

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD MEETING FEBRUARY 14, 2008

Present: Chairman R. Todd Hoffman, Shaun DeWolf, Barry Chase, Mark Cahoon, Scott Strynar and Lawrence Huntley CEO.

Absent: Julie Fernee

Also Present: Anne Whitten, Wayne Whitten, Allen Holshouser, James Benedict, Cindy Freeman, Viola Clough, Carol Anne Hill, Matthew Gray, Leighton Reynolds, Cynthia Nehiley, Jason Nehiley, Aiden Nehiley, David Cutter, Linda Santor, Mike Lemeux, Sandy Lemieux, Joanne Abbott, Pat Cericola, Guy Cericola, Michelle Crovetti, Chad Crovetti, Carl Beal (Civil Consultant), Tom Broadhusrt, Jeannie Provencher, Dana Goldburg, Carmen Chabot, Peter Lewis, Ernest Houle, Jolene Buck, Dwayne Buck, Stephen Purington, Ronald Morrill, Caroline Morrill, Walter Boston, Ernest Rose, Lola Silva, Melanie Ciccotelli, Bruce Hackett, Jim Muthig and Mary Muthig.

1. Call to Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:31 p.m.

Chairman R. Todd Hoffman moved Mark Cahoon to full voting status.

2. Current Business:

A. Public Hearing---Changes to the Shoreland Zoning Ordinance.

Chairman R. Todd Hoffman explained to the public that the Planning Board had previous meetings before the first of the year to vote on the State Mandate language on Shoreland Zoning.

Chairman R. Todd Hoffman stated that Dwayne Morin the Town Manager has sent a memo to the Planning Board dated February 14, 2008 and is forwarding in his memo a request per legal counsel.

To: Planning Board
From: Dwayne Morin, Town Manager
Re: Shoreland Zoning Update
Date: February 14, 2008

Special Exception

The Town's legal counsel, Drummond and Woodsum, has reviewed the proposed shoreland zoning changes and recommends that the Town adopt the special exception language previously rejected by the Planning Board during its drafting of the changes. The Town's legal counsel strongly recommends that the Town adopt this language to be consistent with the State of Maine model regulations as well as to protect the Town from any potential litigation that may arise due to the restrictive nature of the shoreland zones.

I have attached a copy of the proposed language which should be inserted in the Town's Zoning Ordinance as Article 6.9.6(d)

Shoreland Zoning Map

I recommend that the Planning Board put forward the language changes for the Mandatory Shoreland Zoning update including the above mentioned special exception language but **NOT** put forward the updated Shoreland Zoning Map at this time. The Town has received a memo from the Maine DEP which states that the maps that they sent to the Town as part of the Mandatory Shoreland Zoning update process are being revised due to the maps not being "sufficiently accurate." The new map created for the Town's update was based solely on the maps provided to the Town by the State which means that they are also inaccurate. At this time, it would not be appropriate for the Town to adopt maps that are known to be inaccurate. The State will be providing the Town with updated accurate maps by October 31, 2008. The State DEP has reviewed the language proposed by the Town and has found the proposed language to comply with the Mandatory Shoreland Zoning requirements. Since the language requirements of the law will not be amended, it would be appropriate for the Town to adopt the new language at this time and then present an updated map for the approval at the next Annual Town Meeting once they have been determined to be sufficiently accurate.

I would like to thank the Planning board for the opportunity to present my recommendations and to commend the Board on their work in preparing the changes to be consistent with the Mandatory Shoreland Zoning Law.

Chairman R. Todd Hoffman asked Lawrence Huntley CEO to explain the language changes for the Mandatory Shoreland Zoning with the special exception language and the updated Shoreland Zoning Map at this time.

