

TOWN OF EDDINGTON, MAINE

906 MAIN ROAD
EDDINGTON, MAINE 04428
PHONE: 207-843-5233

INCORPORATED IN 1811
MUNICIPAL OFFICERS
FAX: 207-843-7758

PLANNING BOARD

June 26, 2014

6:30 pm

MINUTES

CALL TO ORDER: Tom Vanchieri called the Meeting to order at 6:31 pm.

ROLL CALL: Members present were Tom Vanchieri, Frank Higgins, Henry Hodges, Gretchen Heldmann, Craig Knight, and Charles Norburg, CEO. Mike Shepherd is no longer on the Planning Board as he was recently elected to the Select Board. Susan had an excused absence because she was not feeling well, but she arrived later to the meeting.

Motion that Craig vote for Susan

By Frank/Henry 2nd. Vote 3-0

MINUTES: Motion to accept the minutes of March 27, 2014 as amended as noted below.

By Frank/ Henry 2nd. Vote 4-0

Under Unfinished Business, last paragraph, 1st page, #2: change “that” to “than” and “fitting” to “philic”, #3 change “patter” to “pattern”

402.8 change “conformant” to “conformance”

402.10 change “of” to “off” and “relocate the road if it does happen” to “construct a new access road if the application is approved.”

Motion to accept the minutes of May 8, 2014 as amended and noted below and clarify the Franks in the minutes by adding an H for Higgins and A for Arisimeek.

By Gretchen/Henry 2nd. Vote 4-0

Add Henry to the Roll Call

Unfinished Business, #1 – Change “Permit” to “Approval”

#2 – Change “Permit” to “Site”

Page 2, last paragraph, first sentence – Remove “has the fact that the Arisimeek quarry will be gone” and add “as one of its premises the fact that the Arisimeek Quarry would be superseded by the pending application.”

Page 3, 3rd paragraph, 3rd sentence – change “planes” to “plains”.

Page 3, 4th paragraph – remove this paragraph:

“Gretchen Heldmann questioned the follow on permit concept and she does follow how she is interpreting it. She referenced the following sections in the Zoning Ordinance: Section 301 When a Permit is Required; Section 301.5 is Mineral extraction activities; 302 When a Permit is not Required; 303 Permit Review; 304 Activities Which Require Multiple Reviews and Permits; 305 General Permit Requirements and questioned how she is reading out of that that a permit is not required. Ms. Dennison said that Frank paid the fee and he was not told that he needed a permit. Charles Norburg said that Mr. Arisimeek was to request it. Susan has always assumed that after the Planning Board reviews an application, there is a paper issued by the Code Enforcement Officer for the approved use.”

and replace it with this paragraph:

“Gretchen Heldmann questioned the follow on permit concept as presented by the Hughes and Arisimeek attorneys, as she does not follow they are interpreting it. She explained her interpretation referencing the following sections in the Zoning Ordinance: Section 301 When a Permit is Required; Section 301.5 is Mineral extraction activities; 302 When a Permit is not Required; 303 Permit Review; 304 Activities Which Require Multiple Reviews and Permits; 305 General Permit Requirements and

questioned how based on her reading of those sections that a general permit is not required, as those sections do not solely mention follow-on permits, they mention getting those other types of approvals (Shoreland, Floodplain, etc) concurrently with the regular site plan approval process. Ms. Dennison said that Frank A. paid the fee and he was not told that he needed a permit. Charles Norburg said that Mr. Arisimeek was to request it. Susan has always assumed that after the Planning Board approves an application, there is a paper issued by the Code Enforcement Officer for the approved use.”

5th paragraph - change “loose” to “lose”

Page 4, 1st paragraph – change “2014” to “2013”

3rd paragraph – change “permit” to “previously approved application”

4th paragraph – change “permitted” to “approved”

5th paragraph – change “remending” to “amending”

5th paragraph, last sentence – change “them” to “time”

Page 5, 1st paragraph, 5th sentence – change “with our Ordinance” to “that crushing is not an allowed use.”

2nd paragraph, remove “municipal” before crushing

New Business, change “cracking down on” to “taking a closer look at”

Motion to accept the minutes of May 22, 2014 as written.

By Frank/Henry 2nd. Vote Yes-3/Abstained-Gretchen

Motion to table the minutes of the May 29 and June 12, 2014 **By Henry/Frank 2nd. Vote 4-0**

UNFINISHED BUSINESS: Everyone was given a copy of the drawing from Dan Barker for Tradewinds new building. Charles N can issue the permit to him.

NEW BUSINESS:

OTHER BUSINESS: The Board continued to work on the Quarry and Mineral Extraction Ordinance. Frank gave everyone a copy of Hancock’s Ordinance, Article III, Exemptions, with his suggestions for deletions and additions.

