

# 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

September 11, 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, Gretchen Heldmann, Frank Higgins, Henry Hodges, Craig Knight and Charles Norburg, CEO.

### **MINUTES:**

### **UNFINISHED BUSINESS:**

### **NEW BUSINESS:**

**OTHER BUSINESS:** The Board continued their work on the Mineral Extraction Ordinance. Susan provided everyone with revised copies of some of the sections reviewed, with items to discuss highlighted in red. She also revised the definitions with the changes they discussed at the last meeting. The following items were changed:

1. Article III, B. change (200) to (300) cubic yards
2. Article III, D. at the end add "pursuant to work legally authorized and permitted by the proper authorities."
3. Article III, F, Delete the last section that starts with "Note: Mineral . . ." from previous meeting. Remove "Inactive Areas . . ." and replace with "Any active existing MEO that has been in operation within the 12 month prior to the adoption of this ordinance."
4. Article IV, Section 2, A. Remove wording after "obtaining an" and add "approval from the Planning Board for an expansion of an existing MEO." Janet Hughes said that it would be hard to reclaim 4 acres of a quarry while working on one acre. Usually 5 acres are reclaimed and then they move on to the next expansion. She explained that the Performance Standards from DEP are for quarries that do not require any variances. There are other Performance Standards for quarries that require variances, as in the case of it being below the water table. The Board needs to match the expansion requirements to the reclamation standards. The Board will table this discussion and flag this section to verify with reclamation standards. Reclamation says you cannot exceed 5 acres at any time, it is saying that once you reach 5 acres and you want to expand to 6 acres, you have to reclaim an acre so you are still at 5 acres. Janet will email Russell the Performance Standards for below the water table. Gretchen will reword Section 2. A and send the wording to Susan.
5. Article IV, Section 2, B. h. Remove "March 1991" and add "current edition" before Maine Erosion and Sediment Control Handbook. . .
6. Article IV, Section 2, B. d. Make a note that they had previously discussed that the Bucksport ordinance has 2640' from residences and wells and Hancock has 1000'
7. Article IV, Section 2, B. n. Remove "or more" and remove the red notes.
8. Article IV, Section 2, B. Replace "licensed surveyor" with "licensed professional engineer"
9. Article IV, Section 2, A. Remove the last sentence in the first paragraph. Insert "B. The applicant shall submit the following to the Planning Board." before 1. Application fee.

10. Article IV, Section 2. B. n. Remove the wording and add “For expansions which will create a mineral extraction operation with a cumulative affected area of over 5 acres, the applicant shall also comply with the submission requirement of Article IV, Section 3, B. k.”
11. Janet Hughes stated that 10 acres is the point at which the state will inspect the quarry. Susan stated that the state regulation for quarries states that the applicability is for any quarry that is more than one acre in size including reclaimed or un-reclaimed areas in which underground blasting is proposed. If anyone states they are operating by Permit-By-Rule, it means that they are following the regulations that are in the Performance Standards for Quarries.
12. Article IV, Section 3, k. i. At the end add “or negatively impact existing wells.”
13. Section 5, A. Remove “who will submit them to the Planning Board within seven Days.” And add “pursuant to Chapter 404 of the Zoning Ordinance.” Section 404 needs to be fixed and included in the changes to be voted on by the residents. (Charles Norburg noted that the Ordinance currently says he should receive the paperwork 14 days before a meeting, but does not say what he does with it from there for applications that need Planning Board approval. Susan will look into it.)
14. Section 5, A. Remove “1. Within sixty (60) days . . .”
15. Section 5, A. 2. Remove “to be determined by the Select Board.” And add “pursuant to Section 305.3 Fees.” This will become 1.
16. Section 5, Application Procedures can be deleted and new wording added which says something like; “Applications shall be submitted pursuant to Chapter 4 of the Zoning Ordinance with the following exceptions. 1. Public Hearings shall be held. 2. Notices shall be mailed to abutters defined as within 1000’. And add the exception that MEO for over 1 acre, Planning Board shall have a Public Hearing. Gretchen will rewrite this section. (The Public Hearing Section needs to be revised in the current Zoning Ordinance.) Section 401.2, change “shall” to “may” and change “7” days to “10” days in advance in the local newspaper and first class mail.
17. The Board discussed the notification process for Public Hearings. Using Certified mail had been suggested at prior meetings, with the benefit that the Town would have a receipt that they received the mailing. But some people do not accept certified mail so they could say they never received notification. And certified mailings would be a considerable expense to the applicant. Notifications would be in the local newspaper, on the website, posted in public places and could be sent to the email list. Frank asked that if we send notice by 1<sup>st</sup> class mail, have we met our legal obligation. An abutter list should be verified, a mail log should be kept for all mailings by regular mail. It was suggested that notifications be mailed certified mail to the physical abutters of the property and then regular mail to everyone else. The Wind Ordinance has a 500’ notification of abutters cut off, while the mineral extraction addendum will be 1000’. They will leave it as regular mail for now and everyone will think about it.
18. Start with Section 5, C at the next meeting.

**STAFF REPORTS:**

**PLANNING BOARD COMMENTS:** Susan reminded everyone never to forget the events of September 11, in which she almost lost a friend.

Gretchen thanked Susan for all of her work putting the information together and putting up with their picking and everyone agreed. Everyone should review the revised definitions for the next meeting.

The Public Hearing for the Moratorium extension will be Tuesday, September 23, 2014.

Gretchen told everyone that there will be a Harvest Supper with bean hole beans and Ham at Comins Hall this Saturday.

The following Saturday, Susan told everyone that there will be a play writing Festival for 10 Bucks Theatre at Comins Hall.

**PUBLIC ACCESS:** Mr. McLeod thanked the Board for all their work. He suggested that they look in to dye testing the wells before anything was done. He also suggested that when a quarry becomes active, they should be charged a fee in lieu of taxes for all of the resources that will be removed from the land.

**NEXT MEETING:** The next meeting will be Thursday, September 18, 2014.

**ADJOURNMENT:** Motion to adjourn at 8:27 pm.

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

Respectfully Submitted,

Denise M. Knowles