



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD
August 25, 2015
6:00 pm
MINUTES

CALL TO ORDER: Susan Dunham-Shane called the meeting to order at 6:05 pm.

ROLL CALL: Members present were Susan Dunham-Shane, Gretchen Heldmann, Craig Knight, David McCluskey, David Peppard, David Johnson, Charles Norburg, CEO and Russell Smith.

MINUTES: Table the minutes of August 11, 2015 to next meeting.

UNFINISHED BUSINESS: The Board will review the letter from Attorney Gilbert dated August 10, 2015 in response to the Planning Board letter regarding wording in the Wireless Tower Ordinance which states that wireless towers may only be located in the Agricultural/Farming Zone. The Board wanted to know if the "only" stands as they realize that they had enacted the Wireless Ordinance before the Zoning Ordinance Revisions and it was overlooked that they no longer have an Agricultural/Farming Zone.

Gretchen said they need to update the Wireless Ordinance. Mr. Gilbert also said that they needed to reference it in the Zoning Ordinance Table, but she did not feel they needed to because as they have found in the past, they could not possibly think of every potential thing to put on the table. She further said that adding it to the table of the Zoning Ordinance and either taking the "only" out or adjust the zones in the Wireless Ordinance are relatively small changes and can go together through the Public Hearing and Special Town Meeting change process.

The Board agrees with Charles Gilbert's answer regarding zoning and that Scott Anderson's position was not proven. The Board can adopt the wording of the changes to the Ordinances at the September 8, 2015 meeting and send the wording to the Select Board for review. They could then hold a joint Public Hearing on September 22, 2015. Gretchen asked Russell if the Select Board and Planning Board can hold a joint Public Hearing. He said yes it can, but it still had to go to the Select Board to set a Special Town Meeting. It could go to the Select Board on October 6, 2015 and they could set a Special Town Meeting. Russell will check with MMA to see if they can have a joint Public Hearing before the changes are submitted to the Select Board for review. The Planning Board would like Russell to add this to the Selectmen October 6, 2015 Agenda to see if they are ok with the Special Town Meeting 30 days out making the earliest possible meeting on November 3, 2015.

The Board would like Charles N. to notify Verizon that they are working on correcting the oversight regarding the zoning issue.

Motion that Mr. Norburg to write and send a letter to the Verizon Representative indicating that the Planning Board is going to be adjusting the Cell Tower Zoning rules and that process could take possibly 90 days.
By David M/Craig K 2nd. Vote 4-0

The Board requested changes to the Wireless Tower and Zoning Ordinance be put on the Agenda for the next meeting. They will need to address: 7.1.A.2 from the Wireless Tower Ordinance, the Use Chart and Definitions, Section 304.1 of the Zoning Ordinance to reference the Wireless Ordinance and

anything else that comes up regarding this.

NEW BUSINESS:

OTHER BUSINESS: Gretchen explained that the State has made recommendations to Towns of changes that can be made to bring them in line to the State standards for the Shoreland Zone Ordinance. The Board has a copy of the latest version with the changes so far. The Board will continue their review of items they had noted to revisit.

1. 4. B. Repeal of Municipal Timber Harvesting Regulation. Remove this section because it is now regulated by the state.
2. 9. Districts and Zoning Map. The state noted that they need to update our map. Reminder to the Board to go back and update the map.
3. C. Nonconforming Structures. (1) (c) Charles N. explained that this proposed change eases up the rules of construction for structures near the water. Currently the setback is 75' and this would change it to 25'. He further said that the State has found that it does not affect the ecology at any recognizable extent. The Board agreed to adopt the new language for C.(c) i. and ii as follows:

(c) Notwithstanding Sections 12(C)(1)(b), if a nonconforming principal structure is entirely located less than ~~75~~25 feet, ~~horizontal distance,~~ from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable standards of this Ordinance are met and the expansion is not prohibited by Section 12(C)(1) above:

(i) The maximum total footprint of the principal structure may not be expanded to an area greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater.

