



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

April 23, 2019

6:00 pm

MINUTES

CALL TO ORDER: David Peppard called the meeting to order at 6:00 pm.

ROLL CALL: Members present were David Peppard, Craig Knight, Deana Doughty and Dean Bennett, CEO. Susan Dunham-Shane has an excused absence.

MINUTES: Motion to accept the minutes of March 26, 2019 as presented.

By Deana D/Craig K 2nd. Vote 3-0

NEW BUSINESS: Motion to go into the Public Hearing for White Pines Estates. (at 6:03 pm)

By Craig K/Deana D 2nd. Vote 3-0

Scott Braley of Plymouth Engineering addressed the group representing White Pines Estates and Lianna Hayden. He explained that the purpose of this meeting is to correct things that have happened over the past 20 years to the property and had not been updated to the subdivision plan because Lianna Hayden now wants to sell her property. In 1991 there was a subdivision approved for a Mobile Home Park and since then land has been sold or gifted to two different parties which were not added to the plans. Since the last meeting, they have added the buildings on the land that is remaining so the improvements are shown. They have included two new notes on the plan regarding building roads that have to be included in the plan verbatim (5 and 6). At the last meeting, Susan DS questioned if the 11.6 acres of the Trailer Park is adequate and Mr. Braley explained that they researched it and found that it was not, so before the final sale by Mrs. Hayden, one acre will be transferred to Barker Builders to put them in compliance with acreage requirements. The entire parcel is now included on the plan. (Because of its length, they have inserted a break, but the overall length is shown on the plan.) David P asked if Susan Joy's lot was an adequate lot and Mr. Braley said that it is 2 acres and has a right of way to it. Mr. Braley also explained that the Ordinance had been changed and the requirement now is for a one acre lot in that area. Dean B and Scott B both said the lot is conforming to the rules.

Dean B explained that because this is a modification to a plan, many of the standards are not applicable because it is not a new plan. Plymouth Engineering has met all of the requirements. It is Dean's opinion that the subdivision as it is shown on the plan is in compliance with current town laws. The Town of Eddington Ordinance requires that a Subdivision come back before the Board for any changes so the changes will be recorded at the registry also.

David P asked if there were any public comments on this item, and no one spoke.

Motion to come out of Public Hearing. (at 6:12 pm)

By Craig K/Deana D 2nd. Vote 3-0

The Board will now review the application per the guidelines of the Subdivision Ordinance.

Motion to approve 401.1

By Deana D/Craig K 2nd. Vote 3-0

Motion to accept 401.2

By Craig K/Deana D 2nd. Vote 3-0

Motion to approve 402.1	By Deana D/Craig K 2nd. Vote 3-0
Motion to accept 402.2	By Craig K/Deana D 2nd. Vote 3-0
Motion to accept 402.3 in compliance.	By Craig K/Deana D 2nd. Vote 3-0
Motion to accept 402.4	By Craig K/Deana D 2nd. Vote 3-0
Motion to accept 402.5	By Deana D/Craig K 2nd. Vote 3-0
Motion to accept 402.6	By Craig K/Deana D 2nd. Vote 3-0
Motion to accept 402.7	By Deana D/Craig K 2nd. Vote 3-0
Motion to accept 402.8	By Deana D/Craig K 2nd. Vote 3-0
Motion to accept 402.9	By Craig K/Deana D 2nd. Vote 3-0
Motion to accept 402.10	By Craig K/Deana D 2nd. Vote 3-0
Motion to accept 402.11	By Deana D/Craig K 2nd. Vote 3-0
Motion to accept 402.12	By Craig K/Deana D 2nd. Vote 3-0
Motion to accept 402.13	By Craig K/Deana D 2nd. Vote 3-0
Motion to approve the Final Plan Application for White Pines Estate Subdivision	By Craig K/Deana D 2nd. Vote 3-0

UNFINISHED BUSINESS: The Board will now review the document that was received from Town Attorney, Charles Gilbert, from his review of the proposed changes to the Zoning Ordinance and made the following decisions:

