Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD
April 26, 2016
6:00 pm
MINUTES

PUBLIC HEARING

1. The Public Hearing for Dollar General started at 6:06 pm. Travis Letellier and Troy McDonald of Northeast Solutions, representing Franklin Land Associates are present and Troy described the project. The proposed project is for a 9,100 sq ft retail store on the property of CMH Manufacturing at 1030 Main Road, Map 24, Lot 8-1, which is in the Commercial Zone. They are proposing 30 parking spaces, 36' wide entrance, with 1-12 ft in and 2-12 ft out, which they have received a MDOT Driveway Entrance Permit for the project. They will have a fence bordering the residential area on the northwest with landscaping on the southeasterly side of the project. It will have public water, private septic and aerial electric and telephone to the building. Loading dock designed so there will be no backing up needed by delivery trucks. They will pull straight in, parallel to Main Road, back to loading area, unload and then drive straight out. Solid waste will be in fenced stockade area for 2 dumpsters. Troy noted that the grading and details for the pond have been revised on sheet 4 and sheet A which have been submitted to add to the previous submission. There is a storm water detention pond that will catch some of the water and there will be a catch basin and culvert piping system. They have applied for the MDEP permit, have had comments which they have addressed and are now waiting for the permit. Charles N asked if the retention pond will be fenced and was told no.

Hilma Adams, 263 Main Road, asked how long they think it would take to build the building and be open for business. Susan said that the construction schedule states October 16, 2016.

Susan asked if there were any abutters present and there was no response. She asked Denise if any abutter letters had been returned and Denise said she did not know of any. The Public Hearing closed at 6:13 pm.

2. The Public Hearing for the Used Auto Sales operated by Miranda Simmons, Brewer Towing and Recycling opened at 6:13 pm. Miranda informed the audience that they will be using the existing facilities at 6 Dusty Lane, the building houses a garage with one lift and an office. They will be bringing in gravel for the cars to sit on. They are leasing the property from Wilbur Libby, Jr.

Hilma Adams, 263 Main Road, the Adams family has lived across from the Libby's for nearly 100 years. They are good neighbors and she is glad the new business is here.

Susan explained to Ms. Simmons that because they have three items going on right now, they will review her application at the first May meeting.

Public Hearing closed at 6:17 pm.

CALL TO ORDER: Susan said that Russell had told her that he had received 2 emails regarding the Agenda having times set for the items on it. She explained that when she worked on the Agenda with Russell she suggested that they needed a way to indicate that they were being fair in allotting time for items to be addressed. She said they could have spent an hour on the Public Hearings and she wanted to

be fair to everyone. They were trying something new and thanked those who shared their input. Susan Dunham-Shane called the meeting to order at 6:20 pm.

ROLL CALL: Members present were David McCluskey, Gretchen Heldmann, Susan Dunham-Shane, Craig Knight, David Johnson, Mark Perry, the new second alternate, Charles Norburg, CEO, and Russell Smith. David P has an excused absence.

Motion to make Mr. Johnson a voting member. **By Craig K/Gretchen H 2nd. Vote 3-0**

MINUTES: Motion that we accept the minutes of the April 12, 2016 meeting as amended: Gretchen H noted the following changes: Page 3, add "court case" before decision and capitalize "Word"; page 4 change "April 3, 2015" to "April 3, 2014", capitalize "Word", change "sighted" to "cited"; page 7 change "guide" to "guy", Susan noted the following change; add: "Joan Brooks said the rule is one animal unit, 1000 pounds per acre of vegetated area." Susan said that Joan said the stable or barn is not included in the acreage, but Charles N. said that it is included in the acreage in the Ordinance.

