

TOWN OF EDDINGTON, MAINE

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PLANNING BOARD

July 24, 2014

6:30 pm

MINUTES

CALL TO ORDER: Tom Vanchieri called the Meeting to order at 6:30 pm.

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

MINUTES: Motion to accept the minutes of June 26, 2014 with the changes noted by Gretchen.

By Susan/ Henry 2nd. Vote 4-0

Under Roll Call, remove "Mike Shepherd has an excused absence" and add "Mike Shepherd is no longer on the Planning Board as he was recently elected to the Select Board."

Under Planning Board Comments, remove "1.1%" and add "\$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."

Under Public Access, second sentence, change "not" to "now" and in next paragraph put a "." after certified mail and capitalize "He" in the next sentence.

Motion to accept the minutes of July 10, 2014 with the changes noted by Gretchen.

By Susan/Henry 2nd. Vote 4-0

Under New Business: Second sentence, change "water" to "heating". Change the first sentence in the second paragraph to read "Gretchen said she has a copy of the Storm Water Permit By Rule (PBR) Application to MDEP, but is not signed, nor could she find a copy of any correspondence/ approval back from MDEP in response to the PBR application. Last paragraph, add Amended "by Susan" to the first sentence. Add "Frank accepted the amendment." At the end of the paragraph and change "By Susan/Frank 2nd." To "Vote on amended motion:"

Under Other Business: At the end of the first paragraph add "It was mentioned that future versions of a Comp Plan may include habitat areas not currently noted." In the second sentence after "will know as" add "she or". At the end of the third sentence add "just as the current Zoning Ordinance allows for the Planning Board to hold reservations about additional studies as determined necessary." Change "Protect or any wildlife" to "Protection of any wildlife populations or only state/fed designated?" Add "one up gradient and two down gradient" to the end of the paragraph starting "Janet Hughes" In the next paragraph change "revisit Gretchen and Craig's sections and" to "review the Bucksport setbacks and"

Under Staff Reports" At the end of the second paragraph add " The Board responded that they needed more information, including a sketch, in order to give an answer."

Under Planning Board Comments: In the second sentence, change "the" to "them"

UNFINISHED BUSINESS:

NEW BUSINESS: David Pooler came before the Board with a question regarding the right-of-way requirements off the Rooks Road for a property that has a garage within a proposed right-of-way. He gave the members a copy of a map showing an Ariel view. Mr. Pooler is working with the resident, Mr. Dupuis, regarding a proposed subdivision amendment to the property at 127 Rooks Road, on Map 7, Lot

12-6, which is 5.8 acres. Mr. Dupuis owns a home and garage on the front of the lot and his son has a trailer on the back of the lot. He would like to break the lot into 2 lots and give his son a 60' right of way to his piece. The problem is that the location of the proposed right of way would have it running through his garage. Mr. Pooler is here to ask the Board if what they are proposing is something that the Board will be able to work with before he starts the project.

The frontage of the lot is 202.5'. When the property is divided, the front lot will have over 2 acres, which does not include the right of way and the front lot will own the right of way. Mr. Pooler has recommended to the landowner that he put something in the deed stating that the garage will be maintained. Frank said that the setback is measured from the property line not the right of way. Mr. Pooler said that the right of way will go to the back lot and then along the property line for the 200' of frontage. Susan feels that because there is only 202.5' of frontage, they cannot take the 60' right of way out of it and she does not feel that the back lot will have 200' of frontage.

Mr. Pooler said he wanted to bring this to the Board to make sure there will be no issue to amend the subdivision before his client spends the money for the survey, etc. If the right of way is a deeded easement, Susan is concerned about the garage being an issue because it is in the right of way. Section 608.1 from the Zoning Ordinance states that accessory residential structures may be set back from side and rear lot lines a minimum of 10 feet. Mr. Pooler suggested that the Planning Board could make a condition that the right of way could not become a road. Frank thinks the language needs to be worked on in regards to right-of-ways and roads. Mr. Pooler will discuss the issues with his client.

