

SANFORD PLANNING BOARD MINUTES
MEETING December 2, 2009 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Robert Hardison, Chair
Kelly Tarbox, Vice Chair
Joseph Herlihy
David Mongeau
Gregory Vermette
Gary Morse

MEMBERS ABSENT: None (Margaret Kleinrock resigned)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Charles Andreson, P.E., AICP, Town Engineer
Michael Casserly, P.E., Assistant Engineer

STAFF ABSENT: Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

Chair Hardison called the meeting to order at 7:30 P.M.

II. PUBLIC HEARINGS

1. **File #12-09-R: Robert Curry, d/b/a Northern Building Systems, Inc., c/o William R. Davidson, PE, Hoyle, Tanner & Associates, Inc., 100 International Drive, Suite 360, Portsmouth, New Hampshire.**

Chair Hardison called for a representative to present the application.

Bill Davidson, representing the applicant, gave an overview of the application.

Chair Hardison asked if anyone present would like to speak in favor of the project; there was no one.

Chair Hardison asked if anyone present had any questions or would like to speak in opposition to the project. Again, there was no one.

Chair Hardison closed the public hearing and invited anyone present interested in this application to stay for the discussion on the project during the work session.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

1. **File #11-09-R: R. Pepin & Sons, c/o James Lowery, PE, Sebago Technics, PO Box 1139, Westbrook, Maine.**

Chair Hardison said that this project has gone through various work shops and public hearings, and the project is now ready for final approval. He asked if anyone needed further

explanation of the project. He went on to say that a site visit had taken place, and the last items on the agenda dealt with items in the operations manual.

Chair Hardison asked staff member Casserly to go over his report.

Staff member Casserly said that he had one comment he felt needed to be cleared up, and that dealt with the turning radius. He let the Board know there was a later revision plan submitted with the correct information, dated 12/1/09, and this is the plan that he reviewed for final approval. Mr. Casserly has given his approval to the latest plan dated 12/1/09.

Chair Hardison asked if there were any other questions or comments from the Board.

Vice Chair Tarbox asked if use of Twombly Road would be allowed until the trial period was discussed. Staff member Andreson stated there would be no use of Twombly Road until a trial period was completed. It was determined that a trial period would be chosen by the engineering/public works department at a later date. Once the trial was completed, the results would be brought to the Planning Board to make a determination on the use of Twombly Road for access into and out of the extraction site.

Chair Hardison asked if there were any other questions. There were none.

Chair Hardison called for a motion.

Board member Morse made a motion that the Planning Board accept the finding of facts (see attached) and find that application File #11-09-R, Pepin Mineral Extraction, requesting major site plan approval for a mineral extraction, has been prepared in accordance with Article XVI, Section 290-91 Mineral Extraction Standards and Article XVII Site Plan Review of the Zoning Code of the Town of Sanford and subject to the conditions listed below grants a five year operations permit:

- a) The operations manual is made part of this approval with an understanding that activities not described in the manual shall be considered as “not permitted”.
- b) That the applicant will provide four (4) complete sets of the approved plans to the Planning Department for certification (distribution of the certified plans: Planning, Engineering, CEO, and applicant).
- c) A performance bond/letter of credit in an amount approved by the Town Engineer for a five (5) year period is provided to guarantee reclamation of the site (the instrument may be for a one year period, but must be renewed annually).
- d) At a minimum, the applicant will provide an activity report on April 30th and October 30th each year to the town engineer who will conduct an inspection to verify the report. The applicant will be responsible for maintaining an adequate inspection escrow with the engineering department.
- e) The Department of Environmental Protection permit is made part of this approval.
- f) No permit to operate this facility shall be issued until all the conditions of the approval have been satisfied.
- g) All outstanding review charges will be paid.
- h) Any changes to the approved plan and/or operations manual will require review and approval by the Planning Board.
- i) Any failure on part of the applicant or any subsequent owners to comply with the conditions of this approval will result in the immediate cessation of the operation.

