



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

January 13, 2015

5:30 pm

MINUTES

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

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

Motion to make Craig a voting member for tonight.

By Henry/Susan 2nd. Vote 3-0

MINUTES: The Board took a few minutes to read the minutes because not everyone was able to read them. Changes to the minutes of December 11, 2014: Under New Business, second paragraph, 3rd sentence, after “application process” add “up to 5 acres”. Page 4, third paragraph. change “Susan Dunham-Shane” to “Gretchen Heldmann”. After 1st sentence add “Susan Dunham-Shane stated that citizens are concerned regarding silica traveling in a blast and she asked Mark if it does travel in a blast, and he said yes.” Page 3, Questions change “MESHA to “MSHA” and Page 5, change “MSHAW” to “MSHA”. Page 2, 2nd line from bottom, change “collaborate” “calibrate”.

Motion to accept the minutes for the meeting of December 11, 2014 with the noted changes.

By Susan/Henry 2nd. Vote 4-0

Susan said that Mr. Stebbins has not sent the information that he was supposed to from his presentation. Russell explained that he had sent it but it was too large to open so Russell called him Friday and he said he would send a CD with the information or try to email it again. We have not received anything new yet. Susan said he was also supposed to send them the answers to some of her questions: #2. Criteria for Professionals, #4. Why are financial assurance provisions only applicable to a working pit larger than 10 acres? Susan said he was also going to send either the answers to her questions or the answers to everyone’s questions in an email to the Board. Russell will contact Mr. Stebbins tomorrow.

Changes to the minutes of December 17, 2014, Page 3, Public Access, in paragraph that starts Mr. McLeod, change “poll” to “pool”.

Motion to accept the minutes of December 17, 2014 with noted change.

By Susan/Henry 2nd. Vote 4-0

Changes to the minutes of January 8, 2015, Page 4, Planning Board Comments, Remove the sentence that starts “Gretchen said...” and replace it with “Gretchen said that one of the basic concepts of zoning that could address this has to do with what the zones are and what is allowed.” 404.2.2, First sentence, change “not” to “no”.

Motion to approve the minutes of January 8, 2015 as amended.

By Gretchen/Craig 2nd. Vote 4-0

UNFINISHED BUSINESS:

NEW BUSINESS:

OTHER BUSINESS: The Board will work on the draft for the Noise section that Gretchen emailed to everyone. Tom read this section aloud and the Board discussed it and made the following changes:

1. In the paragraph after Exemptions Section, change “applies” to “apply” and “farther” to “further”.
2. The reference to certified sound engineer makes Susan nervous until they get the answer back from Mark Stebbins as to what it takes to be a certified sound engineer in the eyes of the State. Susan explained that she is not clear regarding the requirements of a Certified Sound Engineer and a Qualified Acoustical Consultant is the term used in a WEF. Janet recommended a Registered Engineer qualified in Sound, because she has not heard of a certified sound engineer.
3. Gretchen said that the edits on this document are from the Noise Ordinance directly and not new items.
4. Gretchen pointed out that in previous discussions about noise readings, it had been suggested to include multi-season testing, but it is not currently included. They will continue reviewing this Section to see if anything is mentioned later.
5. Change all the “DBA” to “dBA”.
6. The Board discussed the Sound Level Limits at any Protected Location. Mr. Stebbins had said that complaints start at 110 dbl and it was questioned if this is something that they want to consider. Gretchen said he did not specify how close the people were that were complaining. Examples were given; jackhammer is about 129 dbl, fireworks are 140 to 165 dbl, chainsaw is 110 dbl, and zero-turn mower is 160 dbl, all at the source. The length of exposure matters. David’s concern is that there is nothing in this section that talks about setback. Susan explained setback is addressed in its own section. He said that everything else is at the property line and this is a very large noise to be going off right outside someone’s house. The sound levels for regular day-to-day operations is set from the property line. David asked if they had asked Mark Stebbins why over the course of 4 blasts the decibel limits drop. Henry explained that what the chart meant was that if they were doing one blast in a day, the sound level limit is allowed to be more than if they were going to do four blasts in one day. The Board decided to keep it at the Protected Location and change the decibels to 1 Blast: 120 dbl, 2 Blasts: 117 dbl, 3 Blasts: 115 dbl and 4 Blasts: 114 dbl. (It is logarithmic scale and not linear)

The Board moved on to review the draft of the Blasting Section prepared by David.

7. At the beginning of this section add “Blasting shall be conducted in accordance with Maine DEP regulation Title 25, Chapter 318, most current version, for all MEO’s of any size with the following additional restrictions.”
8. The Board does not want to include information from the State Regulations in the Addendum. They will keep the red underlined items and remove any parts that are from the State Regulations.
9. To clarify a question on the sheet, Pre-Blast is allowed only once.
10. Add this sentence to the red-lined part: “If there is a change in home owner during the duration of the MEO and the previous owner rejected a pre-blast survey, the new home owner has the right to request a pre-blast survey.”
11. David added a section regarding the weather. “Blasting will only occur at times when weather conditions will not cause adverse effects of surrounding properties, i.e., wind velocity that would carry dust to other properties.”
12. Page 5, O. Change “within 1,000 feet of” to “within 1 mile of”
13. Gretchen will make the necessary changes to this section and email it to Russell to be forwarded to Charles Gilbert.

