

**SANFORD PLANNING BOARD MINUTES  
MEETING – April 20, 2016 – 7:00 P.M.  
City Hall Annex Third Floor Chambers**

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

**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.

**II. PUBLIC HEARING**

There were no public hearing items.

**III. NEW BUSINESS**

There were no new business items.

**IV. OLD BUSINESS**

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

Chair Horr explained the process of the meeting tonight.

Beth Della Valle, Director of Planning & Development read two communications into the record; one from Thomas P. Shaw, Gorham Sand & Gravel to David Pepin, and the other is an email from Leah Rachin, the applicant's attorney regarding concessions being offered by Mr. Pepin. She then read an addendum to the project summary report she prepared.

Chair Horr asked both Matt Pepin, applicant and David Houle, abutter if they agreed to the terms of the compromise as read by staff member Della Valle. Both parties said they were in agreement.

The Board then went over the Findings of Facts:

**Ordinance Section 272-4-5A. Standards for conditional use approval**

- (1) The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations.

Board member Tarbox made a motion that the standard has been met with conditions because the proposed use will not place a burden because the applicant

will provide performance guarantees to repair damage to Bernier Road and for reclamation after excavation is complete.

Chair Horr seconded the motion.

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

- (2) The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles.

Board member Tarbox made a motion that the standard has been met with conditions because the proposed use will not create hazards to vehicular or pedestrian traffic on Bernier Road because of restricting operations during periods of high vehicular and pedestrian traffic on the road, weekends, and holidays and by restricting the type, size, speed, and frequency of truck trips; furthermore, the School Department/Ledgemere Transportation has agreed to provide door-side bus pick-up/drop-off and Apache Campground has agreed to allow the bus turn-around on its property as described in item 6 in the Planning Director's addendum (see attached) to her summary report dated April 20, 2016. In addition, the location of the access road provides safe access and site distance with the removal of trees done by mechanical means only. The applicant will also use GPS as described in item 7 in the Planning Director's addendum to the summary report dated April 20, 2016.

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed 5-1 with Board member Connolly voting against.

This item was revisited later and it was determined the wording needed to be revised.

Board member Tarbox made a motion to revisit the original motion.

Board member Cormier seconded the motion.

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

Staff member Della Valle read a proposed revision: will not create hazards to vehicular or pedestrian traffic on Bernier Road because of restricting operations during periods of high vehicular and pedestrian traffic on the road and limiting the type of vehicles as described in items 1-4 and 1a in the Planning Director's addendum to the summary report dated April 20, 2016.

Board member Tarbox made a motion to amend the previous motion as read by the Planning Director.

Board member Cormier seconded the motion.

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

- (3) The proposed use will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result.

Board member Tarbox made a motion that the standard has been met because the proposed site design and operations will not cause water pollution, sedimentation, or erosion so that a dangerous, aesthetically unpleasant, or unhealthy condition will result. The site will be internally drained. The applicant will adjust grading of the driveway to maintain the current drainage flow and minimize the flow of road salt into Hay Brook. A silt fence will be put in place to capture eroded materials and immediately after excavation for the access drive and placement of a culvert, slopes adjacent to the drive will be stabilized with vegetation.

Chair Horr seconded the motion.

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

- (4) The proposed use will not create unhealthy conditions because of smoke, dust, or other airborne contaminants.

Board member Tarbox made a motion that the standard has been met with conditions because the proposed use will not create unhealthy conditions because of smoke, dust, or other airborne contaminants because of plans to water the road as needed. Vegetative waste/slash will be chipped or disposed of onsite.

Board member Cormier seconded the motion.

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

- (5) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties.

Board member Tarbox made a motion that the standard has been met with conditions because the proposed use will not create nuisances to neighboring properties because hours of operation will be restricted during the summer months, mornings, weekends, and holidays as described in items 1-4 in the Planning Director's addendum to the summary report. Bernier Road will be watered as needed to manage dust, and there will be no crushing or processing onsite.

Board member Connolly questioned the restriction placed on weekends; it was her understanding there would be no operations taking place on the weekends.

It was clarified there was no operations taking place on weekends so Board member Tarbox amended the proposed motion to add item 1a. no operations on weekends.

