



**Town of Gorham
August 11, 2008
PLANNING BOARD MINUTES**

LOCATION: Municipal Center Council Chambers, 75 South Street, Gorham, Maine

Members Present:

**SUSAN ROBIE, CHAIRWOMAN
DOUGLAS BOYCE
THOMAS FICKETT
MICHAEL PARKER
MARK STELMACK
EDWARD ZELMANOW**

Members Absent:

THOMAS HUGHES

Staff Present:

**THOMAS POIRIER, Assistant Planner
BARBARA SKINNER, Clerk of the Board**

Staff Absent:

DEBORAH FOSSUM, Dir. of Planning & Zoning

The Chairwoman called the meeting to order at 7:30 and read the Agenda. The Clerk called the roll, noting that Thomas Hughes was absent.

1. APPROVAL OF THE MINUTES FROM THE JULY 14, 2008 MEETING:

**Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion to approve the minutes of June 14, 2008 as written and distributed. Motion CARRIED, 6 ayes (Thomas Hughes absent).
[7:33 p.m.]**

2. COMMITTEE REPORTS

A. Ordinance Review Committee – Ms. Robie reported that there will be a meeting of the Planning Board’s Ordinance review committee to discuss the bed and breakfast proposed ordinance change on August 26 at 5:00 p.m.; all members of the Board are welcome, in addition to the Committee members.

B. Sign Ordinance Sub-Committee – Ms. Robie reported that the Board has some work to finish the creation of the tools which will be used to help people understand what signs are allowed, somewhat in the form of an electronic decision tree, and to discuss the provisions of the sign ordinance with the Code Enforcement Officer.

C. Streets and Ways Sub-Committee – Mr. Poirier confirmed that another meeting of this committee is in process of being scheduled with the Fire Chief.

3. MINOR SITE PLAN REPORT

Mr. Poirier reported that there are currently four projects under minor site plan review: Guerin Properties, LLC’s site plan amendment, Shaw Earthworks, lot 6 New Portland Parkway; St. Ours, Little Falls Laundromat site plan amendment; and TNT Quickstop’s ATM minor site plan amendment. He said that last week the Minor Site Plan Review Committee had met with and approved the Odias Bachelder site plan amendment for a used car lot at 669 Main Street, next to Crockett Interiors. Mr. Bachelder is permitted to have 9 cars in the front yard.

4. CONSENT AGENDA: STREET ACCEPTANCE REPORT – “SHAMROCK DRIVE” in GORHAM MEADOWS SUBDIVISION – off MAIN STREET by NORMAND BERUBE BUILDERS, INC.

Request for street acceptance for Shamrock Drive by Normand Berube Builders, Inc. Zoned UR; M30, L7.

No one on the Board or from the public asked that the item be removed from the Consent Agenda.

Mr. Poirier advised Ms. Robie that no conditions of approval have been added in order to recommend acceptance to the Town Council.

Mark Stelmack MOVED and Michael Parker SECONDED a motion to approve the consent agenda item and recommend Shamrock Drive to the Town Council for street acceptance. Motion CARRIED, 6 ayes (Thomas Hughes absent). [7:39 p.m.]

5. GRAVEL PIT AMENDMENT - BY R.J. GRONDIN & SONS, INC.

PUBLIC HEARING

“Parson’s Pit Plan Amendment” - off Farrington Road – Request for approval of an amendment to the Parson’s Pit plan to allow mining below the water table, to amend the reclamation plan, and to permit wetland creation and preservation. Zoned: Rural,. M62/L1, 10, 18, 19 and M79/L4.

Ms. Robie noted that the item had been tabled at the last meeting and asked for a motion to take it off the table for discussion this evening.

Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion that the item be removed from the table for consideration here this evening. Motion CARRIED, 6 ayes (Thomas Hughes absent). [7:40 p.m.]

Jamie Lowery, Sebago Technics, Inc., appeared on behalf of the applicant and explained that since last appearing before the Board, there has been a change in the applicant’s reclamation plan stating that the applicant would like to change the proposed wetland mitigation process of staying two feet above the water table as discussed at the last meeting. Mr. Lowery indicated that it is not feasible to stay two feet above the ground water table, and said that the applicant would like to mine into the water table and create a temporary wetland by loaming and seeding with New England Wetland Mix instead of staying 2’ above the water table and conducting a typical gravel pit reclamation. Once the applicant has a client, the processes through Federal and State environmental permit approvals for wetland creation would begin. Once the approvals for wetland creation are received the applicant would distribute the wetland creation approvals to the Town staff for review under the Land Use Code and the approved gravel pit reclamation plan. The applicant would receive Town approval of the wetland creation plan and disturb the temporary wetland creation plan to complete the approved wetland creation plan.

