



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

April 12, 2016

6:00 pm

MINUTES

CALL TO ORDER: Susan Dunham-Shane called the meeting to order at 6:02 pm.

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

MINUTES: Motion that we accept the minutes of the March 22, 2016 meeting with the accepted changes noted by Gretchen, Susan and David P. **By David M/Craig k 2nd. Vote 4-0**

David P requested that if any Board members have issue with a motion that is made, that they should point it out.

UNFINISHED BUSINESS:

1. The Board will continue the review of the application for completeness of Dollar General at 1030 Main Road. The Board members each received a packet that contained the items requested at the last meeting. (photo metric plan, revised DOT permit, HHE200 application and sign detail) Troy McDonald is present from Northeast Civil solutions. Charles N said they did make the change from drilled well to public water supply, but it still needs a signature. Troy said he submitted hard copies and those have the signature on it. Charles will get a copy from Russell. Susan noted that the DOT application states 5 employees and no customers but Dollar General's application to the Town has 8 to 12 and 100 to 150 customers. Mr. McDonald explained that they will employ a total of 8 to 12 people and expect to have about 150 to 200 customers a day.

Motion to accept the Application as complete given that the missing items have been submitted

By Gretchen H/David P 2nd. Vote 4-0

The Public Hearing was set for Tuesday, April 26, 2016. Troy and Travis will talk with Russell about getting the abutter letters out.

2. The Board will continue the review of the application for completeness for the Used Auto Sales on Dusty Lane from Miranda Simmons. The Board received the information requested at the last meeting. (Sign details, MDOT Permit, Signed Lease Agreement, more information on 402.3, 402.7, 404.2.5, 403.2.7 and updating the drawings to show the amount of impervious surface. Susan said that the financial capability information is missing. Russell S. questioned what information she was looking for. Susan explained that it is in the list of requirements. Russell said that for some applications, such as windmills or towers, a letter of credit is needed, but this project requires no construction. They are leasing the garage from Wilbur Libby. Gretchen said she cannot think of any other application like this that they have required more information, but possibly the fact that there is going to be a new road was thought to be part of this project, in which case more financial information would be needed. Wilbur L said that the road is not part of the project. Russell found a copy of the original application for a sign for Wilbur L from back on July 28, 2011. The new sign was never installed as drawn. Susan pointed out that the original sign application was done prior to the 2012 revision of the 2002 Sign Ordinance which

combined it with the Zoning Ordinance. Both Ordinances stated that the sign permit was valid for one year. Gretchen said that she looked at the design and what was put up, and Wilbur L has said he scaled it down, so they need something in writing verifying what the size is now. If it doesn't match what was approved for, they need to know what the new size is now. Wilbur L said the new sign is 2 ½ square feet less. Gretchen verified with Wilbur that the sign is said it is now 14' high 38" wide outside posts, 34" in between posts and that he knows the total square footage cannot exceed 50 sq. ft. Charles N said that the posts are not considered part of the sign. Susan asked how the Board felt regarding the fact that the permit has expired. Charles N and David J are fine with it. Susan said the sign permit is not part of this application. It states that the Used Car Sales sign will be on an existing sign owned by the property owner. Gretchen said that Wilbur owns the property, he said what the size of the sign is and we have it on record and it will be looked at as part of this application anyway. Susan said that they have been held to a certain level and she felt that the expired permit needed to be brought up. David M said his only concern is that they do not have anything in writing regarding the sign size and if the dimensions should change from what they were told tonight, they should be brought to the Board's attention. Mr. Libby will measure the sign tomorrow and let Russell know. Susan reminded them that in the original application, there were no lights. Gretchen said that if they want to put lights on the sign, they will have to present a new sign design. Gretchen reviewed that the sign issue, DOT permit and signed lease agreement were provided, more complete response to wetland issue and solid waste, they resolved financial capability issue, description of the property is provided and the drawing shows the impervious surface and where vehicles will be parked.

Motion that given all the information submitted and the discussion here tonight, that the application is complete.

By Gretchen H/Craig K 2nd. Vote 4-0

The Public Hearing will be set for April 26, 2016 following the Dollar General. Miranda will talk with Russell about getting abutter letters out. Susan said they will decide after the Public Hearings whether they will start the substantive review that night. She told Miranda that she will probably just have the Public Hearing that night.

