



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

May 23, 2017

6:00 pm

## MINUTES

**CALL TO ORDER:** Mark Perry called the meeting to order at 6:00 pm.

**ROLL CALL:** Members present were David McCluskey, Craig Knight, Mark Perry, Susan Dunham-Shane, Pam Chapman and Jim White, Alternates and Charles Norburg, CEO. David Peppard has an excused absence.

Mark P asked Pam C to be a voting member for this meeting and Jim W to be a voting member when David M recuses himself.

**MINUTES:** Motion to accept the minutes of the May 9, 2017 meeting as presented this evening with the red print showing information that had dropped out in the copy the secretary sent by email.

**By Susan DS/Mark P 2<sup>nd</sup>. Vote 5-0**

**UNFINISHED BUSINESS:** The Board will review the Hughes Bros. Application, making Findings and Fact as they go along. Susan suggested cross referencing the 2000 Sections with the 402, review Criteria and Chapters 7-10, Performance Standards. Mark P proposed reviewing the 2000 Sections and when done with that go back through the overall Review Criteria.

The Board presented the Findings of Fact listed below:

2002.2.1 - Applicant proposed an initial extraction area of up to 5 acres. See proposed site plan 4/18/17, "White Book" Exhibit 2. Motion that find fact as read. **By Mark P/Pam C 2<sup>nd</sup>. Vote 5-0**

2002.2.2.1 Application Fee. The application fee of \$200.00 was paid on November 14, 2013 and was approved by the Planning Board on 3/27/14.

Motion that they accept the finding of fact for 2002.2.1 **By Susan DS/Mark P 2<sup>nd</sup>. Vote 5-0**

2002.2.2.2 The applicant is Hughes Bros., Inc., 719 Main Road, Hampden, 04444. Hughes has a contract to purchase 190 acres of undeveloped land (Map 5, lot 2 and Map 5, lot 25-14) from Frank Arisimeek and David Butterfield of 86 Mill Lane, Clifton, Maine 04428. Access will be by easement over land of Wilbur Libby. Facts found as set out in application section 1, 2, and 3, Blue Book Page 4, and Exhibit 4,

Mark P will review the minutes to determine when deed was made part of the application. He also asked Frank Arisimeek to bring a copy to the next meeting.

2002.2.2.3 Site Plan, The revised site plan dated 4/18/17, White Book Exhibit 2, supplies the information required by 2002.2.2.3 (a), (c), and (d).

(b) Hughes Bros. need to address, depth of ground water on the site plan.

Motion that the revised Site Plan supplies the information required by 2002.2.2.3, (a), (c) and (d)

**By Mark P/ Pam C 2<sup>nd</sup>. Vote 5-0**

2002.2.2.4 The site plan (White Book Exhibit 2) shows a gate controlling access to the project, and boulders shown controlling access to the East and South sides of the excavation area. The Planning Board finds that this is sufficient. Motion that we so find. **By Mark P/Pam C 2<sup>nd</sup>. Vote 5-0**

2002.2.2.5 The well location plan dated 4/24/17 (White Book Exhibit 13) shows all wells and residences within 2,640 feet of the project property boundaries.

Janet H will get the date the aerial shot was taken.

Motion that the well location plan dated 4/24/17 White Book Exhibit 13, shows all wells and residences within 2,640' of the property boundaries. **By Susan DS/Mark P 2<sup>nd</sup> Vote 5-0**

2002.2.2.6 The operations statement (White Book Section 4) satisfies the requirements of this section. **So Moved** **By Mark P/ Pam C 2<sup>nd</sup>. Vote 5-0**

2002.2.2.7 A satisfactory blasting plan is included in the operations statement (White Book Section 4). **So Moved** **By Mark P/Pam C 2<sup>nd</sup>. Vote 5-0**

2002.2.2.8 No hazardous waste will be generated or stored on site. See "Blue Book" §5.6 (Page 8). **So Moved** **By Mark P/Pam C 2<sup>nd</sup>. Vote 5-0**

2002.2.2.9 There are no Natural or Historic Features on the site. (Blue Book §5.9, page 11 and Exhibit 11.) The Planning Board therefore waives, pursuant to §401.7, the requirement of filing a Natural and Historic Features map. Move that we accept that. **By Susan DS/Mark P 2<sup>nd</sup>. Vote 5-0**

2002.2.2.10 The Planning Board voted on 4/3/14 that the application satisfied former §402.11, which is equivalent to this section. See Blue Book Exhibits 7 (pages 41 and 42), and 8 (pages 43-45). **So Moved.** **By Mark P/Craig K 2<sup>nd</sup>. Vote 5-0**

2002.2.2.11 The Spill Prevention, Control and Counter Measures Plan at §5.6 (Blue Book page 9) was previously approved, and the Planning Board finds that it meets the requirements of this section. **So Moved.** **By Mark P/Craig K 2<sup>nd</sup>. Vote 5-0**