Jim Boyle, Boyle Associates, said that the plan is to create a groundwater discharge wetland by intercepting groundwater to establish in some areas saturated, semi permanently flooded wetland conditions. Mr. Fickett asked about phasing of reclamation. Mr. Boyle said that it will be reclaimed with wetland seed mix once the usable lifetime of the pit is played out. Ms. Robie asked how will the mix be managed of operating gravel pit and reclaimed area at the water table. Larry Grondin, RJ Grondin, said they will have to work their way out starting from the top of the pit down, but this will be many years down the road. He confirmed that none of this work will be done until the DEP variance is in hand.

Mr. Poirier gave the staff comments, noting that the applicant is requesting approval of the plan, which is allowed under the ordinance, prior to obtaining the variance from the Maine DEP to mine below the water table. Condition of approval #6 has been added to address this issue: “That the applicant shall provide copies to the Planning Director, Code Enforcement Officer, and Town Engineer of the approved 490-E, Variance, Performance Standards for Excavation for Borrow, Clay, Topsoil or Silt, from the Maine Department of Environmental Protection prior to excavation within 5’ of the seasonal high water table.” Mr.

Poirier noted that the Town's review engineer, Steve Bushey of DeLuca-Hoffman, reviewed the proposed temporary reclamation to determine if there would be any adverse impacts to the groundwater in the area; Mr. Bushey felt that there would be no adverse effects to the ground with the proposed plan.

Mr. Parker said one of the reasons the item was tabled at the July meeting was that the Board wanted some assurances that there would be a reasonable reclamation plan whether or not a client was available for wetland credit. As he understands the current proposal, the applicant will mine to or close to the water table and reclaim it as a wetland but not as one that can be traded off because it has not been designed for the ultimate wetland client. Mr. Boyle said that the wetland creation site could still be negotiated for credits for applicants, which could be negotiated even before the stage being visualized tonight. He said they have some 5 to 10 years before there is that much excavation done to be finding those applicants, and a more generic creation wetlands is being proposed at this time.

Mr. Stelmack, Mr. Lowery and Mr. Boyle discussed the groundwater contours shown on the plan. Discussion was also held on the number of monitoring wells that the DEP requires with a monitoring well for every five acres of open pit area and some 9 or 10 monitoring wells on site now.

Mr. Boyle suggested prohibiting sale of land on the site for houses.

At Ms. Robie's suggestion, a condition of approval (#11) was added that once an area has been reclaimed as a wetland, it will stay that way. Mr. Grondin concurred with such a condition, provided that it does not apply to the entire site, only to those areas reclaimed as wetlands.

PUBLIC COMMENT OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Mr. Grondin asked that the references to a quarry be removed in Conditions of Approval #6 and 14. Mr. Poirier said he would research the State standard.

Michael Parker MOVED and Thomas Fickett SECONDED a motion to grant approval of the applicant's request to amend the applicant's gravel pit plan to allow mining below the water table and revising the approved reclamation plan to allow for wetland creation and preservation on Map 62, Lots 1, 10, 18, 19 and Map 79, Lot 4 with conditions of approval as posted prior to the meeting, revised by the Planning Board this evening, and discussed with the applicant. Motion CARRIED, 6 ayes (Thomas Hughes absent). [8:15 p.m.]

**6. GRAVEL PIT AMENDMENT – BY GORDON SAND & GRAVEL, INC.
PUBLIC HEARING**

“Gordon Gravel Pit Amendment” off Mighty Street – Request to increase the proposed area of excavation to approximately 98 acres. Zoned: Rural & Stream Protection Sub District. Map 86/Lot 11.

