



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

November 23, 2021

6:00 pm

## MINUTES

**CALL TO ORDER:** David Peppard called the meeting to order at 6:02 pm.

**ROLL CALL:** Members present were David Peppard, Craig Knight, Susan Dunham-Shane, Heather Grass and Rick Leavitt, CEO. Jeff Arleben has an excused absence.

Motion to make Heather Grass a voting member for this evening's meeting.

By Susan DS/Craig K 2<sup>nd</sup>. Vote 3-0-1

**MINUTES:** Motion that we take up the minutes from the October 26, 2021 and November 9, 2021 at our next meeting.

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

**NEW BUSINESS:** David Pooler presented the Site Plan Review for an Operational Permit from Darric Hammond of 9 Pine Tree Lane, Eddington for an outdoor storage business. He explained that there was a change in the Zoning Ordinance in town and he is now seeking a permit for his storage business. Everything for the business is existing. He is proposing to put up a solid fence next to the building to block the view from Pine Tree Lane. Mr. Pooler explained the lay out of the lot on the map. Traffic will come in the left side of the garage on the existing driveway, he will shrink-wrap the boats in the garage and store them in the existing storage area. The map also shows a proposed future boat and RV storage area to be used when Darric wants to expand the business. It is approximately 4000' which would not require a DEP permit for filling of that wetland. The flow will continue in the southeast direction and any water would collect in the natural tree area that will not be disturbed. When he does expand, they will maintain the tree area as a buffer. The only area that is visible from Pine Tree Lane is where the leach field is and he is going to install a 6' fence on this higher area that should block it. There are 2 parking spaces for the residence and 2 parking spaces for visitors before they pick up their boat.

Susan DS asked Darric Hammond to tell them about his business and how it grew. He explained that his business started in 2007 where he would pick up a boat, shrink-wrap it and park it and continued until about 1 ½ years ago when he was told commercial storage was not allowed in his zone. At that point he started storing them elsewhere. With the ordinance change that he helped worked on that now allows commercial storage, he would be able to keep an eye on the vehicles on his property.

Susan DS asked why he didn't come to the Board when the business grew. Darric H said he did not realize he would need a permit to park boats. Susan DS feels that this should be treated like any other application and they should have a public hearing. Section 401.2 states that the Planning Board may decide to hold a Public Hearing and abutters will be notified. She continued that tonight they need to decide if the application is complete.

John Pottle, attorney representing Sally Harrison and Terry Grant spoke and said they have concerns with this project and just received knowledge of this meeting yesterday. They question the completeness of the application, whether this is a storage use or is it something else and the

performance standards. He suggests that the Board have a Public Hearing so that all of the neighbors will be aware of the business and that they focus on the completeness of the application before then.

David Peppard read the application out loud as they reviewed it for completeness. Mr. Pooler clarified that the plans will be a two-part project and the proposed filling in of wetlands is not in the first part. He continued that the existing area did not require fill.

#5 - Susan DS explained that they need to change the Construction Schedule to start in May 2022 and complete in June of 2022 within the existing area and proposed drop-off area.

(Sally Harrison spoke and said that dirt was brought in and she has pictures.)

Susan DS questioned #7 in which they requested approval for additional storage. Rick L said yes, they will specify that he is able to expand up to a certain point. She asked that David Pooler specify that it is the east wetland that will be filled in. She also suggested calling it Part A and Part B for future clarification.

8.b. Susan said they will motion to accept the requested waiver at the final review.

Rick Leavitt, CEO has reviewed the application and considered it complete.

Susan DS questioned the size of the leach field and what was run to the garage. There is only water to the garage. Rick L said that septic system design is based on the number of bedrooms only.

Susan DS asked if he has run into any problems getting larger boats or rv's in and out of the property and Darric H said no. Susan asked how many boats or rv's would there be yearly. Darric H answered that he picks up and delivers most of the vehicles and the average in and out would be 4 or 5 times a day. Susan DS was checking because of wear and tear on that part of the road. Darric said he has been maintaining the road to his line for years.

j. Susan DS asked that on the final application they site their sources of information for scenic and historic reference.

m. Susan DS questioned that the application said solid waste will be disposed by municipal waste. Darric H said that he puts the removed shrink-wrap in his dump trailer and then hauls it to the Brewer Transfer Station. Susan DS also questioned the amount of impervious area and Rick L said that gravel is not impervious area because water drains through gravel. Asphalt is considered impervious.

Susan DS reviewed that they have worked it out to be Part A and Part B for the construction schedule. She said the map showed a proposed sign location that will need approval at the same time or they can wait until later for sign approval.

Susan DS questioned the existing lighting and Darric said they currently have downward shielding lights except the light on the house for the driveway. Rick L stated that more lighting may go in later for the storage area.

Susan DS questioned whether there are residences near this property and the Finding of Fact from Rick L stating that the property has vegetation in place to block this yard. Rick L said there is nothing across the street but there are some beyond his property.

Motion that we accept the application and supporting paperwork as presented to us as complete if we are presented with the other materials requested of Mr. Pooler during this procedure and I am sure Ms. Knowles can provide a list for Mr. Pooler to double check.

