

## NORTH BERWICK, MAINE, 03906

### MINUTES OF PLANNING BOARD JULY 26, 2012

**Present:** Chairman Barry Chase, Shaun DeWolf, Julie Fernee, Rick Reynolds, Mark Cahoon and Lawrence Huntley, CEO.

**Also Present:** Steve Quint, Lendell Quint, Jason Pohopek, Jude Refalo, Dale Clement, Pamela Clement and Bruce Jordan.

#### 1. Call To Order:

Chairman Barry Chase opened the Planning Board Meeting at 6:31 p.m.

#### 2. Current Business:

**A. Steve & Lendell Quint---**Applicant proposes a Gravel Pit expansion at 531 Morrells Mill Road. (Map 8, Lot 89)

Jason Pohopek explained that we have a revised Plan to submit to the Planning Board. I will be going through that list with you today of Underwood's review of our plans and how it was addressed.

More information about a sedimentation basin:

There is a natural basin there already; we will be pulling the elevation out to 222 feet with bank of 6 foot earth berm and about a 200 foot diameter circle that acts like a sedimentation basin, which is in the North Easterly corner of the parcel.

To the West in the area of phase 3 you can also see that we are going to build an earth berm of 6 feet in height that will stop ant sheet flow coming from South to North off of Phase 4.

It is designed so that Phase 1 water sedimentation pond is going to be in place when phase 2 is developed.

Phase 3 is the sedimentation area that will be developing prior to excavation in Phase 4.

Underwood's review:

#### **Town Zoning Regulations**

1. **Noise (5.1.2):** The Applicant should identify the anticipated decibel level for equipment to be operated on the site which shall not exceed 70 dB (A). Sound measurement should be coordinated with the Town. ( Note. 27)
  2. **Off street Parking and Loading (5.1.13):** The Applicant should clarify the anticipated daily traffic volume for the site including employees and customers. ( Note 28)
- Shaun DeWolf asked if it is 30 trucks or 30 trips. They also wanted to know about employees.*

*Jason Pohopek answered that it would be 30 trucks with 30 entrances and 30 exits per day and regarding employees they reside on the premises, so we did not see that as a major issue. We can show a couple of parking spaces. We certainly can address that.*

- 3. Vehicle Entrance and Exit (5.1.13.2):** The proposed entrance from Morrell's Mill Road should include signage and landscaping to increase visibility.

*Jason Pohopek spoke that we do plan on putting up a sign for visibility for the truckson in both directions. We have made a note on the view part of it. The first 50 feet will be paved.*

*(Note 22)*

- 4. Earth Material Removal (5.2.2):**

- **Property Lines (5.2.2.c.1):** Town regulations require property lines to be based on a certified survey. We recommend verifying the location (i.e. bearing and distance) for the approximate lot line between lots 6-39 and 8-89.

*(Has been addressed)*

- **Reclamation Plan (5.2.2.c.1)** The Extraction Plan only provides reclamation notes. Per Town and State regulations, a Reclamation Plan is necessary to ensure proper site reclamation following extraction activities. We recommend a phased reclamation plan to help facilitate Town review of pit extraction and reclamation operations. The limits of each phase should also be shown on the Extraction Plan.

*(Note 7) and (Phase 4)*

- **Site Drainage (5.2.2.d.2):** The proposed grading in the northwestern quadrant of the extraction area indicates that runoff will be directed offsite. Town regulations require all extraction pits to be internally draining. *(Has been rectified and a silt fence will be placed the whole length to protect any sediment and erosion issues)*

- **Erosion and Sediment Control (5.2.2.d.7):** No erosion or sediment control measures were provided for review. Per Town regulations, sediment control measures designed by a Professional Engineer are required to maintain quality of surface waters on and off the site. At a minimum, silt fence (or other appropriate control) should be installed along the northern edge of the extraction area to prevent sedimentation from extraction activities from reaching the stream.

*(Proposed earth berms and silt fence along the northerly edge of the excavation area)*

### **State Performance Standards (38 MRSA 490-W to 490-FF)**

- 5. Permitting (490-X):** We recommend adding a note to the plans identifying the state borrow permit number and approval date. *(Note 30)*
- 6. Bonding (490-Z:13):** We recommend the Applicant provide documentation supporting an appropriate bond value for reclamation of the entire site for review. A bond or other surety for the approved amount should be secured with the State. Alternatively, bonding requirements may be executed at the local (Planning Board) level.

### **Engineering Comments**

- 7. Site Grading:**

- The intent of the various variable slope embankments is unclear (specifically the northwestern and southeastern corners of the extraction area). We recommend grading at a constant slope (i.e. 3:1 or as appropriated)
- The full extent of grading should be shown (i.e. missing contours in the southwestern corner and northern section of the extraction area, etc.)

- Grading should be shown for the 6' high earth berm in the northeastern corner of the extraction area.
  - More grading detail should be shown within the low point (proposed 225' contour) in the northeastern quadrant of the extraction area to help distinguish the finished ground slope in the area (i.e. minimum slopes, spot shots, more contours etc.)
8. **Haul Road/ Access Road:** The intent for haul road and access road construction is unclear. A typical road section or detail should be shown as well as defined limits and grading (access road). We also note that Morrells Mill Road is a paved public way and therefore a paved entrance of at least 50' from the Morrells Mill Road is required. Details and/or a typical pavement section should be provided. (*Boards discretion*)
9. **Proposed ROW:** The intent of the proposed right-of-way along the southern edge of the property is unclear. More detail should be given on whether or not the proposed right-of-way is to be used for extraction activities. (*Note 32*)

### **Administrative Comments**

10. **Permit Application:** We note that Map 6, Lot 39 is not listed on the Conditional Use Permit Application.
11. **Extraction Pit Expansion:** Clarification should be made on whether the proposed extraction pit is an expansion of the existing expansion pit to the north or not. The plans indicate that the proposed pit is not an expansion while the Hydrogeologic Report states that it is. (*Note 7*)
12. **Code Enforcement (Note 18):** We note that the Town's Code Enforcement Officer will document (not ensure) extraction compliance with the plans through periodic inspections. The Contractor is responsible for ensuring that extraction and reclamation activities comply with the Extraction, Phasing, and Reclamation Plans. (*Note 14*)
13. **Plan Notes:** Certain notes provided on the Extraction Plan simply reiterate Town requirements and in some cases may not be applicable. We recommend the Applicant modify the plan notes to more accurately reflect specific project conditions, confirm the applicability of the notes and make directives to the pit operator that will result in regulatory compliance.