3. In regards to the comparison of the 2015 Zoning Ordinance vs the 2012 Zoning Ordinance, Russell will email copies to each of the Board members. The Board members have received the comparison done by Mrs. Hughes' staff. Susan thanked Mrs. Hughes for sending it to them. David M asked for clarification of the two documents that were submitted. Gretchen explained that the table was done by their attorney and the other by their engineer. Susan started reviewing the Zoning Ordinance and got as far as 801.6.3 in the current Zoning Ordinance, and then she had to leave town. None of the other members have reviewed the Ordinance. David M said he had not reviewed any of it because he was not clear on what the instructions were. David M said they could review it at this meeting. Susan said they could do that or assign homework for each of the members. Susan told the Board the items she found had been changed in what she had reviewed and gave the background for some of the changes. Susan said they will need to do the comparison starting with Section 802 of the Zoning Ordinance. Chapter 20 is the Mineral Extraction Addendum and will take more time because it has performance standards that are stricter than previous standards. The document prepared by Mrs. Hughes was comparing only Chapter 20. Susan said that the Boards job is to decide if the changes are significant or of no significance. Janet Hughes said that the document she produced, compared the two Ordinances, as it applied to their application. It did not compare the changes from the old Ordinance to the new Ordinance.

Gretchen said that the Board needs to go back to what the Attorney said which was "if you want to go forward the Board will need to identify the changes between the new and the old Ordinances." They would then have to determine anything additional that Hughes Bros would have to do to meet the Ordinance. The primary focus is on the Addendum and compare it to the old Ordinance, particularly the 20 Performance Standards. Gretchen thinks that the only reasonable way to get this done is to divvy up the sections into homework assignments for each Board member. The Board members would take the

sections in the new ordinance and find the related items in the old ordinance and see what the difference is. They would then go back and look at what they have voted on in the Hughes Application and see if they have to provide additional information or if they are fine. Gretchen thinks that it is a little much to ask each of the Board members to go back and review the entire Ordinance for changes in a timely manner. David J said that if the end result is what they are going to do with the Hughes Application, he disagrees and thinks they just need to look at what parts of the Ordinance apply to the application and get it over with. Gretchen said that would be all well and good, but going back to what the attorney said about it, they can't just focus on one or two things, they have to go back through the entire application based on the recent court case decision that they have to do the complete review before any other steps can be taken. Susan agrees with what Gretchen said. David J asked if there was an existing list that shows the changes comparing document to document. Gretchen said there is a final document, but no one has already done this work. Gretchen continued that under the old Ordinance there is Chapter 8, Environmental Performance Standards, Section 804, Subsurface Waste Disposal, there is no way to have Word compare one section to another for changes. It will compare the order of the words, not the content of each section. They would have to look at Section 804 of the old Ordinance and compare it to 2008.2.2 of Chapter 20 of the new which is Solid Waste and Sewage Disposal to see what the content is and if there were significant changes.

Gretchen read from the minutes of the meeting that Charles Gilbert, Town Attorney, attended to refresh everyone with what he said. "Mr. Gilbert gave the example that if the Board had reviewed and voted on the effect of the watershed/ground water section of the application and if that section has not changed in the new Ordinance, they will not need to review that section. If there was a change, it will need to be reviewed under the new application." Gretchen said they are not going to know that unless they do a comparison of the old and the new. Gretchen read further from the minutes "Mr. Gilbert explained (paraphrasing for explanation purposes) that in another case that was heard by the courts about two weeks ago, the court made clear that they did not want towns to send up a bunch of appeals on a piece meal basis. The court has made clear that they want parties to go through the entire administrative process at the municipal level before they go to court." and "Mrs. Hughes said that the elephant in the room is that the Board added a setback chart and the setback chart added a criteria of a 1500' setback from the nearest home, wells and a number of other things. This setback is 15 times greater than the standard of the MDEP and 10 times greater than most municipalities. She said she will go back and review the whole application that will take weeks and months and everyone will be on the same page. Or the Board can stop right now and figure out what they are going to do with the 1500' so as not to waste everyone's time if they are not going to approve their application based on the 1500'. They have spent time waiting on the decision by the courts on the Moratorium because they couldn't do anything else. They are locked in an agreement with Mr. Arisimeek, until you make a decision and they can't move on with the legal process until they make a decision. They have spent a lot of time and a lot of money and they are ready for the next step.

