

# TOWN OF EDDINGTON, MAINE

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## PLANNING BOARD

March 27, 2014

6:30 pm

MINUTES

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

**ROLL CALL:** Members present were Tom Vanchieri, Frank Higgins, Susan Dunham-Shane, Henry Hodges, Gretchen Heldmann, Mike Shepherd, Craig Knight, Charles Norburg, CEO and Russell Smith, Town Manager.

**MINUTES:** Motion to accept the minutes of the January 23, 2014 meeting with Susan's changes.

**By Henry/Frank 2<sup>nd</sup> Vote 3-0 Gretchen abstained**

Motion to table the minutes of the February 27, 2014 meeting until Susan can send the Board her changes from her notes for them to review along with the changes from Gretchen.

**By Susan/Gretchen 2<sup>nd</sup> Vote 4-0**

**UNFINISHED BUSINESS:** (A complete transcript of the portion of this meeting that involved the Hughes Bros. is available with these minutes.) The Board continued their review of the Hughes Bros., Application. The following items were discussed:

402.1 – Application complete and fee paid

402.2 – Motion that we table discussion of decision on Section 402.2 until the completion of the rest of the review criteria since that statement cannot actually be answered until we have reviewed all of the subsections.

**By Susan/Frank 2<sup>nd</sup> Vote 4-0**

402.3- Motion that we find that the proposed activity will not cause soil erosion during construction or when complete based on what's been submitted in the application.

**By Frank/Henry 2<sup>nd</sup> Vote 4-0**

402.4– Charles Norburg asked Mr. Moyses if there was any indication of vernal pools in the area. Mr. Moyses said no, they haven't done a vernal pool study and it won't be done until April or May. They looked for depressions and didn't see any. MDEP will require vernal pool assessment for the area. Mr. Moyses walked the proposed quarry site only in December and recently. There was much discussion about the possibility of vernal pools outside of the quarry site that could be affected, the absence of the letter from Mr. Moyses dated December 10, 2013 and his final report dated December 30, 2013.

Motion that they accept the letter from Dave Moyses dated December 10, 2013 into the record.

**By Frank/Henry 2<sup>nd</sup> Vote 3-2**

Mr. Moyses explained the three parameters that wetland identification is based on:

1. hydric soils which are poorly drained soils
2. a predominance, more than 50 percent, of hydro-philic vegetation like balsam, fir, maple and cattails.
3. evidence of wetlands hydrology, either a drainage pattern, vegetative adaptation, such as shallow rooting, saturated soil conditions or actually inundated where there is water on top of the ground.

Gretchen and Susan want to read the December 10, 2013 letter.

Motion that based on the information presented in the application and the letter entered into the record tonight with Dave Moyses dated December 10, 2013 and the testimony we've heard tonight, that the Board finds that the proposed activity will not have an adverse impact on wetlands or water bodies.

**By Frank/Henry 2<sup>nd</sup> Vote 4-0**

402.5– Gretchen asked where the overflow would go from the emergency overflow system. Ms. Hughes explained that the MDEP requires that all ponds have to have an emergency overflow system and the intent of it is if you have a 100-year flood to show how the area would be affected. The drainage would go on down-gradient side of the property and three culverts will be installed for the road. They could use the quarry as overflow capacity for 100-year flood and can throttle down pumps in the quarry as backup. Berms will be used to keep water in the quarry as it is developed enabling it to be self-draining.

Motion that we accept Section 402.5, Storm Water Proposed Activity, will provide adequate storm water management based on the narrative contained in Section 5.3 of the applicant's application narrative and answers to questions posed tonight that we accept it as fulfilled.

**By Susan/Frank 2<sup>nd</sup> Vote 4-0**

402.6 – Motion that based on the information provided in the application and testimony made tonight, the Board concludes that the proposed activity will provide for adequate sewage disposal.

**By Frank/Henry 2<sup>nd</sup> Vote 4-0**

402.7 – Motion that under consideration of Section 402.7, sufficient water to meet potable and fire suppression requirements in view of the narrative, 5.5, and the application and subsequent information entered into the record on February 27<sup>th</sup> at the Public Hearing regarding the fact that there is no drinking water wells as part of the development and besides the fire suppression listed in the application, also the retention pond can be used for fire suppression, that we find the applicant has met the requirements of this section.

