

TOWN OF EDDINGTON, MAINE

906 MAIN ROAD
EDDINGTON, MAINE 04428
PHONE: 207-843-5233

INCORPORATED IN 1811
MUNICIPAL OFFICERS
FAX: 207-843-7758

PLANNING BOARD

August 22, 2013

6:30 p.m.

MINUTES

PUBLIC HEARING

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

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

MINUTES: Motion to accept the minutes of the August 8, 2013 meeting with the following changes from Gretchen by Susan Dunham-Shane, Henry Hodges 2nd. All in favor: Add "Veazie" before "dam removal" in the first paragraph; in paragraph one add "Mr. Arisimeek said that the dust would be controlled by spreading water and calcium chloride on the road." and "Mr. Arisimeek said that water drainage will not be affected because they will be internally draining and following DEP Management Practices." Before Next Meeting add "All other agenda items were tabled." and change the next meeting date to "August 22, 2013."

UNFINISHED BUSINESS: Chris and Wendy Shirland of A & J Auto came before the Board to address an issue which Charlie brought up to them regarding the number of vehicles on their property. The minutes from their initial meetings with the Board (April 12, 2012 and April 26, 2012) regarding the Auto Repair business at 231 Main Road, in the Mixed-use District were reviewed. They predicted to have 1 to 5 vehicles per day and 1 vehicle overnight. At the May 10, 2012 Public Hearing concern was expressed about the number of vehicles that will be in the yard. There are more vehicles in their yard that are ones being worked on and waiting to be picked up because their business has grown faster than they anticipated. There have not been any complaints from neighbors, but the Planning Board was concerned because there are more vehicles in the yard daily than they approved for on the original application. The Shirlands should present a new application asking for an increase in allowed vehicles. The Board can amend the original Site Plan for increase of business. The site has to be suitable to accommodate the new application to increase the number of vehicles allowed in the yard. They will come to the next meeting.

Russell informed the Board that Sargent is not doing a quarry on Fox Hill with Frank Arisimeek. The land is up for sale and Hughes Brothers may be interested in purchasing it. Sargents and Mr. Arisimeek had said it was a two month project. Hughes may want to do a 10-acre quarry and will have to come back before the Board for a new quarry. Mr. Arisimeek was permitted for a one-acre quarry until they come back before the Board to increase the size. The Board did not approve a 10-acre quarry. The State Quarry Regulations are clear regarding moving a quarry and increases in its size.

Neighbors to the area of the quarry have been contacting the Town Office expressing concerns about the blasting affecting their wells. James McLeod at 87 Fox Lane is a Merchant Marine and was away when the notice went out for the Public Hearing. He and his father attended the meeting because they want to make sure that the developers of the quarry are following state regulations for blasting and

have the proper insurance so that his home is not made unlivable. Gretchen said that the Town does not have an Ordinance for blasting, so they will have to follow the state rules in the MDEP Booklet. Under the Performance Standards for quarries, a pre-blast survey is required for all production blasting and must extend a minimum radius of ½ mile from the blast site. . Mr. McLeod said they are within the 2000' of where they are going to blast. They cannot move the quarry without a new site plan.

Should Mr. Arisimeek decide to develop the quarry, he can go to 5 acres, but he has to provide an intent to comply notification and proof that MDEP has approved it and that they are in full compliance with MDEP. The Board would like Russell to contact the Town's attorney and ask how a change of ownership affects a permit that was given for a particular use on that property. There is concern that though Mr. Arisimeek reference Sargent as his expert for the quarry operation, they are no longer involved at all. The Board referenced Section 490.ee from the MDEP, Performance Standards for Quarries which states:

1. Before expanding a quarry beyond an area that exceeds a total of 10 acres of reclaimed and unreclaimed land and before each additional 10-acre expansion, the owner or operator shall notify the regulator of the owner's or operator's intent to expand and must request an inspection.
2. A person who purchases a quarry that is operated under a notice of intent to comply, as established under section 490-Y, or who obtains operating authority of a quarry that operates under a notice of intent to comply must file within 2 weeks after the purchase or the obtaining of operating authority a notice of intent to comply on a form developed by the department.

Frank cannot clear more than 1 acre (reclaimed and unreclaimed areas are included; working area not access road).