Susan asked if the bottom line is that at this point, having reviewed with her staff the different changes in the addendum, they do not want to abandon their application, that they want to continue but if it stays at a 1500' setback then she cannot deal with that. Mrs. Hughes said the setback drew a line through the center of their quarry and she is not sure if it has any possible use any more. She said it has also changed the value of the property and they would have no interest in the property based on the current purchase and sale agreement with Mr. Arisimeek and Mr. Butterfield. Not only that, but they have \$250,000 into this application process and they do not want to add another \$50,000.00

Mr. Gilbert said it would be easier to do what Mrs. Hughes is suggesting, but the recent decision involving the other court case (Camden) says they have to do the complete review and only after all of that has been done can it go to court. They have to go through the sound standards and any changes in the other standards. The Board does not have the authority to change the Ordinance, they can only apply the Ordinance. If the 1500' setback is the deal breaker and the Board votes that they cannot meet that

standard that is going to be the decision that they are going to go further with.” Gretchen continued that they had suspended review of the application on April 3, 2014 at the Sound Section, needing a sound study. Gretchen said that they need to compare the new to the old Ordinance and then move on to the next step of looking at the application. Susan feels that if it is split up between all the Board members, they should be able to get it done in two weeks. Gretchen said that she did not think it could be done in two weeks with the potential of having to review other applications on that day and have to deal with public comment. Gretchen asked the Board members for other ideas. The Board members were each given the following sections of the current Zoning Ordinance to review and compare to the 2012 Zoning Ordinance, looking for similar sections and determining if there are substantial changes:

Chapter 8 through end of Chapter 11 – David Johnson

Section 2000 through end of 2007 – David Peppard

Section 2008.1 through end of 2008.2.5 – Craig Knight

Section 2008.2.6 through end of 2008.2.10 – Susan Dunham-Shane

Section 2008.2.11 through end of 2008.2.15 – Gretchen Heldmann

Section 2008.2.16 through end of Addendum – David McCluskey

Susan asked that the Board start the review of their sections as soon as possible so they can discuss them at future meetings. David M asked if they could get electronic copies, in Word format, of the two documents and asked for explanation of how they want the information formatted. Susan explained that she would list the items that have changed and specify what the new information is and what the old information was. (David P needs a hard copy and David J wants it electronically.)

4. The previous discussion included reference to the course of action regarding the pending Hughes Brothers application. Gretchen reminded everyone of the comments from Town Attorney Charles Gilbert at the February 23, 2016 meeting regarding the application; “Mr. Gilbert would like to suggest that, taking into consideration Hughes scheduling issues, to begin to think about the time table that would give anyone that wants to enough time to get up to speed with everything and then a time table to begin looking at the merits, which would include an analysis of the changes between the two ordinances.” She continued that as part of the homework if they want to take part in the discussion of the application, the new members need to get up to speed on everything and go to the office and listen to the meetings, read all of the paperwork. Susan said that after that meeting they received a letter from Mr. Gilbert addressing who would actually do the review. Russell said that they have three members right now and Susan agreed they have a quorum of members that were on the Board the entire time. Gretchen reviewed the letter and said Mr. Gilbert did not give a definitive answer. Susan said that he cited cases, one involving a person who opposed a project and then got on the Board and voted against it and then another instance in which it was better to have Board members who had been present during the original project. Gretchen said that it does not need to be decided tonight.

Janet Hughes interrupted and requested to speak on the Agenda item regarding the Hughes Bros. application. She questioned her not being given the courtesy to speak on her agenda item after applicants on two other agenda items were allowed to speak. Susan explained that no disrespect was intended, but Mrs. Hughes said she is not feeling very good about the situation. She said she asked to be put on the Agenda but they keep blowing over her. Susan explained that when she put this item on the Agenda with Russell, she saw this as a time when the Board would discuss the item between themselves. Janet H said that she can see that on the prior agenda item, but feels she should be allowed to speak because it is regarding the Hughes application. Susan told Janet H that she could speak now. Janet H questioned that after the comparison of the two ordinances were done, which she would have thought that the four people that were here would already understand that because they have been through that for over a year, regardless, they are not looking at Hughes, she asked what they are going to do with that information. She continued, “Are you going to go down through each item and go well now we require you show all the wells within 2640 ft.; Hughes go back and bring me a plan or we are going to deem that as not

