

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

January 8, 2015

5:30 pm

MINUTES

CALL TO ORDER: Tom Vanchieri called the meeting to order at 5:31 pm.

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

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

MINUTES:

UNFINISHED BUSINESS:

NEW BUSINESS: Jake Morgan came before the Board with an application for R.S.U. 63 to operate a Bus Garage at 1306 Main Road. They want to lease the current garage from Frank Arisimeek. This will be a lot cheaper than where they are in Holden now. They have 19 buses that will be serviced. There will be about 10 buses at the garage at a time. They start the buses at 5:30 am in the winter and the buses are back and parked by 4:30 pm. Some buses are kept at homes, Holbrook School or the Airline School. They would like to be in by the end of June.

The Board reviewed the application:

1. Susan said the Site Plan Review box is not marked at the top of the application.
2. Frank Arisimeek's legal address is 1306 Main Road, Eddington, ME
3. Listed as in the Commercial Zone but it is actually Mixed Use and this activity is allowed in this zone.
4. Gretchen pointed out that there is a new Site Plan Application and this is the old one. Russell gave him the old form so all old forms need to be removed from the office.
5. Jake said the fee has not been paid. He has asked how much. It will be at least \$100.00 and then cost for Public Hearing.
6. The Board needs to determine if the application is complete. Susan said it is not complete because the application fee has not been paid and she had the following notes about the application:
 - 402.3 - They are not changing anything on the grounds. The impervious surface will not change on the site. This should have been stated on the application.
 - 402.7 - There will be 2 mechanics on the site all day long that will be using the restroom. Bus drivers may occasionally use the facilities.
 - 402.8 - There is no answer as to how they will deal with oil and batteries, etc. for waste treatment
 - 402.10 - Road congestion - The application said that the proposed use does not alter current road use, but in fact there will be 10 buses there plus the private vehicles of the bus drivers and mechanics. She sees a possibility of road congestion with everyone leaving at about the same time. The site lines from the lot are good.
 - 402.13 - The narrative should explain why it will not have a significant

detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibration, fumes, odor, dust, glare or other causes.

404.1.2 - The Zoning Ordinance says the application would be distributed 14 days in advance but they got it 8 days in advance. Russell explained that he received the application 14 days in advance but he got it to the Board 8 days in advance of the next meeting. He said the Ordinance says that the CEO should receive the application 14 days in advance but does not mention when the Planning Board should receive them. Gretchen said the Bylaws do state that the Board should get them 14 days in advance.

404.2.4 - They requested a waiver because there will be no change from the current use, but Susan feels that the traffic will change. Frank Arisimeek said he has numerous vehicles coming and going from the site and he does not feel it will be any different than what it will be. The vehicles currently on the site will stay there. 4 of the buses out of the 10 are spares in case one breaks down. There is parking out back, along the side of the building and in the parking area out front. Frank still has tenants in his two apartments. Susan thinks this is a great use for this lot.

Gretchen feels it is not complete because 403.2.4, the fee has not been paid and 403.2.10 as part of the submission requirements, there needs to be a better drawing showing how all of the vehicles on the site, with the buses to scale and parking spaces marked out. Tom had the same issue with the parking and Susan had everything he had noticed.

Motion that pursuant to 403.2.4, the fee is not paid and 403.2.10 other items as mentioned earlier, the application is not complete at this time.

By Gretchen/Susan 2nd. Vote 4-0

Jake will be back for the January 22, 2015 meeting.

OTHER BUSINESS: The Board will continue with the MEO Addendum and will review the Draft that Gretchen provided dated 08 January 2015 to verify any additions and deletions to the prior draft.

Article III, F. At the end add ",except the operation must register in accordance to Article IV, Section 1 below."

From the Zoning Ordinance, 809.2.1, last week they discussed to removing everything with lines through it. Henry pointed out that they need to cover earth moving and fill and they said they could re-insert 809.2.2 and 809.2.6 the information needed for earth moving and fill. When Susan and Gretchen were working the changes to the draft they thought that the Addendum needs to kick in at 300 yards, so they suggested waiving the requirements in the addendum for 300 to 1000' for earthmoving. 809.2., remove the sections with lines through them and after the applicant shall add: "conform with the provisions of the Mineral Extraction Operation Addendum to this Ordinance." Add "809.2.2 CEO review for applications between 300 cubic yards and 1000 cubic yards may include a waiver of non-pertinent requirements."

Article IV, Sections 2, Expansion of Existing Operations and Section 3, New Mineral Extraction Operations - Gretchen had the task of comparing these two sections for permit application requirements that are in one but not the other. She found that these items under New but not in Existing were: 7. Spill Prevention, Control & Countermeasure Plan, 5. Preservation of Natural & Historic Features map, 8. Plan for screening the operation from abutters and public roads and 6. Maps and narrative description of the impact on significant wildlife habitat.... She will add these 4 to the Existing Operations requirements. She will combine the 2 number 10's, compare them to the reclamation section and have it in both sections. The following items were in Expansion and need to be added to New: 4. Security Plan, 5. Location of residences and wells, 7. Blasting Plan, 8. Hazmat Plan, 9. Erosion & sedimentation control, 12. Performance Guarantee, 13. Insurance, 14. List of abutting property owners. The Board agreed to combine the existing and new into 1 list. Number 3, Site Plan are different in both and Gretchen will combine these into 1 the same for both. A. Requirements for Expansion of Existing Operations

should be included in the new list. And A. Permit Application requirements, New Mineral Extraction Operations should be added to A. or included in both at B. She will also combine 11 new and 15 expansion for quarries over 5 acres to read "expansion with a cumulative affected area over 5 acres".

