



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

May 23, 2023

5:30 pm

MINUTES

CALL TO ORDER: David Peppard called the meeting to order at 5:30 pm.

ROLL CALL: Members present were David Peppard, Susan Dunham-Shane, Craig Knight and Scott Newhart. Heather G has an excused absence.

MINUTES: Move to accept the minutes of April 11, 2023 as presented.

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

Move to accept the minutes of April 25, 2023 as complete as submitted

By Susan DS/Scott N 2nd. Vote 4-0

Motion to accept the minutes of May 9, 2023 as written.

By Craig K/Scott N 2nd. Vote 4-0

Motion to proceed to the Public Hearing for the proposed Applewood Estates Development of 20 multi-family units in 5 buildings at 1554 Main Road, Eddington by GC Properties, LLC, prepared by Kiser & Kiser.

By Susan DS/Scott N 2nd.

Vote 4-0

PUBLIC HEARING

Jim Kiser was present for GC Properties for their Public Hearing for the proposed 20 unit multifamily development located on the former MacArthur property. They are proposing 5 4-plex buildings, with water supplied by Bangor Water and will contain two waste disposal sites. Impacting ¼ of impacted area of the 10 acre site. They have the MDOT permit to expand the existing access, letters from IF&W and the Historic Society that there are no issues.

They are investigating adding a Fire Hydrant to the sight which the Fire Chief requested. They are leaving the two existing buildings on the sight. They propose 2-level properties with a garage underneath each unit plus 2 parking spaces for each.

Denise K explained the note she had given to each of the Board Members regarding a resident that called earlier in the day because she had planned to attend tonight's meeting but will not be able to and she wanted me to pass on her concerns.

1. It was her understanding that if land of a subdivision abuts the neighboring town, that town has to be notified and they also have to have a public hearing on the project. Denise K explained to the Board that she researched it and found section 302.15 of the Subdivision Ordinance stated that if any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice meeting and review requirements specified in Title 30-A, Sections 4401-4407. 4403 1-A states that all meetings and hearings must be held jointly with reviewing authorities from each municipality. Because

the proposed land for the development does not cross town lines, this would not apply to this project.

2. She wanted to make sure that safety measures were being required for the subdivision development and asked who would be responsible for inspection and enforcement of the required provisions. The Code Enforcement Officer will work with the Fire Chief and the developer. (This was discussed with the Fire Chief letter.)

David P said they have a well drafted letter from the Fire Chief, Ryan Davis, regarding fire safety. Some items would require Code Enforcement Officer review. Jim Kiser agreed and said some of the items will be addressed at building permit time. He continued that he did not see anything in the letter that they were overly concerned with. They just need to work out the details. David P said the Board will be concerned with water supply, exposure concerns and access. After that it would be the CEO's job. Susan DS mentioned the request for fire alarms monitored by an alarm company. Jim K said he thinks the Chief is mixing up the Commercial and Residential codes regarding this. Susan DS recommends setting up a meeting with the Chief or Deputy Chief, the developer and possibly a Planning Board member about the bundled alarm system. Jim K said some items will be addressed with the building permit and they will contact the Fire Chief with final building plans. Susan DS is concerned because they had said the building design was one they chose from online. Jim K said that the building is not in the Planning Board approval process other than square footage. Inside design and how they are constructed is part of the building permit process. Scott N understands what Susan is saying and that some of it is Rick L's prevue, but in general Susan DS's concern is that the footprint of the buildings are set and it will be very close to the same design when construction starts, is Susan DS's concern. Scott N continued that though the Planning Board is not involved with the nuts and bolts of construction, the design needs to generally stay as presented and conform to the site plan. If in the final review they decide they want a totally different building plan, the Board will need to see it.

Motion to close the Public Hearing at 5:50 pm.

By Craig K/Scott N 2nd. Vote 4-0

UNFINISHED BUSINESS: The Board will continue their review of the BD Solar application.

j. Susan DS questioned the letter from the Department of Agriculture which states the site is Farmland of Statewide Importance. Scott N explained that looking at the map, everything that is on their lot is previously harvested woodland. He continued that it is based on the soil and not necessarily that it was farmed. The area they are talking about is nowhere that the development will be located.

Move that proposed activity will not have an adverse impact on scenic, historic or archaeological resources and wildlife and animal habitat per the attached narrative.

By Susan DS/Scott N 2nd. Vote 4-0

k. Move that we accept item K under Review Criteria.

