

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

September 18, 2014

6:30 pm

MINUTES

CALL TO ORDER: Susan Dunham-Shane called the Meeting to order at 6:30 pm.

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

Motion that Craig fill in for a missing regular member tonight. **By Frank/Gretchen 2nd. Vote 2-0**

MINUTES:

UNFINISHED BUSINESS:

NEW BUSINESS:

OTHER BUSINESS: This is a workshop meeting. The Board will continue with their work on the Mineral Extraction Addendum.

1. Article IV, Section 5, B. Public Hearings and C. Planning Board Decision on the MEO Activity Application: Remove current wording and add "Please refer to Chapter 4 of the Zoning Ordinance." Add 3. "Approval, by the Planning Board, of an MEO, does not show evidence of acceptance, by the Town of Eddington, of any road, easement, or open space on such plan." to Section 401 of the Zoning Ordinance. Some where in the Ordinance it does reference the fact that just because a road is built to town specs, it does not automatically become a town road.
2. Section 6, After "An annual compliance fee is required." add "The CEO may also require at his/her sole discretion operator to cover the cost of 3rd party inspections such as sound or environmental studies if in his/her opinion such studies are required to verify compliance with the applicable performance standards contained in this ordinance. These costs are borne by the MEO operator." The Board would like to keep the annual fee low and base it on the size of the project. Flag this section when rewritten to revisit the wording on the compliance fee and 3rd party costs.
3. Section 7, B. Expiration, Remove the first sentence and add "1. An initial MEO permit shall expire one year from the date of issuance unless construction of the MEO has commenced. Also, add "2. Thereafter, MEO permits shall expire if the MEO activity has ceased for a period of 2 years."
4. Article V, Section 1. C. At the end remove "subsequent approval are met." and replace it with "Planning Board conditions of approval are met."
5. Article V, Section 1 E. Add "capacity" after "financial" and "of the applicant" at the end.
6. Article V, Section 1 F. Susan will forward this section to Russell to submit to the attorney. (Remove the "s" on applications)
7. Article V, Section 2 A. remove "over" before "5,000" and add "and above." at the end.
8. Article V, Section 2 1. After first "No mineral extraction" add "operation". After the second "No mineral extraction site" remove "improvement or working pit" and replace with "or area"
9. Article IV, Section 3.B.3 f. Delete current wording and replace it with "Letters from the appropriate authoritative agencies shall be required as proof of compliance with performance standards for significant wildlife habitat." The Board wondered why expansions of MEO's do not have to consider significant wildlife habitat, historic and scenic, etc. They believe the intent was that expansions over 5 acres have to meet all the same requirements as new operations.

10. Susan will do a point-by-point comparison of Article IV, Section 2, B, Expansion of Existing Operations and Article IV Section 3.B New Mineral Extraction Operations.
11. The note in red after Article V, Section 2. 1. 8 should go in the setback section. (From minutes: Wales ordinance regarding 100' setback from great ponds and 75' from any other water body, stream or wetland. Also from Wales – “extraction operation, including drainage and runoff control features” especially from the upland side of a wetland. Gretchen will look at Wales again. Might add to this section or the setback section.)
12. Article V, Section 2. 1) under Secondary documentation, remove “Maine Department of Inland Fisheries and Wildlife” and replace with “appropriate authoritative agency”. Remove the “Sound” section. Move the “Site Plan” section to Application and Submission requirements.
13. Article V, Section 2.2. Solid Waste. Susan will verify that the MDEP regulations, Chapter 404 is the correct chapter and has not changed. Keep the first paragraph, remove a. and b. and reference sections 804 and 807 of this Ordinance.
14. At the next meeting start with 3. Groundwater protection. Frank said that this section is about what happens below the seasonal high water table and will be a long discussion. Janet Hughes stated that her recollection from previous meetings is that there are standards for above the high-water table and the 5' references gravel pits. Susan said that per Charlie the seasonal high-water table refers to soil or gravel and they need to decide whether to use this or the ground water table, which refers to rock. Mrs. Hughes feels that something is missing there, like extraction may not occur without further hydro geologic study.

STAFF REPORTS:

PUBLIC ACCESS: David McCluskey asked if there is anything that changes the seasonal ground water with the elevation differences across the terrain of the area and Susan answered yes. Janet Hughes said the variance paperwork she emailed Russell talks about ground water table, Chapter 378. The Board can review this for the Groundwater Section. Mr. McLeod thanked the Board for their dedicated service to the Town of Eddington.

PLANNING BOARD COMMENTS: Frank will not be at the meeting next week.

Gretchen informed that Board that in reference to the I395/Rt. 9 connector update; the MDOT has been saying that it was waiting for the United States Fish and Wildlife to complete the biological opinion as of about a week and a half ago. She noticed on the website that they had extended the comment period for the long-eared bats and we could possibly be waiting to April of 2015. In her next contact with the MDOT project manager to inquire about the comment period extension and possible further delays on the BO, he came back and said the biological opinion had actually been completed and they were just waiting for the Fish and Wildlife internal review. Based on the dates given by the project manager, the MDOT had in fact known during the last communication a week and a half ago, that the BO was completed, and was just being reviewed. When the BO out then the MDOT will provide an estimate on when we can expect the MDOT to produce the FEIS.

The Selectmen meeting on September 23, 2014 at 6:00 pm will be a Public Hearing on the Extension of the Moratorium and everyone can attend.

NEXT MEETING: The next meeting will be Thursday, September 25, 2014.

ADJOURNMENT: Motion to adjourn at 8:20 pm.

By Craig/Frank 2nd

Respectfully Submitted,

Denise M. Knowles