

**PLANNING BOARD MEETING
MINUTES
TOWN OF CUMBERLAND
Cumberland Town Hall - 290 Tuttle Road
Cumberland, Maine 04021
Tuesday, July 17, 2012
7:00 p.m.**

A. *Call to Order*

Chairman Neagle called the meeting to order at 7:00 p.m.

B. *Roll Call*

Members Present: Chris Neagle, Chair, John Ferland, Vice-Chair, Peter Bingham, Gerry Boivin, April Caron, Ronald Dillon, Peter Sherr

Staff Present: Carla Nixon, Town Planner, Pam Bosarge, Administrative Assistant

C. *Approval of Minutes of June 19, 2012*

Mr. Bingham moved to approve the minutes of June 19, 2012 as amended.

Mr. Ferland seconded.

VOTE: 5 in favor (Bingham, Ferland,
Boivin, Dillon, Neagle)
2 Abstain (Caron, Sherr)

D. *Staff Site Plan Approvals:* None

E. *Hearings and Presentations:*

- 1. *Public Hearing: To recommend to the Town Council draft amendments to Section 3K of the subdivision Ordinance: K. Net Residential Acreage:*** Net residential acreage shall be determined by subtracting from gross acreage available the following:
 - .1 ~~15% for~~ Area for roads and parking as shown on the plan.

Ms. Nixon presented background information as follows: last month the Board approved a change to the definitions section of the Zoning Ordinance regarding Net Residential Acreage. The change, as you may recall, changes the way in which Net Residential Acreage is calculated as related to the amount deducted for roads and parking. Rather than a flat 15%, a developer will need to deduct the actual amount of roads and parking areas as shown on the proposed plan. This month's item will change Section 3K of the Subdivision ordinance to match the change approved last month to the definitions section of the Zoning Ordinance.

Mr. Neagle opened the public portion of the meeting. There were no public comments. The public portion of the meeting was closed.

Mr. Bingham moved to recommend to the Town Council draft amendments to Section 3K of the subdivision Ordinance: **K. Net Residential Acreage:** Net residential acreage shall be determined by subtracting from gross acreage available the following:

- .1 ~~15% for~~ Area for roads and parking as shown on the plan.

Mr. Dillon seconded

VOTE: Unanimous

Mr. Neagle stated that the next three items are related to the former blue rock Pit; he disclosed he had driven to the site today.

2. **Public Hearing: Major Site Plan Review for One Steel Recycling, Inc.,** to operate a Junkyard (Scrap Metal Intake Yard) at 77 Blackstrap Road, Tax Assessor Map R07, Lot 53 in the Industrial (I) district; Leon Door, One Steel Recycling, Applicant; St. Germain - Collins Environmental Consulting Group, Representative; B.R. Property, LLC, Owner.

Ms. Nixon presented background information as follows: One Steel Recycling of 25 Ayer Street in Oakland, Maine is requesting major site plan approval for a junkyard at 77 Blackstrap Road in the West Cumberland Business Park. The facility (termed by its owner as a metal recycling facility) will receive recyclable ferrous and non-ferrous metals and transfer them in bulk to off-site facilities. The parcel is currently depicted as Lot 1 on the subdivision plan approved on 9/20/11. The parcel is currently the location Coastal Landscaping. The owner of the West Cumberland Business Park, David Chase (BR Properties) will be requesting an amendment to that approved subdivision that will show revised lot lines for Lots 1 and 2. If approved, One Steel Recycling will lease the (Lot 1) property, take over the use of the existing 6400 sf structure and construct a scale house and material storage pads and locate 2 scales. Coastal Landscaping will move from Lot 1 over to Lot 2 and construct a new building on that site. Lot One is currently depicted on Tax Assessor Map R07, Lot 53 (1) in the Industrial Zoning District.

The applicant is Leon Door of One Steel Recycling. The Applicant's representative is Mark St.Germain, P.E., of St. Germain-Collins, Environmental Consulting Group.

HISTORY:

- Neighborhood Meetings
- Board of Adjustment and Appeals granted Special Exception approval on 4/12/12 as per Zoning Ordinance Sections 204.14 (Industrial) and Section 415 (Junk Yards). The BAA applied 2 conditions of approval. These are listed in the proposed conditions of approval for this review.

DESCRIPTION:

Right, Title, or Interest: Lease Agreement Required (Not found in packet)

Zoning: Industrial

Min. Lot Size: 40,000 sf.

Parcel size: 7.4 acres

Proposed Use: Junkyard

Frontage: 126' (Industrial District requires 100')

Setbacks: Front: 45'
Side: To residential abutter: 75' of which 15' must be vegetated.
Rear: 50'

Access: Access to Lot 1 will be via a partially paved entrance drive. Access within the yard will be on designated travel pathways with clear signage.

Employees: 5

Parking:	10 proposed; 1 handicapped.
Water	Dug well
Sewer:	Existing septic system
Electrical:	Overhead lines from Blackstrap Road
Wetland Impact:	None
Floodplain:	Map # 2301620015B. Designation: Zone C (area of minimal flooding)
Natural Features:	None
Stormwater:	Combination of on-site storage and infiltration.
Solid Waste Disposal:	Dumpster (unscreened)
Lighting:	Existing wall packs on building; 1 new pole light in yard. All lights have motion detectors.
Days/Hours of Operation:	Monday-Friday 7:30 a.m. to 4 p.m. and Saturday 7:30 a.m. to 12:00 p.m.
Signs:	None proposed
Outside Agency Approvals:	MDEP Storm Water Multi-Sector General Permit RECEIVED?

Mr. Neagle asked if there was a Purchase and Sale Agreement.

Ms. Nixon stated she has not received one. The applicant has a copy with them this evening; this was given to the Board for review.

Mr. Neagle stated the Board received a Letter of Intent to Lease, which is not adequate for approval this evening. The Board would need a signed lease or proof of right title and interest in the property for approval.

Ms. Caron asked if there was an update on the aquifer protection concerns addressed in Sam York's e-mail dated 7/11/12.

Ms. Nixon stated no, we didn't take any new information after the packets were sent to the Board. Sam York is present to take questions from the Board.

Ms. Caron asked if the concerns still stand.

Ms. Nixon stated yes.

Mr. Leon Door, Applicant, Project Manager for One Steel stated they are diligently working on meeting Ordinance requirements to make this project happen. Mr. Door explained their business was a Scrap metal Recycling Facility, we buy scrap metal and recycle the material. That being said we take our business very seriously. Our business is the very first industrial scrap metal recycling facility that is ISO-9000 certified in the world. We are the only ones to achieve that status; we are a global commodity, a large business; we take great pride that we run our business as a family business.

