



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

March 22, 2016

6:00 pm

MINUTES

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

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

MINUTES: Motion that we accept the minutes of the March 8, 2016 meeting.

By David M/David P 2nd. Vote 3-0

Gretchen H abstained because she was not at that meeting.

NEW BUSINESS: Susan explained that tonight they will review for completeness the application from Dollar General for 1030 Main Road, Eddington, Maine. She told everyone that Charles N has reviewed the application to make sure the elements were there and because it needs Planning Board approval, they need to review it for any missing items in the packet. Troy McDonald and Travis Letellier from Northeast Civil Solutions were present for the meeting.

Gretchen verified with Charles N. that the fee has been paid.

Gretchen asked for clarification of who the actual owner is and who the applicant is, because the packet has CMH Manufacturing as the owner, Franklin Land Associates as applicant, there is a letter of credit from the bank for GBT Realty, the packet contained information for Jason Horowitz at GBT Realty.com, Franklin Land Associates C/O GBT Realty and Northeast Civil Solutions as the agent. Mr. McDonald explained that Northeast is the agent of Franklin Land Associates, which is also GBT Realty. CMH Manufacturing is the owner of the property that Franklin Land Associates has a Purchase and Sale Agreement with to develop the property. Mr. Horowitz is the project manager for GBT and their client.

Susan asked why there are two applications and Charles N explained that he updated the original application in red and that is the one they should use.

Gretchen asked about a scaled drawing including a floor plan and front and side view of any structures. Mr. Letellier brought it tonight with a color rendering of the proposed building that he handed out. (A01 and A02, Prototype Criteria Site Plan showing floor plan and elevation of store along with the color rendering of a typical constructed store.)

Susan asked about a photo metric sheet for parking lot lighting that was mentioned in the packet, but she did not see it. He does not have a copy with him and will send one up. It is an 8 x 11 submission showing that there is zero light pollution with downward lighting.

Susan asked about the 6' high stockade fence and Mr. McDonald told her it would be on the westerly side of the property line. It was not specified if it was painted.

Susan asked if there was a generator for power back up and was told no.

404.2.4, Traffic Data, Susan said the DOT Entrance Permit Application does not list the number of customers per day. The traffic report said 65 vehicles at the peak pm hour. She said they may want to add this to their DOT Application. The application will need to be updated from 5 employees to 8 to 12 employees.

Susan asked the Board how they felt about 404.2.5 and they agreed that the Bank letter is enough.

Susan questioned the abutter list and Charles N. said that there is a new list in the paperwork.

403.2.6, Susan said the Waste Water Application is included and Charles N. explained that the internal plumbing permit is not usually included in the packet and the plumber will get it later.

Susan was concerned that in the narrative, reviewing the soils test done, she wondered if they would follow the plan and scarify down to the glacial fill. Mr. McDonald said they do not have a detail on that but he will get clarification on that. He further said they will follow the document when doing the cement and construction. Someone from that company will be here during construction.

Susan said that there are currently two driveways and verified that they will be removing one. They said they will take out the driveway and create one continuous swale.

Charles N said the Subsurface System needs to be signed. He also noticed that the water supply calls for a drilled well. They clarified that it will be coming off Public Water.

Gretchen asked what the correct Map and Lot numbers are because it was different in a couple places in the application. It is Map 24, Lot 8-1.

Susan questioned what the correct address is because it is listed as 1030 Main Road, but the Town of Eddington permit application says 1042 Main Road.

Susan asked if Lot 8-9 is the Post Office, and was told it was, but there was some confusion years ago as to whether it was part of Lot 8-1. Mr. McDonald explained that in the 1960's when the parcels were purchased and then in the 1980's when there was a fee conveyance, sale of their lot, it showed that lot as they show it on the survey. On a lease agreement for the Post Office, the description went over the property line that they had the right to lease. There is no boundary conflict or title issue.

Susan pointed out that on the DOT Application, C. Driveway Entrance information, They answered yes that it has an existing access on #15, but did not do #16 and 17 which asked them to describe the change of use and the physical modification of the entrance.