meeting our application. Are you going to go that the Site Plan changed the contours from 10 feet to five so you have got to draw some more circles in there, which was insignificant, both items. But are you going to require us all to come back to each one of those things? And when it comes to the noise, are you going to say well your procedure has changed so we want you to go back and get that information and bring that all back; until we get all nailed down and sifted down to every single item; only to get to setbacks that aren't met." Janet H continued that it is wasting her time and the Boards and it is costing money. She doesn't want to spend another \$50,000 to come back and say the setbacks don't meet. Janet H said you set a setback in response to your people; it isn't that hard, she went through the application before, and she told the Board she would give them that information, which she did. That was for the courts. The courts told them they need to review their application and right now they are not. And if they are going to do that she needs to know so she can go back and spend the money, but she is not going to pay for that in the end. The Courts are not going to see that as a reasonable thing to do, just so that we can get to that end point. She said that is one question she will let them think about.

Janet H's second question is that as she reviews their zoning ordinance, the Hughes Bros. application has met the completeness criteria; are they going to require they have another Public Hearing? That is the kind of things she needs to know tonight. If they are not requiring a Public Hearing, then that has been met. She cannot imagine that there is enough for a Public Hearing and for all of these people to come out to find out they don't meet the criteria. She said and then they have 90 days for completeness. She said they gave them a two week extension. She questioned where they are in the 90 days now? Mrs. Hughes said the Courts explicitly said that once received documents, the Planning Board will review the application. She said that after 6 weeks she has not seen any progress on that. She said they are talking about new members and starting with the application all over again. She said there is no need in reviewing the old one. The new members are in the same spot as the old ones if they are going to review the application all over again. She said the four old members should just need to brush up on the differences in the ordinances. If they are going to start from the beginning, they can all just be given the application and look at the Zoning Ordinance. She is not going to keep coming to the meetings if the store Dollar General is more important than Hughes Bros. who has been here since 2013. Janet H would like the two questions answered so they can tell her what to expect from the Board moving forward.

1. What are they going to do with the information from the review of the Ordinances?
2. Where are they in the 90-day review criteria?

Susan thanked Mrs. Hughes. Gretchen responded and said she would refer back to the minutes of the February 23, 2016 meeting and what the Town's Attorney told them to do in the process moving forward, which she has already read from the minutes and talked about again tonight. If there is a conflict between what our attorney told the Board to do and what Hughes Bros. attorney told them to do, she thinks it is something the attorneys will need to discuss. Gretchen said that they asked their attorney about any time line and he didn't seem to indicate that they only had 90 days. Mrs. Hughes interrupted and said that it was the Town's Ordinance and the Board wrote it, the Attorney didn't, that said they had 90 days and they just can't throw hers out. Gretchen said "Excuse me, I didn't interrupt you when you were speaking." to Mrs. Hughes, and then continued; that what the attorney told them was to go through and compare the Ordinances and come up with any substantive changes there are that are in the new that weren't in the old, see if the Hughes application will still meet that or not, then they might have to ask for other information or get an independent study. He told them that is the course of action they need to take. Mrs. Hughes said "Let's get the minutes straight, your attorney said and you are following that, they need to review the application and request any additional information, even though you know that the application will be denied." Mrs. Hughes continued that it is very frustrating and all she wants to do is get the hell out of this town. Gretchen said that it is frustrating to them too and as she read earlier; it would be easier to do what she is suggesting, but because of the recent court decision, they have to do a complete review and only after that can it go to the next step, such as going back to court. Mrs. Hughes said "Just deny it". She said that they will go down through it and everything will be fine, except they are

unsure about the noise criteria and the only thing left is the setback, which their application will not meet, unless there is some consideration of changing that or if they will consider the application under the old criteria. She asked that they do not make her spend 10's of thousands of dollars for the Board to turn it down, approximately \$50,000.