Mr. Neagle asked how scrap metal arrives at the proposed site.

Mr. Door stated the site is proposed to be a feeder yard; there will be not a processing facility. There will be no stockpiling of materials. There will be peddler traffic, homeowners, small auto body shops. There may be the occasional dump truck. Mr. Door stated when there is enough scrap material to constitute a load, which is a tractor trailer load, the scrap will be moved to one of their sites for processing.

Mr. Neagle stated it is small scale intake, and he asked for clarification on ISO-900 certification.

Mr. Door stated it is a National Certification based on standards and day to day operations.

Mr. Neagle asked the number of sites the company owned.

Mr. Door stated they have thirteen sites in the United States, thirty-nine in Australia and China.

Mr. Boivin asked about mixed metals such as a cast iron sink, and this and that until you have a sufficient load to be hauled away.

Mr. Door stated yes it can be that way; people have become aware of the value of separating materials such as copper, brass and aluminum, there may be some heavy iron etc. Mr. Door introduced Mr. Mark St. Germain of Germain Collins Engineers to answer questions.

Mr. St. Germain apologized the projector was not working. He stated they had a supplemental submittal that addressed the Conservation Committee; these submittals were dated June 29, 2012 and were in the Board's packets. Mr. St. Germain stated there were several outstanding comments received on Thursday; I have specific points to address each condition of approval that were not met as of Thursday. I have had conversations with John Sevee, and think there is resolution to all concerns.

Mr. St. Germain gave an overview of the project as follows: They propose to occupy the existing buildings on Lot # 1 of the West Cumberland subdivision. This is a 7.4 acre parcel; Mr. St. Germain reviewed the site and surrounding properties. There is a 35' to 40' embankment going into the pit. Mr. Sloat has a direct view into the operation. Mr. Sloat is in support of the use of the property. We propose to add a fence along Blackstrap Road; there is an easement from Mr. Sloat; there is a stockade fence that will preclude any visibility, and the West Methodist Church is on the southern end of the pit, there is only one spot visible at this time of the year, we propose additional buffering with a berm of vegetated white pines.

Mr. Neagle asked if there were to be any buildings added.

Mr. St. Germain stated only a little scale house, there is currently an existing 6,500 sq. ft. building.

Mr. Neagle asked the height of the berm?

Mr. St. Germain stated that berm is 4' high with 6' pine trees on top. This berm is proposed to screen view from Upper Methodist Road. This property has been a maintenance garage for years. The applicant is not proposing to maintain vehicles other than to grease them. The project is simple; the intention is to take in metal, stage it long enough for large quantities to accumulate and then ship it to another site for processing. Ferrous metals (which a magnet sticks to) will be stored outside on designated pads. The non-ferrous metals such as copper, aluminum, stainless steel will be stored inside in Gaylord boxes. The existing building has an office and garage area. There will be four traffic lanes, two incoming and two outgoing lanes, which will separate traffic for non ferrous metals, the ferrous metals will come in on the

outside lane go over the scale and go to one of the two pads, come back over the scales and exit. The two pads will separate different types of ferrous metals light versus heavy metal. The pads have staging and loading areas. The overall plan is to have a paved area for customers, the ferrous metal transfer pads will be made of reclaim asphalt and ultimately concrete. The transfer pads are concave and designed to hold the capacity of a 100 year storm event; from each pad there is a treatment area which has a pre-treatment area for any contaminants such as petroleum etc. and there is a catch basin with a filter, then water discharges to the stormwater pond which is partly on lot # 1 and flows to the approved wet pond for the subdivision.

This business would need a multi sector general permit, which is a stormwater permit from the DEP. The applicant will need to develop a stormwater pollution prevention plan (SWPP) and that has the operational and physical controls and all of these have to be maintained and inspected regularly; DEP also inspects these. We will be writing the SWPP for One Steel, the filter changing, monitoring of discharge, and process for keeping metal on pads all is provided for in the SWPP. If the SWPP is not in conformance the DEP permit could be withdrawn.

There will be white goods storage area for refrigerators, there will be certified contractors who come in and remove any Freon. The other item that is received inside the building is car batteries, vehicles are not received with batteries. The batteries have lead, and are stacked on pallets when there is a full pallet they are removed. There is a water supply on the site; this plan has a barrier for storage of landscaping materials. The applicant has committed to putting a barrier with grass for a setback from the well. There is another well on site this well was previously used for the crusher plant, Mr. Chase has maintained an easement to the well, and his sprinkler system is tied to this well.

We have done an analysis of both wells; the proposed use on the well will have an estimated daily usage of 15 gallons a day. There is a specific list of chemicals stored on site which will be given to Town staff. There is a diesel tank, a 275 gallon fuel tank, 5 gallons of grease, and 5 gallons of lube oil and freon and battery acid. We looked at those potential materials with regard to potential for impacts to the aquifer. Currently there is an underground tank; there was previously a contaminant area from diesel residual. A monitoring well has been installed down gradient from the contaminate area, there is very little diesel residual which couldn't be detected.

Mr. Neagle clarified there are some soils previously contaminated with oils from an underground oil tank.

Mr. St. Germain stated the contaminants are in the groundwater. The down gradient well was just installed as a temporary well to obtain samples. These samples were conducted by David Chase's consultant Black Point Environmental. That report is attached to the groundwater letter. We agree there should be a way to monitor potential problems. We are proposing as a condition of approval that a groundwater monitoring plan be submitted to the town for approval. This would consist of monitoring wells, the groundwater monitoring was not initially proposed because it is an additional precaution.

Mr. Dillon asked if the monitoring is what you proposed for item # 3.

Mr. St. Germain stated we agree with what was proposed by the Town's engineer.

Mr. St. Germain reviewed the following issues:

- Landscaping at the parking area; this will be added to the plan.
- Traffic has been estimated at 20 trips during the peak hour.
- Hours of operation are 7:30 to 4:00 Monday – Friday and Saturday from 7:30 to 12:00 noon
- Lighting – there will be one light added and all lighting will be on sensors.
- There is a proposed 500 gallon diesel tank for fueling of equipment. They are proposing a 500 gallon double wall tank with gas containment with a roof. There will be triple containment for

the tank. We are also proposing a pad with a roll over berm on two ends. The pad will have protocols to contain any spills.

