

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

December 12, 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, Craig Knight, Frank Higgins, Michael Shepherd. Russell Smith and Charles Norburg are absent because of illness. Susan Dunham-Shane has an excused absence.

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

by Frank/Henry 2nd. All in favor.

Gretchen arrived and the second alternate, Craig Knight was removed from the previous motion.

MINUTES: Motion to accept the minutes of the November 14, 2013 meeting with Gretchen's corrections. (Motion under Roll Call was made by Gretchen, not Susan; Under New Business: change "light" to "night", "affect" to "effect" (also in Public Access), and add: "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"; in Public Access, second 3rd sentence from the end, change "they" to Hughes Brothers" and in the last sentence, after request add "from Hughes Brothers"

by Henry/Gretchen 2nd. All in favor.

UNFINISHED BUSINESS: The Board will table the discussion on the Eddington/Holbrook Dam Water Levels.

NEW BUSINESS: The Board Members had received copies of the second application from Hughes Brothers, Inc. for a Quarry on Fox Lane. At this meeting they will review the application to see if it is complete. The following items were discussed:

Susan could not attend the meeting, but had sent an email to the Board members with her questions regarding the application. She noted that some lot lines have changed from the initial map to this new one. This is due to the fact that ownership of some lots has changed. Hughes Bros now owns the piece of land north of Cookson's, two pieces at the top of Fox Lane on the left and Fox Lane. Hughes Bros have a lease on the parcel of land owned by Frank Arisimeek and David Butterfield. Frank has acquired the piece of land from Audrey Fox. The Board will need a copy of that deed. Arisimeek is required to sell this land to Hughes as part of their agreement.

Hughes Bros. Have had a surveyor walk the lines of the property and have verified the property pins. The deeds are hard to follow. The Board would like Mrs. Hughes to have their surveyor prepare a letter certifying that he has reviewed the property lines and that the new map is accurate. The Hatt and Butillier right-of-ways may go back to them. Susan's email also pointed out questions regarding some frontage on lots. Gretchen said there are some labeling discrepancies from our map to their new map. Some lots are split zoned and there are questions about the frontage. There is a discrepancy between our maps and Hughes Bros abutter list due to discrepancies on the map. Mrs. Hughes will have a new abutters list for this application.

The new proposed road to the quarry is going down beside the junkyard and not into it. Wilbur Libby keeps the Junk Yard Permit active. The lease agreement between Frank and David and Hughes Bros that their attorney prepared has the wrong ending date on it.

The Board had requested additional information about brown water/storm water. They have a hydro-geologist here at the meeting. The study was provided tonight. A well was installed at the edge of the excavation area. DEP requires that they show the worse case scenario at 140'. Some residents

agreed to monitor their wells. They provided 24-hour surveillance. They pumped that well down for 72 hours. 500' away from the well was affected by 6' and the two homes (Fox & Hatt) had minor changes. Butilier had some fluxuation in their well level. Hughes meets with DOT on Tuesday to review data because of changes in the road to be used.

The crusher has been removed from the application thus removing 90 decibels of noise. According to the manufacturers, the noise levels for the remaining equipment will be as follows; loader is 90 decibels, excavator is 86 decibels and generator is 86.5 decibels. They found that if all were running together it would be 93 decibels. Engineering calculations provided the actual levels were less. They figured that at the closest property line of 700', the sound levels would be 55.5 decibels and then at 1000' they would be even lower. Theoretically the maximum sound level will be 57.5 decibels with no wooded area or buffers. If you figure in the wooded area, it will decrease it by up to 5 decibels. If it is found to be loud, a burm can be constructed.

In regards to background levels, 500' away from the drawdown well with the generator turned on and off, there was only a difference of 3 decibels. The back of the lot had a 1-decibel change. Hughes Bros. Ran the generator for 72 hours and got no complaints from residents. All storm water will be diverted around the quarry. Storm water from the roadway is intended to run off. Hughes Bros. Will develop a lot above the road way with 3 or 4 culverts that is what DEP wants. In regards to rehabilitation, DEP requires that when they are done with the quarry they shape it and the area around it gets vegetated and the quarry itself becomes a water body.