Susan told Mrs. Hughes that they have the responses from the review of the Hughes application under the old Ordinance. She said they need to, in as timely manner as possible, where they said yes before on a certain section of the Ordinance they need to determine if the submitted information will now meet the new Ordinance. Janet H said that her application has been determined complete, they have had the Public Hearing, now they have 90 days to review the application and she wants to know where they are now. She said they need to move on and they are hurting their business. Susan said that because of the retroactive clause the application has not been deemed complete, but then took that back, and said all of the pieces have been submitted. Mrs. Hughes said that at the meeting that the Town attorney attended, she had said the Board had 4 weeks in which time she said the Board would look at it and then when she came back she asked to be put on the agenda. Gretchen said that the attorney did talk about that in one of his letters; "Prior to the suspension of deliberations, the Board had considered and voted on whether the application met or did not meet standards under the then applicable ordinance. To the extent that the standards in the current ordinance are materially similar to the standards the Planning Board reviewed under the old ordinance, it would be my position that you do not need to revisit those standards or to vote again. Of course, if you find there has been a material change in the standard as between the old and new ordinances, you must make a determination whether the applicant meets the additional requirements, if any." Janet H asked if Hughes Bros could expect another 60 days. Gretchen said it could be days or weeks. Janet H said the attorneys can determine what is complete and what the timeline is and if they get the lawyers involved it will be another 90 days anyway. Susan said that a letter should be drafted to Mr. Gilbert for further guidance on the completeness question and the 90 day review period question. David J said he would like to inquire about substantive as it applies to just the Hughes application. He is also frustrated and feels the Town needs to deal with this in a timely manner. Gretchen asked him if he could recommend a course of action that is different from what they have talked about from what the attorney advised them what to do. David J said he does not know where they go from here and would just like some clarification. Gretchen said that maybe they should just have another meeting with the Attorney. David P asked when the application was considered complete. Susan said the first application was denied in October of 2013, they had the Public Hearing in February. Gretchen said that on December 12, 2013 there was a motion that the Board accepts the application as complete and the applicant will need to provide the following information for the review of the application.

1. Surveyor clarifying questions on property lines on drawing or letter stating that the boundaries are accurate.
2. Letter from Dave Moyse addressing wetland issues.
3. Letter from State Historic Preservation Commission or verification that our Comprehensive Plan does not show anything.
4. Copy of the deed showing transaction from Fox to Arisimeek

The Public Hearing was February 27, 2014 and the review would have been begun after that. Janet said January 13, 2014 and February 11, 2014 the additional information was provided. Susan asked the Board if they wanted a meeting with Mr. Gilbert or to send him a letter. Gretchen said they can send him a letter but if there are multiple Board members that have questions for him, we can meet with him. Susan said that to be fair to the applicant they should address this after the Public Hearings at the next meeting. Craig K suggested having a separate meeting before the next scheduled meeting. The Board members would be available Monday, April 18, 2016. Susan said a letter needs to be drafted to go to Charles Gilbert tomorrow addressing the 90 day review period and asked the Board for other questions they want him to address. David M said he has already addressed them and Gretchen agreed and added the 90 day issue. Susan continued that the "where are we issue" is that they are in the process of doing

the comparisons of the two Ordinances and need to know what of the responses of the original application will not meet the new requirements. Russell said that he didn't think they need to look at 2012 but just have to go down through the application to see what meets the requirements because they already have the comparison done. Susan said she does not agree. Gretchen said the issue comes in that they have already voted on some Performance Standards that they have met, but they need to determine if those items are different in the new Addendum and do they have to motion to reconsider those items and see if more information is needed to be submitted or not. She said that the items that have not been voted on yet, that would be fine, but those that have already been voted on, they have to make that comparison. Janet asked if it would be possible that at the meeting in four weeks they may be able to proceed to tell her if they need additional information for noise, additional drawing on a map and then address the setback issue and then make a decision on if it is denied. Susan said it would not be denied, but would be stated that it does not meet the current standards and ask the applicant if they can meet the standards. Susan told the Board members that the way the assignments have been broken up, she feels that they should be able to complete it by the next meeting and be able to submit to the other Board members what they have found.

Susan asked the Board members if they wanted to meet with Mr. Gilbert. David J said yes. Susan will write a letter to Mr. Gilbert and will send it to the Board. Russell said that Mr. Gilbert will be on vacation on April 18, 2016. Russell will talk to Mr. Gilbert tomorrow about the issues.

NEW BUSINESS:

OTHER BUSINESS:

STAFF REPORTS: The Planning Board and Appeals Board Workshop was canceled on March 31, 2016 because one of the presenters was sick and has been rescheduled for Monday, April 25, 2016. David P will let Russell know if he can attend the workshop. Susan may attend the class.