- Fire Marshall and DEP approval is required for the fuel tank, spill control procedures are required, and spill prevention and control and counter measures plan SPCC has operational, mechanical and inspection controls. This will be submitted to the State for approvals.

Mr. St.Germain stated he could respond to the 11 conditions addressed in the staff memo.

Mr. Neagle stated we are not in a position to approve this evening; he would like to hear questions from the Board and public.

Mr. Ferland thanked the applicant for the information he now had a better understanding of the size and scope of the business. He asked how much material would be dropped off at the site.

Mr. Door stated the material would leave in tractor trailers, a 100 yard trailer; the people coming to the site are typically homeowners, in dump trucks.

Mr. Ferland asked what might be the largest incoming load of material.

Mr. Door stated a roll-off container or an 18 yard dump truck, there will be no tractor trailer loads to this facility. We anticipate an average of three to four tractor trailers exiting the site in a week. The intent of this yard is to never have piles.

Mr. Bingham asked about the process for junk cars.

Mr. Door stated any vehicle accepted has the fluids drained, the mercury switch removed, and the gas tank must be removed. There will be no crushing of vehicles on site.

Ms. Caron stated she travels by Maine Metal Recycling on Route 100 in Auburn and you can tell when the price of metal is up; there is a long line of pick-up trucks with metal. It did say spring and fall hours from the Board of appeals meeting. When you were asked about trips per day it was 150 trips. She asked what that would look like.

Mr. Door stated essentially 6 to 10 cars were scrapped automobiles. Maine Metals is a massive intake and processing facility, we are not proposing to be that large.

Ms. Caron asked what limits volume of materials.

Mr. Door stated the company has outside salespeople, and Cumberland is designated as a residential smaller business, and industrial waste will be taken to one of our larger facilities.

Ms. Caron asked what happens if a vehicle has not had fluids removed.

Mr. Door stated they turn the automobile away and explain what needs to be done to accept the vehicle.

Ms. Caron asked if there was potential for a vehicle with these fluids spilling contamination of the groundwater when leaving the site after being turned away.

Mr. Door stated he doesn't see a problem; we inspect vehicles as they come in. Some people may drain a vehicle on the trailer and have some residual material. Two things will happen, we will instruct them we

cannot accept the vehicle; and the second thing we do is give them some oil pads so the oil doesn't spill on the road.

Ms. Caron asked if they have any plants close to a water supply that have issues.

Mr. Door stated they conduct monthly testing and outfall testing will be done quarterly within an hour of the most recent rainfall event. The Augusta site sits on the banks of the Kennebec River and they have had no contamination.

Ms. Caron asked if there had ever been any tests that show contamination to the Kennebec River. The DEP comes in every six months, is there a chemical that might be on site that it would be too late for a bi-monthly check.

Mr. Door stated we don't deal with any solvents, we use one when we clean our equipment; which is a very high temperature pressure wash, and we use large tarps and large absorbent booms around the machine. All of the fluids from the machine are captured and bagged.

Mr. Sherr asked what is done with the wash water, the poly and booms are bagged up, but what happens to the wash water does that go into the stormwater system.

Mr. Door stated the water would go through the booms which is absorbent and captures the oil on the way by, and once the water comes through it also goes through the containment system.

Mr. Sherr thanked the applicant for their clarification on several issues. He stated he had a few concerns, he understood there would be a list of hazardous materials, and Mark St. Germain stated there will be a SPCC plan as well as a stormwater prevention plan for the Town Engineer to review.

Mr. Door stated the SPCC plan will be done; it hasn't been done at this time, as we are waiting on approval of specifics such as the fuel tank.

Mr. Sherr stated he has concerns about citing an operation such as this on an aquifer, with that said there are a lot of engineer concerns and engineering plans which are great mitigation measures but are only as good as the maintenance provided.

Mr. Sherr asked what type of vehicle maintenance would be done on site.

Mr. Door stated mostly the material handler crane, and the primary maintenance would be the hydraulic hoses and minor repairs; any catastrophic failures would be hauled off site for maintenance.

Mr. Sherr asked if there was an existing floor drain in the garage.

Mr. Door stated if there was it would be plugged.

Mr. Sherr stated there is an abandoned well down gradient and it is not shown on the plan, he asked for information on that well. He also stated he had concerns regarding pines on the 4' x 4' berm which might blow down in ten years

Mr. St. Germain stated the berm will be 4' high, 4' wide, and 12' wide at the base.

Mr. Neagle asked about noise decibels.

Mr. St. German stated the only noise on the site is the excavator.

Mr. Door stated at the Augusta site there is a 25' high embankment and measures from the Ford F-150 are 64 decibels and 38 decibels when idling. The limits are 66 decibels at the property lines.

Mr. Neagle stated he would want to see noise levels.

The public portion of the meeting was opened.

Mr. James Minor of 4 Lower Methodist Road stated he bought his farm in 1976, and people used to come to his property for water. He has two artesian springs on his property and is concerned about aquifer contamination and environmental health hazards. He stated he felt this was the wrong place for this type of facility.

Mr. William Devoe of 4 Forest Lane also voiced concern of water protection and the pond which floods the area in the pit in the winter. He stated the water flows into the Piscataquis River.

Mr. Neagle stated that Mr. Chase had done some work at the site for drainage.

Mr. Sam York, Chair of the Cumberland Lands and Conservation Committee gave a summary of the committee's comments.

- Gravel Aquifer: Risks to the aquifer with spills
- Increase in traffic: noise
- Other impacts: lighting, trees, Piscataquis River

Mr. Bob Couillard of 55 Lower Methodist Road voiced concerns of the aquifer, noise, water pollution, and traffic. He stated this was not in favor of this type of business for the location.

Ms. Christine Byrne of 29 Lower Methodist Road voiced concern regarding down gradient wells, and the maintenance of the SWPP; and if wells were polluted who would fund the cost of extending public water. She also asked about the frequency of EPA review.

Mr. Neagle stated all information is public and how often the wells are tested would be determined by DEP.

Mr. Mark Kuntz of 60 Blackstrap Road stated he lives across the street, and also voiced concern of pollution to the wells in the area. He stated he didn't feel the use met the Special Exception standards that the Board of Appeals approved.

Mr. Neagle stated the Planning Board diligently applies and reviews the Site Plan Standards and the Aquifer Protection Standards the Board understand this is a very sensitive piece of land.

Mr. Kuntz continued stating this property is located in the Well Advisory Zones, with State, DEP monitoring wells, and is a mapped aquifer; his understanding was that a junkyard could not be placed on a mapped aquifer in the State of Maine.

