



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

March 8, 2016

6:00 pm

## MINUTES

**CALL TO ORDER:** Susan Dunham-Shane called the meeting to order at 6:00 pm.

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

Motion that Mr. Johnson be allowed to vote at tonight's meeting. **By David P/David M 2<sup>nd</sup>. Vote 3-0**

**NEW BUSINESS:** Susan Dunham-Shane researched some items that came up after the February 23, 2016 meeting regarding motions and other items. She had been going by Roberts Rules of Order, Newly Revised, 2004. She reviewed the Full Roberts Rules, 1990 Edition; Parliamentary Procedures Basics for Governing Bodies by Randy Sumption, 1998; MMA, Maine Moderators 6<sup>th</sup> Edition, 2005, Moderators for Town Meetings Manual; Maine Planning and Land Use Laws, 2010; MMA Planning Board Manual and the Bylaws of the Eddington Planning Board amended August 11, 2014. Susan was looking for a reference to using the phrase "So Moved". She found that a Chair does not make a motion, he/she can entertain or suggest a motion. A Board Member makes the motion and another Board member seconds the motion. The Chair repeats the motion and asks for any debate and when the debate is closed, calls for a vote. She could find no reference to "So Moved".

Susan further noted that per Roberts Rules of Order and Parliamentary Procedure Booklet, when the Public addresses the Board or the Board addresses each other, they go through the Chair of the Board. Also, regarding public participation, unless a meeting is advertised as a Public Hearing, the public may attend and listen but have no statutory right to ask questions or offer comments under the Freedom of Access Act. This means, residents, tax payers and nontax payers are all allowed to speak during Public Hearings. It is different for a Town Meeting, where nonresidents are allowed to speak with a 2/3 majority vote of the residents at that meeting. Both the Eddington Selectmen and Planning Board allow Public Access as a valuable tool to get feedback from the public on issues of concern or questions. The Boards are under no statute guidelines that they are required to have public access. Workshops do not require Public Access.

**MINUTES:** Motion that we accept the minutes of the February 23, 2016 meeting.

**By David P/Craig K 2<sup>nd</sup>. Vote 3-0**  
**David M abstained because he was not at that meeting.**

**UNFINISHED BUSINESS:** The Board will continue their review of the Verizon Wireless Telecommunications Facility Application. Scott Anderson is here representing Verizon. They will start in Section E, 7.1.H. Susan reminded the Board members that the application does not contain the entire wording of the requirements of the Ordinance. Each of the Board members reviewed the response from Verizon for each section in the Ordinance.

Motion that they have satisfactorily met requirements set forth in 7.1.H

**By David J/David P 2<sup>nd</sup>. Vote 4-0**

Motion Madam Chairman that they have met the requirements per our Ordinance Section 7.1.I

**By David P/David J 2<sup>nd</sup>. Vote 4-0**

Motion that in response they have met the conditions set forth in Section 7.1.J.(1)

**By David J/Craig K 2<sup>nd</sup>. Vote 4-0**

Madam Chairman, I make a motion that they have met the requirements of 7.1.J(2)

**By David P/Craig K 2<sup>nd</sup>. Vote 4-0**

Motion that Verizon has satisfactorily met our requirements listed under 7.1.K, Madam Chair

**By David J/Craig K 2<sup>nd</sup>. Vote 4-0**

Motion that 7.1.L meets the requirements of the Wireless Ordinance.

Discussion: Susan asked if she is correct that they are accepting that they have certification of Maine Civil Engineer on the drawings provided by the Client. David M said that is what he is basing it on.

**By Craig K/David P 2<sup>nd</sup>. Vote 4-0**

Madam Chair I move that Verizon has met the standards for Section 7.1.M.

**By David P/David J 2<sup>nd</sup>. Vote 4-0**

Motion that Verizon Wireless has successfully met the standards for noise in 7.1.N

**By Craig/No Second**

I Motion, Madam Chair, that Verizon Wireless has met the Noise Ordinance for our Wireless Zoning

**By Craig/ Craig Withdraws his motion**

Motion in regards to 7.1.N that Verizon Wireless has given necessary assurances that this section of the Ordinance will be adhered to.

**By David J/David P 2<sup>nd</sup>. Vote 3-0**

**David M abstained from vote.**

Motion that Verizon Wireless has met the provision set forth in 7.1.O as there are no Historic or Archeological resources at the vicinity of the proposed facility.

Discussion: Susan pointed out that this is only in a ¼ mile circle as required by the FCC. We have other restrictions in other places if it were a larger circle..

**By David J/Craig K 2<sup>nd</sup>. Vote 4-0**

Motion that Verizon Wireless has successfully met the conditions set forth in our Ordinance Section 7.1.P, 1 through 6.

**By David J/David P 2<sup>nd</sup>. Vote 4-0**

Mr. Anderson felt that they had done C. Site Plan Review Requirements of 402; E. Section 7 of the Wireless Telecommunication Ordinance. He feels they have gone through all of the Performance Standards and they just need to take an overall vote on the project, subject to whatever conditions. Susan said they still have the Performance Bond to talk about. Susan had noted that they needed to review Tab B, Sections 403 and 404 and Tab C, Section 6 of the Wireless requirements. Mr. Anderson said that they had gone through them as part of the completeness determination. He further said that they went through Tabs D and B, but they are not Performance Standards. Susan said they have to determine the completeness of the application, and then review the information and motion to accept it. Susan pointed out that Section 6.2.4.c) referred to the boundary survey waiver and 6.2.10) referred to the Surety Bond. The previous minutes stated that the Bond will be in the amount that Charles Norburg and the Selectmen agree on. Susan asked the Board members if they agreed with Mr. Anderson and they did not have to review Tabs B and D again. David P, David J and Craig K were ok with this.

