



City of Westbrook

DEPARTMENT OF PLANNING

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**WESTBROOK PLANNING BOARD
TUESDAY, JANUARY 5, 2010, 7:00 P.M.
WESTBROOK HIGH SCHOOL, ROOM 114
MINUTES**

Present: Rene Daniel (Vice-Chair) (Ward 1), Cory Fleming (At Large), Michael Taylor (Alternate), Greg Blake (At Large), Scott Herrick (Alternate), Dennis Isherwood (Ward 2)

Absent: Anna Wrobel (Ward 4), Ed Reidman, (Chair) (Ward 5)

Staff: Molly Just, Richard Gouzie

Vice-Chair Rene Daniel called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School.

1. Call to Order

Continuing Business N/A

New Business

2. Special Exception Amendment – T & M Development, LLC, Extractive Industry, Methodist Road – Sebago Technics, on behalf of T&M Enterprises, LLC for the expansion of an approved extractive industry (A.K.A. Quarry) project generally located at 409 Small Hardy Road. Tax Maps: 20 and 17, Lots: 10K and 13, 14 and 16B respectively, Zone: Rural.

Mike White presented aspects of the expansion of an approved extractive industry (A.K.A. Quarry) project generally located at 409 Small Hardy Road. Tax Maps: 20 and 17, Lots: 10K and 13, 14 and 16B respectively, Zone: Rural.

I am accompanied by my brother, Tim White and my son Josh and Rob Mcsorly from Sebago Technics. Most of you are familiar with this project and is a continuation from what we have presented in 2006 and 2008.

We have acquired title and interest to a piece of land that we wanted to get in the middle of the two parcels that already have been permitted. We came to the Planning Board in 2006 and asked for a special exception to operate a quarry and that was granted. We also submitted at the same time to the State Department of Environmental Protection for a permit from them. Both of your prior approvals required approval from the State DEP and I would assume that you would do the same. We submitted our application to the State at the same time of when we submitted our package to Molly.

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Marc Stebbins is the mining coordinator from the Maine DEP and has staff in Portland that helps him. They are working on reviewing our application. By statute they have up to 90 days to act on that but they expect to act on our permit by the middle of January or beginning of February.

One thing I thought I could explain is that we have acquired more land and would like to explain what the land holdings consist of. Basically over the past 5 ½ years we have acquired 152 contiguous acres that is about 108 acres in Westbrook and 44 acres in Windham. None of this proposal is associated with the Town of Windham. We have gone to the Town of Windham for 6 lot sub-division on Anderson Road and have received approval. In behind the lots on Anderson Road we have dedicated 17 acres of open space. We also have 12 acres of land on the top of the aerial view that is idle land at this time.

Since the last time we were here the roadway was an easement that had been granted to us by the property owner. We have since purchased this land a small piece here and all of this land between Hardy Road and Small Hardy Road and where the pipeline corridor is. The pipe line maintains an easement even though we own the land the easement is for the oil pipe lines in the ground. We also have the right of first refusal on this parcel and when the owners are ready we will purchase it to continue to build our buffer.

Other uses that are going on the land is a multi purpose field on about 12 acres of land. The City of Westbrook will be back before you to plan that for that specific use. N all the land we have up there we are using about 31% of the land for the quarry. We have 60% of the land being roadways, set backs or buffers and a detention pond.

The other thing we are trying to show you is the setting here and what is going on in this particular area. You can see Central Maine Power has a large set of transmission lines that is about 560 feet wide and that is not a right of way or an easement; they own this piece of land. There are three oil pipe lines from Montréal that cross here and ultimately go to South Portland. Also PGTS has a Gas line in this corridor, so there are four pipe lines in this corridor. There is another pipe line that comes down from New Brunswick and joins here. This is a metering station that is owned by the two different gas companies because they combine their gas into one pipe line here. This is the compressor station that Maritimes Northeast built. This is a pipe line loop that they have had to build between the two facilities and the Central Maine Power corridor here. Here is a paved access road that comes off the Small Hardy road. As we know here is Country Way, which is the subdivision that Don Gilbert is building.

