

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

October 10, 2013

6:30 p.m.

MINUTES

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

ROLL CALL: Members present were Tom Vanchieri, Henry Hodges, Susan Dunham-Shane, Michael Shepherd, Gretchen Heldmann, Craig Knight, Russell Smith and Charles Norburg. Frank Higgins has an excused absence. Motion to make Mike and Craig voting members for tonight's meeting by Gretchen Heldmann, Henry Hodges 2nd.

MINUTES: Motion to accept the minutes of the September 26, 2013 meeting after correcting the name to Janet Hughes under New Business, the second sentence Susan Dunham-Shane, Henry Hodges 2nd. All in favor.

Public Hearing

The Public Hearing opened for Hughes Bros., Inc.'s Application for a 5 to 10-acre Quarry with expansion to a 20-acre Quarry on Fox Hill. Gretchen recused herself from the Public Hearing because Janet Hughes of Hughes Bros., Inc is the Mayor of Hampden and her employer.

Mrs. Hughes explained that they had come to support the Frank Arisimeek Quarry project at a previous meeting. Hughes Bros., Inc. has looked at the land use, quantity and quality of the rock on Fox Hill. They are planning to start with a 5-acre area up Fox Lane turning through the right-of-way beside Jody and Brian Butilier's property. They expect to have to do a lot of work on the road and it could be a nuisance to the residents. One to three people will be working at the site at all times. They have a source for rock in Winterport, but need a new source. This project could be on a 10 to 20 year basis. They will improve the road by adding a base and will keep the dust down and will move it away from the Butiliers keeping a wood buffer.

DEP will not allow a 20-acre quarry to start. They will have to meet DEP standards to be approved for a 10-acre area first. Noise, blasting, dust, impact on wetlands and wildlife and storm water runoff were all areas of concern. Hughes will develop a pond that will gather all water run-off. They would like to start in November, improving Fox Lane and developing a road and basically preparing for next year. They will not do much hauling this year. This fall they will do a pre-blast survey. DEP required that they maintain those records. They will blast in the spring and late summer. After they are approved they will drill to determine ground water table. A seismic monitor meter can be placed near a structure or well if a resident has concerns. They would use Maine Drilling and Blasting to do that work. A call list is created of immediate adjacent property owners and anyone else that wants a call before blasting. They plan to have a portable crusher to start but may someday do something more permanent. The noise is below 60 decibels. Burns is a method to help with noise problems.

The meeting was then opened for Public Access. About 50 people were in the audience. The following people commented on various items:

David McCluskey, 15 Coffey Hill Way

The zoning is agricultural and residential that allows mining.

Water table; Hughes will determine the Water Table and install a well.

Reclaiming, They will stabilize any side slopes and loam and seed quarry floors after 10 acres before expansion

Traffic, Hughes estimates there will be 30 trucks a day, including employees, accessing it Ordinance specifies noise should not exceed 60 decibels and that they need a sound survey.

Mrs. Hughes said they tested at their Winterport pit and the reading was 54-58 decibels. Will the property values be reassessed after quarry opens? Russell said he talked with our assessor and the values of the properties near the quarry may drop and the town will in turn have a loss in revenue.

Rusty Gagnon, 1359 Main Road

Property values will go down, air quality will decrease and tax revenue will decrease. There will be no added tax income on what the land is assessed at now other than permanent equipment on the lot.

Aimee Bogan, 344 Main Road

The entrance to the quarry will use part of her driveway and part of the road. Hughes Bros., would like to meet with her about possible changes to the road or her driveway in the future.

Joan Brooks, 263 Main Road

Per Joan the standing or seasonal water table is not very far down. The dust from the crusher will create a mess on neighboring homes if it is not washed off. Hughes will address the dust issues.

Robert Dorr, 63 Grandview Drive

Rob is worried about Eddington residents in regards to the pollution, increasing traffic and Noise. The quarry will also be close to the school and will be affected by the noise and pollution. Mrs. Hughes said the school would not be impacted. They are required to have emission control on the trucks.