Scott Braley, of Plymouth Engineering, came before the Board for Terry Grant who would like to reconstruct buildings within the Shoreland Zone at 1 Lonnie Lane. The garage, shed and a portion of the house are in Eddington, with the rest of the house in Holden. They want to remove these buildings and rebuild them in their current location. The Ordinance says that the structures should be rebuilt 75' back from the normal high-water line or to the greatest practical extent as determined by the Planning Board. The garage and shed are currently on a slab and the house is on granite blocks. But they would like to put it on a slab with a frost wall. Mr. Braley said that the drainage would have to be diverted if the buildings were moved back. Ideally, they would like to put the garage and shed together if it is possible, as the roof line of each is so close together it has caused a drainage issue. The garage and shed each have a second story. The well is 10' from the house. Frank asked why can't they rebuild the house just west of the well. Mr. Braley said that economically if they moved the house back, it would not be in Eddington and they would have to rework the well and septic.

Frank asked Mr. Braley why is it not practical to him to rebuild over 75' back from the normal high-water line. He said that, a canopy of oak trees would have to be removed and the economic cost would be more because they would have to relocate the septic line and well and because the garage and shed are already on slabs it would cost more to relocate them.

Susan discovered that a 2nd shed needs to be added to the square footage of the project. The owners want the new house located where the old one is. They have talked about removing 50% now and reconstruct and then come back later to do the other 50%. They are not planning to drill a new well right now, but if Holden says they have to redo it they will. The greenhouse on the lot is in Holden. Mr. Braley said that when he spoke with Holden, Ben said that if the Town of Eddington does not make him move and as long as the Planning Board approves it, he is not going to make them move their portion back. He would then need a certificate of height and that is all.

The Planning Board would like to do a site visit on Sunday, August 3, 2014 at 1:00 pm. They will take action at the next regular meeting on August 14, 2014.

OTHER BUSINESS: The Board will continue their work on the Quarry and Mineral Extraction Ordinance. The following are items discussed:

1. Frank asked if they were going to make a distinction for protected lot and was answered yes.
2. The Board reviewed the Setbacks from the Bucksport Ordinance, starting on page 15. They are ok with page 15. On page 16, some felt that the setbacks were not strong enough for personal wells. Frank thinks that 100' to 200' setback above the seasonal high-water is ok, but 300' below the seasonal high water table is too low. They discussed possibly changing

the 200' and 100' setbacks to 250' for above the seasonal high water table for stone, gravel, clay and processing for dug and drilled wells. They talked about increasing the setback from 300' to 500' or 1000' for [8] and will revisit this section. The Board will table the discussion of Public Drinking Water Source until they get a definition for 5A, 6C, 6, and 7. Susan will get a definition for PDWS. The Board discussed changing the set back from 300' and 500' to 1000' for 5.A and 5.B. The Board decided to stop at page 16 of the Bucksport Setback Chart.

STAFF REPORTS: Gretchen informed the Board that the reason she did not discuss the David Pooler application was because she did not get any of the paperwork before the meeting and they did not have time to review it. Frank said that they might feel differently after they review the information. The Planning Board agreed that they want information before the meeting to review.

PLANNING BOARD COMMENTS:

PUBLIC ACCESS: David McCluskey said that during their Ordinance work they increased the setback for public water to 1000' and asked them to reconsider upping the setback for private wells also. He feels they basically upped the setback to 1000' for people in Bangor but 250' for the residents of Eddington.

Ray Wood Sr. said they have the obligation to present an Ordinance for the benefit of the residents.

Tom explained that nothing has been changed definitely yet. There will be three Public Hearings with the residents before anything is changed.

Janet Hughes points out that 25 wells dug 400' apart places different stress on the aquifer for a total of 125 people then a municipal water source that serves 125 people. She also asks the Board to keep in mind that the Ordinance setbacks will also affect small quarry operations like a farm.

NEXT MEETING: The next meeting will be a workshop to work on the Ordinance on July 31, 2014.

ADJOURNMENT: Motion to adjourn at 8:52 pm

By Craig/Henry 2nd Vote 4-0

Respectfully Submitted,

Denise M. Knowles