Lawrence Huntley CEO stated that the maps that were sent out to notify all the people that their property was now being within the shoreland zone that had not been in the shoreland zone, the maps are found to be wrong in a lot of cases. The State is redoing their maps as far as shoreland zoning and wetlands. The town has decided not to accept the maps as they are shown at this time, but to vote on the word changes in the Zoning Ordinance. What is required and what is allowed in each zone does not change, but the maps do change. Where all these wetlands and shoreland zoning State is requiring us to map we really don't know at this time. What we will be voting on tonight is the actual verbiage changes would affect all the shoreland zones in the town. This is a State of Maine Mandated change and if we don't pass this the State will make us accept what they want. What we are trying to do tonight is get in the wording into the Town of North Berwick as to the

shoreland changes the town wants and we need to coincide with the State of Maine changes in the process. Your questions may not be answered directly and they may already be there exactly in the zoning ordinance as to setbacks, what can and cannot be built in each zone. The only thing you don't know is pacifically where the wetlands land is going to be added and at this time I don't know who will be affected at this time. The State of Maine GIS maps and overlaid all the towns and they found some of the GIS maps are wrong, so now we don't have as many wetlands as we thought and some of you probably think you don't have any wetlands on your land, so why am I being notified and that's the problem and were going to try to make it right. There is an exception to the Shoreland Zoning Ordinance that the State has mandated and that is to allow certain things to be built within the Recourse Protect Zone that we have never allowed. The Town's protection zone is 250 feet, the State is 100 feet. The State would prefer that the town would allow certain things with exceptions and there are plenty of rules to those exemptions within 75 feet on the resources. One of those things is there is no other place on that property that a structure can be built.

We will try to answer question the public may have.

Dennis Hartigan commented that the wordage can be changed but we do not know the pieces of property will be effected and we are taking a vote on something we really don't know who will be effected.

Chairman R. Todd Hoffman replied that what we are going to do is rescind the vote that we did before the map and that would affect some people here, we are going to rescind that so that therefore won't be imposing this language on them. At a later date when the State develops the new mapping that will be correct, then we will vote on the new maps. This evening we are voting on the wordage.

Chairman R. Todd Hoffman opened the Public Hearing at 6:47 p.m.

Jim Benidick asked if were voting on language as less stringent than the town, why bother because it could be a State Mandate that is less stringent but the town's aren't going to let you do it, why bother.

Lawrence Huntley CEO replied that there is one article in the Zoning Ordinance that is less stringent, most of the things in this Zoning Ordinance is stricter. The one thing we are talking about is a special exception to allow certain buildings or structures to be built within the shoreland zone and right now the town does not allow anything within 250 feet. That is the one thing the State would prefer and our attorney would prefer because the State prefers it are for us to accept. There are a lot of strict guide lines in order to build within that zone. There are exceptions to that rule, but you have to follow all these guidelines.

Anne Whitten asked how long the Planning Board has has been working on this.

Chairman R. Todd Hoffman replied that the Planning Board received a copy in September, October 2007. The Planning Board were going to address it and to vote on it in December but due to snow dates our meeting was canceled had and the Board scheduled another meeting for December 28, 2007.

Anne Whitten asked if the people abutting any wetlands if they had been notified of any of these meetings or this meeting.

Lawrence Huntley CEO replied those abutters were notified of this meeting. That anyone that was affected or we thought was affected was sent a registered letter.

Anne Whitten asked is this supposed to come to vote in April.

Lawrence Huntley CEO replied that just the wording will be voted on in April.

Chairman R. Todd Hoffman replied that it is State Mandated. Why the special meeting was called on December 28, 2007 because the State was requiring us to get our vote in.

Anne Whitten asked what is the State going to do to us if we say no.

Lawrence Huntley CEO replied that they will null and void our Shoreland Zoning Ordinance and make us accept theirs.

Public comment: are they only going to implement special exceptions.

Lawrence Huntley CEO replied that Shoreland Zone in the State of Maine is regulated by the DEP and the Shoreland Zoning section of the Department of Environmental Protection is the section that regulates Shoreland Zoning. We have a lot of protected areas within 250 feet of different zones and that particular zone would be cut down to 100 feet. We have 75 feet setbacks from streams and that would be cut back to 25 feet. That is some of the less stringent things we are talking about. The special exception is that you can build certain structures within the Shoreland Zone and up to as close as 75 feet to the water body or wetland. That exception has 5 different rules that you have to follow in order to be able to do that construction.

Leighton Reynolds asked why we are voting on this if we have no say in the long run.

Lawrence Huntley CEO replied that the States protection is less than ours right now. There are certain things that will change but not a lot of them. If you want to have it more protected we need to adopt our own ordinance.

Leighton Reynolds commented that our vote will not count as much.