The proposed site is bedrock and not wetland. They brought Dave Moyses out to walk the site to verify that it is not wetland. Mrs. Hughes has a letter from him verifying that it will not have an impact on wetland. The Board will need a copy of the letter from Mr. Moyses to review it. Our Comprehensive Plan does not mention any historic significance to this property. Hughes will pull a 6 x 12 portable storage trailer onto the site. There will be a port-a-potty on site and fire extinguishers on the vehicles.

The Board continued verifying that the requested information is addressed, but are not reviewing the information itself.

Motion that the Board accepts the application as complete and the applicant will need to provide the following information for the review of the application.

1. Surveyor clarifying questions on property lines on drawing or letter stating that the boundaries are accurate.
2. Letter from Dave Moyses addressing wetland issues.
3. Letter from State Historic Preservation Commission or verification that our Comprehensive Plan does not show anything.
4. Copy of the deed showing transaction from Fox to Arisimeek

By Frank/Henry 2nd.

Discussion opened after the motion regarding the completion date not being specified as it says in the Ordinance. Hughes Bros. Has set an anticipated life of the project to be 20 to 25 years. The schedule dates for the project, according to Hughes Bros. Will not start any work until April and do preliminary work in March. Some members of the Board do not feel that the application is complete with missing information.

Vote on Motion 3 in favor/2 opposed

The Board will do a site visit at the quarry location on Fox Hill on Saturday, December 14, 2013. They will meet at 9:00 am at the top of the hill. Hughes Bros. Is not available for the January 9, 2014 meeting, so the Board will schedule the Public Hearing on the Hughes Application on Thursday, January 23, 2014. Janet Hughes will have someone come in to provide a presentation on blasting to explain it to the residents.

In review, the items needed are:

1. copy of Fox to Arisimeek deed
2. letter from surveyor
3. change date on lease agreement to 2014
4. letter from Dave Moyses addressing impact on wetland
5. Letter from state about scenic, historic or archeological recourses wildlife and animal habitat.
6. construction schedule

The Board discussed the presentation on Rights Based Ordinance, which they saw at the last meeting. Mike Shepherd pointed out that the 10th amendment gives a State the right to govern as it sees fit. The State of Maine has this type of ruling and he does not feel that a municipality has the right to form any ordinance to stop state law. Frank feels that a RBO is agenda driven, that we do not need it and that the Board has spent several years rewriting our Ordinances and they don't want to do it again. Sangerville has established a RBO because of the East/West Highway project. It was also pointed out that there is no legal challenge right now to see how it will be accepted at the State level.

The Board decided there will be no meeting on December 26, 2013 and the next regular meeting will be January 9, 2014.

OTHER BUSINESS: In regards to Susan Brawley's request that the town do something to address night sky pollution, the Board feels that even if we do something the lighting will be an issue in all the towns around us. According to our Ordinance, Commercial lights should be down casting and no lights should shine into a neighbors yard. This is not retroactive and there is nothing more we can do. We have noise addressed in our Ordinance. Charles Norburg should address the issue He should check the noise level and take action from there.

The Board will table the rest of the items under Other Business.

STAFF REPORTS:

PLANNING BOARD COMMENTS:

PUBLIC ACCESS: David McCluskey addressed the Board with his concerns about the proposed quarry. He is a member of the RSU 63 School Board and concern has been raised about silica in the community from the quarry. He wanted to let the Board know that questions will be coming to the Board about these carcinogens. Mr. McCluskey also said that he has noticed that Hughes Bros. answers a lot of the questions with opened answers as it is a work in progress. A bird chirping causes a spike in meter readings and he has concerns in her statements about noise. The town can get an expert on noise if they feel it is necessary.

Amy Bogan would like to hear from someone as to whether this will affect house value.

NEXT MEETING: The next meeting would be on Thursday, January 9, 2014 at 6:30 pm.

ADJOURNMENT: Motion to adjourn at 8:11 pm. By Henry/Frank 2nd. All in favor.

Respectfully Submitted,

Denise M. Knowles