Susan reviewed the items that are needed so far:

1. Photo metric sheet
2. Corrected subsurface waste design application
3. Corrected DOT driveway entrance permit
4. Double check that they are not having emergency backup generator, if so need specs and location because of any fuel issue

Susan pointed out that their proposed sign is 50.63 square feet, but the Sign Ordinance is 50 square feet.

David M asked if the sign on the building is back lit also and they answered yes.

David M asked if there is a requirement for a performance guarantee for this type of project. Susan read 405.1 The Planning Board shall, as a condition of review approval, require a performance guarantee, as per Section 710, for the construction of a road and may require a performance guarantee for other public improvements such as storm water control features and structures, erosion control, essential services and utilities, buffers and screening and parking when it determines that the construction of such improvements will have an impact upon the development of surrounding area. The Board agreed that it was not necessary. It was done for Verizon because if it was abandoned, they had one to cover the cost of removing the tower.

Susan had questions regarding the phosphorous, impervious soil, and Gretchen said it was part of the application review.

Motion to accept as complete once the list of items requested has been submitted and those items approved. 1. Photo metric sheet. 2. Corrected subsurface waste design application. 3. Corrected DOT driveway entrance permit. 4. Double check that they are not having emergency backup generator, if so need specs and location because of any fuel issue.

By David P/Craig K 2nd.

Discussion:

Gretchen asked if the items are submitted tomorrow are they accepted then or at the next meeting. Susan said it is not until they accept them into the record at the next meeting. The sooner they get them, they can start reviewing them. Then they can set the Public Hearing and start the application review. Russell asked if they were setting the Public Hearing for the next meeting and Susan said no because there are missing items they need to review. At the next meeting they will schedule the Public Hearing. Gretchen would be more comfortable saying it is not complete and then at the next meeting if they get the missing information it is complete. David P said the wording is ok because he had said "those items approved."

Susan read 404.1.3, The Planning Board shall first review the application for completeness. If the application is not complete, the Board shall inform the applicant what materials are required and place the application on the agenda of the next meeting to finish the completeness review. If the application is complete, the Planning Board may schedule a public hearing on the application. The Planning Board shall make a final decision within 90 days of beginning substantive review of a complete application. Unless extenuating circumstances such as weather or natural disasters force cancellations of regular meetings, the review time line is extended accordingly. Or, if the application necessitates outside expertise and additional testing as allowed in the review process, the 90 day time frame is suspended until the Board receives and reviews the requested information

Vote: Yes 3-No 1 David M opposed

Susan said the substantive review will happen after the Public Hearing is closed. The next meeting is April 12, 2016. Susan thanked Travis and Troy.

The next item on the agenda is an application for a proposed Used Auto Sales on 6 Dusty Lane for Miranda Simmons. Ron Watkins will speak for Miranda.

Gretchen verified with Charles N that the application fee has been paid.

Gretchen said they have a lease agreement but it is blank. They will need something in writing from Mr. Libby.

Gretchen questioned the map and the narrative which conflict because the application says current road, but Dusty Lane is being moved. Nikki and Wilbur Libby explained that they are moving the road and will be done before they open business. They verified to Charles N that they have a permit from the State for the new road entrance. The Board needs the completed Permit from the state.

Gretchen asked about the sign. It says they will be using the existing sign, but it looks like it will be moved and a new sign will be put in. Wilbur Libby explained that a new sign has been put in this week. It is the one he was approved for 3 years ago. Susan asked if there will be room for auto sales and excavation sign. He said he will be closing the excavation company the end of the summer. David M asked if the sign was going to be lit and Mr. Libby said it would be backed lit. They will still have the switchable signs and will stick with the original design. Susan asked Charles N. to pull Mr. Libby's application for the sign so that it can be part of this application. (sign approved in 2012 or 2013)

Gretchen asked if they have city water and was told yes.

Susan asked if they are licensed in Maine as an auto sales. The Dealer's license on the application is Ms. Simmons Driver's License number. They said they do not have a Dealer's License yet. She is working with Paul Doten to get licensed. Susan asked Charles N if they needed a completed License number and Charles said Yes. Ms. Simmons said she was told by the state that she needed town approval before she could get a license. Gretchen said it should not be a problem, because they could make an approval with the condition that she get the license.

