

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

August 28, 2014

6:30 pm

MINUTES

CALL TO ORDER: Tom Vanchieri called the Meeting to order at 6:32 pm.

ROLL CALL: Members present were Tom Vanchieri, Susan Dunham-Shane, Frank Higgins, Henry Hodges, Craig Knight and Gretchen Heldmann.

MINUTES:

UNFINISHED BUSINESS:

NEW BUSINESS: The Board discussed the letter to the Board of Selectmen for the Moratorium extension. They agreed to reword it to read, "The Planning Board respectfully requests that the Select Board grant a 180 day extension, as allowed for in the original ordinance, of the moratorium under the appropriate MRSA rule."

Motion to send the letter as amended to the Select Board.

By Gretchen/Frank 2nd. Vote 4-0

OTHER BUSINESS: The Board will continue their work on the Mineral Extraction Ordinance. They left off at Article V, Section 14, Blasting. Henry had provided the Board with a handout for this section to review. The following items were discussed.

1. 14. Blasting. J. Change "should" to "shall" Frank expressed concern about putting undue strain on the operator to require testing and records of each pre-blast, blast and post blast linear-peak sound. Janet asked if that meant they had to have a noise consultant on site before and after all blasting. Janet said it is not typically measured and it is designed by the blast itself. Frank said there is a lot more that needs to be defined regarding recording the noise. He said generally it is not the sound that is a concern in regards to a blast, it is the vibration and shock waves that are an issue. The reference to the Performance Standards for Quarries, refers to the 1996 issue. Susan read Section 14. Blasting from the newer issue. 14. F said "A pre-blast survey is required for all production blasting and must extend a minimum radius of ½ mile from the blast site." It is followed by the following section "(1) The owner or operator is not required to conduct a pre-blast survey if the department determines that no protected natural resource within the limits of the otherwise required survey is likely to be affected by blasting and production blasting will not occur within 2000 feet of any building not owned or under the control of the developer. " Janet said that what they do now, the standard is if the blasting is designed so that the vibration or air blast levels are lower than what would be prescribed by the regulations, the DEP will approve them to not conduct the preblast survey for that specific distance. Generally insurance carriers will require it. If an operator believes that there are no natural resource or properties within 2000', they would design the blast down and send that back to DEP for approval. Janet said that if, within the half mile, there are a lot of homes or a school or museum, the operator would decrease the design so that there won't be 50 preblast surveys or if there is another reason they want to keep the blast down. The DEP would issue a formal opinion in writing. She said it is common that DEP will accept these requests. If DEP says no, the operator could redesign the plan and resubmit it to the DEP. Frank is not sure about putting rules in our Ordinance that are stricter than the States. Susan suggests that as she types h through j, she will bring the sections up to the current state quarry standards. Frank

suggested adding the following to j. “if and when required by the latest DEP Performance Standards.” Susan wants noted that she reserves judgment on that part.

2. 14. k. add “calendar” before “ten (10) days...”
3. 1. Blasting Schedule. Gretchen suggests increasing the notification distance from “one-half mile” to “one mile” and schools and certain locations (to be determined) should be notified regardless.” Frank questions this and suggests staying with one-half mile but add schools and public utilities. Janet explained that it is sometimes hard to give an exact day and time of a scheduled blast in regards to notification. She also expressed security concerns of making it public knowledge where the explosives are. Frank explained that there is no way to avoid notification and once it is told to anyone, it is public information. Some of the other Board members felt that it should be left at one-half mile and then add schools to Town and public utilities. Flag the notification distance for further discussion. Also flag for further discussion, which public utility companies should be included in this notification. Susan explained that as she types the reviewed sections, she will put both sides of a particular item in red that need to be discussed further.
4. 15. Hours of Operation. Blasting, change the hours from “9 am – 4 pm” to “10 am – 3 pm” Crushing & Processing, Industrial Zone only, Flag this to discuss later. The specific zone references currently in the chart should be removed. Susan and Gretchen would like the hours of operation for the different activities regulated by our zones. Drilling, Loading and Trucking (add Trucking), change all these hours to 7 am to 5 pm Monday-Friday and (7 am or 8 am) to 12 noon on Saturday. Everyone agrees with a, b, and c in this section.
5. 16. Fencing and Security. This refers to the original site plan of the project. The CEO would enforce any special conditions from the site plan review.
6. 17. Signs and Lighting. Remove the wording in this section and add, “Signs and lighting must comply with the standards of this Zoning Ordinance.”
7. The Board moved on to Article VII, Miscellaneous and Susan gave them paperwork to review. Section 1. Costs. Add “Reference Section 401.6, which gives the Board, at their discretion, authority to get expert independent technical assistance.”
8. Section 2, Amendment after Approval. Flag the sentence “Any modification without the above approval shall result in Planning Board revocation of original approval.” for review by the Town Attorney. As Susan types up the addendum, Frank would like her to flag sections like this one as “Flag for legal review”
9. Section 3, Enforcement, A. After “it is ascertained” add “by the CEO or Public Safety Official” and add a definition for “Public Safety Official”, and include Town Manager.
10. Section 3, Enforcement, B. and C. Add note to “Flag for legal review”
11. Section 6, Appeals and Variances, A. Remove “Section A” and add “Refer to Section 204 of this Ordinance and remove Section B. Appeal to Superior Court.
12. Section 7, Performance Record, The Board will discuss this section further at the next meeting.
13. Article VIII, Severability and Conflict and Article IX, Amendment of this Ordinance, the Board had decided not to do these two sections. Susan suggested removing the two sections and adding “Refer to Zoning Ordinance.”
14. Article X, Other Provisions, Sect. 2, Adjoining Mineral Extraction Activity Under Common Scheme of Development, move this section to an earlier section of the addendum.
15. Susan proposes to take the Hancock definitions and then paste the other Towns definitions into the document to compare them.

