

**SANFORD PLANNING BOARD MINUTES  
SPECIAL MEETING – March 30, 2016 – 7:00 P.M.  
City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Lenny Horr, Chair  
John McAdam, Vice Chair  
Kelly Tarbox, Secretary  
Edward Cormier  
Dianne Connolly  
Dana Peterson

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Elizabeth Della Valle, AICP, Director of Planning & Development  
Michael Casserly, Asst. City Engineer

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chair Horr called the meeting to order at 7:00 PM. He then outlined the code of conduct for the meeting.

**II. OLD BUSINESS**

**1. File #19-14-RU: Matt Pepin, R. Pepin & Sons, P.O. Box 729, Sanford.**

Chair Horr called for a representative to present the application.

Leah Rachin, attorney at Bergen Parkinson in Kennebunk, representing the applicant introduced the other members attending the meeting, briefly described the project, and explained to the Board that she will cover the topics that were of the most concern at the last meeting.

Ms. Rachin talked about the following:

- Entrance to the road
- Size of the trucks on the road
- Past precedent
- Safety
- Noise
- Natural features

Dave Pepin, owner of R. Pepin & Sons, said that they are willing to work with the residents of Bernier Road.

Matt Pepin, representing R. Pepin & Sons introduced himself then continued to address comments and concerns from previous meetings:

- Whether or not Bernier Road could accommodate this proposal
- Current width of Bernier Road
- Traffic/safety concerns
- Company policies
- Depreciate economic values of surrounding properties
- Buffer between properties

- Noise
- Environmental concerns

Chair Horr opened the floor to public comments.

Those speaking in favor for the project were Andy Orazio, who spoke about the caution Pepin's drivers use when driving down Shaw Road to go to the main Pepin location; and Luke Pepin.

Bruce Read, attorney at Shepard & Read in Kennebunk, representing Rita and Gerard Bernier, David and Denise Houle, and Apache Campground, Inc. urged the Planning Board to consider the impact, noise, and the conditions the Planning Board saw during their site walk when making their decision.

David Houle, one of the owners of Apache Campground spoke of the difference in his relationships with both the former owner and the current owner of the gravel pits operating near the campground.

Those speaking against the project were Richard Whicker, President of the Tall Pine Association; Charles Kasinowicz, an abutter; Rick Bernier, resident of Bernier Road; Charles D'Agnese, resident of Tall Pines Road; Shannon Hebler, resident of Bernier Road; Rick Southwick, a resident of Varney Drive; Rita Bernier, resident of Bernier Road and an owner of Apache Campground; Mike Hebler, resident of Bernier Road; Cathy Conley, resident of Alfred; Al Berard, resident of New Dam Road; Stephanie Jacques, resident of Bernier Road; an unnamed audience member; Nicki Dansereau, resident of Bernier Road; Tim Panunzio, a resident of Sanford as well as owning property in Alfred; and another resident from Alfred.

Rita Bernier, one of the owners of Apache Campground asked if the start times on holidays/weekends could be adjusted to accommodate their campers.

Chair Horr asked if there was anyone else that was present who wished to speak for, against or make general comments on this application; there was no one.

Planner Della Valle read a communication from Scott Pelchat, a resident of Alfred, into the record.

No further public comment was accepted.

Chair Horr asked if the applicant would like to respond to the comments made tonight.

Both David Pepin and Matt Pepin responded to the comments. Ms. Rachin followed up on the Pepins' response.

Planner Della Valle read the following questions from the public so the Planning Board could discuss each item:

- Clarification on the number of vehicles, number of trips per day, number of days per week
- What are the consequences if the trucks were caught speeding or the applicant was found not complying with the approved operations
- Clarification about the impact to the road and whether or not we got an estimate for the cost
- Does anyone on the Board live on Bernier Road or New Dam Road
- Whether the operation would continue to operate in the winter months
- Where will the trucks go once they leave Bernier Road

Chair Horr asked if there were any comments from Board members.

