



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD
February 23, 2021
6:07 pm
MINUTES

CALL TO ORDER: David Peppard called the meeting to order at 6:07 pm.

ROLL CALL: Members present were David Peppard, Susan Dunham-Shane, Craig Knight, Jeff Argleben, Heather Grass and Dean Bennett, CEO. Kristin Wilson arrived at 6:20. James McLeod has an excused absence.

Motion to add to the agenda for Tuesday, February 23, 2021 under New Business, the Election of Chair and Vice Chair for 2021, necessitated by the fact that there was no January meeting.

By Susan DS/Craig K 2nd. Vote 4-0

MINUTES: Motion to accept the minutes of November 24, 2020 with the amendment changing "year" to "yard".

By Craig K/Susan DS 2nd, Vote 4-0

Motion to make Heather a voting member until Kristin arrives. **By Susan DS/Craig K 2nd. Vote 4-0**

NEW BUSINESS: Move to nominate David Peppard as Chair.

By Susan DS/Jeff Argleben 2nd. Vote 4-0-1

Move to nominate Craig Knight as Vice-Chair

By Susan DS/Heather G 2nd. Vote 4-0-1

UNFINISHED BUSINESS: David P hopes everyone reviewed Charlie Gilbert responses and recommended changes of the Zoning and Shoreland Zoning Ordinances. David P thanked Dean B for his work on the responses to the review. He continued that it will be very helpful. David P thanked Denise K for all the work she has put into updating these ordinances and providing them with the information. It is greatly appreciated. The Board responded by clapping.

They will start with the Shoreland Zoning Ordinance. Dean B did not prepare a response of Charles G's review for the Shoreland Ordinance because every few years the DEP drafts the minimum guidelines for Shoreland Zoning and they become the basis for all municipal ordinances. The last one was done in 2015 and the Board has compared our ordinance to the States changes and came up with the current red-lined version. Most of the changes were driven by the DEP minimum standards. Charlie G noted that there were some changes that the Board had made that were a little less restrictive than DEP had recommended. Once the Ordinance is approved by the Board, it is sent to the DEP for their review. Charles G referenced the Commissioner, who will in fact decide if our draft is acceptable. Dean was not present when the Board worked on the Ordinance so he cannot comment on why some items were made less strict that the DEP recommends. But it will ultimately be up to DEP as to if they accept those changes. David P and Susan recalled that Frank Arisimeek had recommended smaller lots and Joan Brooks recommended larger lots because of septic and well setbacks. Dean B feels that DEP will probably not accept the ordinance as proposed with the increased density. Towns can be more restrictive, they cannot be less restrictive. Dean B told the Board about a circumstance in Lincoln, which has 13 lakes, in 1983 and how they proposed grouping lots together in their own district and having a 10 foot setback and DEP did accept that because the motivation is to

upgrade potential contaminants of the outhouse and waste fields of those camps. With larger setbacks, there was no reason for someone to change over to septic systems, leaving them with gray water and outhouses. But the rationale for the proposed Eddington lot size does not do that. Dean B continued that there are provisions in the Septic law to deal with substandard sized lots. Susan suggests sending it to the state as it is. Dean B said that a majority of Charles G's comments mostly pointed out that the commissioner will decide if their changes are acceptable.

Motion that we take the amended Shoreland Zone Ordinance as it currently stands and last was emended in 2019 by us and send it to the state commissioner for review and acceptance or denial.

By Susan DS/Craig K 2nd. Vote 5-0

Point of order, Kristin arrived at 6:20, Motion to withdraw Heather as voting member.

By Craig K/Susan DS 2nd. Vote 5-0

The Board will now review the Attorney recommendations and Dean B's comments.

Section 104 - Charles G does not recommend requiring permits for all structures. Dean B feels that requiring a permit will alleviate issues of buildings being too close to the property line and gives him the opportunity to tell people what the rules are. Kristin W does not feel that they should need a permit if it is moveable. Craig K asked about not charging a fee for smaller buildings and Dean B said that it takes the same amount of administrative work for a small building as a larger one and it would be a loss of tax revenue. Susan DS pointed out that currently there is no control over people putting small structures all over their lot with no permits. She continued that the Selectmen set the permit fees. Dean B explained that accessory structures to a principal use require a permit. The Board can recommend to the Select Board that structures 10 x 10 and smaller would not have a fee for a permit. Dean B said he would not charge a fee for a permit for a dog house or chicken coop. Dean B explained that if the chicken coop becomes a problem because it is too close to the property line, it will be moved to meet the compliance. Dean B further explained that if a small building is too close to the property line, it could cause problems with a mortgage company or a title company down the road.

Motion that if this is accepted or during the Public Hearing phase, they would like to recommend that the fee schedule can be discussed.

By Susan DS/Craig K 2nd. Vote 5-0

Motion that under definitions, regarding the meaning for "structure" we strike from the definition the phrase "unattached buildings 100 square feet or less in area."

