

Planning Board Meeting Minutes 10-01-2012

Standish Planning Board Meeting Minutes October 01, 2012

The meeting was called to order by Chairman Brian Libby at 7:03 pm. Present were Alta Harding, Diana Allen, Carol Billington, Steve Nesbitt, Wayne Newbegin, Town Planner Bud Benson and Jackie Dyer, Secretary to the Planning Board. Absent was Bruce Smith.

The first item on the agenda was the approval of the meeting minutes from September 10, 2012 and from the September 17, 2012 continued meeting. Mr. Newbegin made a motion to approve the minutes, seconded by Mr. Nesbitt. All in favor.

The second item on the agenda is the approval of the Finding of Fact:

- **Frank & Donna Roethel/11 Forrest Street, Map 47, Lot 19 Shoreland Zoning Application**

Mrs. Billington made a motion to waive the reading, seconded by Mrs. Harding. All in favor. A motion was made by Mrs. Billington to approve and sign the Finding of Fact, seconded by Mrs. Harding. All in favor.

- **Christopher & Sandra Ward/97 Ward's Cove Road, Map 51, Lot 37 Shoreland Zoning Application**

Mrs. Billington made a motion to waive the reading, seconded by Mrs. Harding. All in favor. Mr. Nesbitt made a motion to approve and sign the Finding of Fact, seconded by Mrs. Harding. All in favor.

- **Norma Peters/17 Bonny Eagle Pond Road, Map 22, Lot 25 Shoreland Zoning Application**

Mr. Nesbitt made a motion to waive the reading, seconded by Mrs. Billington. All in favor. Mr. Newbegin made a motion to approve and sign the Finding of Fact, seconded by Mrs. Allen. All in favor.

There was no old business.

New Business :

Brian Leavitt/dba Leavitt Earthworks- Boundary Rd. (Brown Family Trust)/Map 12, Lots 4, 5, Map 13, Lot 42 B-Gravel Pit 5 year renewal

Brian Leavitt was present to represent himself. He explained that this is a typical gravel pit mining operation where they take sand and gravel and take it to job sites where needed. He has been in this pit for two years; it previously was run by Peter Busque. Mr. Newbegin asked if there are wells there and are there reports for these wells? Mr. Leavitt explained there are wells there but they are older and made of PVC pipe. He said that reading through the paperwork the Town is asking for steel casing wells with locked tops. Mr. Newbegin asked him if there was a high water mark and Mr. Leavitt told him they have checked the well a couple of times and the table has been between 4-4 ½ feet below the high water mark. He said that was last spring and it depends on the season.

Mr. Newbegin asked if the pit was operating now and Mr. Leavitt told him yes. Mr. Newbegin asked then why wasn't the renewal done sooner? Mr. Benson told him that Mr. Leavitt's engineer submitted a plan but there was confusion with the applicant about the application. Mr. Leavitt had paid some money and thought it was for the renewal but it was actually for the pit inspection. His

secretary thought she had actually paid for the 5 year renewal also and she thought this was what she had paid for. Mr. Benson said that after contacting Mr. Leavitt personally, they were able to work through the confusion and get the correct paperwork filled out and submitted. Mr. Benson explained to Mr. Newbegin that this should have been done in July and this was a total miscommunication between his office and the Town. Mr. Leavitt does not usually handle this himself. Mr. Newbegin wanted to know when the actual date of submission is and can we make it happen in a timely manner. Mr. Benson said that notices of the renewal are sent out before the renewal is due. Mr. Leavitt did get this and spoke with his engineer, Mr. Sawyer and thought everything had been taken care of. He (Mr. Benson) explained to Mr. Newbegin that both the annual and 5 year renewals happen on July 1st each year. This renewal would take effect on July 1st from this year and be good until 5 years from then, not 5 years from now. This has just been an on going communication error.