Susan asked the name of their business. They will be called Brewer Towing and Recycling Auto. Susan asked if they were the same that would be operating the Junk Yard. Wilbur L said that he would own it and they will operate it. She is currently the finance manager and general manager of Gateway

Automotive in Brewer. It will be two separate businesses. The Junk Yard is on a separate piece of land. This application is for car sales only.

David M asked if the car dealership will be lit up and they said no.

Susan explained that 402.3, will not have adverse effect on wetlands. They need to do a narrative explaining why. Ms. Simmons will reference the website they are referring to.

Susan said they also need a more complete response to 402.7, proposed activity will dispose and treat solid and hazardous waste. Wilbur said that the business would require a dumpster for solid waste.

David M questioned the map 3 which did not show the lot between Rideouts and Mr. Libby's and was told it is on Map 2. David M wanted to verify that the lot was included on the abutters list.

Susan stated the Needs List:

1. Sign Design
2. DOT Permit
3. Signed Lease Agreement
4. More complete response to 402.3, (adverse effect on wetlands)
5. More complete response to 402.7 (how they are handling solid waste and how they find out what the Hazardous Waste Recycling regulations are.)

Susan verified that in regards to 402.8, adverse effects on ground water, they will not be doing any automobile repair on site and was told nothing would be worked on outside. Mr. Libby said there are no floor drains in the building so nothing would ever go anywhere.

Susan said 402.12 stated that in reference to detrimental effect on the neighborhood from noise or fumes, they had said they would be starting vehicles for maintenance or test drives. Ms. Simmons said that only general maintenance would be done and it will be inside the building. (there will be no removal of motors, etc.)

Susan questioned 403.2.5, construction and completion dates. Ms. Simmons said they are not doing any construction. She said that the land owner is constructing the road and they will be done before they move in.

Susan verified with Charles N. that there are no plumbing or subsurface disposal applications.

David M asked if there is maintenance being completed, at what point does it cross over to an automobile repair shop. Ms. Simmons said their plan is to have anything that is more than changing fluids and engine codes will be outsourced to the other business she runs, Gateway Automotive. Nikki Libby said the state requires that they have access to a building for inspections and to check fluids. David M verified with Ms. Simmons that they would not be removing any fluids, but only filling fluids. Any oil changes will be done at Gateway Automotive, so there should not be an issue with waste fluids.

Susan asked if the state was going to allow the existing garage to be the sales building and Ms. Simmons said yes, there is an office inside the garage. Ms. Simmons explained that Paul Doten is the DMV Investigator for Penobscot County.

Susan explained that in regards to 404.2.5, financial and technical expertise, they should explain their background experience and any financial information, like a letter of credit. Ms. Simmons said that she owns the vehicles and Susan said the more information she could provide the better.

David M asked the applicant for a written narrative describing what will be done on the property and clarify the maintenance. Gretchen said that this should be included in 403.2.7, description of the project. It should also include that they are selling used cars, the number of vehicles on the lot, their hours of operation, type of maintenance, number of employee's cars, etc.

In reference to the drawing, Susan asked where the trailer is. Wilbur Libby said that it is on a different lot. Susan asked where the road continues going and Wilbur L said to the rock quarry hopefully. Nikki L said the road will stop where it is shown on the map at this point. Gretchen verified that Map 24, Lot 4

contained the railroad cars with the mulch, and then the location of the garage, the house next door and the house trailer on abutter's map 4.

Susan asked how much impervious surface there would be. How much of the cars will be on gravel. She explained that they need to know the square footage of the impervious surface. (existing building, where cars will be parked and the new road.)

Susan verified with Wilbur L that she scaled out the driveway to 28' wide, opening on the Main Road is 65' wide and the end of Dusty Lane to where it wraps around is 135'. There is a 30' setback from the property line, from the 33' line from the center of the road. Some of the cars are in the setback. Susan said size of the cars is important when figuring out the impervious soil. Wilbur L said it is 8' per vehicle. Need List: They will need the drawing readdressed with how much impervious soil there is.