(ii) The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

Gretchen and Charles N. explained that the changes in the next section were the changing color area to footprint, adding 30% larger than the footprint and the reference to what existed on January 1, 1989. They further explained that later in the document it specifies that any expansion must be recorded at the Registry of Deeds. The Board agreed to accept the following section also:

(d) All other nonconforming principal and accessory structures that do not meet the water body, tributary stream or wetland setback requirements may be expanded or altered as follows, as long as other applicable standards of this Ordinance are met and the expansion is not prohibited by Section 12(C)(1) and subsections (a), (b) or (c) above:

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum combined total floor area for footprint of all portions of these structures within that 75-foot distance is may not be expanded to an area greater than 1,000 square feet, and the maximum height of any portion of a structure or 30% larger than the footprint that existed on January 1, 1989, whichever is withingreater.

(ii) For structures located less than 75 feet, ~~horizontal distance,~~ from the normal high-water line of a water body, tributary stream or upland edge of a wetland is, the maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

~~(iii) iv.~~ For structures located less than 100 feet, ~~horizontal distance,~~ from the normal high-water line of a great pond ~~classified as GPA or a river flowing to a great pond~~ ~~classified as GPA,~~ the maximum combined total ~~floor area for footprint of all portions of those structures within that 100-foot distance is~~ may not be expanded to an area ~~greater than 1,500 square feet, and or 30% larger than the footprint that existed on January 1, 1989, whichever is greater.~~

~~(iv)~~ For structures located less than 100 feet from the normal high-water line of a great pond, the maximum height of any ~~portion of a structure that is within 100 feet, horizontal distance, of a great pond is~~ may not be made greater than 25 feet or the height of the existing structure, whichever is greater, ~~except that.~~

~~(ii)(v)~~ For structures located less than 100 feet from the normal high-water line of a great pond, any portion of those structures located less than 75 feet, ~~horizontal distance~~ from the normal high-water line of a water body, tributary stream, ~~or the~~ upland edge of a wetland must meet the ~~floor area footprint~~ and height ~~limits requirements~~ of ~~division~~ ~~(iii) Sections 12(C)(1)(d)(i) and (ii).~~

~~For the purposes of Section 12(C)(1)(a), a basement is not counted toward floor area.~~

~~(b) —~~

4. Remove comment bubbles for (C) (1) (e) and (e) (i), and keep the wording in the Ordinance.
5. (C) (4) change “non-conforming floor area and volume” to “nonconforming footprint” and “floor area and volume” to “footprint”.
6. 13. Establishment of Districts. A. and A. (1). The Board would like to revisit this section after they look at what they have for Zones when working on the Map to meet the Ordinance. Gretchen explained that the state has said the Board can remove the reference to protecting habitat, but they also cautioned that if our Comprehensive Plan talks about protecting habitat, the Board has to be careful not to contradict themselves.
7. Gretchen will increase the size of Table 1. Land Uses In The Shoreland Zone and send it to the Board Members. David M. will review it for changes.
8. The Board will table further discussion on the Shoreland Zoning Ordinance. They will resume the Shoreland Zone Ordinance at Table 1. Land uses in the Shoreland Zone.

The Board will review their Ordinance Books to make sure everyone has all of the sections.

1. Fee Schedule Effective September 1, 2013 – email to everyone
2. New Bylaws of the Planning Board Effective August 2015- email to everyone
3. Table of Contents – Add Fee Schedule and Bylaws to the beginning; remove Building Permit/Site Plan, Road and Sign because they are combined into the Zoning Ordinance now; add Wind Energy Facility Ordinance before Winter Parking – email to everyone
4. Remove Susan’s copy of CEO Rules dated 1980, Russell has it
5. Email Floodplain Management Ordinance to Gretchen so she can get the cover page.
6. Note that the Planning Board wants to revisit the 911 Address Ordinance because the Fire Department requested that the wording be changed so that private road signs are not allowed.
7. Print the new Zoning Ordinance with the Addendum for Craig K.
8. Two people needed Zoning maps
9. The Fee Schedule needs to be updated. (Charles N. noted that Signs needs to be added to it.)

STAFF REPORTS: Charles N. is working on a letter to Tradewinds regarding their sign and two points they are in violation on

PLANNING BOARD COMMENTS: David P. asked what they are going to do about the letter from Peter Lyford regarding Bill Chapman's property. Susan said they could put it on the agenda for the next meeting.

PUBLIC ACCESS:

ADJOURNMENT: Motion to adjourn at 7:29 pm.

By Gretchen/Craig 2nd. Vote 4-0

Respectfully Submitted,

Denise M. Knowles