Lawrence Huntley CEO replied your vote counts a lot, if you don't vote and don't accept the Planning Board's rewording of the ordinance, which is stricter than the State of Maine. If you don't vote and accept the changes the State will come in and say this is what you have to do.

Leighton Reynolds commented if we say we want 250 feet the State can't say we want it to be 75 feet.

Lawrence Huntley CEO replied that is correct. The ordinance is not changing that much it is allowing a certain exception to one rule of the Shoreland Zoning.

Cindy Freeman asked why all of a sudden they want to change what it was to less.

Lawrence Huntley CEO replied they are changing it to more. The State is mandating more than it did before. We are one of the few towns' in the State of Maine that has a real strict Shoreland Zone.

Public comment is that we should review the States Shoreland Zoning in order to fully understand.

Lawrence Huntley CEO stated that the people are not here tonight to vote by the general public. This Public Hearing tonight is for the people to understand that there is going to be a vote and for the citizens to read up on it and vote the way you want.

Chairman R. Todd Hoffman explained that the Planning Board will be voting this evening, is to put it on the Warrant for your vote at Town Meeting.

The Board of Selectmen will hold a Public Hearing on the Shoreland Zoning. It will be advertised on the website and on the Town's bulletin board.

The voting on the Shoreland Zoning Special Exceptions will be held on April 5, 2008.

Lawrence Huntley CEO stated that when the town receives the new maps everyone that is affected will be notified.

Public comment is once these wetlands are determined and the Bird Waiting Areas will that applied to the Shoreland Zoning as well.

Lawrence Huntley CEO replied no, the Bird Waiting Area that is called the National Resource Protection Act the DEP regulates this and in order to do anything within those zones you need a permit from the DEP.

Chairman R. Todd Hoffman asked the public if there were any more questions. The Planning Board will be voting on these ordinances before you (the town) for a vote at Town Meeting.

Lawrence Huntley CEO invited anyone that wants to discuss this evenings issues he is available any morning during the week.

Chairman R. Todd Hoffman closed the Public Hearing at 7:24 p.m.

Dennis Hartigan moved to rescind our previous vote on the Town Shoreland Zoning Map, Barry Chase seconded a motion. Vote, 5-0

Shaun DeWolf moved to accept the Shoreland Zone d. Special Exceptions, Barry Chase seconded a motion. Vote, 5-0

Chairman R. Todd Hoffman read into the record:

d. Special Exceptions. In addition to the criteria specified in Section 6.9.6(c) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20% and

(b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be ½ the width of the 100-year flood-plain.

(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

MEMORANDUM

To: All Organized Municipalities

Fr: Richard Baker, Shoreland Zoning Coordinator

Re: Extension of Deadline for Updating Shoreland Zoning Ordinance

Da: December 17, 2007

As you are most likely aware, the Board of Environmental Protection (BEP) approved amendments to the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective May 1, 2006.

The BEP then established the date of July 1, 2008 as the deadline for municipalities to update their respective ordinances to be consistent with the amended guidelines.

In recent months it has become clear to the Department that a large number of municipalities will not complete the updating of their ordinances by July 1, 2008. Much of the reason for municipalities not completing the revision process has been the confusion over the specific wetlands that must be zoned, as well as the value of those wetlands as waterfowl and wading bird habitat.

The amended Guidelines require undeveloped, non-forested, freshwater wetlands that are at least ten acres in size and rated as moderate or high value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) to be zoned for Resource Protection. As towns have worked with the (MDIF&W) data layer/maps some have been found to not be sufficiently accurate. This is particularly true adjacent to long, narrow wetlands along streams. There have been instances where the new map/data has indicated that a stream with minor wetlands bordering the river is considered to be a wetland for shoreland zoning purposes. However, the department does not expect a municipality to now zone what has been considered a 75-foot Stream Protection district as a 250-foot Resource Protection district.

As a result of the confusion over the maps/data that have been produced and delivered to the towns, the Maine Department of Inland Fisheries and Wildlife is in the process of reviewing its data layers to ensure that only those wetlands that are necessarily zoned are included on the maps that towns received. This review will also result in significantly developed sites being removed from the map as a moderate or high value freshwater wetland. The review process is expected to be completed by October 31, 2008. Because of the timing of the revised mapping, the Department will be extending the deadline for updating local shoreland zoning ordinances by one year. The deadline for updating your ordinance will now be July 1, 2009.

