

# TOWN OF EDDINGTON, MAINE

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## PLANNING BOARD

July 10, 2014

6:30 pm

MINUTES

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

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

**MINUTES:** Motion to accept the minutes of May 29, 2014 as written.

**By Susan/ Henry 2<sup>nd</sup>. Vote Yes-3/Abstained-1-Frank**

Motion to accept the minutes of June 12, 2014 as amended as noted below.

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

Unfinished Business, page 1, remove first motion vote: by Susan/Henry 2<sup>nd</sup>. Vote 4-0

Page 2, change "Motion failed" to: "Chair voted Yes and the motion passed"

At the end of New Business, add "Chair asked if anyone had Public Access, and no one spoke."

Other Business, Gretchen: change "4" to "5"

At the end, add "It was also made clear during discussion that the Board is working on a mineral extraction ordinance which will cover an array of activities, not just quarries."

Motion to table the minutes of June 26, 2014 to allow everyone time to review them.

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

## **UNFINISHED BUSINESS:**

**NEW BUSINESS:** Robert Maquillan of Autoworks, 1328 Main Road, came before the Board regarding his application for a 32' x 40' Storage Building. For the time being it will be a cold storage building with no plumbing or heating. The Site Plan for this project was reviewed last fall and was approved. The new map shows all the trees and grass that were missing from the previous map. There is no change in the footprint other than the cement pad for the building. The minutes from the May 8, 2014 meeting reflect that Mr. Maquillan needed an updated "As Built" with the proposed 3<sup>rd</sup> building, contour lines, increased impervious surface and everything else on the lot.

Gretchen said she has a copy of the Storm Water Permit By Rule (PBR) Application to MDEP, but it is not signed, nor could she find a copy of any correspondence/approval back from MDEP in response to the PBR application. Robbie may have a copy of the DEP Report and will bring in a copy for the Board. Susan said that for his safety, he should do properly drawn "As Built" that would be up to date and to scale in case DEP wants to see it. Frank said that in the future if he were to add additional buildings he will have to do a site plan with everything up to date, so it may be in his best interest to have one done and ready for that.

In regards to Robbie's Plan dated June 27, 2014, his elevations that go with that 32' x 40' building and the application for a building permit, I move that the Board finds that this application meets the review criteria of Sections 402.1 through 402.13 and the Planning Board therefore approved the project.

**By Frank/Henry 2<sup>nd</sup>.**

Amended by Susan to add: That the applicant, in the near future, locate the signed copy of the Storm Water Application signed by the DEP, approved, so that it can be kept in the master file for this project. Frank accepted the amendment.

**Vote on amended motion: Vote 4-0**

**OTHER BUSINESS:** The Board continued their work on the Mineral Extraction Ordinance. Gretchen passed out handouts regarding Significant Wildlife Habitat. She went through each of the sample ordinances and copy and pasted the part for Wildlife Habitat onto the other pages and then pulled from each, using Bucksport as the basis, to create page 1 of her handout. She is proposing that page 1 is what the Board would use. Gretchen said that her draft includes the reference from the Bucksport Ordinance to Section 5 for required setbacks. She left the reference in there until they decide what they want to do regarding setbacks. The Board read it over and discussed it. Frank asked if Eddington has any identified habitat areas in our Comprehensive Plan. Charles N said that the only thing he can think of is a circle of area from across the river that contains Eagles nests and that would include part of Eddington near the Bradley line. Frank said they would be covered under number 1, endangered species. It was mentioned that future versions of a Comp Plan may include habitat areas not currently noted.

Susan copied the section of the Wales Ordinance regarding the 100' setback from great ponds and 75' from any other water body, stream or wetland. She likes that it had "extraction operation, including drainage and runoff control features" especially from the upland side of a wetland. Gretchen will look at the Wales Ordinance again. They may want to add this to this section, or the setback section.

Frank questioned the secondary documentation requirements. He felt that the applicant would be confused as to whether it has to be done or not. He suggests that it be more definitive to state whether the Board wants it or not so that the applicant will know as she or he completes the application. Susan and Gretchen understood the wording as it is and understand it to mean that other studies may be required, just as the current Zoning Ordinance allows for the Planning Board to hold reservations about additional studies as determined necessary. Frank does not have an issue with making an impact assessment report by Inland Fisheries mandatory. Janet Hughes said that the impact assessment is more involved and costly than just a letter from Inland fisheries. Gretchen thought about adding the section from the Wales Ordinance that starts "A narrative description...".

Gretchen asked how far beyond the site would they have to look into wildlife habitat. Susan likes the Wales Setbacks. Frank would like a letter from IFWL that they looked at the area and stating whether or not this area would have any affect on wildlife habitat beyond its boundaries. Gretchen will revise the opening sentence "No Mineral extraction" requesting letters from various agencies regarding wildlife habitat within 500' of property lines. Frank would like the agencies to state yes or no as to if there will be an impact beyond their boundaries, without putting a limit to the size area around the lot.

