



Town of Eddington

906 Main Road Eddington, Maine 04428

**PLANNING BOARD
January 31, 2017
6:00 pm
MINUTES**

CALL TO ORDER: Susan called the meeting to order at 6:01 pm.

ROLL CALL: Members present were David McCluskey, Susan Dunham-Shane, Craig Knight, Mark Perry, David Peppard, and Alternates, Pam Chapman and Jim White. Charles N, CEO arrived at 6:07.

MINUTES: Motion to approve the minutes of December 13, 2016 with the amendment as read by the Chair.
By Mark P/David P 2nd. Vote 5-0

ELECTION OF CHAIR & VICE CHAIR:

Susan DS has thought about it for the last month and decided she does not want to be considered as a Chair or Vice-Chair.

David Peppard nominates Mark Perry for Chair.

Vote 5-0

Susan Dunham-Shane nominates David McCluskey for Vice-Chair.

Vote 5-0

Susan congratulated Mark P.

UNFINISHED BUSINESS:

Motion that we place the Hughes sound study questions first on the Agenda by

Susan DS/Mark P 2nd. Vote 5-0

Janet H passed out 2 packets to the Board, first is the Noise Standards and the 2nd is information regarding studies that they have conducted. Reuter Associates is their independent sound study company. Janet H gave them the equipment list and size, Larry showed them the site and she did not give them any of her noise analysis or application information. She showed the Board the instrument they used for a general guide line and testing. Mr. Reuter's questions what is meant by representative protected locations within a one-mile radius of the property boundary of the proposed development. Janet questioned why so much emphasis was placed on background level testing. The background testing that Hughes Bros did ended up between 35.79 and 40 decibels. Janet explained the packets she had given to the Board. Mr. Reuter did testing between 10 am and 12 pm; at the school was 38.7, Rt. 178 was 35 and the wooded area was 34 decibels. Susan DS explained that the project should not increase sound levels more than 10 decibels during the day or 5 decibels at night. She also continued that in regards to representative locations, the backside of the Hughes property does not have any protected locations. She explained that their intent is to cover any possibility, because if there is an area on the site that has a much lower preconstruction background level, then that has to be addressed too. Mr. Reuter and Janet H also questioned 2008.2.11.14, Sound Level Limits because it did not say where the measurement was done. Susan DS read that it said from the property boundary. Mark P explained that the predevelopment testing was done to give them a baseline to go by when testing sound levels during operation. Janet H explained the tests that were done and where it was shown in her paperwork. Janet H would like them to verify with her that this study will be enough and she doesn't have to pay for another test.

Mr. Reuter's questions:

1. Does the Board agree that his chosen test sites meet the requirements and are representative of protected locations within a mile, to determine predevelopment levels?

2. The current standard says to submit for a 5 acre parcel and then for 5 acre expansion. Mr. Reuter wants to know if he tests for 5 acres or 10 acres? Janet H said he plans to do his sound study to the first 5 acres and the Board agreed.

David M was stopped from speaking during the discussion of the Hughes application and asked to move to the audience.

Hughes Bros will be on the agenda for the next meeting.

*** Mark P pointed out that the definitions for Protected Locations and Occupied Building or Structure were combined and may need some clarification.

*** Charles N pointed out that under 2008.2.11.14, Sound Level Limits, a), b) and c) should be a), i. and ii. and d) should be b).

The Board will continue its Shoreland Zone work. They were each to have reviewed the document they received at the last meeting and discuss the areas in question.

Motion that we stick with the three districts we have.

By Mark P/David P 2nd. Vote 5-0

Discussion: Susan asked if they want to consider having a Limited Commercial District. There was no further discussion.

Susan DS asked Charles N about Conversions of seasonal residence to year-round residences on the Land Uses Chart and why the LPI would approve them rather than the CEO and he explained that it has to do with plumbing.

Susan pointed out that in the Minimum Lot Standards chart; originally the State of Maine had minimum lot areas at 87,120 sq. ft, then they changed to 40,000 and they are now at 30,000. The Board had changed ours to 43,560 sq. ft., one acre.

Motion that we go with a one acre minimum lot area for all of those listed in 15.A.

By Mark P/David M 2nd.

Discussion: David M pointed out that the latest document from the state had the minimum lot area for Governmental, Institutional, Commercial or Industrial per principal structure at 60,000 sq. ft. within the Shoreland Zone adjacent to Non-tidal Areas. Charles N said that they could go 1 ½ acres and it would not be less than the state.