Ms. Stephanie Coleman of Lower Methodist Road stated her property has a natural spring which serves four houses, it is tested once a year, and she also voiced concern regarding the quality of water.

Ms. Carol Lemieux of 26 Forest Lane asked who would monitor the operation of One Steel.

Mr. Neagle stated protocols will be set in place prior to approval.

Mr. Clayton Copp of 223 Main Street stated he felt based on State Statute Title 30 37-45-A which states there can't be a well within 300' of a recycling facility. He asked if the differentials would be removed from the vehicles.

Mr. Dave Russell of Forest Lane presented a photo of the Augusta operation to the Board.

Mr. Robert Maloney of 18 Maloney's Ridge Way stated he was concerned about noise and degrading of the neighborhood. The area is starting to become residential and he felt this use would be going backwards. He stated Cumberland Salvage is an existing business and this business would be in competition. He is opposed to the project.

The public portion of the meeting was closed.

Mr. Neagle thanked the public for their comments.

Mr. Neagle stated there have been a lot of great comments; the applicant has done a good job. He asked for a motion to table.

Mr. Bingham moved to table your application for Major Site Plan Approval pending submission of outstanding issues as stated in the Town Planner's comments and the Peer Review Engineer's comments.

Ms. Caron seconded.

VOTE: Unanimous

The Board took a 10 minute recess at 9:10 p.m. and reconvened at 9:20 p.m.

3. Public Hearing: Minor Subdivision Amendment: West Cumberland Business Park, a 4-lot commercial subdivision at 77 Blackstrap Road, Tax Assessor Map R07, Lot 53 in the Industrial (I) district; to adjust lot lines, B.R. Property, LLC, Owner, Thomas Greer, P.E., of Pinkham and Greer Consulting Engineers, Representative.

Ms. Nixon presented background information stating the three items are interconnected and this application redraws the lot lines between lots 1 and 2.

Mr. Neagle stated we did approve the subdivision in September of 2011. The plan before us reconfigures the four lots.

REQUEST:

The applicant and owner is BR Properties of Falmouth, Maine. The applicant is represented by Tom Greer, P.E., of Pinkham and Greer Consulting Engineers. The parcel, an existing gravel pit, is 41.04 acres in size. It is located at 77 Blackstrap Road as shown on Tax Assessor Map R 07, Lot 53 in the Industrial District. The applicant is proposing to adjust the lot boundary lines of Lots 1 and 2.

HISTORY:

February 15, 2011: The Planning Board was presented with a conceptual plan for general comments.

March 2, 2011: The Planning Board conducted a site walk of the property.

April 13, 2011: Tabled by applicant prior to meeting.

September 11, 2011: Minor Subdivision Approval granted by Planning Board

DESCRIPTION:

Parcel size: 41.04 Acres

Zoning: Industrial (I)

Min. Lot Size: 40,000 square feet

Lot frontage: 100'

Setbacks: Front = 45', Rear = 50', Side 15'

Water: Private Wells

Fire Protection: Dry hydrant to be installed.

Septic/Sewer: One existing system on Lot 1. New shared system proposed for Lots 2, 3, & 4.

Wetlands: The site is a gravel pit with no discernible wetland areas.

Road: Private. Paved driveway into site and paved aprons into lot driveways

Outside Agency Permits:
MDEP Stormwater Permit. On file.

DEPARTMENT HEAD REVIEWS:

Planner's Note: These are the comments received during the subdivision approval process last year:

Code Enforcement Officer, Bill Longley: 911 addressing should be done with the Town Assessor...name of Road or Box #, etc.

Police Chief Joseph Charron: If planned buildings will contain items that are commonly targets of theft, we would like them to have alarms. If not, adequate lighting to deter thefts/burglaries and for responding officer safety. Will entrance gate be locked after hours?

Public Service Director, Chris Bolduc: Recommend road naming with signage for the road. Add sign that identifies businesses within the subdivision.

Fire/EMS Chief Dan Small: April 5, 2011 (STILL IN PLACE FOR THIS REVISION:

1) Buildings should be equipped with fire alarm systems that are monitored by approved fire alarm companies. Systems should have a remote enunciator panel located at the main entrance that can be silenced with the push of *one* button from this location. The strobe or other visual alarm signaling devices shall remain active when the system is silenced. The alarm system shall identify the exact location of each individual initiation device with plain text at the fire alarm panel.

2) Buildings shall be equipped with a hinged key box approved by the fire department.

3) Buildings shall meet the requirements of the National Fire Protection Association Life Safety Code. These requirements cannot be determined until a complete set of building drawings are reviewed.

4) Any fuel storage shall meet the appropriate standard of the National Fire Protection Association. Attention to building and property line set back requirements should be included as part of the site plan review. Drawings shall be submitted that outline, at a minimum: secondary containment, normal and emergency venting, signage, tank and equipment protection. The fuel dispensing and storage system shall be permitted by the Department of Environmental Protection and the State of Maine Fire Marshal's Office.

5) Access to buildings shall be adequate enough to accommodate fire department vehicles.

6) The dry hydrant system shall meet the provisions as identified in the Town of Cumberland's Fire Protection Ordinance. The riser for the hydrant shall be no more than 6 inch diameter. Engineered drawings shall be provided that identify the ordinance standards in addition to the following: minimum storage capacities of the water storage system during worst drought conditions shall not be less than 120,000 gallons, shall identify that during worst drought conditions the maximum height between the level of the water and the center point of the hydrant connection shall not exceed 15 feet, access to the hydrant shall be maintained at all times of the year, and the access point shall accommodate fire department vehicles performing entry and exiting of tank vehicle shuttle operations (cul de sac style design).

PEER REVIEW ENGINEER: Sevee and Maher Engineers,

AMENDED SUBDIVISION APPLICATION:

BASIS OF REVIEW:

As requested, this project is being reviewed as a minor subdivision (four lots or less) as outlined in Appendix C of the "Subdivision Ordinance," most recently amended, and adopted on September 12, 2011. After review of the submission materials, we have the following comments:

GENERAL COMMENTS:

1. The Access & Utility Easement has been modified from the Subdivision Plan Application dated August 30, 2011. A revised Access & Utility Easement was not provided with this application.
2. The Applicant's cover letter states that the modified plan has been submitted to the MEDEP to modify the permit. A copy of that submittal or amended MEDEP permit was not included in the Application materials provided. SME recommends this be addressed as a condition of approval.
3. SME recommends a statement from the Fire Chief stating whether an easement for access is needed across Lot 4 to the Town of Cumberland.
4. The driveway entrance from Blackstrap Road has not been constructed as designed in the original Subdivision Application. SME recommends the entrance be constructed prior to development in the Subdivision. (A note in the Site Plan Application indicates the entrance work is planned to be completed this summer)
5. The wet pond does not appear to be completed as designed and approved in the previous Subdivision Application. SME recommends the pond be completed prior to development in the Subdivision to Town and MEDEP standards.
6. SME recommends the application include the minor roadside clearing of low hanging limbs and vegetation as detailed in Summary Item #5. of the "Traffic Assessment West

Cumberland Business Park (77 Blackstrap Road)” prepared by William J. Bray, P.E. dated May 25, 2012.