Ray Wood Sr., 26 Coffey Hill Way

He and his family have made a major investment in their homes in Eddington. He understands how hard it is for businesses to make money at this time. The prevailing wind around Fox Hill is 12 to 15 mph all the times. The wind blows down on residences, the school and Eddy Heights. He feels the Town should look at the application very closely for the people in Town that are paying taxes.

Charles Baker Jr., 710 Main Road

The only tax income to the Town will be from structures built on the site. Hughes Bros., anticipate to mine 30,000 to 40,000 yards a year. They generated 180,000 in Winterport last year. Mrs. Hughes said they will be drilling and blasting one week in spring and the summer. They will not use a pneumatic hammer. There is no mechanism by DEP to control the amount mined.

Ray Wood Sr., 26 Coffey Hill Way

Mr. Wood can hear them working on the dam in the Penobscot River at their house. He verified that they do crush ledge in Winterport. He feels people on the Bradley Road, Rt. 178, will be hearing the noise. Hughes Bros., said the crusher has less sound than a hammer drill at 20 decibels. The generator makes the noise.

Susan Brawley, 300 Riverside Drive

The highpoints carry the noise down. She feels the Town should evaluate any noise repercussions in Eddington.

Pat Wilking, 1350 Main Road

She expressed concerns with the watershed. The DEP regulates this. Hughes has to do a storm water and site plan development.

Joan Brooks, 369 Main Road

Years ago when Fox Lane was hauled from, her cellar was cracked.

Ralph McLeod, father of James McLeod of 87 Fox Lane

Mr. McLeod thought that the water line went through in 1958 and they installed a 48" pipe. They used rock from Fox Hill to put on the pipes. At the time there were no homes on the Hill. Rock crushers will ruin a serene neighborhood. Homes will be devalued. The half-mile radius around the quarry includes Bangor Water District Water Line. It is .47 miles to the Eddington School. Parents will be upset that they are doing a pre-blast survey for the school. Because the Comprehensive Plan does not mention Quarry, does not mean it is allowed. He feels the quarry will cause damage to the neighborhood, devalue property, does not provide any revenue to the town and has caused a public uproar. He feels the Board should table the application, enact a moratorium and hand the paperwork to the Comprehensive Plan Board to revisit.

Rusty Gagnon, 1359 Main Road

There are 200 students at Eddington School. They have students with special needs, autistic students and students with allergies. She is concerned about the air quality and noise. Ms. Gagnon feels they should have to get a surety bond to have on deposit that they will use to fix what gets cracked plus have money to fix the road.

Julie Clewley, mother of Nicole McLeod of 87 Fox Lane

Wanted to know if they have tested for radon. She also wonders about possible affects on the gas pipeline that is less than ½ mile from the site. Hughes Bros., said they do not intend to have an impact on the school or pipeline that are ½ mile away. She also explained that in 1958 regulations were not in place like they are now. They will use dynamite. Russell Smith has a call in to Maritime Pipeline but they have not responded yet.

Bob Seccarecia, 10 Coffey Hill Way

Something would need to be designed in a way that property values will not go down. Also, Mrs. Bogan needs a guarantee that her driveway will be fixed by Hughes if damaged.

Brian Butilier, 90 Fox Lane

He said that there has been work done in the last 15 years on the Hill.

Steven Russell, 389 Riverside Drive

Questioned how they can take that much material out and not create a hole. Mrs. Hughes explained that there is a steep slope and they would go into the face of it and haul from it so it will not create a hole.

Russell Smith, Town Manager

He received a call from Craig Kosobud of MDOT that told him that the state would require a Road Opening Permit the area of Fox Hill because of the location of the entrance and the amount of traffic. Hughes Bros. will contact Mr. Kosobud.

Stephanie Seccarecia, 10 Coffey Hill Way

Her grandparents and parents are from Eddington and she loves Eddington. The wind is a factor that should be considered because it blows all the time.

Aimee Bogan, 344 Main Road

It would affect her business because parents will not want to leave their children there if the quarry exists.

Tom Briendel, father to Jody Butilier at 90 Fox Lane,

If they move the right of way to the other side of the rock wall, there are not many trees there as a buffer and he has concerns for his 2 year old grandson running around in his yard. Also the loss of property value is a concern.