Mrs. Harding asked how far the pit is from Duck Pond and Mr. Benson told her that it's 250 feet away. Mr. Libby asked if there is a new ordinance that they can be closer. Mr. Benson explained that under the revised ordinance they can now be within 100 feet of a great pond however, this would require an additional Planning Board approval. When this pit was originally approved they had to stay 250 feet away. The pit approval Mr. Leavitt took over contains a 250 ft setback and that is what is still in effect. He said they have cleared some stumps and have moved a little closer in the northern end of the pit. There is a small area that has been cleared, but not much mineral extraction has been done. Mr. Benson said he has been out there and looked at the monitoring well, which is not quite 10 feet deep. He said he would like to be able to go out and see a monitoring well, so that he can see the water table. He feels that the monitoring wells need to be put in prior to the next pit inspection so they can see where the pit floor is relative to where the water levels are. Mr. Libby feels that the Town definitely needs more steel monitoring wells. Each pit should have a minimum of 3 wells. There is about 8 acres open in this pit right now and should be monitored routinely. Before the stream is crossed to start phase II, the wells need to be installed and Mr. Leavitt would have to come in and discuss with Mr. Benson how they will cross the stream and what needs to be done in order to do that. Mr. Leavitt was agreeable to that.

Mr. Leavitt asked if any amount of acreage needed to be reclaimed before he expanded. Mr. Benson said that there can be 10 acres open at anytime and right now there were eight. Mr. Benson said he felt before anymore of the pit was opened, some reclaiming would need to be started. Mr. Leavitt said that the whole northern end of the pit is very close to being reclaimed with very little extraction being done. The point that is closest to the pond could eventually be closed up. The place where the cutting has happened is very minimal. Mrs. Harding said it looks like everything that has been opened on the side of the brook has been done and they can't go any nearer. Mr. Leavitt said that all they have opened can be mined but that is not on the other side of the brook. Mrs. Harding asked if the area that had been stumped is counted as being open. Mr. Benson said that this area has not been stumped, but has stumps on it that have been dumped there. He said that the south easterly corner of the area has not been stumped or cut and this can be seen on the map. He has about 8 acres open now and really could open another two acres. Before he opened up any more area, he (Mr. Leavitt) would need to start reclaiming the area where it has been stumped. If any more area would be opened, it would be over the 10 acre limit because of the area that has been stumped.

Mrs. Harding asked if two pieces were being leased, Mr. Leavitt told her the Brown Trust owns everything. Mrs. Billington asked what is going to be monitored and Mr. Benson said we need elevations. The approval is late being issued, what kind of conditions would be issued, so that when the wells are installed, how would the data be given to the Town?

Mrs. Billington made a motion to find the application complete, seconded by Mrs. Harding. Mr. Nesbitt asked if a site walk was needed. Mr. Benson said he had been out there and also there have been pit inspections, the most recent in June. All were in favor of finding the application complete.

Mrs. Billington said that in looking at the conditions of approval, the word "will" in condition # 2 should be changed to "shall" and in condition # 3 and 4, it should be changed to "shall" also. All were in favor. She said there is an issue getting data and this seems to be the way every time with each gravel pit. Mrs. Harding said that in the report, this should be discussed with each pit operator and Mr. Leavitt said that everything in the report has been discussed up front with him, although this is the first time he had seen anything about the wells being installed with steel casings. Mr. Leavitt had taken over operations after Mr. Busque died and he is trying to do everything right. Mr. Benson said the monitoring wells with lockable caps need to be in place. The steel casing wells are much more reliable as they are stronger than just the standard PVC pipes, as they get run over and destroyed. The Town needs the data and it is up to the pit operator to get this to the Town. Mrs. Harding said she doesn't think it should be the pit operator that supplies the data to the Town and she is confused when the report was done, why the report says that no wells were found. Mr. Benson said that he couldn't say he found any really adequate wells, but did find one pipe that was at least 10 feet deep. Mr. Leavitt said that he knows of at least two wells that Mr. Busque did have, but agrees that the PVC pipe doesn't hold up. They get hit and destroyed and he agrees that the wells should be steel casing wells. Mrs. Harding said that we should rely on spot checking and Mr. Benson said that is why the wells need to be installed, so that they can be checked at any time. The pit does have an annual inspection, but with the wells, they would be able to monitor the elevation and also the water table. There would probably need to be a survey done and Mr. Leavitt agrees that it should be done at first by a professional. He feels that Mr. Steve Bushey would be a good person to have do this. Mr. Libby said that would be a good idea and then have spot readings done.