We are going over what we want to amend tonight. Originally when we came to see you in 2006 we asked to permit to the upper part of the map as a quarry. In 2008 we acquired the smaller piece of land and asked to include this with our project. The piece in the middle that we said we would acquire and when we did we would be back to try and permit it. That is why we are here tonight to add this piece in the middle to connect this all into one quarry.

One thing I would like to point out is that we have made know changes to any of the other components of the earlier applications. We have resubmitted all that data and it is the same data that you have seen before. The change we are submitting is adding the piece in the middle.

One thing we have done is address our entrance off Methodist Road and will be trying not to have it look to Industrial. The road goes here and the gates located here, we anticipate that we will be leaving the gates there. On the main or the real entrance on Methodist Road we have provided you with a plan view of what we would like to do at the entrance. We wanted to put bigger trees there but the transmission guys from CMP said no. We have put in the biggest planting they will allow us to put in.

One of the biggest components of change is the State of Maine has made some substantial changes to the Storm Water regulations and it is now required to treat storm water from any project. This is the storm treatment pond shown her on the map. We had a pre application meeting with DEP to see if we had a valid approach and to see if they liked our plan. The result of the DEP meeting is this design. That is the biggest change to the prior approved plan is that we are going to have to treat about half of the

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stormwater. The initial half does not have to be treated because that was approved on a pre rule change basis. DEP will not complain about more treatment than is actually required.

We have included our initial approvals in this packet and have included our current DEP approvals from 2008. We also have the letters and agreement from DEP on the removal of the tires.

The exhibit #10 is a new market value analysis. We have completed this due to the discussion that staff had from our original submission. I would like to read the conclusion that says "...the quarry will not impact the neighboring residences..." That is an important part of the Special Exception requirement with the city. We are required to show that our project will not have a substantial negative impact on surrounding property values.

We have included the noise study again; nothing has changed relative to that. There are some tests pits that show when you go down about a foot or two you are hitting ledge. We have also included letters from Inland Fishery and Wildlife confirming that there are no wildlife issues in the area. We also have letters from the Department of Conservation and a letter from Maine Historical Commission. We have current letters from all required agencies for this submission. WE have included a current set of the DEP performance standards located in exhibit #16. There is a set of reduced plans and the full set of plans is on file with the City.

The entrance to the quarry will have granite curb and stone walls with landscaping to make the entrance attractive looking. We will have a landscape company maintaining the landscaping for the entrance area to reduce the harsher impacts and keep a pleasant visual impact of the entrance.

That is a brief presentation and I ask for any questions from the Board.

Rene Daniel Mike, can you talk about the multi-purpose field?

Mike White for years I have heard the City talk about the need for a multi- purpose field in the ward five areas. I think this is a good natural place. The ground is flat it will not be hard to construct, there is no ledge there. It is not on a busy street and we thought it would be a good thing to do to work with the City to let them use the land even though we will continue to own the land. I think there will be a group within the City that will decide what they want to do with this open space recreation field.

Cory Fleming in terms of any improvements to that area, will that be the City's responsibility or White Brothers?

Mike White we will certainly work with them in the future to get that done, but our discussions to date is that we are not offering to build the field.

Cory Fleming you will retain ownership of the property but the City will have a long term use.

Mike White yes, 50 years, 75 year lease... that type of an arrangement so the City can make an investment and go in and build the fields. We will contribute some effort to accomplish this like grading or some fill or some equipment time...but we do not know what plan is yet.

Rene Daniel Staff any comments?

Molly Just no comments.

Rene Daniel comments from the Board?

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Scott Herrick I have a question about the triangular piece of property above the field in the same shade as the Windham Open Space Easement. I can not tell if that is Open Space Easement or is that future...

Mike White no it is not a dedicated open space easement. That land is heavily impacted with gullies and ravines. We are leaving it unused.

Scott Herrick hours of operation, I noticed truck use on Saturdays?
I did not see hours of truck use operation.

Mike White that is addressed in the original of approval in 2006 but we will look that up.

Rene Daniel is there anyone else while he is looking that up?

Dennis Isherwood I do not have the vision as some of my colleagues do on the depth of the excavation. You are saying that when you are finished this will be better ground then it is when you started. It is going to be flat ground and will be brought back to an area that you could build houses on it and not be a big hole in the ground. It will be a usable space.