James Lowery, Sebago Technics, appeared on behalf of the applicants, also present this evening. Mr. Lowery stated that since last appearing before the Board, the reclamation plan and limits of excavation have been modified and areas have been added around the North Branch Brook to comply with the recommendations of Maine Inland Fisheries and Wildlife. He said that a vernal pool has been identified on the site and the grading in that area has been adjusted to meet the State's requirement of no more than 25% disturbance, and permit by rule approval, Permit by Rule #46412, has been received. He noted that operations in the pit will remain unchanged with the exception of the incorporation of a crusher from time to time.

Mr. Poirier gave the staff comments, confirming that the applicant has received his Permit by Rule for the vernal pool protection and the gravel pit plan, and asked that there be a plan note added identifying that a Permit by Rule has been issued for that significant vernal pool. Mr. Poirier noted that Condition of Approval #17 has been crafted to address this issue.

Mr. Poirier reported that the Public Works Department has requested some offsite improvements to Mighty Street, as detailed in Tim Braun's March 27, 2006 memo, asking that the applicant be responsible for grinding, reclaiming and overlay paving of Mighty Street. The applicant has met with the Public Works Director and they have reached an agreement whereby the applicant will put up \$16,000.00 road maintenance fund for Mighty Street during the mining of Phase I-A. Upon completion of I-A and before mining any other phase of the pit, the applicant would complete the Mighty Street improvements as outlined in the Town Engineer's memo of March 27, 2006. Staff has added two conditions of approval, #20 and #21, as follows: "21. That the applicant shall complete the road improvements described in Tim Braun's memo dated March 27, 2006 to Planning Staff prior to commencement of phase I-B or any further gravel pit phases; and "22. That the applicant shall provide a sum in the amount of \$16,000.00 to be used by Gorham Public Works for maintenance and repair of Mighty Street between the pit entrance and the northern terminus of Mighty Street during mining of Phase I-A. Any unexpended funds remaining in this account at the close of Phase I-A will be reimbursed to the applicant; however, if the cost of repair/maintenance during Phase I-A exceeds \$16,000.00, the applicant will be required to reimburse the Town for the additional sum."

Mr. Poirier said that the applicant is asking for two buffer reductions from 100 feet to 10 feet where all property owners within the area of reduced buffer agree to a lesser distance. The applicant has submitted written statements from the abutters involved agreeing to reduced buffers, as well as drafts of the memo of agreement form to be used for recording the buffer reductions. However, the Town Attorney has reviewed the draft memorandum and finds that it does not meet code requirements; the applicant will be required to complete reciprocal deeds with abutting landowners, which will need to be done prior to the Planning Board's signing of the final plan. Condition of Approval #18 to address this issue: "That the applicant shall submit recorded copies of reciprocal deeds for each abutter agreeing to buffer reductions to Town Staff and Town Attorney approvals prior to the Planning Board's endorsement of the final plan."

Finally, Mr. Poirier noted that Conditions of Approval #10 and #13 have been added to address abutters' concerns as follows: Condition #10: "That the applicant shall ensure installation of "Smart Alarms" on all equipment operating on the site, excluding vehicles entering and existing the site that are not involved in gravel pit site operations;" and Condition #13: "That the applicant will contact and reimburse the Gorham Public Works Department for a "no engine brake" sign to be located on Mighty Street."

Mr. Parker confirmed with Mr. Lowery that the southern boundary has been modified to protect the knoll so that excavation operations would be better shielded. Mr. Lowery explained what reclamation activities will take place in the outer boundary limits of the vernal pool, that DEP allows 25% of the 250-foot radius around the pool to be disturbed or impacted.

Ms. Robie expressed concern about maintaining the line of trees located in the northerly boundary of Phase IV-B between Phase II-A and Phase IV-B. Mr. Lowery said that the stand of trees would remain intact until mineral extraction operations begin in Phase IV-B. Ms. Robie asked that a condition of approval be crafted to deal with this issue, which was ultimately added as condition of approval #23.

Ms. Robie confirmed with Mr. Lowery that the Tier I NRPA permit is no longer needed as there is no wetlands impact requiring it.

Mr. Lowery responded to a query from Mr. Parker that Mr. Gordon is ultimately responsible for all operators within the pit.

