

Bucksport Planning Board
6:30 P.M., Tuesday, April 3, 2012
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 March 6, 2012 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:**
 - A. Application for approval of an expansion of an existing mineral extraction operation on property located on Bucksmills Road, and identified on town tax map 15 as lot 15. The applicant proposes to mine stone in an area not to exceed .99 acres.
Applicant: Wardwell Construction & Trucking Corp.

A public hearing will be held during the review of this application.
- 8. New Business**
- 9. Administrative Business**
- 10. Discussion**
- 11. Adjournment**

**Bucksport Planning Board
6:30 P.M., Tuesday, April 3, 2012
Bucksport Town Office
50 Main Street**

MINUTES

1. **Call to Order:** 6:32 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 checked="" type="checkbox"/> David Grant | | |

Staff present : Jeffrey Hammond, CEO

3. **Review and Acceptance of Minutes:** The draft minutes from the March 6, 2012 meeting were reviewed.

MOTION(Curtis): To approve the March 6, 2012 meeting minutes as prepared.

SECOND(Bamford)

DISCUSSION: None.

VOTE: 7-0 Motion adopted

4. **Chair’s Report:** None.

5. **Code Enforcement Officer’s Report:** The CEO advised the board that FEMA will be conducting an informational meeting in Ellsworth on April 19th regarding the updating of flood maps. Any board member may attend, if they are interested.

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 comments were submitted.

7. **Unfinished Business:**

A. **Application for approval of an expansion of an existing mineral extraction operation on property located on Bucksmills Road, and identified on town tax map 15 as lot 15. The applicant proposes to mine stone in an area not to exceed .99 acres.**

Applicant: Wardwell Construction & Trucking Corp.

A public hearing will be held during the review of this application.

The applicant was present. David Pooler, surveyor, was present to represent the applicant.

The Board discussed the Applicant’s submissions in response to the Board’s previous request for clarification on the PPV information previously submitted, and for information pertaining to how potential impacts on water wells will be mitigated. The documentation generated further discussion on how damage to wells would be mitigated. The Board requested that a Certificate of Insurance be submitted from the blasting company.

The CEO reported to the Board that legal counsel had advised that Section 13.11.8.2 of the Ordinance could not be applied to the Project. The Board was provided with copies of the legal opinion in response to their previous inquiry when reviewing the Section 13 Specific Uses Standard.

The CEO informed the Board of a procedural oversight regarding the public hearing. The Ordinance required the Board to approve of a public hearing by vote, but the Board approved it by consensus. A motion was made:

MOTION(Hallowell): To conduct a public hearing on the application.

SECOND(Curtis)

DISCUSSION: None.

VOTE: 7-0 Motion adopted

The Chair opened the public hearing at 7:20PM. The following testimony was heard:

Melinda Bishop, 243 Church Road: expressed concerns about impacts to quality of water. Pollutants from blasting could get in the water.

George Skillin, 859 Bucksmills Road, expressed concerns about quality of life, blasting can cause loss of water, odors, contamination with bacteria, arsenic, which can cause cancer, diabetes, how water quality will be tested, who will be responsible. Also expressed concern about loud noise from crushers, removal of vegetation in buffer, traffic safety risks from truck traffic.

Misty Young, 247 Church Road, expressed concerns about well water quality, blasting without approval, worried about damage to her house, which is supported by posts. Asked who inspects blasting?

Roberta White, 141 Church Road, expressed concern about well water, traffic.

Krista Hastings, 834 Bucksmills Road, expressed concerns about water quality, noise. Existing business is not in compliance, not following rules, asked why it could be expanded? Who will oversee operation to ensure it follows rules? How will we know if well water is contaminated after testing? What happens in the short term if water supply is lost? Confused about how many blasts will be conducted. Board should require hydrogeology and noise study. Noise is very loud behind house, hard to talk on phone, it affects her home-based business.

Robin Wardwell, Orland, business will not do anything bad, it is regulated by MSHA, wants to comply and carry on business. There will be no water problems, the pit is above the water table. Upset that things have become a stone-throwing matter. Husband does not harass and terrify people.

