

Date: January 14, 2021
To: Town of Cumberland Planning Board
From: Carla Nixon, Town Planner
Subject: **Site Plan Review: Extraction of Earth Materials – Storey Brother Gravel Pit. 48 Goose Pond Road.**

REQUEST/PROJECT DESCRIPTION:

The applicant/owner is Storey Brothers Excavating. The request is for site plan review and approval of an existing gravel pit located at 48 Goose Pond Road in West Cumberland. The parcel is shown on Tax Assessor's Map R7 – Lot 48.

Under current Town Zoning regulations, Section 315-49 - Extraction of Earth Materials, the owner or operator is responsible each year for obtaining an annual renewable special permit. After five years of renewing the special permit, the owner can apply for a special five-year permit. The Town of Cumberland sold the pit to Storey Brothers in October, 2019. This is the first annual request for a permit under Storey Brothers ownership.

Doug Reynolds, P.E., of Gorrill Palmer Engineers prepared the application and will be representing the applicant.

SECTION 229 - SITE PLAN REVIEW

SECTION 10: APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

10.A Utilization of the Site

A. Utilization of the Site: The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The site has been previously permitted for use as a gravel pit. 7.9 acres has been previously approved for extraction of material, however only 5.2 acres has been, and will continue to be, utilized. The Maine DEP must review extraction facilities that are greater than 5 acres. A Notice of Intent to Comply has been filed with the Maine DEP to register

the site in the DEP gravel program under the Medium Borrow Pit Standards. The maximum side slope within the pit of 3:1 will reduce the potential for erosion of the pit site.

Based on the above findings of fact, the Board finds the standards of this section have been met.

B. Traffic, Circulation and Parking

(1) Traffic Access and Parking. Vehicular access to and from the development must be safe and convenient.

(a) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

(b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

(c) The grade of any proposed drive or street must be not more than + 3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

(d) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

(e) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

(f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

(g) Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

(h) The following criteria must be used to limit the number of driveways serving a proposed project:

(1) No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

(2) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

(2) Access way Location and Spacing

Access ways must meet the following standards:

(a) Private entrance / exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

(b) Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

(3) Internal Vehicular Circulation. The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

(a) Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

(b) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

(c) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

(d) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

(4) Parking Layout and Design. Off street parking must conform to the following standards:

(a) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

(b) All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

(c) Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

(d) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

(e) Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

(f) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

(5) Building and Parking Placement

(a) The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

(b) Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

(6) Pedestrian Circulation: The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the

street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

The continued use of the site as a gravel pit will not have an adverse effect on the existing traffic conditions and no change is proposed for the existing site access.

Based on the above findings of fact, the Board finds the standards of this section have been met.

C. Stormwater Management and Erosion Control

(1) Stormwater Management. Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

(a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

(b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

(c) The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

(d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

(e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

(f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

(g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

(2) Erosion Control

(a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

(b) Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

The stormwater runoff from the existing site will not be altered due to the proposed continued use of the site. The maximum side slope within the pit of 3:1 will reduce the potential for erosion of the pit site.

Based on the above findings of fact, the Board finds the standards of this section have been met.

(D) Water, Sewer, and Fire Protection

(1) Water Supply Provisions: The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

(2) Sewage Disposal Provisions: The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

(3) Utilities: The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

(4) Fire Protection: The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirement of the Town's Fire Protection Ordinance.

The proposed continuation of the site as a gravel pit does not require water or sewer service. The access to the site is not proposed to change and will therefore not have an adverse effect on fire service to the site. A "Certificate of Compliance" from the Fire Chief is not required as there are no changes to the site.

Based on the above findings of fact, the Board finds the standards of this section have been met.

E. