Minutes of the Meeting of the TOCI Planning Board, Thursday October 17, 2013 at 7:15 at the Hall

Present: Sam Birkett, Mabel Doughty, Jane Frizzell, Charles Hall, Beth Howe (Chair)
Absent: Chip Corson, Louise Doughty, Ron Tozier
Others: Herb Maine

1. Minutes of the meeting of September 2013.
   Mabel moved, seconded by Jane to adopt the minutes of the meeting of September 19, 2013. Approved unanimously.

   Jane suggested that we review our rule about missed meetings at our next meeting.

2. Draft changes to Zoning Ordinance, Section 412: Excavation and Extraction
   Beth asked if there was any disagreement among members about the way she had interpreted the decisions of the previous meeting in redrafting the part of the ordinance we had reviewed then. There were no disagreements but several people wanted to go over the changes that had been made in section 412.

   Beth reviewed them:
   Purpose: processing of materials extracted has been highlighted as something we should talk more about since processing topsoil would be different from crushing rock.
   Also the order of the various purposes was rearranged.
   Exempt activities: Jane asked about the rationale for exempting farming. Beth said that Chip had raised it at the last meeting as something that the Comprehensive Plan says we want to encourage. It was also exempt in Town of Washington’s extraction ordinance.

   Permit required: Must add that an application should be submitted to either the CEO or the Planning Board.
   Application: Beth went over the decision made at the last meeting to classify projects into those less than 100 cubic yards which would not be regulated; those between 100 and 300 cubic yards which would be reviewed by the CEO and for which an summary of application questions was included; those between 300 and 1,000 cubic yards, which would be reviewed as a minor site review; and excavations larger than 1,000 cubic yards which would be reviewed as major site plans.

   Application requirements: Beth reviewed them to the summary of the application for excavations between 100 and 300 cubic yards. It was agreed that this application should stand alone, and its requirements would not be shown in Table 412.

   This was where the Board had stopped its review at the previous meeting. Beth said that at this point we have to go to the general site plan review materials in Section 206. The process for reviewing excavation applications would be the same as Sections 206.6, 206.8. Beth went through the various site plan submission requirements listed in Table 206.1 to indicate how these would work for excavation applications. They are changed very little.
Two sections, one on the hours of the business and the other of the noise created by the project were added because of issues in excavation. There were no changes in sections related to site walks, public hearings, and procedure for final action on an application.

In Section 412 there are some additional application requirements specific to excavation and extraction. The item on hazard material storage areas was taken out as duplicative of Section 206. Beth had not sent out the draft of Section 412 beyond these application requirements.

Beth then directed the Board to look at Section 206.11: Site Plan Decision Criteria. Here there are no proposed changes until F: Pedestrian access. It may be better to discourage pedestrian access in excavation areas.

The provisions on stormwater management and erosion control are key to excavation applications and seemed to Beth to be adequate. The surface and groundwater protection provisions had been added to account for issues in excavation. Beth said she had included a provision in Town of Washington's ordinance that provides specific criteria for water contamination. She had not had time to find out exactly what the standards mean. Herb said that the primary standards relate to contaminants that are harmful, while the secondary standards relate to contamination that would not cause harm, such as iron in the water.

The proposed section on town aquifer protection areas raises a larger issue than just reviews of excavation projects and the Board will need to have a detailed discussion of this.

Beth said that the major new criteria that had been added relates to noise. She had tried to develop quite specific standards that would not leave a lot of room for disagreement. In the case of percussive sound, she has not been able to get information on what a reasonable standard would be. It might simply be 5 points higher than the allowed decibel level. But she had also included in the draft the provision from Bar Harbor’s ordinance which relies simply on “reasonability” and people’s “normal sensibilities” as an alternative.

The final change in the criteria related to have provisions related to buffering and landscaping.

It was 9:00 and further review seemed not useful, so the meeting adjourned.

Respectfully submitted,

Beth Howe