

TOWN OF CUMBERLAND PLANNING BOARD MEETING MINUTES
Tuesday, December 21, 2021

A. Call to Order: Chairman Auclair called the meeting to order at 7:00 pm.

B. Roll Call: Present: Paul Auclair, Bill Kenny, Jason Record, Joshua Saunders & Ann Sawchuck. **Staff:** Town Planner Carla Nixon & Administrative Assistant Christina Silberman. **Absent:** Amanda Berticelli & Lorraine Rardin.

C. Approval of the Minutes of the August 17, 2021, meeting and the October 19, 2021, meeting.

Mr. Saunders moved to adopt the minutes of the August 17, 2021, meeting as written, seconded by Ms. Sawchuck and **VOTED, 5 yeas – unanimous, motion carries.**

Corrections were noted to the prepared meeting minutes of October 19, 2021. Mr. Saunders moved to adopt the minutes as amended, seconded by Mr. Record and **VOTED, 5 yeas – unanimous, motion carries.**

D. Staff Site Plan Approvals: None.

E. Minor Change Approvals: None.

F. Hearings and Presentations

1. Public Hearing: Site Plan Review for issuance of an Annual Renewable Special Permit for operation of the Storey Brothers Gravel Pit located at 48 Goose Pond Road as shown on Tax Assessor Map R07, Lot 48. Applicant/Owner/Representative; Robert Storey for RJT Properties, Inc.

Chairman Auclair introduced the item.

Robert Storey, RJT Properties, said that they are here for the annual renewal for the gravel pit and this is the second year. Mr. Storey said they have met the requirements.

Chairman Auclair referred to the notice of intent to apply with Maine DEP and asked if this is done each year. Mr. Storey replied that this was done last year and it is a one-time application.

Mr. Record stated that there are no changes in the day to day operations. Mr. Storey said that is correct. Mr. Record recalled discussion last year about the noise level and noted that there is no noise ordinance and the Board doesn't have any ability to control this.

Ms. Sawchuck recalled last year's comments from abutting homeowners about visuals and buffering and that the Board determined that there was nothing really to be done for it and asked if anything has been done. Mr. Storey said that there has not been any buffering and it is really not practical given the elevation differences.

Ms. Sawchuck asked if there have been any complaints. Mr. Storey replied there have not been any. Ms. Nixon said Code Enforcement Officer Bill Longley included a memo

in the packet that he has had no complaints this year. Ms. Nixon added that there was one call asking if this is the same work area as previously approved and we said yes.

Chairman Auclair reported that SME (Sevee & Maher Engineers) had no comments on Chapter 229 (Site Plan Ordinance) and the application complies with the extraction ordinance. Chairman Auclair referred to a reference in the ordinance that you have to be five feet above the water table and asked how this is in the gravel pit. Mr. Storey replied that there are a couple of monitoring wells in the gravel pit and the groundwater table has been previously determined.

Mr. Record noted a provision that you can't have standing water for more than two weeks and asked how this is monitored. Mr. Storey replied that the gravel pit is free draining and it percolates into the ground.

Chairman Auclair opened the public hearing. There were no public comments and Chairman Auclair closed the public hearing.

Mr. Saunders moved that the Board approve site plan review for issuance of an annual renewable special permit for the operation of the Storey Brothers gravel pit located at 48 Goose Pond Rd. on Tax Assessor Map R07, Lot 28, seconded by Mr. Kenney. Chairman Auclair inquired about waivers and findings of fact. Mr. Saunders tabled his prior motion and moved to waive the reading of the findings of fact, seconded by Mr. Record and **VOTED, 5 years – unanimous, motion carries.**

Mr. Saunders moved that the Board approve site plan review for issuance of an annual renewable special permit for the operation of the Storey Brothers gravel pit located at 48 Goose Pond Rd., Tax Assessor Map R07, Lot 28 subject to the limitation of approval and the standard conditions of approval, seconded by Mr. Kenny and **VOTED, 5 years – unanimous, motion carries.**

2. TABLED - Public Hearing: Amendment to an approved site plan for 199 Middle Road, LLC located at 199 Middle Rd., Tax Map R02, Lot 27 in the RR2 Zoning District to expand the existing gravel yard by 20,600 sf. Applicant/Owner: 199 Middle Road, LLC. Representative: Peter B. Biegel, ASLA, Land Design Solutions. **This item has been tabled and will not be heard.**

3. Public Hearing: Recommendation to Town Council for amendments to Town of Cumberland Code Chapter 250 - Subdivision of Land, sections 37.A(7) & (8) and Attachment 2, Table 3 to clarify the classification levels.

Chairman Auclair introduced the item.

Ms. Nixon explained that the classifications need to be corrected. Ms. Silberman added that there are two different cases where the classifications speak to "less than" or "greater than" but the exact number isn't included. Additional discussion ensued for clarification of the proposed changes.

Chairman Auclair opened the public hearing. There were no public comments and Chairman Auclair closed the public hearing.

Ms. Sawchuck noted a spacing issue in the proposed amendment.

Mr. Saunders moved that the Board recommend the Council approve amendments to the Town of Cumberland Code, chapter 250, subdivision plan, sections 37, subsections 7 and 8 and attachment 2 table 3 to clarify the classification levels, seconded by Mr. Kenny and **VOTED, 5 yeas – unanimous, motion carries.**

G. Administrative Matters/New Business:

1. Board member signatures needed on corrected plan of Broad Cove Ridge Apartments.

Chairman Auclair noted that signatures are needed.

2. Election of Chairman and Vice Chairman will be on the next meeting agenda.

The Board discussed who might be interested in serving as Chair or Vice Chair.

Ms. Nixon provided information on an upcoming meeting with some members of the Planning Board with some members of the Lands and Conservation Commission to discuss changes to the conservation subdivision ordinance.

Ms. Nixon reported that there are things percolating for the January meeting. One is a 10-unit condominium development on Old Gray Rd. for sketch plan review and another is the Middle Rd. project that was tabled for tonight. The last thing is that the Council is going to need the Board to make a recommendation on a zoning map change to remove an overlay from Route 100 that allows medical marijuana caregivers.

H. Adjournment: Mr. Record moved to adjourn the meeting at 7:30 pm, seconded by Mr. Kenny and **VOTED, 5 yeas – unanimous, motion carries.**