Motion that Section 403 and 404 have been satisfactorily met except that the Surety Bond provision must be approved by the Board of Selectmen prior to the issuance of a Building Permit.

By David P/Withdrawn

Motion that the requirements of Section 403 and 404 have been satisfactorily met.

By David P/David M 2<sup>nd</sup>. Vote 4-0

Motion to approve Section 6 of the application with the exception of Section 6.2.10) to be approved by the Board of Selectmen as they see fit.

By David M/Withdrawn

Motion that the applicant met the standards for Section 6 of the Wireless Telecommunication Ordinance with the exception of 6.2.10) which reads "A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned." to be approved by the Selectmen.

By David M/

There was discussion among the Board members and the wording was revised to:

Motion that the applicant has met the standards of Section 6 of the Wireless Telecommunication Ordinance, pending the Selectmen and Verizon coming to an agreement of the amount of the Surety Bond in Section 6.2.10).

By David M/ David J 2<sup>nd</sup>. Vote 4-0

Motion that subject to the conditions set forth regarding Section 6.2.10) of the Wireless Telecommunication Ordinance, the Board finds that Section 402.13 of the Zoning Ordinance has been met.

By David M/Craig K 2<sup>nd</sup>. Vote 4-0

Motion that we accept application as complete

By David P/Craig K 2<sup>nd</sup>

Discussion: Susan pointed out that it was complete 3 weeks ago.

/withdrawn

Motion that the application has met all the requirements and passed the approval of the Planning Board.

By David P

Motion that requirements of application have been met and approved by the Planning Board and a Building Permit to be issued upon ratification of the previous motion by the Selectmen.

By David P/  
withdrawn

Friendly adjustment to previous motion by David J.:

Strike "ratification of the previous motion" and add "when the Select Board has finished actions set forth by the previous motion." (requirement of the Surety Guarantee for removal)

Withdrawn

Motion that we accept the application as presented as it has met all requirements set forth in the Town's Wireless Ordinance and Zoning Ordinance, pending the Select Boards satisfaction with fulfillment of 6.2.10) Wireless Ordinance.

By David J/David M 2<sup>nd</sup>. Vote 4-0

Susan asked Russell to get the information from Verizon for Section 6.2.10) to the Selectmen. Russell will work with Scott.

**OTHER BUSINESS:** Motion to table working on the Shoreland Lot Size.

By David J/Craig K 2<sup>nd</sup>. Vote 3-1 David P opposed

Motion to Table Mixed Use District Commercial Building size

By Craig K/David M 2<sup>nd</sup>.

Discussion: Susan does not have her paperwork for this subject regarding research on where the 3000 sq ft requirement came from. Gretchen had researched her records. David P said that if they were not happy with the 3000 sq ft, they could change it. Russell said he thought it may have been something the consultant had recommended.

Vote 3-1, David P opposed

Planning Board/Board of Appeals Workshop, March 31, 2016, Black Bean Inn, Orono. Russell said David J and Gretchen H will be attending the class. Anyone else interested can contact him. Susan will be out of Town. Susan said that at the class she attended last June, they gave handouts with things that had changed. She asked that if someone attending this class will bring in the handout so they can take copies of it for everyone. David P will also attend this class.

**STAFF REPORTS:** Russell informed the Board that he has 2 applications to give them for the next meeting before they leave tonight. They are Dollar General's application for the Tasker property and a Car Sales Lot for Wilbur Libby's property.

**PLANNING BOARD COMMENTS:** David P said the reason he voted no on tabling the 2 items, is because he is frustrated by the momentum of the Board. He thinks things drag on and on. Susan would like to put the Shoreland Zone Ordinance to bed at the next meeting when everyone is here. The Mixed Use District discussion can continue, but it is not an important issue right now with two applications.

Charles N verified that he has reviewed the two applications for completeness. He said one of them was incomplete but he has straightened it out. The Board will review the applications and see if anything was missed.

**PUBLIC ACCESS:** Susan thanked everyone for coming. Asked them to stand, state their name and address and remember that they are addressing the Chair, not anyone else in the room.

Frank Arisimeek, 1306 Main Road, Eddington. He has been coming to these meetings for about 3 years and he wishes Hughes Bros. got the same fair treatment as the last applicants. He thinks they fast tracked it through. Hughes Bros did a sound study and had to get an independent study and Verizon said that the decibels were under the ordinance and that was good enough. They have a 200 ft tower with ice falling off it and they only needed a 75' fence around it. Hughes Bros. offered to put a berm around their project, and someone had made a mention that in their snowmobile days that they would have gone over a berm, and Hughes Bros. has to put a fence around their whole project. They made it so restrictive that they couldn't change a tire on a loader on site. They need a fuel station and these people are fueling up equipment and he does not think things are fair.

**ADJOURNMENT:** Motion that we adjourn at 7:34 pm.                    **By David P/Craig K 2<sup>nd</sup>. All in Favor**

Respectfully Submitted,

Denise M. Knowles