Article IV, Sect. 5, Keep the added information in red.

Article V, Sect. 2 B. Remove "and not be regulated by the standards that apply to expansions and new operations." And add "However, any expansions or new operations shall be regulated by the standards of this Zoning Ordinance and Addendum."

404.1.3 has been updated to include extenuating circumstances.

Article V, Sect. 2. after 8) Add "If one of the above will be impacted then" before "Secondary documentation required..."

Article V, Sect. 2. 3. Third paragraph, Leave as 1 up-gradient and 2 down-gradient.- 4th paragraph, Add Section 2, Item D from Hancock back in here relating to 5,000 GPD. Leave the flag for HOW OFTEN? (State Regs say water quality tested 4 times a year and quantity 8 times a year. 7th paragraph, Remove "crushers and wash facilities"

Article V, Sect. 2. 7. Moved the All buffers paragraph up to the beginning of this section.

Article V, Sect. 2. 7. In reference to the email from Janet Hughes, In the second sentence, Remove "and the" after "sheet flow" and add "whenever possible. Any" before "discharge points". Change "may not exceed 5%" to "shall be less than or equal to 15%." Remove "b. Structures such..."

Article V, Sect. 2. 9.7, the addition of the sentence at the end is ok

The remainder of the changes to each section were reviewed and approved.

Sect 2. 14.a. Change "neither" to "not"

Sect. 2. 14.l. Remove "public utilities" and add "utilities and quazi utilities"

Sect. 2. 15. Remove sentence in red in first paragraph. And remove "Crushing" in the chart.

Article VI, Sect. 1 After "performance Guarantees" add "as outlined in Section 710 of this Ordinance" and keep the rest of the first paragraph. Reword A. Escrow Account to address any project and move it to Section 710 of the Zoning Ordinance. Remove A. Escrow Account, B. Performance Bond and C. Irrevocable Letter of Credit from this section of the Addendum. They will leave the red notes on Sect. 3 and Sect. 4 so the Town Attorney will notice them with his review. Sect. 5, Remove the red wording and add "Any guarantee remaining at the end of the project shall be returned to the permittee plus any accrued interest."

Article VII, Sect. 3.A., B. and C., make the sections black and leave the "Needs Attorney Review" in red.

Sect. 6 Remove this section.

Sect. 7 Leave this section where it is and remove red sentence.

Article VIII and Article IX- Remove these two Articles.

Article X, Sect 2. Move this section to Article IV, just above Sect 4.

Definitions: Remove the word Crushing and Passenger car equivalents at peak hour,

To Do Document:

Insert the Addendum Definitions into the Definitions in the Zoning Ordinance in alphabetical order.

Review the Noise Section

Re-number the entire Addendum

Develop a Table of Contents for the Addendum

Add definition for Highwall/Quarry face

Page 22, Research the 5 acres and whether it applies to MEO or MEA/MES definition as currently written about reclamation.

Page 22, 14. Blasting, David will compare this whole section to the state standard

current 2010 version. (Susan said that by having this in our Addendum, they are asking for the same rules as the state for blasting no matter the size of the project

Page 24, 14. 1. David will come up with a couple sentences for the section in red after 5)

Put the Escrow Account in Section 710 of the Zoning Ordinance

Add definition of Public Safety Officer to Definitions section

Gretchen will work on expansion of the definition of Protected Natural Resources

Gretchen will email the To Do List to the Board members.

After Gretchen makes these changes, she will send it to Charles Gilbert for review, along with the parts of the Zoning Ordinance that changed with a note that the Noise and Blasting Sections will be sent after the January 13, 2015 meeting.

Russell thinks that the Calendar that Gretchen prepared is good for the Addendum Public Hearings, etc.

Susan will be able to make it to the Tuesday, January 13, 2015 meeting but she and Gretchen will not be here for the January 22, 2015 meeting. David will not be at the meetings of February 16 and February 24, 2015. (The Board will meet either February 12 or the 16)

The Board decided it is not going to do anything with questions for Kenneth Libby, DEP Stormwater.

STAFF REPORTS:

PLANNING BOARD COMMENTS: David was thinking about the Public Hearings coming up and the Board being able to answer all of the resident's questions. He questioned that if an industry wants to come into Town that may affect property values, where would it be addressed. The Board does not know where it could be put into an Ordinance. They would tell the residents that it would have to go to the Selectmen or Assessors. Susan said that this question has been brought up for other projects. 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.

NEXT MEETING: The next meeting will be Tuesday, January 13, 2015 at 5:30 pm.

PUBLIC ACCESS: Ralph McLeod thanked the Board for their dedicated service. In regards to the property value discussion, a resident of Fox Hill has had her house for sale since the end of the summer. She has had 3 perspective buyers, but a bank will not touch this because it is near a quarry or where a quarry may start. At this point the issue will not be in the zoning, it will be in the lawsuit and whether they sue the business causing the damage or the allowing the damage to happen, which would be the Town of Eddington. He requested a copy of the email that Janet sent the Town.

Larry questioned page 8, 5000 gallons a day limit. He said some towns put in an amount that would require a hydrogeologic study. Now a days if you take any amount out, DEP requires the study. Gretchen read him the section from the Addendum. He agreed that this wording is good.

ADJOURNMENT: Motion to adjourn at 8:00 pm. **By Gretchen/Susan 2nd. All in favor**

Respectfully Submitted,

Denise M. Knowles