1. Motion to accept Mr. Gilbert's change to add "or are recused" after the word "attend" in Section 203.2, page 6. **By Craig K/Deana D 2nd. Vote 3-0**
2. Motion to leave Section 204.2.5 as it is, no change (disability variance) **By Craig K/Deana D 2nd. Vote 3-0**
3. In regards to Section 305.1.1, (withholding a building permit if someone owes back taxes) Mr. Gilbert was not able to find a lot of authority on this, but feels it would be a problem if a taxpayer were in bankruptcy and owed taxes through the bankruptcy process. Dean B does not think this is constitutional.
Motion that they remove 305.1.1 **By Craig K/Deana D 2nd. Vote 3-0**
4. In regards to 404.1.3, Application Procedures
Motion to add the following verbiage to the end of 404.1.3: "Non-compliance by the applicant of the 90-day requirement will result in the application being denied. The applicant can resubmit the application for consideration."
By Craig K/Deana D 2nd. Vote 3-0
5. Motion to add the following verbiage to the end of 404.1.3, after the above addition, "If the Planning Board does not act within the 90 days, the application may be denied."
By Craig K/Deana D 2nd. Vote 3-0
6. Dean B explained that a Performance Guarantee is a financial commitment that there are funds available to finish what they started. He does not see the need for a Certificate of Occupancy. The Board agreed to leave section 405, Performance Guarantee, as it is.
7. Dean said that he does not know of one community that has a minimum right-of-way requirement for a driveway. He explained that the first lot would have frontage with a driveway into the lot. If someone wants to extend that driveway up to a second lot, the frontage requirement has to be met. This is the reason that they have flag lots, which allow the extension of a driveway to one lot with a common driveway. They could limit flag lots to two lots with frontage on a common driveway. Dean recommends taking this out of the ordinance. (701.8 The minimum right-of-way for any driveway, common driveway or entrance shall be a minimum of ~~60 feet~~ 30 feet.)
Motion that we remove Section 701.8 **By Deana D/Craig K 2nd. Vote 3-0**

8. Motion that in 902.1.1.4, under Private Driveway Entrance and Private Road Entrance, replace “MRS *704 sec 9” with “Title 23, Section 704.”

By Deana D/Craig K 2nd. Vote 3-0

9. The Board discussed section 902.5.1 and Private roads. It was questioned why there is a limit to the number of residential dwellings allowed on a private road. Dean B said that Section 904 classifies the construction requirements for each type of road and this needs to be discussed further. Russell S explained that the intention was that if someone built a road in a subdivision it would be built to town specs and then it would go to town meeting to be voted on whether it becomes a town road. Hilma Adams said that realtors now have a new disclosure form that has to be completed by the home owner when they list a property, which explains if the house is on a private road and information about the road association for the road. Dean B asked why the town wants the liability or potential cost of enforcing an ordinance provision on road construction standards on private property. If it is a subdivision, the town will protect its interest and require that a road association be formed that will take care of the road. (902.5.1 Private roads shall serve up to 4 residential dwellings or a development creating no more than 48 vehicle trips per day.)

Motion to remove Section 902.5.1

By Craig K/Deana D 2nd. Vote 3-0

10. Motion to add this to the end of 108.2.3 “Any suggested changes as a result of the Public Hearing will go back to the Planning Board for consideration.

By David P/Deana D 2nd. Vote 3-0

11. Dean B recommends removing Cottage Industry and any reference to it from the ordinance. He said the ordinance defines it by stating what it isn't, not what it is. He will never be comfortable issuing a permit for a Cottage Industry.

Motion to remove Cottage Industry, Section 1002, its definition and any other reference to Cottage Industry within the Ordinance.

By Craig K/Deana D 2nd. Vote 3-0

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:

DATE OF NEXT MEETING: David P may be home May 21st. He will let Russell S know when he is leaving.

PUBLIC ACCESS: Hilma Adams thanked the Board for allowing her to speak during the meeting.

ADJOURNMENT: Motion to adjourn at 7:58 pm.

By Craig K/Deana D 2nd. Vote 3-0

Respectfully Submitted,

Denise M. Knowles