7. The Board should ask what materials are stored throughout the former gravel pit. This is suggested to provide the Board with a sense of potential threats to groundwater quality.

Mr. Tom Greer, of Pinkham and Greer Consulting Engineers, stated he represents B. R. Property, David Chase. The applicant requests the approval of the subdivision amendment whether or not One Steel goes forward; we think this subdivision is a better plan for us in the future. The re-configuration of the lots will be consistent with the DEP Stormwater Permit that was approved on July 16, 2012. Mr. Greer reviewed the plans, showing the location of the new re-configured lots. The building from lot 2 will be relocated to lot 3. We have addressed the comments from the peer review engineer.

Mr. Neagle asked to have lot # 2 leased areas removed from the subdivision plan and show it on the site plan for Coastal Landscaping.

The Board reviewed the outstanding issues.

Mr. Greer stated the outstanding items are the pond and entrance. He reviewed the detention pond, and the potential overflow for the wet pond. The wet pond has not been built yet. Nothing from the subdivision has been built since it was approved. When a new building is built it will need to be in place.

Mr. Ferland asked the logic or motivation for the application.

Mr. Greer stated the lots need to be larger this request is market driven.

Mr. David Chase, owner stated he has a satisfactory letter of credit with the manager for these improvements. He stated that the subdivision was approved for future use and the detention pond needed to be finished prior to occupancy.

Mr. Neagle asked what was in the stockpiles.

Mr. Chase stated dirt and compost from the Scarborough treatment facility. It is a Class A compost approved for use in vegetable gardens.

Mr. Ferland asked about the utility easement.

Mr. Greer stated it is shown on the plan but the legal document needs to be reviewed.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

The Board reviewed the findings of fact.

Mr. Bingham moved to adopt the findings of fact as amended.

Mr. Dillon seconded.

VOTE: Unanimous

Mr. Bingham moved to approve the 4-lot subdivision revision for West Cumberland Business Park at 77 Blackstrap Road, Tax Assessor Map R07, Lot 53 with the standard and three proposed conditions of approval.

Mr. Ferland seconded.

VOTE: Unanimous

PROPOSED FINDINGS OF FACT - Subdivision Ordinance, Section 1.1:

The purpose of these standards shall be to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - A. The elevation of the land above sea level and its relation to the flood plains;
 - B. The nature of soils and subsoil and their ability to adequately support waste disposal;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents; and
 - E. The applicable state and local health and water resource rules and regulations;

According to Flood Insurance Rate Map 230162 0010B, the property is located in Zone C: Area of minimal flooding.

The test pit information for subsurface wastewater disposal has been reviewed and found satisfactory.

Based on the information provided the standards of this section have been met.

2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

The revision does not affect the sufficient water requirement. The application indicates new wells will be drilled for Lots 2, 3, 4. Lot 1 has an existing well. There is more than sufficient supply of groundwater in the area due to the large aquifer under the site.

Based on the information provided the standards of this section have been met.

3. Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

Private well water will be used.

The standards of this section have been met.

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

The revision does not affect the previously approved erosion control plan has been reviewed and approved by the Town Engineer.

Based on the information provided the standards of this section have been met.

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

There is no increase in traffic as a result of this revision. A traffic generation report was provided which states that the project will generate less than 100 passenger car equivalents (PCE) trips during the peak hour of traffic generation. An MDOT Traffic Movement Permit application is not required.

Based on the information provided the standards of this section have been met.

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;

No changes are being made to the approved sewage disposal plan. The applicant has provided test pit data that indicates the shared subsurface wastewater disposal system will be serviceable. The project will not utilize the public sewer system.

Based on the information provided the standards of this section have been met.

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

The application states that waste generated by the businesses will be collected and stored, removed from site and properly disposed of as necessary by individual tenants. This has not changed with the revision application plan.

Based on the information provided the standards of this section have been met.

8. Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

The proposed lot line changes will not adversely affect the scenic or natural beauty of the area. No natural resources were identified on the site.

Based on the information provided the standards of this section have been met.

9. Conformity with local ordinances and plans. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

The Town Engineer's comments on unconstructed improvements are addressed by the 2011 Letter of Credit.

Based on the information provided the standards of this section have been met.

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

Technical capacity is evidenced by the use of technical consultants.

The applicant has a bond in place for the existing subdivision to cover the costs of the required improvements.

Based on the information provided the standards of this section have been met.

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

The above standards do not apply to this site.

Based on the information provided the standards of this section have been met.

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

The plan revision in itself will not adversely affect the quality or quantity of groundwater.

Based on the information provided the standards of this section have been met.

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

According to the National Flood Insurance Program's Flood Insurance Rate Map # 230162 0010B, the property is located in Floodplain Overlay C-areas of minimal flooding. No special precautions are necessary in Zone C.

Based on the information provided the standards of this section have been met.

14. Storm water. The proposed subdivision will provide for adequate storm water management; **The stormwater will be properly treated based on the September 2011 subdivision approval. Based on the information provided the standards of this section have been met.**

15. Freshwater wetlands. All potential freshwater wetlands, as defined in 30-A M.R.S.A. §4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

There are no identified wetlands on the site.

Based on the information provided the standards of this section have been met.

16. River, stream or brook. Any river, stream, or brook within or abutting the proposed subdivision has been identified on any map submitted as a part of the application. For purposes of this section, "river, stream, or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9. [Amended; Effective. 11/27/89]

There are no MDEP classified rivers, streams or brooks on the property.

Based on the information provided the standards of this section have been met.

STANDARD CONDITIONS OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

RECOMMENDED CONDITIONS OF APPROVAL:

1. That all fees be paid as required.
2. The plan will be revised to add a drainage easement across Lot # 2 and to delete the image of the area to be leased on Lot # 4.
3. Copies of the access and utility easement and drainage easement will be provided to the town Planner for review and approval by Town Staff.