Pam Dorr, 63 Grandview Drive

This is a bad situation for residents. People will want to leave Town and homes will loose value.

Stephen Roy, Riverside Drive

He owns a large piece of property that he planned to some day construct a retirement home, but with this project he is considering against it.

Susan Dunham-Shane, Planning Board

The site location is less than a mile from Rt. 178. Google Overview would show the specific relations of the site to Rt. 178 and the Penobscot River.

David McCluskey, 15 Coffey Hill Way

Does the increased usage in the future also increase the number of trucks to 100? In the summer time he can hear children in the school yard. They will hear trucks running and beeping constantly.

Rusty Gagnon, 1359 Main Road

The Town of Eddington is taking a hit with lost tax revenue, with no increased taxes and no share in the profit from the dirt hauled away.

Darlene Cookson, 91 Fox Lane

She noted that none of the neighbors that are selling the land for the quarry are at the meeting. The temporary equipment like the excavator and crusher will not be registered.

Janet Hughes, Hughes Bros., Inc

Mrs. Hughes said that other towns tax the rock or gravel material. She also said there are \$300,000 and \$400,000 homes along the road to their Winterport Pit. They have the resources to improve the road. She said the only difference now is that the quarry is larger than Mr. Arisimeeks.

Frank Arisimeeks approved application was for one acre to do a job with the dam work, contingent upon DEP approval to go to 5 acres.

Julie Clewley, mother of Nicole McLeod, 87 Fox Lane

Questioned why everyone was not notified. It was explained to her that the ordinance states that the people within 500' of a new application's location must be notified of the Public Hearing.

Janet Hughes, Hughes Bros., Inc.

They are buying a large area so they can buffer it. It is not good for developing. They are also looking into an alternate route right off of Rt. 9

Susan Dunham-Shane read from the August 8, 2013 minutes for Frank Arisimeek's application:

Motion that the Planning Board finds this application complies with the requirements of our Ordinance Section 809.2 and therefore they approve the application subject to the applicants agreement to comply with all specific plans included in application with the understanding that the work will only be operated Monday through Friday from 7 am to 7 pm, the size of the quarry cannot exceed 1 acre without applicant providing evidence to the Town of full compliance with MDEP Performance Standards for Quarries latest edition and pay the application fee by Frank Higgins, Susan Dunham-Shane 2nd. All in favor.

Susan read from the August 22, 2013 meeting: 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.

Pam Dorr, 63 Grandview Drive

She asked how residents are informed about Public Hearings. Russell said they are posted on the Town Website and at businesses in Town. Mr. Arisimeek's quarry did not have as big of an impact because it was just one acre.

Everyone should check the Town Website for Public Hearing information.

Susan Brawley, 300 Riverside Drive

She has already experienced an increase in noise from the concerts near by and from I95 across the river and increased traffic on Rt. 178.

Ray Wood Sr., 26 Coffey Hill Way

Mr. Wood said the one-acre quarry for work on the dam would have had minimal impact. He also noted that Mr. And Mrs. Hughes were at the meeting here for Frank Arisimeek's application and questioned "Do you think something was going on back then?" Mrs. Hughes did acknowledge that she did help Frank with the application, and she specified that Arisimeek and Butterfield were approved for the permit, not Hughes or Sargent.

Raymond Pelkey, 363 David Road

He said it doesn't matter who does the work, it is a matter of if they can do it and who gets approved.

Aimee Bogan, 344 Main Road

Asked "If Frank owns the property, a one acre quarry can be done by anyone?"

Laura Roy, Riverside Drive

Wanted clarification that the excavation area is the same as the working area.

Nicole McLeod, 87 Fox Lane

She has a 2 year old and a 4 year old. They moved into the house 2 years ago. She wants to know what is done if something happens to her house.

Janet Hughes, Hughes Bros., Inc

She answered that they would do a pre-blast survey and experts will come in to inspect the property.

Ray Wood Jr., 30 Coffey Hill Way

He questioned that Mrs. Hughes says that nothing is going to happen to the properties, but What if something does happen? These residents are here and established.