*Shaun DeWolf moved with applicant Steve and Lendell Quint on the gravel pit that they provide the Planning Board with a Storm Water Pollution Prevention Plan known as a SWPPP Plan with the packet for the Planning Board's next meeting and also the continuance of the applicant for the next available meeting after review from Underwood, Julie Ferner seconded a motion. Vote, 5-0*

**B. Dale Clement---**Applicant proposes to replace an existing Retaining wall and install a Stone Patio at 62 West 4<sup>th</sup> Street. (Map 12, Lot 17)

Dale Clement explained that I want to replace the wall with concrete blocks and a patio on top.

Lawrence Huntley, CEO spoke that Mr. Clement has his permit by rule from the DEP. There is also a drawing of what he is proposing with a photo of what it looks like now.

Chairman Barry Chase asked what the wall is made of now.

Lawrence Huntley, CEO answered railroad ties.

Shaun DeWolf asked what the brick manufacturer was.

Dale Clement answered Gagnon in Sanford.

Conditions:

1. Remove existing ties from shoreland zone.
2. Follow manufacturing installation specification of precast concrete retaining blocks.

*Rick Reynolds moved to issue a Conditional Use Permit to Dale Clement to install a retaining wall at 62 West 4<sup>th</sup> Street with the two conditions; remove existing ties from shoreland zone and follow manufacturing installation specification of precast concrete retaining blocks, Mark Cahoon seconded a motion, Vote, 5-0*

**C. Anita Merrow**---Applicant proposes to construct a Garage at 20 West First Street.  
(Map 13, Lot 36)

Anita Merrow explained that she would like to construct a two car garage.  
I hired Corner Post Surveying as to where to place the garage to meet setbacks.

Shaun DeWolf asked are you extending the driveway down and square it off.

Anita Merrow answered yes.

Shaun DeWolf asked if the area was all pavement.

Anita Merrow answered that some of it was pavement and gravel.

Chairman Barry Chase asked if the retaining wall was new or was it already there.

Anita Merrow answered that the wall was already there.

Chairman Barry Chase asked about the 50 foot arch on the plan.

Lawrence Huntley, CEO answered that it is a required 50 feet setback from the right-of-way.

Rick Reynolds spoke that it looks like the power comes into the garage.

Lawrence Huntley, CEO spoke that it is going to be a problem with the power lines over the garage and CMP will not allow that to happen.

Lawrence Huntley, CEO spoke that the Planning Board can approve this with condition that the power line be moved.

Chairman Barry Chase opened the meeting for public comment 7:25 p.m.

Jude Refalo spoke that she has a couple of questions about the garage and the drainage. They have put up a retaining wall and a patio and have regraded the area and they are also adding a garage. I'm not concerned about the garage just the drainage.

The drainage would be coming down into a small frog pond that is between there and the lake and that water will feed into the lake.

Another concern is that they park their car on the patio and what comes off the car will go into the waterway. I want to know what they are going to do about the drainage.

I'm also concerned as to where the leach field is located, because they can't put a garage over a leach field.

Anita Merrow spoke that the leach field is next to my house.

Bruce Jordan spoke that he had a suggestion about the power lines. To bring the power lines into the garage and place a 200 amp panel in the garage.

Chairman Barry Chase answered that you can't go through her house and out the other side.

Shaun DeWolf comment the power lines can't go over the garage, so you have to redirect those from the building. It isn't the last line going in.

Chairman Barry Chase closed the meeting for public comment at 7:40 p.m.

Chairman Barry Chase asked Anita Merrow if she had a permit for the retaining wall.

Anita Merrow answered no that it was 100 feet from the water.

Chairman Barry Chase spoke that she should amend the permit.

Lawrence Huntley, CEO answered it should be included in the garage proposal and to take a look at where the water is being diverted to.

Mark Cahoon suggested that table this meeting and conduct a site walk.

*Mark Cahoon moved to table the meeting until the Planning Board has conducted a site walk for the applicant on August 1, 2012 at 5:30 p.m., Rick Reynolds seconded a motion. Vote, 4-1*

### **3. Preview Next Agenda**

### **4. Other Business:**

### **5. Review Previous Minutes:**

*Rick Reynolds moved to approve the minutes of July 12, 2012 as corrected, Mark Cahoon seconded a motion. Vote, 5-0*

**6. Adjournment:**

Rick Reynolds moved to adjourn at 8:00 p.m., Mark Cahoon seconded a motion. Vote, 5-0

Lawrence Huntley, CEO  
Planning Coordinator

Respectively Submitted  
Anita Merrow, Stenographer

Chairman Barry Chase

Julie Fernee

Shaun DeWolf

Mark Cahoon

Rick Reynolds

Chairman Barry Chase  
Julie Fernee  
Shaun DeWolf  
Mark Cahoon  
Rick Reynolds  
CEO  
Town Manager  
Post Inside/Outside  
File