



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

September 12, 2017

6:00 pm

MINUTES

CALL TO ORDER: Mark Perry called the meeting to order at 6:00 pm.

ROLL CALL: Members present were Mark Perry, Susan Dunham-Shane, David Peppard, David McCluskey and Craig Knight. James White, Alternate has an excused absence.

UNFINISHED BUSINESS: Mark P asked the Board members if they were ok with addressing the 60' r.o.w. first as Stan Plisga is here in regards to this item. Mark P explained that the Town's current ordinance calls for a 60' right-of-way in sections 904.1, Rural Road 60', and 701.8, The minimum r.o.w. for any driveway, common driveway or entrance shall be a minimum of 60 feet. Mr. Plisga explained he spoke with Russell S a few weeks ago regarding the issue of the 30' vs 60' r.o.w in reference to two pieces of property in town. The first piece (being conveyed to Colleen Libbey from Eleanor MacDonald) is at the very end of the Chemo Pond Road. The Pond Association has created a 66' r.o.w from the Chemo Pond Road to Eleanor's property and then it is a 30' r.o.w to the end. Years ago Mrs. MacDonald deeded a 30' r.o.w to the University of Maine for them to use to access a land-locked piece of land behind hers. That r.o.w has never been built. Mr. Plisga was then contacted by James and Rita Bull to establish a lot for their son who has been living in a house on the property for years. Their current driveway opening is 53' and services the Bull's home, a trailer and their son's house, which is about 600' to 700' from Rt. 9. Mr. Plisga understands the 60' row for developments of roads that have the possibility of being taken over by the town. He also said he would not suggest a 30' row for a road servicing 10 houses. There are no state regulations regarding road widths, but towns do regulate this. (County roads are usually 66' and town roads 49.5') Susan DS's concern is that there is a possibility that the Bull land could be subdivided in the future. Mark P said they will review the information and revisit it at another meeting. Mr. Plisga asked if there was a time frame for an answer and Mark P said no.

MINUTES: Motion that we accept the minutes of August 22, 2017 as printed

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

UNFINISHED BUSINESS: The Board will continue their work on the Zoning Ordinance Revisions, starting with homework.

Craig K's homework was to check into additional fees. They will wait for Charles N to discuss it because he is the one that brought it up.

David P is working on street openings and entrances and will have wording at the next meeting.

David M worked on the disabilities variance. He found a document under the state zoning that said the Board may grant a variance to the owner of a dwelling for the purpose of making that dwelling accessible to a person of disabilities that resides in or regularly uses the dwelling. He is researching it further to see if the Board can turn it over to the Code Enforcement Officer because there are specific rules that have to be followed. He will research whether it can be handled by the CEO or if it has to be the Planning Board and write up some wording for it.

David M looked at the town and county regulations for accessory structures. He found several scenarios in which issues can arise in the meaning of accessory use or structure. We need wording that

would protect the town. David M will bring in the guide he found for the CEO which contains questions that will test whether the project is an accessory or not.

Susan DS reviewed page 7 of the possible revision paperwork, dated May 30, 2013. Susan will research 2, 3 and 4, for definitions to be added.

Motion in Section 710.2.4 to change the word "subdivision" to "project"

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

Motion that in Section 802.2.7, first sentence, remove "be 15 inches" and add "shall comply with current state statute."

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

#8 – No change

#9, 10 & 11 – Skip

#12 – David P working on Street Opening

#13 - Motion to add Section 901.1.1 "If a property owner digs in a street right-of-way they must contact CEO for a Street Opening Permit. All driveways, entrances and roads that access onto a Town roadway shall be required to obtain a permit and pay applicable fees." **By Susan DS/Mark P 2nd.**

Discussion: David P working on road opening.

Motion withdrawn

#14 – Section 1001.2.4 – Motion to replace "refer to the Sign Ordinance" with "refer Section 1005, Signs."

