

SANFORD PLANNING BOARD MINUTES
MEETING June 1, 2011 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Kelly Tarbox, Chair
Robert Hardison, Vice Chair
David Mongeau, Secretary
Lela Harrison
Matthew Perkins

MEMBERS ABSENT: Joseph Herlihy (w/notice)
Stephen Catalano, Jr. (w/out notice)

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

STAFF ABSENT: Charles Andreson, P.E., AICP, Town Engineer (w/notice)
Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

1. File #08-11-RU: Eric Howes, d/b/a East Lebanon Glass, 369 Oak Street, Sanford, Maine.

Chair Tarbox called for a representative to present the project.

Eric Howes, owner of East Lebanon Glass, said he is trying to downsize and would like to move the operation to family-owned property. Mr. Howes said half of his work is done offsite and his onsite work would be done indoors.

Chair Tarbox asked if anyone present wished to speak against this application; there was no one.

Chair Tarbox asked if anyone present wished to speak in favor of this application; again there was no one.

Chair Tarbox closed the public hearing.

Chair Tarbox asked the Board if they were ready to vote on this item before closing the voting meeting.

The Board said they were comfortable with the request and had no questions.

Chair Tarbox called for a motion.

Vice Chair Hardison made a motion that the Planning Board find that the applicant has demonstrated compliance with the conditions listed in Section 280-66A and move to accept the request to amend the conditional approval granted on July 7, 1981 to permit Eric Howes to operate, as a Tradesman (d/b/a East Lebanon Glass), his business as requested in File #08-11-RU with the following conditions:

- a) There are no physical changes to the site and the requirements to provide a detailed engineered site plan is waived.
- b) There is no outside storage of equipment or vehicles.
- c) Any and all activity must take place within the structure.
- d) This approval updates the original approval and replaces any previously approved conditions.
- e) There shall be no signs on the premises for advertising.
- f) That Mr. Howes obtain any and all code permits for the operation of his business.

Board member Perkins seconded the motion.

A vote was taken, and the motion passed 5-0.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

1. **File #03-11-R: Gorham Sand & Gravel, Inc., c/o John Hutchins**, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.

Chair Tarbox read the description of the project and then stated that the town had received a copy of the approved Maine DEP permit.

Chair Tarbox asked staff member Casserly if he had any questions or comments; he did not. Chair Tarbox then asked if everyone on the Board was comfortable with the review, and they were.

Chair Tarbox called for a motion.

Board member Mongeau made a motion that the Planning Board accept the finding of facts (see attached) and find that application File #03-11-R, Gorham Sand & Gravel, requesting approval for a major site plan for 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 grant 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 may be considered as 'not permitted'.
- b) 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 (the instrument may be for a one year period, but must be renewable).
- 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) Any changes to the approved plan will require review and approval by the Planning Board.
- h) 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.

Vice Chair Hardison seconded the motion.

A vote was taken, and the motion passed 5-0.

V. APPROVAL OF MINUTES – April 20, 2011 and May 4, 2011

April 20, 2011

Board member Mongeau had a correction: he felt that the discussion about adding a stop sign on the northwest corner of the parking lot at the entry is important to have on public record.

Chair Tarbox asked if the Board was comfortable approving the minutes with the change; the Board members were.

Chair Tarbox called for a motion.

Vice Chair Hardison made a motion to approve the minutes of April 20, 2011 with amendments.

Board member Perkins seconded the motion.

A vote was taken and the motion passed 5-0.

May 4, 2011

Chair Tarbox asked Board secretary Mongeau if he was ok with this set of minutes; he was.

Chair Tarbox called for a motion.

Vice Chair Hardison made a motion to approve the minutes of May 4, 2011 as written.

Board member Mongeau seconded the motion.

A vote was taken, and the motion passed 4-0 (Board member Perkins was absent from this meeting).

VI. PLANNING DIRECTOR'S REPORT

Staff member Gulnac asked Chair Tarbox to remind Board members of the upcoming SMRPC annual meeting.

