

Bucksport Planning Board
6:30 P.M., Tuesday, September 6, 2016
Bucksport Town Office
50 Main Street

AGENDA

- 1. Roll Call**
 Mary Jane Bush Steve Feite George Hanson
 Brian MacDonald Christopher Johnson Edward Belcher (Chair)
 David Grant
- 2. Review and Acceptance of Minutes:** August 2 & 17, 2016 Minutes
- 3. Chair's Report**
- 4. Code Enforcement Officer's Report**
- 5. 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.
- 6. Unfinished Business**
 - A.** Application for approval of an expansion to the Catholic Cemetery on Silver Lake Road, Tax Map 1, Lot CEM.
Applicant: Saint Vincent de Paul Church
- 7. New Business:**
 - A.** Application for approval of a site expansion at 65 Heritage Park Road, Tax Map 3 Lot 47. The applicant proposes to add additional parking and storage space.
Applicant: Evergreen Recycling LLC
 - B.** Application for approval of a site development at 42 US Route 1, Tax Map 29, Lot 27. The applicant proposes to occupy the site with a convenience store, gas pumps and a car wash.
Applicant: Leadbetter Realty Trust
- 8. Administrative Business:**
 - A.** Appendix K Land Use Ordinance Amendments
- 9. Discussion**
- 10. Adjournment**

Bucksport Planning Board
6:30 P.M., Tuesday, September 6, 2016
Bucksport Town Office
50 Main Street

MINUTES

1. **Roll Call:** The code enforcement officer called the roll. The following members were present (if box is checked):

<input checked="" type="checkbox"/> Mary Jane Bush	<input checked="" type="checkbox"/> Steve Feite	<input checked="" type="checkbox"/> George Hanson*
<input checked="" type="checkbox"/> Brian MacDonald	<input checked="" type="checkbox"/> Christopher Johnson	<input type="checkbox"/> Edward Belcher
<input checked="" type="checkbox"/> David Grant		

*Member Hanson arrived after roll call.

Member MacDonald chaired the meeting due to the absence of Chair Belcher.

Staff present : Jeff Hammond Code Enforcement Officer

2. **Review and Acceptance of Minutes:** Minutes from the August 2, 2016 meeting were reviewed.

MOTION: (Bush) To accept the minutes as prepared.

SECOND: (Johnson)

DISCUSSION: None

VOTE: 4-0-1 MOTION ADOPTED (Member Grant abstained because he did not attend the August 2nd meeting.)

Member Hanson arrived after this vote.

Minutes from the August 17, 2016 meeting were reviewed.

MOTION: (Johnson) To accept the minutes as prepared.

SECOND: (Feite)

DISCUSSION: None

VOTE: 4-0-2 MOTION ADOPTED (Members Grant and Bush abstained because they did not attend the August 17th meeting.)

3. **Chair's Report:** No report
4. **Code Enforcement Officer's Report:** No report
5. **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 received.

6. **Unfinished Business**

- A. Application for approval of an expansion to the Catholic Cemetery on Silver Lake Road, Tax Map 1, Lot CEM.**
Applicant: Saint Vincent de Paul Church

Alfred (Chip) Haskell from CES was present to discuss stormwater management and erosion and sedimentation control measures. The board had requested that these items be documented during their application review on August 2nd. A revised site plan was also

submitted showing a relocated access driveway. This relocation was due to uncertainty about the existing driveway being located on church-owned property. Mr. Haskell summarized the plan by stating that sufficient measures had been developed to ensure that stormwater would not adversely impact Silver Lake or cause flooding in the road. Improvements needed for the existing ditch line, including the culvert for the existing driveway, were discussed.

The board discussed how to proceed with the application review due to the submission of the revised site plan and the question about the location of the existing driveway, which was the original planned access for the cemetery expansion. The CEO stated that the applicant was asking for approval of the revised site plan. If it becomes clear that the existing driveway is, in fact, on church property and the applicant wishes to use that driveway instead, they would be expected to return to the board for approval of that plan. The CEO further stated that the applicant had complied with the board's request for additional information. If the board was satisfied with that information, their next step would be to conduct their findings.