If Mr. Gardiner is still considering going ahead with the appeal procedure, he should read over the minutes from the meetings and Public Hearing and decide if they have the requirements for an appeal. The Board may want to consider if it could be a problem in the future to mix quarries in residential areas. Mr. Gardiner also commented that if a quarry is operated in Town, he feels that there should be some financial gain for the Town. The property taxes are determined by our assessor and there are state regulations governing equipment on a lot, etc that would provide income to the Town. There is nothing in our ordinance addressing quarries. Any residents with further questions can contact Frank Arisimeek or MDEP. MDEP has restoration rules that developers need to follow. The quarry is on private property and the state cannot require them to fill it in. The Board suggested that Mr. McLeod become familiar with the DEP regulations and get a contact with DEP so they can contact them if he feels MDEP regulations are not being followed. Frank Arisimeek is the responsible party for the project whether he is on site or not.

NEW BUSINESS: Russell told the Board that he has gotten noise complaints from a resident on Riverside Drive regarding Walton's Campground. The Campground some weekends have live bands performing. We do not have a public assembly or entertainment permit so we don't have anything to enforce. Our noise standards regulate commercial uses. The Board said they could regulate the time for such activity, but it would have to go to the residents for a vote. They also suggested that the resident contact the Campground about the noise concern. Because of the repositioning of the stage at the Waterfront Concert in Bangor and the fact that the resident lives back off the road closer to the river, some felt that the resident could actually be hearing that noise travel up the river from those concerts rather than music at the Campground.

Charlie Norburg informed the Board that he has tried to contact Hilma Adams regarding the new entrance she constructed on Rt. 9.

OTHER BUSINESS: The Board discussed Rights Based Ordinance. If the Board finds that the State regulations for Quarry operations do not protect the Town's residents and natural resources, then the

Board can create a Rights Based Ordinance for a quarry. Gretchen suggested a workshop on this. She will bring some dates to the next meeting of when she can bring some experts to a workshop

STAFF REPORTS:

PLANNING BOARD COMMENTS: Gretchen informed the Board that the Army Corp of Engineers has released 2B2 as their preferred route. The I395 project is not suppose to be part of the current Road Bond Package.

There are some questions concerning frontage for new Rockwell lot at 421 Main Road and the Horse Farm at 1551 Main Road. The Ordinance says frontage on a road and does not cover frontage on a right-of-way. The Board needs to work on right-of-way and frontage.

Everyone will review the Modern Rules of Order and decide if they want to use these or continue with Robert's Rules.

It was questioned whether the signs at Brian Tasker Homes should be removed. Russell told them that the Company that Brian worked for has taken ownership of the property. According to the Zoning Ordinance, Section 1005.3. Any discontinued, unused or damaged signs shall be removed by the property owner upon notice by the Code Enforcement Officer that the sign constitutes a nuisance or is a hazard due to structural condition. The Board would like Charlie to notify the new owner of this rule.

Susan informed the Board that the Selectmen accepted the new Fee Schedule prepared by the Planning Board and it will take affect September 1, 2013. They did not address the fee for Plumbing Permits.

Charlie had contacted Norris Martin about not getting a Building Permit for an addition that he put on his house. He had told Charlie that he was not going to come in to get a permit, but he did come into the office and took home an application, filled it out and returned it the next day.

PUBLIC ACCESS: Daniel Morrison of Applevue Apartments on Hill Street addressed the Board with his concern about Fire works. He said that someone on Hill Street has been doing fireworks and he is concerned about something landing on roofs in the area. Russell said that the Town got a call the other night about fire works in that area that were going off after 10:00 pm, they were on Bangor Hydro Land and there was concern of fire. The Planning Board does not have any enforcement capability right now. They could write a draft fire works ordinance, have Public Hearings on it and then it would go to the residents to approve. It was suggested that they could somehow be linked to when burning permits are safe to issue. If a resident has a concern or know of violations to the state rules, they should call the Sheriffs Department at 947-4585.

NEXT MEETING: The next meeting will be Thursday, September 12, 2013.

ADJOURNMENT: Motion to adjourn at 8:17 by Gretchen Heldmann, Susan Dunham-Shane 2nd. All in favor.

Respectfully Submitted,

Denise M. Knowles