Vice Chair Hardison reminded Board members of the upcoming workshop meeting on Tuesday, June 7 with the Town Council @ 6:00 PM.

Staff member Gulnac said there was nothing on the agenda for the 15th, so this meeting was cancelled.

There was a brief discussion on the Brady Sullivan project regarding financing.

VII. ADJOURN

The meeting adjourned at 7:42 PM.

Attachment to June 1, 2011 Minutes

Finding of Facts for Public Hearing Item #1
File #08-11-RU: East Lebanon Glass

There was no finding of facts for this item.

Finding of Facts for Old Business Item #1
File #03-11-R: Gorham Sand & Gravel

- Gorham Sand & Gravel Inc. has entered into a purchase and sale agreement with North Country Land, Inc., the owners of a mineral extraction facility identified as Hay Brook Mineral and located on tax map R13, lot 11.
- The mineral extraction operation was most recently operated by HDC New England, Inc. under a previously granted permit from the Planning Board. Rather than amend the current operations manual and assume the permit issued to HDC New England, Gorham Sand & Gravel is requesting a new five year permit in their name.
- The applicant has proposed a number of changes to the previous operations all within the recently redefined definition of mineral extraction in our land use codes.
- It is noted that while the application is for a new five (5) year operating permit much of the information concerning the required application information and details of the site plan will be identical to the previously submitted application. Considering this fact, much of the review is identical to a review for amendments to an existing and approved mineral extraction operation.
- Waiver Request Review: Considering the statement above, the request for waivers described in the application seemed reasonable and the Planner recommends that they be granted.
- The applicant Gorham Sand & Gravel has standing to submit the application.
- The applicant has submitted the required information to the State of Maine DEP.
- Proper notification of the required SPRC and Planning Board meetings were made and meetings were held.
- The Planning Board usually requires that the DEP permit be issued prior to a final approval being granted. The applicant has requested that a conditional approval be granted should the actual permit not be issued prior to the meeting so that they may close on the transfer of ownership.
- The Town Engineer has considered the request and recommends approval subject to any conditions that the Board may wish to include. His report is attached and made part of the Finding of Facts.

Town of Sanford, Maine
Engineering Department
156 School Street, Sanford, Maine

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Memo TO: James Q. Gulnac, Planning Director

From: Michael J. Casserly
Assistant Town Engineer



Date: May 25, 2011

RE: Libby Pit Mineral Extraction Permit Amendment
Major Site Plan Review for Possible Final Approval

1. The Applicant has updated the site plan and Operations Manual as requested by Engineering.
2. Per the Applicant's previous discussions with the Planning Board, the bonding for a maximum of 30 acres of open area without reclamation has been provided with two bonds. One bond is the \$78,000 currently on file with the Town. The second bond is for \$86,200 provided to the DEP Bureau of Mining. The combined bond amount is \$164,200, which we have judged is sufficient (\$5,473 / acre for the 30 acres). The Board should confirm they are OK with this amount.
3. At this writing Maine DEP Bureau of Mining has not issued the approval of the variance to have as much as 30 acres. The Applicants are asking for a Conditional Approval, and are prepared to operate within 10 acres and adhere to the present restrictions until the DEP variance is approved and copied to the Town. **For this the Applicant is asking that a Conditional Approval be issued, to be retroactive to the receipt of the approved variance, and its submission to the Town. Staff would have no objection but the Planning Board will need to weigh this request.**
4. A second DEP document will need to be obtained and submitted, which is a DEP Solid Waste Permit for allowing stumps and tree parts to be imported onto the site. It turns out that Maine DEP will not issue this permit unless the facility has an Approval in place from the Town for the operation. I would recommend that this be a condition of approval to allow the importation of stumps to occur only when this permit is issued and copied to the Town.

In general, with the Planning Board's understanding of the Solid Waste Permit issue (Item 4), it appears the only issue for the Board to resolve is whether a Conditional Approval can be granted re the DEP Variance. If the Board were to agree that this was doable in this case, Final Approval would be in order.