



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

June 15, 2017

6:00 pm

MINUTES

CALL TO ORDER: Mark Perry called the meeting to order at 6:02 pm.

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

Mark P asked Pam C to be a voting member for this meeting.

MINUTES: Motion to accept the minutes of the May 23, 2017 meeting as printed.

By Mark P/Susan DS 2nd. Vote 4-1 David P abstained because he was not at the meeting.

UNFINISHED BUSINESS: The Board will review the Hughes Bros. Application, making Findings and Fact as they go along. Mark P thanked Janet Hughes for the plans she provided to them tonight that was requested at the last meeting. They will review it and discuss it at the next meeting.

The Board presented the Findings of Fact listed below:

2002.2.2.2 – Motion to add to the Findings of Fact of this section: as supplemented by copy of deed from Audrey Fox to Arisimeek and Butterfield dated November 20, 2013, submitted as supplemental application documentation on January 13, 2014 (Blue Book tab B, page 65).

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

2002.2.2.3 (b) They will address this at the next meeting. They received the information regarding it tonight.

2002.2.2.9 - Motion to amend the Finding from last time to add: The Planning Board therefore waives, pursuant to §401.7 and Section 204, the requirement of filing a Natural and Historic Features map.

By Mark P/Craig K 2nd. Vote 5-0

2002.2.14 – They will address this at the next meeting. The paperwork was received tonight.

2002.2.2.16 – Performance Guarantee, Mark P pointed out that the ordinance says that reclamation must commence when there has been no activity for 731 days. They had previously said 1 year and the Selectmen approved it, so there is no reason to revisit it.

Russell will get the Board a copy of the paperwork regarding the Performance Guarantee that Janet Hughes provided to the Selectmen and they approved, and Susan's letter, to add to the Findings of Fact.

2002.2.2.18 requires they jump to 2008.2.11 to determine that the sound study that was filed under subsection 18 complies with 2008.2.11 –

Mark proposes that at the end of the review when they accept the final version of Findings of Fact, that it say that 2008.2.11.1 through 4 are just explanatory.

2008.2.11.5 – Move that White Book Exhibit 15 list the types of equipment and the noise specifications are listed at Blue Book Exhibit 12.

By Mark P/Susan DS 2nd.

Discussion: Susan suggested some additional information for the motion. Mark withdrew his motion. Move that they so find that White Book Exhibit 15 lists the types of equipment, explanation of how levels are calculated and Table 6-1 which projects sound power levels. This fulfills the requirements of A, B and C in this section. **Susan DS/Mark P 2nd. Vote 5-0**

2008.2.11.6 I propose that we find that the applicant has submitted a satisfactory Sound Study (White Book Exhibit 5) complying with all requirements of this section. **By Mark P/Pam C 2nd. Vote 5-0**

2008.2.11.7 I propose that we find that the tools used in the Sound Study complied with this section (White Book Exhibit 15 §4.1). **By Mark P/Susan DS 2nd. Vote 5-0**

2008.2.11.8 Move that they find that pre-development background noise levels have been properly measured (White Book Exhibit 15, §4) **By Mark P/Craig K 2nd.**

Susan DS said the amended application states that nothing will be operating at night and then asked about the watering pumps. Janet H said they will be in a trailer and they are large. At first they will pump hard and then there will be a submersible pump to maintain levels. They will run power up the road for the submersible pump and generator. Both are enclosed. **Vote 5-0**

2008.2.11.9 Mark stated that they need confirmation that sound measurements were done for 10 consecutive minutes including at least 6 minutes unaffected by nearby transient sources. They will revisit this and Janet H will have a written statement regarding this from the gentleman that did the study.

2008.2.11.10 Move that measurements were taken at the required time of day (White Book Exhibit 15, §4.1) **By Mark P/Craig K 2nd. Vote 5-0**

2008.2.11.11 Move that we find that the measurements were made during a weekday of a non-holiday week. (White Book Exhibit 5, §4.1) **By Mark P/Susan DS 2nd. Vote 5-0**

2008.2.11.12 Mark stated that he did not find the confirmation that measurements were made 4' off the ground at least 15' from any reflective surface. Janet H will provide a written statement regarding this at the next meeting.

2008.2.11.13 Move that we find that the average wind speed did not exceed 4.5mph during testing, and a proper windscreen was used (White Book Exhibit 15, §4.4) **By Mark P/Craig K. Vote 5-0**

2008.2.11.15 Mark P did not find where sound from Production Blasting was addressed. Susan DS said this is regulated by MDEP standards. Janet H said this standard didn't change from the previous submission and that it follows MSHA and MDEP levels. Janet H will provide blasting measurements from another site and have the sound consultant review it and add it to his report. It should be relevant distances and terrain. The Board will revisit this.

2008.2.11.16 through 18 These do not address the Sound Study, are definitional and no findings are required.

Mark P stated that therefore the Board finds that the Sound Study (White Book Exhibit 15) demonstrates compliance with 2008.2.11.

The review returns to numerical order here.