Charles N informed the Board that the towers on Riverside Drive have been sold. He has been contacted regarding the replacement of one of them by the new owner. The Tower Ordinance reads: "Maintenance, repair or reconstruction of a wireless telecommunication facility and related equipment, provided there is no change in the height or any other dimensions, is exempt from the Ordinance." They will just need a permit from Charles N unless the Board considers it new construction. Charles has only received a phone call and has not gotten any paperwork yet. Gretchen said that if they are tearing it down and replacing it with the exact same thing it would go through Charles N, but if they are changing the dimensions, guy wires, etc. it would be considered new.

Charles N said that in the Zoning Ordinance, Chapter 6, Under Agriculture including Livestock production, it is supposed to be for his review. In that case there should be an application for it and a permit. He said there has never been anything done on that and asked if there is a permit is there a fee. He said it needs to be addressed because they have an issue on the Rooks Road regarding horses and the possibility of there being too many for the property size. Charles N said that it is 1000 pounds per acre of pasturage, including the stable that it is kept in. Joan B said it is one animal unit, 1000 pounds, per vegetated area. Charles N pointed out that the stable or barn is included in the acreage in our Ordinance. Susan said that they will need to come up with an application form and the Selectmen will set a fee. It is on page 22 of the Ordinance. He has also had questions about sheep and goats. Gretchen said it is all clarified in the Ordinance. David Peppard asked if it is common in rural Maine that having livestock has to be reviewed by the Code Enforcement Officer. He would like to know how many towns have this kind of requirement. Gretchen said he can research that if he would like. David asked why it says to issue a

fee schedule. Charles said that if a permit is going to be issued is it going to be free. David said he hopes that it will be free.

Charles N said there will be a building permit coming in for rebuilding a cottage on Chemo Pond. He wants to rebuild on the same footprint as the old one, but the Ordinance states that it should be moved back to the greatest extent practical.

PLANNING BOARD COMMENTS: Gretchen has put together a chart, Russell can make copies for anyone that wants one, to look at cities and towns in the area, how often they meet, how many paid staff for the city or town that might have something to do with Board support and the population. The number of staff listed ranges from ½ a person to nine full time people. (These people are not dedicated 100% to the CEO or the Planning Board for the community.) She said that there is only one other community that meets twice a month and that is Bangor. They have the largest population with 3 Planning Staff and 6 Code Enforcement Staff. Clifton has a second meeting a month as needed for a workshop. She could not find evidence of any other communities having workshops on a regular or monthly basis. To Gretchen this is saying that they have a large workload, they are meeting twice a month to try to accomplish it, they have half of a person that is not even half the time working on Planning Board items as they have inspections and plumbing, etc. She feels it is very disproportionate to her and wanted to provide the information as food for thought. She said that the towns that meet once a month meet for one evening for two or three hours. Brewer and Hampden have staff people that do more of the things that our Board does, like the Ordinance comparison. Their Planning Board members do not have to do things like that. A copy of the Chart will be included with the minutes.

Gretchen will also respond to some of the comments that were made at the last meeting and she would like to get in the habit of researching those comments and responding to them.

Shoreland Lot Size – Regarding concerns about property values, I just want to point out that under the current Shoreland Zoning Ordinance or Town of Eddington Zoning Ordinance, there is nothing that explicitly restricts someone from building a camp or pitching a tent on any lot in town, regardless of location. We do not have building size or building style restrictions. Those types of restrictions are commonly seen in subdivision covenants, which is not something a municipality enforces. Under the current ordinances, construction must conform to setbacks, height restrictions, etc. - but it is entirely feasible that under the current ordinances, someone could already do the things cited as concerns, such as build a camp or pitch a tent or build an incinolet outhouse. There are even provisions in the current Zoning Ordinance that allow construction on legally existing non-conforming lots of record. What the change in Shoreland Zone lot sizes does, is allow a landowner a little more flexibility in what they can do with their lot, including being able to split larger lots and sell off some of the land, so that they do not have to deal with another thing that was cited as a concern, which was taxes on Shoreland Zone lots.

Regarding the easement suggestion, I hear that, but find it would be nearly impossible to implement and enforce. Where do we draw the line between this concern and the next? We have heard other concerns over the last couple of years regarding other activities that may cause a reduction in property value. How do we decide what should require a paid easement and what should not?

