



# Town of Eddington

906 Main Road Eddington, Maine 04428

**PLANNING BOARD**  
**January 23, 2018**  
**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, David McCluskey, Craig Knight, David Peppard and Deana Doughty. Susan Dunham-Shane and James White have excused absences. Mark P asked Deana D to be a voting member tonight.

**MINUTES:** Motion to accept the minutes of January 9, 2018 as printed.

**By Mark P/David M 2<sup>nd</sup>. Vote 4-0**  
**David P abstained because he was no at that meeting.**

**UNFINISHED BUSINESS:** Mark P opened up the discussion of zoning ordinance revisions. George Mayo on the Pond Road has an easement in his deed that is 15'. He has also given a Bangor Hydro easement. He said that normally they do not specify a width, but he found one with Toys R Us by the Bangor Mall that is 8.5'.

After the last meeting, Craig K called Emera regarding easements and they told him that the easement doesn't matter. It does not have anything to do with the road or driveway. They will go where they need to go. Bangor Water told him they have a 20' easement that is 10' on either side of the pipe.

Mark P explained that the reason for this discussion is because of residents on a 30' right-of-way who want to make another lot on their land.

Motion to amend 902.5.1 to strike 10 where it appears and put in 4 and strike 120 where it appears and put in 48.

**By Mark P/Craig K 2<sup>nd</sup>.**

Discussion: David M asked what happens to the 5 to 10 dwellings. Mark said he has not addressed that yet because the issue was with people that want to add an additional home and are now on a 30' right-of-way.

**Vote 4-1**

Motion to amend 904.1, Road Construction Standards Table, first line, Rural Road, Right-of-way to 30'.

**By Mark P/Craig K 2<sup>nd</sup>.**

Discussion: David M asked what the requirement is for a town to take over a road. If four houses are built on a 30' wide road, could the town be asked to maintain it at some point? Russell S said they would have to bring the road up to town standards which is 60'. David M asked if changing the right of way would change those standards. David M asked if the Road Construction Standards Table is the town standards. Russell S answered yes. David M said that there could then be a lot of little roads that the Town may be asked to maintain. Craig K questioned the width of the roads on Eddington Pond. They are narrow, but are grandfathered. Craig K asked if the town maintains private roads now and Russell S said no. Russell continued that last week they had a fire on Meadow Lane. It was a subdivision done years ago with 3 houses on it. The fire was at the last house. The fire department had to lay hose all the way up the road

because two trucks could not pass on it. Mark P said that even if the right of way is 60, it does not mean that they are going to clear that width. David M then asked if they are changing the right of way to 30', will they be keeping the travel way width at 20'? David M also asked if they could run into problems with culverts with these widths. Russell pointed out that Note #2 at the bottom of the page said "Unpaved local and rural roads are not eligible for public acceptance." Does that mean they can be eligible if they are paved? Mark P said it is still a vote of the town to accept a road.

Russell read **903.12 Driveways, Common Driveways and Entrances shall not be eligible for consideration for public acceptance. Only rural, local and major roads designed and constructed to according to the requirements of this Ordinance and with a bituminous pavement surface shall be eligible for consideration for public acceptance. David M suggested adding a Private Road column.**

Mark P withdraws the pending motion.

Motion to further amend 902.5.1 to strike rural and insert private. **By Mark P/Craig K 2<sup>nd</sup>.**

Mark P withdraws the most current pending motion.