Board member Vermette seconded the motion.

Staff member Gulnac wanted to make sure that the operator knew that condition h) in the motion contained the word “any” changes to the plan/operations manual – meaning that if the

applicant wanted to make changes, the only reviewing authority that could approve the changes would be the Planning Board; staff members could not approve them. The applicant stated he understood this condition.

A vote was taken, and the motion passed 6-0.

V. APPROVAL OF MINUTES

There were no minutes available for approval.

VI. PLANNING DIRECTOR'S REPORT

There was no report for tonight's meeting.

VII. ADJOURN

The meeting adjourned at 7:45 PM. A work session immediately followed.

Attachment to December 2, 2009 Minutes

Finding of Facts for Public Hearing Item #1 File #12-09-R: Northern Building Systems

No action was taken on this application tonight – public hearing only.

Finding of Facts for Old Business Item #1 File #11-09-R: Pepin Mineral Extraction

- The applicant has provided a copy of a lease that he has with the property owners. Some of the conditions in the lease pertain to a mineral extraction operation on the three lots identified as tax map R11 lots 4, 5 & 7.
- Any approval by the Planning Board shall not change or amend any of the arrangements between the property owner and the applicant.
- The application was reviewed by the Planner and classified as a conditional use [Section 280-91-Mineral Extraction & Article XIV] and major site plan. The application requires review by the Planning Board subject to the comments from the Site Plan Review Committee.
- The applicant appeared before the Site Plan Review Committee on September 9, 2009. The applicant submitted revised plans in a timely manner to be considered at the October 7, 2009 PB work session.
- The Planning Board has determined as Planning Board policy that they will hold the public hearing for the application at the work session. A public hearing was held at which Mr. Roland Allen and Steve Perham spoke in favor of the proposal. Mrs. Wendy Stiles indicated that she was not opposed but raised concerns about truck traffic along Twombly Road.
- The applicant has provided a copy of the lease agreement with the property owners which would allow the applicant to excavate, remove and market gravel from a deposit located on the subject property. It is noted that the lease agreement contains conditions which may impact the applicant's ability to operate the extraction business. The Planner recommends that any approval granted will include the conditions of the lease agreement.
- The application includes the following waiver requests:
 - a. A waiver of the requirement that the plan is prepared at a scale no greater than 1"=50' and that 2' contours be used. [*The applicant indicated that a scale of 1"=100' will provide sufficient detail and that 5' contours with spot elevations is satisfactory*] **The Board would support this request.**

- b. A waiver from providing formal stormwater runoff calculations. *[The applicant contends that since the site is internally drained there is no need for runoff calculations]* **The Board would support this request.**
- c. A waiver of the requirement to submit letters from either the Water or the Sewer District. *[The applicant indicates that there are no public services for either water or sewer and therefore a letter is not needed]* **The Board would support this request.**
- A work session was held on Wednesday November 11, 2009 and the following was agreed:
 - a. Truck routes – the approval would be to permit access from Old Mill Road only (Left turn out onto Old Mill Road and right turn in from Old Mill Road). The operations manual contains a provision that after a trial, details included in the manual and subject to staff recommendations and Planning Board approval, use of Twombly Road might be permitted between the hours of 9:00 AM and 2:00 PM.
 - b. All operations will be conducted within the limits of the Town's noise ordinance and they will be permitted to start operations at 6AM as long as they are within those limits.
 - c. Prior to pit operation and as soon as the cleaning and grading for the entrance to the site is complete the sight distance will be certified by a PE.
 - d. Tree removal along the entrance road will be permitted.
 - e. The archeological investigation discovered nothing, e-mail was received and report was being forwarded to the State.
 - f. A State DEP placard has been issued; however copies of the state permits will still be required.
 - g. Reclamation will be required if there is no substantial excavation in any two (2) year period.
- The required information was submitted in a timely manner so that the application could be scheduled for the December 2, 2009 meeting for a vote by the Board.