Mr. Poirier noted that there are two conditions of approval dealing with inspection of the pit: #6: "That the applicant shall submit accurate plans, including the use of GPS-based information where applicable, and AutoCAD information of exiting quarry operation area and conditions as part of the yearly Application for Registration of Existing Pit Operations to the Town Engineer and Code Enforcement Officer;" and #23: "That the applicant shall submit copies of all Maine Department of Environmental Protection site inspection reports as well as descriptions of sound measurement report data to the Town Engineer, and the Code Enforcement Officer." He said that the Town usually conducts a yearly inspection, either through the Town's in-house engineer or Steve Bushey of DeLuca-Hoffman. No changes to the phases require the applicant to return to the Board. Site plan amendment would be triggered if the applicant requested changes to the mining areas outlined on the plan, if the applicant requested to go within 5 feet of the water table, or if the applicant wished to alter the grading on the approved reclamation plan. Ms. Robie suggested that any change to the phasing would trigger site plan amendment, and suggested that condition of approval #1 be altered to read "That these approved amendments are dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, *progression of phasing or to the details of the phasing plans*, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimus changes which the Director of Planning may approve."

Mr. Stelmack noted for the record that the hydrogeologic evaluation submitted in the applicant's package has a date of July 1990, and also refers to a disturbance of 57 acres, as opposed to the 98 acres under consideration now, and asked for confirmation that the information in that evaluation is still valid. Mr. Lowery said that the reclamation has been proposed on those groundwater contours and monitoring wells information.

As a result of concerns expressed by Ms. Robie dealing with the noise standard of the Special Exceptions, the Board, Mr. Lowery and Walter Stinson of Sebago Technics had an in-depth discussion about the absence of noise projections on the use of the crusher on the site. Mr. Stinson agreed that sound projections will be made once the location of the crusher and the topography have been determined. Accordingly, Conditions of Approval #11 and 12, were crafted to deal with the issue, as follows: "11. That within 14 days of initial crusher operation on the site the applicant will submit to the Town Engineer and Code Enforcement Officer a noise assessment conducted at the property lines meeting Town of Gorham and Maine DEP noise standards;" and "12. That the applicant shall conduct subsequent noise monitoring on a request by the Code Enforcement Officer or as part of the Maine DEP's monitoring of the gravel pit. Results of all subsequent monitoring shall be provided to the Town Engineer and the Code Enforcement Officer within 14 days."

The Board discussed the possible cemetery noted on the plan and came to the conclusion that it is outside the pit area and will not be impacted.

In response to a query from Mr. Boyce about the Condition of Approval requiring Smart Alarms, Mr. Lowery said that Mr. Gordon would require any operator contracting with him to work the pit to install a Smart Alarm on his excavating equipment.

PUBLIC COMMENT PERIOD OPENED:

Charles Pearson, 43 Mighty Street. Noted that in the time he first spoke some three years ago about his concerns with truck traffic, the cost of improvement to Mighty Street has escalated, concern about vernal pools didn't exist three years ago, noise is not an issue, and suggested that the Board either approve the application or deny it, but to make that decision tonight.

Jill Henderson, 120 Mighty Street. It is possible that noise could be coming from construction of the new subdivision, but the pit noise is not a problem now. Supports the application.

PUBLIC COMMENT PERIOD ENDED.

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion to waive the 10 o'clock rule. Motion CARRIED, 6 ayes (Thomas Hughes absent). [9:25 p.m.]

Ten Minute Stretch Break to 9:30

The Board then reviewed the application in light of the submission requirements, as follows:

Gravel Pit Submission Requirements: The application requirements for expansion of existing pit operations are listed under Chapter II, Section C., Subsection 3) b) of the Gravel Pit Ordinance. In addition to the basic submission requirements, pits over five (5) acres in size are also required to submit

- (a) A hydrogeological study, which shows the depth of ground water throughout the site and establishes that the gravel pit operation will not cause any pollution to ground water and/or surface water.
- (b) A traffic study which sets forth what the maximum estimated volume of traffic into and out of the pit will be, which describes the kinds of trucks and equipment which will be going into and out of the pit, which describes any existing or potential traffic hazards on roads servicing the site and applicant's plans to address them, and which describes the ability of such roads physically to withstand the additional traffic generated by the site. The study shall consider the actual existing traffic condition in the vicinity of the pit.

By a show of hands (6 affirmative, Thomas Hughes absent), the Board agreed that the applicant has adequately satisfied these requirements.