After further discussion, the board decided that they had sufficient information to conduct the findings.

MOTION: (Hanson) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable environment standards have been met.

SECOND: (Grant)

DISCUSSION: None

VOTE: 4-0-2 MOTION ADOPTED (Members MacDonald and Johnson opposed)

The board found during their application review that there were no applicable special areas standards, so a vote was not required for a final finding on these standards.

MOTION: (Hanson) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable local areas standards have been met.

SECOND: (Feite)

DISCUSSION: None

VOTE: 5-0-1 MOTION ADOPTED (Member Johnson opposed)

MOTION: (Hanson) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable public safety standards have been met.

SECOND: (MacDonald)

DISCUSSION: None

VOTE: 6-0 MOTION ADOPTED

The board found during their application review that there were no applicable specific uses standards, so a vote was not required for a final finding on these standards.

The board found during their application review that there were no applicable dimensions standards, so a vote was not required for a final finding on these standards.

Upon conclusion of the findings, the applicant was informed that their application had been approved and a land use permit would be mailed.

7. **New Business:**

- A. **Application for approval of a site expansion at 65 Heritage Park Road, Tax Map 3 Lot 47. The applicant proposes to add additional parking and storage space.
Applicant: Evergreen Recycling LLC**

John DiVincenzo was present to represent the applicant. The CEO summarized the history involving the filling activity conducted by the prior owner of the property without proper permitting. His 2014 application for after-the-fact approval by the board was dismissed due to the lack of required information and fee payment. No further work was done on the filled area and it had grown to weeds. The new owner, Mr. DiVincenzo, wishes to clear up the matter of permitting so that the site expansion can be completed.

Mr. DiVincenzo answered general questions about the project.

The public was asked for comments. No comments were submitted.

The board conducted the application review and found only two standards to be applicable. Stormwater runoff was discussed. It was determined that an existing swale would be maintained to ensure runoff from the site and the road would be directed down-slope. It was also determined that appropriate soil erosion and sedimentation measures would be taken until the filled area was adequately stabilized with vegetation and finish surface material.

Upon completion of their standards review, the board conducted the findings.

MOTION: (Hanson) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable environment standards have been met.

SECOND: (Grant)

DISCUSSION: None

VOTE: 6-0 MOTION ADOPTED

The board found during their application review that there were no applicable special areas standards, so a vote was not required for a final finding on these standards.

The board found during their application review that there were no applicable local areas standards, so a vote was not required for a final finding on these standards.

The board found during their application review that there were no applicable public safety standards, so a vote was not required for a final finding on these standards.

The board found during their application review that there were no applicable specific uses standards, so a vote was not required for a final finding on these standards.

The board found during their application review that there were no applicable dimensions standards, so a vote was not required for a final finding on these standards.

Upon conclusion of the findings, the applicant was informed that their application had been approved and a land use permit would be mailed.

B. Application for approval of a site development at 42 US Route 1, Tax Map 29, Lot 27. The applicant proposes to occupy the site with a convenience store, gas pumps and a car wash.

Applicant: Leadbetter Realty Trust

Jeff Leadbetter was present to represent the application. Also present for the applicant was Jim Kiser, who prepared the application and other documents for the applicant.

The CEO conducted an introductory presentation to identify the site and explain why the application required planning board approval.

Mr. Kiser and Mr. Leadbetter answered general questions from the board.

The public was invited to comment.

Bill Pooler, 8 Hinks Street: Expressed concern about the potential for flooding in his back yard if the new culvert installed became blocked during periods of heavy water flow.

Harry Rodriguez, 8 Hinks Street: Expressed concerns about noise coming from the site and odors from the dumpster.

Rich Rotella (Bucksport Community & Economic Development Director): Welcomed the applicant to Bucksport and shared his support of the project.

The applicant, board and public commenters discussed the concerns about flooding, noise and odors, and the concerns appeared to be addressed to the satisfaction of all parties.

The board then commenced the application review.

ENVIRONMENT STANDARDS

The board reviewed the following environment standards:

1) Soils are suitable for the land use.