Amend the motion to be one acre for everything except (b) (ii) which will be 1.5 acres.

By Mark P/David M 2nd. Vote 4 yes/0 opposed/1 abstained (Craig K abstained)

Discussion: Susan pointed out that when they had originally changed the lot size to one acre, there was a lot of comment from the public, including Selectperson Joan Brooks and Mrs. Adams. They expressed concern with regards to setbacks for septic systems, wells and lot lines and recommended two-acre lot sizes. Susan agrees with this. Mark P said that with 150' frontage, they would go back a long distance to fit their construction in. Susan questioned someone that purchased a one acre lot with 150' frontage and then finds out that they can't do something. Susan explained that the Shoreland zone overlaps all other zones and the more restrictive zone applies.

Susan reviewed that the current Minimum Shore Frontage (ft) is:
Minimum Shore Frontage (ft.)

(a) Residential per dwelling unit

(i) Within the Shoreland Zone Adjacent to Tidal Areas is 150'

(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas is 200'

(b) Governmental, Institutional, Commercial or Industrial per principal structure

(i) Within the Shoreland Zone Adjacent to Tidal Areas is 200'

(ii) Within the Shoreland Zone Adjacent to Non-tidal Areas is 300'

(c) Public and Private Recreational Facilities

(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas is 200'

Motion to leave frontage as it is in our present draft.

By Mark P/David M 2nd. Vote 5-0

Motion to add #33 to 14. Table of Land Uses called "Timber Harvesting" and note "No Local Ordinance; State-wide standards apply."

By Mark P/David P 2nd. Vote 5-0

Discussion: Charles N wants to check with the state to see if it is acceptable. He will update them at the next meeting.

Susan DS would also like Charles N to ask the state why they have added back into the document "classified GPA". They had removed all of this reference in their original document with changes.

The Board asked Charles N if they had to accept Sections Q, R and S to the Ordinance and Charles N said yes. This is the States guidelines. You can add to them but you cannot subtract from.

Motion that we add to revised Zoning Ordinance item Q. Hazard Tree, Storm-Damaged Trees, and Dead Tree Removal as per state guidelines.

By Susan DS/David M 2nd. Vote 4-1, Mark P opposed.

Motion to remove item (5) in Section R of the Shoreland Zoning State updated version.

By David P/Mark P 2nd. Vote 5-0

Motion that we accept new Section R of Shoreland Zoning State version with the above quantification.

By Susan DS/David M 2nd. Vote 5-0

Motion to accept new Section S. Revegetation Requirements per State version of Shoreland Zoning.

By David P/Mark P 2nd. Vote 5-0

***Bookkeeping: Old Section Q becomes T, Old R becomes U, old S becomes V and old T becomes W.

They will print a draft and make a map after Charles N verifies the Great Pond question with the state.

OTHER BUSINESS:

STAFF REPORTS: In reference to submitting a plan for cutting, Habib Daugher has two lots and clear-cut one straight down to the water. He had to replant in that area and the trees have all died because he has not taken care of them. Charles N needs to revisit him on this issue.

PLANNING BOARD COMMENTS:

PUBLIC ACCESS: Dr. Joan Brooks, The Board has put in a lot of time on the Shoreland Zoning and she asked why they didn't just accept the States version. She asked if the Shoreland Zone has changed from the high-water mark and 250' back? Charles N said stream protection is 75'. If the zone hasn't changed, why do we have to remap the same 250'. Susan DS said she believed the standards have changed since the map for Limited Residential and Recreational and for Resource Protection. Charles said it used to be 250' from the high-water mark and now it is 250' from the high-water mark or associated wetlands. Charles N continued they emphasize it now that they have to measure from the edge of the wetlands. Joan asked if we have a lot of wetlands large enough that they have to be mapped and Charles N answered yes. Joan asked what the cost would be and Charles N said that it has already been done and just needs to be updated. Susan said Gretchen Heldmann is willing to do it but get paid for it this time, or she will bid on it if it goes to RFP. Charles continued that the state now requested the highest and moderate wetlands be included on the map.

Susan DS thanked them for allowing her to be the Chair and congratulated Mark P on being the new Chair and thanked David M for his work in the past.

Motion that it be entered in the record that the Board thank Susan for her many years of work on the Planning Board.

By David P/Mark P 2nd.

ADJOURNMENT: Motion to adjourn at 7:55 pm.

By David P/Mark P 2nd. All in favor

Respectfully Submitted,
Denise M. Knowles,