Krista Hastings, replied that no one is trying to put applicant out of business, only wants pit to comply. Junk truck was placed by Wardwell next to her property. Neighborly doesn't seem to be on the table. Resents that neighbors are accused of throwing stones.

Joseph Orcutt, 835 Bucksmills Road, expressed concern about noise and quality of life, started family in the neighborhood, scared of large machinery, water quality issues.

Debbie Jacobs, 239 Church Road, lived in area for 26 years, this is first time concerned about well water, asked if something goes wrong, how long will it take to correct? There should be a good back-up plan. How long will quarry last?

Bob Davis, 233 Church Road, asked how will water be tested? Will homeowners be notified?

Michelle Skillin, 859 Bucksmills Road, submitted written comments, (read aloud by Member Daniels) expressed concerns about the addition of more noise that is already experienced in existing nearby gravel pits, asked how applicant could be allowed to expand when his existing pit is not in compliance, concerned about applicant’s threatening behavior toward husband, affect on property values, well water quality, traffic increases, uncertainty of what the applicant will do next.

No further testimony was submitted, and the Chair closed the public hearing at 7:57PM.

After a brief break, the Board discussed if the standards review was complete. Methods of addressing noise complaints were discussed.

The Applicant stated that the stone excavation is expected to last 4 years.

The requirement of additional documentation for the noise standard was proposed by Member Bamford to respond to neighbors’ concerns. The neighbor to the south of the pit complained that it was difficult to talk on the telephone at times. The Applicant stated that DEP standards apply and must be met, or they risk being shut down. There was considerable discussion about the need for a noise study to ensure that noise is adequately mitigated. A motion was made:

MOTION(Hallowell): To require that a sound engineer conduct a site visit at the pit when operations are being conducted, and assess what noise mitigation would be needed.

SECOND(Bamford)

DISCUSSION: None.

VOTE: 2-5 Motion failed (Members Daniels, Grant, Curtis, Hanson and Belcher opposed)

The Board then considered if the standards review was complete:

MOTION(Curtis): The standards review is complete

SECOND(Daniels)

DISCUSSION: None.

VOTE: 7-0 motion adopted

The Board considered conducting the findings, and though it was late in the evening, it was decided to proceed with the findings.

The Board made the following findings, which were based on documentation submitted by the Applicant:

MOTION(Curtis): The proposed land use will have no impact on the Environment that is contrary to the purposes of the the Town’s Land Use Ordinance.

SECOND(Bamford)

DISCUSSION: None.

VOTE: 7-0 motion adopted

The Board found that Objectives 1 through 5 of the Special Areas Standards were not applicable during the review of the application and, therefore, a Finding on this Criterion was not made.

MOTION(Bamford): The proposed land use will have no impact on Local Areas that is contrary to the purposes of the Town's Land Use Ordinance.

SECOND(Daniels)

DISCUSSION: None.

VOTE: 6-1 motion adopted (Hallowell opposed)

MOTION(Bamford): The proposed land use will have no impact on Public Safety that is contrary to the purposes of the Town's Land Use Ordinance.

SECOND(Curtis)

DISCUSSION: None.

VOTE: 7-0 motion adopted

MOTION(Bamford): The proposed land use meets all applicable Specific Uses Standards.

SECOND(Belcher)

DISCUSSION: None.

VOTE: 7-0 motion adopted

The Board found that none of the Dimensions Standards were applicable during the review of the application and, therefore, a Finding on this Criterion was not made.

Based on the Board's Findings, the application was deemed to be approved. The approval was subject to the following conditions:

1. The blasting company must provide proof of insurance to the CEO.
2. The blasting company must provide a copy of the pre-blast survey to the CEO.
3. Trucking access to the pit is limited to the north entrance.

8. New Business: None

9. Administrative Business: None

10. Discussion: Member Bamford suggested that the Board discuss in detail what constitutes adequate mitigation at a future meeting. There appeared to be confusion about this during the Wardwell application review.

11. Adjournment: 10:10PM

Minutes prepared by
Jeffrey Hammond
Recording Secretary