



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

May 26, 2015

6:00 pm

MINUTES

CALL TO ORDER: Susan Dunham-Shane called the meeting to order at 6:17 pm.

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

Susan read from the Planning Board Bylaws regarding workshops; 4.3.3. All meetings and workshops shall be open to the public except for executive sessions as pursuant to Maine Revised Statutes Annotated. Workshops are open to the public, but the general public shall be barred from addressing the Board during a workshop unless a majority of Board members permits the public to speak.

Motion to allow for a Public Access Session at the end. **By Gretchen/Craig 2nd. Vote 3-0**

WORKSHOP: Susan started the workshop to review the Mineral Extraction Addendum setbacks per the instruction from the Select Board. David asked a procedural question: Section 108.2.1 of the Zoning Ordinance states: "Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested." He asked if they had received anything in writing and Russell said he had sent them an email that contained a request for change two weeks ago. David asked if they could view that request because he believes they are limited to that specific item when a request is made. Russell was referring to the email from Kelly Ginn requesting that it be presented at the next Planning Board workshop on the changes to the mineral extraction setbacks. The Board agreed that it was not a request, but information to consider. Russell said he had sent them a prior email because the Selectmen had motioned that the Citizen Letters be forward to the Planning Board and they had also motioned that the Planning Board review the setbacks.

Susan read from her notes from the March 3, 2015 Selectmen meeting the following: 1. Joan wanted to change the 1500' setback to 1000' and leave public water as it is. Michael said keep all the setbacks the same. Chuck suggested doubling the number from most research. Chip was concerned that no changes could be made per the lawyer's letter. Peter had no comment. Susan felt that with the previous information they do have direction in this situation. David inquired if they have anything in writing for amendments. He feels they could go through several meetings that would be out of line until they receive something in writing. He questioned if the Planning Board should proceed with the review of anything. He said there have been a number of people in the audience that want to reduce setbacks and some people that want to increase the setbacks. David said that because the direction from the Selectmen was to review setbacks, they do not have any specific instruction to reduce or increase setbacks. Susan said that this may be an item of the letter of the law reasoning, but they have heard items of concern at some of the meetings and Public Hearing. They also received the concerned citizen letters, but there was nothing concrete in those for specific changes. Susan thanked Frank Arisimeek for forwarding the different setback pieces, they are documents that the Board had reviewed when creating the Addendum. This showed how

Frank felt on the setbacks for certain things.

David wanted put on the record; that he thinks that if they do proceed with looking at the setbacks or any other changes in the addendum, that they are proceeding out of order. When asked what his reasoning was for this, he referenced the previously noted 108.2.1 and later in that section it states: "When an amendment is proposed by other than the Municipal Officers or Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisement." David said that if they are using the concerned citizen letters to go forward with changes, the writers of the letters would be responsible for costs incurred by the Town. Both Gretchen and Craig agreed that he made a good point regarding 108.2.1. Susan is discounting the concerned citizen letters because there are not any specifics in them. Gretchen said that they have had zoning boundary change requests and they have been in writing, they have stated specifics about the lot and there were hearings, etc.

Susan thinks that they need to look at clay, peat and topsoil because they went straight across the board on the setbacks and have done a disservice to the people. She thinks they could have a discussion about these things. David questioned spending a lot of time working on this without any specifics; such as which mineral extraction products they were referring to. Susan said she understood the comments to mean the entire 1500' setback section. David further stated that the Selectmen are representing many people in the Town, and without specifics for changes and clarification of who they are representing, they could spend a lot of time discussing items that were not necessarily what the Selectmen were referring to. He said the chart contains a lot of information including variances that could be something they are considering changing. David said that getting something in writing from the Selectmen could push things out 5 to 6 weeks. And if it comes from the Selectmen, individuals will not be responsible for the Public Hearing, etc. costs.

Gretchen agreed that they should have something in writing from the Selectmen being specific about what they want them to look at. She further stated that this is how it is written in the Ordinance and they are closely watched to follow the Ordinance. She also said that 108.1, Initiation, states that "A proposal for an amendment to this Ordinance may be initiated by: 108.1.1. The Planning Board by a majority vote of the Board." So they could take a vote to open up discussion while they wait for direction from the Selectmen. Craig said he would like to move forward with this, but as David stated if someone says they did not follow the bylaws or the Ordinance, they would have to restart the process later. Craig wants it noted that David had just found this information before the meeting. Susan said that in regards to the Planning Board initiating an amendment, she understands it to mean the Board would have to make a proposal for amendment and they would be acting without information.

Motion to draft a letter to the Selectmen as to specifics of what they would like changed in the Addendum, specifically setbacks.

By Craig/Gretchen 2nd Vote 3-0

Letter to the Selectmen:

May 26, 2015

To the members of the Town of Eddington Select Board;

We the members of the Eddington Planning Board received notification via email from Town Manager Russell Smith on April 22, 2015 that you would like us to review setbacks in the setback chart of the Mineral Extraction Addendum of the Town of Eddington Zoning Ordinance.

According to the procedures in Section 108, Amendments of the Town of Eddington Zoning Ordinance, any proposal for an amendment needs to contain specifics. We as your Planning Board request that you forward to us a list of specific setbacks that you would like us to examine and give us direction as to how you would suggest they be changed. During discussion at our workshop on

May 26, 2015, it was pointed out that public comments have been received for both increasing and decreasing the setback distances. In order to treat this in the most expeditious manner, we request these specifics so that we can direct our investigations in the correct direction.

Respectfully Submitted

Planning Board, Town of Eddington

Motion to accept the letter to the Select Board as written. **By Craig/Gretchen 2nd. Vote 3-0**

Gretchen emailed the letter to the Town.

Motion to amend the Agenda to include discussion on the next meeting date.

By Gretchen/Craig 2nd. Vote 3-0

Susan requested that they discuss meeting dates. The regular schedule for meetings in June would be June 9th which is voting and June 23rd which is Town Meeting. The Selectmen will be meeting Tuesday the 2nd and there is a Budget Public Hearing on Tuesday the 16th. Tom is hoping that he can come to the meeting to vote on the Bylaws, but he will not be able to stay the entire meeting. June 18th is the MMA Training for Board of Appeals and Planning Board members, which Susan, Craig and David are attending. Their next meeting will be Thursday, June 25, 2015 at 6:00 pm.

PUBLIC ACCESS: Susan asked that they stand and give their name clearly and that they not review the same information and address new subjects.

James McLeod, 87 Fox Lane, verified that the Board had received the letters that he and his wife had sent them.

Frank Arisimeek, 1306 Main Road, sent a request that the Board review the setbacks of Bucksport and State of Maine. He was also under the impression that the Selectmen wanted them to review other ordinances that were close to Eddington.

ADJOURNMENT: Motion to adjourn at 7:18 pm. **By Gretchen/Craig 2nd. All in favor**

Respectfully Submitted,

Denise M. Knowles