

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

November 14, 2013

6:30 p.m.

MINUTES

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

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

Motion to make Mike and Craig voting members for tonight's meeting.

by Gretchen/Henry 2nd. All in favor.

MINUTES: Motion to accept the minutes of the October 24, 2013 meeting as written
by Henry/Mike 2nd. All in favor.

UNFINISHED BUSINESS: Al Belanger has been in talking with Charles Norburg regarding the new dam, which was installed on Eddington Pond. Charlie wanted to bring the Planning Board into the loop of what was going on with the Dam because they had approved the application. They reviewed the minutes of July 25, 2013 when they initially came in with their application. They discussed the current status of the dam (deteriorating, failing, unsafe) and configuration of existing dam. They will put in new water control gate, signage, safety railings, and stainless steel fish way. Discussed all the permits and review they've already gone through with various state and federal agencies – all permitting in place.

It has now been learned that they have brought the water level up to 198.8, which is .2 above the 198.6 100-year high-water map. The Board does not believe that anything was said when they got the application about raising the water level of the lake. This is an intrusion of water on everyone's property. Mr. Belanger has spoken with many people at the state about this. Charlie has also, and gave everyone a copy of the emails that he had received from State Agencies. The Town has jurisdiction of structures in the Shoreland Zone, but the state would have jurisdiction on all other items. The DEP was not aware of plans to raise the water level. It is considered an intrusion and they should have gotten a permit from DEP. It has caused a lot of erosion along the shore. Charlie will write a letter to the Dam Association and send a copy to DEP. The Board would like to be kept up to speed on what Mr. Belanger and Charles find out on this matter.

NEW BUSINESS: Susan Brawley came before the Board to express her concern about business and residential lighting brightening the evening sky and causing night sky pollution, which affects the quality of life. The night sky view has changed considerably in the years since she has lived in town. She thinks we need a residential light code that would require shaded lights and have residents replace their old ones as needed. Bar Harbor and Ellsworth and other towns have changed their ordinances to protect the night sky and require businesses and residents to have covered lights. Mrs. Brawley brought in a copy of a report titled Pattern Outdoor Lighting Code (USA) and a Downeast magazine with an article about the subject. Denise will copy each of these and get them to the Board members.

The ordinance that went into effect 2 years ago for Eddington addresses downward lighting for businesses but it is not retroactive to preexisting businesses. The Board will research a Lighting Ordinance and what other Towns have. It is up to the residents to approve a new ordinance. It is not a serious problem now residentially, but this could be a start to stop it before it gets bad. Gretchen pointed out that even if Eddington had a light code in place, if Bangor and Brewer and other communities in the area do not, it will not make a big difference.

Mrs. Brawley also expressed concern with the loud noise that she is hearing from the Campground on Rt. 178. She explained that Walton's Campground has concerts during the summer on the weekends and there have been times when they have played to 11:00 pm. She doesn't mind them having concerts, but not all the time and they should be stopped at a reasonable time. Our Ordinance states that a maximum of 60 decibels is allowed between 7:00 am and 9:00 pm. The Board explained that it is an enforcement issue and she needs to contact the Police Department when they are playing late. The Bangor council is also dealing with issues about noise from the waterfront concerts and is working to address it. She suggested that it may be an issue for our Representatives. Mrs. Brawley would like the Town to send a letter expressing concern about the noise. The Board would like more information on the matter and then they will forward it to the Selectmen to see if they want to send a letter to Bangor expressing concern. Mrs. Brawley can go to any Bangor meeting because they are open to everyone and can also go to a Selectmen's meeting. Russell suggested that the Campground could be contacted and informed about the concern about the noise to see if they will do something to help reduce the noise, adjust the hours, plant cedar trees, etc.

Per previous emails between Gretchen and the other Board members to try to find a date that is good for everyone for the Rights Based Ordinance Workshop, it was verified that it would be held on Tuesday, November 26, 2013 at 6:30 pm at the Town Office. It is open to the public.

OTHER BUSINESS:

STAFF REPORTS: Russell informed the Board that David Pooler called him today and said that Mr. Footman is no longer interested in changing the zoning of his land across from the Town Office as he may be selling some of the land. The Board said that Mr. Footman needs to put something in writing to withdraw his application to change the zoning of the lot.

The letter from Susan for the Moratorium on Quarry development will go to the Selectmen at their meeting next Tuesday. Charlie said the following items also need to be taken care of at a Special Town Meeting: The 911 Ordinance needs to be changed so as not to specify the colors of the signs and only state that they must be contrasting colors and that Private driveways should not be named per a request from the Fire Department for clarification. Russell will let them know the date and time of the Special Town Meeting.

PLANNING BOARD COMMENTS:

PUBLIC ACCESS: A resident asked what constitutes a wetland? It was explained that it has to do with the soil, aquatic vegetation, seasonal high water table determined by a soil scientist, etc. He said it is a wetland in a mining area. They then asked if it is a wetland, what effect does it have on the surrounding area?

A resident asked how a moratorium would affect a quarry application. The Board explained that if it is in place before an application comes in, they would have to wait for the moratorium and if it comes in before it is in effect, the application would not be affected by it.

The Board will research quarries in other towns to build the best ordinance for the Town.

The Board was asked how Hughes Brothers could apply for a permit on land they don't own. It is because they have a purchase and sale agreement and lease agreement for the land.

Some residents have gotten a request from Hughes Brothers to measure their well.

NEXT MEETING: The next meeting would be on Thanksgiving, so the Board rescheduled it to Thursday, December 12, 2013.

ADJOURNMENT: Motion to adjourn at 7:30 pm.

By Henry/Gretchen 2nd. All in favor.

Respectfully Submitted,

Denise M. Knowles