As to the roles of Board members, Board members not being soil scientists and engineers, and Board members asking questions that were described as a waste of time and not relevant to the application – it *is* a correct statement that nobody currently on the Board is a soil scientist or engineer. However, it *is* entirely relevant to the application and is *not* a waste of time to ask these questions, because these topic areas, such as soil type or erosion and sedimentation control measure, are part of performance standards in the Zoning Ordinance – and it is precisely because Board members are not experts in these areas, that questions need to be asked, in order to help Board members determine if they need to invoke Section

401.6 of the Town of Eddington Zoning Ordinance, regarding Additional Information and Studies and hiring a professional to provide expert independent technical assistance.

Lastly, regarding the Public Access sections of our meetings – these are not capital T Town capital M Meetings, where only residents can speak unless we vote to allow non-residents to speak. These are regular public meetings of the Planning Board, and any attendee may speak during Public Access, or during the regular course of the meeting if called upon. For example, at the last meeting we had two different applications, and we spoke with the applicants, at least some of whom are certainly not Eddington residents. Just because they are an applicant does not mean they have some special speaking privilege at a Planning Board meeting. Anyone that attends is allowed to speak during Public Access, on any topic. Until someone provides a law that proves otherwise, this is how the Public Access section of our meetings will be conducted.

Thank you.

PUBLIC ACCESS: Teresa Woznik, 509 Riverside Drive, wasn't able to attend meetings during when quarry issue came up. Would like to know if there's any procedure that would waive 1500ft setback. All the posturing done, has never really addressed that issue. If it comes down to that and the application is denied because of that, is there any procedure that can mitigate that?

Susan responded no, but if an amendment with specifics is put forward to the Board, the Planning Board reviews it and send it to Select Board it would then go before a Town Meeting, be voted on by the citizenry. It's in the ordinance the various ways an amendment can be submitted. Gretchen H said that maybe Appeals section has something for Board of Appeals.

Frank Arisimeek, 1306 Main Road, Eddington, doesn't feel Susan is qualified to be Chair of the Board, because of questions she asks applicants and how many times she had to ask Gretchen H how to proceed. He thinks Hughes Bros has waited quite a few years to finish up their application, and his understanding based on what attorney said in February is that the application should be reviewed in a timely manner and he does not think that is being done. He feels that Janet H should be on the top of the list because she has waited so long. He feels they need to see differences between new ordinance and old ordinance, and the review should have started tonight.

Ralph McLeod would like to thank the Board for their service. He has meetings in Holden all the time for budget cycle, multiple times a week, can be draining, especially with the complexity of what they are dealing with. Gretchen is right on Public Access issue. If Hughes Bros. quarry was to go through, the resulting devaluation of property would be \$4.3 million and that would be paid by rest of taxpayers of Eddington. Property owners want to be reimbursed for the devaluation, and might join together and file class-action lawsuit against Hughes Bros, Frank Arisimeek and any other person involved. If someone puts something in that will devalue someone's property, the court could award up to 300% of the valuation of the property which could be up to 12.9 million dollars as a result. Recourse is going to be the courts. Eddington has spent \$50K so far on legal fees. The Town won, Hughes lost. He thinks Hughes Bros should pay the Town the \$50K it spent for this court appearance.

Janet Hughes said we can continue to throw rocks at Hughes, but if talking about property data, they need correct property data. This country is made of many quarries and gravel pits. We are more than willing to talk about property devaluation. There won't be a lawsuit against Hughes.

Frank Arisimeek, 1306 Main Road, doesn't have a problem with people from out of town speaking, but has a problem with what they're saying, which are all lies from right-of-way to tax dollars. There's nothing to back it and he can't provide documents that he can speak on his son's behalf.

Pamela Chapman, 50 Chapman Lane, has a problem with Eddington spending money on attorneys for an application that should have been taken care of when it was first submitted, before anything was changed. And talking about devaluing properties, you've devalued a lot for properties and made things difficult for anyone that has any amount of acreage.

Julie Clewley, 731 Airline Road, Clifton, she has heard Frank talk about people that lie, he may want to think about where he lives and that he is telling people lives in Eddington, that's just one example.

ADJOURNMENT: Motion that we adjourn at 8:44 pm. **By David P/David M 2nd. All in Favor**

Respectfully Submitted,

Denise M. Knowles,
From Gretchen's notes and the recording, as I could not attend the meeting