



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

December 15, 2010

6:30 p.m.

MINUTES

CALL TO ORDER: Meeting was called to order at 6:30 pm by Susan Dunham-Shane.

ROLL CALL: Members present were Henry Hodges, Frank Higgins, Susan Dunham Shane and Russell Smith, Town Manager. Tom Vanchieri, Gretchen Heldmann, Jeff Thurlow and Charles Norburg had excused absences.

MINUTES:

NEW BUSINESS: This workshop continues the follow-up meeting with Attorney Charles Gilbert regarding his comments after reviewing the Zoning Ordinance. They discussed and changed the following items:

1. Bill Najpauer emailed Russell language concerning expiration of a permit. Russell gave everyone copies of the email. Add the following to the end of Section 305.6, "A permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted and if the work or change is not substantially completed with two years of the date of the permit." The Board will revisit this item to verify wording. Mr. Gilbert said they do not need to add substantially completed to the definitions.
2. Section 402.7, page 10, add "The proposed activity will not pose an undue risk of fire, and the property will be accessible to emergency vehicles."
3. Section 402.3, page 10, add "during construction or when complete."
4. Revisit this subject at the January meeting with the rest of the Board. It was suggested to add Section 402.13, page 11, "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."
5. Section 403.2.5, page 11, Has been taken care of by adding substantially completed requirements.
6. Section 403.2.6, page 11, Reword to "Plumbing and subsurface wastewater disposal applications or permits, if applicable."
7. Add a new 404.1.1, page 12, "For projects of sufficient complexity, it is advisable to request a pre-application meeting with the Planning Board. This may be initiated by the applicant, the Code Enforcement Officer or the Planning Board."
8. Renumber 404.1.1 to 404.1.2 and 404.1.2 to 404.1.3
9. Section 404.1.2, page 12, Change the wording of the third sentence to: If the application is complete, the Planning Board "will schedule" a public hearing on the application. (*My minutes show that you wanted to change the wording to will schedule, but then said to*

reference 401.2. In 401.2 the “may” was changed to “shall”. Do you want to use will or shall?)

10. Section 405.1, page 12, Reword to read: The Planning Board shall “as a condition of review approval,” require a performance guarantee, “pursuant to Section 709,” for the construction of a road and may . . .
11. Section 503.2, page 13, Reword to read: “No portion of” a nonconforming lot of record in existence as of the effective date of this Ordinance shall “be sold or otherwise conveyed to create further nonconformity.”
12. Section 504.1.2, page 14, Leave as is
13. Remove Section 504.1.3, page 14(no variance needed)
14. Ask Gretchen to add a mark (possibly *) to the Zoning District Map Legend for Limited Residential, Resource Protection, Stream Protection, Water Bodies and ME IF&W Rated Wetlands that they are part of the Shoreland District.
15. Add 605.6, Shoreland District: See separate Shoreland Zone Ordinance.
16. Attorney Gilbert will get some wording to the Board for Moratoriums and Ordinances for Methadone Clinics and Frank will bring in the City of Brewer Ordinance.
17. District Use Chart, Page 18, There were some uses that Mr. Gilbert questioned whether they are included in our list and the Board clarified some of them as: Mobile Home Park = Manufactured Home Park, low income or elderly housing project = Senior Housing Development, strip club = Adult Entertainment, Cell Towers = has its own ordinance, methadone clinic = Hospital/Clinics, Industrial Wind = will have its own ordinance, larger home occupations = Cottage Industry (revisit this when they get to definitions), commercial vehicles garaged or worked on in a residential zone = is a concern if they have more than one vehicle and then it will become an enforcement issue.
18. The Board discussed water extraction and decided to add it to the chart under Rural Uses with N’s across the district columns. A definition will be added for water extraction which reads Commercial removal of ground water.
19. The Board discussed animals beyond cats and dogs from Mr. Gilbert’s notes. They want to address commercial kennels, small-scale animal keeping and how pet-sitting services will be affected by the new ordinance.
20. Russell will contact Mr. Gilbert to discuss Community Living Facility, namely Commonsense Housing, and their being tax exempt.
21. Section 608.3, page 20, Leave as is (503 refers to existing non-conforming lots and 608.3 refers to legal lots which become nonconforming by the enactment of this Ordinance)
22. Section 701.8, page 21, leave as is
23. Susan wanted noted that she would like the Board to discuss frontage, driveways and right of ways later to clarify them.
24. Section 701.5, page 21, change the word “frontage” to “front”
25. Section 703.1.4, page 22, Add “All applicable requirements of current State and Federal Electrical and Building Codes shall be met.”
26. Section 705.1, page 22, Mr. Gilbert recommends that when the HHE200 permit is issued, the owner must also sign a form (which Mr. Gilbert will prepare) and pay the fee to the Town to have it recorded at the Registry of Deeds. The wording will need to be changed to state that this shall be recorded at the Registry of Deeds as part of the deed process and transfer to future purchasers. The Board will need to revisit this to work on the wording. (example of wording on form Mr. Gilbert will prepare: “We, _____, the owner of property located on _____road in Eddington Maine, described in Deed Book ____, Page ____ in Penobscot Registry of Deeds, hereby acknowledge that having applied for a Subsurface Waste Water Permit that we are subject to Section 705 of the Town of Eddington Zoning Ordinance and any amendments there to that follow. This requirement shall be binding on the heirs of the property.)