2002.2.2.12 Screening from abutters and roads. The site plan shows existing forested buffers surrounding the project. The Planning Board finds that this will screen the operation from abutters and roads. **So Moved.** **By Mark P/Pam C 2<sup>nd</sup>. Vote 5-0**

2002.2.2.13 The Planning Board found on March 27, 2014 that the proposed activity would not cause soil erosion during construction or when complete. The Planning Board further finds that the "Erosion Control Notes" on the Revised (4/18/17) Site Plan is a satisfactory "Erosion and Sedimentation Control Plan". **So Moved.** **By Susan DS/Mark P 2<sup>nd</sup>. Vote 5-0**

2002.2.2.14 The Reclamation Plan (White Book Exhibit 14) satisfies all requirements of this section as to the plan. **So Moved.** **By Mark P/Pam C 2<sup>nd</sup>.**

It does not include a plant list or address stagnation.

The Board will revisit 2008.2.14 later

2002.2.2.15 Permits are identified on page 5 of the White Book. Copies of state and federal permits are not available because they are not applied for until local approval is obtained.

Move that under 2002.2.2.15, Identification of all required state and/or federal permits, that White Binder page 5, Section labeled State and Federal Permits, fulfills a description as required in this section. Copies of submissions to federal and state agencies are not available at this time because those will not be done until local approval is obtained. **By Susan DS/Craig K 2<sup>nd</sup>. Vote 5-0**

2002.2.2.16 Performance guarantee. The Board has been provided with an estimated cost for a 5 acre reclamation. This has to be submitted to the Select Board and the type of guarantee should be specified. Hughes Bros is planning on having Bond issued by a Surety Company. They propose that it take place prior to operation of the quarry and they won't be operational for a year. The Ordinance reads that the Guarantee shall be in place after approval of the application and prior to granting the operation permit.

The applicant needs to submit a proposal showing the form of Surety and name of the company (guided by 2009.1) and the Planning Board needs to produce a letter to the Selectmen.

Motion that the Planning Board approves the amount and Surety Bond character of the reclamation plan that is Section 9.0 of the White Book, page 8, provided that a satisfactory company is identified and that the bond be in default if the project is not reclaimed within 1 year of being inactive and that the matter be referred to the Selectmen for approval. **By Mark P/Pam C 2<sup>nd</sup>.**

Susan added "as outlined in Section 710, 2009 and 2009.1 of this Ordinance" to the end of the motion. **By Mark P/Pam C 2<sup>nd</sup>. Vote 5-0**

Susan will type up something to present to the Selectmen regarding this matter. Mrs. Hughes will provide Susan with the name of the Surety Company and provide a sample bond.

\*\*\*Need to sort out 2002.2.2.16 points them to Section 710 but they have Section 2009 in the ME Addendum regarding Performance Guarantee.\*\*\*

2002.2.2.17 List of abutters. Move that a list of abutting property owners was previously approved and can be found in Blue Book, Exhibit 3, pages 16 and 17. **By Mark P/Pam C 2<sup>nd</sup>. Vote 5-0**

2002.2.2.18 (a) The Board approved a hydrogeological evaluation on 3/27/14 (Blue Book Exhibit 9, Pumping Test Results Blue Book page 89, White Book Exhibit 13A.) The Board finds that this meets the requirements of the current ordinance. So Moved. **By Mark P/Craig K 2<sup>nd</sup>. Vote 5-0**

2002.2.2.18 (b) Traffic Study was approved 3/27/14 under prior section 402.10 (see application section 5.8). The Board finds that this meets the requirements of the current ordinance. So Moved. **By Mark P/Craig K 2<sup>nd</sup>. Vote 5-0**

2002.2.2.18 (c) Sound Study complying with 2008.2.11  
(At this point the review proceeds out of order.) Due to awkward drafting, it is necessary to determine that the requirements of 2008.2.11 are met in order to find that a sound study complying with that section has been submitted. The following findings are made relevant to 2008.2.11 for all purposes, in addition to compliance with 2002.2.2.18 (c).

The Board will start at this section next time.

### **NEW BUSINESS:**

**AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:** The Board will discuss the review items list after the Hughes Application review is complete.

Susan DS spoke with Mr. Corro and he had not received any word from Charles Norburg. Susan will provide Mr. Corro with a copy of the minutes, but he should speak to Charles N regarding his application and items missing in his submittal. He had been advised to get a copy of information on Cottage Industry.

**DATE OF NEXT MEETING:** The next scheduled meeting would be on June 13, 2017, which is voting day. They agreed to move their next meeting to Thursday, June 15, 2017.

**ADJOURNMENT:** Motion to adjourn at 8:04 pm. **By Susan DS/Craig K 2<sup>nd</sup>. Vote 5-0**

Respectfully Submitted,

Denise M. Knowles,  
(Findings of Fact from Mark Perry's notes) Thank you,