2002.2.2.19 Move that they find that no other pertinent information is required. **By Mark P/Craig K 2nd. Vote 5-0**

Move that we find that Section 2003 is not relevant to this project.

By Mark P/Susan DS 2nd. Vote 5-0

2004. Waiver submission does not need to be addressed.

2005.1 Move that we find that the application has been made and the fee paid.

By Mark P/Craig K 2nd. Vote 5-0

2005.2 Move that abutters were notified and public hearing was held on February 27, 2014. Additionally questions raised by the Town Lawyer and residents at said hearing were answered by a power point binder submitted March 21, 2014 to the Planning Board.

By Susan DS/Mark P 2nd. Vote 5-0

2006 Annual inspections. No action required.

Motion that we skip down to 2008.1.5

By David P/Mark P 2nd.

Discussion: Susan DS thinks the headings should be added to these sections for the findings of fact. (2007-2008.1.4)

David P will withdraw his motion.

2008.1.5 Move that we find that the Planning Board has considered the financial capacity, technical ability and prior performance of Hughes Bros., Inc. and finds them to be satisfactory. [See application §8.0 and §E pp. 112-113 (Blue Book)].

By Mark P/Craig K 2nd.

Discussion: Susan DS found that this was not acted on and additional submittal was written in her notes. They submitted information showing financial capacity and technical ability, but not prior performance. Janet H said they would not be able to obtain a performance bond if they had not had good prior performance.

Vote 4-1

2008.1.6 – Motion that no action is required.

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.1 to 2008.2.1.2 Wildlife habitat - Move that we find that these sections are the equivalent of the wildlife portion of former §402.11. The Planning Board found on 4/3/2014 that the project will not have an adverse impact on wildlife and animal habitat. The Planning Board further finds that the project is not located within any of the habitat areas identified in §2008.2.1.1. (See Blue Book Exhibits 7, 8, 10)

By Mark P/Susan DS 2nd. Vote 5-0

David P said he read over the reclamation plan and personally feels it will improve wildlife habitat.

2008.2.2 Move that we find that the Planning Board found, pursuant to former Section 402.6, based on the proposed use of portable toilets, that the project would provide for adequate sewage disposal on 3/27/2014. The Board further finds that solid waste will be stored or disposed of as required by this section. (See application §5.6)

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.3 Groundwater

2008.2.3.1 Move that we find that on March 27, 2014 the Board found that the project will not adversely affect the quality or quantity of ground water. The Board further finds that it will not create the harms set forth in this section. 2228.2.3.1. See application §5.7 Fessenden study @ Blue Book p.89, Blue Book pp. 153-154.

By Mark P/Pam C 2nd. Vote 4-1

2008.2.3.2 I move that we find that no water bodies, streams or wetlands will be affected by this project. See application Exhibit 6 (Blue Book p.39)

By Mark P/Craig K 2nd.

Discussion: Susan said that Charles N had asked Mr. Moyse about vernal pools and he said no study had been done and would not be done until April or May. His letter of December 10, 2013 was accepted into the record

Vote 5-0

2008.2.3.3 Move that we find that the locations of the required wells are shown on the amended site plan.
By Mark P/Pam C 2nd.

Discussion: Charles N said once you remove the soil there is no seasonal high water table in a quarry.
Vote 5-0

2008.2.3.4 Move that the Board finds that there are no private or public water supplies within 1000' of the proposed extraction area.
By Mark P/Pam C 2nd. Vote 5-0

2008.2.3.5 Mark P could not find a reference that said it proposed not to exceed 5000 gallons a day. Janet H said that she thinks the intent of the Planning Board at that point was that you could withdraw up to 5000 gallons without the hydrogeological study. She continued that they submitted one and it satisfies that criteria. The project does not propose to withdraw more than 5,000 gallons of water per day.

I move that the Board finds, based on the Fessenden study, that the site can be de-watered below final excavation level without presenting an environmental hazard or harming drinking water supplies.

By Mark P/Pam C 2nd. Vote 4-1

2008.2.3.6 - 2008.2.3.8 Add Headings

2008.2.3.7 & 2008.2.3.8 – The Board will revisit this and Susan DS will get the reference sections and dates.

2008.2.3.9 I move that the Board finds that there is no need for an independent evaluation.

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

2008.2.3.10 I move that we find that based on the Fessenden study as supplemented at White Book Exhibit 13A, the Board finds that the project will not increase any predevelopment contaminant concentration in the ground water.

By Mark P/Craig K 2nd.

Discussion: Susan DS said MDEP's concern is if the activity introduces something into the water, but they do not care about arsenic or radon or other items that would be tested in a water test. And from comments made at meetings, a concern of the residents was the water drawdown changing something in their wells. Janet H said that the natural ground water flow is away from the residences. David P said that if for some reason the contaminant concentration rises, Hughes Bros. would have to deal with it.

Vote: Yes 4-Abstains 1

2008.2.4 I move that we find that removal of existing vegetation within the natural buffer strip is not proposed.

By Mark P/Craig K 2nd. Vote 5-0

2008.2.5 (Add Header) Move that they find that this section is not relevant. No wetlands.