Next, the Board turned its attention to section dealing with **Plan Review:** Chapter II, Section C, Section 4) b), which requires the Planning Board to review each application for a New Pit Operations permit according to:

- a) the special exception approval standards of Chapter I, Section IV(E);
- b) the following specific site plan approval standards of Chapter IV, Site Plan Review, Section IX, subsections B, C, D, F, J, M and P; and
- c) the other applicable requirements of the gravel pit ordinance, including the operational requirements of Section 5, the reclamation requirements of Section 6, and the blasting requirements of Section 7.

The Board first considered the Special Exception Approval Standards as follows:

1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off site and on site serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage and the visibility afforded to pedestrians and the operators of motor vehicles of such roads.

Since the truck count will not change from the current use, and the applicant has come to an agreement with the Public Works Director on the improvements to Mighty Street, the Board concurred unanimously that the applicant has met the criteria of Special Exception Standard #1. (6 ayes, Thomas Hughes absent).

2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply, nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition exists.

The Board concurred unanimously that the applicant has met the criteria of Special Exception Standard #2. (6 ayes, Thomas Hughes absent).

3. The proposed use will not create unhealthful conditions because of smoke, dust or other airborne contaminants.

The Board concurred unanimously that the applicant has met the criteria of Special Exception Standard #3. (6 ayes, Thomas Hughes absent).

4. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restrict access of light and air to neighboring properties.

As a result of the added condition of approval regarding noise testing, the Board concurred unanimously that the applicant has met the criteria of Special Exception Standard #4. (6 ayes, Thomas Hughes absent).

5. The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use.

The Board concurred unanimously that the applicant has met the criteria of Special Exception Standard #5. (6 ayes, Thomas Hughes absent).

6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird or other wildlife habitat and, if located in a Shoreland Zone, will conserve: a) shoreland vegetation; b) visual points of access to water as viewed from public facilities; c) actual points of access to waters; and d) natural beauty.

The applicant has met the State's requirements concerning protection of the North Branch Brook and the Board concurred unanimously that the applicant has met the criteria of Special Exception Standard #6. (6 ayes, Thomas Hughes absent).

The applicant has met all the criteria of Special Exception Standards 1 through 6.

The Board then reviewed the application in the light of Chapter II, Section C, Subsections 5), 6) and 7).

Subsection 5 a)(1), (2) (3) and (4): The Board has established that the appropriate buffer reductions have been agreed to, and there is a condition of approval regarding the recording of reciprocal deeds for each abutter prior to the Board's final endorsement of the plan.

Subsection 5 b). There will be no excavation below the seasonal high water table.

Subsection 5 d). The hours of operation will be consistent with the Code and the hours of operation of stone crushing will be consistent with the Code, limited to 7:00 a.m. to 5:00 p.m., Monday through Friday.

Subsection 5 g) The applicant has a proper erosion and sedimentation control plan.

The Board concurred that the applicant has met the requirements of Chapter II, Section C, Subsection 5).

Subsection 6). The pit will be mined in phases and reclaimed in phases and the applicant has demonstrated adequate reclamation plans.

The Board concurred that the applicant has met the requirements of Chapter II, Section C, Subsection 6).

Subsection 7): This section deals with blasting and does not apply.

The Board then considered the application under the Applicable Requirements of Chapter IV, Site Plan Review, Section IX , Subsections B, C, D, F, J, M and P.

- B. **Access to the Site** – Access to and from the site is limited to the northern entrance of Mighty Street, from State Route 114 (Fort Hill Road). Truck trips are limited to the northern entrance of Mighty Street due to concerns of the integrity of a culvert located between the gravel pit and the southern intersection of Mighty Street and State Route 114.

The Board concurred that this does not change as a result of the expansion and this requirement is met.

- C. **Access into the Site** – The existing gravel pit access occurs at a single location onto Mighty Street. The entrance onto Mighty Street is proposed to stay in the same location throughout the life of the gravel pit; no changes to the existing gravel pit entrance are proposed.

The Board concurred that this does not change as a result of the expansion and this requirement is met.

- D. **Internal Vehicular Circulation** – Vehicles will enter the site through the single access onto Mighty Street with vehicles following a gravel road to the active phase of the gravel pit. Trucks will be loaded in the active phase of the pit and exit back out through the same gravel pit access road.

The Board concurred that this does not change as a result of the expansion and this requirement is met.

