

**SANFORD PLANNING BOARD MINUTES**  
**MEETING – June 7, 2017 – 6:30 P.M.**  
**City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Lenny Horr, Chair  
John McAdam, Vice Chair  
Edward Cormier, Secretary  
Dianne Connolly  
Sarah Littlefield  
Jennifer Georgius  
Jace Clarke

**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 6:35 PM.

**II. OPENING STATEMENT**

No opening statement was made.

**III. MINUTES – April 19, 2017**

Board member Cormier made a motion to accept the minutes as written.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 6-0-1; Board member Clarke abstained as he was not on the Board at this meeting.

**IV. HEARINGS and BUSINESS**

**A. PUBLIC HEARINGS & NEW BUSINESS**

- i. **File #999-17-T(1): The Planning Director is recommending** the following revision to the City's zoning map as follows:
  - a) Rezone Tax Map M23 Lot 6 from Industrial Business (IB) to Residential Development (RD). Notwithstanding anything to the contrary in 1 M.R.S. §302, this amendment applies to any application relating to this property, whether or not such an application had become a "pending proceeding" as defined in 1 M.R.S §302 prior to the enactment of this amendment of the Ordinance.

Planner Della Valle explained why this item was withdrawn and what initiated the change request.

- ii. **File #03-17-RU: Walter O. Woods, d/b/a Rock Bottom Sand & Gravel, LLC, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.**

Chair Horr called for a representative to present the project.

Dana Libby, PLS, Corner Post Land Surveying, Inc. introduced the applicant and Cynthia Thayer from StoneHill Environmental then proceeded to describe the proposal.

Planner Della Valle updated the Board on the Site Plan Review Committee meeting that took place yesterday, June 6, 2017.

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

Chair Horr asked if anyone present would like to speak in opposition of the application; there was no one.

Chair Horr asked if anyone present would like to speak neither for nor against the application; again there was no one.

Chair Horr closed the public hearing.

Mike Casserly, Assist. City Engineer identified key items in his memo and expressed his concerns.

The Board asked questions on the following:

- Test pits
- Monitoring wells

Discussion took place among staff members, the applicant and his agents, and Planning Board members on whether or not additional test pits need to be done.

Chair Horr asked if there were any questions or comments.

Other topics discussed were:

- The area size of the surface water seen by Mr. Casserly during one of his visits
- What would happen if a perched water table was found in the drier months
- If the ordinance delineates a smaller operation from a larger operation
- Why test pits are drilled in August instead of a time when the water table is seasonally high
- If well testing could be done in August if water is found in test pits during this time of the season
- The major concern the Board is trying to establish with test pit/monitoring wells requirement
- Ideal time to do test pits for a seasonal high-water level
- Material potential in pit after accounting for setback perimeter and/or if the bottom of pit was raised
- Agreement in place to use the haul road leading to Route 4; condition of this road
- If any outside fuel containers would be brought in
- Any concerns about the cracked fueling pad
- Reasons why a pit operator would not want to go below the water table

The Board discussed how to proceed on the application without recommendations for approval from the Assistant City Engineer and Planner and the issues that need to be resolved tonight.

The Board went through the Findings of Fact:

**Chapters 270-15.D(c) Will adequately provide for the disposal of all wastewater; 270-15.D(e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters; 270-15.D(f) Will protect archaeological and historic resources as designated in the Comprehensive Plan; 270-15.D(g) Will not adversely affect existing commercial fishing activity; 270-15.D(h) Will avoid problems associated with floodplain development and use; 280-15-6.3.3 Lagooning; 280-15-6.3.6 The sides of cuts, fill, channels, or artificial watercourses shall be constructed and stabilized; 280-15-6.3.9 The sides of cuts, fill or channels along public roads or lot lines shall not exceed a slope of 2:1; Chapter 280-15-6.3.10 Adjacent lot lines of one or more owners shall be exempt from 280-15-6.3.8 and 280-15-6.3.9 if they agree in writing; 280-16-7.5 Pedestrian circulation; 280-16-7.9 Sewage disposal; 280-16-7.10 Utilities; 280-16-7.13 Exterior lighting; 280-16-7.15 Landscaping; 280-16-7.19 Airport encroachment.**

Vice Chair McAdam made a motion to accept these standards because they are not applicable.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapters 270-15.D(a) Will maintain safe and healthful conditions; 270-15.D(b) Will not result in water pollution, erosion, or sedimentation to surface waters; 280-15-6.3.5 Fill shall not restrict a floodway, channel or natural drainageway; and 280-16-7.16 Shoreland relationship.**

Discussion took place on the length of time it takes Maine Department of Inland Fisheries and Wildlife to review and comment on an application and additional test pits.