14. Add to the Definitions: “Highwall/Quarry Face – The unexcavated base of exposed overburden and material on an open face or bank.”
15. Add to the Definitions: “Public Safety Officer – An individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter or as a member of a rescue squad or ambulance crew.”
16. In combining the New Operation and Expansion of Existing into one section, Gretchen said that all along they have had under expansion “Once mineral extraction has reached an accumulative area of over 5 acres, no expansion is allowed until a new permit application is approved by the Planning Board and reclamation protocols from Section ... have been met.” This would mean that existing operations don’t have to meet the reclamation standards until they reach 5 acres. Currently it does not apply to an existing MEO. Gretchen will reword the section and add “an existing” before “mineral extraction” in the sentence at the beginning of this section (the sentence above). Gretchen had also added “in accordance with Section 710 of the Zoning Ordinance” as had previously been discussed.
17. Gretchen will correct the hours of operation for processing so that it agrees with the rest of the Addendum at 7:00 am.
18. Per the previous meeting discussion, Gretchen took out the Types of Guarantees and referred them to the Zoning Ordinance. She also added the escrow section to the Zoning Ordinance. Gretchen removed the Addendum Definitions and added them to the Zoning Ordinance Definitions.
19. Susan reminded the Board of Mark Stebbin’s comment to not make the blasting rules to restrictive in regards of weather or other extenuating circumstances that make it impossible to blast between 10:00 am and 3:00 pm. At the end of 15. Hours of Operation, Gretchen will add “d. If weather or other site conditions inhibit the ability to blast between the above hours, the Town Manager or a Public Safety Official may grant the operator the ability to blast outside these times in order to ensure public safety. The operator and Town Manager or Public Safety Official shall jointly determine if the operator must notify by phone all parties as required per **Section [redacted]**. (blasting sched/notification)”

STAFF REPORTS: Russell informed the Board that the Selectmen meeting of January 20, 2015 will be moved to January 27, 2015 because they are going to Holden for a meeting. So the 20th is now available for the Planning Board if they want to meet then. The Board discussed it and decided that since Susan and Gretchen would not be able to make it to the meeting scheduled for January 22, 2015, they will meet on January 20th instead at 5:30 pm.

PLANNING BOARD COMMENTS: The Office needs to let Jake Morgan know that they have moved the meeting of January 22, 2015, and because of that he does not have to have the information to them 7 days in advance. Charlie has provided a copy of the new application form.

The Board discussed possibly moving the meeting nights back to Tuesday after the Mineral Extraction Addendum is finished.

Susan questioned Charles Norburg in regards to Gary Fogg’s property on Rt. 178 by the collocated tower and how many cars are allowed before it becomes a junk yard. Charles said that he has already been in contact with Gary and he has registered some of the vehicles, but he has written to him to tell him that they have to be registered and inspected. If it is an antique, it does not have to be inspected.

Gretchen asked if and when Craig Knight will be sworn in by the Selectmen. Craig

explained that he didn't know if he was going to be available on Thursdays but is has been settled and it can be presented to the Selectmen.

David asked how the Planning Board connects with the Selectmen to report that there are things that will not be addressed in the Addendum, but they will probably be questioned by the audience at the Public Hearings. One issue will be property value and the second will be if something goes south, and there is damage, how a property owner goes through the process of seeking retribution. Tom said it will go to the Town Manager or the Selectmen to start with and it would not go to the Planning Board. The Board said that the Selectmen are aware of these issues, through Selectmen Meetings and prior Public Hearings.

NEXT MEETING: The next meeting will be Tuesday, January 20, 2015 at 5:30 pm.

PUBLIC ACCESS: Mr. McLeod thanked them again for their service. He stated that in the old rules, there was reference to preservation of cultural affects such as Native American areas and he asked if it was included in the Addendum. Some Board members thought it should be included in the definition of Protected Location. Gretchen said that a Preservation of Natural and Historic Features Map needs to be submitted during the application process showing that they will have no effect on them. He then asked about a church or school that may be affected and Susan told him that the definition of Protected Location included both of these. Gretchen further explained that because this is an Addendum to the current Zoning Ordinance, all of the review criteria of the Zoning Ordinance still apply.

Janet Hughes asked if all of the noise measurements, such as dba, dbl, dbln, dbaln, dbcln, are interchangeable throughout the Addendum. Susan explained that they are all from the Zoning Ordinance and the Wind Ordinance. Susan will have Mark review the noise section to make sure the proper terms are in the right place. Janet questioned if dbln was applicable to this type of work because she has seen it reference for wind or building ordinances and Susan said that this is why she wants Mark to review this section to make sure it is correct. ANSI is in reference to the type of meter and the operation of it. Janet said that the wording in reference to sound engineers, would not preclude anyone because the state does not license sound engineers. Janet also said that on page 2 of the revised Noise Section, last paragraph, "routine operation of the mineral extraction operation shall not exceed: 55 dBA between 7 am and 5 pm and 40 DBA at all other times." does not say where it is measured from, she assumed it is at a protected location but wanted to make sure it was not at the site. Susan said that protected location should be added. Gretchen said this brings up another oversight, in that they start out referring to the property line. Gretchen will read this section over.

David McCluskey asked if the back-up-beeps on equipment can be modified or turned down and he was told no they cannot. David also said that in Mark Stebbins presentation he had noted that some operators will limit the slamming of the dump truck body. Tom said that one of the Ordinances they reference, Fayetteville, had actually put a fine on the operator of the truck for slamming the tailgate. Tom said that this would be a case where if it becomes a problem later on, the Planning Board could put a restriction on it.

The Board agreed to add in Gretchen's sentence that "Equipment shall be operated in a forward moving position whenever possible."

ADJOURNMENT: Motion to adjourn at 7:53 pm. **By Gretchen/Susan 2nd. All in favor**

Respectfully Submitted, Denise M. Knowles