

PLANNING BOARD

Town of Waterboro

February 10, 2000
Special Meeting

Sue called the Special Meeting to order at 8:48 p.m. Those remaining in attendance were Doug Foglio Jr., Charlie Brown, Shawn Shoemaker, Dan Abraham and Mike Hammond.

Sue wanted to propose a question to Tim Neill before the meeting proceeded. She asked if Tim felt comfortable partaking in this vote due to the enclosed letter that was reviewed during the Public Hearing?

Tim noted that the letter was written before he was appointed to the Board and did not feel that he had any prejudices towards the developer and the site so as to alter his decision when voting.

Doug Jr. noted that the possible future use of the land that was presented was only a potential future use that it was not to be considered an application.

Roland wants it clearly stated that the Town does not end up with 2 different uses on the property as in a gravel extraction operation and a subdivision at the same time.

Doug Jr. stated that the issue would only come about when an application for a subdivision was presented in front of the Planning Board.

Roland stated he understood that but wants to make sure the board is aware that no development is started until the extraction operation is completed. Roland further stated that he does not wish to have the same situation that is currently being done on Route 5.

Doug Jr. noted that he did not see building a house on a reclaimed portion of the property while excavating further on as having a detrimental effect on the home.

Roland just stated that it was something he felt needed to be reviewed.

Receipts for the notification of abutters is in the file. The DEP permit has been received.

Based on the Public Hearing Sue felt the Board should discuss hours of operation .

Hours of processing were discussed and the following presented to be agreeable to the Board, applicant and Shawn Shoemaker:

- 6:30a.m. to 7:00p.m. Monday - Friday
- 6:00a.m. to 2:00p.m. Saturday
- No processing from 2:00p.m. Sunday to 6:30a.m. Monday
- No operations or processing on the 7 major holidays:
 - New Years Day
 - Easter
 - Memorial Day
 - July 4th
 - Labor Day
 - Thanksgiving
 - Christmas

Doug Jr. said he would agree to the no operations on the 7 Holidays listed with the times noted.

Tim stated that he felt the public mentioned the hours of operation but did not offer an acceptable time frame.

Doug Jr. stated that if they had to stop processing at 7:00 that it was fine with him. They intended on posting their hours of operation.

Todd felt that we should follow our proposed ordinance allowing for routine maintenance with no processing at the designated times.

Dan Abraham asked if his assumption that any emergency would overrule the hours was correct.

Sue stated that yes, an emergency would overrule the hours.

Roland feels that we should leave it in the hands of the Selectmen to declare an emergency and wave the hours of operation.

Todd agrees with Roland, the Planning Board does not have the authority to declare an emergency.

Todd noted a conflict in depth of the extraction and questioned Charlie on how close to the water table they intended on going.

Charlie stated 5 feet.

Todd noted that there is a section that states 3' is that an error.

Charlie stated that it should read 334, it is a typo.

Roland asked if all the concerns brought up by Mr. Faith have been reviewed?

Sue stated that we are in the process of going through the questions.

Roland questioned the aerial photos and their accuracy.

Dwayne noted that they are fairly close.

The noise that was initially presented was associated with the construction of the home. Traffic has been addressed with the letter presented by Foglio, Inc. The issue of the property values was clarified by Mr. Shoemaker and his recent property valuation. The Town does not have an ordinance to deal with what is stated as unreasonable noise levels.

Doug Jr. stated that the Air Emission Engineers regularly visit the sites and an Air Emission License is needed. We are continually being monitored by professionals and we have to be in order to operate.

Todd feels that Mr. Faith's statement about tabling any decision until after Town meeting is placing a moratorium on Gravel Pits until a new ordinance is voted on.

Sue clarifies that the Planning Board has no jurisdiction in postponing a decision when all conditions are met.

Tim asked if the Conditional Use runs with the land. Tim further asked what can prevent a new owner from blasting if a stipulation is not placed on the approval. Todd stated that the only way there would be blasting on this property is if it went beyond the proposed site which is not likely due to the wetlands.

Tim also asked if the board can request the traffic direction. Dwayne stated that the Board had not authority but the Board can make a recommendation to the Selectmen to post the road. We cannot single out an individual contractor.

Tim noted to Doug Jr. that he had discussed hauling in topsoil for stockpiling. Won't this be causing more traffic.

Doug Jr. said that it is possible that when they are delivering material to a site that topsoil may be taken from that site and brought back to the extractive site. It does not create more traffic, it is done during the normal travel to and from the sites.

