

Bucksport Planning Board
6:30 P.M., Tuesday, June 7, 2011
Bucksport Town Office
50 Main Street

AGENDA

- 1. Call to Order**
- 2. Roll Call**

<input type="checkbox"/> John Daniels	<input type="checkbox"/> Marc Curtis	<input type="checkbox"/> George Hanson
<input type="checkbox"/> Gail Hollowell	<input type="checkbox"/> Rosemary Bamford	<input type="checkbox"/> Edward Belcher
<input type="checkbox"/> David Grant		
- 3. Review and Acceptance of Minutes:** Minutes from the May 3, 2011, special meeting.
- 4. Chair's Report**
- 5. Code Enforcement Officer's Report**
- 6. Limited Public Forum-**An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.
- 7. Unfinished Business:** None
- 8. New Business:**
 - A. Application for approval of a building expansion at 37 Race Course Road. The project constitutes an expansion of a non-conforming use, which requires Planning Board review.
Applicant: Time Warner Cable
 - B. Public hearing for a proposed amendment of Appendix K Land Use. The amendment adds development standards specific to mineral extractions.
- 9. Administrative Business**
- 10. Discussion**
- 11. Adjournment**

**Bucksport Planning Board
6:30 P.M., Tuesday, June 7, 2011
Bucksport Town Office
50 Main Street**

MINUTES

1. Call to Order: 6:30 P.M. by George Hanson, Chair

2. Roll Call

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> John Daniels | <input checked="" type="checkbox"/> Marc Curtis | <input checked="" type="checkbox"/> George Hanson |
| <input checked="" type="checkbox"/> Gail Hallowell | <input checked="" type="checkbox"/> Rosemary Bamford | <input checked="" type="checkbox"/> Edward Belcher |
| <input type="checkbox"/> David Grant | | |

Staff present : Jeffrey Hammond, CEO

3. Review and Acceptance of Minutes: The draft minutes from the May 3, 2011 meeting were reviewed.

MOTION(Bamford): To approve the May 3, 2011 meeting minutes.

SECOND(Curtis)

DISCUSSION: None

VOTE: 6-0 motion adopted.

4. Chair’s Report: None

5. Code Enforcement Officer’s Report: None

6. Limited Public Forum-An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.

No public comments were submitted.

7. Unfinished Business: None

8. New Business:

A. Application for approval of a building expansion at 37 Race Course Road. The project constitutes an expansion of a non-conforming use, which requires Planning Board review.

Applicant: Time Warner Cable

Bruce Chamberlain, a Time Warner Cable employee, was present to represent the applicant. The CEO conducted an introductory presentation. Mr. Chamberlain conducted an introductory presentation. The addition will house additional equipment. A 100K generator will replace a 60K generator for emergency power. No changes to other site features will be made. It was clarified that the property is identified on town tax map 2 as lot 77. An error was made on the original application. It was noted that the existing tower is being unused and that status will not change. There are no plans to remove the tower.

The chair invited public comments. No comments were submitted.

It was noted that the applicant had not submitted a survey and would like to request a waiver of that requirement.

Upon conclusion of preliminary discussions, the board commenced their standards review.

Environment Standards: The board determined that the following environment standards were applicable: Suitability of soils for the expansion, stormwater run-off, and erosion control measures. There were no concerns regarding compliance with these standards. Best management practices for erosion and sedimentation control must be used.

Special Areas Standards: The board determined that no special areas standards were applicable.

Local Areas Standards: The board determined that the following local areas standards were applicable: Development patterns, separation and shielding, electromagnetic fields, and noise. There were no concerns regarding compliance with these standards. The addition is small, and will comply with setbacks. Existing vegetation provides an adequate buffer and shield for abutting residential properties. There will be no increase in electromagnetic fields that could result in adverse impacts. Noise from the larger generator will only occur in emergency situations. It will be enclosed in an insulated structure.

Public Safety Standards: The board determined that no public safety standards were applicable.