- F. **Stormwater Management** – The proposal is for all phases of the gravel pit to be internally draining. The applicant has identified that Erosion and Sedimentation Best Management Practices will be maintained throughout the life of the gravel pit.

The Board concurred that this requirement is met.

- J. **Utilities** – The applicant is not proposing to install any utilities to serve the gravel pit.

None being proposed.

- M. **Exterior Lighting** – The applicant is not proposing to install any exterior lighting to serve the gravel pit.

None being proposed.

- P. **Landscaping** – The applicant is not proposing any additional landscaping on the lot.

None being proposed.

The Board concurred that the applicant has met the requirements of B, C, D, F, J, M and P of Chapter IV, Site Plan Review, Section IX. 6 ayes (Thomas Hughes absent).

Mark Stelmack MOVED and Douglas Boyce SECONDED a motion that the Board has reviewed and accepts the Findings of Fact described in the Site Report dated August 8, 2008. Motion CARRIED, 6 ayes (Thomas Hughes absent). [9:57 p.m.]

Edward Zelmanow MOVED and Douglas Boyce SECONDED a motion to grant approval of the applicant's request to amend the applicant's gravel pit plan and expand the proposed gravel pit operations from 29 acres to 98 acres on Map 86, Lot 11, with conditions of approval conditions of approval as posted prior to the meeting, revised by the Planning Board and discussed with the applicant.

Discussion: Ms. Robie asked Mr. Poirier to read the conditions of approval which have been amended or added this evening:

Condition of approval #1: "That the amendment is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and that any variation from the approved plans, *progression of phasing or to the details of the phasing plans*, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning and Zoning may approve;"

Condition of approval #23: "That the stand of trees located in the northerly boundary of Phase IV-B between Phase II-A and Phase IV-B shall remain intact until mineral extraction operations commence in Phase IV-B;"

Condition of approval #11: "That within 14 days of initial crusher operation on the site the applicant will submit to the Town Engineer and Code Enforcement Officer a noise assessment conducted at the property lines meeting Town of Gorham and Maine DEP noise standards."

Motion CARRIED, 6 ayes (Thomas Hughes absent). [9:55 p.m.]

Mr. Parker commended the applicant for the changes made to the plan which protect Branch Brook and the view shed. Ms. Robie commended the applicant on the condition of his gravel pit.

7. PRE-APPLICATION CONFERENCE: GRAVEL PIT AMENDMENT & SUBDIVISION APPLICATION – "MIDDLE JAM ROAD GRAVEL PIT AMENDMENT" - BY GRONDIN AGGREGATES, LLC

Walter Stinson, Sebago Technics, appeared on behalf of the applicant to present a proposal to create an 11-lot subdivision on approximately 29 acres off Middle Jam Road, reclaiming the existing gravel pit into 11 single-family house lots and constructing the required subdivision infrastructure. Mr. Stinson noted that the last time the applicant was before the Board on this project was to expand mining operations at the pit; that application has been withdrawn and this proposal is being presented in its stead. With an existing house lot, the proposal is for 10 new lots and both a conventional and a clustered subdivision plan have been submitted. The applicant proposes to convey a 50 by 100 foot perpetual buffer to assist in protecting the well of an abutter, Timothy Ventimiglia, as well as the conveyance of a portion of the original mineral extraction area, some 6 acres, to another abutter, Arthur Spinks.

Mr. Stinson said the u-shaped road servicing the proposed house lots will be some 2300 to 2400 feet long under the conventional plan, to be offered to the Town, and under the cluster plan the road will be some 1900 to 2000 feet long. Under the cluster plan, a larger open space would be provided.

The Board expressed concern about grading concerns and the topography in the steeper areas of the site and at the boundary. Mr. Parker suggested that the Busque buffer with this property should be clarified. Ms. Robie said that every lot would need a grading plan because of all of the steep slopes. Mr. Parker suggested that the road should come back into Middle Jam Road in the cluster plan with two curb cuts, which would be an improvement over two dead ends. Mr. Stinson confirmed to Mr. Zelmanow that the road will be built to

public standards. Ms. Robie concurred, and said that one of the biggest issues will be the condition of Middle Jam Road. Mr. Stinson said he would look into the question of looping the road.