Chair Horr seconded the amended motion.

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

- (6) The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties.

Board member Tarbox made a motion that the standard has been met because the location for the use has no peculiar physical characteristics which will create or aggravate adverse environmental impacts on surrounding properties.

Vice Chair McAdam seconded the motion.

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

- (7) The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties.

Board member Tarbox made a motion that the standard has been met because the proposed use has no characteristics that are atypical of gravel pits.

Board member Connolly seconded the motion.

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

- (8) If located in the Shoreland Overlay Zone, the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; will conserve Shoreland vegetation; will conserve visual points of access to waters as viewed from public facilities; will conserve actual points of access to waters; will conserve natural beauty; and will avoid problems associated with floodplain development and use.

(This item was discussed during the Shoreland Zoning Findings.)

Board member Tarbox made a motion that the standard was met because of findings related to §270-15.D items (a) through (i) below.

Board member Cormier seconded the motion.

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

**Ordinance Section 272-2-25.D. Mineral Extraction Standards.**

- (1) Excavations below the high-water table shall not be permitted unless a suitable plan for such is approved.

Board member Tarbox made a motion that the standard has been met because excavation will not extend below the high-water table. Should monitoring indicate the water table is higher than expected, excavation limits will be adjusted accordingly.

Board member Peterson seconded the motion.

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

- (2) Diversions, silting basins, terraces and other methods to trap sediment shall be used.

Board member Tarbox made a motion that the standard has been met because site modifications shall trap and retain sediment onsite. The applicant will provide additional detail about the location of erosion control devices on revised plans.

Board member Peterson seconded the motion.

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

- (3) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.

Board member Cormier made a motion this standard is not applicable.

Board member Tarbox seconded the motion.

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

- (4) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

Board member Tarbox made a motion that the standard has been met with conditions because the type, amount, and extent of fill is appropriate for a gravel pit operation. Applicant will test and demonstrate to the City that any fill brought from offsite is not contaminated. The applicant will provide additional detail about the location of erosion control devices on revised plans. The applicant proposes to store removed topsoil onsite. If the City Engineer determines the amount of stored material is inadequate, the performance guarantee will be revised to provide for adequate soil materials in the reclamation plan.

Chair Horr seconded the motion.

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

- (5) Fill shall not restrict a floodway, channel or natural drainageway.

Board member Peterson made a motion that the standard has been met because the fill will not be placed in a floodway, channel, or drainageway.

Board member Tarbox seconded the motion.

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

- (6) The sides of cuts, fill, channels, or artificial watercourses shall be constructed and stabilized to prevent slumping and erosion.

Board member Tarbox made a motion that the standard has been met because the sides of cuts, fill, channels, or artificial watercourses will be constructed and stabilized to prevent slumping and erosion. The applicant will provide additional detail about the location of erosion control devices on revised plans.

Board member Cormier seconded the motion.

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

- (7) No below-grade excavation, except for drainageways, shall be allowed within 100 feet of any public road.

Board member Tarbox made a motion that the standard has been met because no below-grade excavation will be allowed within 100 feet of the public road, except to allow for construction of the access road in its proposed location. The applicant will provide additional detail about the location of erosion control devices on revised plans.

Board member Connolly seconded the motion.

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

- (8) No below-grade excavation, except for drainageways, shall be allowed within 50 feet of any lot line, except that excavations within five feet of a property line may be permitted on condition that a written report from a licensed soil scientist is provided to the Planning Board stating the suitability of the soils to hold a slope of two to one.

Board member Tarbox made a motion that the standard has been met because no below-grade excavation will be allowed within 50 feet of any lot line, except as authorized in §§ (10) below.

Chair Horr seconded the motion.

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

- (9) The sides of cuts, fill or channels along public roads or lot lines shall not exceed a slope of two feet horizontal for every one foot vertical.

Board member Tarbox made a motion that the standard has been met with conditions because of a waiver from the Planning Board of the 2:1 slopes, sides of cuts, fill or channels along the road or lot lines will not exceed a slope of 2.5:1. The applicant will provide additional detail about the location of erosion control devices on revised plans.

Vice Chair McAdam seconded the motion.

