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TOWN OF WASHINGTON PLANNING BOARD

September 10, 2013

Washington, Maine

Re: Preapplication hearing for a
gravel pit mining operation.

MEMBERS OF THE BOARD:

Mitchell Garnett, Chairman

Henry Alto

James Bowers

David Williams

David Studer, absent

Robert Temple, Code Enforcement Officer

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1 THE CHAIRMAN: So the next part of the hearing of
2 new business is the preapplication presentation for a
3 small gravel pit off the Francis Sawyer Subdivision.
4 Have you signed in up here?

5 MR. LANE: I have not.

6 THE CHAIRMAN: If you could state your name, too,
7 so the recorder gets your name.

8 MR. LANE: Bill Lane from Gartley & Dorsky
9 Engineering and Surveying.

10 THE CHAIRMAN: You can go ahead and present your -
11 it's a preapplication hearing.

12 MR. LANE: I'm representing Carrie Nash, who is
13 the owner of Lot 3 in the Francis Sawyer Subdivision,
14 who proposes a gravel mining operation consistent with
15 the ordinance categorizable as a small operation. I
16 believe I sent a letter along with past copies of the
17 subdivision map itself.

18 MR. TEMPLE: You will have to change this.

19 MR. LANE: The subdivision map hasn't changed at
20 all. And Mr. Nash's proposed operation would comport
21 with the Ordinance. He anticipates operating
22 approximately three acres and removing approximately
23 four to 5,000 yards of material per year. He would
24 probably use some amount of it for his own purposes.
25 He has one individual that would remove material

1 purchased from him from the site as well.

2 So the proposed development is simply the
3 operation of this pit. It would access the gravel
4 road to the westerly portion of Lot 3 that presently
5 exists. A fair cut would be utilized as is indicated
6 on the Subdivision Plan as well. The parcel itself
7 abuts a gravel pit, and that gravel pit extends
8 further east than the limits of Lot 3. The property
9 is within the rule as well as the Forest District.
10 And Bob has reviewed with me the Mining Ordinance.
11 And we had some interest in discussing with you the
12 Submission Requirements.

13 Throughout the Ordinance there is an indication of
14 forge to determine the contour to depict on the
15 application. So I would be interested in knowing your
16 input and commentary on that, and what lingering
17 questions you may have with regards to the ground
18 water that was apparently preliminarily discussed
19 during the Sawyer Subdivision Application, which I was
20 able to read some limited amount of information from
21 the very early minutes, but have not found anything
22 determinative in the later minutes. And I understand
23 there have been no written findings or conditions
24 issued by this Board. There is simply a signature on
25 the subdivision.

1 So what might you be interested in with regard to
2 hydrogeology?

3 MR. TEMPLE: To me that's the only question is
4 Condition Number #2. It says that any residential use
5 that requires a permit under the Washington Land Use
6 Ordinance as amended or require a Planning Board
7 review and may require a hydrogeologic - I always
8 mispronounce it - it says may. So that's not in any
9 other place. So that if you need that, then you
10 should say that now or say that you don't need it.
11 But you should - this is the appropriate place to deal
12 with it.

13 MR. BOWERS: So I would ask how far is Lot three
14 might be from the Jackson Stream Watershed? It's sort
15 of hard to tell. So maybe seven or eight hundred
16 feet, maybe.

17 MR. LANE: You're interested from the Davis Stream
18 to the east?

19 MR. BOWERS: Yes. Davis Stream and the whole, you
20 know, the sort of buffer around Davis Stream. I think
21 it's 250 feet each way.

22 MR. LANE: So it's the entire width of Lot two and
23 along that line is 1,100 feet to the pin that is
24 annotated as E.

25 MR. BOWERS: Right.

1 MR. LANE: And there is a time line I think course
2 that is called for that annotates that frontage along
3 there - it says nine hundred feet. So I would expect
4 that when you apply the taper that appears, it's at
5 least eight hundred feet to the property line. I
6 would expect that between Lot three and Lot two, there
7 may be an opportunity to reduce that separation. So I
8 would rely on that eight hundred feet between Lot
9 three and Lot two there very well may be permission to
10 reduce the buffer separation.

