

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

May 22, 2014

6:30 pm

MINUTES

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

ROLL CALL: Members present were Tom Vanchieri, Frank Higgins, Susan Dunham-Shane, Henry Hodges, Craig Knight, and Charles Norburg, CEO. Mike Shepherd and Gretchen Heldmann have excused absences. Motion to make Craig a voting member for tonight's meeting.

By Henry/Frank 2nd Vote 3-0

MINUTES: Motion to table the minutes of the May 8, 2014 meeting.

By Henry/Susan 2nd Vote 4-0

Motion to table the minutes (waiting for transcript) of the March 27, 2014 meeting

By Henry/Susan 2nd Vote 4-0

And to add Susan and Gretchen's notes for the end of the meeting.

UNFINISHED BUSINESS: Dan Barker came back before the Board for Tradewind's (Southstreet Development Company) updated Site Plan for their application for a new cold storage building located on an existing slab on their lot beside the store. He was asked to bring in a new site plan. Gretchen asked for 403.2.5 a construction schedule, 403.2.7 complete description of the project including how the proposal conforms to the review criteria and 403.3.9 a scaled drawing including floor plan and side, front and rear profiles. The financial capability is met because it is an existing business.

Dan can make a new drawing and a narrative for the next meeting so the Board can write off on the application. They need to individually address each item in section 402, Review Criteria, page 9 and 10 of Ordinance.

Motion that we table approval of the Tradewinds storage building until they provide the Board with a replacement building drawing and narrative according to section 402.7. The papers are to be received 14 days before our next meeting. Additionally the Board determines there is no need for a Public Hearing.

By Susan/Henry 2nd. Vote 4-0

NEW BUSINESS: Rodney Butler of Brewer Water District came before the Board with a proposal for a 20 x 28 single story building, 560 square feet. Frank Higgins recluses himself because he works for the City of Brewer. The gravel access driveway will come out of the current road and there will be no culverts. There is no change in use or additional traffic. There is no wastewater discharge, any new disturbance of ledge is minimal, there will be no change in flow patterns of runoff, the building will be 14' below grade and it will be the same cellar and roofline elevation. They will be using a hoeram to break any ledge. The silt fence has been installed. According to state regulations, the building needs to be operational one year from this September and the sign has to be 4' x 8' and must contain certain information.

Susan does not think they can deem the application complete because they did not get it 14 days in advance. This is a regulatory driven project because it is required by LP2. Charles Norburg said that it is an accessory to an approved use. Susan feels that anything to do with a business, they must come before the Planning Board. The new outside building lighting matches the existing building. It is designed to be security lighting. When the Ordinance was redone it states that lights should be

downward. There has been funding for lighting with site cameras, etc for security reasons, considering the lighting as a deterrent.

The Board was going to determine at its next regular meeting whether the application is complete and may if it desires move forward to accept or deny the application at that time.

Motion that it is the Boards determination that due to the scope of the project, no Public hearing is necessary. **By Susan/Henry 2nd Vote 3-0**

The application seems to be complete, but they want to review it and decide at the next meeting. Mr. Butler was under the impression requirement that the paperwork be received 14 days before a meeting could be waived to 7 days. He needs to know he has a complete submission before the next regular meeting so they can meet the DEP requirement. Mr. Butler asked that as they review it before the meeting if someone can notify him that there is anything missing. Frank Higgins said any discussion of the merits of the application must be done in public. The next meeting would be June 12, 2014 and he cannot meet this deadline if he has to wait to the 12th. He needs to pour cement next Friday.

Motion that they schedule an extra Planning Board meeting on Thursday, May 29, 2014 at 6:30 pm for the sole purpose of the Brewer Water District application. **By Susan/Henry 2nd Vote 3-0**

OTHER BUSINESS: The Board began discussion on work on the Quarry and Mineral Extraction Ordinance. Susan provided the following list of things to address:

1. No one regulates one acre or under quarries
2. In regards to quarries that could be located in residential area or border residential area, they need to look at the setbacks.
3. Do they need more specific ground water rules?
4. They should revisit the Sound Ordinance Section and be more precise and comprehensive with a quarry with blasting and hoeraming. Should it have a C-rated sound?
5. They want to see a copy of the blast survey
6. Required insurance?
7. Whether they need to define financial security more tightly.
8. In the Review Section, they need to put in writing the review process. (It is not specifically stated.)
9. Are they having a stand alone Quarry Ordinance or are they going to meld it into the Zoning Ordinance. Frank things that the moratorium makes it so we have to have a stand alone Ordinance. Susan and Henry both think it can be part of the Zoning Ordinance. They could expand Section 809 for specific quarry rules.

Each of the Board members received copies of the Hancock, Bucksport, Westbrook and Fayetteville Quarry Ordinances to review. Everyone liked the Hancock Mineral Extraction Ordinance the most. Frank could see the Board tweaking it and creating a stand alone Ordinance. Susan said that the items she mentioned need to be updated in our Zoning Ordinance also. Frank feels that if they do that, it will cause over regulation on items like sound for projects that it is not needed for. Tom wants to compare these ordinances to the DEP. Franks thinks it would be a better idea to have the residents have to vote on just a Quarry Ordinance and not vote on changes to the original ordinance and have to determine how it relates to other issues.

Tom would like to have everyone look through the sample ordinances and decide what areas and sections they like in each and then decide which way they will proceed. He would also like some more ordinances to compare.

STAFF REPORTS: The annual Town Meeting is Tuesday, June 17, 2014 at 7:00 pm at the school.

Charlie informed the Board that Al Belanger has spoken with the Governor about the issue with the dam on Eddington Pond and the water level rising too high. He had received a message from Mr. Nash that he has lowered the dam for the rain that was coming.

Charlie has created new forms for Site Plan Review and gave copies to the Board for them to look over. He will email copies to Gretchen and Mike. The Board can give him their ideas of items they want included and he will compare the form to the wording in the Ordinance.

PLANNING BOARD COMMENTS: The Board asked what the latest news was regarding the yard sale on the corner of Rt. 46 and Rt. 9. Charles Norburg explained that he called the first number and it has been disconnected. He left a message at the second number and explained that they are in violation. Charlie will find the owner of the property and go that way.

PUBLIC ACCESS: Mr. McLeod said he would prefer a stand-alone ordinance because it will be easier to understand. He also wanted the Board to know that the application that Frank Arisimeek sent to the state included a copy of a document that said it was the Town's approval. The Friends of Eddington are on the verge of signing an injunction.

Nicole McLeod questioned why Frank Higgins had said in reviewing the Quarry Application that they were not strict enough, but she thinks he does not want to make the new ordinance too strict. He did not mean it that way, but didn't want to make changes to the current ordinance to have to regulate quarries correctly, but in turn, it would affect other permits and this would make it hard to get them both right.

Someone recommended that notification be made by certified mail to make sure everyone is notified. Susan said that this was an issue she wanted to add, but it should apply to all notifications.

Someone suggested that the Board get a copy of the Rockland ordinance because they have vacant holes now that are causing problems, which should also be addressed in the Ordinance. It was also suggested that money be put away each year to cover the end result of a quarry.

NEXT MEETING: The next meeting would be on May 29, 2014 for the sole purpose of addressing the Brewer Water District Application.

ADJOURNMENT: Motion to adjourn at 8:17 pm

By Craig/Susan 2nd Vote 4-0

Respectfully Submitted,

Denise M. Knowles