



# Town of Eddington

906 Main Road Eddington, Maine 04428

**PLANNING BOARD**  
**January 26, 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 Susan Dunham-Shane, Craig Knight, David McCluskey, Gretchen Heldmann, David Peppard and Russell Smith. David Johnson and Charles Norburg have excused absences.

**MINUTES:** Motion to amend the agenda to include discussion of the October 27, 2015 minutes for the purpose of correcting and clarifying the record.

**By G. Heldmann/David M. 2<sup>nd</sup> Vote 4-0**

For the purposes of correcting clarifying the record under the provisions of Roberts Rules of Order, motion to amend something previously adopted, I make a motion to amend the previously adopted October 27, 2015 minutes so that on the first page, under number 3, winged should be changed to wading and habitat program should be changed to beginning with Habitat Program.

**By G. Heldmann/David M 2<sup>nd</sup>. Vote 4-0**

Motion to accept the minutes of November 24, 2015 with Gretchen's changes that were emailed to everyone. (change all of the ' notations to either ft or sqft, under Unfinished Business, #4, add "Joan stated if the Board had any questions she would be happy to answer them. Gretchen thanked her for the clarifications.", under New Business, 3<sup>rd</sup> sentence, add "road" after "current" and after "why current" add "commercial building", in the 2<sup>nd</sup> paragraph 1<sup>st</sup> sentence add "at the earliest" after "February"

**By David P/G. Heldmann 2<sup>nd</sup>. Vote 4-0**

Motion to approve the December 8, 2015 minutes with the suggested changes from Ms. Heldmann. (They were emailed to the Board. Change all of the ' notations to "ft" or "sq ft" to better clarify them and under Pubic Access, 2<sup>nd</sup> paragraph, add ", which equals" after "40 ft x 80 ft")

**By David M/Craig K 2<sup>nd</sup>. Vote 3-0**

**Gretchen abstained because she was not at the meeting.**

**UNFINISHED BUSINESS:** Russell called Charles Norburg, because he was not going to be attending tonight's meeting, to ask him for his opinion regarding the Shoreland Zone Lot Sizes. Charles said that 1 acre is fine, but 2 acres would be better. He said the state allows 40,000 square feet, but he would rather it stay in acres and that Bradley kept everything at one acre. The Board then reviewed the information provided by each member for different towns in the area.

Craig K: Hampden, He gave each of the Board members a copy of the section in their ordinance which addressed lot sizes and frontage. He read the following from his paperwork:

**15. Land Use Standards.** All land use activities within the *shoreland zone* shall conform with the following provisions, if applicable.

<b>A. Minimum Lot Standards</b>	Minimum Lot Minimum area (sq.ft.)	Shore Frontage (ft.)
(a) Residential per dwelling unit Within the Shoreland Zone		
(i) Adjacent to Tidal Areas on well and septic	30,000	150
(ii) Adjacent to Non-Tidal Areas on well and septic	40,000	200
(iii) Adjacent to Tidal Areas on municipal sewer and water	18,000	125
(iv) Adjacent to Non-Tidal Areas on municipal sewer and water	18,000	125
(b) Governmental, <i>Institutional, Commercial or Industrial</i> per principal structure Within the Shoreland Zone		
(i) Adjacent to Tidal Areas,	40,000	200
(ii) Deleted.		
(iii) Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities Within the Shoreland Zone		
(i) Adjacent to Tidal and Non-Tidal Areas	40,000	200

In the Resource Protection District the *shoreline setback* requirement shall be 250 feet, horizontal distance, except for *structures, roads, parking spaces* or other regulated objects specifically allowed in that district in which case the *shoreline setback* requirements specified above shall apply.

Minimum Shoreline setback requirements:

RP District except for specifically permitted structures	250 feet
Great Ponds	100 feet
Rivers that flow to Great Ponds	100 feet
Rivers	75 feet
Streams, Tributary Streams, and Local Streams	75 feet
Wetlands	75 feet

In addition:

Unstable & Highly Unstable Coastal Bluffs	Required <i>shoreline</i> setback measured from top of bluff. (See section 15B(1)(c) below)
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Susan found it interesting that the residential lot size on well and septic was smaller in tidal areas than in non-tidal areas and that the municipal sewer and water lot sizes were very small. David M. said that whether there was municipal sewer or not would be a good way to set up the lot sizes. Susan said that well and septic and municipal water and sewer were a good way to separate the lot sizes. Gretchen said that the only thing that would apply to us in the future is the municipal water part it.

David P: Dedham, He forwarded the Dedham Ordinance to Gretchen and she sent it to the Town Office so it would be part of the record. David will bring his notes to the next meeting.