As the revised mapping is completed the respective towns will get copies of any revised maps. Some will get this information sooner than others, but be assured that you will receive any revised map information by October 31, 2008.

The department encourages all towns to continue to work on the text revisions and to review the currently available map data. We do not anticipate a further extension, so please make every effort to comply with the July 1, 2009 updating deadline.

B. Public Hearing---Goldmark LLC. Proposal to establish a Gravel Pit on land bordering Quarry Road and Route #4 (Map, Lot 89 & 92)

Dennis Hartigan departs from the meeting at 9:00 p.m.

Scott Strynar departs from the meeting at 9:45 p.m.

Carl Beal, Civil Consultant for Goldmark LLC., stated that he will be presented an overview of the proposed Gravel Pit expansion proposed by Goldmark LLC. and that one of the owners Dana Golberg is also here this evening. Goldmark LLC. currently operates a Gravel Pit in Sanford across the town line from North Berwick. It is a 42 acre piece of property that they purchased in 2003. They are currently extracting gravel from that pit. This proposed expansion is for 60 acres adjacent to that existing operation over the town line in North Berwick.

Were here before the Town of North Berwick to expand the existing Gravel Pit and come into North Berwick from the existing Sanford operation, it is two parcels, lot 89 & 92 on Tax Map 4. This plan shows a detailed grading of the proposed pit. The excavation will average approximately 15 feet. The pit area of the 60 acres the pit area it self will be 39 acres. To meet the Town Ordinances there is a 150 foot wooden buffer that is going to remain all around boundary of that property and then when you get beyond the 150 feet the extraction will start and will slope away.

Chairman R. Todd Hoffman asked that the slope does not encroach on the 150 foot setback.

Carl Beal replied that is correct, the slope is further away.

Carl Beal explained that as the excavation proceeds and the gravel are extracted the owners come along and reclaim that pit. They save the loam that they strip off and they go back and they put the loam on the slopes and they plant it with grass seed and use wood chips and mulch to stabilize that slope.

An item that was brought up was the Phasing and how the 60 acres was going to be Phased and how the excavation would proceed. This is the Phasing plan on the site plan of where the existing pit is, that is Phase 1., the yellow area that represents Phase 2 that will be the first area to be mined that will be extracted, Phase 3 is in this area and Phase 4 will be the final southern most corner of the companies property. I will be submitting this site map to the Town.

The Board questioned when would this road be pushed through and this curb cut and the second curb cut made out on to Route 4 . Phase 4 is probably 10 years away and will depend on the construction and the economy. Until that time the existing entrance for the existing pit will be utilized to make deliveries and take gravel away.

Chairman R. Todd Hoffman asked how many acres of gravel removal you can remove before you have to reclaim it.

Carl Beal replied that your ordinance states that as you start excavating the third acre you need to reclaim the first and second acre.

Carl Beal explained that they have gone out to do monitoring on wells on this property. The Town and the DEP require you to keep the pit floor 5 feet above seasonal high ground water level. There were six wells put in for the existing pit and six more wells were put in the summer of 2007 in the proposed 60 acres in North Berwick. The data of those ground water wells we came up with this grating plan that meets that requirement. R W Gillespie of Saco oversaw installation of the wells and sampled the wells and went back out and sampled them last month

and those water levels are below were they last summer. We will continue to monitor the water levels so that we will be sure that this grating is correct.

Chairman R. Todd Hoffman asked if there if be a schedule of monitoring throughout life of the various Phases.

Carl Beal replied yes and it is required.

Carl Beal stated that the hours of operation are proposed:

7:00 a.m. to 6:00 p.m. – Monday through Friday

7:00 a.m. to noon – Saturday

Scott Strynar commented that at the last Planning Board meeting who mentioned that only a certain amount of acreage of woodland can be cut at any given time.

Carl Beal replied that the DEP has a 10 acre limit for the working pit.

Chairman R. Todd Hoffman explained the process of the Planning Board. And what is before the Board is a Conditional Use Permit and what they are proposing they believe is a permitted use of their property. What the Planning Board than can do is look and make sure that it is a permitted use and we can only do that by going to our Ordinance book. What the Planning Board can do is place certain conditions and they have to be reasonable.