Mike White it is going to be a three sided hole in the ground but not just a hole ...we are starting at grade here. The existing ground that is there slopes up hill quite a way until it reaches the height of land then it pitches a little bit. We are going to start at a zero grade maybe into the ground a little and carry ½% pitch into the floor of the quarry. So as the exiting land climbs and as the contour lines show the change in grade... we will have ½% ... 1% means you will have a foot of rise in 100 feet, so we will have six inch of rise in one hundred feet. If you stood here and looked into this you are going to see a vertical edge face here and as time goes on it will get taller and taller, then on this side it gats shorter and shorter.

The Ordinance 2 to 1 reclamation slope on the sides... for a visual it is like a 45 degree angle. The sides of this quarry will not be vertical; they can not be per the Ordinance and regulations. They are going to be graded and sloped all the way around the edges.

Does that answer your questions? Did you go to the other Quarry's site walk?

Dennis Isherwood no, I was out of town.

Mike White to me this is straight forward but I live in the business, so I can see it. The second part of your question ... we are required to put fill and loom in the area to support the grown of grass to make it become stable.

Rene Daniel did you find the answer Rob?

Mike White from the 2006 approval... hours of operation 6 to 6:30 pm Monday through Friday on Saturday there will be no processing, drilling, blasting or crushing of materials only loading and transportation. It is important to note that Saturday work is only occasional and there will be no operations on Sunday unless a State of Emergency such as flooding events ort other natural disasters might require material. During winter months, the applicant may plow and sand to prepare for Monday operations.

Scott Herrick my question was it did not specify the Saturday hours.

Mike White on Saturdays we work until 1:00 or 2:00.

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Scott Herrick nothing before 6:00 and not outside the Monday through Friday hours of operation

Mike White no and if the Board feels we need to clarify that issue we do not have a problem adding that.

Scott Herrick you have said so that is good enough for me.

Rene Daniel any questions from the Board?

Two letters, one from Lorene Dumond, 32 Anderson Road Windham and a correspondence from White Brothers addressed to the City of Westbrook Planning Board.

**editors note - on file

Mike Taylor regarding the letter and the topography location of their well are they up or down stream?

Mike White the lady you have the letter from lives over here. This is a brook that runs through here and the land is considerable steep running this way and is fairly steep running off Anderson Road back down into it. We went through considerable discussion when we went through the subdivision. DEP will review this as well. Well contamination from blasting is not much of an issue but it certainly can happen and we would address it if needed. As stated in our letter to you, all the residences here will be asked to have a pre-blast inspection if requested includes well inspections. We will set a base line for water quality and all that during the pre-blast inspection. Most of the people have public water. From topography the land comes down hill then slopes up to Anderson Road. When we get ready to go and the residents are offered the pre-blast survey... if they would like the data gathered we will do that.

Rene Daniel anyone else? If not is there anyone interested in a Site Walk?

Dennis Isherwood I would be interested.

Rene Daniel Molly can we schedule a site walk?

Molly Just January 23rd at 10:00 am

Rene Daniel do I have a motion?

Cory Fleming moved to schedule a Site Walk on January 23rd at 10:00 am

2nd by Dennis Isherwood

The vote unanimous in favor 6-0

Mike White the 23rd is no problem but is the calendar such that we could do it prior to that date?

Molly Just the 16th

*Editors note Board concurs

Mike Taylor moved to amend the Site Walk to January 16th at 10:00 am

2nd by Cory Fleming

The vote unanimous in favor 6-0

Rene Daniel public hearing?

Molly Just Tuesday, January 19th

Rene Daniel can I have a motion?

Mike Taylor moved to schedule a Public Hearing on January 19th.

2nd by Cory Fleming

The vote unanimous in favor 6-0

Rene Daniel just to remind the Staff on the next meeting we need to have the Chairs annual report and we need to schedule an election of Chair and Vice-Chair.

Dennis Isherwood moved to adjourn

2nd by Cory Fleming

The vote was unanimous in favor 6-0

3. Adjourn

Respectfully submitted by Linda Gain PECE Administrative Assistant

MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105 ext. 220 and lgain@westbrook.me.us. THANK YOU