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

2008.2.6 I move that we find that the site plan shows the appropriate buffer strips.

By Mark P/Craig K 2nd.

Mark Withdraws his motion

I move that we find that the revised site plan dated 4/18/17 shows the appropriate buffer strips with respect to public and private roads.

By Mark P/Craig K 2nd. Vote 5-0

2008.2.7.1 through 9 I move that we find that the amended site plan shows the appropriate buffers, comprised of existing native and invasive mixed forest. The Planning Board finds that this is adequate for all requirements of these sections.

By Mark P/Craig K 2nd. Vote 5-0

2008.2.7.10 I move that we find that this section is not relevant, that screening is not proposed.

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.8 Erosion and sedimentation control

2008.2.8.1 I move that the Planning Board finds that all areas will be internally drained to the pond shown on the site plan.

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

2008.2.8.2 I move that the Board finds that the proposed erosion and sedimentation plan conforms to the referenced standard. (Approved by the Board 3/27/14.) See Blue Book §5.1, pp. 5-6

By Mark P

Amended to add “under prior Section 402.3”

Craig K 2nd. Vote 5-0

2008.2.8.3 I propose that we find that the stockpiles of topsoil used for reclamation will be seeded, mulched or otherwise temporarily stabilized. See Blue Book §5.1 and amended site plan (White Book Exhibit 2.)

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.8.4 I propose that we find that the sediment will not leave the parcel or enter a protected natural resource. See Blue Book §5.1 and amended site plan (White Book Exhibit 2).

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.8.5 I move the Board finds that there are no grubbed areas proposed that will not be internally drained.

By Mark P/Susan DS 2nd. Vote 5-0

City of Bangor Planning Board needs to be changed to Town of Eddington Planning Board on the Site Plan.

2008.2.9

2008.2.9.1 I propose that we find that there are no surface water discharges from areas not internally drained, other than those naturally existing on undisturbed areas. **By Mark P/ Pam C 2nd.**

Motion withdrawn

2008.2.8.6 – They will revisit this and Susan DS will find the reference information.

2008.2.8.7 – Move that after review of revised Site Plan dated 4/18/17 and Reclamation Plan and narrative in White Book, Exhibit 14 shall fulfill this requirement. **By Susan DS/Mark P 2nd. Vote 5-0**

2008.2.9

2008.2.9.1 I move that the Board finds that there are no surface water discharges from areas not internally drained, other than those naturally existing on undisturbed areas.

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

2008.2.9.2 I move that the Board finds that the excavation will decrease, rather than increase, stormwater runoff compared to predevelopment levels. See Blue Book §5.3, pp. 7-8. Stormwater management was also approved by the Board on March 27, 2014 under former Section 402.5.

By Mark P/Craig K 2nd. Vote 5-0

2008.2.9.3 I move that the Board finds that the project will not increase stormwater flows, and the alteration will be managed as required by this section. See Blue Book §5.3.

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

2008.2.9.4 I propose that we find that drainage will not adversely affect adjacent properties or impede incoming flows. See Blue Book §5.3 and amended site plan White Book Exhibit 2.

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

2008.2.9.5 I move that the Board finds that there is no reasonable concern that groundwater pollution would occur from stormwater that is internally drained. Further, the applicant proposes to de-water the working pit to a holding pond on site. See amended site plan dated 4/18/17.

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

2008.2.9.6 I move that the Board finds that the external drainage of stormwater is not proposed, and so the requirements of this section do not apply.

By Mark P/Craig K 2nd. Vote 5-0

2008.2.9.7 I move that the Board finds that the stormwater plan uses existing runoff control features to the greatest extent possible. See revised site plan dated 4/18/17.

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.9.8 I move that the Board finds that drainage will be stabilized – See Blue Book §5.1 (pp. 5-6) and revised site plan dated 4/18/17.

By Mark P/Craig K 2nd. Vote 5-0

2008.2.9.9 I move that the Board finds that no municipal maintenance is proposed or required.

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

2008.2.9.10 I move that the Board finds that the stormwater management plan (Blue Book §5.3) is sufficient.

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

2008.2.9.11 I move that we find that the stormwater management plan was prepared by a Maine licensed professional Engineer, Janet Hughes (Blue Book §8.0, page 15).

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

2008.2.10

2008.2.10.1 I move that the Board found on 3/27/14 that the project would not cause road congestion, etc. under the former ordinance Section 402.10. The Board further finds that the street in question here (State Route 9) has the capacity to accommodate the expected traffic increase.

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.10.2 I move that the Board finds that turning lanes and traffic controls are not necessary, given the size of the road and the proposed volume of additional traffic. This was also approved on 3/27/14, under Section 402.10, guided by standards 901 and 902.

By Mark P/Craig K 2nd. Vote 5-0

NEW BUSINESS:

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:

DATE OF NEXT MEETING: The next scheduled meeting will be on June 27, 2017.

ADJOURNMENT: Motion to adjourn at 8:03 pm.

By Mark P/Susan DS 2nd. Vote 5-0

Respectfully Submitted,

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