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

UNFINISHED BUSINESS: 1. The Board began their review of the Dollar General Application. The application has been deemed complete and the Public Hearing has been held. Susan noted that she constructed a ledger sheet for the drawings that are part of the application and presented it to the Board and applicant representatives. The sheet contains a list of the 15 drawings each assigned a number in the order they were presented in the packet. The Board received a revised 4. Grading and Drainage Plan and 8. Construction Details, Sheet 1, (because of comments from MDEP regarding storm water runoff and MDOT requesting they clarify that it is a 15" culvert, not a 12" as stated in the plans), Treatment Factor Calculation and a Chart for Phosphorus Export.

402.1 Fee paid, determined in submission requirements

402.2 Susan explained that drawings numbered 6, 7, 10, 11 and 4, the geo-tech summary report and #1 in the narrative dated 2/16 reference this section. Troy explained that for the underdrain pond, they extended the underdrain filter area to make sure it was meeting the calculation requirements of storm water and they revised the culvert for the MDOT permit. Susan asked that with the increased runoff, what the affect will be on the culvert on the other side. Troy said that it will be less because of the retention pond. (Susan explained that at the MMA training last night, the courts require more information for finding of fact now. If a motion is made to accept a section, they also need to state why they support it.) Gretchen asked if MDEP and MDOT had looked at the Erosion and Sedimentation Control Plan as part of those permits. Troy said that MDOT did not but MDEP is looking at them now, so that is still in process. Gretchen asked if the state had any comments for applicants during the process of taking out a driveway and restricting the ditch and Travis said no.

Motion the evidence presented satisfies our standards set forth in chapter 8, section 801 regarding erosion control and review standard 402.2. **By David J/Gretchen H 2nd. Vote 4-0**

402.3 Susan questioned the culvert under Rt 9 and how they are dealing with the phosphorus. Troy said there will be a 20% reduction in it with the pond, roof and parking area changes. He further stated that MDEP is not reviewing the phosphorus standards. They went with the general standards for the DEP permit because it is not a large project or pond.

Motion that based on the evidence provided regarding wetlands and waterbodies, and the MDEP general standard adhered to and calculations provided for phosphorus control, review standard 402.3 has been met. **By Gretchen H/David M 2nd. Vote 4-0**

Gretchen asked Susan how she wanted to proceed because they are at the 30 minute time limit noted on the Agenda. Susan said that because she had planned on the Public Hearings taking one hour and they are just at that time period now, she felt they could remain on this item for another 30 minutes.

402.4 Susan said they have drawings 6, 7, 12 and 4

Motion that in light of new information received regarding storm water, we table 402.4 until a future meeting so that we have time to review it.

By Gretchen H/David M 2nd. Vote: Yes 3/No 0/D Johnson abstained

402.5 Susan said that the standards for this are in 804. Applicant provided HHE 200 with its drawings attached and also drawings 5 and 10. Gretchen asked if Charles N has had a chance to review the HHE 200 and he said it is fine.

Motion that with evidence provided in both geotechnical report regarding water levels and HHE 200 application report, that the applicant meets the review criteria standard for 402.5, sewage disposal.

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

402.6 Susan said standards for this are in narrative 805. She verified that there is a hydrant across from the post office and fire suppression is not required. The number of hydrants will be part of the building permit with approval from the fire marshal.

Motion that the evidence provided satisfies our requirements in 402.6 as per the standards of 805 and testimony given this evening. (with friendly amendment by Susan) **By David J/Craig K 2nd. Vote 4-0**

402.7 Susan cited section 807 and drawings 5 and 10 and the narrative of February 2016. Troy said there will be no hazardous waste, there will be two dumpsters and the local manager will work with the company that provides the dumpsters. John Duff is an abutter across the road and stated that Dollar General has complete waste management program for all stores across the state and all hazardous waste is disposed of properly.

Motion that evidence provided and testimony given here tonight satisfy section 807 and requirements set forth in 402.7 **By David J/David M 2nd. Vote 4-0**

402.8 Susan said they were provided the Geo-tech Survey and drawings 2 and 10.

Motion that evidence provided satisfies the requirements of review criteria 402.8 with performance standards as outlined in 805. (with friendly amendment from Susan) **By Gretchen H/David J Vote 4-0**

At 7:30 pm the Board ending the review of the Dollar General application and will continue it at the next meeting starting at 402.9 through 402.13. Susan said that when they did the completeness review, they missed that they need the Habitat Map and Historic Registry. Troy said they will provide it before the next meeting.