Chairman R. Todd Hoffman opened the Public Hearing at 7:57 p.m.

Cindy Freeman commented that her biggest concern is that already now they are behind me because part of it is the Town of Sanford. I have already noticed a big change in the environment as far as I no longer see deer in my garden, I no longer see turkeys in my garden, and in last 8 months I have been having trouble with my well. I had my well redone less than 8 years and never had a problem, now my water pressure and every thing is gone. I have a new pump and holding tank. I have a point driven well. Last summer I saw more water in the gravel pit. Another concern I have is the noise that I hear out there now is so extensive that you cannot enjoy going in the backyard any more and having it be peaceful. One of my neighbor has to close his windows because of the sand dust completely fills his home. Even if there is a buffer of 150 feet from my property I can still see the pit from my backyard now. What is it going to do to me when they go into North Berwick and they are much closer to me? The fact, that my house and the area across the road is all an aquifer. Has anyone taken that into effect? There were wetlands and I would pick wild flowers and there was a stream going through there, they are all gone now. What's going to happen to my well water when they start digging even closer?

Tom Broadhurst commented that the aquifer should be under resource protection.

Bruce Hackett (Water District) explained with a visual of a site plan that all this land over here is our office, a pump station and there are two wells over here that was put in 1984. There is a half a mile of pipeline to a third well over here; this is the access road off of Morrells Mills Road and everything to the river and everything to the Boyle Road is 220 acres. The aquifer zone lines, the A zone and B zoning, in the 1980's when we first put these two wells in, they had an A zone and

a B zone, now this third well is a zone 1, zone 2 and zone 3. The zones, we have monitoring wells around the property that were put in before we dug the wells and those lines are done through computer modeling based on the information they get through the monitoring wells. I believe it is in the zoning if anyone wants to dispute those lines. Basically it is something to go by to protect the water supply.

Dana Goldberg asked if those wells have changed since we put the pit in. Have they changed?

Bruce Hackett replied I don't think they have. We monitor the wells every month. We take a static reading on the wells, all three of them. When the pumps have not been running for several hours and we also take draw down readings when the pumps have been pumping for several hours. It is all plotted on charts; it goes up and down depending, like in the spring when there is a lot of rain, the static gets higher, in the summer the static gets lower and fluctuates 3 to 4 feet. I have data since 1884 and we pump about 65 million gallons a year out of there and as far as I know nobodies well has gone dry.

Allen Holshouser commented that I live on the corner of Route 4 and the Quarry Road. I built my house in 1966 and I dug my well 49 feet deep by hand. All the years I have lived there I had no water troubles at all. All three kids moved out and in 1995 my well went dry. I wonder what caused that, I am on Town water now.

Jeanne Provencher commented that I have a lot of concerns about this. I will be very honest with you, I really don't want it and it is an eye sore. I hope you can do better than the Sanford pit. Do you realize how many people have almost got into an accident because they are busy gocking and how horrible that sand pit looks from the road, there is no buffer, and there is no tree line? The house beside my home in the last 8 years they have had to go deeper 3 times. The summers in the last 5 years in the back of my house, I know how it gets very dry, I have maple tree that are wilted, I have wild blackberry bushes that are wilted but I can go 3 miles away and I can look around and I don't see anything that is wilted. I'm concerned what this will do to my property value having a gravel pit across the road. The other concern that I have is that you want to have an access road that close to the intersection of Quarry Road, Route 4 and Boyle Road, that is dangerous. How are you going to deal with trucks that close to an intersection? I agree that anyone's wells that are affected by your gravel pit; you should cover the cost of putting them on Town water. I don't want to see these people have their property ruined or be without water. I personally don't know why you need to make any profit; I think you made more than enough profit. Nobody in this room that could afford to loose their homes for all the profit you have made. I think you have taken enough gravel out of there now, you can find somewhere else to earn a living and somewhere else to dig.

Chairman R. Todd Hoffman asked that the public comments be addressed to the Board.