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

- (10) Adjacent lot lines of one or more owners shall be exempt from Subsection D(8) and (9) above if they agree in writing.

Board member Peterson made a motion that the standard has been met because the adjacent landowner, who also owns the site of the proposed gravel pit, had provided written approval for encroachment into the 50' buffer.

Board member Tarbox seconded the motion.

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

- (11) Permanent ground cover shall be required within 100 feet of all property lines, including all boundary slopes. Said ground cover shall comply with soil and conservation standards and recommendations.

Board member Tarbox made a motion that the standard has been met because permanent ground cover will be provided within 100 feet of the north and east boundary lines and 50 feet of the south and west boundary lines as part of the proposed reclamation plan. The site plan will be revised to reflect this.

Board member Connolly seconded the motion.

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

- (12) Upon expiration of any permit or termination of operations, the applicant agrees to implement a suitable plan for reclamation of said site as approved at the time of approval.

Board member Tarbox made a motion that the standard is met because the applicant will implement an acceptable reclamation plan to create a natural grassland upon expiration of its permit or termination of operation and will provide a performance guarantee for that work which reflects additional tree planting.

Board member Connolly seconded the motion.

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

**Ordinance Section 272-2-6. Traffic conditions**

- A. At a minimum, provision shall be made for vehicular access to the site and circulation within the site.

Board member Tarbox made a motion that the standard has been met with conditions because the site provides for vehicular access from Bernier Road that safeguards against hazards to traffic and pedestrians by restricting operations during periods of high vehicular and pedestrian traffic on the road, weekends, and holidays and by restricting the type, size, and frequency of truck trips. It will not create hazards to vehicular or pedestrian traffic on Bernier Road because of restricting operations during periods of high vehicular and pedestrian traffic on the road and limits on vehicles as described in conditions 1-4 and 1a. regarding days and hours of operation and by restricting the type, size, speed, and frequency of truck trips. Furthermore, the School Department/Ledgemere Transportation have agreed to provide door-side bus pick-up/drop-off and Apache Campground has agreed to allow school bus turn-around on its property as described in condition 6. In addition, the location of the access road provides safe access and site distance, with the removal of trees, done by mechanical means only. The applicant will also use GPS as described in condition 7.

Chair Horr seconded the motion.

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

- B. More specifically, access and circulation shall also conform to the following standards.
- C. Streets shall be named in accordance with Chapter 226, Article II, Road Names and Building Numbers, of the Town (City) Code.
- D. Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way.

Board member Peterson made a motion that standards B, C, and D were not applicable to this project.

Board member Tarbox seconded the motion.

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

**Ordinance Section 270-15.D. Shoreland Zoning**

- (a) Will maintain safe and healthful conditions.

Board member Tarbox made a motion that the standard has been met because the project will maintain and preserve environmentally sensitive areas, groundwater, vegetation, and natural habitats to the maximum extent while recognizing the impacts of a gravel pit operation.

Chair Horr seconded the motion.

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

- (b) Will not result in water pollution, erosion, or sedimentation to surface water.

Board member Tarbox made a motion that the standard has been met with conditions because the proposed site design and operations will not result in water pollution, erosion or sedimentation of surface waters. The applicant will provide additional details about the location of erosion control devices on revised plans.

Board member Cormier seconded the motion.

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

- (c) Will adequately provide for the disposal of all wastewater.

Board member Peterson made a motion that this standard was not applicable.

Board member Cormier seconded the motion.

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

- (d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

Board member Tarbox made a motion that the standard has been met because the project will not have an adverse impact on habitat while recognizing the impacts of a gravel pit operation. The applicant has received an excavation permit from DEP.

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

- (e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

Board member Cormier made a motion that this standard was not applicable.

Board member Connolly seconded the motion.

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

- (f) Will protect archaeological and historic resources as designated in the Comprehensive Plan.

- (g) Will not adversely affect existing commercial fishing activities.

- (h) Will avoid problems associated with floodplain development and use.

Board member Tarbox made a motion that standards 'f', 'g', and 'h' were not applicable to this project.

Board member Peterson felt that standards 'f' and 'g' were not applicable but thought standard h was and has been met.