2. Susan read the new letter into record from Town Attorney Charles Gilbert regarding the 2012-2015 Ordinance Comparison and Hughes Bros. The letter will be attached to these minutes. This letter is the same as the conversation that was discussed at the last meeting.

3. The Board members each informed every one of their findings in their comparison homework of the 2012 and 2015 Zoning Ordinances.

David J. (Chapter 8 through end of Chapter 11) explained that his printout highlighted the changes in Section 8 between the two Ordinances. Nothing changed before 809.2.1. and there were no changes in Sections 9 and 10. He said there were 2 definitions that changed between the two ordinances and there was about 4 pages of new definitions added to the 2015 ordinance.

David J picked up David P (Section 2000 through end of 2007) write-up from his comparison. Everything he listed is a change with "new" additions listed also and reference to the old ordinance in the margins.

Hilma Adams asked if they could all have copies of the paperwork the Board was reviewing and Susan said no and explained that it is not currently in a form to hand out to everyone at this point, but they would share it later, after they have time to review it.

Craig K (Section 2008.1 through end of 2008.2.5) did not find any significant changes that would affect the Hughes Bros. App. Susan said Mr. Gilbert suggested that they define any changes between new and old, not just the Hughes application. Craig asked Janet H if she was questioning any of those sections and she said no. Janet H said she understood from her attorney and the letter Susan read, that the Board was going to compare the Ordinance and how it would affect the Hughes application. Susan explained that the letter she read from the Town Attorney verified what they had said at the previous meeting, that first they would go through the 2012 and 2015 Zoning ordinances and find any changes and then after that they would take the application that was suspended and review it to see if there are facts that were given in the application that have to be readdressed to fit the new requirements. Janet H said that if they are comparing everything including gravel, peat, loom, etc. will take a long time and that is not what she heard in the letter. Gretchen H read from the letter from Charles Gilbert "the proper procedure would be for the Board to do its comparison of the new and old Ordinances, make a determination of which, if any, issues need to be reopened because of changes in the Ordinance" Janet H clarified that he is not talking about the Hughes Bros application at all. Gretchen continued that he then said "to determine how to proceed to evaluate the application in light of those changes." Janet H said the Board can let Hughes Bros. know when they are back on the Agenda if this is not about Hughes Bros. Janet verified with each of the members of the Board that no one will be reviewing their application. She asked Russell S to send her a copy of the letter from Charles Gilbert.

Gretchen H (Section 2008.2.6 through end of 2008.2.10) has a printout showing the current ordinance in black and text from the 2012 ordinance in blue. She said a lot of it is new particularly blasting and sound limits on blasting, details about dust and air pollution reduction, dimensional chart, reclamation and noise and measuring it. There is a lot more detail in the new. Gretchen started with a section in the new ordinance and then searched for key words in the old ordinance and referenced each section showing the changes.

David J cross-referenced Chapter 8 from 2012 to the sections in the 2015 Ordinance and informed the Board. Susan said that by looking at the new and old, what they are looking for is what standard is stricter than it was before.

David M (Section 2008.2.16 through end of Addendum) showed the 2015 ordinance in bold and the underlined information is from 2012 on his paperwork. He reviewed it with the Board.

Susan (Section 2008.2.6 through end of 2008.2.10) will email her sections prior to the next meeting so the Board will have time to go over them. David M said they have to identify what has a more strict regulation and what was not previously asked for in part of the application process. Gretchen suggested that everyone write a one paragraph executive summary of changes and extra requirements to each section they did.

NEW BUSINESS: Motion that they reconsider the minutes for purposes of correcting the record of an incorrect date. **By Gretchen H/David M 2nd. Vote 4-0**

Motion to amend the minutes, on page 4 from April 3. 2015 to April 3, 2014.