DOCUMENTATION: A soils map was submitted showing the soils types in the area.

2) Stormwater runoff from the land use is minimized to the greatest practical extent and adequately managed to reduce the risk of relevant detrimental effects.

DOCUMENTATION: The site plan showed locations of drainage structures.

3) Soil that may be exposed during any soil disturbance activity of the land use is adequately protected from unreasonable erosion and sedimentation.

DOCUMENTATION: The application included an erosion and sedimentation control plan.

4) Surface and subsurface waters are adequately protected from the detrimental effects of any water pollutant from the land use.

DOCUMENTATION: The applicant described clean-up measures for fuel spills.

SPECIAL AREAS STANDARDS

The board found that there were no applicable special areas standards to review.

LOCAL AREAS STANDARDS

The board reviewed the following local areas standards:

1) The scale and site features of the land use are consistent with the development patterns in the local area or neighborhood.

DOCUMENTATION: The board noted that the proposed development will be consistent with surrounding commercial uses.

- 4) Any relevant detrimental effects of artificial lighting from the land use are adequately mitigated.

DOCUMENTATION: The board noted that yard lights will be directed downward. All lighting, except for security lights, will be turned off when the business is closed.

- 5) Any relevant detrimental effects of noise from the land use are adequately mitigated.

DOCUMENTATION: The board noted that the car wash and vehicle activity will generate noise, but below maximum levels.

- 6) Any relevant detrimental effects of nuisance odors from the land use are adequately mitigated.

DOCUMENTATION: The board noted that there may be some odors from the dumpster, but regular trash removal should minimize that risk.

PUBLIC SAFETY STANDARDS

The board reviewed the following public safety standards:

- 1) The quantity and quality of public and private drinking water supplies are adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The public water supply company did not express any concerns about the water supply for this project.

- 2) The safety and sufficiency of energy supply services are adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The board noted that natural gas will be installed for the project.

- 4) Public wastewater facilities are adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The public wastewater department did not express any concerns about the wastewater from this project.

- 5) The proper management of solid wastes is adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The board noted that a dumpster will be onsite, screened from view, and emptied on a regular basis.

- 6) The safety and sufficiency of streets and sidewalks are adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: Expected traffic increases were documented. It was noted that the development does not require a traffic movement permit from MDOT.

SPECIFIC USES STANDARDS

DOCUMENTATION: The board noted that parking requirements identified in section 13.15.8.12 will be met and exceeded. 22 spaces are required and 33 will be provided including two for ADA compliance.

DIMENSIONS

DOCUMENTATION: The board noted that the required minimum setback in the C1 District is 10 feet, and the plan shows it will be met.

Upon completion of their standards review, the board conducted the findings.

MOTION: (Hanson) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable environment standards have been met.

SECOND: (Grant)

DISCUSSION: None

VOTE: 6-0 MOTION ADOPTED

The board found during their application review that there were no applicable special areas standards, so a vote was not required for a final finding on these standards.

MOTION: (Johnson) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable local areas standards have been met.

SECOND: (Hanson)

DISCUSSION: None

VOTE: 6-0 MOTION ADOPTED

MOTION: (Hanson) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable public safety standards have been met.

SECOND: (Feite)

DISCUSSION: None

VOTE: 6-0 MOTION ADOPTED

MOTION: (MacDonald) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable specific uses standards have been met.

SECOND: (Feite)

DISCUSSION: None

VOTE: 6-0 MOTION ADOPTED

MOTION: (Hanson) To find that there is clear and convincing evidence in the record to support the conclusion that the applicable dimensions standards have been met.

SECOND: (Feite)

DISCUSSION: None

VOTE: 6-0 MOTION ADOPTED

Upon conclusion of the findings, the applicant was informed that their application had been approved and a land use permit would be mailed.

8. Administrative Business:

A. Appendix K Land Use Ordinance Amendments

Due to the late hour, the board decided to review the proposed amendments at their next meeting.

9. Discussion: None

10. Adjournment: 9:38PM

Minutes prepared by
Jeffrey Hammond
Recording Secretary