

**MINUTES
TOWN OF SEBAGO
PLANNING BOARD MINUTES
7:00 PM
Tuesday, November 9, 2021
TOWN OFFICE BUILDING**

I. Call to Order

Paul White called the meeting to order at 7:00 p.m.

Present: Carolyn Calarese, Jim Jansz, Andrew Plummer, Tina Vanasse, Paul White, Code Enforcement Officer Brandon Woolley, Recorder, Desirae Lyle

Guest Present: Adele & Nate York, Mark Curtis, Shawn Frank-Engineer with Sebago Technics, Darin Shaw, Ann Farley, Marjorie Jansz, Barry Jordan, Wendy & Grosvenor Newcomb, Karen Wiles, Philip Arsenault, Claudia & Phil Lowe, of Baldwin –Deborah Peabody,

II. Public Hearing Site Plan Review – Nathaniel York – Map 4, Lot 8A – Land Lot – Proposed Use is for Rental Cabins.

There were no questions from the public at this time.

Paul White closed the public hearing at 7:01p.m.

III. Correspondence

The Board has received a letter from the Town of Sebago Select Board asking for a volunteer from the Planning Board to join a committee to review the Land Use Ordinances relating to quarries in the Village District. A copy of this letter will be included with the minutes.

IV. Open to Public Questions

None.

V. Review of Minutes (October 12, 2021)

Andrew Plummer made a motion to approve the October 12, 2021, meeting minutes as amended. It was seconded by Tina Vanasse. Motion carried with all in favor.

VI. Old Business

a. Site Plan Review – Nathaniel York – Map 4, Lot 8A – Land Lot – Proposed Use is for Rental Cabins.

Nate York gave a brief explanation of the project. There will be six (6) seasonal cabins, they will be available for weekends and weeks at a time. The cabins will not be

available for permanent rental. The Board asked Brandon if there is appropriate vehicular access to the site. Brandon noted that there is enough vehicular access and that the site has been vastly improved since the Board was last there.

1. ***BUFFERS, SCREENING, LANDSCAPING, NATURAL FEATURES*** – *Adequate provision has been made with regard to buffers, screening, landscaping, and the preservation and enhancement of significant natural features.*

Andrew Plummer made a motion that what has been presented is acceptable. Motion was seconded by Jim Jansz. Motion carried with all in favor.

2. ***BURDEN ON MUNICIPAL SERVICES*** – *Adequate provision has been made to avoid any undue burden on municipal services.*

Andrew Plummer made a motion to accept that this is not a burden on municipal services. Motion was seconded by Tina Vanasse. The motion carried with all in favor.

3. ***CONGESTION, UNSAFE CONDITIONS*** – *Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.*

Andrew Plummer made a motion that the requirement has been met. Motion was seconded by Jim Jansz. The motion carried with all in favor.

4. ***GROUNDWATER PROTECTION*** – *The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.*

Tina Vanasse made a motion that the requirements have been met. Motion was seconded by Jim Jansz. The motion carried with all in favor.

5. ***HAZARDS/NUISANCES*** – *Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.*

Andrew Plummer made a motion that this requirement has been met. Motion was seconded by Jim Jansz. The motion carried with all in favor.

6. ***IMPACT ON NEIGHBORING PROPERTIES*** – *Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.*

Tina Vanasse made a motion that this is acceptable. Motion was seconded by Andrew Plummer. The motion carried with all in favor.

7. OFF-STREET PARKING AND LOADING – Adequate provision has been made for off street parking and loading.

Andrew Plummer made a motion that this meets the requirements. Motion was seconded by Tina Vanasse. The motion carried with all in favor.

8. OPEN SPACE

- a. Common open space areas shall be contiguous, where possible.
- b. Common open spaces as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
- c. When reviewing the location and type of open space designated in an application, the Planning Board shall require:
 1. Individual lots, buildings, streets, and parking areas shall be designed and situated:
 - a. to minimize alterations of the natural site
 - b. to avoid the adverse effects of shadows, noise and traffic on the residents of the site
 - c. to relate to surrounding properties and to improve the view from and of buildings
 2. Diversity and originality in lot layout and individual building, street, parking and lot layout shall be encouraged.
 3. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
 4. Open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the site.