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

OTHER BUSINESS: Susan informed the Board that the Selectmen approved the amount of Verizon's Decommissioning Bond as submitted.

Motion that the Selectmen's approval of Verizon's Decommissioning Bond that all conditions have now been met in their application and we approve the application.

By David J/David M 2nd. Vote 3-0 – Gretchen abstained because she was not at that meeting.

STAFF REPORTS: Charles N. informed the Board that in regards to the item on acreage for animals at the last meeting, there is a place in town that does apparently have more horses then they have acreage for. However, the ordinance has 1,000 lbs as the animal unit and he is not about to go weigh the horses to determine if they are 800 or 1,000 lbs. He said if a person gets real sticky about it, he is not sure how to resolve this issue. Another problem with this situation is that the acreage he does have is not cleared. The Ordinance is not specific as to if the acreage has to be available to the animals. Charles N will contact MMA and Animal Welfare in Augusta for guidance and opinions. He will work on it and let them know at the next meeting. Mark P said that he grew up on a farm and their animals were pastured through the woods. He continued that they loved the shade and it lead to a water source.

Susan asked if there was any more word on a new tower and Charles N. said no.

Susan asked if there was any new information on Chemo Pond rebuild and Charles said the owner was in and Charles told him he would have to provide an accurate map showing where everything was and why he could not move further back on the property.

Gretchen questioned the three junkyards that had previously been mentioned on Rt 178. Charles said a lot of vehicles have been moved out of the one on Fox Lane. Russell has spoken with Paul Doten at the state and he will work with Charles on it. Russell said he has been here on several occasions and they are working with him on these issues.

PLANNING BOARD COMMENTS: Gretchen clarified that when they ask questions it is related to not just the land but the use of the land and that is laid out in the beginning of the Zoning Ordinance. It states "Shall govern the use of all land and structures." Another example is they ask a lot of questions about auto repair regarding hazardous waste that has to do with the use and not just constructing a building.

Susan said the training that 4 of the Planning Board and 2 Board of Appeals members attended last night was very instructive.

PUBLIC ACCESS: Theresa Woznik, 509 Riverside Drive, said that she noted that Susan's comparisons were not available tonight and questioned if it would contain the setbacks which is the real issue with Hughes Bros application. Gretchen said they were in her comparison and was referred to as Dimensional Standards because that was the title of that section. Mrs. Woznik apologized because she did not hear her.

Frank Arisimeek, 1306 Main Road, wanted to state again that Hughes Bros. application should take precedence over any other business in town because it has been three years. He said it is also putting a burden on him because he cannot do anything with his property until this problem is solved. He has had people call him because they saw the For Sale signs and want to purchase property from him.

Mark DeRoche, 232 Stoney Ridge Road, is disappointed that they made Hughes Bros wait two hours before they got to a five minute letter and felt they could have addressed them earlier. And also they accepted advice from a man they didn't even know regarding the Dollar General application and didn't question him while Hughes Bros. brought in experts and they questioned him for hours. Mr. DeRoche also wanted to know why Susan couldn't give her ordinance comparison tonight instead of putting it off to another meeting.

Susan said that as far as the gentlemen goes, he could have spoken during the Public Hearing because he is an abutter. Susan said that he stated that he is an outside contractor for Dollar General to which Mr. DeRoche noted that they still did not question him. Susan thanked him for his input. Regarding why they can't have Susan's information tonight, Susan said they will be sent later.

Julie Clewley, 731 Airline Road, Clifton had a procedural question regarding when someone abstains from a vote, she believed they are supposed to give a reason. David J had abstained to the motion to table the section in the Dollar General review. Susan said she will check in to that.

ADJOURNMENT: Motion that we adjourn at 8:50 pm. **By Gretchen H/David M 2nd. All in Favor**

Respectfully Submitted,

Denise M. Knowles