Mrs. Billington asked how condition #3 would be worded. Mr. Benson said a minimum of 3 wells should be installed and monitored. He said the water table is constantly moving, not flat like a lake. Three wells should be established and set to where operators would not back over and destroy them. He feels that the pit operator should be observing and report to the Town what they are finding. Mr. Leavitt said he is okay with this and will install them. They need to be installed by December 15th, before the ground freezes. Mrs. Billington feels that the Board needs to find out who will report and how the Town gets the information. Brian will have Mr. Sawyer submit what is needed. Mr. Nesbitt is asked if the placement of the wells be determined between the applicant and Mr. Benson. Both are agreeable to this and then there would be no question as to where the wells are located. There will be a minimum of 3 wells with lockable caps so that no one that isn't supposed to get into them does. Mr. Benson mentioned a date of November 15 for the wells to be in, but Mr. Leavitt asked for a later date which is December 15 and then the wells can be observed starting next spring. They will be monitored by the pit operator and reported to the Town by Mr. Sawyer as to where the top is.

Mr. Newbegin asked if July is the cut off date for approval. Mr. Benson said July 1st is the annual renewal; the inspections are usually done in June. He asked when the dates need to be in so that they can be on time. The inspection comes every year. Mr. Newbegin asked why the application is late; Mr. Benson said it is basically a communication piece between the Town and the applicant. Every year the report goes to the CEO after inspection.

Mrs. Billington asked about condition # 4...the changing of the word" would "to "will." Mrs. Harding asked about the 250 feet away from the brook. This was on the prior approval and will stay the way it is. Mrs. Billington said there is already activity within the 250 feet, but Mr. Benson said it is minor and is not a problem. There was very minimal extraction happening within this area. There is some disturbance but very little. Mrs. Billington asked if this is approved or not approved from the 250 feet from the shore of the brook. This was also on the previous approval and Mr. Benson didn't think this was an issue. Mrs. Billington made a motion to approve the conditions of approval subject to the changes made to conditions 2, 3 and 4. This was seconded by Mr. Newbegin. Mr. Nesbitt asked if the applicant would need to update the plan with the conditions, Mr. Benson said that they would be one the plan probably 5 years from now. The monitoring wells and the elevations will be on there also. Mr. Libby said this has been a minimally used pit. Mr. Leavitt said that they had stockpiled some stumps, but have had a grinder there grinding and getting rid of the stumps. All in favor and approval granted. Mr. Benson will meet with Mr. Leavitt and determine that he has the monitoring wells in the right place.

Conditions of Approval :

1. Gordon Brown as revised 12/16/02. The limit of extraction is the same as the reclamation plan , however, the approval is for excavation five feet above seasonal high water table only. Once seasonal high water is determined, the reclamation plan will be modified and pit floor elevations must remain five feet above the high water table. The project would be in two phases. The first to be 12.8 acres, the second would be the remainder. In no case shall the total area needing reclamation exceed 13 acres. This includes only 10 acres of working pit and associated on site non-vegetated storage areas and stockpiles.

2. A minimum of three steel casing monitoring wells with lockable cap shall be installed per phase within the pit floor. Placement of wells is to be agreed upon between the pit operator and Town Planner. Mr. Sawyer will submit elevations of the top of the wells. These wells are to be completed by December 15 , 2012. These wells will be monitored by the pit operator and reported to the CEO. They are to be spot checked by the Town inspection engineer, prior to the next year's renewal. Well depth will reach a minimum of 10 feet below the lowest elevation within that phase or into the ground water table. Seasonal high water within all monitoring wells shall be observed and reported by the operator . This monitoring well report must be certified each spring for the seasonal high water table elevations for the three monitoring wells and all new wells to be located near or within future phases.

3.. A surety bond for reclamation will be established to the satisfaction of the Planning Board Administrator. A performance bond in the amount of \$39,000 is required. This amount assumes a cost of \$3000/ acre for a total of 13 acres. This includes only 10 acres of working/-non-reclaimed pit plus 3 acre for aggregate storage that will need to be reclaimed once the piles are removed. Adequate clean material shall be retained on site to reclaim pit to grades shown on reclamation plan. Bond language will need a review by our town lawyer as to legal sufficiency. Topsoil shall not be removed from the site but shall be retained on site for reclamation. Adequate loam to cover all reclamation needs shall be retained on site for the purpose of reclamation.

4. The Conditions of Approval are to appear on the final plan.

5. This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant (either orally or in writing) and that any variation from the plans, proposals, and supporting documents are subject to review and approval by the Planning Board, except for minor changes which the Code Enforcement Officer

may approve.

Mr. Libby mentioned that we are losing a Board member, Diana Allen. Her area is Area #2 in Steep Falls. Mrs. Allen urges people to get involved and care about what is going on within your Town.

Mrs. Billington made a motion to adjourn the meeting, seconded by Mrs. Allen. All in favor and the meeting was adjourned at 7:51 pm