

TOWN OF LAMOINE

Minutes of Public Hearing and Planning Board Meeting

**February 4, 2014
Lamoine Town Hall**

Planning Board Members

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

Code Enforcement Officer

Present: M. Jordan

Members of the Public

G. and N. Dumas, Jane Fowler, J. Reynolds, S. Smith, L. Penkalski, P. MacQuinn,
S. Salisbury, M. Deyling, F. Cahn, A. McCullough

Members of the Press – none

Public Hearing on Site Plan Review Permit application from F. Cahn for construction of a fire pond (Map 12 Lot 36)

Chair Holt called the Public Hearing to order at 6:38 p.m. (Donaldson and Gallagher not present)

There being no comments or questions, Holt closed the hearing at 6:39 p.m.

Regular Meeting of the Planning Board

1. Chair Holt called the meeting to order at 6:39 p.m. (Donaldson and Gallagher not present)

2. Consideration of Minutes

[January 14, 2014 minutes](#) were accepted with one correction.

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

a. [Permits Issued](#) – accepted as submitted

b. [Enforcement Actions](#) – accepted as submitted

4. [Conservation Commission](#) – L. Penkalski reported that the Commission has been discussing light pollution and handed out information on this topic.

5. Old Business (Donaldson and Gallagher arrived)

a. Cahn Fire Pond: Action on Site Plan Review Permit application from F. Cahn for construction of a fire pond (Map 12 Lot 36)

Holt clarified the fact that the Board is treating this as an application from a private landowner for a pond for his private/personal use; that is, although the pond will be available for fire department purposes, the Board's action in no way reflects a judgment on the suitability of the project for "public uses".

Mr. Cahn agreed with this understanding of the proposed use, as did Fire Chief Skip Smith.

The Board considered all Review Standards (#1 – 20) and found the application to meet all relevant standards. See “Site Plan Review Criteria Record of Findings” on file.

Donaldson (Bamman) moved to approve the permit. **Approved by vote of 5-0** (Holt, Bamman, Tadema-Wielandt, Donaldson, and Fowler voting)

b. MacQuinn Gravel Pit Expansion: Site Plan Review and Gravel Permits – Harold MacQuinn, Inc (Map 3 Lots 31 & 33)

Chair Holt summarized the history of this application, beginning in 2012 and leading to the Board’s request for more hydrogeologic study of the proposed parcel. The applicant submitted a report on the results of this study in January 2014.

Mike Deyling of Summit Engineering, who conducted the study, delivered a detailed presentation on the results of the study, answering questions from the Board along the way. Mr. Deyling summarized the wells they had installed, the core analyses they had done, and several additional “borings” that had been performed in order to sample the soils and water characteristics in the area.

In brief, he addressed:

1. the evidence indicating the location of a “clay layer” that appears to support a “perched water table” that feeds Cold Spring. He stated, “We’re confident about the location of the clay layer relative to the proposed extraction area.”;
2. the evidence indicating that this water table is, in fact, “perched” and that a “deep water table” rests substantially below it; he stated that “there is no hydraulic connection between the two water tables”;
3. mapping of the recharge area for Cold Spring, showing the recharge area to overlap with the southeast corner of the proposed gravel pit expansion;
4. the “water balance” analysis for Archer’s Brook which demonstrated that the substantial flow of the brook is the result of surface water, water from the perched water table, and water that he believes emerges from the deep water table. (This latter claim is supported by the the location of a “divide” at about 88’ near the eastern boundary of the former Miro lot that suggests that most of the deep groundwater under the project flows westward to the Jordan River but that substantial amounts also flow east and northeast on the other side of the “divide”.)

