

## **Planning Board Meeting Minutes February 17, 2005**

### **I. ROLL CALL**

Chairman, Susan Dunlap called the meeting to order at 7:25 p.m. Attending board members are, Susan Dunlap, Tim Nelson, Everett Whitten, Roland Denby, Judy Carll, Kurt Clason. Jonathan Raymond was absent.

Public attendees as follows: Mr. And Mrs. Linscott, Myron and Brenda Edgerly, David Benton, and an unnamed abutter to the property. Richard and Lisa Barden were also in attendance.

### **II. APPOINTMENTS**

**The first appointment is a review of conditional use application of Douglas Foglio Sr. on map 16 lots 1, 4 and 9T for a Mineral extraction operation.**

Charles Brown from Sebago Technics presents the overview of the project representing the applicant. Project site is located in North Waterboro off Route 5, just south of the Little Ossipee River. The overall project area is 532 acres and the proposed extraction area covers 234 of those acres. The intention is to extract to a depth of 20'. Several monitoring wells have been installed and it has been determined that the water table is approximately 25 feet deep. There are three extraction areas. One gravel area and two small quarries for rock mining. The property was previously logged prior to the applicant's purchasing it. The remainder of the property is not intended to be touched at this time. The closest point of the operation to Little Ossipee River is 600 feet.

The applicant has acquired two entrance permits from the Department of Transportation. The applicant applied for a change of use to the entrances previously granted for logging access roads.

The public portion of Garland Hill Road is not intended to be used as ingress and egress for this operation. A portion of Garland Hill Road that has been discontinued is intended to be used on the applicant's property. It is their contention that the discontinued portion as town records show, is owned by the abutting property owners.

There is not any evidence or documented endangered species in that area. DEP required the applicant to confirm with Maine Natural Resources that there are no endangered species in the area of extraction.

The intention of this operation is to excavate the existing ground dropping the level approximately 20 feet and keeping the existing contours of the land. The pit is designed to be internally drained. There will be no run off or erosion into any streams or brooks.

The reclamation slopes will be 4/1 as required by town regulations.

There is a culvert on Route 5 that DOT is requiring the applicant to replace as it was crushed during the logging operation.

Roland Denby asks how far down is the water table? Charles Brown answers that there are approximately 60 monitoring wells on this site. The water table ranges from 15-35 feet. There will be one monitoring well for each 5 acre of extraction area.

Roland Denby asks as the work progresses when and how do they plan to reclaim the extraction area? Charles Brown answers that the state of Maine DEP regulates pits and only allows 10 acres to be open faces at any one time. This is in addition to stockpiling. They will have to reclaim at every increment before moving into another area. The stockpiling areas are shown on the plan.

The ground will be reclaimed by topsoil from onsite, seeded and sides will be sloped at a 4/1 ratio.

Roland Denby asks if there is going to be an area used to service equipment without dropping oils? Douglas Foglio Jr. replies that as a rule their company does not have fuel storage at their pit sites. They do occasionally change oils onsite. They prepare a gravel pad and then they remove the gravel and add it to reclaim materials.

Roland Denby asks if there will be any blasting? Doug Foglio replies yes there will be in the quarries.

Charles Brown adds that the state DEP will require secondary containment areas for fuel exchanges.

Charles Brown adds that areas that are not being mined are going to be left in their natural state. Additionally, the reclaimed areas will support regrowth of trees from that lot will occur.

Tim Nelson states that it is his preference that conservation mix be used as a silt barrier as opposed to silt fences.

Doug Foglio Jr. replies that they use stump grindings typically anyway, as DEP prefers this practice over the use of silt fencing. They will be grinding the stumps from this site and they will market the conservation mix that is generated from the grindings.

A review of the application provided by Sebago Technics dated February 16, 2005 is to be made part of this record.

Susan Dunlap states that the next steps under the ordinance is to hold a public hearing, a site walk and peer review. Susan states that due to previous volatility the planning board should give the public opportunity to see the site and ask questions at the public hearing.

Susan would like the applicant to follow up with Inland Fisheries and Wildlife with a clarification on the deer wintering yard, or and endangered wildlife habitat.

Susan states that the applicant has a gate on his plans. The ordinance does require a gate. The planning board waived the gate requirement on all previous pits for safety reasons. Susan feels that the town should be responsible for the safety risks and accident potential that research has proven with gated pits.

Susan asks if the snowmobile club has any trails through this property? Charles Brown states that there are no mapped trails through any portion of this property.

Susan states that the ordinance requires acoustical buffers, and this will need to be addressed. Susan states she realizes this is a huge site and most likely the natural buffers will work, but it needs to be specifically sited.

Susan states to the applicant that he should be aware that a performance bond will be required.

Susan adds that she saw in the application that there is a question about waiting the hydro-geological study. She doesn't think that will happen.

Charles Brown states that they would like to do hydro studies in phases as the project progresses as opposed to a study of the entire site.

Susan states that the board would be open to considering that.

Irmgard Linscott shows Susan the letter that she received as an abutter from the applicant and asks what her purpose for being at this meeting is. Susan explains that it is required by the ordinance that abutters be notified of this application being made to the town.

