



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD
August 11, 2015
6:00 pm
MINUTES

CALL TO ORDER: Tom Vanchieri called the meeting to order at 6:00 pm.

ROLL CALL: Members present were Tom Vanchieri, Susan Dunham-Shane, Gretchen Heldmann, Craig Knight, David McCluskey and Russell Smith. Charles Norburg has an excused absence.

MINUTES: Motion to accept the following changes from Gretchen to the July 28, 2015 Minutes by **Craig/Susan 2nd. Vote 4-0**

New Business change "Vital Side Services" to "Site Acquisition Department"; change "Firdette" to "Fredette"; Page 2, paragraph that starts Mr. Anderson, 2nd sentence, remove "of agricultural and farming" and add "was zoned Agricultural/Farming"; Page 2, 1. Remove "RQ to view the area" and add "available LIDAR data to map view sheds within the area."; Page 3, 15. Correct "Fredette" spelling; 19. After "Ice Bridge" add ", because it was not show clearly on all of the maps, particularly the height of the bridge."; 20. Change "site to "cite"; Page 4. 25. Add "town" before "attorney" and add "and the use of the word only in the Location Priority Section of the Wireless Ordinance. Regarding the Surety Bond, Verizon representatives decided by the end of this meeting, that despite what was said earlier, see #8 above, they will do their own internal estimate, have their civil engineer write a letter and then they will get a surety bond so that it is finalized and complete as part of the next application submission."; 26. After "his case" add "(the Verizon Wireless standpoint regarding the zoning issue.)"; 7. Remove "Comins Hall" and add "the Eddington Clifton Civic Center (Comins Hall)", add "National and State" before "Registered Historic" and change "Place" to "Site". Susan said this needs to be provided to Scott because they will need to include this information. Denise will email them the minutes.

Motion to accept the minutes of the July 28, 2015 meeting as adjusted.

By David/Craig 2nd. Vote 4-0

UNFINISHED BUSINESS: Motion to accept the changes to the Bylaws of the Planning Board of Eddington Maine. The Changes are:

Section 1.4 Adoption and Amendments, 1.4.1 The Board shall have the power to amend these bylaws by "a simple majority" of affirmative votes at a Board meeting provided that all Board members have received written notice "(email is acceptable)"....

2.1.6 A municipal officer shall not serve "as" a regular or alternate member.

1.6 Waiver of Rules, 1.6.1 In the case of extenuating circumstances, the Board may waive any provision of these bylaws by a unanimous vote of all members "present."

4.2 Time of Meeting, 4.2.1 Regular meetings shall be held on the second and fourth "Tuesday" of each month at "6:00 pm" at the Eddington Municipal Building.

4.3 Conduct of Meetings and Workshops, 4.3.1 All meetings "will be conducted in an orderly fashion at the Chair's direction and discretion, guided by Robert's Rules of Order Newly Revised" in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

5.4 Agendas, 5.4.1 Agendas will be set "six days" prior to the Planning Board meeting date.

By Susan/David 2nd. Vote 5-0

Motion that we adopt the Bylaws of the Planning Board of Eddington with the changes as discussed

By Susan/Gretchen 2nd. Vote 5-0

Tom Vanchieri announced his resignation from the Board. He has been offered a position raising funds for the Shriner Hospital, which is more of what he wants to do. He Thanked the Town, Board and Residents for allowing him to do this, it was fun and he learned a lot. He turned the meeting over to Susan, the Vice-Chair, and then left the building.

The Board is awaiting for a response from the Attorney to the Planning Board Letter. Russell said Attorney Gilbert did not receive the letter from Scott Anderson until the day before this meeting and thus did not have time to review it.

The Board members received a copy of the Scott Anderson letter that was sent to the Attorney. Susan said that she feels Verizon is viewing the list as a hierarchy, while she views the three items as a single plane which all must be met. Gretchen said that this was part of why the letter was sent to the Town Attorney.

They will not be dealing with the Verizon application tonight.

NEW BUSINESS: Susan said that Russell handed a note to Tom before the meeting addressed to the Planning Board asking them to revisit the zoning that was placed on Bill Chapman's property. Susan read this letter from Peter Lyford.

Motion to suspend the rules so that they can add a couple items to the Agenda under New Business.

By Gretchen/David 2nd. Vote 4-0

Motion to add the acceptance of Peter Lyford's letter and also elections.

By Gretchen/David 2nd. Vote 4-0

They will accept Mr. Lyford's letter into record tonight.

Election of Officers: Gretchen read section 2.4.1.6 from the Bylaws.