11 At some point the more proximate resources may be
12 the (inaudible), but again that's a substantial
13 difference along the road frontage.

14 MR. BOWERS: And where on this Lot 3 is the
15 development going to take place?

16 MR. LANE: It would begin in the west honoring the
17 setbacks from the Well residence. So there would be a
18 three hundred foot setback from those and proceed
19 easterly.

20 MR. WILLIAMS: You said a small subdivision.

21 MR. LANE: I thought three acres was a medium one,
22 isn't it?

23 MR. WILLIAMS: Four to five acres is a medium.

24 MR. LANE: Three acres is small.

25 MR. TEMPLE: That hasn't changed.

1 MR. WILLIAMS: That hasn't changed?

2 MR. TEMPLE: The classification of the --

3 MR. WILLIAMS: The medium size projects is one to
4 five.

5 MR. LANE: It's based on medium.

6 MR. WILLIAMS: Right. So it's based on a medium,
7 not a small, correct?

8 MR. TEMPLE: Yeah. A medium is one to five.

9 MR. LANE Yeah. I'm sorry. I have an annotated.
10 I'm reading in other places. Yeah. That's correct.

11 MR. WILLIAMS: So you have that marked off as a
12 medium and not a small, correct?

13 MR. TEMPLE: I made a note of it. I agree with
14 you, after five is a medium.

15 MR. WILLIAMS: I guess a hydrologic assessment
16 could be necessary. I mean it says may, but if it's -
17 I don't know if there is an aquifer under there or
18 not; that's what would lead me in that direction.

19 MR. TEMPLE: I do know that there is a major
20 aquifer in that area.

21 MR. WILLIAMS: It's south of there by a little
22 bit, but not by a lot.

23 THE CHAIRMAN: Wasn't the aquifer based on a Map
24 two to distinguish from the --

25 MR. WILLIAMS: We have a map that shows where that

1 aquifer is.

2 THE CHAIRMAN: Because that came out of the
3 subdivision. That came from the subdivision, and it
4 required a certain map that stated that if there was a
5 water aquifer there, you had to have a geological
6 assessment. So it wouldn't be under that map. That
7 map, if you had that map, that would show where the
8 water aquifer was. And if you had a map that also was
9 going to show where your pit or your proposed gravel
10 operation was going to be, that would give us an idea
11 if you were going to affect the water.

12 MR. LANE: So did the town issue that map or is
13 that a State level aquifer map?

14 MR. TEMPLE: It's a State level map, but we have a
15 copy of it in the office.

16 THE CHAIRMAN: The one that is called for in
17 septic one, which is a thing that Rick was trying to
18 find for that subdivision. There was a specific map
19 that was called for in that Ordinance, and it gave the
20 name and number and it said that was the map that you
21 had to go by.

22 MR. LANE: Right. But I don't see a name or map
23 in here.

24 MR. TEMPLE: But I can look in there - we can look
25 at the map and it will have the reference - we have

1 one in there somewhere. We have it hanging on the
2 wall. It won't be hard to find. But I know it's a
3 available electronically through the State. But let
4 me show you the map, then you can get the references
5 off of it. I can show it to you before you leave.

6 MR. LANE: Great. Thank you.

7 THE CHAIRMAN: This is the map here that was
8 required when we did the subdivision.

9 MR. BOWERS: What do they call it?

10 THE CHAIRMAN: It's a hydrological survey 1985 Map
11 Number 18. And that was in the subdivision. That was
12 within the Subdivision Ordinance when it came up
13 because that's why we put it on the subdivision plan
14 because it was part of a water aquifer and we had to
15 have it any time there is residential use.

16 (unknown): That would be the (inaudible)

17 THE CHAIRMAN: I think if it's on the water, it's
18 going to require an assessment. That's what the
19 subdivision -- well, again, the subdivision says may.
20 I'm sorry.

21 MR. ALTO: They both say may.

22 THE CHAIRMAN: There has to be a determination by
23 the Board and we'll have to vote on it and make a
24 motion.

25 MR. BOWERS: I know that we had talked at that

1 meeting, at that subdivision meeting that if there was
2 going to be anything other than residential, we would
3 require that, right? That's why it says we put it in
4 there in there, why it says may require.