By Susan DS/Scott N 2nd. Vote 4-0

l. Susan DS said that the application only responds to sound. Book 2 revised the sound levels. She asked if the noise will be only during daylight hours and was told it does most of its major work during the daylight hours, which Susan DS said is not an issue. Nick S said that if they install batteries, that might extend when the transformers and inverters were going. It will extend the period during the day when the solar power is generated. Scott N said that they did not discuss the noise output levels from the BESS. Nick S said it depends on the configuration of the BESS, but his understanding is that the noise from the BESS will be from the inverters and transformers. Nick S said it is hard to project how the battery systems will be operating and hard

to predict what the revenue streams are for a battery system a couple years before it is built. That is the expectation, but the market is constantly changing. Susan DS said they did a glare assessment that is in Appendix M. Susan DS questioned how dense the buffer is to other properties. Nick S said that the feeling that he got was that it was all pretty dense undergrowth. Scott N said that when they did their site visit, it was still another 200 to 300 feet to where the cut starts. Our Ordinance has a 100' setback from abutting properties. The stumps will be left intact outside the fence. Sean T said there are some areas where the buffer is 100' from the fence.

Motion that proposed activity will not have significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odors, dust, glare, or other causes is complete.
By Scott N/Susan DS 2nd. Vote 4-0

m. Susan DS said they cannot answer this because they have a few items on hold.

Additional Standards: Sean T said they have submitted the applications to DEP for their approval. They expect to get them any time. The applicants are in discussion with the state on wetland impacts. If the state gives their approval with the storm water plan the Board will be okay with that. Sean T added that c. from Review Criteria will be addressed by the National Resource Protection Act (NRPA) Permit and the Army Corp of Engineers Permit and d. will be addressed by the Site Location and Development Act (SLODA) Permit.

Review Criteria:

Item c. Move that we approve upon receipt of NRPA and Army Corp permit approval
By Susan DS/Scott N 2nd. Vote 4-0

Item d. Move that review is approved pending approval of SLODA application.
By Susan DS/Scott N 2nd. Vote 4-0

Chapter 8, Environmental Performance Standards

801 and 802. Move that requirements are met pending permit issued by SLODA to applicant.
By Susan DS/Scott N 2nd. Vote 4-0

Book 2, January 2023, Replacement Narrative, Additional Standards:

803. Waterbodies - Not applicable

804. Subsurface Waste Disposal – Not applicable

805. Potable Water Supply – Not applicable

806. Phosphorous Control – Not Applicable

807. Solid Waste Provisions – After construction there will be no solid waste.

808. Historic, Archeological, Wildlife Habitat, Scenic Area and Rare and Natural Area Provisions – Answered in Review Criteria, Site Plan Review, Items j and k.

809. Earth Moving – Sean Theis said they are removing trees and stumps but not excessive grading. Nick Sampson said they usually do a surface slope analysis.

Motion that the narrative for this section is in compliance with this section

By Susan DS/Scott N 2nd. Vote 4-0

Chapter 9, Traffic Standards, 901-910, New access road off Davis Road will adhere to Town standards. Sean T said the access road is 12 feet wide and will be about 30' from the neighbor's property line. Nick S suggested adding language that they will provide a temporary easement for construction traffic. Susan DS said that they would have the same issue at decommissioning. Scott N said that at that time they could move the pole effecting the access width.

Motion that for 901 through 910 the applicant will adhere to standards as listed and emergency access per the road specs on drawing C501.

By Susan DS/Scott N 2nd. Vote 4-0

- 911, Parking Standards – Not applicable
- 912. Pedestrian Circulation – Not Applicable
- Chapter 10. Special Activity Performance Standards – Not Applicable
- Chapter 20. Mineral Extraction – Not Applicable

Susan DS asked the applicant how they plan to proceed after the last public meeting and the concern that they do not know what the third bridge is rated for. Sean T said that the bridge had all of the construction traffic over it to build the other bridges. Susan DS said that because of the bridge work and paving, they will have an idea of the amount to ask for in surety from the applicant. David P suggested that Nick S call Shawna H with his questions of the rating of the bridges and the specs for the cost of recent work done on the Davis Road. Susan DS continued that the previous construction traffic does not match the expected traffic for this project. She is concerned with wear and tear on the road.

NEW BUSINESS:

PUBLIC ACCESS:

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:

DATE OF NEXT MEETING: May 30, 2023 continue the review of the BD Solar application.

June 1, 2023 continue with BD Solar

June 8, 2023 Start final site plan review of Applewood Estates application

(June 6, 2023 Selectmen Meeting, June 13, 2023 Voting, June 20, 2023 Annual Town Meeting)

Tentative Meeting dates of June 22 and 27, 2023 if needed for BD Solar project review.

ADJOURNMENT: Motion to adjourn at 7:30 pm. **By Scott N/Susan DS 2nd. Vote 4-0**

Respectfully Submitted,

Denise M. Knowles