**By Susan/Henry 2<sup>nd</sup> Vote 4-0**

402.8 – They will have a SPCC plan for training their workers so they understand the requirements for fueling and MDEP likes to see it. They will not have 1320 gallons of petro on site. There will be a stump grinder on site. Routine maintenance and major repairs for the equipment will occur off-site. The permanent pad is for fueling and is made of 18"-24" gravel. They will put spill containment pads, (can be a children's swimming pool) under the fuel spigot/hole.

Motion that based on the information provided in the application and the testimony presented by the applicant tonight that the Board finds that the proposed activity will dispose and treat solid and hazardous waste in conformance with all applicable state, local and federal laws and regulations.

**By Frank/Henry 2<sup>nd</sup> Vote 4-0**

402.9 – Frank asked how the test results from one test well can be construed as representative of a 20-acre quarry with a 90' open face. Mr. Fessenden answered that what it represents is stressing of the aquifer. MDEP requires two down gradient wells for both water levels and quality monitoring. Blast may increase flow temporarily. If water comes out and goes into the pond, it infiltrates back in, based on area of the pond it will probably recharge at the same rate for people with down-gradient wells. Mr. Hamilton will send Mr. Gilbert the details from the Maine Statue, Title 38, which covers anybody whose well is affected by an operation like this. Tom Vanchieri verified that the applicant is responsible for any well that goes bad whether it is uphill or downhill from the site. They will monitor the wells run for a year. They can do the road, scoop off some but can't do any excavating or blasting below groundwater level.

Motion that based on the material presented in the application and the discussion presented here tonight that the Board concludes that the proposed activity will not adversely affect the quality or quantity of groundwater.

**By Frank/Henry 2<sup>nd</sup> Vote 3 yes/1 abstained**

402.10 – They propose to relocate Dusty Lane. The Junk Yard Road may eventually come off the new road that is created. Hughes Bros., currently owns Fox Lane and they do plan to construct a new access road if the application is approved. Their intent is to add materials to Fox Lane and to re-grade it and to provide better drainage. And there was an issue with the DOT as far as drainage at the end. They are not saying they will bring it up to Town standards. They are saying they are going to take care of it. There was an issue with a 10 percent grade and discussions with DOT about their having a truck turnout. Wilbur Libby will keep ownership of the road and Hughes Bros., have the right to maintain the road by their easement agreement with Mr. Libby. The new access road for Dusty Lane will be 50' from the Michael and Jami Millett property line.

Motion that the narrative in the application and the additional materials provided at the Public Hearing on March 27, 2014 indicate that the proposed activity will not cause road congestion or unsafe conditions with respect to existing and proposed roads and access points, Section 402.10.

**By Susan/Frank 2<sup>nd</sup> Vote 4-0**

Henry Hodges respectfully requested that they recess the meeting to the next available date. Mr. Hamilton asked that they consider a March 31, 2014 meeting or continue tonight to finish the application. After much discussion, it was decided to end the review of the Hughes Bros., application and reconvene on April 3, 2014 to continue it.

Motion to change the order of the Agenda so they can address New Business and Tradewind's application next.

**By Susan/Gretchen 2<sup>nd</sup> Vote 4-0**

**NEW BUSINESS:** Dan Barker is here representing Tradewinds for their new cold storage building. The following items were not addressed in the application and he was asked to return with them:

1. Section 403.2.5, Construction schedule
2. Section 403.2.7, Description of the project
3. Section 403.2.9, Scaled drawing showing all sides
4. Section 404.2.5 Financial capability

**OTHER BUSINESS:**

**STAFF REPORTS:**

**PLANNING BOARD COMMENTS:**

**PUBLIC ACCESS:** James McLeod told the Board he is an engineer and is concerned about Janet's numbers and her speaking in generalities. Susan attempted to explain the Arisimeek approval and the current ongoing legal discussion regarding whether he has a valid permit or not. Susan also discussed the MDEP Notice of Intent process. James and Nicole McLeod are upset about the Arisimeek application process and notification.

**NEXT MEETING:** The next meeting will be on April 3, 2014.

**ADJOURNMENT:** The meeting adjourned at 11:15 pm

Respectfully Submitted,

By Denise M. Knowles  
From Maine Court Reporting Services transcript  
and Susan and Gretchen's notes