5 THE CHAIRMAN: It's the same verbiage that is in
6 the subdivision; we just took the verbiage right out
7 of the Ordinance.

8 I guess the best thing to know is where you are
9 planning to operate in reference to where the water
10 aquifer is. If there is a need for a service. And
11 that's based on that 1985 map.

12 MR. LANE: Has there been a representative study
13 that's been accepted by the Board that is available?

14 MR. TEMPLE: There may be one in the office.
15 Before you go, I'll show you what I've got in there.
16 We'll see if it's the same map. I don't know if it's
17 the same map.

18 MR. WILLIAMS: The content of the assessment, is
19 there a representative assessment that has been
20 accepted by the Board?

21 MR. BOWERS: A hydrologic assessment, is there one
22 that we had accepted?

23 MR. WILLIAMS: I can't remember. Hank, you
24 probably have the best memory.

25 MR. ALTO: I think part of it is, to my

1 understanding, there is an aquifer. I'm not sure
2 exactly where. It's on the map. And I think it's - I
3 think that type of study would be hydrologic. I'm not
4 sure we -- I mean I'm not sure that we can really
5 define it.

6 I mean, you know, there are a couple of different
7 scenarios. One is where you pumped the water back
8 into the system, like a car wash. One where you're
9 extracting a lot of water, but all from the same
10 place. And then there is one that could be a danger
11 posed by the activity by light industry, heavy
12 industry, filling stations and storage tanks, stuff
13 like that. So I think there are all kinds of
14 different scenarios.

15 As far as the gravel pit goes, I mean I think off
16 the top of my head, I guess would I think things that
17 could essentially get into the aquifer from the gravel
18 pit, usually those are petroleum products. So, you
19 know, I guess off the top of my head a hydrologic
20 study would be good to look at if something got into
21 the system where it might go and what the impact would
22 be down stream.

23 MR. HILL: What about the impact of digging here?
24 We are changing the flow of the natural water.

25 MR. ALTO: That's something that would not be a

1 good use.

2 MR. HILL: Right.

3 MR. ALTO: I mean, I don't know.

4 THE CHAIRMAN: In this part of the hearing, this
5 is preapplication, so the Applicant comes up and you
6 as an abutter you will be able to put in a question or
7 ask them as the process goes on to give more definite
8 ideas.

9 MR. ALTO: I was trying to think, if I remember
10 right, and you guys can correct me if I'm wrong, the
11 Blaine study there was a hydrologic study, but that
12 was bedrock. That was official.

13 So I guess basically what I'm saying now is I
14 don't think we can really determine what the breath of
15 the hydrogeologic study would be if one were required
16 at this point.

17 MR. WILLIAMS: On the map you really want to see a
18 map, an aquifer map.

19 MR. ALTO: Right. I think the aquifer - I can't -
20 it's been a while since we looked at these, and you
21 are probably more familiar with the verbiage, but I
22 think it's - I think it's triggered by the proximity
23 of this gravel pit to the aquifer. But that's not to
24 say that if it wasn't close to that we might not want
25 something of that nature anyway. I guess I'm not

1 saying if you don't have - if it's not close to the
2 sand aquifer it doesn't mean that you might not want
3 it anyway, depending on what the activity is.

4 MR. WILLIAMS: That's why it says may.

5 MR. ALTO: I can't remember exactly what triggers
6 it, so --

7 THE CHAIRMAN: What about contours? Does the
8 Board have any opinion to ask the Applicant about
9 contours?

10 MR. ALTO: I guess part of the aquifer thing too,
11 is what Bob and I monitor excavations and stuff all
12 the time. You can only go down to within a certain
13 separation from the water table.

14 MR. TEMPLE: You need a variance to go closer than
15 that from our ordinances and the statutes from the
16 State.

17 MR. ALTO: I can't remember what the contours were
18 on the subdivision map were.

19 (unknown): Twenty feet. It's really hard to see
20 the contour lines on this. It's really flat,
21 especially down there.