Motion that they go back and rescind the motion earlier made that amended 902.5.1 to replace the 10 with 4 and 120 with 48. (902.5.1 remains as it was earlier today.) **By Mark P/David P 2<sup>nd</sup>. Vote 5-0**

Motion to add new section 902.5.1.1. Private roads shall serve up to 4 residential dwellings or a development creating no more than 48 vehicle trips per day. **By Mark P/Craig K 2<sup>nd</sup>. Vote 5-0**

Motion to create a 4<sup>th</sup> column in 904.1, Road Construction Standards Table, labeled Private Road and have a Right-of-way width of 30', Travel Way width of 20', shoulder width of 3', Roadway crown no more than 3%, Minimum centerline radii on curves of 250', Minimum tangent length between reverse curves of 150', Minimum grade within 75 feet of all intersections of 3%, Maximum grade on centerline of 8% and the remaining 3 tables will be the same as existing Rural Road table. **By Mark P/Craig K 2<sup>nd</sup>. Vote 5-0**

Motion to add a 4<sup>th</sup> column to 904.2, Road Construction Materials Table, titled Private Road, with N/A noted in each of the lines for Subbase, Base and Surface. **By Mark P/David M 2<sup>nd</sup>. Vote 5-0**

Mark P explained that they had received an email regarding accessory structures. Russell explained that there currently is someone who owns a residence in town and they want to buy a separate piece of land to put a garage on to store a vehicle and boat in, but the ordinance does not allow it. Mark P asked where the accessory structure rule comes from. The definition of Accessory is "Commonly associated with or in support of the primary or principal use of a lot or structure." David M asked why a person could not just own a lot and build a garage on it, not being accessory to anything. The town ran into a legal issue with this years ago when Gary Fogg wanted to put a garage across the road from his home. He was opposed and not allowed to build it. Mark P suggested that they check the Use Table. Craig K asked if it was strictly residential or was rural residential also included. Russell said it could be both. Because garage is not listed on the table, it would be considered an accessory structure.

Motion to amend the definition of Accessory or Adjunct to say "Commonly associated with or in support of the primary or principal use of a lot or structure on the same lot or on a residence on another lot within 500'." **By Mark P/**

Russell asked what if the lot is not within 500'. David P asked if someone buys a one acre lot anywhere in town, why can't they build a garage on it. Mark P said that it is because free-standing garage is not on the Use Table. Craig K asked if it was allowed as an accessory structure, could there be a problem down the road if they wanted to use this as a home occupation. Russell said they would have to complete a site plan for a business and go before the Planning Board. The Board just received this information tonight, so they will table the discussion and think about it. Russell asked if someone could just build a garage on

another lot and not call it an accessory structure. Mark P said that is probably where the Fogg problem started, because garage is not listed on the chart.

David P had provided his paperwork on road opening and wanted to know if they want him to come up with some fees for the next meeting. The list has been sent home with Susan DS to type us something in ordinance language. Russell S said there is a fee schedule to the front of the Ordinance Book. David P will look into it.

Mark P said that at the last meeting it was mentioned that a road cannot be included in the road frontage of a lot. He continued that road frontage is a way to address population density. He could not find where it said that a road reduces your road frontage. They will address this at the next meeting.

Mark P would also like to review the 400' frontage requirement in the Rural Agricultural zone. He can see a 4-acre lot size, but he wants to reduce the frontage to 200'. He would like the members to think about this for the next meeting. Craig K asked if this discussion is related to the 200' of frontage and whether a right of way for a road can be included in the 200' of frontage. David P asked where the frontage requirement kicks in. Russell S had said that it could be on any road including private roads.

**NEW BUSINESS:**

**AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:**

**DATE OF NEXT MEETING:** The next scheduled meeting will be on February 13, 2018.

**PUBLIC ACCESS:** Frank Arisimeek had a large parcel of property down on this end of town in Eddington a mile from Brewer and they changed his frontage to have 400' of frontage. He had a lot of acreage and it made it unfeasible for him to develop a road, power and utilities for that much frontage. He would not be able to get his money back on his lots. When he bought the land, it was 200' of frontage and 2-acre lots. He doesn't mind the 4-acre lots, but the fees to develop 400' of frontage are too high for each lot.

**ADJOURNMENT:** Motion to adjourn at 6:52 pm.

**By David M/David P 2<sup>nd</sup>. Vote 5-0**

Respectfully Submitted,

Denise M. Knowles