

# TOWN OF EDDINGTON, MAINE

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## PLANNING BOARD

December 30, 2014

5:30 pm  
MINUTES

**CALL TO ORDER:** Tom Vanchieri called the meeting to order at 5:31 pm.

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

Motion to make Craig a voting member for tonight. **By Susan/Henry 2<sup>nd</sup>. Vote 3-0**

### **MINUTES:**

### **UNFINISHED BUSINESS:**

### **NEW BUSINESS:**

**OTHER BUSINESS:** The Board continued their work on the Quarry Addendum. Everyone has the updated Addendum from Gretchen. Tom said they left off with the Sound Section. Susan sent a proposed Traffic Section which they read over and agreed with.

Motion that we accept the substitute wording for Section 10, Traffic, under Article V, Performance Standards that was received today. **By Susan/Henry 2<sup>nd</sup>. Vote 4-0**

Susan would like to set up a standard protocol for getting paperwork distributed at a Planning Board meeting to any members who did not attend that meeting. They will revisit this later in the meeting.

The Board ended with sound at the last meeting. Susan asked if it was ok for her and Gretchen to get together and work on typing up the Sound Section and then presenting it to the Board. Russell said that there was no problem with them doing this.

The Board will start with Dust and Air Pollution, page 17 on the Draft from Gretchen dated 08 January 2014. This document has all of the changes that were made from the review of the 04 December 14 document. Tom read this section for review. The following are items discussed:

Article V, Sect. 2. 12.d. After "such spillage" add ",as soon as possible." Possibly move the last sentence starting "Liability for violations..." from the paragraph it is in. After "fines as set" remove "for in this Addendum" and add "by the Select Board, especially to compensate the Town for any expenses incurred in ensuring safety of the area and traffic flow."

Sect. 2. 12.e. Susan said that there was a discussion about this section in the minutes of November 6, 2014 questioning how it would be regulated if it cannot be measured. David researched this. There are meters that measure particulate pollution and that is some of the concerns that people have raised. His concern with what Mark Stebbins said was that he is looking at the air at a given time as a truck goes by or as an operation occurs and if the dust settles, he is good with it. Some of the literature on mining sites said that they are selling

equipment that keeps the pollution from occurring. There are guidelines and the amount that should be or should not be in the air to proceed. Susan read over David's material and she found it to be worrisome because it seemed pretty involved. It was not necessarily beyond the property boundaries, but more for the employees. David said one question he had was what if two years into a quarry operating, a parent comes forward and says his child did not have problems breathing when he played outside before the quarry was there but he does now. What do they do? They do not have any baseline other than a new operation went into town. David felt that we did it for water and they could do it for air with devices that are set in the field to get a baseline. Henry said that if they did get a baseline reading and someone developed asthma, they could not tell if the quarry was the cause or not. David said that if they got a baseline reading at the beginning of the project and then got another reading a couple years later and if the reading was the same, they could tell that the quarry did not cause any breathing problems. He said when they had the Public Hearings, many people were concerned with the air quality and they have no way of measuring it other than dust on the ground. David spoke with someone from the state that measures air quality that Mark Stebbins had recommended regarding this and he said they have a device that is set up at a site to measure smell or ambient air to see if there are any damaging particles in it. Susan said it is a reactionary item and not a requirement of an application. Tom said that the reviewing authority may require secondary documentation from the Addendum that would cover this. Craig felt it could change every day. Susan likes the idea, but is concerned about the expense to do this because the sound study in the Addendum could cost \$10,000.00 alone. Susan feels that section e should be included because it puts the applicant on notice. **Under e. Add** "1) Baseline air quality review findings and a possible second review after operations have commenced, if a problem has been reported." **Add "2)"** before "A mitigation plan..." Make e. and f. read the same for dust and odor. **After e.4).** add "The reviewing authority may consider the direction of prevailing winds, and existing vegetation and topography in determining the risk of detrimental effect of smoke or dust on abutting properties and the public."

Article V, Sect. 2. 5.3 Remove this Section

Definitions:

Affected Land, After "storage areas" add ", all roadways"

Remove the word "means" from any definition that contains it at the beginning.