-
4. **Public Hearing: Minor Site Plan Review for Coastal Landscaping at 77 Blackstrap Road, West Cumberland Business Park, Tax Assessor Map R07, Lot 53 in the Industrial (I) district; Coastal Landscaping, Applicant, B.R. Property, owner, Thomas Greer, P.E., Pinkham & Greer Consulting Engineers, Representative.**

Ms. Nixon presented a signed purchase and sale agreement for the applicant, and a letter dated today addressing peer review comments.

Ms. Nixon presented background information as follows: The applicant is Coastal Business, dba C & E Properties, LLC. Coastal Business is in current operation on Lot 1 of the West Cumberland Business Park. The applicant is requesting major site plan approval for the construction of a new 6,000 sf building and a maintenance facility to be located on a reconfigured Lot 2. (The approval of a subdivision revision for lot line changes is being considered at this same meeting, and this review assumes the lot line changes have been approved by the Planning Board). The proposed permitted uses are Landscaping Services and Business and Professional Offices. When minor site plan approval was granted in 2010, the description of the business was Landscaping Services. This application explains that there are actually three related businesses that comprise Coastal Businesses: Landscaping/Lawn care; Snow Removal; Stamped Concrete. This is pointed out because the types of materials/chemicals associated with these uses should be evaluated for adverse impact on the aquifer in the event of a spill.

The location of the parcel is shown on Tax Assessor Map R7, Lot 53 (2) within the Industrial District.

The owner of the parcel is David Chase. There is an email in the application indicating that Mr. Chase will sell the parcel to Coastal Business upon Planning Board Approval; however further evidence of right, title or interest is required.

Pinkham and Greer, Consulting Engineers, prepared the site plan and application and will represent the owner at the Planning Board meeting.

PROJECT HISTORY:

1. Planning Board grants minor site plan approval on 4/27/10 for Landscaping Business to be located on Lot 1 of the West Cumberland Business Park (the business is now relocating to Lot 2).

DESCRIPTION:

Right, Title, or Interest: Copy of email dated 5/24/12 from owner, David Chase, indicating intention to sell Lot 2 to Coastal Business Park subject to Planning Board approval.

Zoning: Industrial

Min. Lot Size: 40,000 sf.

Parcel size: 168,054 sf to be purchased; an additional 87,268 sf to be leased.

Proposed Use: Business and Professional Office and Landscaping Services

Frontage: 100' (Industrial District requires 100')

Setbacks: Front: 45'

Side: To residential abutter: 75' of which 15' must be vegetated. 15' to non-residential abutter

Rear: 50'

Access: Access to Lot 2 will be via a 24' wide, partially paved entrance drive. Access within the yard will be on designated travel pathways with clear signage.

Employees: 25

Parking: Plan shows 30 spaces, 2 handicapped.

Water: New private well

Sewer: New private septic system

Electrical: Overhead lines from Blackstrap Road

Wetland Impact: None

Floodplain: Map # 230162001150 & 2301620015B. Designation: Zone C (area of minimal flooding)

Natural Features: None

Stormwater: Combination of on-site storage and infiltration.

Fire Protection: Dry hydrant in existing pond.
Solid Waste Disposal: Dumpster; no screening proposed.
Lighting: Wall packs around the building with cutoff, LED fixtures. Timer and motion `detection controlled.

Days/Hours of Operation: Winter: 24 hours, 7 days per week as required for snow plowing service. Summer: Sun up to sun down for landscaping services.

Signs: 2 signs, one on the building; one in landscaped area at front of site.

Outside Agency Approvals: MDEP General Construction (stormwater) permits- Outstanding
DEPARTMENT HEAD REVIEWS:

William Longley, Code Enforcement Officer: No comments

Dan Small, Fire Chief: Date: July 10, 2012

RE: Coastal Lawn care Site Plan Review (version 2)

After reviewing this proposal I have the following comments:

- 1) Buildings should be equipped with fire alarm systems that are monitored by approved fire alarm companies. Systems should have a remote annunciator panel located at the main entrance that can be silenced with the push of one button from this location. The strobe or other visual alarm signaling devices shall remain active when the system is silenced. The alarm system shall identify the exact location of each individual initiation device with plain text at the fire alarm panel.
- 2) Buildings shall be equipped with a hinged key box approved by the fire department.
- 3) Buildings shall meet the requirements of the National Fire Protection Association Life Safety Code. These requirements cannot be determined until a complete set of building drawings are reviewed.
- 4) Any fuel storage shall meet the appropriate standard of the National Fire Protection Association. Attention to building and property line set back requirements should be included as part of the site plan review. Drawings shall be submitted that outline, at a minimum: secondary containment, normal and emergency venting, signage, tank and equipment protection. The fuel dispensing and storage system shall be permitted by the Department of Environmental Protection and the State of Maine Fire Marshal's Office.
- 5) Access to buildings shall be adequate enough to accommodate fire department vehicles.
- 6) The dry hydrant system shall meet the provisions as identified in the Town of Cumberland's Fire Protection Ordinance. The riser for the hydrant shall be no more than 6 inch diameter. Engineered drawings shall be provided that identify the ordinance standards in addition to the following: minimum storage capacities of the water storage system during worst drought conditions shall not be less than 120,000 gallons, shall identify that during worst drought conditions the maximum height between the level of the water and the center point of the hydrant connection shall not exceed 15 feet, access to the hydrant shall be maintained at all times of the year, and the access point shall accommodate fire department vehicles performing entry and exiting of tank vehicle shuttle operations (cul de sac style design).

Waiver Requests: None requested by applicant.

Note: The Planning Board may waive any of the submission requirements based upon a written request by the applicant. A waiver may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria.

PLANNER'S COMMENTS/DISCUSSION ITEMS:

1. Need evidence of right, title, or interest.
2. Need MDEP General Construction Permit (for disturbance of more than 1 acre).
3. The subdivision revision requires MDEP approval. This has not yet been provided, therefore Lot 2 as shown on this site plan, should not be approved at this time.
4. There is no screening proposed for the dumpster.
5. There are no plantings proposed between the building and parking area.
6. Town Engineer's comments below must be addressed prior to approval. Many of these items need to be listed as notes on the final plan, or as in the case of revised easement locations, changes to the final plan are required.
7. As detailed below in the Town Engineer's report, there are several important elements of the previously approved subdivision that have not been completed. This site plan is dependent upon those elements being completed as designed, thus it would seem that approval of this project is not appropriate at this time.
8. Need front, side and rear elevation drawings, also materials and color of materials.