David M: Holden, He gave everyone a copy of the Minimum Lot Standards page from the Ordinance and read from it:

## 611 MINIMUM LOT STANDARDS

- 611.1 All lots in the Shoreland Residential Zone (R4) shall contain a minimum of one (1) acre (43,560 square feet) per dwelling unit, and have a minimum shore frontage of two hundred feet (200'). All lots for any governmental, institutional, commercial or industrial structure in any shoreland zone shall be 60,000 square feet and 300 feet of frontage per principal structure.
- 611.2 Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- 611.3 Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- 611.4 The minimum width of any portion of any lot within one hundred feet (100'), horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- 611.5 If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.

Gretchen said that Holden's governmental, institutional, commercial or industrial 60,000 sq ft lot size with 300 ft of frontage is the same as the states regulations. She also said that the state's residential lot size is 30,000 sq ft in tidal area with 150 ft frontage and 40,000 sq ft in nontidal area with 200 ft frontage. Eddington's proposed lotsize is 43,560 sq ft, one acre, with 100 ft of frontage. Susan said that both Charles N. and Joan Brooks had suggested 200 ft of frontage. David M. said that Holden does have a minimum width of any portion of any lot within 100 ft, horizontal distance, of the normal high-water line. This would make it so you couldn't make a small triangle lot. David M. said that some lots on a peninsula would have more shore frontage than a lot in a cove with less opportunity for width towards the back. Gretchen said she thought that with the provision regarding the minimum width, they are trying to do away with a flag piece along the shore with a trail to another back lot.

Susan: Milford, She checked their Land Use Ordinance on line. They do not have a Shoreland Zone Ordinance online. There is a River Residential District that has a minimum lot size of 2 acres, minimum lot size per dwelling is 2 acres but the minimum road frontage is 250 ft, but there is no mention of river frontage. Susan talked to the Town Manager but he did not get a chance to talk to the CEO before he left. The CEO also works in Glenburn. The Town Manager indicated that he thought he had seen a hard copy of the Shore Land Zone, but it was not online and he wasn't sure where it was.

David J: Clifton, David J. did not attend tonight's meeting but he called earlier and asked that his information be forwarded to the Board. Susan read his information. Clifton has 200 ft water frontage and dependent on which Growth Management Area they are in, the lot size is either 2 acres with 200' of road frontage or 5 acres with 500' of road frontage.

Gretchen compared Eddington's current setbacks and the State's setbacks. (the chart for each of them is below.) She said that they need to adjust some of the minimum changes that were made. The state had commented that the lot areas could be changed to 40,000 sq ft or 60,000 sq ft with 150 ft, of frontage, but that did not refer to all of the categories. (This information is found in Section 15, A. Minimum Lot Standards of the working Shoreland Zone Ordinance.) The following items will change:

- (a) Residential: (ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas will be changed back to 200 ft from 150 ft.
- (b) Governmental, Institutional .....: (i) Within the Shoreland Zone Adjacent to Tidal Areas will be changed back to 200 ft from 150 ft. (ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas will be changed to 60,000 sq ft and back to 300 ft frontage.

(c) Public and Private Recreational Facilities: (i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas will be changed back to 200 ft.

According to the state, they can go lower for lot area, but the frontage are at the minimums.

**Eddington's Lot Standards prior to tonight's meeting:**

**A. Minimum Lot Standards**

(1)	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(a) Residential per dwelling unit	43,560	150
(i) Within the Shoreland Zone Adjacent to Tidal Areas	43,560	150
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	43,560	150
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	43,560	150
(ii) Within the Shoreland Zone Adjacent to Non-tidal Areas	43,560	150
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	43,560	150

**The State of Maine Lot Standards:**

**A. Minimum Lot Standards**

(1)	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	30,000	150
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200

Gretchen continued that the debate still remains on one acre versus two acres lot area. The state allows 40,000 sq ft and Charles N. wants it to stay at one acre. Charles had originally strongly wanted 2 acre lot areas and Joan Brooks has also expressed her concerns from the septic and well standpoint and recommended 2 acre lot sizes. Susan reminds the Board that Frank Arisimeek was in favor of 150 ft frontage because it would allow a developer to do more. The Board members will review each other's information, David P will send them his notes and they will revisit this at the next meeting. Gretchen said MDEP is not rushing the Town for a final draft.

