



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

October 11, 2016

6:00 pm

MINUTES

CALL TO ORDER: Susan called the meeting to order at 6:00 pm.

ROLL CALL: Members present were David Peppard, Mark Perry, Susan Dunham-Shane, David McCluskey, Pam Chapman, alternate, Jim White, alternate and Russell Smith. Craig Knight and Charles Norburg have excused absences.

Motion to make Pam Chapman a voting member for tonight. **By Susan DS/Mark P 2nd. Vote 4-0**

MINUTES: Motion to table the minutes of September 13, 2016 again.

By Mark P/Pam C 2nd. Vote 5-0

Motion to accept the minutes of September 27, 2016 as printed. **By Mark P/Pam C 2nd. Vote 4-0**
David P abstained because he did not attend that meeting.

UNFINISHED BUSINESS: The Board will discuss whether Pam C, David P and James W should be excluded from the discussion of the Hughes Brothers Application review. David M was excluded from hearing the Hughes Application at the last meeting by a vote of 2 to 1. Mark P said a Board Member should make full disclosure and can recuse themselves if they so choose. Each of these Members will be allowed to speak for themselves.

Pam C said she is neither pro nor con the quarry and is here to vote on the rules and there is only one way to vote on those rules. She is upset about the way the Ordinance was done but that does not affect now. Susan read Pam and Bill's letter and also the letter they signed from Citizens for Fair Ordinances to the Board of Selectmen. (A copy of the letters will be attached to the minutes.) Mark P said he verified that Pam C is not within the 1 mile radius of the quarry.

David P said he was opposed to the process to enact the new Ordinance. He was neither for nor against the quarry. He was disappointed with both Boards. David P also wrote a letter and signed the same letter Pam did. He lives on Rt 46, away from the quarry.

Jim White said that a lie was brought before the Board at the last meeting when James McLeod said Jim had paid money for an attorney for the Friends of Eddington. He did not pay any money for anything to that group. He wants the Board to take notice the lengths that Mr. McLeod will go to say this. He continued that Ray Wood Jr was there and knows that he did not pay any money. He attended a meeting regarding the quarry with these people. He demands an apology from Mr. McLeod for using his name and if he does it again he will get an attorney. Mr. White had originally thought the quarry would have an affect on him, but after talking to people and reading things he has learned that it will not affect him.

Motion to allow Pam C to review the Hughes Bros Application based on testimony given here by Mrs. Chapman, review of past public documents and Board discussion.

By Susan DS/Mark P 2nd. Vote 3-1

Mark P said that if they are not moving to disqualify someone, then nothing has to be done.

Motion to disqualify David P from review of the Hughes Bros application based on testimony here by Mr. Peppard, review of past public documents and Board discussion.

By Susan DS/David M 2nd. Vote 1-3

Motion to disqualify Jim W from review of the Hughes Bros application based on testimony given here by Mr. White and Board Discussion.

By Susan DS/No Second-Motion Dies

The Board received a forward from the Town Office this morning with a cover letter from Mrs. Hughes and an attachment from Eric Reuter.

Motion that we approve applicant's choice of sound consultant, Reuter Associates.

By Mark P/ David P 2nd. Vote 4-0

Janet H said they will not have anything ready for the next meeting, October 25, 2016. Susan DS cannot attend the next meeting. The first meeting in November, the 8th, is voting day. Russell informed the Board that he has a revised Site Plan Application from Hughes Bros to pass out tonight. David P asked if they could reschedule the October 25, 2016. The Board agreed and Russell S verified that it was ok to reschedule the meeting to Thursday, October 27, 2016. Russell S said that at that meeting they can decide if they want to reschedule the November 8 meeting.