Driveway: At the end, change "lots" to "residences"

Environmentally Sensitive Areas: Don't have to mention what IF&W uses

Ground Water: Gretchen got the definition for Ground Water from Mark Stebbins and emailed it to everyone. Remove current definition and add "All the waters found beneath the surface of the earth which are contained within or under this State or any portion thereof, except such waters as are confined and retained completely upon the property of one person and do not drain into or connect with any other waters of the State." (From December 16<sup>th</sup> email)

Processing: Susan talked to someone in Massachusetts that has a gravel pit and explained it to the Board. She said washing can cause contamination of the ground water because the clay that is washed away will end up in the retention pond and this can contain the metallic particles. Susan is against washing and crushing. Tom feels that crushing belongs in an Industrial area and they shouldn't allow pneumatic, hydraulic, ho-ramming or the mechanical breaking up of rock. Henry has no problem with ho-ramming and said someone would use one to take down a foundation. Tom said he does not have a problem with ho-ramming if it meets the noise criteria at the property line. Susan does not like ho-ramming either, unless it can be sited correctly. David said that he cannot imagine that people are going to want to have to listen to that for 30 years unless the setbacks change. Susan said that it has to be setbacks, siting and sound levels to control the noise levels. They can add a sentence that crushing is allowed in an approved zone. Ho-ramming is not part of processing and is different from crushing. David asked what would happen if there was a blast and there was a large rock left that was a hazard to the employees. Susan said that she believed they would do a safety blast. David further asked

what they would do if after a blast they had a very large rock that could not be put into a truck. He was told they would probably use some form of pneumatic equipment or ho-ram. He wondered if they could say that the ho-ram not be used as the exclusive method of extraction. Susan said that there may be some locations where blasting will not be possible, in which case they would probably use a ho-ram. The definition for **Processing** will be: "Any screening and/or mixing of sand, gravel, stone, rock, clay or topsoil. Crushing is allowed in an approved zone" Henry does not believe the sentence for crushing belongs here. Russell said that they need a definition for crushing.

Protected Natural Resource: Ask Gretchen if this definition needs to be expanded.

Reclamation Plan: Verify the Article number. After Section 2.13 add "of the Eddington MEO Addendum to this Zoning Ordinance."

Regulator: We will not be registered under section 490DD to enforce this article. Remove "A." and change "B." to "A. For all other quarries, the Department of Environmental Protection." Susan said that Gretchen will do a word search to see if the word regulator is used at all in the Addendum and if it isn't they can remove it from the definitions.

Need to add a definition for Seasonal Residence. Add: "A protected location which is occupied for less than six months of the year."

The Reclamation Section has been reviewed and just needs to be added to this Draft.

The Board will start reviewing the changes to the Zoning Ordinance.

Chapter 4, Add: "401.3.1 Approval by the Planning Board of an Application, does not show evidence of acceptance by the Town of Eddington of any road, easement or open space shown on a plan."

401.5 – At the end add " , any Public Hearings are held, if applicable, and the appropriate reviewing authority begins substantive review."

402.2 Remove this section and move to the end as 402.13 "The application conforms to all the applicable provisions of this Ordinance."

404.1.2 At the end add " as soon as possible after it is received."

404.1.3 The third sentence, change the "shall" to "may" so it will read "If the application is complete, the Planning Board may schedule a Public Hearing on the application." Sometimes the 90 days allowed for a final decision is not enough time because of storms, extenuating circumstances or third-party testing and reviewing. Add "substantive" before review in the last sentence. Add to the end: Add "Unless extenuating circumstances such as weather or natural disasters force cancellations of regular meetings, the review time line is extended accordingly. Or, if the application necessities outside expertise and additional testing as allowed in the review process, the 90 day time frame is suspended until the Board receives and reviews the requested information."

405.1- Change "Section 709" to "Section 710"

Chapter 6, 606, District Use Chart, Under Rural Uses, Change "Resource Extraction, Mining" to "Mineral Extraction Operation" and change Conservation Column from "P" to "N". Change Earth Moving/Fill more than 1,000 cu Yards, Conservation Column from "P" to "N".

Chapter 8, 809 Earth Moving, Excavation, Removal of Fill or Land:, The Board discussed whether this section of the Ordinance should be removed and the Addendum referenced or reworded because not everything will fall under the Addendum. Henry does not think it can be removed because it addresses items other than excavation. They will leave it for now and revisit it to have 809.2 reflect earth moving and fill.

Questions for Ken Libby, MDEP, Storm Water: Susan did not see them on her to-do list. Tom said she should send them to Russell when done.