The Board discussed their findings in regards to the review of minutes from when the Planning Board had worked with the consultant on building sizes in the Mixed Use Area as they were updating the Zoning Ordinance. Gretchen found a series of drafts in her computer from back in 2009 during this work and she found that it was at the November 23, 2009 meeting that the 3000 sq ft was added. She checked her notes and the Minutes for the meeting and there was nothing in them. Gretchen then asked the Town Office if there was a recording of the meeting and Russell said that they haven't had time to look for it. She looked at the November 2, 2009 and December 2, 2009 meeting minutes and found no reference. Gretchen also said that it was 6 years ago and there were three different members on the Board. Susan has found the minutes and will look for her notes during that time now. Susan said that in reviewing the minutes it reminded her of their caseload at the time. The Planning Board at that time was working on revising the Zoning Ordinance and writing the Wind Ordinance during that time period and meeting twice a week. The November 23, 2009 minutes have been added to the Website. The Board will revisit this.

**NEW BUSINESS:** Russell had given the Board members their copies of the Verizon Application that came in the mail today. They should each review it for the next meeting. A representative from Verizon will attend the meeting. Susan said the Board members should review the application and compare it to the Zoning Ordinance and Wireless Ordinance to verify if it is complete and also if it meets the performance standards of the two Ordinances. She suggested that they also refer to the meeting minutes when Verizon appeared before them for notes for Verizon of items that were missing from their preliminary application.

**OTHER BUSINESS:** Russell informed the Board that the Selectmen announced at their last meeting that they will be soliciting volunteers to work on updating the Comprehensive Plan. Russell has not contacted MMA or the State Planning Office (Department of Agriculture). Gretchen will email the information that she has pulled to everyone. She read the minutes of the December 8, 2015 meeting, which she did not attend, and said the following statement may not be accurate. "David P. asked Russell what the guidelines are for the time frame for towns to review Comp. Plan and realign Ordinances. Russell said that shortly after Eddington had done their Comp Plan, the state became less restrictive." She said that what happened was that the State Planning Office was eliminated, but the Growth Management Act is still in place. It is now administered by the Municipal Planning Assistance Program that is part of the Department of Agriculture Conservation and Forestry. If a municipality wants to have a Zoning Ordinance they have to have a Comprehensive Plan that is in that law.

Susan noted that when she read the Comprehensive Plan, which they started working on in 2002, they were using the information from the 2000 census. She wondered if it would be better to wait on doing a new comprehensive plan so it could be based on the 2020 census, rather than the 2010 census. Gretchen said she felt the 2010 census would be fine because they do updates in between and the state used to do projections also. Gretchen said that when they worked on the Zoning Ordinance, some work had been done on updates to the Comprehensive Plan, so she looked at meeting minutes, and they were supposed to be sent to the state, but that was about the time the State Planning Office dissolved so she is not sure what happened with that process. Gretchen said that when a Town works on a Comp Plan, it is a proposed idea of where the growth and residential areas will be and a list of their general goals and ideas, but do not contain specifics for a zoning map.

**STAFF REPORTS:** Charlie is not here regarding his Sign Report. Russell informed the Board that Charlie had been in contact with Tradewinds and they have changed their sign so that they have a black background now which reduced the glare.

**PLANNING BOARD COMMENTS:** David M questioned surveying that was being done by the storage business in town. Russell said that that is in the location of the old Tasker Homes and they may be possibly getting an application from General Dollar, which was the first property they were looking at for a location.

Russell had given the Board members the court order cover letter from Charles Gilbert. In the letter Mr. Gilbert says that at some point the Planning Board will have to either proceed on the pending application or take some other action on the Hughes Bros. application. He pointed out to the Board that Janet Hughes is present tonight and does the Board want to talk about the letter? Gretchen said she is not comfortable discussing it without having read it and ask any questions to Mr. Gilbert.

Motion that the record recognize that we received notification from the Town Attorney regarding the Hughes legal decision and move that the Planning Board be given the opportunity to review the document and it be placed on the next meeting's agenda.  
**By David M/Craig K 2<sup>nd</sup>. Vote 4-0**

David P. asked if at the next meeting the only decision that would be made would be whether they are going to proceed or not? Gretchen said that that is her thought. They will decide how it will be handled and if they have any questions for Mr. Gilbert.

**PUBLIC ACCESS:** Frank Arisimeek wanted to clarify his comment on lot size in Shoreland zone at the last meeting. He thinks it would be a good idea to go with 150' of frontage and one acre minimum if they could provide city water, or a public water or common water source for a developer to use or put in. He feels that there is a lot of city water on Eddington Pond. Frank A. would like a copy of the letter from Mr. Gilbert. Russell will get Frank a copy of the letter.

Janet Hughes asked that they amend the previous motion to say that they will be review the letter from the attorney and not the application itself.

Motion to clarify the previous motion that we will be reviewing the letter from the attorney and not the application itself.  
**By David M./Gretchen H 2<sup>nd</sup>. Vote 4-0**

**ADJOURNMENT:** Motion to adjourn at 7:04 pm. **By David M/Craig K 2<sup>nd</sup>. All in favor**

Respectfully Submitted,

Denise M. Knowles