The board is asked if abutters can raise questions. Susan states that the board will hold a public hearing in the future for that specific purpose.

An unnamed abutter asked whether the applicant has submitted this application to the Saco River Corridor yet. Charles Brown states that he spoke with someone from that office recently, and they will be sending a copy of this project to them. However, none of the extraction area is within 500 feet of the river so it is outside of the corridor.

Kurt Clason asks what the proposal is for closing the two quarries to avoid water holes? Charles Brown states that they will not be mining into the water table. Kurt states that if it is rock and they mine a hole, won't it fill with water? It was explained to the board that the mining will be into slopes of rock, not down into the ground.

Susan asks if these are quarries because of the material extracted as opposed to the method of extraction. Doug Foglio Jr. answers yes.

Doug Foglio Jr. states that this project has already received DEP approvals and permits. This is a combined site of 700 acres and they are preserving 400 acres. They will be lowering the ground elevation approximately 20 feet. They will continue to allow recreational use of this property. This excavation is a long way away from roads and homes. Doug explains that the state will require them to maintain certain noise limits. They will be required to give decibel readings at the property lines, and in his experience he bets it won't even register at the property lines.

The site walk is scheduled for February 26, at 9 a.m. The public hearing is scheduled for March 2 at 7 p.m. The applicant will post the legal notice for the public hearing and notify abutters. The public hearing notice must be posted at least 10 days prior. The abutter's

notices must be sent at least 7 days prior to the meeting.

Doug Foglio Jr. requests that in the interest of time and because of concerns about previous site walks and the potential for altercations if the public could save their questions for the public hearing. Susan Dunlap assured the applicant there would be no altercations. She did state that she won't demand that no questions be asked onsite, if something specific comes up, but that most of the questions should be made at the public hearing for recording purposes.

Doug Foglio Jr. states that he would like to address the deer yard issue. If the states have maps that say there was a deeryard, this property has been logged and except for the buffers, there are no trees. The property was logged before they purchased it. There is no deeryard on this property if there ever was.

**Richard and Lisa Barden for sketch plan review of subdivision application on map 4 lot 12A.** Lisa Barden reviews her sketch plan with the board. This is a 12.27 acre parcel off Ossipee Hill Road on tax map 4 lot 12A. They are asking to construct three duplex units on this lot, with an internal access road. They are designing this project as a cluster development.

Everett Whitten asks if they are selling these units or is this rental units. Lisa Barden replies that they are building them for rental units and may sell them separately in the future.

Roland Denby asks if they are intending these to be an elderly housing project? Lisa Barden replies that they had considered it but they are not at this time.

The structures are planned to be 1200 square feet of living area with garages to the front of the duplexes. Each unit would have its own garage. The road will be constructed to town specs with the hopes of it being accepted in the future. They have the means to maintain this as a private road. The road length is approximately 550 feet.

The applicant will be provided with a set of Road Design Standards.

Tim Nelson made the motion to accept the sketch plan for Ossipee Hill Terrace and that the time frame to submit the preliminary plan is 6 months from this date. Tim adds to the motion that when the preliminary plan is submitted to the town, the secretary automatically sends the plan to either the town planner if one has been hired, or to Southern Maine Regional Planning for a review of the checklist prior to scheduling the review with the planning board. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor.

### **III. MINUTES OF PREVIOUS MEETINGS**

The minutes of previous meetings were not reviewed because there weren't enough members who attended those meetings to vote on them tonight. They will be put on the agenda for the next meeting.

### **IV. REPORT OF OFFICERS**

### **V. OLD BUSINESS**

Before the next appointment Susan asks the board what they would like to do with the proposed articles for town meeting. Kurt Clason made a motion to send the articles as voted at the January 5 planning board meeting to Natalie Burns for wording and legal review and then get the articles to the selectmen prior to February 23 deadline. Roland Denby seconds. Motion carries with a vote of 4-0-2 with Judy Carll abstaining and Tim Nelson stepped out of the room.

CEO, Patti Berry requested the planning board to review the wording of section 7 that applies to 30% expansion. She considered requesting a zoning change to allow the CEO to approve 30% expansions that did not involve foundation construction. When she reviewed the wording and discussed this with Mike Morse at DEP, it appears that the CEO has always had the authority to approve expansions that did not require the planning board to determine, if the camp is to be moved to the greatest practical extent. Mike Morse confirmed that is how most towns review these applications. CEO grants all that don't involve that planning board decision. The board is comfortable with this interpretation.

**VI. COMMUNICATIONS**

There is an invitation from Corner Post Land Surveying to the board for 2/18 for an open house.

There is a letter from the CEO to the Genest Concrete attorney, Peggy McGehee in reply to her request for a decision from the planning board on their application.

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

Tim Nelson requests to discuss the process by which applicants are scheduled with the planning board. Tim suggests that preliminary plans are sent automatically to a planning review for checklist review prior to being scheduled with the planning board. The board discusses this. Tim made the motion to that affect. Judy Carll seconded the motion. Motion carries with a unanimous vote in favor.

**IX. ADJOURNMENT**

Tim Nelson made the motion to adjourn at 8:50 p.m. Everett Whitten seconds. Meeting adjourns.

**APPROVAL DATE:** \_\_\_\_\_

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