By Susan DS/Kristin W 2nd. Vote 5-0

108.2.3 – Motion to add "this" before "Public Hearing" and at the end add "and the Board's recommendation for action.", making the new wording: "Any suggested changes as a result of this Public Hearing will go back to the Planning Board for consideration and the Board's recommendation for action."

By Susan DS/Craig K 2nd. Vote 5-0

201.1 – Per Charles Gilbert's recommendation, Motion to remove "whether" and replace it with "recommendations", making the new wording "Decisions on recommendations to prosecute, time granted for willful compliance, and the terms of any consent agreements are not appealable."

By Susan DS/Kristin W 2nd. Vote 5-0

203.2 – Per Charles Gilbert's recommendation, Motion to change "permit" to "occur", making the new wording "When fewer than 5 primary members attend or are recused, the alternate members become voting members as vacancies occur, in order of seniority."

By Susan DS/Kristin W 2nd. Vote 5-0

204.2.5 – Dean explained that when the undue hardship criteria was first introduced as required for a variance they were impossible to meet. The statute was changed allowing the Code Enforcement

Officer to grant variances for handicap accessibility. (The statue went from “shall” to “may”.) The variance now goes with the property, not the circumstance unless there are local ordinance provisions to the contrary.

Motion to move forward with our recommended language for 204.2.5.

By Jeff Argleben/Kristin W 2nd. Vote 5-0

402 - Susan DS agreed with Charles G’s comment and said that the Wind Energy Ordinance stands on its own and has 402 information incorporated into it, but the Mineral Extraction Addendum does not cover all of the items in 402.

Motion to amend under 402, Review Criteria the following sentence to now read “Applications subject to the Wind Energy Facility Ordinance shall be reviewed according to the requirements of that ordinance. Further review under this section is not required.” **By Susan DS/Craig K 2nd. Vote 5-0**

404.1.3 - Per Charles Gilbert’s recommendation, Motion that in Section 404.1. There will be two wording changes, 1. Sentence starting “This review will commence”, insert “no later than” before “at the first meeting following a Public Hearing.” 2. In the last sentence, “If the Planning Board does not act within the 90 days, the application may be” insert “deemed” before “denied”.

By Susan DS/Jeff A 2nd. Vote 5-0

Table of Uses – Charles G did not suggest any changes to this section.

701.8 – Per Charles G’s recommendation, Motion for 701.8 to change the wording to “The minimum right-of-way for any town approved road” insert “, any road seeking town approval,” before “or subdivision road (see Subdivision Ordinance) shall be 60 feet.”

By Susan DS/Kristin W 2nd. Vote 5-0

708.2 – No changes made

708.3 – Per Charles G’s recommendation, Motion to eliminate Section 708.3 because it is duplicated in 708.5.a. (708.5.a will become 708.4.a) **By Kristin W/Jeff A 2nd. Vote 5-0**

802.2.7 – Per Charles G’s recommendation, Motion to revise it to say “The minimum pipe size for any storm drainage pipe shall comply with current state statue” adding “or regulation”.

By Susan DS/Jeff A 2nd. Vote 5-0

805.3 – Per Attorney Gilbert’s recommendation, Motion to change the wording to “All” insert “site plan” before “applications shall include documentation. . .”

By Kristin W/Jeff A 2nd. Vote 5-0

902.1 – Susan suggested adding Curb Cuts note on the permit.

903.12 - Per Charles G’s suggestion, Motion to change the second sentence to “Only” add “subdivision,” before “rural, local and major roads designed . . .”

By Susan DS/Craig K 2nd. Vote 5-0

912 – Leave as is

1002 – Leave as is

1005.9 – Leave as is

Use Chart, Per Charles G’s recommendation, on page 22, Rural Uses, for Agriculture, Non-Livestock change the “N” to a “Y” under Conservation District.

Susan DS questioned whether there needs to be clarification between the definitions and use chart as to Agriculture-Non-Livestock and Livestock and Non-Livestock Commercial. The will leave it as it is for now.

Charles Gilbert had comments regarding marijuana cultivation, public accommodation and Public Safety officer and Dean B explained that they are irrelevant. The Town of Eddington has decided not to opt into the marijuana game so there will not be any facilities in Eddington until the Selectmen decide to opt in.

Charles G questioned the reason for some of the large set back changes in the Mineral Extraction Addendum, page 88. Susan DS explained that they had made an error with the setbacks for peat, clay and top soil at 1000' and these changes correct them to 100'.

Dean B explained that these changes need to be incorporated into the Zoning Ordinance, then the Planning Board will have a Public Hearing. The Shoreland Zoning Ordinance needs to be submitted to the DEP.

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:

DATE OF NEXT MEETING:

PUBLIC ACCESS:

ADJOURNMENT: Motion to adjourn at 8:11 pm.

By Kristin W/Susan DS 2nd. Vote 5-0

Respectfully Submitted,

Denise M. Knowles