

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

August 14, 2014

6:30 pm

MINUTES

CALL TO ORDER: Susan Dunham-Shane called the Meeting to order at 6:34 pm.

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

Motion to make Craig a voting member for this meeting.

By Gretchen/Frank 2nd. Vote 3-0

MINUTES: Motion to accept the Minutes of July 24, 2014 as amended by Susan.

Under New Business, page 2, at the end of the paragraph that starts "Susan discovered..." add "He then would need a certificate of height and that is all."

At the end of Other Business, add "The Board decides to stop at page 16 of Bucksport Setback Chart."

Under Public Access, above the Janet Hughes comment add "Janet Hughes points out that 25 wells dug 400' apart places different stress on the aquifer for a total of 125 people then a municipal water source that serves 125 people." Also, change the other comment by Janet to read "Janet Hughes asks the Board to keep in mind that the Ordinance setbacks will also affect small quarry operations like a farm."

By Frank/Gretchen 2nd. Vote 3-0

Motion to accept the minutes of July 31, 2014 as written. **By Gretchen/Craig 2nd. Vote 3-0**

Frank abstained because he was not at the meeting.

Motion to accept the minutes of August 3, 2014 as amended to say that Susan called the meeting to order, not Tom. **By Frank/Gretchen 2nd. Vote 3-0**

UNFINISHED BUSINESS Scott Braley of Plymouth Engineering was present at the meeting with Terry Grant for her application to reconstruct buildings within the Shoreland Zone at 1 Lonnie Lane. He provided paperwork showing the desired location of the buildings and the measurements and lay out of the large trees. They decided to move the garage closer to the shed because it moved it further from the lake and it was a tighter fit with the shed, which they did not show on the plan. Mechanical room turns and becomes a breezeway. The breezeway is shown over the septic tank, the deck that is there is larger than is pictured, but they do not think it will be an issue, but they will do what ever our Code Enforcement Officer enforces.

They believe that they are able to show that it is not practical to move the building back further than what they have for the following reasons. 1. It is a different town. He doesn't think that as part of the review we can impose our desires upon another town. Charles Norburg said that this is wrong because Shoreland Zoning considers the lot. It does not regard town lines. Mr. Braley said that that may be true, but if Eddington tells them to move the buildings, they are putting the applicants buildings at peril. Because if they then go to Holden and Holden says no, they are back to Eddington's CEO saying they are going to take down less than 50% of the value at a time and rebuild it right where it sets and that does not seem to be in anyone's best interest. Charles agreed. If they move it back toward the trees, it will kill the trees.

So they have tried to meet the desires of the Planning Board by moving things back as far from the lake as possible and to stay within the confines of Eddington. By moving the garage to the shed they

gain 4' from the lake and by turning the breezeway they gain 8' from the lake and connect those buildings. This could be done without changing the septic, well, power, trees, drainage swale and parking lot. It was noted that some trees are labeled as oak but should be maple. Charles also noted that there was a tree missed on the map. There is a triple maple off the lower corner of the house. Charles apologized for not making the site visit meeting. He had been there previously and twice since then. He does agree that moving the building back would threaten some of the trees in that area and he does not want to lose trees.

Frank asked if the property was undeveloped and someone wants to build a new camp, which would have to be in Holden, what would happen? Scott Braley said they would be in Holden and building 100' back. Frank does not agree with the town line issue. He believes the intent of the Ordinance is to move it back until it meets the setback requirement or what is deemed practical. The Board asked which trees would come down and Mr. Braley answered it would be the two large white birch trees beside the well. All other trees would stay. The intent is to keep the hand dug well.

Mr. Braley said they are moving the garage to please the Planning Board and that the slabs will have to meet code. Moving the garage to the shed will create a new part of slab for the garage. Mr. Braley said the existing slab would be removed and re-vegetated. There will be a frost wall under the Breezeway. The CEO will have to determine if the breezeway is too close to the septic system.

Gretchen does not like moving trees. She is not convinced that the garage and shed slab cannot be moved back. Susan agrees and asked why they couldn't move them back onto the gravel and turn the driveway to go to the side of the buildings. Gretchen said they could rotate the buildings and move them back. Scott Braley said that by them asking that, they would have to replace the septic pipe and it puts the project in peril because it would then be up to Holden and they don't know Holden's standing. Susan assumed that he would have talked with Holden so that he would not be unsure how Holden would react to an application and would already know what Holden's restrictions are. Mr. Braley further explained that until they make a formal application to Holden they do not know how it will go in that town. If they move the building to Holden, it would be a new building and needs to be back 100'.

Frank said trees could be replaced. If he removed the 23" maple, Frank thinks they could move the house back. Frank said that Mr. Braley has not made any effort to move the building to meet the ordinance requirements. Mr. Braley said they could come in tomorrow and get a building permit to remove half of the building and rebuild it. Frank is not convinced that this is a financial issue. If the Board were going to ask them to do something with a 25% to 50% cost increase he would agree it wouldn't be practical. He also felt that building the garage on a partial new and part old slab was not practical. Frank said their goal is to make sure he has designed this building to be located back from the water at the greatest extent practical. The Board would like to talk with Holden's temporary CEO, who happens to be at this meeting. The Holden CEO, Ben Breadmore, said the greatest practical extent shall also be met in Holden. He could not give the Board an answer as to what Holden's response would be if the Eddington Board asked the applicant to move the building an additional 5' into Holden, because he has not seen an application.