Stephen Roy, Riverside Drive

Any blasting is too much.

Ralph McLeod, father of James McLeod, 87 Fox Lane

He has experience with dynamite and you cannot slow down a blast.

Robert Dorr, 63 Grandview Drive

He questioned what the thought process was in approving the one acre quarry.

Susan Dunham-Shane, Planning Board

This is difficult for people to understand. The Planning Board works within the Ordinance of the Town. The hardest thing is when they come up against something that is not totally addressed in the Ordinance. They have to review whether the application answers all the questions raised in the Site Plan. If it does meet the requirements it is approved. When the Ordinance was rewritten, all of the information was available for everyone to review before it was approved. The Board took the amount of impact into consideration, that it met the requirements of the Site plan and approved it for one acre.

Ray Wood Sr., 26 Coffey Hill Way

He feels it is the Boards responsibility to act in the best interest of the Town and take care of the Town's people. He asks that the Board take a step back and look at this for the benefit of the towns people affected.

David McCluskey, 15 Coffey Hill Way

He asked if a rock crusher has been put on the property to test the noise and dust.

Tom Vanchieri, Planning Board

If an application is approved, an independent engineer will have to come to test the sound levels.

Ralph McLeod, father of James McLeod, 87 Fox Lane

He asked if the Planning Board approve the application, when can they start. The Board informed him that nothing will be approved or disapproved tonight. If it is approved and then the appeal process, everyone will have to come back.

Janet Hughes, Hughes Bros., Inc.

They would plan to start building the road, clearing the grubbing and do pre-excavation work until spring. There would not be any blasting until spring.

The Board has a 90-day review process. The town's lawyer is still working on questions the Board had for him. Frank was approved for a one-acre quarry. They have a whole new application in front of them now, so should the other application be null and void. Mrs. Hughes said they should not throw out Frank's permit. She said the DEP requires an owner and operator and they do not have to be the same person.

Alan Gardner, Rt 9

Asked if Frank's permit can be appealed.

Any applicant has to show they have right title and interest to the property. If they are not the owner they have to show a purchase and sale agreement. With this they do not have title, but have a valid interest.

Laurel Roy, Riverside Drive

She asked if it starts and there are situations with this would they revalue the properties?

Rusty Gagnon, 1359 Main Road

If it meets all of the requirements will the Planning Board approve it?

Per the Board, they do not have a legal right to disapprove it if it meets all the requirements. Residents could go through the appeal process if they don't want it. Everyone can review the steps and requirements in Section 204.3, Appeal Procedures, of the Zoning Ordinance. Susan explained that the residents have the right to build on their property as an owner has the right to make money of their property as long as they follow the requirements in the Ordinance. Section 402.13, Review Standards can also be referred to. In two or four weeks they will make a decision on this application dependant on if all of the required information is provided.

Ray Wood Jr., 30 Coffey Hill Way

Why would they want to bring a business to a town where they are not wanted?

Janet Hughes, Hughes Bros., Inc

Quarries are difficult to develop because over time towns and cities have pushed them away from certain areas making it hard to start new ones.

David McCluskey, 15 Coffey Hill Way

Section 402.13, states that "The proposed activity will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibration, fumes, odor, dust, glare, or other causes." Does this cover this application. The Board explained that they cannot change an ordinance that would impact this application.

There was a non binding straw vote on this project:

Opposed project – a majority of those present

In favor of Project – 5 people.

Closed Public Hearing at 8:32 pm.

UNFINISHED BUSINESS: Everyone that was present for Hughes Bros., Inc left after the Public Hearing so the Board could not review their application with them. The Board has a lot of information to review.

Motion to table this application until the next meeting by Henry Hodges, Mike Shepherd 2nd.. All in favor.

NEW BUSINESS:

OTHER BUSINESS:

STAFF REPORTS:

PLANNING BOARD COMMENTS:

PUBLIC ACCESS:

NEXT MEETING: The next meeting will be Thursday, October 24, 2013.

ADJOURNMENT: Motion to adjourn at 8:40 pm by Henry Hodges, Mike Shepherd 2nd. All in favor.

Respectfully Submitted,

Denise M. Knowles