Tina Vanasse made a motion that this does not pertain to this application. Motion was seconded by Andrew Plummer. The motion carried with all in favor.

9. OUTDOOR DISPLAY/STORAGE – Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.

Andrew Plummer made a motion that this meets the requirements. Motion was seconded by Tina Vanasse. The motion carried with all in favor.

10. PROPER OPERATION OF PROPOSED USE – Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on

the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements.

Jim Jansz made a motion that they have met the requirements. Motion was seconded by Tina Vanasse. The motion carried with all in favor.

- 11. PUBLIC HEALTH, SAFETY, WELFARE** – *Adequate provision has been made to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community.*

Tina Vanasse made a motion that this requirement has been met. Motion was seconded by Andrew Plummer. The motion carried with four in favor, Dick Perry abstained.

- 12. SCENIC AREAS/NATURAL BEAUTY** – *Adequate provision has been made, including, but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of filling or excavation, to protect to the maximum extent possible, the scenic or natural beauty of the area including scenic areas designated in the Comprehensive Plan, aesthetics, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including deer wintering areas identified in the Comprehensive Plan, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns.*

Tina Vanasse made a motion that this requirement has been met. Motion was seconded by Jim Jansz. The motion carried with all in favor.

- 13. SHORELAND VEGETATION/VISUAL ACCESS** – *Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond or river, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75'), horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual points of public access to waters.*

Andrew Plummer made a motion that this requirement has been met. Motion was seconded by Tina Vanasse. The motion carried with all in favor.

- 14. SOILS** – *That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage.*

Tina Vanasse made a motion that this requirement has been met. Motion was seconded by Andrew Plummer. The motion carried with all in favor.

15. SPECIAL FEATURES – *Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.*

Andrew Plummer made a motion that this requirement has been met. Motion was seconded by Tina Vanasse. The motion carried with all in favor.

16. TRAFFIC MOVEMENT – *Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of, and within the proposed project. The Board shall consider traffic movement both on-site and off-site in making its determination under this criterion.*

Tina Vanasse made a motion that this requirement has been met. Motion was seconded by Jim Jansz. The motion carried with all in favor.

17. UTILITIES

a. *All utilities included in the site plan shall be reviewed as to their adequacy, safety and impact on surrounding properties. Storm drainage, sanitary waste disposal, solid waste collection and disposal, water supply, electricity and telephone services shall be reviewed.*

b. *The following criteria shall be followed:*

1. *Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage right-of-ways and the adequacy of the existing system; the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage; provide for treatment of effluent, and maintain an adequate supply of potable water at sufficient pressure.*
2. *Whenever feasible, utility lines shall be installed underground.*
3. *Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.*

Andrew Plummer made a motion that this requirement has been met. It was seconded by Jim Jansz. The motion carried with all in favor.

18. WASTE DISPOSAL – *The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.*

a. *All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.*

- b. All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.*

Tina Vanasse made a motion that this requirement has been met. Motion was seconded by Andrew Plummer. Motion carried with all in favor.

Desirae Lyle confirmed that all fees have been paid to date.

Mr. York would like to start work as soon as possible.

Andrew Plummer made a motion to approve the project. Motion was seconded by Jim Jansz. Motion carried with all in favor.

The Board signed the Decision Form for this project, an original copy will be included with the file for this project.

b. Site Plan Review – Gorham Sand & Gravel – Map 2, Lot 9 – Land Lot – Proposed Use is Gravel Quarry

Paul White noted that information was received from the applicant regarding groundwater. Paul noted that there is more information that he feels that the Board needs such as:

- a. Information from Maine Department of Transportation (DOT) regarding the entrance to the property.
- b. Study of the impact on surrounding property values.
- c. A Traffic impact study.
- d. Updated plan showing and fuel storage, the berms that will be erected, where any port-a-lets will be, and any wells that will be on the property.