Board member Cormier made a motion to accept these standards because they have been met with conditions as amended.

Board member Littlefield seconded the motion.

A vote was taken and the motion 7-0.

**Chapters 280-15-6.3.1 Excavations below the high-water table; 280-15-6.3.4 The extent and type of fill shall be appropriate; 280-16-7.1 Utilization of the site; and 280-16-7.12 Groundwater protection.**

Board member Cormier made a motion to accept these standards because they have been met with conditions as amended.

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapters 280-15-6.3.2 ...methods to trap sediment; and 280-16-7.7 Erosion control.**

Board member Georgius made a motion to accept these standards because they have been met.

Board member Littlefield seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapters 280-15-6.3.7 No below-grade excavation...within 100 feet of...public road; 280-15-6.3.8 No below-grade excavation...within 50 feet of ...lot line; 280-16-7.18 Buffering.**

Board member Connolly made a motion to accept these standards because they have been met.

Board member Cormier seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapter 280-15-6.3.11 Permanent ground cover; 280-15-6.3.12 ...suitable plan for reclamation.**

Vice Chair McAdam made a motion to accept these standards because they have been met.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapters 280-16-7.2 Access to the site; 280-16-7.3 Access into the site; and 280-16-7.4 Internal vehicular circulation.**

Chair Horr made a motion to accept these standards because they have been met.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapters 280-16-7.6 Stormwater management.**

Board member Georgius made a motion to accept this standard because it has been met.

Board member Littlefield seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapter 280-16-7.8 Water supply.**

Board member Littlefield made a motion to accept this standard as amended because it is not applicable.

Board member Cormier seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapter 280-16-7.11 Natural features.**

Board member Connolly made a motion to accept this standard because it has been met with condition.

Board member Littlefield seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapter 280-16-7.14 Waste disposal.**

Board member Littlefield made a motion to accept this standard because it has been met.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 7-0.

**Chapter 280-16-7.17 Technical and financial capacity.**

Board member Clarke made a motion to accept this standard as amended because it has been met.

Board member Cormier seconded the motion.

A vote was taken and the motion passed 7-0.

The Board took a recess at 8:32PM while Planner Della Valle updated paperwork.

The Board reconvened at 8:39PM.

Chair Horr called for a motion.

Staff member Casserly stated he will have his standard conditions of approval for the Board to consider.

Board member Cormier made a motion that based on information described in the Site Plan Review Committee and Planning Board Summary Report (dated June 2, 2017) and the Recommendation of the Site Plan Review Committee, the Findings of Fact, and the review and discussion of the request by Rock Bottom Sand & Gravel, LLC for a new five year permit to operate a mineral extraction operation on its property on Tax Map R24, Lot 42 off Route 4, the Planning Board grant a waiver of §§280-16-6.7.2.4.8.4 for provision of drainage calculations and 280-16-6.7.2.4.8.7 for provision of comments by York County Soil & Water Conservation District and find that the applicant has met its burden of proof with the following conditions:

1. Limit materials brought to the site for beneficiation to sand, gravel, ledge, topsoil, clay, and rock.
2. Flag the limits of excavation in the field, and maintain those flags for the life of the five year permit to protect wetlands and their 75' buffers.
3. Revise the Conditions of Operations as follows:
  - a. Revise references to flagging excavation area in the Conditions Section A.5 and B.7 statement to reflect Condition 2 above and ensure that wetlands continue to be protected from operations on the site.