22 MR. ALTO: But where it's mining, I would think
23 just that so we would see what there is.

24 THE CHAIRMAN: It's a mine.

25 MR. ALTO: The minimum is five foot separation.

1 MR. WILLIAMS: There is also a commentary about
2 the contour rule recommended as five.

3 MR. ALTO: I'm sorry. Yeah. I got my facts mixed
4 up. I'm apologizing to the Board chairman.

5 Unknown: So as far as the contour --

6 THE CHAIRMAN: So let's discuss other, because it
7 does say in that section that the Board can discuss
8 other means, but five-foot contours is what the mine
9 limits minimum.

10 (unknown): We can ask the software to give you
11 one foot contours on top of David Fletcher's file, but
12 we would rather give you a true file based on that.

13 MR. ALTO: Since it's for mining, I think we should
14 be asking for five foot contours anyway.

15 THE CHAIRMAN: It says (inaudible), however. Bob
16 you probably heard Bob mention that he sent copies of
17 the plan.

18 MR. ALTO: I would leave it at five.

19 CHAIRMAN: Okay. So the answer to that question
20 Bob you probably heard Bob mention that we need ten
21 copies of the plan and then maybe a larger scale
22 drawing of it, the Application. What other details -
23 you've gone over with the Applicant --

24 MR. TEMPLE: I gave him subdivision list, what he
25 needed.

1 THE CHAIRMAN: Were there any other questions?

2 MR. LANE: Just one. I just wanted to be clear
3 that this is an application that is being made solely
4 for Lot 3?

5 MR. TEMPLE: Yeah. When we fill out the form
6 we'll put that it's for Lot 3, and not for the other.
7 That takes away the cemetery, that takes away the
8 screen.

9 MR. LANE: Right. Is that the tax map number or
10 is that --

11 MR. TEMPLE: I don't know if they have assigned a
12 tax map lot number, but we can always refer to it as
13 the shorter subdivision and make it part of it, and
14 then when that transfers over we can reference it. I
15 don't know because he hasn't redone the tax maps yet.
16 He may have created the file for it, but they haven't
17 put everything on it, the tax maps. So we don't have
18 the new tax maps for this year. So I know it wouldn't
19 be on the map right now; but I think he's working on
20 it and we should be getting them soon, because every
21 year about this time we get a new tax map.

22 MR. LANE: I probably have that somewhere.

23 MR. TEMPLE: Yeah. But I can check to see if
24 he's created the account for it, and then it would
25 have a map and lot number for it that way. I can do

1 that tomorrow night.

2 THE CHAIRMAN: And also on your application there
3 is a lot of ground water information that you will
4 have to generate anyway in the application. So in
5 that generation of that it may be able to go a little
6 further into the water aquifer and see where that
7 goes.

8 MR. LANE: Yeah. Definitely.

9 THE CHAIRMAN: Because there is a lot in the
10 whole application that looks into setbacks and ground
11 water.

12 MR. ALTO: Well, I think the other thing would
13 be the SBCC Plan regarding storage.

14 MR. HILL: There isn't going to be any storage.

15 MR. ALTO: Whatever. I mean that just needs to
16 be identified as the plan. Is there any storage?

17 MR. LANE: As a housekeeping plan. SBCC kicks at
18 a certain gallon of storage. Would you still be
19 interested?

20 MR. ALTO: Yes and no. We would want something
21 like that.

22 CHAIRMAN: A housekeeping narrative plan to go
23 forward.

24 MR. ALTO: Right. I guess some assurance that it
25 wouldn't go over a certain amount of storage-.

1 THE CHAIRMAN: And just because they are saying or
2 you are saying that it isn't going to happen, we need
3 that as part of the plan so there can be enforcement
4 of it. And we know that could change and we have no
5 way to know, so we want it to be written in so that
6 the next generation can play with it.

7 Did you have any further questions from the Board
8 for the Applicant?

9 MR. BOWERS: You mentioned this Lot 3. Are Lot
10 One and Lot Two under the same ownership?

11 MR. LANE: Yes. At this time.

12 MR. ALTO: So they are contiguous?

13 (unknown): They are.