Mr. Curtis noted that there shouldn't be a need to dig a well there should be enough water retained on the property, but that is a possibility. Fuel storage is not being proposed at this time.

Tina Vanasse asked about the hours of operation. Mr. Curtis explained that the 6:30 a.m. start time is to let the crew arrive and get the equipment ready operations to begin at 7:00 a.m. Mr. Curtis asked that Gorham Sand & Gravel Inc (GS&G) be afforded the same operating hours currently used by other operations in the Town of Sebago. Paul asked if they would be storing trucks on site. This is a possibility. Tina asked about a noise study. Mr. Frank stated that he was under the impression that monitoring the noise level would be a condition of approval. He also noted that stage 1 is to erect the berms from the overburden along Route 11. Brandon mentioned that the berms are not going to be permanent, they will move with the project. Mr. Frank reiterated that the

project size can only be ten (10) acres at a time per the Department of Environmental Protection (DEP) and GS&G will reclaim before moving to a new area.

Andrew Plummer asked the guests present how many people have experience with or have seen a rock crusher in action. A few guests have seen them. Andrew shared his experience with GS&G's crusher that was in Cornish a few weeks ago.

Mr. Curtis demonstrated the white noise back up alarm. The alarm is designed to be heard and felt in the "danger zone".

Carolyn Calarese asked about the Saturday hours and what kind of work would be done. Mr. Shaw replied that no crushing will be done on Saturday, and work done would be for a weekend project that needs a load of stone etc. Carolyn also asked how they arrived at an average forty (40) trucks a day. Mr. Curtis explained that he reviewed another active quarry, forty (40) trucks are accounting for the trucks going into and out of the quarry over a ten (10) hour day. Carolyn mentioned that high truck traffic can be during school hours, especially drop off and pick up. Mr. Curtis noted that trucks would be diverted during those times. Mr. Curtis also noted that he is very responsive to calls. If a complaint is made about a particular truck, whether it's GS&G or a customer it is dealt with.

Jim Jansz mentioned trucks going through Long Beach, and asked if GS&G would accept as a condition that they can't go through Long Beach. Mr. Curtis doesn't want to limit GS&G completely he would be willing to have that condition for certain times of the year. Mr. Curtis mentioned the Shaw Brothers gravel pit that's on Route 114, and noted that unless a job is on Route 114, he would like the truck to go the other way (towards Baldwin). Jim asked Paul what the plan is for this project tonight. Paul would like more information, and an updated plan. Jim asked to read a statement that he had prepared. "I therefore move that we table our effort on this large-scale quarry operation submitted by GS&G for two (2) months to allow the Town to vote at Town Meeting for a Quarry Moratorium and subsequent actions by the Town." (NOTE: Jim Jansz only read aloud the statement this was not a motion.) Andrew noted that he has been thinking about this for the last week. He asked if the Board is obligated by the sixty (60) day rule in the Land Use Ordinance (LUO) to act on this application.

Andrew Plummer read aloud a handout from Brandon regarding Portland Sand & Gravel v. Town of Gray that will be included with the original set of these minutes.

The Board discussed making a decision within sixty (60) days of receipt of a completed application. Tonight's meeting would be the sixty (60) day mark from when the Board accepted the application complete at the September 14, 2021 Planning Board meeting.

Tina Vanasse asked if the Board has read the Comprehensive Plan recently. Tina read Land Use Ordinance (LUO) Section 1. C. (1) (2) (3) and (4). Tina noted that the Comprehensive Plan is outdated. Brandon mentioned that the LUO is a summary of the Comprehensive Plan. Brandon noted that there are two other pits within close

proximity of the school, the Shaw Brothers Pit (25 acres) and the Brown and Haskell pit (15 acres), the maximum size of any open pit is monitored by the DEP, and they only allow ten (10) acres to be open at a time, if the applicant of wants to open more land over the ten (10) acres, they have to reclaim before the can open more land. Brandon commented that the Board needs to use the ordinances that are before the Board at this time.