Motion Susan A. Dunham-Shane for nomination as Chair of the Eddington Planning Board.

By David M./Gretchen 2nd. Vote 4-0

Motion to nominate Gretchen Heldmann as Vice Chair.

By Craig/David M. 2nd. Vote 4-0

Susan and Gretchen accepted.

OTHER BUSINESS: The Board continued their review of the suggestions for changes made by the State to the Shoreland Zoning Ordinance. Gretchen led the discussion where they had left off on Page 21, Commercial and Industrial Uses and the following items were changed:

1. Pg. 22, F.(4) Add the Note: "NOTE: 22 M.R.S.A. section 1471-U requires municipal ordinances that apply to pesticide storage, distribution or use be filed with the Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. If a municipality's ordinance is more inclusive or restrictive than these Guidelines, as it pertains to pesticides, a copy of the ordinance must be filed with the Board of Pesticides Control."
2. H. Roads and Driveways. (1) Remove "classified GPA or a river that flows to a great pond

classified GPA,”

3. H. (2) Leave the first sentence as it is and then create a “(3)” With the rest of the information that was in (2).
4. I. Signs, Remove “in the Resource Protection, Stream Protection and Limited Residential Districts”
5. I. (1) change “two (2)” to “six (6)”, remove “be limited to one (1) sign” and add “not exceed two (2) signs”, and add “Signs relating to goods or services not sold or rendered on the premises shall be prohibited.”
6. David Peppard arrived at 6:35 pm, their new alternate.
7. I (2) Add “signs per premises, and shall not exceed twelve (12)”, remove “area and shall be limited to one (1) sign per premises” then add “the aggregate.”
8. J. (2) Storm Water Runoff, Add the Note: “NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.”
9. K. Septic Waste Disposal, (1) Formatting change: remove from (a) and create “(b) a holding tank is not allowed for a first-time residential use in the shoreland zone.”
10. K. (1) (b) add the note : “NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.”
11. M. Mineral Exploration and Extraction. Add “(1)” before “A reclamation plan...” and change “(4)” to “(3)” at the end of the paragraph. (2) remove “classified GPA or a river flowing to a great pond classified GPA,” After (3) (a) add the note: “NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.”
12. N. Agriculture (2) remove “classified GPA or a river flowing to a great pond classified GPA,” (3) Change “Non conformance” to “Nonconformance”, Add the note: “NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.”; (4) and (5) remove “classified GPA”
13. O. Timber Harvesting, Gretchen spoke with MDEP and this section has been repealed so we do not need to have this section. The state will take care of all of this now. Remove the section.
14. P. Clearing or Removal of Vegetation for Activities other than Timber Harvesting, (2) remove “classified GPA or a river flowing to a great pond classified GPA,”; (b) remove “classified GPA” in 2 places; formatting on the diameter of trees chart; add the note: “NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is: $(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36$ points Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points $(36 - 24 = 12)$ may be removed from the plot provided that no cleared openings are created.” After (P)(2)(e), make the following changes: Section 15(P)(2) does not apply to Remove “ those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.” And add “the following: Those portions of public recreational facilities adjacent to public swimming areas, as long as clearing or removal of vegetation is limited to the minimum area necessary. Cleanup and removal of petroleum contamination or other hazardous waste, if the activity is deemed necessary by