Susan hopes to have Article III, IV and V, Section 7 typed into a document for review by the Board. (Gretchen will save the previous documents in Microsoft 2003 and send them to Susan to work with) Susan will let the Board know if she needs typing assistance with the addendum.

The next meetings will be September 4, September 11, September 18, (Tom cannot attend) and September 25 (Frank cannot attend). Susan will not be available after October 9 for meetings in October

Russell spoke with Charlie Gilbert, Town Attorney, in regards to the invitation from Hughes Bros. to visit their Quarry site in Dedham. He said that where the public is not invited, they would have to meet here with the public, call the meeting to order and then adjourn to do a site visit. They could not speak or say anything at the site visit and then would return to the meeting here and open the meeting with the Public to discuss the visit. They cannot meet as a group because it is a meeting and they are not allowed to go individually either.

Motion that we graciously decline the generous invitation from Hughes Bros. to conduct a site tour for the Planning Board because we are not allowed to. **By Frank/Gretchen 2nd. Vote 4-0**

STAFF REPORTS: Charlie has informed the Board that he has issued a couple building permits to Terry Grant, for her property on Lonnie Lane. He received building applications for the shed and garage along with documentation that the structure on the slab, as a value, is less than one half of the valuation of the total structure. He can issue a permit for rebuilding a structure in place if the valuation that is removed is less than one half of the total valuation in the Shoreland Zone. The concrete slab is worth more than one half of the total structure. There is no change to the slab. They have not applied for anything to do with the house. Gretchen asked if the valuation is based on the assessor records. Charles said the assessor's valuation is used for the structure that is on the slab and he has verification of the value of the slab. Russell said that they have met with Ben in Holden, but he does not know what that pertained. Most of the house is in Holden. Charles talked to Stephanie MacLagan, who is the area coordinator for Shoreland Zone for the State and she said yes, this is the proper procedure.

PLANNING BOARD COMMENTS: The Planning Board asked what has been done for getting a new alternate Board member. Russell said the Selectmen would be making appointments next week. Names need to be brought to them first. He said they would be advertising for the position.

Gretchen thanked Susan for drafting the letter to the Selectmen and for putting all of the Ordinance work together. The rest of the Board agreed.

Craig asked Charlie to contact Tradewinds regarding their contractor mowing starting at 5:30 am. Charlie will go talk to them tomorrow morning.

PUBLIC ACCESS: Mr. McLeod asked about the earlier reference to making an amendment after approval in regards to Town Meeting. The Board clarified that the amendment he is referring to is about a permit holder who has modified the conditions of the approval. At the Public Hearing to vote on the changes to the Ordinance, someone could stand up and make an amendment to the Ordinance and then they would vote on the amendment.

NEXT MEETING: The next meeting will be Thursday, September 4, 2014.

ADJOURNMENT: Motion to adjourn at 8:40 pm. **By Susan/Gretchen 2nd. Vote 4-0**

Respectfully Submitted,

Denise M. Knowles
From Susan Dunham-Shane's notes
and the recording of the meeting