

TOWN OF LAMOINE

**Minutes of Planning Board Meeting**

**December 3, 2013**

**Lamoine Town Hall**

Planning Board Members

Present: Holt, Bamman, Gallagher, Donaldson, Tadema-Wielandt, Weber  
(alt)

Code Enforcement Officer

Present: M. Jordan

Members of the Public

Brenda Power, David Power, Elizabeth McMillen, Nickolas Pappas, John  
Jerabek, Margaret Stewart, W. Brutsaert, R. and C. Stevens, Stephen Salsbury

Members of the Press

J. Weaver, Ellsworth American

**Public Hearings on Gravel Permit Applications**

Chair Holt called the hearings to order at 6:32 p.m.

1. John W. Goodwin Jr. et al., Inc. gravel application Map 4 Lot 41-1; Map 5 Lot 15  
(Davis Pit)

J. Jerabek questioned the legality of the hearing, given that the letters and public notices identified the lot incorrectly (as Lot 41, not Lot 41-1). After some discussion, it was decided to return to this matter after the other two hearings.

2. John W. Goodwin Jr. et al., Inc. gravel application Map 1 Lot 75 (East Lamoine Pit)  
Comments included:

a. concern about the proximity of the pit to Blunt's Pond and the possibility that excavation could undermine and possibly empty this "valuable natural resource"; further study of this possibility should be undertaken; W. Brutsaert commented that he is sure "there is seepage now" from the pond into the aquifer (C. Korty; W. Bruetsart). The applicant had no comment.

b. concern that further excavation could negatively impact the quality of water in the aquifer, particularly for neighboring wells (M. Stewart) The applicant had no comment.

c. concern about the future usefulness of the parcel after excavation (C. Korty)  
Salsbury responded that the pit has "tens or twenties of years left"; the excavation "will go 60 – 70 feet deeper" but not wider because "it is at the boundary now"; future uses will be "whatever the ordinance allows"

3. R. F. Jordan & Sons Construction, Inc. gravel application Map 3 Lot 4 (McDevitt Pit)

Comments included:

a. concern about the wetland to the east of the pit and whether there was sufficient distance between it and the pit (Tadema-Wielandt; Donaldson) CEO Jordan expressed the opinion that this wetland did not meet the definition of an “upland freshwater wetland”. (A check of the definition in the Shoreland Zoning Ordinance confirmed that such wetlands must be 10 acres or larger.)

The Public Hearings were called to a close at 7:08 p.m.

Informal discussion ensued regarding Goodwin’s Davis Pit (see #1 above). Holt announced that the Planning Board will re-advertise the public hearing for this application for 6:30 January 14, 2014. He then invited those present to make comments on the application. Questions and comments included:

- a. was the prior owner of this pit “sanctioned” by the Town for operating without a permit? (J. Jerabek)
- b. is there evidence that an aquifer lies below this pit? (C. Korty)
- c. does the 5 foot separation between pit floor and water table provide sufficient protection for water quality and quantity? (M. Stewart)

### **December Planning Board Meeting**

1. Chair Holt called the meeting to order at 7:18.

2. Consideration of [Minutes of November 12, 2013](#) meeting.

Holt recommended more accurate wording for the report of his comments regarding Doug Gott & Sons, Inc. removal of soils and buffer (#3b, paragraph 2). Tadema-Wielandt recommended several technical corrections. Gallagher (Bamman) moved approval of minutes as amended. Approved: 5-0.

3. [Code Enforcement Officer’s](#) Report

a. [Permits Issued](#)

b. [Enforcement Actions](#)

Donaldson pointed out that Gott was listed erroneously under the report of violations (9 gravel pit permits now in violation). Jordan indicated this will be corrected.

Holt reported that he had attended the Select Board meeting Nov. 21 where the Town Attorney indicated that he knew of no law giving the Select Board authority to extend the duration of gravel pit permits. He reported that the Select Board had voted not to enforce the new ordinance in the 9 cases presently before the Planning Board until January 23, 2014. Holt also reported that the three amendments to the Gravel Ordinance recommended by the Planning Board to the Town will not be included on the

January 9, 2014 Special Town Meeting warrant. The Town Attorney is reviewing these revisions and they will be discussed at the December 12, 2013 Select Board meeting.

Reports accepted by acclamation.