Board member Cormier asked the applicant if there would be any subcontracted trucks going to the pit. Mr. Pepin said the majority of the trucks would be from his company and explained the procedure subcontractors need to follow if they use the pit.

Board member Connolly asked the applicant if there were issues with the company's commercial trucks, would it be a state police issue or could the Sanford Police Department (SPD) address the issue. Mr. Pepin replied he wasn't aware of anything preventing the SPD from pulling his company's trucks over for speeding or any other violation.

Board member Connolly then asked if there is an alternate route, aside from Grammar Road, their trucks could take when traveling to their 59 Shaw Street location. Mr. Pepin responded that there are other routes that could be taken if the Planning Board wanted to discuss.

Board member Tarbox asked the applicant if it was possible that the GPS systems in the trucks could be alerted if another one of their trucks were already traveling on Bernier Road so two large trucks would not be passing one another (this is also addressing a concern from a member of the public). Mr. Pepin stated he would have to look into the GPS system to find out if this is possible.

Board member Peterson asked Mr. Pepin to clear up the confusion in the material submitted that addressed the buffer size from all property lines aside from Mr. Rivard's, which will be addressed separately. Mr. Pepin replied that the size difference was an error and the buffers should be 100'.

Vice Chair McAdam asked if their traffic study for Bernier Road trips differentiated passing vehicles and trucks. Mr. Pepin said the traffic study included information for pedestrian traffic, vehicle traffic, etc.

Vice Chair McAdam then read a section of Matt Hill's (Director, Sanford Public Works/City of Sanford Engineer) letter referencing the cost to repair Bernier Road and asked if this meant that Bernier Road is not constructed to handle truck traffic. Discussion took place among the applicant, staff, and Planning Board members.

Discussion then took place on who was going to log the trees currently on the property.

Board member Connolly asked how long it would take to remove 300,000 cubic yards of material from the property. Mr. Pepin said depending on the number of trucks being used, it could take 3-8 years; discussion followed.

Board member Cormier said he felt that this project was geared more towards operating a gravel pit than removing some gravel to create a couple of house lots. Mr. Rivard, owner of the property replied that he has been working on this project for years now and overviewed the steps he has taken to get to this point.

Chair Horr confirmed with the applicant that they were willing to not run operations on Saturdays.

Other topics discussed were:

- reclamation of the pit
- if there were any violations/complaints at their other pits
- how close to Apache Campground they actually would be

- why school busses were not allowed to go down Bernier Road to pick up children
- installing sidewalks on Bernier Road
- history of algae blooms in Estes Lake

There were no other comments/questions from the Board.

Planner Della Valle explained the different options the Board has on taking action on this application since the meeting time limit is nearing.

The Board was in consensus to hold another meeting to deliberate and vote on this application. Discussion followed on the format of the next meeting and process for reviewing and approving the standards for this project.

Chair Horr called for a motion to table the application.

Board member Tarbox made a motion to table the application until the regular Planning Board meeting of April 20, 2016.

Board member Cormier seconded the motion.

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

Planner Della Valle made a request that the Board make an additional motion to make this the first item on the agenda.

Board member Cormier made a motion that the Bernier Pit project be the first item on the agenda.

Board member Peterson seconded the motion.

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

The Board took a five (5) minute break before continuing on to the next item.

### **III. PLANNING DIRECTOR'S REPORT**

The Planning Board reconvened after a short break.

#### **1. Request for Delegated Review: Sweetser, c/o John Mistos.**

Planner Della Valle is requesting delegated review, with comments from both Mike Casserly, the Assist. City Engineer and Shirley Sheesley, Codes Enforcement Officer to replace the atrium that has been demolished with 13-14 parking spaces at the Sweetser building located at 863 Main Street.

Board member Peterson had concerns about the applicant increasing their impervious coverage.

Vice Chair McAdam made a motion to send the request through staff review.

Chair Horr seconded the motion.

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

It is noted that the motion is conditioned that the impervious coverage does not exceed what is currently there.

**IV. ADJOURN**

The meeting adjourned at 10:12 P.M.