

Planning Board Meeting Minutes

March 2, 2005

7:00 p.m.

Public Hearing

Called to order at 7:04 p.m. Attendance from the board is as follows: Sue Dunlap, Tim Nelson, Roland Denby, Kurt Clason, Everett Whitten, Judy Carll, Jonathan Raymond. Sue mentioned that we had a Site Walk on Saturday with several members from the public. Doug Foglio, Jr. will provide a list of those in attendance. Charles Brown outlined the project scheduled for approximately half of the area in North Waterboro. Project will be 190 acres to the north and 45 acres to the south. Access will be from existing timber road from Route 5. The only mining will occur at the southern side. All areas of the operation will be internally drained. Mr. Moore mentioned that MDEP has already approved the project. Maine Conservation agency has no issues as a yarding area for deer and have issued a letter to Mr. Brown. The state biologist in Gray will make a study, but due to the recent cutting, he doubts there is a wintering area for deer. Mr. Brown has sent the project on February 17 to Saco River Commission. Mr. Brown demonstrates what the ten acre mining would look like.

Alan Kobaly, an abutter, spoke. He asked about gating the property. He appreciates that but wants to ensure it does not turn into an ATV park. His second issue was what is going to be constructed to cross Woodsome Brook. He is concerned about silt going into the brook. Mr. Brown responds that they will be gating the project at both entrances deep enough so that three trucks could wait. For the brook crossing, they are allowed by DEP to go linear 75' to upgrade/repair and stabilize the bank. There is an erosion control plan as part of the permit. Doug Foglio explained that since the pit will go down, the erosion will flow away from the brook. Mr. Kobaly then asked why two entrances. Mr. Brown explained that there were two entrances and they want to maintain if they choose to make one egress/exit.

Mr. Linscott brought in another paper. He is concerned about pollution from the area where the site walk stated. He is concerned that over a 100 year period, there will be pollution from the trucks that will go through the gravel to the four-season brook. He is concerned that DEP will not actively pursue monitoring of the project. His property is straight line from the operation and within 500'. He is concerned about the loss of value from the operation. A relocated header side would mitigate this. The Board has the option to make stricter requirements. There is almost no natural buffer left after the previous logging operation. He would like to move the quarry 500' westward and no operation occur to the south of the entrance road. He also wants the site monitored and recorded by the town for pollution and noise. Mr. Foglio responds by showing how the road access will be below grade starting 500' from the right of way. At 400' the operation will be 20' below grade. Mr. Foglio explains that DEP will do mandatory inspections. Mr. Kobaly explained that the fault of the Dillon operation lies with the town

since he called Patti Berry and complained several times. Mr. Foglio then read his letter in response to the Linscott's question (sent 2-28-05, 5 pages). Sue then asked to go back to the entrance and asked if there would be an impact to moving the road northward. Mr. Foglio states that they are complying with town regulations and that moving it 100' would not change the noise much. Sue asked how far the Chadbourne site is from her house. He responds that it is within 400'. Sue states that she rarely hears noise except for the back-up alarms. Mrs. Linscott would like for noise levels to be monitored during the summer from her porch. Mr. Linscott reemphasized his concern on pollution from leaking fluids from the trucks. Mr. Foglio explained that Foglio, Inc. tries to be responsible and are conscientious of environmental issues. He explained that any pollutants would have to run up a 20' berm before getting to the stream. Mr. Brown explained that the road will be cut into the ground and that it will be paved. Sue asked Charles when the last traffic study was done and what the rates were. Mr. Brown does not personally have the data with him. Sue states that the increased truck noise has already occurred on Route 5 and that this operation will not affect it. Mr. Linscott still is concerned about the pollution from the operation for 100 years. Mr. Kobaly explained Mr. Linscott's request as moving the pit further to the west. Mr. Foglio explained that the extraction really will not occur before 400' from Route 5. The two acre parcel Mr. Linscott is talking about will be reclaimed soon and will not be traveled on again. Everett stated that we have had the discussion before about leaking fluid from the trucks and it is far less than what is dropped by the trucks on Route 5. Myron Edgerly explained that they had a truck leak and in the process of cleaning it, the state confirmed that traffic causes more pollution. Public hearing closed 8:16 p.m.