Mark Curtis explained that the first thing they do in their process is to review the ordinance and talk to the CEO and determine that the operation is an acceptable use in the Town. GS&G has made an investment in the Town of Sebago and if the ordinance is lacking GS&G shouldn't be punished for that. Mark mentioned that he has handed out his business card at multiple meetings and has not received a single call from a Sebago citizen. Mr. Curtis reiterated that GS&G can only have ten (10) acres open at a time, they will reclaim the land. The traffic will be on a State Road and GS&G is open to reasonable conditions.

Paul White would like to see on the plan the ten (10) acre sections. Mr. Frank noted that they are adhering to the DEP regulation of the ten (10) acres. Paul would like to see where they will be holding the water to operate the misters on the crusher.

Phil Lowe interrupted to remind the Board that there is a motion on the floor. Jim Jansz clarified that he was only reading the motion he would be willing to make the motion at this time.

Paul White agreed that a vote could be called for due to the sixty (60) day rule in the ordinance, but he would like more information. Brandon Woolley mentioned that the only way for the Board to go over the sixty (60) days is for the applicant to agree to the extension. Andrew Plummer mentioned the moratorium and that it is retroactive to January 1, 2021. Mark Curtis asked that the prescribed process be adhered to, there is no way to know what will happen at next weeks Special Town Meeting. GS&G is willing to adhere to any reasonable conditions that the Board would like to impose.

The Board had a small recess at 8:49 p.m.

The Board reconvened at 8:57 p.m.

Mr. Curtis asked the Board to clarify what they are looking for in terms of more information. Paul White would like a detailed real estate study, the road to be show on the plan, where the water retention will be, the reclamation plan, a noise study, fuel storage, and where truck/equipment would be parked. Mr. Curtis noted that regarding noise they have been in compliance at there other locations and they feel that they will be below the allowed decibels.

Andrew Plummer shared videos(audio) of his visit to the rock crusher in Cornish. Mr. Curtis offered to have a noise consultant do a study at a current operation rather then try to replicate the noise.

Operating hours were discussed, the Board would agree to 6:30 a.m. to 6:00 p.m. with crushing to start at 7:00 a.m. and end at 5:00 p.m. There will be limited Saturday hours 8:00 a.m. to 12:00 p.m. for operations not crushing. No operations on holidays. Tina Vanasse raised concerns about traffic around the school during drop off and pick up. GS&G is willing to limit traffic during those specific times. Tina will talk to the principal and confirm the times. Blasting was discussed as well. Carolyn Calarese asked if there will be more notification than just a phone call when blasting occurs. Mr. Curtis answered that yes, there is a specific time of day and Maine Drilling and Blasting would be conducting the blasting and they have a process of how to notify the surrounding area.

During discussions GS&G consented to extending the sixty (60) day approval process, allowing the Board to continue this application to the December 14, 2021 Planning Board meeting. This will allow GS&G to gather the information requested by the Board tonight.

Andrew Plummer made a motion to continue this application at the December 14, 2021 Planning Board meeting. Motion was seconded by Tina Vanasse. Motion carried with 4 in favor, Paul White abstained.

c. CEO Updates

None

d. Goal Setting Items

The Board discussed the letter from the Select Board regarding an Ordinance review committee. It was determined that Paul White would volunteer to be the Planning Board representative.

VII. New Business

None

VIII. Adjournment

Andrew Plummer made a motion to adjourn at 9:26 p.m. It was seconded by Carolyn Calarese. Motion carried with all in favor.

Respectfully Submitted,



**Desirae Lyle
Administrative Assistant/Deputy Clerk
Approved at the December 14, 2021 Meeting**