

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

October 9, 2014

6:30 pm

MINUTES

CALL TO ORDER: Tom Vanchieri called the meeting to order at 6:32 pm.

ROLL CALL: Members present were Tom Vanchieri, Henry Hodges, Frank Higgins, Craig Knight and Gretchen Heldmann. Charles Norburg and Susan Dunham-Shane have excused absences.

Motion that Craig vote for Susan tonight

By Frank, Henry 2nd. Vote 3-0

MINUTES: Motion to accept the minutes of August 12, 2014 as written

By Henry/Gretchen 2nd. Vote 3-0, Frank abstained because he missed most of the meeting

Motion to accept the minutes of August 14, 2014 as written. **By Frank/Gretchen 2nd. Vote 4-0**

Motion to accept the minutes of August 28, 2014 as written. **By Frank/Gretchen 2nd. Vote 4-0**

Motion to accept the minutes of September 25, 2014 as written.

By Gretchen/Henry 2nd. Vote 3-0, Frank abstained because he was not at meeting.

Motion to amend the minutes of September 18, 2014 to incorporate Gretchen's additional comments regarding I395 under the Planning Board Comments section. **By Frank/Henry 2nd. Vote 4-0**

UNFINISHED: The Board continued their work on the Mineral Extraction Ordinance starting at Article V, Section 2.10. Traffic. The following are the items discussed:

1. **Section 2.10**, fourth paragraph, Delete the first two sentences. Fifth paragraph, after required add "at the discretion of the Planning Board,". **10.13**) Keep the following two sentences: "Any study is at the property owners expense and such study is subject to review by another consultant of the town's choosing. Proposed improvements to existing public streets must be approved in writing by the Town of Eddington Selectboard, the town road commissioner, or the Maine Department of Transportation, as applicable."

The Board then discussed when a traffic study would be required. Frank asked who has the authority to require a traffic study? Janet Hughes said that traffic studies are based on the congestion, volume, road grade, etc of the traffic, not noise. Another concern will be trucks pulling onto Rt. 9 and getting up to speed. Gretchen thinks the second paragraph refers to MEO's that have less than 35 vehicle trips, but there is a concern because of the road condition, visibility, etc. Frank questioned what the difference is between a documented concern and an opinion. The second paragraph deals with the initial approval of the application, not after it is in operation. A traffic study engineer is very expensive. MDOT does not require a study until there are 100 vehicles per hour. The Board would like to flag this section and research what MDOT does for a traffic study. Frank does not like the wording "full traffic study". They may use what is in the Hancock ordinance and look at the DOT guidelines. Any business entrance permit that has over 100 trips, MDOT will do a study.

2. **Section 2, 11. Noise.** Our Wind Energy Ordinance requires 4 seasonal-sound studies be done by a professional consultant of the Planning Board's choosing. 709.1 in our Zoning Ordinance deals with mineral extraction mining and they may want to revisit that section. Tom asked if they had

spoken in the past about making all of the noise standards the same. Frank said it would be hard to require the Wind Energy Ordinance standards on any new application. The Board feels they need to define the hours rather than just day and night. (7:00 am to 9:30 pm for day and 9:30 pm to 7:00 am for night.) Flag the noise section to compare it to our other Ordinances and review the Wind Energy Ordinance to see if they will apply here. Janet questioned the last paragraph on the second page under Noise “The applicant shall modify the development as necessary to ensure that the noise emanating from the project conforms to the noise limits set forth in this section.” plus notes in red from Susan.

3. **Section 2, 12. Dust and Air Pollution.** Janet Hughes informed the Board that Mark Stebbins of MDEP offered to come up to talk to the Board regarding no cases of silica with reference to a quarry or gravel pit and cancer concerns. She further stated that there are qualified air people certified to provide tests regarding the opacity of 20% limit for visible emissions. Frank said there is a standard test procedure that can be done that would quantify the quantity in the air. Mr. McLeod thinks a video camera is a better way to prove dust than the opacity of 20% testing. Frank wants to remove the last sentence in the first paragraph. “Emission of dust and dirt at any point beyond lot lines shall be prohibited. Gretchen does not want to delete it. Remove “be prohibited” and add “not exceed the guidelines established in this section.” In **12.b.** change “proctices” to “practices”, remove the second “calcium” and change “andy” to “any”. Our Ordinance already requires paving for businesses 30’ from a public way. Gretchen questioned if a private road is shared by other uses, is 100’ enough to control the dust? Frank asked if the Planning Board has any authority over controlling dust on a private road? Mr. Wood asked if there is an appeal process for the owners who live on a private road? Russell asked if you have a road in a subdivision that will be used for a quarry, does that mean the subdivision has to be rewritten to include the quarry? The Board wants to revisit **12. c.** In **d.** Who sets the fines? **e.** It was questioned as to how you determine 1-4 if there is no way to measure them. The Board will revisit this section. They are stopping at Section 2, 10.f.

4. Gretchen referred back to the conversation about Mark Stebbins and the Maine Geology Department and having them come to speak about silica. She will find some other people to come and talk about this too. Russell will contact Mark Stebbins and let the Board know ahead of time so they can have questions ready.

NEW BUSINESS:

OTHER BUSINESS:

STAFF REPORTS:

PLANNING BOARD COMMENTS: The Board decided to start their regular meetings at 5:30 for the next couple of meetings to give them more time to work on the Ordinance. (It was asked if their pay would go up because they are increasing their hours?)

PUBLIC ACCESS: James McLeod had sent some hyperlinks with information for the Board to look at on regulations for explosives, fire department setbacks if on fire, etc. Russell will email the links to the Planning Board.

NEXT MEETING: The next meeting will be Thursday, October 24, 2014 at 5:30 pm.

ADJOURNMENT: Motion to adjourn at 8:25 pm.

By Henry/Frank 2nd.

Respectfully Submitted,

Denise M. Knowles