



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

February 23, 2015

5:30 pm

## MINUTES

**CALL TO ORDER:** Tom called the meeting to order at 5:30 pm.

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

Motion to make Craig a voting member for tonight. **By Susan/Henry 2<sup>nd</sup>. Vote 3-0**

### **MINUTES:**

### **UNFINISHED BUSINESS:**

### **NEW BUSINESS:**

**OTHER BUSINESS:** The Board needs to insert some information at the beginning of the Addendum. The Board will count back 45 calendar days from the meeting of the Moratorium to determine when the Addendum took effect.

Susan would like to rescind the motion that she made February 17, 2015 that they send the Addendum as it stood that night to the Selectmen.

Motion that we add the retroactive clause with the following wording: This addendum and its provisions are effective retroactive to February 22, 2014 and apply to all matters, proceedings, applications and actions pending as of, or occurring subsequent to that date, except to the extent restricted or prohibited by the provisions of 30-A M.R.S.A. §3007(6), in which case, as to those matters only, they shall apply to the maximum extent not restricted or prohibited by the provisions of §3007(6). **By Susan/Henry 2<sup>nd</sup>. Vote 4-0**

Tom questioned whether the Board had meant to change all of the setbacks from structures and water supplies to 1500'. Henry and Susan agreed that they thought it was supposed to be 1500' for stone excavation and 1000' for all others on the Minimum Setbacks Chart, 2008.2.13.1 for both structures and water supplies. Susan said that it was very obvious from the Public Hearings that no one is happy with the setbacks that the Board has set. The residents want it ½ mile or a mile and Hughes Bros. wants it at state standards. Susan would like to do more research on setbacks before the Selectmen Public Hearing.

Motion that we make the following changes to 2008.2.13.1, Minimum Setback Chart:

Item 2, Minimum setback from Structures, Stone Excavation: 1500', Gravel or Sand Excavation; 1000', Clay, Peat or Silt Excavation; 1000', Topsoil Excavation; 1000', Processing or Storage Area; 1000'.

Item 5.A. Water Supply that is Point Driven, Stone Excavation: 1500', Gravel or Sand Excavation; 1000', Clay, Peat or Silt Excavation; 1000', Topsoil Excavation; 1000', Processing or Storage Area; 1000'

5.B. A drilled Well, Stone Excavation: 1500', Gravel or Sand Excavation; 1000', Clay, Peat or Silt Excavation; 1000', Topsoil Excavation; 1000', Processing or Storage Area; 1000'

6. A Public Drinking Water Source, from Stone Excavation: 1500', Gravel or Sand Excavation; 1000', Clay, Peat or Silt Excavation; 1000', Topsoil Excavation; 1000', Processing or Storage Area; 1000'

**By Susan/Henry 2<sup>nd</sup>. Vote 4-0**

Motion to send the MEO Addendum as written and containing the changes made by the Board on February 23, 2015 to the Select Board for their review.

**By Susan/Henry 2<sup>nd</sup>. Vote 4-0**

They do not need to do anything with the motion to send the Zoning Ordinance to the Selectmen at the previous meeting, because nothing has been changed in it.

**PUBLIC ACCESS:** Joan Brooks said that concerning setbacks, MDEP has said 300' from a well is sufficient. There is one other engineer in this room and they are well aware that studies were done and 150' is all that is needed but they have doubled it for safety to the 300'. She does not understand the rationale for moving it from 300' to 1500'.

Larry Langille said that they just heard that the 1500' did not come from the Caltran study, but he was at that meeting, the study was brought up; there was a discussion about 70 % of complaints coming in from 300' to 1500'. Tom asked if they were going to leave it at 1000' and Gretchen answered, why would they do that when what they just read said that complaints go up to 1500'. Larry said he then asked "How do we know their limitations of the particle velocities is the same as Maine?" and Gretchen said "it has information from the US Bureau of Mines so she would say it is the same." When Larry read the Caltran study, he found that they were using limits four times what the State of Maine has. Their complaints could be from particle velocities that far exceed the State of Maine. Larry looked into the setbacks for other towns in Maine to see if any were as stringent as Eddington. What he found was most had 300' from drilled wells, 1000' from public drinking water and some mentioned 300' from structures, which is the same as the MDEP setbacks. He does not understand why they would increase it so much to try to minimize complaints based on a study that is not comparable to sound.

Frank Arisimeek said that he was there at the last meeting and he was disappointed with the Planning Board in the fact that they had changed the setbacks to 1500' after the Public Hearing and they wouldn't let them ask any questions about where they got the 1500' from and he feels they have done that to push it through.