II APPOINTMENTS

Oakwood Ridge Subdivision - Map 3 Lot 16

The Selectmen met with the applicant and negotiated a change in the road. As explained by Doug Foglio, Sr., both parties came up with a mutual agreement; a sum of \$60K to be used by the town from the applicant and matched by the town for improvements. Ideally, the town would like to do the work this summer. Road will be widened and curbing added without disturbing the stone walls. The town's portion, if the project were to be done this year, would come from an article. The applicant's funds must be deposited within 30 days of final approval or the plan becomes null and void. Everett asked about the wording for the warrant so that the public understands the need. Doug Foglio, Sr. states he will try his best. Ed Benway, Steve Everett and Peter Bishop from Land Trust Building, LLC are present. Mr. Benway said that they have sent in an erosion control letter and a letter from the postmaster for a bulk mail system.

Sue went over the checklist for past discrepancies. Mr. Benway stated that he had attempted more than six times to get a written recommendation by the fire chief for fire suppression. Tim asked if the delineated wetland was wooded and Steve explained that most of it is wooded. Discussion ensued about Avery Road and any development that

would occur. Since this is a private road, there is no planned development. The only excavation for erosion control would be the grading of Avery Road and for the fire easement. Tim asked about the additional house building on a private road and is it safe for emergency vehicles. Tim is not comfortable with making a decision until we have the fire chief's decision. Since the applicant has tried on numerous occasions to get anything from the chief, Tim recommended that the applicant go to the town administrator to get a decision from the chief. Tim recommends that the project go to peer review, John seconded. Vote was unanimous. Also, we need a recommendation from the chief for the passability of Avery Road and the type of fire suppression. Public hearing could be March 16 or April 6. Earliest for site walk would be March 12 at 9 a.m. Applicant will check with secretary for actual date of public hearing; set at 7 p.m. on whichever date is chosen.

Foglio - North Waterboro Pit Map 16, Lots 1, 4 and 9T

Discussion for permitting resumed. Sue asked about decibel readings and would like to see readings for the site now, before operation begins. Mr. Foglio states that this would interest them. Concerns from the public hearing were answered at that time. The applicant needs to get letters from the Conservation Agency and State Biologist to the Board. Tim asked about posting and restricting access. Mr. Foglio wants to limit liability. He then stated that they would like conditional use permit since the project was satisfied by enough other state agencies to not need peer review. The applicant has asked for a prolonged hydro study to allow for five acres at a time as opposed to the whole site now. Applicant provided copy of DEP permits #577 and #578 for the site (gravel and quarry).

Kurt made a motion to approve the conditional use permit as proposed by Sebago Technics due to oversight by DEP and that the applicant's request for hydro study will be ongoing. As required by DEP, the applicant is to provide the letters from Conservation Agency and State Biologist. Tim seconded the motion. Vote was unanimous. Sue proposes to amend the motion to waive the requirement to have a gate.

III MINUTES OF PREVIOUS MEETINGS

A motion was made by Everett to accept the minutes for the meeting held January 5; Roland seconded. The vote was unanimous with Tim abstaining.

Tim motioned to approve the minutes for the meetings held January 29, February 2 and February 16; Everett seconded. The vote was unanimous with Kurt abstaining.

IV REPORT OF OFFICERS

V OLD BUSINESS

Sue talked about articles for town meeting. There is a discrepancy between what board recommends and what was written for articles; in particular for site plan >100,000 and subdivisions (there is no major/minor subdivision). Sue will talk with Lisa to correct. The Selectmen will have to do a public hearing 30 days before the town meeting.

VI COMMUNICATION

VII MISCELLANEOUS

VIII NEW BUSINESS

IX ADJOURNMENT

Everett motioned to adjourn at 10:20 p.m.; Roland seconded. Motion carried with all in favor.

Approved Date: _____

