



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

June 29, 2017

6:00 pm

MINUTES

CALL TO ORDER: Mark Perry called the meeting to order at 6:12 pm.

ROLL CALL: Members present were Mark Perry, Susan Dunham-Shane, Craig Knight, David Peppard, David McCluskey, Pam Chapman and James White, Alternates and Charles Norburg, CEO.

MINUTES:

UNFINISHED BUSINESS: Motion to approve the minutes of October 27, 2016.

By Mark P/David M 2nd.

Discussion: David M said regarding the minutes, there are some unresolved questions regarding the Arisimeek/Butterfield quarry. His question is when will the citizens be able to comment as far as new information that was produced as part of this application? They did not hold a second Public Hearing after the Ordinance was amended. Because there is no longer Public Access and these minutes present some unfinished business as it relates to the current application, so when will the public be able to review the new information and have this question answered. Mark P feels that if there is any question, it is not the Board's job to solve it. The Board is reviewing an application based on the material submitted and if the project activities take place that are inconsistent with the approved plan or current ordinance there would be a complaint to Code Enforcement and enforcement action taken.

David P asked that if David M has been recused from the Hughes Brothers application process, is it appropriate for him to bring up this issue? Mark P said the minutes that were asked to be revisited were from a meeting that David M was not recused. These minutes refer to the Arisimeek quarry and there was an application to amend that to move it down the road. The Board decided that it had to be treated as a new application. They have not seen anything further on that. David M asked that as a citizen, at what point would a board member that has been recused, be allowed to comment on new material, if that material had not been presented at a Public Hearing. Mark P said that he wouldn't and he did not feel it was a violation of his rights as a citizen. James W suggested that this should go to the Selectmen. Mark P said it would go to the Town Manager or CEO first. Susan DS suggested that because of new information submitted there could possibly be a case for a second Public Hearing.

Vote 5-0

2008.2.3.7 Refueling and Maintenance – I move per submittal of the narrative §5.6 (Blue Book P. 9), and testimony of March 27, 2014, the operator shows compliance and was approved under old §402.8 on 3/27/2014.

By Susan DS/Mark P 2nd. Vote 5-0

Mark P asked Pam C to be a voting member tonight as David M recused himself from this review.

2008.2.3.8 Maintenance of fixed equipment – I move per submittal narrative §5.6 (Blue book P. 9) and answers to questions of 2/27/2014 submitted to the Board on 3/21/2014 (page 25), and testimony of 3/27/2014, the operator shows compliance and was approved under old §402.8 on 3/27/2014

By Susan DS/Mark P 2nd. Vote 5-0

2008.2.8.6 – I move that the Board finds that the applicant proposes to employ MDOT best management practices for erosion and sedimentation control on access roads. See Blue Book §5.1 (Specifications) (a) (page 6).

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.10.4 – I move that based on the Traffic Narrative found in §5.8 (Blue Book pp. 10 and 11), the Planning Board does not find that a traffic study is necessary. This was also the finding on 3/27/2014 under former §402.10 guided by the standards of §§901 and 902.

By Susan DS/Mark P 2nd. Vote 5-0

2008.2.10.5 – I motion that the Planning Board finds that a full traffic study is not required by this section, based on the Traffic Narrative found in §5.8 (Blue Book p. 11) and it was determined on 3/27/2014 under old §402.10 and guided by §§901 and 902 that no full study was needed.

By Susan DS/Mark P 2nd. Vote 5-0

2008.2.12.7 Board may require additional submissions – I move that the Board finds that no additional evidence is required.

By Mark P/Susan DS 2nd. Vote 5-0

2008.2.12.8 Odors – I move that the Board finds that no offensive odors are expected to result from the project.

By Mark P/

Susan DS suggested the following amendment: I move that based on the narrative submittal §5.11 (Blue Book P. 12) and responses to questions of 2/27/2104 (binder p.69) submitted on 3/21/2014 and white binder §5.11-A, the Board finds that no offensive odors are expected to result from this project.

By Susan DS/

Mark P withdraws his motion and 2nd's Susan's motion as read. Vote 5-0

2008.2.13.1 Set-backs – I move that the Planning Board finds that the project, as amended, meets all applicable set-backs. See amended site plan, White Book Exhibit 2, as amended and submitted 6/29/2017.

By Mark P/Pam C 2nd. Vote 5-0

2002.2.2.3 (b) – I move that we find the total acreage is now stated in the comments on the Site Plan submitted 6/29/17.

