



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

April 13, 2021

6:00 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 and James McLeod have excused absences.

MINUTES:

David P opened the Public Hearing for the Proposed Amendments to the Zoning and E911 Ordinances at 6:08 pm. David explained that this has been work of more than 3 ½ years by the Board. He thanked Susan DS for the Summary she prepared of Zoning Ordinance Changes. He also informed everyone that the Board has also been working on changes to the Shoreland Zoning Ordinance, but that will be addressed at a later date. David P will turn the meeting over to Dean B as he is on top of all of this. Susan DS suggested that they discuss the E911 changes first.

PUBLIC HEARING

Dean B explained the proposed changes to the E911 Ordinance. There was also clarification in the ordinance pointing out that there is now an Addressing Officer and changing the color of the House Numbers from Black to Green. Deputy Fire Chief Craig Russell elaborated more on the E911 issue, stressing the safety concerns of a sign at the beginning of a driveway which can be confused with actual street signs. If a resident's driveway fits the criteria, it can be assigned an E911 address.

The discussion then went to the proposed Zoning Ordinance changes. Susan DS reviewed the Summary of changes as follows:

1. Section 204, Board of Appeals – Disability Variance – It transfers the issuance of the variance to the CEO with the intention of speeding up the process.
2. Section 3 – This change would require a permit for any building or structure, not just those over 100 square feet. Dean B explained that this would eliminate buildings being added that are not following the setback rules. This could eliminate later problems if the property sells and then causes problems with financing because it does not meet guidelines. The property owner has an obligation of knowing where their property line is. There will be no charge for these permits for structures under 100 square feet. David P understands where Dean B is coming from, but he is opposed to this regulation.
 - a. Hilma Adams, 263 Main Road, also opposes this change. She sells real estate and has run into this. The abutters sign encroachment agreements for a garage or larger building, and the owner would move the smaller sheds. Structures that already exist would be grand-fathered from this change.
 - b. Susan DS looked at this as a way to keep track of the number of these smaller structures that are on the property.
 - c. Gary Doughty, Chemo Pond Road, feels that this is between the seller and the buyer and not the town's business.

- d. Brad Goodwin, Libby Lane, said when he first read this he thought it was overstepping control, but after hearing Dean B explain the issue he does not see the harm and feels sometimes we should listen to the professional.
3. Section 402, Review Criteria, addition of the word “significant” in a few areas.
4. Section 404, Planning Board Review – cleaned up the wording
5. Section 606, District Use Chart – multiple changes to CEO review instead of Planning Board, or allowed without review or new uses added such as Light-Manufacturing and Assembly Facility under Commercial Industrial plus added a definition and then removing Re-Use of Existing Agricultural Buildings because it is not a Use. The activity that would take place in the Building is the Use. Dean B explained that the Ordinance was absent light manufacturing. (no sign display just a building) It is allowed in the four districts other than Conservation and would be a loss of revenue to the Town if it was not included.
 - a. Brad Goodwin, Libby Lane, questioned under Rural Uses, Agriculture, Non-Livestock or including Livestock production (excluding livestock should be crossed out) and whether this agrees with the states rules. Dean B explained that there are regulations in the ordinance that insure that the density of livestock will not cause problems in relation to the acreage that the homeowner has. The resident would come in and fill out an application and Dean B would ask their acreage and he would follow the formula of so many pounds of livestock per acre. There would only be a fee if there was a new building involved.
 - b. Todd Satterfield, 349 Riverside Drive and 1318 Main Road, has 67 acres on Riverside Dr. and had spoken to Dean B about moving his manufacturing business there and this would address that. (only employees would be allowed inside, everything is contained inside, torches, cutting saws, copper shop) This is why Dean B has added this with a light manufacturing definition. The only comparison Dean B could find was Lumber Mills/Sawmill which would have a larger impact than Light Manufacturing. Craig K asked if there would be any restrictions to square footage and Dean B said that the site plan review criteria would address all of the issues of the impact of the building on the land. The definition is the key to not change the character of a community while not turning our backs on the future development.
6. Section 607, Minimum Dimensional Requirements for lots – Rural Agricultural (4 acre lots) reduce frontage to 200’
 - a. Tim Higgins, Blackcap Road – If they are going to change to 200’ frontage, he would like to see it also changed to 2 acre lots because otherwise it will create pencil lots. He does not have any qualms either way, but would rather not see pencil lots.
 - b. Susan DS did not agree with the 200’ frontage but would agree to 300’. Rural Agricultural was created to follow the Comprehensive Plan.
 - c. Hilma Adams, agrees with Tim that if they are going to reduce the frontage also reduce the acreage. She thinks the Planning Board will have to look at this issue.
 - d. David P agrees with Tim. He has a problem with government tell him how to use his land. He has no problem with 200” frontage and 2 acre lots.
 - e. Brad Goodwin agrees, but suggests that if they change it to 200’ frontage, they should also change the side setback from 50’ to 25’.
 - f. Susan DS explained the 400’ frontage and 4 acre lots were created because when the Comprehensive Plan was redone, the state was requiring towns to create rural agricultural areas. She asked Dean B to update them on any changes at the state now as they are working on the Comp Plan. Dean B cannot predict what the state will do in regards to the Comp Plan, but will explain why the 4 acre lot is here. He continued that the original State of Maine Growth Management that was passed in 1988 required towns, that were going to use Land Use Regulations, had to have an adopted Comp Plan consistent with the state goals. The state then created a department to review all of the Town’s Comp Plans to determine if they have met the goals or not. One of the primary goals in land use was to establish growth areas and rural areas in each town. At the time