Ms. Robie said she would be in favor of the cluster development if the road had a second curb cut. Mr. Stinson said they would talk to the Fire Chief and the Public Works Director to get their input. Mr. Stelmack said he believes the Fire Chief will want the second curb cut so the applicant should talk to him.

Mr. Parker asked Mr. Poirier if the outparcel to Mr. Spinks should be included with the subdivision calculations. Mr. Poirier said he will have to discuss that question with the Planning Director and the Town Attorney, but he believes that if they break that lot out they can separate that from the subdivision.

Ms. Robie directed that a site walk be scheduled.

8. SCHEDULE OPTIONAL MEETING – NONE NEEDED.

9. ADJOURNMENT

Michael Parker MOVED and Thomas Fickett SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Thomas Hughes absent). [10:21 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2008

5. GRAVEL PIT AMENDMENT - BY R.J. GRONDIN & SONS, INC.

Approved
Conditions of Approval:

1. That these approved amendments are dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimus changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project prior to the start of construction;
3. That all other applicable conditions of approval attached to previous gravel pit approvals shall remain fully in effect;
4. That the applicant shall provide property line information and site information, including each sheet of the final approved set of plans for the project, in auto-cad format (version 2000) to the Planning Office prior to the scheduled pre-construction meeting;
5. That 4 (four) sets of the final approved plan set will be delivered to the Planning Department one week prior to the pre-construction meeting, for distribution to the Inspecting Engineer, the Public Works Director, Code Enforcement Officer, and the Planning Director;
6. That the applicant shall provide copies to the Planning Director, Code Enforcement Officer, and Town Engineer of the approved 490-E, Variance, Performance Standards for Excavation for Borrow, Clay, Topsoil or Silt, from the Maine Department of Environmental Protection prior to excavation within 5' of the seasonal high water table;
7. That the applicant shall submit an adequate number of copies of the Federal and State approved wetland creation plans for staff review and approval prior to the start of construction of the wetland creation area;
8. That the applicant shall return for Planning Board approval if staff determines that the State and Federal approved wetland creation plans are in conflict with the Town's Land Use & Development Code, Town approved gravel pit plans, and/or pose a risk to residents and property in the Town,
9. That prior to the commencement of any site improvements for each wetland creation phase and/or earth-moving activities associated with the approved reclamation plan, the applicant shall arrange a pre-construction meeting with the selected Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Planning Director, to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
10. That all construction and site alterations shall be done in accordance with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Cumberland County Soil and Water Conservation District, Department of Environmental Protection, latest edition;
11. That once an area has been reclaimed as a wetland, it shall remain that way;
12. That prior to initiating any construction activities at the project site, the applicant shall provide a reclamation performance guarantee in a form and amount acceptable to the Town Attorney and the Town Manager. This guarantee shall include provisions for a periodic three-year review of the performance

guarantee and adjustment of coverage based on an updated estimate of the cost of reclamation for each phase of the project;

13. That the reclamation work shall be completed within nine months of the closing of the site (or a portion of a site with regard to phased reclamation plans). Reclamation of continuing operations shall be conducted in phases, if necessary, so there is never open more than fifteen (15) acres of total extraction operation area;
14. That upon default of any obligations to reclaim the gravel pit under this approval, the Town may, after written notice and an opportunity to be heard by the Board of Appeals, cause the gravel pit operator's reclamation plan to be implemented pursuant to the performance guarantee;
15. That reclaimed areas shall be guaranteed for a period of eighteen (18) months following the substantial completion of reclamation, during which time the performance guarantee shall remain in full force and effect;
16. That the conditions of approval shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the commencement of any improvements on the site.

