

# TOWN OF EDDINGTON, MAINE

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## PLANNING BOARD

February 10, 2015

6:30 pm

MINUTES

**EDDINGTON ELEMENTARY SCHOOL  
440 MAIN ROAD, EDDINGTON, ME**

**CALL TO ORDER:** Tom Vanchieri called the Public Hearing to order at 6:30 pm.

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

## **PUBLIC HEARING**

Tom Vanchieri opened the Public Hearing on the Mineral Extraction Addendum and Zoning Ordinance Changes. He explained the format and rules for the Public Hearing. The following comments were made during the Public Hearing:

1. Frank Arisimeek spoke and said he has a 5-acre approved quarry and has been cutting wood, clearing, drilling wells, hauling off overburden and rock and no one has complained.
2. Ray Wood Jr. thanked the Board for all their hard work. In regards to the set backs, he feels that with blasting, noise, dust water, he does not think that 1000' is enough and he would like to see 2500' like the windmills.
3. Janet Hughes thanked the Board. She said it has been a long process and Ordinance work isn't easy. The Ordinance is stringent and it will take Hughes Bros. time, energy and money to come back and resubmit their application. I have read the Ordinance and there are some things that I have mentioned before that I would like to go over in the Public Hearing. (The paperwork from Janet Hughes highlighting her comments will be included with the minutes.)
  - A. Section 2008.2.3.1, Groundwater Protection, "Extraction may not occur within 5' of the seasonal high-water table. At applicant's expense, a benchmark sufficient to verify the location of the seasonal high water table must be established and...". This conflicts with the setback identified in Minimum Setback Chart which identifies no setback from a stone excavation which she believes was the intent. The MDEP requires that a hydro geologic evaluation be conducted if there is any work below the groundwater table for rock excavations or within 5' of the seasonal high groundwater table for borrow pits. She thinks this needs to be changed.
  - B. 2008.2.3.9, Janet said that they need to make it clear that applicants will have to do a Hydro geologic study and then she has items to be listed as requirements. There is no metric to compare to for what is expected. They may also want to add Safe Yield and its definition from MDEP, the amount of water which can be withdrawn from a well without producing adverse effects on the quality or quantity of water available to that well, protected natural resources or other users of ground water.
  - C. 2008.2.3.10, Cost of these items shall be borne by the applicant, but the Planning Board shall have authority to determine which professionals to undertake any such

investigation or consultation. She said it is inappropriate for the Planning Board to choose the hydro geologist. Janet suggested stating "If deemed necessary, the Town may hire a qualified professional to review the study at the Applicant's expense."

D. As she has mentioned at prior meetings, the statements that "No MEO shall increase any contaminant concentration in the ground water to more than one half of the Federal Primary Drinking Water Standards at the property line or increase any contaminant concentration in the ground water to more than the Federal Secondary Drinking Water Standards at the property boundary" should be removed. These standards apply to public drinking water sources and there is no way that groundwater will meet these standards. She said that both of these are not applicable to a MEO, they were not pulled from any other Ordinance and are without merit. These standards make it impossible for any mining operation to have a well.

E. 2008.2.9.2, Surface Water Protection and Storm water Management, the wording in this section requires that the storm water discharge for a 25 year - 24 hour storm could be held on site. It conflicts with 2008.2.9.6, which says "Storm water must be discharged from a storage facility at a rate that may not exceed the pre-development storm water runoff rate..."

F. 2008.2.9.6, Janet questioned why the listed criteria is only limited to rock excavation and not all activities regulated under the MEO?

4. Joan Brooks asked the Board if they had looked at the Dedham MEO Ordinance and had taken into account Hughes's quarry in Dedham.

5. Jessica McCluskey asked if the Dedham quarry is located in a residential neighborhood?

6. Ralph McLeod Sr., representing his son James, The water quality at homes has to be at a drinkable potable water level and the Board should hold on to their ethics in this matter as to how it is tested. The Wind Ordinance requires that the windmills be a mile from anyone's house, but with a quarry that will drill holes with explosives he thinks the setback should be a mile from any protected areas such as the school.

4. Larry Langille, spoke about blasting and windmills and how the windmill will be continuous noise while blasts are engineered based on the conditions and last just a few seconds. In regards to washing as part of the screen process, it was excluded because it creates heavy metal deposits. He has never heard of this and wonders if there is anything to substantiate that. He encourages them to change their mind about this and allow washing so that a business can create specification sand and stone to meet requirements for commercial developments. The stockpile limitations to a one-acre footprint size, would be limiting for developer to produce different grades of material in such a small area. He suggests a five-acre footprint for stockpiling. Larry also recommends that they stick with the state for air blasts and sound restrictions.

8. Janet Hughes spoke again,

G. 2008.2.11.6, Noise Standards, "An independent third-party sound study shall be conducted by a qualified consultant of the Board's choosing." She understands why they want an independent review, but she does not understand the desire of the Planning Board to choose what professional is used by the developer. She feels that they should allow the developer to have a sound study be performed by an independent sound consultant and then add that if it is deemed necessary the town may hire a qualified professional at the developers expense to review the study.

H. 2008.2.11.15, Sound from Production Blasting, Janet said that previously they had the state's standards for blasting in the Addendum, but these have been reduced to a level that is not attainable. The state has 30 years of tests to come up with their levels. She believes that Russell Smith has communicated with Mark Stebbins at the state about this and it is now on

the Planning Boards shoulders to change these levels back or toss this ordinance because there will be no rock excavation with these standards.

I. 2008.2.15.1, Blasting, She said that the air blast level has been reduced by 8 decibels. She urges them to change the 121 back to 129, which the state and federal entities have subscribed. Blasting is different now and the environmental standards are much stricter today.

9. Ralph McLeod, said that the Board has worked many months on this Ordinance and they have come up with a very good product and he does not want someone to influence them who wants to defeat the Ordinance. Another item of concern, is the loss of revenue that the Town would suffer because of the 4.3 million dollar decrease in property values. Mr. Ray Wood Sr. has told him that in his research he believes that this would result in a 3% milrate increase to make up the 160,000.00 in lost tax revenue should a quarry go in on Fox Lane. He said they have done a very good job crafting the MEO and he urges the Board to stick to their guns.

10. Amy Bogan thanked the Board very much. She asked Janet how long they have been in business and was told that questions and comments must pertain to the Addendum and changes to the Ordinance. She said that in regards to the Board choosing a sound specialist, she would like the decision to stay with the Board because they would be unbiased on who they choose. In regards to blasting, she is also concerned about the dust it will produce. This summer there was a lot of dust with trucks coming by her house.

11. Janet Hughes wanted everyone to understand that professional hydro geologists and noise consultants are all bound by the ethics of their profession. Their stamp is what tells you that they are independent and not biased. No one will stamp a study unless it is accurate because they could be held liable if it is proven wrong.

The Public Hearing closed at 7:11 pm.

**OTHER BUSINESS:**

**STAFF REPORTS:**

**ADJOURNMENT:** Motion to adjourn at 7:12 pm.

**By Susan/Gretchen 2<sup>nd</sup>. All in favor**

Respectfully Submitted,

Denise M. Knowles