- the Department's Division of Response Services.”; (3) remove “classified PA or a river flowing to a great pond classified GPA.”
15. Q. Erosion and Sedimentation Control (1) (c) change “rip-rap” to “riprap”; add “(6) When an excavation contractor will perform these activities, compliance with the following shall be required:(a) A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices at the site. This person shall be present at the site each day these activities occur for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until installation of erosion and sedimentation control measures that will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. (b) Include on the required plan or permit application, the name and certification number of the person who will oversee activities causing or resulting in soil disturbance.”
 16. T. Archaeological Site, add note “NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.”
 17. 16.D.(7) state suggested to remove “ in a Commercial Fisheries/Maritime Activities district;”. David P doesn't want to close the door on future development. Gretchen and Susan explained that in the future if they wanted to create this district, there would be many areas that would also need to be changed in the Ordinance. (They would like to add Commercial Fisheries/Maritime Activities district to their items to revisit.) Gretchen said that for the purpose of getting the Shoreland Zone Ordinance up to the State standard they should focus on what they have and then they can go back and add that in when they have more time to research this addition. The Board agreed to remove the wording.
 18. E. Special Exceptions, (3) (b) & (5) change “flood plain” to “floodplain”; (4) revisit the removal of “ground floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures” and the addition of “footprint, as defined” when they discuss the footprints section.
 19. H. Appeals (2)(c) (i) change “non-conformity” to “nonconformity”; (d) accept all of the suggested changes from the state: “ Notwithstanding Section 16(H)(2)(c)(ii) above, the [Board of Appeals Code Enforcement Officer](#) may ~~grant~~approve a ~~variance~~permit to ~~an~~the owner of a residential dwelling unit for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses ~~the~~that dwelling. The ~~board shall restrict any permit is deemed to include the variance granted under this subsection, which shall be~~ solely ~~to the~~for installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The ~~board~~Code Enforcement Officer may impose conditions on the ~~variance~~permit, including limiting the ~~variance~~permit to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include ramps and associated railing, and wall or roof systems necessary for the safety or effectiveness of the structure. Such permitting is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.” Susan said that in March of 2014 they had received paperwork from Charles Norburg which also address this issue and the need to update the Zoning Ordinance also.
 20. H. (6) change “abutters” to “abutters”
 21. I. Enforcement (2) (b) change “insure” to “ensure”; (c) remove “On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.”; (4) remove “which includes” and separate the next sentence from the paragraph and add wording to read: “NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).”
 22. Definitions: A. Remove “Bureau definition”;
 B. after Coastal Wetland add: “Note: All areas below the highest annual tide lever are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc. in addition to sale marshes and salt meadows.”;
 C. remove “Cross-sectional area”, “DBH”, “Disruption of shoreline integrity”, “Forest management activities”, “Forest Stand”, “Great pond classified GPA” “Harvest Area”, “Land Management Road”, “Licensed Forester”, “Replacement system”, “Residual basal area”, “Residual Stand”, “Significant River Segments”, “Skid Road or Skid Trail”, “Slash”, “Timber harvesting and related activities” and “windfirm” definitions;

D. Add "Excavation contractor - an individual or firm that either is engaged in a business that causes the disturbance of one or more cubic yards of soil, or is in a business in which the disturbance of one or more cubic yards of soil results from an activity that the individual or firm is retained to perform. Disturbance includes: grading, filling, and removal. A person or firm engaged in agriculture or timber harvesting activities is not considered an excavation contractor as long as best management practices for erosion and sedimentation control are used. Municipal, state and federal employees engaged in projects associated with that employment are not considered excavation contractors.;

E. Revisit "Expansion of a structure", "Expansion of use", "Footprint" and "Nonconforming structure" when they address footprint.;

F. Change all definitions beginning "Non-conforming" to "Nonconforming"

G. After Normal High-water line..., add "NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the "coastal wetland."

H. Piers, docks,... Remove "over" "beyond" and add "located below".

I. After River add "NOTE: The portion of a river that is subject to tidal action is a coastal wetland."

J. Modify definition of Stream to "**Stream** - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent ~~edition~~, highest resolution version of the national hydrography dataset available from the United States Geological Survey 7.5 minute series topographic map, on the website of the United States Geological Survey or if not available, a 15-minute series topographic map, to the point where the body of water stream becomes a river or flows to where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland within the shoreland area and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream."

K. Revisit "Structure" definition because of subsurface waste water disposal systems reference and it doesn't mention overhangs which would be part of footprints.

L. Add "Sustained slope" definition.

M. Tidal waters, remove "maximum spring" and add "highest annual"

N. After Tributary stream add: "NOTE: Water setback requirements apply to tributary streams within the Shoreland zone."

O. Upland edge of a wetland, remove "maximum spring" and add "highest annual"; remove "foot" and add "feet".

P. Wetland, add "wetland" after "freshwater"

23. Susan asked the Board members to read the other sections in the Ordinance that they are going to revisit. Gretchen will send out the current accepted-edited draft.

STAFF REPORTS:

PLANNING BOARD COMMENTS: Susan reminded everyone that the Town Picnic is this Sunday, August 16, 2015 from 12:00 to 3:00 and everyone should stop by the Historical Society Table. She also mentioned that there is a Trash Can Turkey Supper August 22, 2015 at Comins Hall.

Susan found a CEO Ordinance enacted in August 8, 1980 in her Ordinance book. She will give Russell a copy and they will look into updating it.

PUBLIC ACCESS: Ralph McLeod thanked the Board, congratulated the new Chair and Vice Chair and suggested a presentation plaque for Tom.

Hilma Adams, 263 Main Road, requested 5 copies of the Peter Lyford letter for the public and copies were made.

ADJOURNMENT: Motion to adjourn at 7:29 pm.
Respectfully Submitted,
Denise M. Knowles

By Gretchen/Craig 2nd. Vote 4-0