Carmen Chabot commented that she has lived on the Quarry Road for 27 years. I remember when the trucks were taking gravel on to the Quarry Road and coming right by my house during the day. I purposely did not want a home on Route 4 because I did not want to be exposed to heavy traffic and noise. I remember sitting in my living room and having glass objects on shelves shake when those trucks came by my house. I moved to North Berwick because I did not want to

live an environment like that. Then I had to live in that environment it not being my choice. I am very concerned about the value of my property. I moved here to spend the remainder of my life here. I wonder what kind of research is being done to determine what would happen to our property value should this occur. If you can tell me my property isn't going to go down a single dollar by having this happen, then I might feel a little more secure, but I don't think it would change my opinion about the other factors such as the visual factor, the fact that I will have to listen to these trucks, the fact that I have children at play on that road, the fact that I agree that we have the advantage of all this wonderful wildlife in our back yard and that it is a gift and if that is going to be taken away from us by having this type of work done. I don't care how much money people make off it, I'm really not concerned about profit and who's making money, I think everyone is entitled to make a living, but I am very concerned about people who take away from other people without concern.

Anne Whitten asked if Goldmark LLC. had their traffic study done?

Chairman R. Todd Hoffman replied yes.

Anne Whitten commented that the Board may want to speak with the State to see exactly what information they gave them to obtain their traffic study and curb cut. Also have the applicant do water testing or pay the Board to do the testing.

Chairman R. Todd Hoffman replied that could be a condition that water table issues were met upon approval on granting the permit.

Anne Whitten asked what time table do you have to accept their application.

Chairman R. Todd Hoffman replied 60 days and I think we can extend that. We have heard a lot of issues here tonight. We will talk with Carl and see if there are any mitigating thoughts and ideas that he has. So far water is a major issue and traffic. As you all know is much more stringent as Larry mentioned than any other ordinance book in the State. We can only go as far as the book allows.

Anne Whitten commented that there were a couple of times during a Planning Board session where someone did get a traffic study and did get their ingress and egress and when it was asked what information was given it was not correct information.

Jim Muthig commented that I live on the corner of Morrells Mills and Route 4. I have question on the process with which the town reassessing the zone B aquifer, where it exists and how we go about extending it.

Lawrence Huntley replied that the town can order a ground water study by a hydrologist and our ordinance requires that the applicant pay for the study, if it is required by the Planning Board.

Bruce Hackett stated that the A and B zone, there is an A zone which most of the A zone is on the Water District property, very little of it touches any body else's property. What that is, is a 200 day travel time, if there were any pollution dumped or any pollution caused in the A zone it

would take supposedly 200 days for that pollution to reach the well. The B zone is a 250 day travel time. With the new well we have a zone 1 and 2 and 3, and the 3rd zone goes way up beyond Bauneg Beg would ever effect us.

Chairman R. Todd Hoffman asked the general direction of the water flow.

Bruce Hackett replied that I do have a map and Bob Gerber Company out of Freeport and that was a flow and it showed that the water goes toward the river, but that was back in the early 1980's. Where down 30 feet on two wells, but they are down in a hole and the other well is 52 feet deep that is also in a hole.

Cindy Freeman commented that last summer at night time when there was something going on in the pit and it was enough to wake you up out of you sleep. If it was like that now what will I have now?

Chairman R. Todd Hoffman replied that when ever we do a conditional use permit there are hours of operation and noise ordinances and those need to be enforced.

Zoning Ordinances 6.9.8 Violations a. Failure to comply with any conditions of a conditional use permit subsequent to the receipt of a building permit, shall be construed to be violation of this regulation and shall be the grounds for revoking the building permit;

Carmen Chabot asked what does it take to revoke it.

Lawrence Huntley CEO answered that it takes three offenses and I can put a stop order on that pit, as I see fit. It would go to court and say he did not live up to the conditional use permit ordinances and see what the judge had to say.

Lola Silver commented that I live on the Quarry Road and I drive a school bus. And I had a dump truck go through my lights when I was dropping off a student. I would like to know if there will be any blasting.

Lawrence Huntley CEO commented that there can be a stipulation that there will be no blasting.

Chad Crovetti commented that I live on the Quarry Road and my question is has any body also gone on and a Wild Life Survey, this is quite a few acres of Wild Life Habitat is there anything in that area that is protected.