Board member Tarbox amended her motion that standards 'f' and 'g' were not applicable to this project.

Board member Cormier seconded the amended motion.

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

Board member Peterson made a motion that standard 'h' has been met because the project will avoid problems associated with floodplain development and use.

Board member Tarbox seconded the motion.

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

- (i) Is in conformance with the provisions of §270-13, Land Use Standards.

Board member Tarbox made a motion that the standard has been met because the proposed site design and operations conform with §270-13.

Board member Connolly seconded the motion.

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

**Ordinance Section 272-1-8. Approval criteria and standards**

**A. Utilization of the site.**

Board member Tarbox made a motion that the standard has been met because the project reflects the natural capacity of the site. Environmentally sensitive areas and drainage will be maintained and preserved to the maximum extent while recognizing that some impacts are unavoidable from a gravel pit operation.

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

**B. Access to the site.**

Chair Horr made a motion that the condition has been met with conditions because Bernier Road has adequate capacity to accommodate traffic generated and the applicant will provide a performance guarantee to cover the cost of maintaining the condition of the road. It will not create hazards to vehicular or pedestrian traffic on Bernier Road because of restricting operations during periods of high vehicular and pedestrian traffic on the road and limits on vehicles as described in condition 1-4 and 1a. regarding days and hours of operation and by restricting the type, size, speed, and frequency of truck trips. Furthermore, the School Department/Ledgemere Transportation have agreed to provide door-side bus pick-up/drop-off and Apache Campground has agreed to allow school bus turn-around on its property as described in condition 6. In addition, the location of the access road provides safe access and site distance, with the removal of trees, done by

mechanical means only. The applicant will also use GPS as described in condition 7.

Board member Tarbox seconded the motion.

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

C. Access into the site.

Board member Tarbox made a motion the standard has been met because access into the site will be safe and convenient, provides minimum required sight distance, is located to avoid conflicts with turning movements and traffic flow, and meets maximum grade. It will not create hazards to vehicular or pedestrian traffic on Bernier Road because of restricting operations during periods of high vehicular and pedestrian traffic on the road and limits on vehicles as described in conditions 1-4 and 1a. regarding days and hours of operation and by restricting the type, size, speed, and frequency of truck trips. Furthermore, the School Department/Ledgemere Transportation have agreed to provide door-side bus pickup/drop-off and Apache Campground has agreed to allow school bus turn-around on its property as described in condition 6. In addition, the location of the access road provides safe access and site distance, with the removal of trees, done by mechanical means only. The applicant will also use GPS as described in condition 7. Adequate provisions will be made to preserve designated buffers where removal of existing vegetation will be minimized and grading and filling will be avoided as far as possible. Other areas of the site will be disturbed by mineral extraction, earth moving, and removal of vegetation inherent in a gravel pit operation. The number of trees removed to create site distance will be replanted elsewhere on the site.

Chair Horr seconded the motion.

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

D. Internal vehicular circulation.

Board member Tarbox made a motion that the standard has been met because the project will provide for safe movement of emergency vehicles onsite, will provide for safe and convenient circulation of vehicles, will prohibit vehicles from backing out onto Bernier Road, and will provide an internal access road that minimizes the need for trucks to backup with their attendant alarms. No passenger or service vehicles are anticipated onsite. Roadways are designed to harmonize with the topographic and natural features of the site while recognizing that some impacts are unavoidable from a gravel pit operation.

Board member Connolly seconded the motion.

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

E. Pedestrian circulation.

Board member Tarbox made a motion that this standard is not applicable.

Board member Peterson seconded the motion.

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

F. Stormwater management.

Board member Tarbox made a motion that the standard has been met because adequate provisions will be made for disposal of stormwater and use the natural features of the site to dispose of stormwater without damage to streets, adjacent properties, or downstream properties. The applicant will provide additional details about the location of erosion control devices on revised plans.

Chair Horr seconded the motion.

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

G. Erosion Control.

Board member Tarbox made a motion that the standard has been met because adequate provisions will be made for erosion control and natural vegetation will be preserved within designated buffers except to accommodate the access drive and create adequate site distance while recognizing that the project is a gravel pit and therefore will extract and move earth onsite. Erosion and sedimentation of watercourses and water bodies will be minimized by proposed site design and operations. The applicant will provide additional details about the location of erosion control devices on revised plans.