Charles Norburg said that according to the Shoreland Zone Ordinance, the driveway can not be moved closer to the lake. The landowner feels that the trees are sacred for her children. Charles further explained that the code does not address changing the shape of the building. To force the movement back, you have to consider the existing building is being moved, not the new building. Charles asked if Holden used the square footage rule or the percentage rule and was answered the percentage rule at 30%. Susan said that their biggest desire is to set the buildings back further from the shoreline to create a better buffer to the water to protect the shoreline. But, by doing this, they are moving buildings into Holden and they do not know how Holden will rule on an application.

Motion that they accept the plan submitted as it is with the proposed lay out, with reference to drawing C1, the second version showing existing and proposed layout for the project for 1 Lonnie Lane stamped 8/8/14.

By Craig/Gretchen 2nd.

Discussion: Frank cannot support it. He does not think the application meets compliance of to the greatest extent possible. Charles told the Board that Stephanie MacLagan, Coordinator for the Shoreland Zone for the State, is willing to come up and give an opinion. Susan thought this was a good idea.

Vote: Yes: 1, No: 2

Motion that the Planning Board finds that this plan does not reflect compliance with the set back requirements to the greatest extent practical, so they do not approve plan.

By Frank/Gretchen 2nd. Vote Yes:2, Abstained: 1

Scott Braley asked Charles Norburg to leave the paperwork for building applications for them at the office. Susan thinks that they acted on their ideas as quickly as possible and they should consider redoing their map. The applicant said they are all set and thanked them for their help.

NEW BUSINESS:

OTHER BUSINESS: The Board will continue to work on the Mineral Extraction Ordinance. Susan typed up a proposed Performance Guarantee Section for review by the Board with the Bucksport Ordinance wording in italics. The following are some of the items discussed:

1. Gretchen said they are running out of time and need to schedule workshops or ask for an extension.
2. Article VI, Performance Guarantee, Frank suggested the following changes.
 - a. Under Performance Bond, It needs to be stipulated in this section that the Performance Guarantee needs to be maintained or renewed as needed to remain in good standing.
 - b. Under Default, The wording needs to be changed to clarify who has the legal authority to determine a project is in default.
 - c. Frank would like Charles Gilbert to address that the CEO may be the only one that has the authority to hire a consultant. He also feels Charles N. is the one who can determine if it is complete.
 - d. Frank said they should add a section regarding Return of the Guarantee.
 - e. David McCluskey asked what the Performance Guarantee covered and Frank explained that it was set up with funds to ensure that the reclamation is done as it is suppose to.
3. At the next meeting they will finish Article V, Section 14, do Section 18 and then do Article VII, Miscellaneous.
4. Susan will start to put the items together that they have discussed.
5. The Board discussed the time left to finish the MEO Ordinance before the Moratorium expires on October 8, 2014. They have 3 regular meetings left to finish the Ordinance, plus they would have to have a Planning Board Public Hearing, Selectmen Public Hearing and then a Special Town Meeting before October 8, 2014. They need to send a letter to the Selectmen requesting an extension outlining where they stand with the Ordinance in September. Susan will draft the letter and it should be put on the agenda for the Planning Board to review at their August 28, 2014 meeting. The Board wants to meet more often to work on the Ordinance. Russell will email Henry and Tom to find out if they are able to meet on the Thursdays in August and September that are not already scheduled for a regular meeting.

The Board discussed the invitation from Hughes Bros. to visit their quarry site in Dedham. They have already blasted at the site (blast 3 times a year). They don't do crushing at this site and it would be excavator only equipment. They want Russell to also ask Tom and Henry in the email when they are available for a site visit with Hughes Bros. The Planning Board invited the CEO and Town Manager to the site visit.

STAFF REPORTS: Russell informed the Board that the Eddington Holbrook Dam Association put a meeting together and all parties involved met and the water levels have been dropped down and they are working better on monitoring the water level.

PUBLIC ACCESS: Mr. McLeod takes exception to the Planning Board having an executive session meeting at the quarry with no public allowed. Russell will check with Charles Gilbert on the matter.

Mrs. McCluskey invites the Planning Board to come over any morning at 4:30 am to hear the clear

cutting and truck traffic going on right now. The Board said it is an enforcement issue. Russell spoke with Charles Norburg and he said it also involves Timber harvesting Rules. Russell will talk with Charles in the morning.

Mr. McLeod asked if there would be any section for indemnity. Susan said that it comes under blasting and the insurance policy that needs to be held. He further asked if there would be a section dealing with devaluation of peoples homes. Susan said that would be a Board of Assessors issue.

Mr. Wood asked the Board what would happen if the Selectmen say no to the letter the Planning Board is writing requesting an extension of the moratorium. The Board said that if the Selectmen say no, then a citizen petition must be done to have a Special Town Meeting. The Selectmen would vote after they have a hearing. If the moratorium expires, the Planning Board would continue reviewing the Hughes Bros. application as it stands under the current Ordinance. The Citizen Petition would require the signatures of 10% of the last gubernatorial vote to have a Public Hearing before the moratorium expires.

Mr. McLeod asked if they have discussed setbacks. Susan told him that they have and that there are items to readdress regarding them.

Mrs. McCluskey asked if water supply will be revisited. Susan said yes it would because she has to come up with a definition for water supply.

PLANNING BOARD COMMENTS:

NEXT MEETING: The next meeting will be Thursday, August 28, 2014.

ADJOURNMENT: Motion to adjourn at 9:10 pm. **By Frank/Gretchen 2nd. Vote 4-0**

Respectfully Submitted,

Denise M. Knowles