Review of the Conditional Use application requirements are reviewed. It is noted that the following has been completed and presented:

- Hydrogeological survey
- Erosion control
- Restoration plan
- Public Hearing
- Abutter notification receipts

Conditions discussed to date:

- Hours of operation
- Paving
- Completing of project before beginning another

Doug Jr. questioned the last condition and its meaning. If this project was to change in any way shape or form I couldn't return to the Board until it was completed?

Sue noted that yes, if it is approved as stated that it would mean you could not return to the Board for a revision.

Dwayne noted on the plan that if someone wanted to build on the knoll he would not be allowed because the extraction has not been completed.

Todd stated that no matter what he does he would have to return to the board, if he does anything different than what has been proposed as in build a house.

Lisa clarified that a house could be built. The 2nd house would trigger a subdivision if built within 5 years from the purchase of the initial property split of Shoemaker to Foglio.

Roland wants to see it worded so that we do not end up with another trailer park and extraction situation.

Dwayne explained the process necessary to reach the grades in the trailer park. He further stated that he did not believe that the Board created the situation, it is mainly a landowner and operator civil dispute.

Sue stated that the property is in the AR zone. Anything in the Primary Uses would be allowed and some items may trigger the need for Site Plan Review.

Mike Hammond also noted that he will come under the restrictions in the AR zone and there is nothing the Board can do.

Todd mentioned that he is not comfortable with the added restriction for the future Board members. Dwayne agrees with Todd. We did not do anything wrong with the Trailer Park, it is a civil matter. It

may be a different board if and/or when the applicant returns and the Board will still have the same regulations to abide by.

Doug Jr. noted that giving a Conditional Use Permit for this project under the mentioned restrictions will prevent him from returning to the Board for anything until the operation is complete. Does not want to eliminate the opportunity to be able to return to the Board for future improvements as the project is being done.

Roland made a motion to send to the Town Attorney the question of setting a one use stipulation until extraction is completed on the approval. Motion dies due to the lack of a second.

Todd made a motion to approve the Conditional Use Application for Mineral Extraction on the Chadbourne Pit under section 4.04 with the following conditions:

1. Hours of processing:
 - 6:30a.m. to 7:00p.m. Monday - Friday
 - 6:00a.m. to 2:00p.m. Saturday
 - No processing from 2:00p.m. Sunday to 6:30a.m. Monday
2. No operations or processing on the 7 major holidays:
 - New Years Day
 - Easter
 - Memorial Day
 - July 4th
 - Labor Day
 - Thanksgiving
 - Christmas
3. Paving of at least 600' of the drive/entrance
4. A recommendation that the road is inspected by either an engineer or the Road Review Committee with a letter (if completed) be submitted to the Code Office stating that it was constructed to the Town Specification.

Clarification of the typo (330' to 333') before the plans are signed.

Dwayne seconds.

Todd made a motion to amend his motion to add that the following conditions have been provided:

- Restoration plan
- Erosion control plan
- Hydrogeological Survey
- Notification of abutters
- A public hearing was held

Dwayne seconds the amended motion.

Discussion: Dwayne would like it noted that he feels the Board has met the neighbors concerns. The only issue left is the beeping of the trucks and it is not in the control of the town or operator, it is a State regulation for any large vehicle.

Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to approve all the amended motions as stated. Roland seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion that the plans will be signed at the next regular meeting when the correction is made (330' to 333'). He does not intend to sign the Conditional Use Permit until 3 members have reviewed the permit for typographical errors and/or omissions. Roland seconds. Motion carries a 4-0-0 vote in favor.

Doug Jr. requested that the letter for posting the Webber and Deering Ridge Road be forwarded to the Selectmen.

Dwayne made a motion to forward the posting of the Webber and Deering Ridge Roads request made by Foglio, Inc. be forwarded to the Board of Selectmen. Todd seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to place the attached letter as proposed by Sue in the Smart Shopper. Todd seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to sign the letter as Dwayne, Sue, Todd, Tim and Roland. Todd seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a recommendation to have 3 Planning Board Members and 3 members of the Citizen Petition sit up front to discuss the ordinance issues. Does not have a problem with having Todd, Sue and Doug.

Dwayne made a motion to hold a workshop at 6:45 p.m. on Monday February 14 to discuss the issues of the Planning Board before the Hearing. Todd seconds. Motion carries a 4-0-0 vote in favor.

Dwayne made a motion to adjourn at 10:50 p.m. Roland seconds. Motion carries a 4-0-0 vote in favor.

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Secretary/Treasurer

DW/lmm

ACCEPTED: _____

[Signature]

[Signature]

[Signature]

[Signature]