PEER REVIEW ENGINEER'S COMMENTS- John Sevee, Sevee & Maher Engineers:

Subject: Peer Review of Lot 2 Site Plan
West Cumberland Business Park
77 Blackstrap Road, Cumberland, Maine

SITE PLAN APPLICATION FOR LOT 2 WEST CUMBERLAND BUSINESS PARK**BASIS OF REVIEW:**

As requested, this project is being reviewed as a Planning Board Site Plan Review Application as outlined in the Site Plan Review Ordinance Section 10: Approval Standards and Criteria and most recently amended January 9, 2012. After review of the submission materials, we have the following comments:

PLAN COMMENTS**Site Plan, Drawing C1:**

1. The parking requirements of Section 417 Parking and Loading of the Town Zoning Ordinance, state that Industrial uses require 1 for each 1.2 employees. With an approximate employee population of 25, SME calculates the parking space requirement to be 21 spaces.
2. A portion of the site runoff appears to drain easterly to an existing man-made pond. The drawings indicate that the man-made pond drains off the property and onto the abutting Maine DOT property. SME recommends that Drainage Easements be provided within the subdivision along the easterly property lines of Lots 2 and 4. These easements would allow the occupants of Lots 1 and 2 to construct improvements to convey site runoff in the event that DOT performs work in their ROW and removes the existing man made pond.

Lighting, Landscape & Erosion Control Plans, Drawing C2:

1. SME recommends erosion control barriers be installed down gradient of construction to prevent sediment leaving the construction site during heavy rainfall.

Details, Drawing C3:

No Comments.

Subdivision Plan, Drawing C1.1:

See previous comments on Subdivision Application

Existing Condition Plan, C1.2

No Comments.

GROUNDWATER PROTECTION

The Applicant has evaluated potential changes in the groundwater flow direction of the existing VOC plume under the western portion of Lot 2. We concur with their analysis and conclusions. We do not anticipate any adverse affects in placing the proposed leachfield at the location proposed provided it is constructed as designed.

The following comments address a few remaining questions relative to future protection of groundwater beneath the facility:

1. The Applicant has provided the requested list of materials that will be stored at the facility. We recommend that these be recognized as part of the Findings of Facts for future reference.
2. A radial 50-foot, no-storage or no-handling exclusion zone around the water supply well should be established to minimize the potential for adversely impacting potable water quality.
3. A routine maintenance and clean-out (pumping) schedule should be established for the oil/grit skimmer as part of an approval or as a condition of approval. Maximum period between clean-outs should not be more than a year.
4. Is Coastal Lawn Care licensed to spread pesticides?

WATER QUALITY MONITORING

Details for a water quality monitoring plan have been proposed by the Applicant. We would recommend the following modifications:

1. We would recommend monitoring well MW-2 be relocated on the down gradient (i.e., southern) property boundary to Lot 2, to the west than MW-1.
2. We would recommend sampling monitoring wells on a semi-annual basis for specific conductance, pH, turbidity, and dissolved oxygen.
3. On an annual basis, we would recommend groundwater samples from monitoring wells be analyzed for volatile organic compounds (VOCs via U.S.EPA Method 8260B), nitrate, and iron).
4. The on-site water supply well should be monitored annually for VOCs, iron, nitrate, arsenic, and total coliform bacteria if it is screened in the shallow aquifer; if drilled in bedrock or screened beneath the clay layer identified by Sweet, no testing is recommended.
5. The skimmer discharges to surface water ditch east of the proposed building. That ditch should be sampled quarterly at the south end wet pond. Water samples should be analyzed for specific conductance, pH, dissolved oxygen, total suspended solids, VOCs, and ammonia.
6. The sampling and analytical program should be reviewed every three years by the Code Enforcement Officer (CEO) and modified based on current practices and historic results.
7. If groundwater test results exceed Maine drinking water standards or surface water results exceed Maine surface water criteria, the cause of the exceedance must be remediated if associated with Coastal Lawn Care operations.
8. All test results must be submitted to the Town of Cumberland CEO.

SPCC PLAN REVIEW

The Applicant has submitted an SPCC Plan for the facility. Overall, the plan needs to be fine-tuned to site-specific and operations-specific conditions; currently some items are too vague or broad. This could be done as a condition of approval.

The following specific comments are offered:

1. A Site Plan with area designations consistent with the document should be included for clarity.
2. Procedures and countermeasures need to be described in this document and include training.
3. Page 2, paragraph 1: Will the “small shed” be limited to gasoline storage (i.e., no oils, mixed-gas, fluids, etc.)? This appears to conflict with other portions of the document.
4. Page 2, paragraph 6: What is the “maintenance building” (see general comment #1). This is where a figure would be helpful.
5. Page 3, paragraph 1: The text states that “spills occur” at the facility should be revised to indicate “if spills occur.”
6. Page 3, paragraph 3: Is the “maintenance area” inside the “new building” or is it in the “maintenance building,” see general comment 1.
7. Page 3, paragraph 3: Are absorbent pads and speedy dry are not acceptable response actions to spilling a 55-gallon drum. It is more appropriate to store drums in an area where they cannot be “knocked over”; and to have secondary containment for “maintenance areas” since absorbent materials are inadequate to control a large spill.
8. Page 3, paragraph 4: Absorbent pads shall be placed beneath gas cans when mixing or transferring gas, not used to adsorb a spill after it has occurred.
9. Page 5, Notifications:
 - a. A single person should be identified (e.g., owner) to make notifications to MEDEP and the Town of Cumberland, as well as be responsible for responding to spills. An appropriate reporting process should be described and implemented.
 - b. A spill notification form should be included to capture information related to spills and notifications, and made available to the Town of Cumberland upon request.

Mr. Chase owner stated in a previous meeting with the Planner and Code Officer he made representation that if One Steel didn't get approved than Coastal would not go forward with approval for Coastal Landscaping. He has since changed his mind and would like to go forward.

Mr. Neagle stated what happens on lot 1 is up in the air. If that application gets voted down is it your understanding that Coastal would still like to move to this lot and are you willing to sell him the lot.

Mr. Greer, P.E., of Pinkham & Greer Consulting Engineers stated they are seeking approval this evening. He gave an overview of the project as follows. The applicant is proposing to construct a 6,000 square foot building, with parking for twenty-five. There are twenty-five employees who come to the site and pick up equipment and leave. There are only 4 or 5 employees on site; all other workers go out to job sites. They intend to construct concrete bins for bark mulch, sand, and items you would use in landscaping. These products are bought in bulk in tractor trailer trucks stored, and removed in smaller amounts for individual jobs. There is a materials storage and landscape plan in your packet which shows the location of these bins.