The Board decided that they will allow Public Access during their discussion of the new ordinance rather than at the end, so they will be able to keep the comments with the section they are working on.

Janet Hughes said that in regards to sound restrictions, someone would need to define "unreasonably disturb wildlife". She also asked what wildlife would include. Protection of any wildlife populations or only state/fed designated? They will need a definition. In regards to secondary documentation, she suggests stating when this is needed. Gretchen said they will be working on definitions at the end of writing the ordinance.

Ralph McLeod said that he would think wildlife would include all animals. Frank said they have to be careful because if it includes all, it could make it so we cannot mow our lawns because of the noise level of the mower. Frank explained further, that they need to be clear that they are talking about protected areas and species and not just wildlife in general because that would include everything.

Ray Wood Sr. feels that they should rely on the IFWL definition of wildlife.

Gretchen will work on the changes to the draft that they discussed.

The next section is #2, Solid Waste and Sewage Disposal. Craig reviewed the ordinances and feels that the Solid Waste section in the Hancock Ordinance is what they should go with. Susan feels that Bucksport was overkill. Frank and Tom are ok with Hancock.

Gretchen passed out handouts for everyone on #3, Groundwater protection. She pulled the Groundwater Protection sections from each of the ordinances and included them in her handout, along

with her draft for this section. Charles N explained that the seasonal high water table refers to soil only. The state rule is for 5' above the seasonal high water table, or a variance is required to go below the water table. He further explained that it was the elevation that the water reaches at the wettest time of the year. Susan asked if they want to use the seasonal high water table or the groundwater table? They need to decide. Charlie N will get a definition from the state.

Janet Hughes said that the Hancock Ordinance requires 1 monitoring well, but she recommends 3 wells, one upgradient and two down gradient.

Ray Wood Sr. said that the owner of a quarry could get a special permit to go below the water table.

The Board will table the discussion of Groundwater Protection until they get the definitions.

Craig had #4, Natural Buffer Strip. He likes the Hancock Ordinance, page 14 and Hampden Ordinance page 84. Charles N said that if we have two quarries beside each other, they could each work up to the boundaries of the other quarry. Gretchen thinks that the Hancock Ordinance is too weak. Franks thinks that natural buffer strip restrictions should include measurements. Craig referred them to the Property Boundary and Buffers section on page 15 of Hancock. Gretchen and Susan are not comfortable with the section that says "With written permission of abutter, the above buffers can be reduced to 10 feet". They feel 10' is too small.

Susan likes the Bucksport description of buffers. Henry likes the definition of Natural Buffer in Mt. Desert's Ordinance in Section 5.F.3. Craig will work on combining Hancock, Mt. Desert and Bucksport's Natural Buffer Strip sections.

Someone mentioned that Frank A. has clear-cut some of his land on Fox Hill. Ralph McLeod said the Forestry Dept told him that Frank A. has a permit, but it was not for clear cutting.

Each of the Board members should look at the Bucksport minimum setback charts so they can discuss them at the next meeting. They should also continue working on their assigned sections. At the next meeting they will review the Bucksport setbacks and then go on to Tom's Performance Standards 8-13. Henry handed out his notes for 14-18 with highlighted areas of what he added to the Hancock Ordinance.

**STAFF REPORTS:** Charles N. gave each of the Board members a copy of the Shoreland Zone Permit Application and map from Plymouth Engineering, Inc on behalf of Terry Grant for proposed changes to 1 Lonnie Lane.

Charlie N. then asked the Board what the setbacks would be on a right-of-way if someone were to give a back piece of property to a relative and also gives them a right-of-way through their property to the back piece of land, and they want to build a garage next to the right-of-way? The right-of-way would follow the sign setback rule. The Board responded that they needed more information, including a sketch, in order to give an answer.

**PLANNING BOARD COMMENTS:** Gretchen said that there are five Thursdays in July and she suggests that they meet on July 31, 2014 to work on the Ordinance. Susan, Frank and Henry said it is ok with them. Tom will check his schedule. If they do have a meeting, it should be put on the Town's website. They will decide at the next meeting if they will meet the 31<sup>st</sup>.

**PUBLIC ACCESS:** Mr. McLeod thanked them for their work on the Ordinance.

Brad Goodwin spoke to the Board on the possibility of a waiver. He asked that they keep in mind that there are neighboring properties that could be affected if someone else were just 50' away.

**NEXT MEETING:** The next meeting will be July 24, 2014.

**ADJOURNMENT:** Motion to adjourn at 8:34 pm

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

Respectfully Submitted,

Denise M. Knowles