Susan DS said the Board has to answer the question as to whether the application from Hughes Bros is an amendment or needs to be a reapplication particularly since they want the quarry relocated. Susan is interested in why this was appearing to them now because Hughes Bros had actually changed the site location of Mr. Arisimeek's approved site when she sent Notice of Intent to comply Copies to the Town when the notice was sent to MDEP back in 2014. Janet H said that the new Ordinance separated the Arisimeek quarry from the proposed Hughes quarry by 500'. The 5 acre quarry is permitted to use Fox Lane and the proposed Hughes application proposes using a road through Wilbur Libby's property. Hughes Bros would like to move the 5-acre piece closer to the proposed road and not use Fox Lane. This would allow Hughes Bros to make the decision whether to use Fox Lane for the first 5 years and the other road after that. Janet H said if the 1500' setback is drawn on the map there is a 5-acre piece and an 8 or 9 acre piece. Janet continued that they are doing ground water studies with MDEP right now and it was initially started with the 20 acres so they need to decide what to do about that with MDEP. The Board can forward any questions to Janet H. Someone from Hughes Bros will be at the October 27, 2016 meeting.

NEW BUSINESS:

OTHER BUSINESS:

STAFF REPORTS: Charles N left a memo for the Board on inspections he has done recently. He has inspected below-floor plumbing for Dollar General. Susan DS said she meant to ask Charlie about erosion control on the front of the project that goes down to the detention pond. Russell said there is erosion control on both sides.

Charles N's note continued that he had gone to the quarry site on Fox Hill in September and it did not appear that anything had happened recently except some gravel moved or removed. Janet H said he cannot go into a quarry without permission. She continued that she would be glad to show Charles N what they are doing in the quarry. Janet H said they will be in touch tomorrow to Russell S. Susan said that she understood that it was within the CEO's rights.

PLANNING BOARD COMMENTS: David M wanted to bring to the Boards attention that they voted to allow Mr. White to take part in the Hughes Application for relatively the same reason they voted to not allow David M to participate.

David M said that he had a request for the Select Board regarding the fact that the Code Enforcement Officer has said at a Planning Board meeting that Mr. Arisimeek and Mr. Butterfield do not have a permit to operate a quarry so he does not understand why they have an amendment to a quarry that should not exist. Susan DS said that the Arisimeek permit was approved on the condition was that it would take

affect once a copy of the return receipt from MDEP for their receipt of his Notice of Intent to Comply was received by Charles N. Frank A said he has filed everything he has had to with the Town. Susan DS said they have not received a copy of the receipt. David M said there is also a condition in the Ordinance that the applicant pick up their permit within 90 days or it is made void. He believes that Charles N has said that this did not occur. David M said that he believes it is the duty of the Selectmen to look into whether there is a quarry being operated in the Town that is not following the Ordinances that were in place at the time. He further stated that until that is resolved that this new amended application be tabled.

Jim White suggested that the Board talk to Joan B regarding the permit issue because she may have some information regarding this because she had gone up to talk to Charles N and asked him if he had given Frank A the go ahead and he believes the answer she received was maybe.

PUBLIC ACCESS:

Hilma Adams said again that the letters from concerned citizens is not a petition. Susan DS explained that she had asked David M if these letters were what he had referred previously as a petition and he said yes. Hilma continued that Charles N has not and does not always give a piece of paper for a permit. Hilma A said that in regards to Frank A's permit, he was told he was all set. The CEO had 14 days to deny a permit and he didn't so Frank A has a permit.

Joan Brooks, 369 Main Road, said she wants the Board to apologize to Jim W with regards to what James McLeod said. The Board understood Jim W to say that he wanted an apology from James M. Joan B continued that there is too much putting items off. She then said she did not know Susan DS was a CEO. Susan DS said she is not a CEO but if a permit has been issued and she drives by and notices the activity doesn't match what they said they were going to do she will question Charles N about it. Joan B continued that some people will not come to this Board because they are afraid Susan DS will retaliate. She said it is not a business friendly town and she would like to see that changed. Susan DS asked Joan B about Jim W's previous comment that she had had a conversation with Charles N. Joan said she asked Charles N if when Frank A and David B came in and they asked if they needed anything else, Charles N said that he may have said "you are all set, you don't need anything else, just go right ahead." She said Russell S also asked and got essentially the same response.