4. [Conservation Commission](#) No Report

5. Old Business

a. Action on John W. Goodwin Jr. et al., Inc. gravel application Map 4 Lot 41-1; Map 5 Lot 15 (Davis Pit). No action taken as public hearing did not occur.

b. Action on John W. Goodwin Jr. et al., Inc. gravel application Map 1 Lot 75 (East Lamoine Pit)

The Board applied the Performance Standards from Section 8 of the Lamoine Gravel Ordinance and found the application in compliance on all criteria except the following (see checklist on file):

- i. Criterion A(4) Buffer Strip. Distance from Blunt's Pond to the property boundary of the parcel is not indicated on the map
- ii. Criterion C(1) Groundwater Protection: the ordinance calls for 1 monitoring well for every 5 acres of gravel pit (computing to 10 wells for this pit); the application included 3 such pits.
- iii. Criterion E(7) "Trucks Entering" signs are not installed.

Relative to Criterion K, the Board discussed concerns raised in the public hearing about the vulnerability of Blunt's Pond. It was the opinion of the Board that the proper installation of all monitoring wells, including recording the soils encountered, would provide the Board, the public, and the applicant with important baseline data in this regard.

Notes:

1. The application does not provide a detailed Reclamation Plan addressing all components of Section 8D (1) a – e. The Board was comfortable that the application promised to address this subsection.
2. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

Holt (Bamman) moved to require the applicant to install 7 additional monitoring wells that extend into the water table and that are suitable for drawing samples for water quality testing; and further that the wells be dispersed throughout the entire pit in order to give a fair picture of the water table and the soils lying beneath the 47 acre site; further, that a report be submitted to the Planning Board on the results of these installations by May 1, 2014. Salsbury indicated that he will consult a geologist about proper placement of the wells to meet the concerns raised.

Approved: 5-0.

Donaldson (Gallagher) moved to approve the permit with three conditions:

1. The closest distance between Blunt's Pond and the pit's parcel be added to the map (Subsection A4);
2. Groundwater protection measures be taken (see motion immediately above) (Subsection C1)
3. The applicant provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of "Trucks Entering" signs (Subsection E7).

The motion further stipulates that, if these conditions have not been met by May 1, 2014, the permit will be automatically revoked. Approved: 5-0.

The Board also asked the applicant to correct the map and lot number for this pit on the Intent to Restore form recorded in the Registry of Deeds to read Map 1 Lot 75.

c. Action on R.F. Jordan & Sons Construction, Inc. gravel application Map 3 Lot 4 (McDevitt Pit)

The Board applied the Performance Standards from Section 8 of the Lamoine Gravel Ordinance and found the application in compliance on all criteria except the following (see checklist on file):

- i. Criterion C(1) Groundwater Protection: the application proposes the installation of one monitoring well in a location that will not provide the most useful information about the water under the entire pit.
- ii. Criterion E(7) "Trucks Entering" signs are not installed.

Notes:

1. The application does not provide a detailed Reclamation Plan addressing all components of Section 8D (1) a – e. The Board was comfortable that the application promised to address this subsection.
2. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

Holt (Gallagher) moved to require the applicant to install one additional monitoring wells that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the well be situated in the pit to give a fair picture of the water table and the soils lying beneath the 5 acre site; further, that a report be submitted to the Planning Board on the results of these installations by May 1, 2014. Approved: 5-0.

Donaldson (Gallagher) moved to approve the permit with two conditions:

1. Groundwater protection measures be taken (see motion immediately above) (Subsection C1)
2. The applicant provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of "Trucks Entering" signs (Subsection E7).

The motion further stipulates that, if these conditions have not been met by May 1, 2014, the permit will be automatically revoked. Approved: 5-0.

d. Membership in the Hancock County Planning Commission

Tadema-Wielandt reported on his examination of the benefits and drawbacks of membership and recommended that the Town re-join the Commission at a cost of \$1,330.00. He believes that membership will give the Town access to planning expertise, grant opportunities, and valuable information in this period when the Town is pursuing a new Comprehensive Planning process.

Tadema-Wielandt (Gallagher) moved to recommend to the Select Board and Budget Committee that \$1,330.00 be included for this purpose in the 2014-15 town budget.

Approved: 5-0.

6. New Business None

7. Other Public Matters None

8. Ordinance Matters See above.

9. Next Meetings:

December 10, 2013 6:30 Public Hearings on Harold MacQuinn Inc. gravel applications followed by a Special Planning Board Meeting to consider action on these applications and address any other matters requiring discussion and/or decision.

January 14, 2014 January Meeting

10. Adjourned at 9:35 p.m.

Respectfully Submitted,

Gordon Donaldson, Secretary