14 MR. TEMPLE: But it's a subdivision, so they are
15 not merged. I've gone through that with MMA. Once
16 it's an approved subdivision, the lots are not merged
17 even if they are in the same ownership before. If you
18 were going to change the lot size in town to six acres
19 and these were three and three, they wouldn't be
20 considered merged, according to MMA. I'm just talking
21 about what their legal opinion has been to me in the
22 past, because it's an approved subdivision.

23 MR. ALTO: I guess it has been a while since we
24 used this.

25 THE CHAIRMAN: So are there any other questions

1 from the Applicant?

2 MR. LANE: I think not.

3 THE CHAIRMAN: And so you have the timeframe that
4 we meet?

5 MR. LANE: The second Tuesday.

6 THE CHAIRMAN: Yes. We would like to have the
7 plans a week out, so if you decide to have your plans
8 so if we could have them distributed a week out makes
9 more sense.

10 MR. LANE: Yes.

11 MR. TEMPLE: The same thing with when you are
12 ready, just let me know so I can schedule it and then
13 we'll get together and get all the stuff so we know we
14 all have it. And I think if we all organized it
15 according to the outlines, I think it makes it easier
16 for everybody instead of flipping.

17 THE CHAIRMAN: And you mentioned that you had a
18 hard time finding the Findings of Fact for the
19 Applicant?

20 MR. LANE: I was able find - I found the minutes.
21 I didn't find the Findings or Conditions. The
22 Conditions I saw on the plan, but there were not
23 Findings of Fact issued.

24 MR. TEMPLE: They used the checklist, not the
25 minutes. You read from the checklist at that meeting

1 where they went down one, by one, by one, but they
2 didn't actually make a Finding of Fact Order because
3 there was nothing in the minutes that reflected that.

4 I talked to Dave about it. And I asked him what
5 do you want me to do? And he said I guess you are
6 right. So we just basically used that checklist and
7 there was a motion on each one of them. Do you
8 remember that? You were the one that read the list.

9 MR. WILLIAMS: Yes.

10 MR. TEMPLE: That was the basis for the decision.

11 THE CHAIRMAN: But they said the minutes.

12 MR. TEMPLE: The minutes, too. I went through it
13 line by line.

14 THE CHAIRMAN: So if you just went on-line, if you
15 wanted to get a copy of the minutes from those
16 meetings that would -- you just looked on-line on the
17 Town website, which is months behind as far as the
18 minutes. So if you could get him - if you wanted you
19 could get a copy of the minutes of those meetings.

20 MR. TEMPLE: Leanne can. I don't keep track of
21 them. But Leanne - I'm not even going to ask Leanne.
22 I might have it. I'll look. Why don't you send me an
23 e-mail tomorrow and I will see if I have a copy of it,
24 because I was using them to look stuff up.

25 MR. LANE: That would be the 3/12/13 minutes? The

1 March 12, 2013 minutes?

2 MR. TEMPLE: Just put down all the minutes that I
3 have and then I'll try to get them all.

4 THE CHAIRMAN: You still may have the e-mail
5 Leanne sent you.

6 MR. TEMPLE: She always e-mails me a copy for me
7 to look at.

8 THE CHAIRMAN: Right. So if you still have that
9 e-mail --

10 MR. TEMPLE: It goes both ways.

11 MR. LANE: So we'll look at the aquifer map?

12 MR. TEMPLE: Yes. I can do.

13 THE CHAIRMAN: So you are all set with that part
14 of it?

15 MR. LANE: Yes. Thank you very much.

16 THE CHAIRMAN: Any other discussion before the
17 Board?

18 MR. LANE: No.

19 * * * * *

20 (Whereupon the meeting concluded)

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CERTIFICATE

I, Philip M. Galucki, a Notary Public in
and for the State of Maine, hereby certify that
the recording of the Washington Planning Board
meeting of September 10, 2013 was stenographically
reported by me and later reduced to print through
Computer-Aided Transcription, and the foregoing is a
true record of the proceedings.

I further certify that I am a disinterested
person in the event or outcome of the above-named
cause of action.

IN WITNESS THEREOF I subscribe my hand this
day of , 2013

Philip M. Galucki
Notary Public

My Commission Expires
September 5, 2014