**By Susan DS/Craig K 2<sup>nd</sup>. Vote 4-0**

Mr. Pottle stated in regards to completeness he questions impervious in regards to gravel and asks that they and the developer take another look at it so as not to cause problems later. Rick explained that gravel roads that are compressed over time are impervious. Any area that is maintained as Mr. Hammond has said this is, the water flows into the lawn or ditch areas. Susan DS does see the different schools of thought but does not believe it makes this an incomplete application. Sally Harrison stated that Mr. Hammond does not own the private road nor does he maintain it. Rick L said that he is talking about the driveway and parking area or storage area.

David Peppard said that they will need to submit the missing information and when the Board receives it, they will advertise a Public Hearing and do the final review. Susan DS explained that they would need to fix the map and current site plan for the final. She suggested that he include it in the

application and the drawing about the two parts of construction. David Peppard told Mr. Pottle that when they get the final application they will get the paperwork to them and the abutters will be notified.

Sally Harrison, 18 Lonnie Lane wanted to go on record that even with the current and old codes, he is still illegally operating a boat repair shop in his residential garage every day. She wants to know what the town is doing about it. She has video, film and witnesses to prove it. She continued that when he built the garage he got a residential garage permit and that he does not operate a mobile boat repair, he operates it out of that garage. He is trying to make it legal now with this application so where is the justice in that. He has been operating illegally for quite some time. And even though he said he does not get paid for it, she has customers that will tell you he did get paid for storage in his yard. Rick L said that he will write him up. She continued that she had tried to get the previous Code Enforcement Office to do something about it. She also said she has a letter where Darric H said he would cease work, at which time he moved everything to his moms down the road in another town and then was contacted by the Holden Code Enforcement Officer to stop. Ninety one days later he was back to doing it. He is destroying the road going up and down. She said that not a week goes by when someone doesn't pull in to her driveway looking for Hammond's Repair. He is not mobile and they come to him to get it fixed. She has said it so it is now on record and the recorder better be working because she is tired of people operating illegally in this town. David Peppard said they will let Rick L handle it. Terry Grant wanted to add that the last CEO refused to look at the fact that he is doing more than storing boats. He was cited to stop the storage business but not the repair work out of his garage. Sally Harrison said he has it on Facebook and does not hide it. Rick L said his investigation will be going to his residence and seeing the operation. Sally Harrison continued that his employees show up between 7:00 and 8:00 each day.

Susan DS thanked Mr. Pooler and Mr. Hammond and everyone who came to the meeting.

Craig K asked Susan DS to update the Board on her work on the Solar Energy Ordinance so far. Susan DS has gone over 405.1 of the Zoning Ordinance, which states the Planning Board will require a Performance Guarantee with the requirements of Section 710. There was nothing about a long term Performance Guarantee. The Wind Ordinance has a Performance Guarantee with a good beginning because once the figures for dismantling & decommissioning come in the applicant has to put in 50% to start and then make a payment every year until 100% of the amount is raised. What is not there is revisiting it every 5 years. And she is not finding where the other ordinances address change of ownership. (They need to do the same thing in the Wind Mill Ordinance also) Rick L said that by law the signed contract covers change of ownership.

David Peppard asked if the town can charge them so much for kilowatt hour produced. Rick L said Dedham has a \$6000.00 operational fee. They have not decided if they will charge the fee yearly. Rick L said that in Clifton for the windmills they are doing a TIFF, in lieu of taxes, in which the money goes back into the infrastructure of the town. Dedham charged \$900 per kilowatt hour produced which was \$4500.00 and \$1600.00 for the filing fees. Rick L continued that for businesses he submits an operational permit to allow him to go back to the property every two years to see if everything is still in compliance and write them a new permit. The Selectmen set all fees.

Susan DS asked if Rick had heard anything from the apartments on the McCarthy property. He has not heard anything and assumes that Mr. Keiser is getting the material together for them.

Craig K informed the Board that the field next to Hope Manor has been sold and he has heard that the purchaser may put in storage buildings. Rick L has not heard anything regarding that, but he has gotten calls about another piece of property that sold that they were thinking about doing a multi-unit residence.

Susan DS noticed that they did not put storage in the Commercial Zone or Rural Agricultural Zone in the use chart.

**UNFINISHED BUSINESS:**

**AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:** Focus on the Solar Ordinance. David Peppard reminded everyone there will be a Special Town Meeting on November 30, 2021 to vote on a Moratorium for Solar Arrays.

**DATE OF NEXT MEETING:** December 14, 2021

**PUBLIC ACCESS:** The Board suggested to the gentleman from Dirigo Solar that he should call the office before each meeting to verify if the Board will be working on the Solar Ordinance at the next meeting.

Residents near Darric H that were in the audience said they attended tonight to hear what was going on with his property. They do not want to hinder his livelihood, but she doesn't want to stare at boats either. They may not receive notice of the Public Hearing because they are not abutters, so they were told it would be in the newspaper, the Town's Website, at local stores and the Town's Facebook page.

**ADJOURNMENT:** Motion to adjourn at 7:22 pm. **By Heather G/Susan DS 2<sup>nd</sup>. Vote 4-0**

Respectfully Submitted,

Denise M. Knowles