Susan checked the schedule for upcoming meetings and Public Hearings and said they should have a completed document to send to the Attorney on January 22, 2015. Hopefully they

would get it back from him by the 27<sup>th</sup> or 29<sup>th</sup> of January. They would try for Public Hearings on February 5<sup>th</sup> and February 10<sup>th</sup>. Then they would meet on February 12<sup>th</sup> to make any changes and type them because the documents need to go to the Selectmen on February 17<sup>th</sup>. The Board has a regular meeting on February 26, 2015. Russell had noted that the document needs to go to the Selectmen by February 24, 2015. Then they can have their Public Hearing on March 10<sup>th</sup> and then the Planning Board meets on March 12, 2015 to make any other changes. If it was needed, the Selectmen could have a second Public Hearing on March 17<sup>th</sup> or March 21<sup>st</sup>. The Special Town Meeting will be March 31, 2015.

To Do List:

Article V, Section 11, Noise

Article V, 13 through 19 Reclamation to the end

Article VI

Then retyping changes and reviewing again.

Definitions will go into the Zoning Ordinance

The Warrant Article will say see Zoning Ordinance for proposed changes

They will check with Gretchen about a new Section number for the Addendum.

**STAFF REPORTS:** Russell told the Board that next week they will be reviewing the application he has given them from the school for the bus garage so they should please bring it with them next week.

**PLANNING BOARD COMMENTS:** Susan would like a policy set up, that if a Board member misses a meeting, any paperwork handed out during the meeting will be mailed to him/her by the Secretary the next day. Russell said that this was possible to do.

**NEXT MEETING:** The next meeting will be Thursday, January 8, 2015 at 5:30 pm. They will meet on Tuesday, January 13, 2015 and Thursday, January 22, 2015. Susan will not be available from January 12<sup>th</sup> through the 16<sup>th</sup>. She may be able to make January 20<sup>th</sup>, but is not available for January 22<sup>nd</sup> or 23<sup>rd</sup>. And Susan is gone February 2<sup>nd</sup> through the 6<sup>th</sup>.

**PUBLIC ACCESS:** James McLeod said that in regards to the testing of the air, he has worked with a lot of dry cargo unloading that puts particulates into the air. At some sites, if the wind becomes an issue, they set up monitors, take base readings and when the level gets too high, they will have to stop until the level returns to normal. Sometimes they would have to wear the monitors. They have a filter in them and they are reviewed almost daily to see if they were exposed to too much or haven't been exposed to enough. They use these if they have complaints by a lot of people of a certain condition, in a specific area. They would test the air for the particular chemical. In regards to crushing, he asked if there was any way to get an Industrial Zone put into Town so that they could have crushing there. In reference to Public Hearings, earlier in this process there was an issue of people not being notified. If for a large project, a certified mail notification was used, they would have a receipt for everyone that received the notice. When information is given during the review process, is that going to be strictly a third party or will the person doing a the project have the test done. The Board told him that it would be a third party picked by the Town if they felt it were necessary. James McLeod asked if any limit is put on the information that will be allowed to be submitted after a Public Hearing is closed? Last March after the Public Hearing extra information continued to be submitted to the Board, (a binder with answers to some of their questions) so there was no rebuttal from any other groups. Susan said this was not germane to what they are talking about right now. On the Use Chart, will there be any separation between mining and stone extraction and MEO, gravel pit in the rural residential area. Susan said that as of now, they are not separated out.

Mr. Wood wanted to speak to the Board about the quality of life in Eddington. He does not think that they are going to be able to keep this with the setbacks that they have. They have done a good job on the small quarry operation, but the larger quarry does not meet the standards for maintaining quality of life or the property valuations.

Larry Langille questioned the Setback Chart, Page 20, and the index at the bottom #7 and #8. They do not appear anywhere in the chart. The Board said these were left on from the original chart before changes were made and they will be removed. Larry also said in regards to the ho-ram, it would not be cost effective to bring one in for a large operation. One may be needed intermittently to break a large rock but he would not think anyone would operate a quarry with just a ho-ram unless it was under 200 yards total. It can be expensive and take a long time to do. He explained that they call it scaling when they take an excavator bucket and knock rocks down off the sides after blasting. He said this wouldn't affect their business, but he has never heard of heavy metal ground water contamination from washing or screening. Some businesses may need to do this to wash the silt out to produce certain products.

**ADJOURNMENT:** Motion to adjourn at 8:24 pm.                    **By Craig/Susan 2<sup>nd</sup>. All in favor**

Respectfully Submitted,

Denise M. Knowles,  
From Russell Smith's notes and the recording