6. GRAVEL PIT AMENDMENT – BY GORDON SAND & GRAVEL, INC.

**Approved
Conditions of Approval:**

1. That the amendment is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and that any variation from the approved plans, progression of phasing or to the details of the phasing plans proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning and Zoning may approve;
2. That the applicant shall obtain all local, state and federal permits required for the gravel pit to the commencement of mining in any of the proposed phases;
3. That all other applicable conditions of approval attached to previous gravel pit approvals shall remain fully in effect;
4. That within ten days of final approval, the applicant shall provide four full sets of the approved plans, sealed and signed by all professionals, to the Town: (1) to the Town Engineer, (2) to the Code Enforcement Officer, (3) to the Compliance Coordinator, and (4) to the Planning Director.
5. That the applicant shall provide property line information and site information, in AutoCAD format to the Assistant Planner, prior to the pre-construction meeting;
6. That the applicant shall submit accurate plans, including the use of GPS-based information where applicable, and AutoCAD information of exiting quarry operation area and conditions as part of the yearly Application for Registration of Existing Pit Operations to the Town Engineer and Code Enforcement Officer;
7. That the keys for access control gates should be provided in lock boxes located at the gate entrances with lock box keys provided to the Gorham Fire Department;
8. That the Spill Prevention Countermeasures and Control Plan (SPCC) should be signed and sealed by a professional engineer and the plan shall be reviewed by the Town Engineer and updated by the applicant as necessary. Copies of the most current plan shall be provided to and made available in the Code Enforcement office, the Public Works Department, and on site at all times;
9. That the applicant shall provide copies of all federal and state air emissions licenses for the crusher prior to start of production of construction material to the Town Engineer, and the Code Enforcement Officer;
10. That the applicant shall ensure installation of “Smart Alarms” on all equipment operating on the site, excluding vehicles entering and existing the site that are not involved in gravel pit site operations;
11. That within 14 days of initial crusher operation on the site the applicant will submit to the Town Engineer and Code Enforcement Officer a noise assessment conducted at the property lines meeting Town of Gorham and Maine DEP noise standards.
12. That the applicant shall conduct subsequent noise monitoring on a request by the Code Enforcement Officer or as part of the Maine DEP’s monitoring of the gravel pit. Results of all subsequent monitoring shall be provided to the Town Engineer and the Code Enforcement Officer within 14 days;

13. That the applicant will contact and reimburse the Gorham Public Works Department for a “no engine brake” sign to be located on Mighty Street;
14. That prior to initiating any construction activities at the project site, the applicant shall provide a reclamation performance guarantee in a form and amount acceptable to the Town Attorney and the Town Manager. This guarantee shall include provisions for a periodic three-year review of the performance guarantee and adjustment of coverage based on an updated estimate of the cost of reclamation for each phase of the project;
15. That the reclamation work shall be completed within nine months of the closing of the site (or a portion of a site with regard to phased reclamation plans). Reclamation of continuing operations shall be conducted in phases, if necessary, so there is never open more than fifteen (15) acres of total extraction operation area;
16. That upon default of any obligations to reclaim the gravel pit under this approval, the Town may, after written notice and an opportunity to be heard by the Board of Appeals, cause the quarry operator's reclamation plan to be implemented pursuant to the performance guarantee;
17. That reclaimed areas shall be guaranteed for a period of eighteen (18) months following the substantial completion of reclamation, during which time the performance guarantee shall remain in full force and effect;
18. That the applicant shall add a plan note identifying the vernal pool permit by rule number on the Site Plan Sheet prior to the Planning Board’s endorsement of the final plan;
19. That the applicant shall submit recorded copies of reciprocal deeds for each abutter agreeing to buffer reductions to Town Staff and Town Attorney approvals prior to the Planning Board’s endorsement of the final plan;
20. That the applicant shall submit annual groundwater monitoring data to the Town Engineer and Code Enforcement Officer on a yearly basis;
21. That the applicant shall complete the road improvements described in Tim Braun’s memo dated March 27, 2006 to Planning Staff prior to commencement of phase I-B or any further gravel pit phases;
22. That the applicant shall provide a sum in the amount of \$16,000.00 to be used by Gorham Public Works for maintenance and repair of Mighty Street between the pit entrance and the northern terminus of Mighty Street during mining of Phase I-A. Any unexpended funds remaining in this account at the close of Phase I-A will be reimbursed to the applicant; however, if the cost of repair/maintenance during Phase I-A exceeds \$16,000.00, the applicant will be required to reimburse the Town for the additional sum;
23. That the stand of trees located in the northerly boundary of Phase IV-B between Phase II-A and Phase IV-B shall remain intact until mineral extraction operations commence in Phase IV-B;
24. That the applicant shall submit copies of all Maine Department of Environmental Protection site inspection reports as well as descriptions of sound measurement report data to the Town Engineer, and the Code Enforcement Officer; and
25. That these conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board approval and a dated copy of the recorded Decision Document shall be returned to the Town Planner.