Mr. Neagle stated there is a side setback to structures.

Ms. Nixon stated the side setback is 15' for non-residential structures.

Mr. Greer stated they will move the structures to be located 15' from the lot line.

Mr. Neagle stated he is concerned with stock piles on the leased area.

Mr. Greer stated those are moveable temporary steel structures.

Mr. Sherr asked if the business moved would the boxes be moved from the leased land.

Mr. Greer stated yes, we wanted to show what is currently used and needed for this business.

The Board discussed the requirement for the leased area.

Mr. Greer stated we are drilling a well on the leased land and there is an easement to provide the water back to the building. The well will be on lot # 4 for lot # 2 with an easement.

Mr. Neagle stated that easement should be shown on the revised subdivision plan that was just approved.

Mr. Greer stated it was the recommendation of the scientists and geologists for a location of the well for the proposed use. We will have some monitoring wells with a groundwater monitoring and water sampling program as proposed. We have a SPCC plan which was requested by the review engineer. This has been revised to meet the peer review engineer's specifications. At the back of the building we are proposing a wash down pad to wash equipment which will drain to a catch basin with oil, grit separator, which will be cleaned out on an annual basis. We felt this was prudent if there are any materials washed off the equipment they will be caught in the oil grit separator. We have modified the SPCC prevention plan to be pumped out at least once a year. We will be providing four elevation side views, it will be a beige building with bronze trim; it is a pre-engineered steel building. There is landscaping between the parking lot and the building and some landscaping in the back of the building. The dumpster will be in the back and they prefer not to screen it as it will not be visible.

Mr. Neagle asked about the Fire Chief's comments.

Mr. Greer stated they have addressed his comments, with a letter giving detail on the fire pond and dry hydrant.

Ms. Nixon stated the Fire Chief has signed off on the pond.

Mr. Neagle reviewed the Planner's comments as follows:

- Need evidence of right, title, or interest. Met
- Need MDEP General Construction Permit (for disturbance of more than 1 acre).

Mr. Greer stated they are working on it but it is not generally applied for until a contractor has been decided.

- The subdivision revision requires MDEP approval. This has been provided, therefore Lot 2 as shown on this site plan, should not be approved at this time. - Met
- There is no screening proposed for the dumpster. No fencing is alright with the Board.
- There are no plantings proposed between the building and parking area.

Mr. Greer reviewed the proposed plantings on sheet C-2.

Ms. Caron asked if there were plantings in the employee parking area.

Mr. Neagle asked if the future paved area had been calculated in the stormwater permit.

Mr. Greer stated yes, the stormwater is approved for the entire site.

Ms. Nixon stated the Town Engineer has not reviewed the approved materials list and asked if the Board wanted to hear from the Town's engineer.

- Town Engineer's comments below must be addressed prior to approval. Many of these items need to be listed as notes on the final plan, or as in the case of revised easement locations, changes to the final plan are required.
- As detailed below in the Town Engineer's report, there are several important elements of the previously approved subdivision that have not been completed. This site plan is dependent upon those elements being completed as designed, thus it would seem that approval of this project is not appropriate at this time.
- Need front, side and rear elevation drawings, also materials and color of materials.

Mr. Neagle opened the public portion of the meeting.

Ms. Caron asked if the business had changed since its last approval, has the business grown.

Mr. Greer stated the business has grown some, but all of the activities are the same with the exception of a seal coating business.

Ms. Caron asked about the paved platform for fuel storage.

Mr. Greer stated it is a small shed currently materials are stored in an existing shed, this will have a pad for fuel spillage containment.

Ms. Caron asked if there would be oil and gas in the steel containers.

Mr. Greer stated no, products will be such as d-icing, small snow blowers, most of the concrete cleaning products are stored in containers in the building.

Ms. Caron asked how many trucks the business owned.

Mr. Chase stated approximately 40 vehicles.

Ms. Caron asked if they currently have a pad to wash equipment.

Mr. Chase stated no, we send vehicles out for cleaning. In the summer we have 25 to 40 employees, the average employee cars parked on the site could be 20-25 cars.

The public portion of the meeting was opened.

Mr. John Sevee, Town peer review engineer stated he reviewed the application for the town. There are a few outstanding items that haven't been reviewed. We are in the process of reviewing the second draft of the SPCC plan which we received today; and that is contingent on a question of whether the applicant had a pesticide license. The applicant stated they do not. There is a groundwater monitoring plan that has been proposed there are some issues that need to be addressed by the applicant.

We have recommended a well head protection zone around the well on the corner of the adjacent lot; the purpose it to have a well where materials can't be stockpiled. I would like to see the easement language across the properties; there is an oil and grit separator that drains into the system. I want to make sure they have the ability to operate properly. Those are the things he hasn't had a chance to complete his review on.

Mr. Neagle thanked John Sevee, stating he is uncomfortable approving this with conditions, and the Town Engineer stated there are still outstanding issues.

Mr. Bingham stated after the public comment he is comfortable recommending we table the application.

Mr. Shane, Town Manager, stated that a lot of the public left this evening thinking the two applications were tied together with the perception that if One Steel didn't get approved these applications wouldn't go forward. He felt the neighbors left with the understanding this project would table, and remain in its current location.

Mr. York, Chair of the Cumberland Lands and Conservation Committee stated this operation is a lawn operation with snow removal. There is potential for toxic chemicals on site which need to be addressed. I understand pesticides are not allowed, if this changed would they be automatically approved to use pesticides.

Mr. Neagle stated if they are not currently asking for pesticides and want to add them later they would come back to the Board for an amendment.

Mr. York stated this is an expansion of their operation and voiced concern of protecting the aquifer, stating the use of reclaim is porous and gives off finales, toxic substance.

Mr. Neagle stated we will do everything humanely possible to protect the aquifer.

Mr. York stated the multiple uses will increase total traffic which will have a significant impact on residents.

Ms. Christine Byrne thanked the Board for their work to protect the aquifer.

The public portion of the meeting was closed.

Mr. Bingham moved to table the application for minor site plan review for Coastal Landscaping at 77 Blackstrap Road, West Cumberland Business Park, Tax Assessor Map R07, Lot 53 in the Industrial (I) district.

Ms. Caron seconded.

VOTE: Unanimous

F. Adjournment:

Mr. Neagle adjourned the meeting at 10:45 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Board Clerk