

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

September 4, 2014

6:30 pm

MINUTES

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

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

Motion to make Craig a voting member for tonight.

By Susan/Henry 2nd. Vote 3-0

MINUTES:

UNFINISHED BUSINESS:

NEW BUSINESS:

OTHER BUSINESS: Susan prepared Article XI, Definitions with examples from various town's ordinances for the Board to review. The following are the changes they discussed. (If there was more than one definition for a word, I will note in the minutes which definition will be used. If it is not noted, there was only one definition and that one will be used.)

1. Affected Land: Use the state quarry. At the end, change "quarry" to "mineral extraction operation". Note: Frank thought there should be wording to indicate that roads in the project are part of this definition.
2. Average Daily Traffic: At the beginning, after "The" add "sum of" before "average" so it will read: The sum of average number of vehicles per day that enter and exit the premises or travel over a specific section of road.(also MtDes&StockSpr) (Ezone-no) Note: Passenger car equivalents may not have been in the Ordinance and we may not need it.
3. Borrow Pit: Use Stockton Springs and add, "This does not include an excavation for rock."
4. Driveway: Add this word to the list with the Mt. Desert definition: "A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, serving not more than two lots." Note: Should they change it to two residences?
5. Environmentally Sensitive Areas: Note: Susan asked if they should mention what IF&W uses.
6. Expansion of Existing Operation: Use the Mt. Desert reworded to read "Excavation operations, including active extraction areas and affected lands that exceed the footprint of an approved operation.(Ezone-no)"
7. Gravel Pit: Remove the Mt. Desert definition and add "See Borrow Pit".
8. Ground Water: Note: Susan will check for more definitions in other LUO's. It is noted that the definition is ok for now.
9. Mineral Extraction Operation: Use MEO, with a portion of the Edd Zone Ordinance to read: "Any excavation or removal, handling or storage of sand, gravel, borrow, rock, clay, minerals, or topsoil including but not limited to sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or other like material from its natural location and that transports the product removed away from the extraction site. The incidental removal of material necessary for construction is not included."

10. Natural Buffer Strip: Use the Hancock: “An undisturbed area or belt of land that is covered with trees or other vegetation. (also S.Q.)”
11. Normal High-Water Line: Use Hancock: “That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.”
12. Passenger car equivalents at peak hour: Note: use this if such wording ends up in ordinance. “(State Quarry) means the number of passenger cars, or in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which traffic volume generated by the development is higher than the volume during any other hour of the day. For the purpose of this article, one tractor-trailer combination is the equivalent of 2 passenger cars.” (also StockSpr)
13. Preblast Survey: Delete “Preblast survey means” and capitalize “Documentation”
14. Processing: Use Hancock: “Any washing, screening, crushing, mixing of sand, gravel, stone, rock, clay, or topsoil.”
15. Protected Locations: Use EddWind: “Occupied Building or Structure” means a building that is a residence, school, hospital, house of worship, public library, hotel, motel, B&B, nursing home, seasonal residence, daycare centers, elder care facilities, places of seated assemblage, nonagricultural businesses or other building that is occupied or in use as a primary residence or is customarily frequented by the public or has been legally permitted for construction at the time when the permit application is submitted.”
16. Protected Natural Resource: Note: Check with Gretchen to see if this needs to be expanded.
17. Public drinking water source: Note: Check other sources for definition
18. Quarry: use Mt. Desert, “A place where rock or large stone is separated from the bedrock.”
19. Reclamation: Use State Quarry: “Reclamation” means the rehabilitation of the area of land affected by mining, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest, the enhancement of wildlife and aquatic habitat and aquatic resources and the development of the site for permitted residential, commercial, recreational or industrial use. “Reclamation” does not include the filling in of pits and the filling or sealing of shafts and underground workings with solid materials unless necessary for the protection of groundwater or for reasons of safety.” (Having added the word “permitted before residential.)
20. Regulator: Use State Quarry: In B. add a “;” after quarries and capitalize “Protection” Note: Probably won’t use.
21. Road: Use EddShore: “a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.” (also MtDes) Note: Add driveway definition.
22. Structure: Use EddZone: “Anything constructed or erected, including manufactured housing and including, but not limited to, mobile homes, box trailers, signs which requires location in the ground or attachment to something on the ground. The following are not considered as structures - fences, boundary wall, unattached buildings 100 square feet or less in area and subsurface waste water disposal systems.”
23. Waiver: Use Hancock: “A relaxation of the terms of the Ordinance where such a waiver would not be contrary to the public interest, where owing to existing conditions or operations, a literal enforcement of this Ordinance would result in an unnecessary or undue hardship, and where the intent of the Ordinance or item being waived can be met in some other appropriate manner, as determined by the Planning Board.” Note: Use here or will need to reference in ordinance section re”Waivers” and it was questioned whether waived is a real word.

STAFF REPORTS:

PLANNING BOARD COMMENTS: Susan informed the Planning Board about the Selectmen meeting she attended to present them with the letter requesting the extension of the Mineral Extraction Moratorium. She had wished other members of the Board had been present and asked that they all attend the Selectmen Public Hearing meeting on the moratorium. Susan said that at the start of the meeting the Selectmen didn't really think they should do it. Mrs. Hughes thanked the Planning Board for their hard work, but said they already had a very good ordinance and did not think the extension was needed. She felt that they should finish their review of the Hughes application and then go back to continue their work on the MEO. But Susan explained that this would not make any sense. Mr. Lyford asked what else had come before the Board and Susan told him a couple of the other items they had worked on. The Selectmen asked if they had to give the Planning Board 180 days and Russell explained that it was up to 180 days and they could decide on a shorter period if they wanted. They had a discussion about how much time they needed to give them and then motioned to accept the letter and move to the Public Hearing.

PUBLIC ACCESS: Ray Wood stated that to him it seemed wrong that the Selectmen, who appoint the Planning Board, are not supporting them. He also suggested that they differentiate by size of quarry in regards to setback and sound requirements.

David McCluskey asked about ambient sound and the Board told him that it is in the sound requirements section. He also asked if the processing definition included crushing and the Board answered yes. Mr. McCluskey asked if the Natural Buffer definition spelled out the type of buffer and the Board told him that they are still working on that.

Charles Baker Jr. asked who was on the hook if wells have to be fixed and the Board answered the operator. He also asked if radon measurement was included in the pre-blast survey and Frank said he didn't think so. Susan will check if that wording is in the ordinance we are using. Charles asked if they had had any word from the school regarding dust and the Board said no. He has had some concern expressed to him because of the age of the children and asthma.

NEXT MEETING: The next meeting will be Thursday, September 11, 2014.

ADJOURNMENT: Motion to adjourn at 8:35 pm.

By Henry/Craig 2nd. Vote: 4-0

Respectfully Submitted,

Denise M. Knowles
From Susan Dunham-Shane's notes