Ralph McLeod started speaking about the Addendum and Hughes Application process and how Hughes had said they would be good neighbors. People objected to him speaking about this, but Susan pointed out that at the last meeting Gretchen had pointed out that this is Public Access and anyone can speak about anything during Public Access. Susan said that though some people have said this Addendum is meant for Hughes, it is for everyone and she would prefer it if comments did not go to other subjects. Mr. McLeod continued that Hughes has blocked off Fox Lane. He has done some research and the road that has always been used is the road that was blocked. The end of the road where the Town put the Fox Lane sign is actually the section of the road that was built by the people that lived on the end of that road for them to have access to Rt. 9. He said that everyone who has purchased land on Fox Hill has a conveyance through the old Fox Hill entrance. He has turned the information over to his attorney. He feels they have used bad judgment by blocking off this road and thinks that they will continue to use poor judgment if they were allowed to operate a quarry in Town.

Janet Hughes said that at the last meetings she suggested that the residents form a Road Association to work with Arisimeek and Hughes so they can come up with something jointly for Fox Lane. There is a deed description of Fox Lane in which Hughes Bros., owns part of it and the rest is part of a purchase and sales agreement with Arisimeek and neither have full control. Hughes Bros. did sand the road, but they should not be required to maintain that road. The neighbors need

to maintain the road. Janet said that residents have the perception that the Board is evaluating the Hughes Bros. Application and if they feel that way, so does Hughes Bros.

Janet further stated that she has been at most of the meetings as they have discussed technical aspects of a quarry and she was at the Public Hearings. She does not understand how after the Public Hearings they can come in and increase the setbacks seemingly based on a California study which was for a road project in which California has 4 times the State of Maine standards on the wave created for a blast. Quarries are different than highway projects. She feels that the changes in the setbacks are unfair and unreasonable. As an example, quarries pump down the water and put it in a pond to use later for dust control, etc. and a has low risk of contamination. For gravel pits, excavator pulling out the water that has oil, silt, dirt and has a high risk of ground water contamination. She does not understand how the Board can change the setback from 1000' to 1500' after all of the information she has provided, along with Mark Stebbins and Maine Safety studies. The Board has increased the notification requirements to double of what the state requires. Hughes knows they have to work with the neighbors. They want the Board to do research by contacting Dedham and the School in regards to their quarry there and if there have been any complaints and get real data. She asks that the Selectmen turn down this Addendum because it is unfair business.

Ralph McLeod said that if his son purchased his home and there was already a quarry there, that's his choice. Residents up there have purchased their homes to raise a family where there is no quarry. The quarry people have blocked the right-of-way that is owned by most of the residents on Fox Lane. Emergency vehicles and oil trucks cannot get up the road.

Frank Arisimeek said that he has owned the land for 25 years and he built the road and Ralph does not have his facts right.

David Butterfield said that the McLeod house sits 20' from the area where Bangor Water hauled thousands of yards of ledge that they used to bury the waterline across the Penobscot River. David continued that at the last meeting Susan asked Ralph what he wanted for a setback. He said what kind of a question is that? Susan explained that at the last meeting it was obvious that the residents were not happy with the setbacks that they had set. She knew that the mining people wanted the standard practices but wanted to know what the residents were thinking. That is why she asked the question and not to find out what to use for setbacks. (Ralph McLeod wanted one mile from the school and Ray Wood Jr wanted 2500' from wells and structures.) That is why tonight she said there is no way to make anybody happy on either side.

Janet said it is not about what Hughes or the residents want, it is about science and technology and is a balance between the environment, business and the economy.

Joan Brooks said that she had received copies of scientific reports from both sides and some of the reports are junk science. She said taking information from a report out of California in an urban area is wrong. She doesn't think this will get settled tonight, and possibly not by the Special Town Meeting, but they are running out of time. If it doesn't happen, it will revert back to the initial Ordinance if everyone keeps delaying things.

The Planning Board will present the Addendum and changes to the Zoning Ordinance to the Selectmen tomorrow. The Selectmen will then set a Public Hearing date at their meeting. Susan explained that the purpose of the Public Hearings is to hear everyone's opinions and discuss the points brought up at the Public Hearing and decide if they will make any changes. Frank Arisimeek felt that the Board did not let them speak about changing the setbacks. Janet Hughes agreed that the decibel levels were raised because the previous levels were unattainable, but she did not expect them to raise the setback because of that.

**NEXT MEETING:**

**STAFF REPORTS:**

**PLANNING BOARD COMMENTS:**

**ADJOURNMENT:** Motion to adjourn at 6:22 pm.

**By Henry/Craig 2<sup>nd</sup>. All in favor**

Respectfully Submitted, Denise M. Knowles