

**Town of Cumberland
Board of Adjustment and Appeals
Minutes of Meeting
Thursday, April 10, 2008**

Present: Adrian Kendall, Vice-Chair, Andrew Black, Matt Manahan, Ron Copp, Ed Kirstein
Absent: R. Scott Wyman, Chair, Mike Martin, Sam Wilkinson
Staff: William Longley, Code Enforcement Officer, Pam Bosarge, Clerk

The meeting was called to order at 7:05 p.m.

1. Special Permit: The Town of Cumberland requests a special permit for gravel extraction at the Town's gravel pit at Goose Pond Road, Tax Assessor Map R07, Lot 48 in the Industrial (I) district.

Mr. Adam Ogden, Public Works Director stated they are requesting renewal of the annual special permit for gravel extraction. Mr. Ogden reviewed the photos of the gravel pit which he presented to the Board. The gravel pit is surrounded by gravel pits on three sides. The pit is 10+ acres and less than five acres are operational. In 2006 there was 35,000 yards of gravel extracted. This is stock piled for use on Town projects. The gravel pit is a passive use.

Mr. Longley stated there have been no complaints, and the pit has minimal activity.

Mr. Kendall referenced the Planning Board Notice of Decision dated march 19, 2008 giving a favorable recommendation for the annual renewable permit for extraction of earth materials to the Board of Adjustment and Appeals.

Mr. Black asked if there were any changes to the pit from last year.

Mr. Ogden stated no, there is no standing groundwater, the same standards are met.

Mr. Manahan stated Mr. Black asked a pertinent question

Mr. Kendall asked if the standards are the same.

Mr. Longley stated yes, and last year there was discussion by the Board that it might not be necessary to require this permit every year.

Mr. Manahan stated a year ago we discussed not having this necessary every year.

Mr. Manahan asked with staffing changes who would be overseeing the pit a year from now.

Mr. Ogden stated the pit will be under the stewardship of Steve Googins, Public Works Foreman under the guidance of Bill Shane. Bert Copp is the primary operator and over sees all crushing and fueling. Mr. Ogden stated future activity will be in accordance with past practice with no dust, the roads are swept, and there have been no tracking problems.

Mr. Kendall asked for testimony from the public that was in favor of the application, there were none. Mr. Kendall asked for testimony that was in opposition, there was none. Mr. Kendall asked for testimony that was neither in favor or opposed but on a neutral basis. There was none. The public portion of the meeting was closed.

Mr. Black moved based on findings consistent with the Planning Board and Code Officer to grant a special one year permit to the Town of Cumberland for its gravel pit at Goose Pond Road, Tax Assessor Map R07, Lot 48.

Mr. Copp seconded.

VOTE: Unanimous

II. Administrative Matters:

1. Minutes of January 10, 2008

Mr. Copp moved to approve the minutes of January 10, 2008.

Mr. Black seconded.

VOTE: 3 in favor (Copp,
Manahan, Black)
2 Abstain: Kendall, Kirstein

III. New Business:

Mr. Longley asked the Board if they were in favor of modifying the Ordinance to exclude the Town from requiring a special permit for its gravel pit.

Mr. Black asked if there were any other pits that required permits.

Mr. Longley stated no, the other pits are the State and Pike Industries.

Mr. Copp stated the Pike pit operates occasionally.

Mr. Longley stated it may have been grandfathered, not requiring an annual permit.

Mr. Kendall asked if the Pike pit was in compliance.

Mr. Longley stated he had no knowledge of the Pike pit.

Mr. Manahan asked if the Town should be exempt.

Mr. Longley stated if a new pit were opened it would require site plan review for gravel extraction, a municipal operation would be exempt.

Mr. Copp suggested amending the Ordinance to require review once every five years.

Mr. Kendall stated he would be comfortable with that if the pit was in compliance with the required standards.

Mr. Kirstein asked if neighbors would still have the opportunity for appeal.

Mr. Longley stated all abutters within 300 feet would receive notice.

Mr. Kendall suggested a pit in operation for five or more years; require a 5-year renewable permit subject to annual inspections and annual activity reports. This permit can be called back if there any deviations to standards.

Mr. Longley updated the Board on building numbers which are down approximately 10 to 15%.

IV. Adjournment:

Mr. Manahan moved to adjourn.

Mr. Black seconded.

VOTE: Unanimous

The meeting was adjourned at 7:30 p.m.

A TRUE COPY ATTEST:

Adrian Kendall, Board Vice-Chair

Pam Bosarge, Board Clerk