By Mark P/David P 2nd. Vote 5-0

402 Review Criteria:

The applicant for a permit review shall demonstrate that the proposed use, project or activity meets the review criteria listed below. The Planning Board/Code Enforcement Officer shall approve an application only after making a written finding that all of the following criteria have been met (In making their determination they shall be guided by the performance standards in Chapter 8.):

402.1 I move that the application is complete and the applicable fee has been paid.

By Susan DS/Mark P 2nd. Vote 5-0

402.2 I move that the proposed activity will not cause soil erosion during construction or when complete.

By Susan DS/Mark P 2nd. Vote 5-0

402.3 I move that the proposed activity will not have an adverse impact upon wetlands or waterbodies.

By Susan DS/Mark P 2nd. Vote 5-0

402.4 I move that the proposed activity will provide for adequate storm water management.

By Susan DS/Mark P 2nd. Vote 5-0

402.5 I move that the proposed activity will provide for adequate sewage disposal.

By Susan DS/Mark P 2nd. Vote 5-0

402.6 I move that the proposed activity has sufficient water to meet potable and fire suppression requirements. The proposed activity will not pose an undue risk of fire, and the property will be accessible to emergency vehicles. **By Susan DS/Mark P 2nd. Vote 5-0**

402.7 I move that the proposed activity will dispose and treat solid and hazardous waste in conformance with all applicable local, state and federal laws and regulations. **By Susan DS/Mark P 2nd. Vote 5-0**

402.8 I move that we find that the proposed activity will not adversely affect the quality or quantity of groundwater. **By Mark P/Pam C 2nd. Vote: Yes 4 – Abstention 1**

402.9 I move that we find that the proposed activity will not cause road congestion or unsafe conditions with respect to existing and proposed roads and access points. **By Mark P/David P 2nd. Vote 5-0**

402.10 I move that we find that the proposed activity will not have an adverse impact upon scenic, historic or archeological resources, and wildlife and animal habitat. **By Mark P/Pam C 2nd. Vote 5-0**

402.11 I move that we find that the proposed activity shall not have an adverse impact upon historic and scenic areas as identified in the Comprehensive Plan or by the Town. **By Mark P/Susan DS 2nd. Vote 5-0**

402.12 I move that we find that the proposed activity will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibration, fumes, odor, dust, glare, or other causes. **By Mark P/Pam C 2nd. Vote: Yes 3 - No 1 - Abstained 1**

402.13 I move that we find that the application conforms to all the applicable provisions of this Ordinance. **By Mark P/David P 2nd. Vote: Yes 4 - No 1**

I move that the board finds that the application in final form, with amended submissions, is approved as meeting all criteria of the Mineral Extraction Ordinance and other relevant ordinances. Where ever sections have been noted as not relevant, no action required or the like, they have been considered and the application has been found to comply. This written Findings of Fact will control over the minutes. The Code Enforcement officer is requested to issue a written, dated permit and the mineral extraction may not commence until that permit has been delivered to a representative of Hughes Brothers Inc.

By Mark P/David P 2nd.

Discussion: Mark P feels a date is handy on the permit, to determine when they have to reregister. Janet Hughes asked what format will be used to issue a permit. They have submitted a Site Plan and Rehabilitation Plan for signatures of the Planning Board. Mark P will speak with Russell S and Charles N regarding this. The Findings of Fact do not need to be part of the permit. Susan has a problem with putting this motion at the end of the addendum section because Chapter 4 is the main section for Review Criteria. She could see a paragraph here as to why they wrote no action is needed on some of the items. And she does not think that this is where they should ask the CEO to write a permit.

Mark Withdraws his motion

I move that at the end of the Findings of Fact with respect to the Mineral Extraction Ordinance, We add a paragraph that reads “Wherever sections we have noted as “not relevant”, “no action required” or the like, they have been considered and the application is found to comply. This written Findings of Fact shall control over the minutes.

By Mark P/David P 2nd. Vote 5-0

The second motion to append to the Review Criteria is:

I move that the board finds that the application in final form, with amended submissions, is approved as meeting all criteria of the Mineral Extraction Ordinance and other relevant ordinances. The Code Enforcement officer is requested to issue a written, dated permit and the mineral extraction may not commence until that permit has been delivered to a representative of Hughes Brothers Inc.

By Mark P/Susan DS 2nd. Vote: yes 3 – No 1 – Abstained 1

Because Pam C is a voting member tonight, she can sign the completed Findings of Fact dated today. Janet H asked if and when, according to 401.3, the Planning Board will submit its decision on the application to the Code Enforcement Officer. Mark P said it will be retyped in a couple days and Mark will give it to Charles N to issue a permit. Susan said the Site Plan Permit will be made, signed by the Chairman of the Planning Board with the date it was confirmed and the Findings of Fact attached to it.

NEW BUSINESS:

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING: Work on revising the Zoning Ordinance and continue work on the Shoreland Zoning Ordinance.

DATE OF NEXT MEETING: The next scheduled meeting will be on Tuesday, July 11, 2017.

ADJOURNMENT: Motion to adjourn at 7:05 pm.

By Mark P/David P 2nd. Vote 5-0

Respectfully Submitted,

Denise M. Knowles,