

# TOWN OF EDDINGTON, MAINE

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## PLANNING BOARD

January 23, 2014

6:30 p.m.

MINUTES

**CALL TO ORDER:** Tom Vanchieri called Meeting to order at 6:32 pm.

**ROLL CALL:** Members present were Tom Vanchieri, Frank Higgins, Henry Hodges, Craig Knight, Susan Dunham-Shane, Charles Norburg and Russell Smith. Gretchen Heldmann and Michael Shepherd have excused absences.

Motion to make Craig a voting member for Gretchen tonight.

by Frank/Susan 2<sup>nd</sup>. All in favor.

**MINUTES:** Motion to accept the minutes of the December 12, 2013 meeting as written.

by Henry/Frank 2<sup>nd</sup>. 4 in Favor.

Susan recused herself from the vote because she was not at this meeting.

**UNFINISHED BUSINESS:** The Public Hearing that was previously scheduled for tonight was canceled per a request from Hughes Brothers. The Board decided to reschedule the meeting for February 13, 2014 at the Town Office. The sign-in table will be put in the hallway to allow more room for chairs in the meeting room. There was concern that if people have to stand in the hall they may not be able to hear everything said at the meeting. Susan will ask Comins Hall if we can use their speaker system. They would also like to have a podium for the meeting. There will not be any discussion about the Hughes application tonight.

Charles Norburg updated the Board on the Eddington/Holbrook Dam Water Levels concern. He has gotten information from Al Belanger, resident and David Nash, resident and from the Dam Association. Charlie also gave the board copies of emails of his communications with various state and federal agencies about this project. According to Charlie's records, from February to May, when the Dam Assn. said they would be raising the water level even more, it will be 2/5 of a foot above the 100-year flood level.

Mr. Nash feels that the elevations are acceptable and not going over the 100-year flood level. Charlie thinks that they set a benchmark and called it the 100-year level and then figured from that. This benchmark does not match the elevations given. When they brought the application before the Board, they said the levels would not change because of this project. The new fish way is too high and the new dam has to keep the water at a higher level to use it. The Board would like Charlie to research this matter more to get more information from all parties involved and also look into bringing back the original applicants to address this in order to look out for the best interest of our residents

**NEW BUSINESS:** The Board discussed the information they had received from Town Attorney, Charles Gilbert regarding the proposed quarry moratorium. Mr. Gilbert provided a letter of explanation and a revised draft copy of the moratorium. They would like to talk with the attorney and have him explain his position on a few items. The Selectmen voted to send this to the Planning Board to have them draft a Moratorium. The Board needs to decide what wording they want to use for the moratorium and then present back to the Selectmen. The Selectmen will then review the proposed ordinance and vote to accept it and move to set a Public Hearing on the proposed ordinance or to send it back to the Planning Board with revision suggestions. If the proposed ordinance is accepted and a Public Hearing is

set the Selectmen may set a tentative date for a Special Town Meeting. At the Special Town Meeting a vote of residents who are registered voters will accept or reject the ordinance. If the Planning Board doesn't vote to move forward with this moratorium, the Selectmen could only go forward if there is a petition by the residents with the adequate number of signatures.

Susan explained that when the Board redid the Zoning Ordinance, the Board felt that the state regulations would cover quarries adequately. Now they have found that they need to address it and they need to ask for a moratorium until changes can be constructed. Our Ordinance addresses Resource Extraction and Mining but very thinly.

Motion that we request that Attorney Charles Gilbert meet with the Planning Board in Executive Session to expand on the basis for his wording in the proposed Moratorium Ordinance then meet to draft an Ordinance to present to the Selectmen  
By Susan/Frank 2<sup>nd</sup>.

They want Russell to ask MMA if they can have a joint executive session.

Amend above motion to say "a joint presentation by Charles Gilbert to the Planning Board and Selectmen."  
By Frank/ Susan 2<sup>nd</sup>. All in Favor

The Board would like Russell to try to schedule a meeting for next Wednesday, January 29, 2013 with the attorney and Board of Selectmen. This will be the only thing on the agenda. After this meeting, then when the Selectmen meet they can accept or deny the proposed ordinance, and if accept, schedule the Public Hearing and Special Town Meeting. The special meeting would be put on the Town's Website. Russell will check into whether changes can be made that night and then retyped for the Selectmen meeting.

Russell explained to the Board that a resident came in that lives on Rt. 9 and has 2 acres of land in the Commercial Zone that he wants to put a duplex on. The Board checked the Zoning Ordinance and it says a two-family dwelling is not allowed in the Commercial Zone. The resident can appeal this.

**OTHER BUSINESS:** In regards to the Building Permit Fees Clarification, Charlie said to table it and Tom said to remove it from the agenda.

911 House Numbering Signs, Ordinance change, The Fire Department requested that we clarify people naming private roads in the 911 Addressing Ordinance, Section 4, Naming System. We have a few private driveways that have been named by their owners such as Cow Patty Lane, Haven Hollow and Savoy Drive. It had been explained that if a call comes in to 911, and the caller refers to the private driveway that has a sign on it as a reference point, the 911 directory is going to have no record of it and time could be lost in trying to locate the emergency. The Ordinance states that: "All roads that serve two or more properties shall be named regardless of whether the ownership is public or private." Susan will retype this section of the Ordinance and email it to the Board members. It will then go to the Selectmen for Public Hearing and then to a Special Town Meeting to be voted on.

Charles explained that he has a situation of a resident that has 5 or 6 acres of land that has to put in a private road for his one dwelling so he had the 300' of frontage. This does not become a new road until there are two houses on it.

Review Water Hook Up and Street Opening discussion was tabled.

Susan's Wind Ordinance Changes discussion was tabled.

### **STAFF REPORTS:**

### **PLANNING BOARD COMMENTS:**

**PUBLIC ACCESS:** David McCluskey informed the Board that they have done research and found that there was a State of Maine precedent set regarding a Quarry. The Board told him that they have the information on it.

Nicole McLeod said that there has been activity on the site and questioned what they were allowed to do. Susan explained that they may be developing the road way, though they have not bought the land from Frank Arisimeek yet. Hughes Brothers owns Fox Lane and a few lots on the road. The Board will have Charles Norburg check to see if they are working up there and then address it if they are.

Brad Goodwin questioned the circumstances for canceling the Public Hearing that had been scheduled for tonight. Tom explained that Hughes Brothers wanted more time to prepare for the meeting and give more information to the abutters. Since some abutters had stated that they were not notified about previous meetings, they felt it was a good idea to postpone the meeting to make sure everyone was notified. Mr. Goodwin said that the Planning Board should have something in their rules that explains the circumstances that allow a Public Hearing to be canceled. He felt that it wasn't fair to the abutters that were notified and changed their plans for a meeting but then to have the meeting canceled. Russell explained further that Hughes Brothers wanted more time to address the issues regarding information that residents are providing.

The Board explained that an issued permit goes with the land to a new owner. It was suggested that a paragraph be put together explaining Frank Arisimeek's original permit. The location where Hughes wants to put their quarry is not the same location that Frank's quarry was approved for.

It was brought up that Hughes Brothers map shows a stockpile, but it is not allowed in the Town.

**NEXT MEETING:** The next meeting would be on Thursday, February 13, 2014 at 6:30 pm. It will be the Public Hearing for the Hughes Brothers Application for a quarry.

**ADJOURNMENT:** Motion to adjourn at 8:14 pm.

By Henry/Frank 2<sup>nd</sup>. All in favor.

Respectfully Submitted,

Denise M. Knowles