Attorney Gilbert's response to the questions emailed to him on the Ordinance.

1. 105.2.3 – is ok, was a type meant for 105.2.1.3 and that has been taken care of.
2. Add 104.4.1 and 106.6 with the wording “Any person aggrieved by a decision of the Code Enforcement Officer or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals.”, from 209.11 of the Small Wind Energy Facility Ordinance. Susan will research the Ordinance to find where we need to insert the reference to the appellate procedure. *(In the process of researching this, she found the change to 104.4.1 and 106.6 and felt that it did not address the entire issue. She recommended the following wording from 109.2.4.5 be used for these two sections instead: An appeal from the decision of the Planning Board may be taken to the Appeals Board by the WEF Permittee, Owner/operator or Licensee, or a complainant. Such appeal must be in writing and must specify the grounds thereof, and must be filed with the Town Clerk within 30 days after the final action of the Planning Board. The Town Clerk shall provide any appeal to the Appeals Board. The Appeals Board shall fix a reasonable time for the hearing of the appeal, and shall give public notice thereof as well as due notice to the WEF Permittee, Owner/operator and/or Licensee, as applicable, and the complainant. Given the complexity of this type of project, all appeals shall be considered as appellate procedures. The action of the Planning Board shall be sustained unless the Appeals Board, by a favorable vote of the majority of all members of the Appeals Board, reverses or modifies the Planning Board's determination. She also suggests adding “Given the complexity of this type of project, all appeals shall be considered as*

*appellate procedures.” She also suggests that we replace the wording in 209.11 with the wording above with the adjustment to add “CEO or” before each reference to Planning Board Denise emailed Susan’s suggestions to each of the Board members and it was agreed to add her new wording.*

3. 106.5, page 21, after Planning Board in the first sentence add “and the Planning Board has forwarded written notice of their recommendations to the Board of Selectmen” and the Applicant...
4. 109.2, page 23, leave as is
5. 104.1, page 5, after “Planning Board” in first sentence add “14 days before the next scheduled Planning Board meeting.” After under in the second section, add “this section”.
6. Occupied Building or Structure, (definition) after frequented by the public add “or has been legally permitted for construction” and at the end add “as per 104.1” Add the same to the Small Wind Energy Facility Ordinance, definition of occupied structure, except for the reference to section 104.1.
7. 104.4, page 5, add “At least one Public Hearing will be held within 30 days of the application being determined complete.”
8. 105.8.1 and 105.8.3 have been taken care of
9. Susan questioned whether neighbors will be bothered by the sound level of 60 dbA at the property boundary in the Rural District of Reuse of Agricultural Building.

Susan prepared paperwork comparing sound levels and set back in our Large and Small Wind Tower Ordinances and the State’s Ordinance for everyone to review.

**UNFINISHED BUSINESS:** The Public Hearings for the Wind Energy Ordinances will be January 27, 2011 and February 10, 2011 at 6:30 pm at the Town Office. They will have copies of Gretchen’s information sheet to pass out. The Public Hearings with the Selectmen will be March 1, 2011 and March 15, 2011 after their regular meeting which starts at 6:00 pm. Russell will ask Charles Gilbert to be the moderator at the Town Meeting on March 22, 2011 at 7:00 pm at the Eddington School.

**PUBLIC ACCESS:**

**ADJOURNMENT:** Motion to adjourn at 8:14 pm by Gretchen Heldmann, Susan Dunham-Shane 2nd. All in favor.

Respectfully Submitted,

Denise M. Knowles