Gretchen said she thinks this lot is in the Mixed Use District and Auto Sales are allowed in Mixed Use.

Susan asked if there is a drainage ditch and Wilbur L said it was over toward the blue house.

Susan stated the Needs List:

1. Sign Design with details of the lighting from the old application, Charles N
2. DOT Permit
3. Signed Lease Agreement
4. More complete response to 402.3, (adverse effect on wetlands)
5. More complete response to 402.7 (how they are handling solid waste and how they find out what the Hazardous Waste Recycling regulations are.)
6. More information needed for 404.2.5, financial capability
7. Narrative for 403.2.7, description of the project
8. Fix the drawing to show the amount of impervious surface. Side and rear setback is 15' and front setback is 30'. Accessory structures have the same setbacks.

Susan would like Charles N to verify the E911 numbering.

Susan asked if the Board thought they might want a Site Visit on this Project and the Board agreed no. David J asked Susan if a motion was needed

We accept the permit application from Miranda Simmons to operate a Used Car Dealership on Dusty Lane as complete once the listed items still needed have been submitted and approved by the Board. (Missing items in the Needs List above)

By David P/Craig K 2nd. Vote 3-1 David M opposed the motion

UNFINISHED BUSINESS:

OTHER BUSINESS: The Board will continue working on the Shoreland Lot Size. Susan said they need to decide what size the lot would be and then do a Shoreland Map. Gretchen agreed with Susan and said that in her last conversation with DEP, they have one or two other sections that they will need in that now, that came out after the draft the Board got from the State.

Susan review that the State suggested 40,000 square feet with 150' of frontage and they decided they would make it one acre and 150' Shoreland frontage.

Gretchen read from the State Minimum Standards Chart for Residential per dwelling unit, within the Shoreland Zone Adjacent to Tidal Areas 30,000 square feet minimum lot area with 150' minimum Shoreland frontage; within the Shoreland Zone Adjacent to Non-Tidal Areas 40,000 square feet minimum lot area with 200' minimum shoreland frontage.

Motion that we go with 43560 with 150 ft frontage

By David P/Gretchen H 2nd.

Friendly amendment from Gretchen remove "150 ft and add "minimum frontage adopted by the state" and after 43,560 sq ft add "except where required by the state to be larger"

By Gretchen H/David P accepted amendment

Motion that we adopt minimum 43,560 square feet, except where required by the state to be larger, and minimum shore frontage set at state minimum.

By David P/Gretchen H 2nd.

Discussion:

David M questioned if with the one acre design you could end up with a wedge shaped lot and potentially could render the lot next to it as useless as far as putting in a well and septic. Joan Brooks said it would be a concern for the septic, but not the well. Russell asked if they have to have frontage on a road too? Gretchen said that in general a camp lot would have road frontage. Ms. Brooks said that some camp lots are triangular shaped on the back but the camp road goes through 2/3 of the way back on the lot and not on the end. David M. said then they could have their septic system and leach field on the other side of the road. Gretchen H said this will not negate anything that is already in existence. She said that if someone were to do a new development on the shorefront, they would have to meet the lot frontage and rear requirements from the Zoning and Shoreland Ordinances. David M suggested a scenario that if someone owned a piece of property that they are going to divide into three one acre lots, if on one of the lots they put a septic system, what will it do to the lot beside it. Will that person not be able to put a well or septic system near that property line if the septic system is near the line? David P said that it would then be buyer beware. Gretchen said that not all camps have to have indoor plumbing. This will enable someone to be able to use a lot and have a gray water system or an incinolet system. Joan B said the well can be closer to the shore, but the septic system must be 100' from the shore. She continued that if someone put in a well that is half way up the side of a lot and you then draw a circle 100' from the well around it. This could take out 75% to 95% of the next lot to have a place to put something. Russell S said that some camps will draw water from the lake. David M asked if they are taking the risk of devaluing someone's lot by changing the setback which could make it difficult to have a well and septic. David J said that people should be able to use their land as they want. Gretchen H said that it still has to go to Town vote. Susan said that they will be having a Public Hearing and then changes can be made to it and then it is sent to the Selectmen. But no changes can be made after it has gone to the Selectmen's Public Hearing.