Specific Uses Standards: The board determined that no specific use standards were applicable.

Dimensions Standards: The board determined that property line setbacks standards were applicable. The addition will be located 11 feet from the side property line. 10 feet is required. The board ruled on the request of a waiver for a survey at this point in their review. No abutting property owners expressed concern about the location of property lines.

MOTION(Curtis): To waive the requirement of a standard boundary survey.

SECOND(Daniels)

DISCUSSION: None

VOTE: 6-0 motion adopted

The board commenced their findings upon conclusion of the standards review.

MOTION(Curtis): To find that the proposed use has met all applicable environment standards in the ordinance.

SECOND(Belcher)

DISCUSSION: None

VOTE: 6-0 motion adopted

MOTION(Bamford): To find that the proposed use has met all applicable local areas standards in the ordinance.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

MOTION(Bamford): To find that the proposed use has met all applicable dimension standards in the ordinance.

SECOND(Curtis)

DISCUSSION: None

VOTE: 6-0 motion adopted

Upon conclusion of their findings, the chair advised the applicant that the application had been approved. The CEO will issue a land use permit.

B. Public hearing for a proposed amendment of Appendix K Land Use. The amendment adds development standards specific to mineral extractions.

The chair opened the public hearing on the proposed mineral extraction regulations.

Testimony was received from Robert Wardwell. Mr. Wardwell expressed concern that he would not be allowed to establish a quarry at his Bucksmills Road property due to restrictions in the land use ordinance. The ordinance requires quarries to be accessed directly from Route 46 or River Road, and Mr. Wardwell's property does not have frontage on either street. It was explained that the process provides opportunity for variances, and Mr. Wardwell was encouraged to pursue that approach. It was noted that the proposed ordinance would prohibit contract zoning for quarries. This would preclude a quarry in the R1 portion of Mr. Wardwell's property.

The board discussed making a modification to the ordinance to provide opportunity for existing mineral extraction operations to include rock excavations without having to provide access directly from River Road or Route 46. The following language was suggested: "Any licensed gravel mineral extraction operation established prior to January 9, 2010, which has been approved by the reviewing authority to expand their operation to mine stone, may continue to access Route 46 and River Road by the current approved route."

The CEO suggested that the board make no such modifications at this time, but instead allow Mr. Wardwell an opportunity to pursue the variance process.

The public hearing was closed at 8:15PM. Mr. Wardwell left the meeting at that time.

The board continued discussion on the access restriction, and wanted to make a change that could allow the restriction to be less burdensome for any existing mineral extraction operation that might be affected. After further discussion, it was suggested that a simpler approach than the one previously suggested could be taken by amending the J.4 and J.5 restrictive notes in the land use table to add: except as may otherwise be allowed by the reviewing authority. Member Curtis believed this language was too broad and contrary to the purpose of the access restrictions. Upon conclusion of the discussion, a motion was made:

MOTION(Bamford): To amend notes J.4 and J.5 to include the proposed exception.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 5-1 motion adopted (Member Curtis opposed)

Member Daniels asked that the alternate language proposed regarding access for mineral extractions is included in the minutes for this meeting.

One final change the board made was to move the words 'gravel pit' and 'rock excavation' in the definition of 'mineral extraction' to immediately below the definition. The exception language will be located below those words.

A motion was made regarding approval of the proposed ordinance:

MOTION(Bamford): To approve the proposed mineral extraction ordinance and forward to the town council.

SECOND(Curtis)

DISCUSSION: None

VOTE: 6-0 motion adopted

The board expressed appreciation to the sub-committee for their work in preparing the draft ordinance.

9. Administrative Business

The board reviewed the draft findings for the Wood and the Morey applications approved by the board at a prior meeting. A motion was made:

MOTION(Bamford): To approve the draft findings as submitted.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

- 10. Discussion:** It was noted that Member Grant was not able to attend the meeting due to an illness in his family.

11. Adjournment: 9:26 PM

Minutes prepared by
Jeffrey Hammond
Recording Secretary