Mark DeRoche, Stoney Ridge Road, wanted to point out that when they were talking with Hughes Bros, Susan DS referred to moving the existing quarry to another location, so she recognized that there is an existing quarry on that land. Susan DS said she doesn't believe there is a quarry.

Motion to Adjourn by Mark P/

Brad Goodwin, Libby Lane, asked who the CEO reports to and was told the Selectmen. He wanted to clarify that because some comments tonight sounded like people were assuming that the Planning Board enforces the Ordinance. He wants to mention to Mrs. Chapman and Mr. White that when people say they do not know what they were voting on that night has nothing to do with the Planning Board. For them to assume that the legislative body of the town did not know what they were voting for that night is a big assumption. The Ordinance has been voted in by the Town and now it is up to the Board to enforce it. He is glad that the three members discussed tonight will be allowed to participate in the application process, but is confused with why David M is being excluded and hopes that it is not because he is in the one mile radius. He is not sure whether that fits into things to exclude someone because he lives in the geographic area of how an application is going to be affected.

Susan DS in regards to perception of things, there has been a lot going on in the last couple of years of people talking to other people and not ever talking directly to the Board and people need to be aware of that.

Brad Goodwin asked if the Mineral Extraction Addendum pertained to mineral extraction under a certain size? Susan DS answered that it does not affect less than 300 cubic yards of material, and then the next largest is CEO approval and then Planning Board approval.

David M, wanted to reference the section of 2012 Ordinance, regarding Frank Arisimeek's permit: **305.5** An applicant shall obtain a permit from the Code Enforcement Officer within 90 days after the Planning Board makes a final decision to approve the application. The applicant shall reapply for Planning Board Review according to the requirements of this Ordinance for a new application if a permit is not obtained within the 90-day period. He then said Mr. Arisimeek needs to bring forth the permit and Susan said it would seem not based on the comments tonight and previous meetings.

Mark Deroche said "I am still waiting for an apology." Susan said speaking for the other Board Members, that they thought Jim W wanted an apology from James McLeod. Jim W said he is good with that but he wanted the board to take note at the depth some people will go to sway the Board.

Cindy McDonald, Comins Lane, has been hearing a lot in town about people being discouraged. Some of the issues she has heard is the Boards aren't educated on the best way to do things. She thinks training should be mandatory for Board members and the Town should be educated on what each Board's job is and who is responsible to who. She suggests a public meeting that informs the residents of each Boards responsibilities, MMA training for each Board and ethics training opened to everyone. Her kids do not want to move to Eddington and she has had an attorney and banker tell her that they are telling people and businesses not to move to Eddington.

Jim White, said that in regards to David M's comments about the Arisimeek permit, if Charles N said it was ok in a face to face conversation, and he is willing to stand behind what he said, then a piece of paper should not hold things up.

Ray Wood Jr, Coffey Hill Way, would like to encourage the Board to go back and look at the minutes. A lot of things have changed and he suggests they do some research.

Theresa Woznik, asked if the Town has a document for a permit to issue. Susan DS said yes, when someone completes an application for a building permit, Charles N signs it and the applicant is given a copy. When the Planning Board approves a subdivision, they sign the MYLARS. She continued that she signed the back of the Site Plan Application for Verizon and Dollar General. In regards to Frank A's permit, the applicant sends a Notice of Intent to Comply to MDEP by registered mail, they send back the receipt to the applicant and when they receive it they are good to go as far as the state is concerned. A Town can also have an Ordinance which would require the applicant to apply to the Town. Susan said that if someone wants to do a project, they complete a Site Plan application which is the guide for the application, after the Planning Board approves it the Chair of the Board signs the permit.

Frank A came in for a permit to register 180 days after the new Ordinance and no permit exists.

Joan Brooks said the 3-copy permit is a plumbing permit.

ADJOURNMENT: (Mark P motioned on page 3)
Meeting adjourned at 7:42 pm

Pam C 2nd. All in favor

Respectfully Submitted,

Denise M. Knowles