Chair Horr seconded the motion.

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

H. Water supply.

I. Sewage disposal.

J. Utilities.

Board member Peterson made a motion that standards 'H', 'I', and 'J' are not applicable.

Board member Tarbox seconded the motion.

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

K. Natural features.

Board member Tarbox made a motion that the standard has been met because adequate provisions will be made to preserve designated buffers where removal of existing vegetation will be minimized and grading and filling will be avoided as far as possible. Other areas of the site will be disturbed by mineral extraction, earth moving, and removal of vegetation inherent in a gravel pit operation. The number of trees removed to create adequate site distance will be replanted elsewhere.

Board member Cormier seconded the motion.

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

L. Groundwater protection.

Board member Peterson made a motion that the standard has been met because it will not adversely affect groundwater available to abutting properties or public water supplies while recognizing that the project is a gravel pit and therefore will extract and move earth which impacts groundwater. DEP has reviewed and granted approval for this project. Should monitoring indicate the water table is higher than expected, excavation limits will be adjusted accordingly.

Board member Tarbox seconded the motion.

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

M. Exterior lighting.

Board member Peterson made a motion that the standard is not applicable.

Board member Tarbox seconded the motion.

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

N. Waste disposal.

Board member Tarbox made a motion that the standard has been met because the project provides adequate provisions to manage onsite refueling pad and spill kits. Any trash generated will be properly disposed of by private means.

Board member Connolly seconded the motion.

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

O. Landscaping.

Board member Peterson made a motion that this standard is not applicable.

Board member Tarbox seconded the motion.

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

P. Shoreland relationship.

Board member Tarbox made a motion that the standard has been met. [See findings related to §270-15-D. (a) through (i)].

Board member Cormier seconded the motion.

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

Q. Technical and financial capacity.

Board member Tarbox made a motion that the standard has been met because the applicant operates other gravel pits in the city and has demonstrated financial and technical capacity to carry out the project as approved.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

R. Buffering.

Board member Tarbox made a motion that the standard has been met with conditions because the application provides for undisturbed vegetative buffer and permanent ground cover will be provided within 100 feet of the northern and eastern boundary lines and within 50 feet of the southern and western boundary lines as part of the proposed reclamation plan. See §§272-225.D(12).

Board member Cormier seconded the motion.

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

S. Airport encroachment.

Board member Cormier made a motion that this standard is not applicable.

Board member Tarbox seconded the motion.

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

The Board then took action on the waiver request items.

- a. **§272-1-7.A.(3)(b)(7)**: for the location of stands of trees and major trees
- b. **§272-1-7.A.(3)(b)(10)**: for the location and dimensions of existing easements because none are located on the site
- c. **§272-1-7.A.(3)(c)(8)(d)**: for engineering calculations for stormwater management
- d. **§272-1-8.F.(2)**: for post development rate of stormwater flow not exceeding existing because the proposal is for an internally drained gravel pit
- e. **§272-1-9.(1)(d)**: for drainage and erosion control, and drainage calculations because the proposal is for an internally drained gravel pit
- f. **§280-91.C.(1)(d)**: for stormwater management/analysis
- g. **§272-2-25.C.(2)(d)**: on drainage analysis
- h. **§272-2-25.D.(7)**: if the Board approved the location of the proposed access drive

Board member Tarbox made a motion to approve the waiver requests.

Chair Horr seconded the motion.

Board member Peterson stated he could not support waiver requests 'c.' and 'e.'