27. Section 707.2, page 22, Leave as is
28. Section 708.2, page 23, The Board will revisit this section to work on the wording to match the decibels to the Wind Ordinance and Frank suggested that we check the wording in regards to frequent, continuous and regular sound. Susan wants us to define continuous.
29. Section 709.2.3, page 24, Reword this section to read: "A conditional agreement with the Town, in a form suitable for recording at the Penobscot Registry of Deeds, shall be recorded at the registry with the condition whereby no portion of the project may be sold or no building permit or certificate of occupancy issued until the applicant installs all public improvements required by Section 405.1. A phased development plan may be incorporated into the conditional agreement. This agreement shall be binding with all heirs, successors and assigns."
30. Section 709.3, page 24, change "Town Manager" to "Selectmen" three places in this section.
31. Section 709.5, page 24, change the second one to 709.6
32. Section 709.6, page 24, change "Town Manager" to "Selectmen" and add Mr. Gilbert's sentence "including but not limited to proceeding against the performance guarantee."
33. Section 801.4, page 25, add "at the applicants expense" to the end.
34. Section 802.2.3, page 26, Leave as is
35. Section 802.2.6, page 26, reword to read: "The developer shall not increase the rate of or obstruct the flow of drainage into any adjacent land, any ditch or drainage structure . . .
36. Section 402, page 10, at the end of the first paragraph add "In making their determination they shall be guided by the performance standards in Chapter 8.)
37. Section 805.4, page 28, the Board wants to revisit this section to discuss it further. Items mentioned included: Do they want to extend requirement to Commercial business? What if there is water within 500' but they do not own the property? Have not made a distinction between 3 lot or 70 lot subdivisions?
38. Section 805.4.2, page 28, Leave as is
39. Section 806.1, page 28, Leave as is
40. Section 808, page 29, Leave as is
41. Section 809, page 30, revisit reviewing the permit to put in something about site inspection and the Code Enforcement Officer.
42. Chapter 9, page 32, the Board will review the rest of Mr. Gilberts notes and email him any questions they may have.

UNFINISHED BUSINESS: The next regular meeting would be January 13, 2011. Russell will email everyone to see if they want to meet on December 28, 2010 or January 6, 2010 and will let everyone know. When Denise sends these minutes, everyone should review them because they will be discussion points for the next meeting. Bill Najpauer will be emailed a copy too.

PUBLIC ACCESS:

ADJOURNMENT: Workshop adjourned at 8:45 pm.

Respectfully Submitted,

Denise M. Knowles