

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

April 28, 2015

6:00 pm

MINUTES

CALL TO ORDER: Tom Vanchieri called the meeting to order at 6:00 pm.

ROLL CALL: Members present were Tom Vanchieri, Gretchen Heldmann, Craig Knight, David McCluskey and Charles Norburg. Susan Dunham-Shane has an excused absence.

MINUTES: Minutes of January 29, 2015 – Motion to table the minutes until they have a quorum of people present that were present for this meeting. **By Gretchen/Craig 2nd. Vote 3-0**

Motion to accept the minutes of the February 10, 2015 meeting with Gretchen's amendment to change "application" to "applicant" at the bottom of the first page under 3.c.

By Craig/Gretchen 2nd. Vote 3-0

Minutes of February 26, 2015 – Motion to table these minutes until the next meeting in light of the fact that Gretchen was not there for the second half of the meeting and she does not think that David can vote on these minutes because they have to do with the bus application.

By Gretchen/Craig 2nd. Vote 3-0

Minutes of April 9, 2015 – Motion to accept the minutes of the April 9, 2015 meeting with the following changes from Gretchen; on the first page, new business, change "Stephanie" to "Stephenie" and almost at the end under Public Access, paragraph that starts "Ralph McLeod", add "Town Officials of Holden".

By Craig/Gretchen 2nd. Vote 3-0

UNFINISHED BUSINESS: The Board members received documents at the last meeting regarding the State Shoreland Zone Changes and reviewed them for tonight's meeting. Gretchen participated in the online MDEP Shoreland Training for Town Officials last week that went over all of the 2015 changes. The Board can either take our current ordinance that was last amended in March of 2009 and redline it with the changes to bring it up to compliance with 2015 requirements, or they can start with the draft that Stephenie from MDEP put together and modify it to make sure it incorporates anything they need to based on the Comprehensive Plan, etc. Gretchen has created a document that compares our current Ordinance with the State's 2015 version that Stephenie sent out. David thinks it would be more efficient to work with our Ordinance and make the necessary changes. Gretchen said they explained in the training, that if they take the current Ordinance and redline the changes, the State will review the redlined areas only, but if they submit a whole new one, the State will look at the whole new document and it will take longer for the state to review the entire draft. Gretchen said there is no deadline right now from MDEP. There are some items that were left blank for each Town to complete and other areas in which each Town needs to decide if they want to include certain information or laws in the Ordinance. The Board feels if there is a specific law that also governs an activity in the Shoreland Zone area, it is best to have it in the Ordinance. Charles Norburg feels that in any case where there is a choice, they should go with the more lenient because it is easier to enforce and more acceptable by the people.

Motion that we will start with our existing Ordinance and amend it to meet the 2015 Shoreland Zoning Standards.

By Gretchen/Craig 2nd. Vote 3-0

NEW BUSINESS: Russell explained to the Board that at the Selectmen’s meeting last week, they made a motion to forward the concerned citizen letters to the Planning Board for their review and they also motioned that the Planning Board look at all of the setbacks in the Addendum. Tom asked Russell if they had been informed about this because he did not see it and Russell said he mentioned it in an email. Russell further said that he is going to set up a meeting between the Selectmen and the Planning Board.

In regards to the Bylaws, Gretchen said that since they changed their meeting dates at the last meeting, and their By-Laws contain the meeting dates, they need to update the bylaws. As she was going through them to update the meeting dates she noticed a couple other items they may want to address: 1. Under Adoption and Amendments, “The Board shall have the power to amend these bylaws by five affirmative votes at a Board meeting provided that all Board members have received written notice of potential bylaws amendments at least fourteen (14) days prior to scheduled consideration of the proposed amendment(s).” Because they have had a member that has been unable to attend because of an extenuating family emergency out of state and they are down a member right now, she suggests that this be changed to “four or a majority of current existing members, both regular or alternate.” 2. They want to clarify if an email notice is okay for a written notice. They will wait until Susan returns to update the By-Laws.

OTHER BUSINESS: Russell explained that there were two more letters that came in today and the Board has been given copies of the letters.

STAFF REPORTS:

PLANNING BOARD COMMENTS:

PUBLIC ACCESS: Hilma Adams, 263 Main Road, read the following and gave copies to the Planning Board. “As a result of the Planning Member’s efforts to stop the quarry, excessive and unreasonable Ordinance Rules were put together that effect Eddington landowners in an unfortunate and detrimental way. We have requested the Selectmen, and they voted to, have the Planning Board go back and remove the excessive and unreasonable requirements. If this not done The Citizens for Fair Ordinances will circulate a petition to get the Mineral Extraction Addendum overturned.”

Ralph McLeod spoke representing his son James who is not present. He thanked the Board for the Addendum that was accepted by the voters at a ratio of 2 to 1. He has written a letter to the Board and it will be included with these minutes.

Frank Arisimeek said that tonight is not about a quarry, but about a Mineral Extraction Ordinance that people here are not happy with. He said that he has been accepted for a quarry and it is happening. He has been working up there for over a year clearing, drilling test wells, removing overburden and doing water studies. He said he is legally all set to go.