The following are the changes discussed:

1. Town of Hancock will need to be changed to Town of Eddington throughout the Ordinance.
2. Article III, F. Delete: [NOTE: Mineral extraction operations, which are exempt from this Ordinance, may need a permit under provisions of the Environmental Control Ordinance of the Town of Hancock, and must comply with other rules and regulations of the Town.] and add “No inactive mineral extraction operation shall be resumed until the owner or operator obtain a new permit, pursuant to Article IV.3, for the entire affected area, except those portions previously reclaimed.”
3. Article IV, Section 1, 4. Delete: “4. For existing operations larger than the five (5) acres or more surface area at the time of passage of this Ordinance, the reclamation plan as required by the Maine Department of Environmental Protection (MDEP) must be submitted.”
4. Article IV, Section 2, A, Remove “In the Industrial Zone” and start section with No MEO. Delete: “For operations less than five (5) acres in surface area as of the effective date, expansion is defined as an additional fifty percent (50%) or more in surface area. For operations larger than five (5) acres, expansion is defined as an increase of fifty percent (50%) or more surface area or four (4) additional acres, whichever is less. In Rural Undeveloped Zone,” then capitalize “Once”
5. After all of the changes have been made, they will need to verify any references to other Sections in the ordinance to the make sure they are still accurate.
6. Make sure that Existing Operations Section covers old abandoned pits that have been reactivated.
7. The definition of mineral extracting will include gravel, loam, etc.
8. New definitions should be distinct and agree with current the ordinance.

9. Current Ordinance does not cover processing of material. They need to decide if they are going to allow processing. Janet Hughes said that some towns allow it in the Industrial Zone.
10. Readdress Article IV, Section 2, B, 3. b. Processing
11. Flag Article IV, Section 2, B. 3. j. This may be redundant. They may address reclamation plan later in the Ordinance.
12. Article IV, Section 2, B. 3. k. Do they want to draw the line at 5 acres for particular requirements?
13. Ray Wood Sr. asked the Board if they thought that when they were addressing issues of performance guarantee and reclamation plans, whether the volume of the project should also be considered?
14. It was also suggested by a resident that noise, dust and traffic should be addressed in the Performance Standards.
15. Article IV, Section 3, A. 3. c. Change to read: "Contours of the parcel at five (5) foot contour intervals for all areas proposed for development."
16. Article IV, Section 3, A. 3. j. Change "registered civil" and "registered" to "licensed"
17. Article IV, Section 3. A. 3. j. vii. Delete: "and a statement of how this relates to Hancock's Comprehensive Plan and Environmental Control Ordinance's zoning classification."
18. Article IV, Section 3. A. 3. k. i. Revisit after Performance Standards (may want to add: "or negatively impact existing wells.")
19. Article IV, Section 3. A. 3. k. Add "iii. Sound study which demonstrates compliance with Article 5 Section 2.11 (Noise)"
20. Article IV, Section 4. Remove: "the Comprehensive Plan, Environmental Control Ordinance"
21. Waiver of submissions are discussed in several other Ordinances
22. Revisit Section 5, to determine a time frame for each procedure. And this section does not say anything about the CEO receiving the information first.
23. Article IV, Section 5, A. 1. Change "(30 days)" to "(60 days)"
24. Article IV, Section 5, C. 1. Change "(30 days)" to "(60 days)" and "(60 days)" to "(90 days)"
25. Article IV, Section 6, Inspections, the wording of this section is the same as some other town's ordinance. The Bucksport Ordinance has items that need to be considered for this section.

The Board then went on the Article V, Performance Standards which was Susan's assignment.

26. Article V, Section 1, D. after standards, add "during the application review phase,"
27. Article V, Section 1, Add "E. Planning Board will consider financial, technical ability and prior performance."
28. Article V, Section 1, Get Charlie Gilbert's opinion on adding "F. The Planning Board may deny, modify or revoke its approval application if the application is not in compliance with other town, state or other regulations." This is from the Mt. Desert Ordinance. Susan will type it up for Charlie G.
29. Article V, Section 2, Performance Standards. The Bucksport Ordinance is very clear in regards to the Significant Wildlife Habitat area. They need Section 8 from their Ordinance.
30. They will continue from here at the next meeting.

STAFF REPORTS:

PLANNING BOARD COMMENTS: Gretchen informed the Board that the milrate for Eddington is going up \$1.10, from \$13.10 to \$14.20 (per thousand dollars of valuation). This was to do a few road projects based on estimated numbers pulled "out of the air" by the Select Board, and this does not

account for the fire truck that was also voted on, to the tune of \$350,000 – that will be seen in subsequent budget years.

Gretchen asked if anyone has applied for the second alternate position on the Planning Board. Denise is not aware of anyone applying yet.

PUBLIC ACCESS: Ralph McLeod felt that allowing things to be brought into a gravel pit is not always a good idea. He gave the example of the little gravel pit in Hampden that is now a huge pile of garbage (landfill). He also said that when it comes to setbacks, Hancock has separate setbacks and he feels the one-mile setback is a great idea. Blasting could also bother dogs.

James McLeod recommends using certified mail to inform abutters and feels it could save a lot of legal issues. It will increase the cost to the applicant. When Susan asked him what would have happened if prior notices to him had been sent certified mail, he said it would have been forwarded to group and sent to the ship. Frank also said they will need to balance the notification process for a 10 x 10 shed vs. a Mineral Extraction project. Ralph McLeod suggested using a money/value threshold or size threshold to determine notification process. They would like to flag this issue to discuss again.

NEXT MEETING:

ADJOURNMENT: Motion to adjourn at 8:40 pm

By Gretchen/Frank 2nd Vote 4-0

Respectfully Submitted,

Denise M. Knowles