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

#15 - Section 1005.9.3 – Motion to remove "No sign mounted on a building shall extend above the roof line more than 6 feet and no sign mounted on a building shall exceed the width of the building." And replace it with, "No sign mounted on a building shall be higher than 6' from the point of attachment and no sign mounted on the building shall exceed 60% of the width or length of the wall on which it is mounted."

By Susan DS/David M 2nd. Vote 3-2

#16 – Skip

#17 – Motion to add a new Section 1011 – Regulations for Active Outdoor Recreation.

By Susan DS/Motion Withdrawn

Susan will develop regulations for this section.

#18 – add "Outdoor Passive Recreation" to definitions work.

#19 – skip

#20 – 1005.2.5 - Rules for internally lit signs needs to be created.

#21 – Section 1005.9.2 - Motion to remove current wording "The sign shall not exceed 50 square feet in area and a height of 25 feet" and replace it with "No freestanding sign shall extend more than twenty five (25) feet above grade at its point of installation. Maximum display area of the freestanding sign shall be fifty (50) square feet on each side."

By Susan DS/David M 2nd. Vote 5-0

Susan DS questioned an email they had received from Charles N regarding signs. (Is 2 square feet reasonable for residential signs? Bradley charges for signs after the first one. Also flag signs are popping up all over town.) Susan has a concern for flag signs. Craig K suggested getting clarification from Charles N regarding changing and tracing signs.

The Board will continue their discussion on tabled items.

1. Applicability of MEO's to existing operations. Mark sensed that there were not the votes to change that, so they will skip this.
2. Dimensional Standards, Minimum Setbacks, 2008.2.13 – Mark P suggested a 100' setback for topsoil, clay, peat or silt excavation from structures and wells and keeping the gravel and sand excavation at 1000'. Craig K referenced Triple D Farm who had been concerned about being able to scrap manure from their land because they had been told by someone that the Addendum would affect them. The Board agreed that cleaning up after farm animals is a different situation and the setbacks would not affect them. Craig K recommends a 50' setback for topsoil. David M pointed out that 300 yards would be 20 dump truck loads of material. Susan DS referenced the February 23 meeting where Mrs. Hughes said she felt it was incorrect to have a longer setback for stone quarries than gravel pits because gravel impacts water tables more. Susan DS's response if that they should think about 1500' for the setback for gravel pits. Mark P said that rock quarries have blasting and that is the concern.

Motion that the setbacks from structures, (the way the table is written it is from property lines of structures) be 1200' for stone excavation, 1000' for sand and gravel, 100' for clay, peat or silt, 100' for topsoil and 600' for processing or storage area. And the same setbacks down in 5.A and 5.B. point-driven or dug well and drilled well.

He amends his motion to 1000' for processing or storage area for structures and wells.

By Mark P/David P 2nd.

Discussion: Susan DS said that even if we don't have peat now, we could in the future because there are ponds in town. Mining peat and clay involve cutting and rolling. The clay, peat, silt and topsoil setbacks were an oversight on the Boards part. Mark P said that in reading the minutes there was consideration for the neighbors but not for the land owner. David M said that neighbors are property owners too and values of homes can go down because of mining activity. Susan DS said the Addendum is for the entire town not just an application. David P said it was a public inspired effort and at the time was driven by a specific proposal. He thinks this has a better balance in regards to land owner and agrees with Mark P.

Vote Yes 3 – No 2

They will table the discussion on 100 square foot building permits for the next meeting.

NEW BUSINESS:

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:

DATE OF NEXT MEETING: The next scheduled meeting will be on September 26, 2017.

PUBLIC ACCESS: Theresa Woznik, 509 Riverside Drive, A year ago she questioned a junk yard on Riverside Drive, Gary Fogg's property. She has been patient, but feels something should be done now. She said the Code Enforcement Officer told her that Gary would sue and that the Town couldn't afford another lawsuit. She feels the town can charge him a supplemental bill for the legal fees.

ADJOURNMENT: Motion to adjourn at 8:10 pm.

By Mark P/Craig K 2nd. Vote 5-0

Respectfully Submitted,

Denise M. Knowles,