Jimmy Martin, 1202 Main Road, would like to know how the setbacks are going to affect his property and the small subdivision that he did. He has heard through the grapevine that Hughes Bros. has a 4 million dollar lawsuit against the Town. He thinks the Planning Board is responsible for it and he doesn’t want it coming out of his taxes. He is not going to pay his taxes until this is settled. Mr. Martin said that Eddington needs the quarry for tax money and that the piles of material are all taxable when it is a finished product. He suggested that the Board research other quarries to see how they work their tax basis. He said Lane Construction has paid taxes for years. They have been blasting for years in Bangor going 300’ deep and they carry insurance to cover themselves. Mr. Martin said that we need a new fire engine and ambulance and asked where the money is going to come from. The money should come from new companies coming to town to make our taxes go down.

Julie Clewley, Clifton, David Butterfield is her cousin, asked where everyone from this group was for the last year while they were working on this Ordinance? She then asked Charlie Norburg if Frank has

a permit and Charlie said no. Mrs. Clewley asked Russell if there was in fact a 4 million dollar lawsuit filed and Russell said that nothing has been filed yet. She suggested that the people get their facts straight.

Jimmy Martin tried to speak back to Julie Clewley, but Tom told him to sit because he was out of order and asked Russell to call 911. Mr. Martin sat down.

Frank Arisimeek said that they were misinforming everyone because he was approved.

David Butterfield has the Bucksport Ordinance in his hands and read off the setbacks for topsoil excavation is 25' from a property line and clay and silt are 100' from property line. He wanted to know how the Planning Board got 1000'. Tom explained that this is not the time for the discussion of the setbacks and there will be a time for that.

Jimmy Martin said that people are doing things without permits right now. There is a swimming pool without a fence at the Hodgins residence. Someone has built a pole barn and put apartments in it in town and they didn't get a permit. He does not feel that he is being represented by the Board. He said you can't drive businesses that are going to create tax dollars or jobs out of town. We can't afford it.

Hilma Adams wanted to thank the Board for paying attention to what they are saying and she wished Gretchen would stop doing the other job that she is doing and pay attention to what they are doing. Tom and Gretchen interjected that she was in fact typing everything that they are saying. Hilma then commented on the Board not approving the minutes of a previous meeting before a new meeting starts. In answer to the question of where she was when this was all going on, she was at her house sick and trusted the Board and did not expect them to change the setbacks "in the dark of night" after the Public Hearing. She didn't know that half the people did not know what they were voting on at the Special Town Meeting. She will be at the meetings and they are not going to put anything else by them.

Ray Wood Jr. thanked the Board for the hard work they have put in this last year. He reminded everyone that with a vote of 139 to 52, it was the citizens that voted in the Ordinance. The Planning Board wrote the Ordinance and the Town of Eddington accepted it.

Bill Chapman handed Mr. Wood a yellow piece of paper that he said was put in his mailbox and asked if he was familiar with it. Ray read it and then gave it to Tom when he was done and Tom read it out loud. Tom said that was the first time he had seen it and it was not authorized by the Planning Board. The form was not signed. Mr. Chapman then asked why they went over the state qualifications and were so hard on the setbacks. He went to other towns and got their information. Tom said that they had some people that wanted no setbacks and some that wanted a mile, so they went somewhere in the middle. Mr. Chapman questioned Michael Shepherd's term on the Planning Board as an alternate and asked if he attended any of their meetings. He was told that yes he did attend them. Bill said that Mike didn't know anything about the Ordinance when he talked to him at the Selectmen meeting. Tom said that Michael was not at all of the meetings because most of the time he was in Afghanistan and he was also out on a medical leave for a time. He said the Town should have a record of the meetings he attended and that he wouldn't speak for Mike. Bill said his beef is not about a quarry, but that they took his property rights away when they wrote it. He has 22 acres and they never looked at a zoning map. He also questioned why the river-side of Rt. 178 has 2 acre, 200' lots and across the road they are 4 acre, 400' lots? Mr. Chapman asked if at the meeting prior to the vote, the setbacks were 1500', 1000', 1000', 1000' or were they 1000' across the Board. He was told that 500' was added to rock, stone and stockpiling after the last meeting, but before the vote. Russell explained that at the Planning Board Public Hearings the setbacks were 1000'. And then Gretchen added that at the next Planning Board meeting on February 17, 2015, when the Board reviewed numerous items discussed at the Public Hearing, the setback was changed to 1500'. David McCluskey said that at the same time the stockpiling area was increased to 2 acres from 1 acre. Russell said that after the Planning Board meeting, it was presented to the Selectmen at their next meeting and it had the 1500' setback for rock and quarry. The Selectmen had another meeting and then had a Public Hearing with the 1500' setback in the Ordinance. The next meeting was the Public Vote on April 2, 2015.

Frank Arisimeek said that they had two Public Hearings at 1000' and one Public Hearing at 1500'.

Bob Cicone said it was his understanding that there was an opening on the Board. The Board verified that and he said he didn't want it. He thanked the Board for the work they have done and to him

they have worked with the people and what the majority of the people in the Town of Eddington want.

Nikki Graves asked if Frank submitted a Site Plan Application for a one acre quarry and Gretchen looked up the minutes on her computer and read the motion from the August 2013 meeting. “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. “

NEXT MEETING: The next meeting will be Tuesday, May 12, 2015 at 6:00 pm.

ADJOURNMENT: Motion to adjourn at 6:55 pm. **By Craig/Gretchen 2nd. All in favor**

Respectfully Submitted,

Denise M. Knowles