The report’s single recommendation, in consideration of point #3 above, was: “Revise the Grading Plan to reflect a 5-foot separation from the deep water table and maintain excavation to an elevation of no deeper than 155 feet msl within 1200 feet of Cold Spring where perched water supporting Cold Spring is present.” (p. 8; Summit Report, December, 2013)

The Board thanked Mr. Deyling for his presentation and discussed whether to engage Ransom Consulting Inc. to review this study. Tadema-Wielandt, Gallagher, and Fowler all recommended sending the study to Ransom. Holt reviewed the April 2013 letter from Dr. Robert Gerber (of Ransom) suggesting that such a review would be common practice and that the results of it would come back to the Planning Board.

Donaldson (Gallagher) moved to send the Summit report to Ransom for review. **Approved by vote of 5-0.** (regular members of the Board voting)

Holt reminded those present that there will need to be another public hearing to consider this additional information.

[Bamman left the meeting; Fowler now voting]

c. Gott Commercial Building: Site Plan Review and Building and Land Use Ordinance Permits: Doug Gott & Sons, Map 3 Lot 8. [corrected to include Map 3 Lot 6 as well]

i. Completeness Review, Site Plan Review Permit Application (See Checklist)

The Board considered all Application Requirements and found information relating to all requirements with the following **correction and conditions**:

Correction: Item I-3a: Since the development will occur on both Map 3

Lot 8 and Map 3 Lot 6, the application be changed to reflect this and the different ownership of each lot be listed accurately.

Conditions:

Item I-3d: add Map 3 Lot 6

Item I-3e: add deed to Map 3 Lot 6

Item I-5a: add more detailed description of the uses and purposes of all aspects of the proposed development – See p. 44 of the application; state the dimensions and purposes of the parking lot/staging area to be constructed; state the dimensions and purposes of the road to be constructed (see also #6 below).

Item I-5d: show the 10 foot buffer zone on the western boundary of Lot 6 that is required under the gravel permit governing uses of this parcel.

Item 6 Additional Requirements: provide a description of the location, width, grades, and profiles of all proposed roads. Moved by Donaldson (Gallagher); **approved by vote of 5-0.**

Gallagher (Tadema-Wielandt) moved to find the Site Plan Review application complete with the five conditions and one correction noted above.

Approved by vote of 5-0.

ii. Completeness Review, Building and Land Use Ordinance (No Checklist)

The Board reviewed the application for completeness, following the requirements of the Development Plan (found under Section 15E Industrial Structures Administration and Application Procedures, as is required for commercial structures over 2,000 square feet)

The Board found that the application contains information pertinent to all components of the Development Plan with the following conditions:

Item 5(a) Submit a more detailed description of the purposes and uses of the building. (For example, include information found on page 44 of the Site Plan Review application.)

Item 5(g) Provide data to accurately describe the volume of material to be excavated from the site for this project to occur. (Motion by Holt, second by Gallagher; **vote to approve: 5-0.**)

Note: Items 5(l), 5(i), 5(o), and 5(p) were deemed “not applicable” to this project. The Board requested no additional information as per Item 5r.

Donaldson (Gallagher) moved that the Board find the application complete with the two conditions noted above. **Approved by vote of 5-0.**

A Public Hearing was set for March 4, 2014 at 6:30 p.m. at the Lamoine Town Hall.

6. New Business None

7. Other Public Matters None

8. Ordinance Matters

Status of amendments to the Gravel Ordinance proposed by the Board for adoption at Town Meeting.

Gallagher observed that in recent public meetings few people seem to understand the substance of the Gravel Ordinance and the rationale for the improvements to it adopted by the Town last March. He suggested that the Board offer to meet with the Select Board to provide them and the Town with a more complete explanation. After discussion, the Board opted not to pursue this suggestion.

Donaldson suggested that the Board prepare a short, clear statement of the three proposed amendments and their rationale, that this statement be widely circulated before Town Meeting, and be available at Town Meeting. With general agreement from the Board, Donaldson volunteered to prepare a draft of a statement.

9. Next Meetings:

March 4, 6:30 p.m. Public Hearing; Regular March meeting to follow.

April 1, 2014 Regular April Meeting

10. Adjourned at 9:55 p.m.

Respectfully Submitted,

Gordon Donaldson, Secretary