Vote: Yes 3, No 1. David M opposed

The next item on the agenda is the Mixed Use District, Commercial Building sizes. Susan explained that the only thing that was not checked off on the worksheet from the consultant was the maximum building size. She said that Russell believes that the 3000 square foot building size is something that the consultant came up with. Gretchen asked if a recording was found for that meeting and Russell said that he did not think that workshops were recorded. Gretchen H asked what the goal is at this point. Susan said the goal was to find out if there was a solid reason to keep it at 3000 sq ft or is there a logical reason to go to 5000 sq ft. Susan feels that the eastern Mixed Use District has so many small lots, that a commercial service establishment would really impact the abutters. Gretchen asked where they stood regarding the Comprehensive Plan and Russell said they are looking for volunteers to work to update it. David M said that if they are going to be updating the Comprehensive plan he would suggest that this be something to work on then. The other Board members agreed. Gretchen said that this building size issue had been put on the agenda as an item to discuss and to work on before the Comprehensive Plan was discussed to be updated. The commercial building size can be removed from the agenda. Craig K asked what the schedule is for this and Russell said that he does not have any volunteers yet. Gretchen said that work on a Comp Plan usually takes 18 months to 2 years.

Russell reminded the Board about the Planning Board/Board of Appeals Workshop on March 31, 2016 at the Black Bear Inn in Orono. There are 3 Board members and Board of Appeals members and Russell registered to attend. Susan asked for copies of any handouts for anyone that can't attend it.

STAFF REPORTS:

PLANNING BOARD COMMENTS: David M asked in reference to earlier in the meeting where they approved an application dependent on getting certain information, what is the expectation for Board members to review the items before the meeting. Gretchen said the information should be received and emailed or mailed to Board members 10 or 14 days, whatever it states in the ordinance, before the next meeting. Russell said he can scan them in and email them so that Board members do not have to pick them up during business hours.

David M also asked how incomplete should an application be before it is not acceptable? He said they are very much by the book except for that. Susan said that generally if more than a third of the application is missing it would not be complete. Gretchen said that it is very subjective and that is why she had asked earlier if the application would be incomplete. She planned to ask about this at the workshop next week. She had questioned whether the application should have been voted incomplete and then when the missing items were presented, it would then be voted that it was complete. She had brought it up on the previous applications, but then it was decided that because the motion said "and approved" it covered any question. We essentially have to make another motion at the next meeting that the application is actually complete, whereas tonight the motion was made that it's complete except the list of items, but really it is an incomplete application. David M feels that they want to tighten up the process so that there is no legal issue on timing. The Board would like Russell to contact the two applicants to make sure they know that their missing information needs to be at the Office 14 days before the next meeting, which is what is stated in the ordinance.

PUBLIC ACCESS: Rusty Gagnon, 1359 Main Road, In reference to the Shoreland lot size, she lives on David Pond. She has 1.22 acres with 100' of shore frontage that goes straight up to the Main Road. She will speak about the 2 lots on Squirrel Lane, to John Allen's property, the lot on Papillon Lane and the Jackson lot. All of these lots have a problem with water erosion with the water rushing down from the Main Road into the lake. If the other lots are developed with an outhouse, it would devalue the property near it. She strongly recommends that they need to look the impact of the water erosion and anything else going in on new property and what it would do to the properties already established there.

Jim White, 387 Main Road, in regards to the size of the lot in the Shoreland zone and installing a septic system that could depreciate the neighboring property, he suggests that if someone wants to put in a septic system that is going to be near the property line, that they have to get an easement from the other property owner. So that if there is a depreciation, they have to pay the offset cost for it.

Frank Arisimeek, 1306 Main Road, feels that a few of the Board members need to do some research on what their role is. Some of the information that is questioned is not part of the criteria on the application and is a lot of wasted time.

Susan thanked each of the speakers for their input.

ADJOURNMENT: Motion that we adjourn at 8:31 pm. By Gretchen H /Craig K 2nd. All in Favor

Respectfully Submitted,
Denise M. Knowles