Maine growth was sprawling and the cost of this was becoming very large. Thus making the goal to encourage growth from the core out and not leap development. When you have leap development, the school age populace settle in subdivisions out of town, thus requiring more busses and police and fire presence. So in an effort to slow down leap development and encourage it in growth areas, they used lot size as a tool. The state initially proposed 20 acre lots that went to 10 that went to 5 that were finally agreed upon as 4 acre rural lots. So when the town was assisted in redoing the Comp Plan 20 years ago, the outline for the 4 acre lots was created. What the state has learned since then is that there are many ways to preserve rural character, one being the uses allowed in those areas. As long as the rural area had larger lot sizes than the growth area and as long as there weren't a lot of uses allowed that would encourage commercial growth in those areas and draw more residents that way, the state would be happy. Dean B feels that if they changed the Rural Agriculture lots size to 2 acres, it should not compromise the approval of the Comp Plan with the state. He would redraft the land use section in the Comp Plan so they are the same. The difference of uses of the two rural districts would be different enough that the state would be okay with it.

- g. Todd Satterfield felt that the lot size was not the issue, but the creating of pencil lots was what people were concerned with.
 - h. Hilma Adams asked if the districts would be changing when I395 comes in through Eddington. Dean B said they have talked about expanding the Mixed Use District into the Rural Zone along the Rt. 9 corridor to give the community more opportunity for development. If the State objects to that, Dean suggested that the Town respond that we are not the ones building an interstate and dropping it off into our town. Hilma A continued that she believes there will be more growth on Rt. 46 because of the reduction in truck traffic. She continued that there is a real need for residential homes in this area which she feels will continue.
7. Section 701, General Lot Requirements, in 701.8 there was a wording change regarding the 60-foot right-of-way. The width did not change.
 8. Section 703, Primary Dwelling and Lot Size, wording changed for accessory housing unit.
 9. Section 708, Outside Material Storage, Dean B suggested new wording that would allow him to enforce compliance to have residents clean up properties. These properties did not become this way overnight and they are not going to go away overnight.
 10. Section 805, Potable Water Supply, removed the requirement for new subdivisions to connect to public water if available because it was too restrictive.
 11. Section 902, Property Access Standards, added wording for Road Cut and Driveway Standards
 12. Section 902.2.3 changed the minimum right-of way of a common driveway from 60' to 30'.
 13. Section 903.12 wording changed to clarify acceptance of town roads. Tim Higgins asked if the town road requirements have changed and was told no, it is still the state standards. He also asked if there has been any talk of roads becoming town roads and Susan explained that there was a new subdivision approved and the developer was told that if he wanted to bring the new development up to town specs for possible approval, he would have to bring the private road leading to the new road up to specs also. David P explained that this developer wanted some assurance that the road would be accepted as a town road before he spent the money to improve the road, but they could not do that because the road acceptance is voted on by the residents and there was no way to guarantee what the vote would be. Tim H asked if this could be changed because it was going to limit development in town. Dean B explained that in the Town Meeting form of government, the Town Meeting was the only way to expend money, accept money and accept roads, which commits tax dollars to the maintenance, repair, replacement and improvement to the road forever, which is a decision of the tax payers of the town. In a Town Council form of government, five to seven people are elected for the sole purpose of transferring that authority to those people. They could meet with the developer and they could come to an agreement that if he meets all of the regulations, they could approve that road. Dean B also feels that a Town Council form of government would benefit the town in promoting

future development because the developer needs to communicate and get answers, and the yearly Town Meeting would not provide that.

14. Special Activity Performance Standards, 1002, Cottage Industry was removed
15. Section 1005.9, rewording of the commercial sign standards to clarify it
16. Section 11, Definitions, various definitions were reworded and some new words added, such as accessory structure, agriculture, commercial, light manufacturing, road and roadside stand.
17. Section 2008.2, Performance Standards, the word “unreasonable” added in reference to detrimental effect to significant wildlife habitat.
18. Section 2008.2.13.1, Dimensional Standards, Minimum Setbacks, they needed to fix an oversight in the original setbacks where they had made the setback from structures and wells for clay, peat, silt and topsoil excavation 1000’ and correct it to 100’. They also changed the stone excavation setback from structures and wells from 1500’ to 1200’.
19. Section 2008.2.14.11, wording clarification covering reclamation responsibility.
20. Darric Hammond, 9 Pine Tree Lane, asked if there was any change in outside warehousing storage in Rural Residential. Susan DS answered that Dean had suggested wording for Section 708, Outside Material Storage. Dean added that Storage/warehouse is a permitted use in the Rural Residential Zone and he thinks he is all set.
21. Hilma Adams said that the Board did a real good job and Susan DS thanked her for her comment.

David P closed the Public Hearing.

NEW BUSINESS:

UNFINISHED BUSINESS: Denise informed the Board that the Selectmen will be meeting the next Tuesday and will then have their public hearing on May 4, 2021. The Board would like to meet this Thursday, April 15, 2021 to discuss items brought up tonight at the Public Hearing because they need to provide the Selectmen with a list of any new changes they propose. David P would like Denise K to do up a summary sheet of items brought up at the Public Hearing tonight that the Board needs to discuss on Thursday.

Dean B has a commitment on Thursday night so he asked the Board to seriously consider his memo in which he suggested adding Light Manufacturing & Assembly to the District Use Chart and Definitions. He continued that in regards to Hilma Adams comments, neighbors do not have the authority to enforce or grant variances to zoning regulations. And in reference to the Rural Residential and Rural Agriculture zones lot sizes, there is no issue in modeling them together.

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:

DATE OF NEXT MEETING: April 15, 2021

PUBLIC ACCESS:

ADJOURNMENT: Meeting adjourned at 8:17 pm.

Respectfully Submitted,

Denise M. Knowles