Chairman R. Todd Hoffman answered that at the next Selectmen's meeting they will have a presentation of the rewritten Comprehensive Plan for North Berwick and I would suggest attend the Selectmen's meeting next Tuesday and will be address a number of these issues; zoning areas, what kinds of development can happen, what kinds of commercial and non commercial use, land issues. Check the website and the bulletin board down stairs will have the agenda for the Selectmen.

Cindy Freeman asked if the Board could make a condition that the setback be 250 feet from her property rather than 150 feet.

Chairman R. Todd Hoffman commented the dilemma of reading these factors to conditions and then trying to interpret them and be fair.

Chairman R. Todd Hoffman read into the record:

Page 6-13- 6.9.6 Factors Applicable to Conditional Uses

a. In considering a conditional use permit the Planning Board shall evaluate immediate and long-range effects of the proposed uses, and the following factors.

1. the compatibility of the proposed with adjacent land uses and other property in the district;
2. the need of a particular location for the proposed use;
3. the impact of the proposed use on local population and community facilities;
4. the impact of the proposed use on transportation facilities;
5. the maintenance of safe and healthful conditions;
6. existing topographic and drainage features and vegetation cover the site;
7. the prevention and control of water pollution and sedimentation;
8. the location of the site with respect to flood plains and floodways of rivers or streams.

Chairman R. Todd Hoffman stated that is a list of factors of conditional uses, those are the things we have to take into considerations.

Chairman R. Todd Hoffman explained to the public that the Board will be doing research on the issues discussed tonight.

Bruce Hackett asked about the monitoring wells and if they are tested for volatiles or anything like that right now.

Carl Beal replied they could be, but are not tested right now. What they are tested for right now is; were the water table is; are there any changes that have occurred. These tests are done four times a year.

Bruce Hackett stated that we would be quite interested in the flow other than this 25 year map that I have.

Bruce Hackett asked if Goldmark LLC. had provisions on site in case of an fuel spill and to handle it rapidly.

Dana Goldberg answered that they have rescue on site.

Cindy Freeman commented that Mr. Golberg has heard all of our concerns and after we meet again and have some more meetings on this before it is decided. So will there be more meetings before you decide for our benefit.

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Dana Goldberg addressed the public stating that he is here tonight to listen to what you have to say. And if anyone has any concerns regarding the gravel pit to come to him or his partner. There is someone at the gravel pit everyday.

Bruce Hackett stated that the Water District does have enough water to expand. If by chance any of these wells go dry we do have the capacity to expand those veins.

Cindy Freeman asked when this topic will be discussed again.

Chairman R. Todd Hoffman replied that the Planning Board meets every 2nd and 4th week in the month. The agendas are on the bulletin board downstairs and on the Town's website the week before a meeting.

Viola Clough commented that she lives on Route 4 and she is not for the sand pit, these people have worked all their lives to have these homes and I don't think its right and I don't think we need that sand pit done that bad.

Chairman R. Todd Hoffman closed the Public Hearing at 9:34 p.m.

The Planning Board asked Goldmark LLC. for:

1. Traffic Study
2. Hydrology Study
3. Liability Insurance
4. No Blasting noted on plans

Chairman R. Todd Hoffman asked the Board about issues of questions for legal interpretations, zoning ordinances, engineering and the powers given to the Planning Board for the Town Attorney's review.

The Planning Board tabled Goldmark LLC. at this time.

3. Preview Next Agenda:

Tom Harmond - Civil Consultants

Conditional Use - Gift Shop

4. Other Business:

5. Review previous minutes:

Barry Chase moved to accept the Planning Board Minutes of January 24, 2008, Mark Cahoon seconded a motion. Vote, 4-0

6. Adjournment:

Mark Cahoon moved to adjourn at 10:30 p.m., Shaun DeWolf seconded a motion. Vote, 4-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted:
Anita Lambert, Stenographer

Chairman: R. Todd Hoffman

Julie Fernee

Dennis Hartigan

Shaun DeWolf

Barry Chase

Mark Cahoon

Scott Strynar

Copies:
Chairman R. Todd Hoffman
Julie Fernee
Dennis Hartigan
Shaun DeWolf
Barry Chase
Mark Cahoon
Scott Stryar
CEO
Town Manager
Selectmen
Janet Belmain
ZBA
File