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

Board member Tarbox made a motion, including the following conditions:

1. No operations at all for the time period between June 1st and Labor Day of each year;
  - 1a. No operations on weekends;
2. After Labor Day until January 1st – 2 trucks per day, 10 round trips, 7 a.m. – 4 p.m. hours of operation;
3. January 2nd through March 31st – 3 trucks per day, 10 round trips, 7 a.m. – 4 p.m. hours of operation ;
4. April 1st through May 31st – 2 trucks per day, 10 round trips, 7 a.m. – 4 p.m. hours of operation;
5. Review conditions of approval in two years after the community has some experience with the applicant's operation; David Houle to be notified of the review, as he is beyond the 250' abutter notification requirement, and he will

notify other interested members of the community who may also be beyond the 250' requirement;

6. The School Department will pick up and drop off school children at their door and use the Apache Campground site as a bus turnaround. Applicant to provide evidence of a written agreement, which is satisfactory to the Planning Director, between the owners of the Apache Campground and Ledgemere Transportation, which contracts with the School Department for school bus transportation. The agreement will document Apache Campground's permission for Ledgemere to use of the property as a school bus turnaround and Apache Campground's agreement to plow and maintain the turnaround area. The applicant will provide and post two signs on the property, one facing in either direction, which indicate "Caution – School Bus Turn Around Area". Because Ledgemere is in year three of a five year contract with the School Department, the applicant must provide evidence to the Planning Board when it returns in two years to review conditions of approval (see item 6 above), that either Ledgemere's contract with the School Department has been extended or that its successor has signed a similar agreement with Apache Campground. See has sati; therefore, if the Planning Board is inclined to approve the project with the condition for door side bus pick up/drop off, then the Board may want to include the provision that the applicant must either renew this agreement with Ledgemere or sign a new one with its successor;
7. The applicant will use GPS technology and driver contact to monitor travel speeds and routes and to limit the number of trucks on Bernier Road to one at a time. Trucks will travel no more than: 25 mph if no pedestrians or bikes are on the road, 15 mph when passing pedestrians or bicyclists or when school buses are present;
8. The applicant will conduct no crushing, screening, or other processing of materials proposed on site;
9. The applicant will provide David Houle with a Pepin representative's personal cell phone number so that the complaints of neighbors may be dealt with swiftly and personally;
10. The applicant will provide a mobile refueling pad for trucks with no diesel stored on-site;
11. The applicant will have water trucks available and sprinkle Bernier Road, as needed, to address dust;
12. The applicant will provide a 100' buffer on the northwest boundary of the property to create a larger setback from the abutter's home and from Hay Brook;
13. The applicant will reclaim the site with grading, loaming, use of incidental crushed stumps/material from site, and plant groundcover and trees to replace those removed to create adequate site distance for the access drive;
14. The applicant will lock the gate to the property and place and use a knox box with a key to provide for site security;
15. The applicant will revise the plans and operations manual to reflect requirements and conditions agreed to in approval of the application (see not only this list, but the Findings of Fact);
16. The applicant will pay all outstanding review fees;
17. The applicant will meet with the Assistant City Engineer and pay any required performance guarantees associated with maintaining the condition of Bernier Road and for the reclamation plan;

18. The applicant will not use herbicides to remove trees to create the necessary site distance – use mechanical measures only to remove trees;
  19. The applicant will provide a letter from a professional engineer verifying site distance;
  20. The applicant will adjust grading around the access drive to ensure that the site will be internally drained;
  21. The applicant will provide five copies of the approved revised plans and operations manual for certification by the Planning Director;
- that the Planning Board find that the standards have been met and approve the application request by Matthew Pepin for permission to operate a mineral extraction operation on property owned by John Rivard on tax map R13, lot 11B and, in accordance with the attached Findings of Fact (listed above), approve the request.

Staff member Della Valle recommended the motion be amended to include the motion is approval for the conditional use, shoreland zoning, and major site plan requests.

Board member Tarbox made a motion to amend the original motion to include conditional use, shoreland zone, and major site plan approvals.

Chair Horr seconded the original and amended motions.

A vote was taken and the motion passed 5-1 with Board member Peterson voting against.

#### **V. APPROVAL OF MINUTES – August 19, 2015 and September 9, 2015**

Board member Tarbox made a motion to approve the August 19, 2015 minutes as written.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 5-0. (Board member Cormier was not a member of the Board on August 19, 2015.)

The minutes for September 9, 2015 were not available.

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

Staff member Della Valle informed the Board that Board member Peterson has resigned from the Board and tonight was his last meeting. She then introduced his replacement.

Ms. Della Valle updated the Board on future projects that will be coming before the Board.

#### **VII. ADJOURN**

The meeting adjourned at 10:45 P.M.