- b. Revise references to beneficiation in A.8 to conform with Condition 1 above to limit products brought to, stored and processed on, and resold from the site.
  - c. Revise Section B.5 to be consistent with tests described in the Monitoring Plan.
  - d. Section C.2 Reclamation of internal slopes – Revise statement to clarify that the exception to reclaim internal slopes only applies during the five year period of the permit. All slopes should be reclaimed at or prior to expiration of the permit if a new five year permit is not sought and obtained.
  - e. Section C.5 Performance guarantee – Revise statement to be consistent with the description of the performance guarantee in Section A.3 to clarify that the guarantee shall be for two years following expiration of the five year permit or for at least one full growing season after expiration of the permit.
  - f. Section C.6 Reseeding – Revise this statement to add the word, not, which appears to be missing in the last sentence, otherwise reseeded is required where a 90% cover is established.
  - g. Section C.7.C Reuse – Revise to clarify that the haul road will be removed at the termination of excavation.
  - h. Paragraph before signature – Revise this statement referencing the Site Plan to reflect the date of the revised, final, approved plan (the most current date, which may change, is June 6, 2017). The sentence should also reference the other plans that make up the site plan submission.
  - i. Provide three copies of a final revised, signed, and dated document.
4. Work with the Assistant City Engineer to identify appropriate locations for test pits in the high water table months to verify the accuracy of the model used to identify the slope of the seasonal high groundwater table for staff to review to confirm that the facility will not negatively impact and return to the Planning Board in May or June 2019 to review the results, if recommended by staff, to discuss how the plan shall be amended to protect groundwater.
  5. Revise the Groundwater Monitoring Plan as follows:
    - a. Provide a Summary and Conclusions section, which is similar to the one included in the 2007 report, in all future reports to indicate whether the borrow source has “significantly affected groundwater quality, levels, or flow directions.”
    - b. Revise the section on Evaluation and Reporting to clarify that the reports will be provided to the Planning Department to be shared with relevant City staff and to be included in the file for the project.
  6. Revise the site plan as follows:
    - a. Revise the cover page to indicate who prepared the Plan.
    - b. Revise Section 1.4 Facility Description to indicate that beneficiation is proposed and for materials specified in Condition 1 above.
    - c. Revise Section 1.5 Site Drainage to acknowledge and discuss how potential spills will/may affect onsite wetlands.
    - d. Revise Section 3.3 Inspections to clarify that inspection reports shall be kept for at least six years to provide a basis of review of technical capacity for a subsequent five year permit.
    - e. Revise Emergency Contacts to correct the name of the Owner Operator to reflect the name and correct information for the applicant.
  7. Site Plans:
    - a. Revise Site Plan to add the Flood Hazard Zone to the rest of the note that details the zoning information for the site.

- b. Revise Site Plan to identify the placement/location of a Knox Box padlock to and provide a key to allow the Fire Department and Police Department for emergency access.
  - c. Revise Site Plan to identify location of blast rock on the site.
  - d. Revise Sheet 3 Reclamation Plan, Note #4, to correct citations for the requested waivers and clarify that the second waiver only reflects drainage calculations, not erosion control and to provide a reference to Sheet 5 Erosion Control Plan, a note that provides a reference to Sheet 5 regarding seeding information and how the surface will be treated to create a suitable environment for plant growth.
8. Verify whether the Maine Department of Inland Fisheries and Wildlife (MDIFW) identifies the site as habitat for the endangered Blanding's Turtle. If MDIFW indicates that the site is part of the designated habitat, the applicant shall return to the Planning Board to discuss how the plan shall be amended to protect the habitat.
  9. Use only onsite materials of similar composition and chemical characteristics to the material that was removed to rebuild existing overexcavated slopes.
  10. References to calcium chloride should be removed from Section B.3 of the Conditions of Approval and from Notes 15 on Sheet S1 and Note 10 on Sheet 3 of 5.
  11. Provide a performance guarantee in the amount specified by the Assistant City Engineer, based on an estimate of \$4,000/acre plus any additional amount required to provide adequate topsoil to support reclamation plans, if onsite stockpiled topsoil is insufficient to support successful reclamation efforts.
  12. Establish and maintain an inspection escrow of a minimum of \$680/year.
  13. Provide required autocad submittal, which meets the City's standards.

Chair Horr seconded the motion.

A vote was taken and the motion passed 7-0.

## **V. OTHER BUSINESS**

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

- a. Planner Della Valle explained a request for delegated review to do an 850SF addition to the Springvale First Baptist Church. She further explained the request.

After discussion, the Board voted on the request.

Chair Horr made a motion to delegate the request to staff level review.

Board member Littlefield seconded the motion.

A vote was taken and the motion passed 7-0.

- b. Planner Della Valle discussed the following:
  - CGI promotional video
  - Recreational marijuana
  - Southern Maine Planning & Development Commission annual meeting
  - Planning Board training
  - Sanford Family Dental approved by the Site Plan Review Committee
  - CMP/York Hospital shared landscape buffer

- Workforce Housing Charrette
- Upcoming projects for the next Planning Board meeting
- Her upcoming surgery and meeting schedules
- Her trip to Columbia in regards to infrastructure
- Construction update of approved projects
- The city did not receive the Brownfields Assessment Grant
- Trail Master Plan update
- Roosevelt School Apartments update

## **VI. COMMUNICATIONS**

Board member Connolly gave an update regarding the private cemetery located on the corner of Routes 109/4 at the roundabout.

Board member Cormier announced he will be out of town the last week of June.

## **VII. ADJOURN**

The meeting adjourned at 9:20 P.M. and went into work session.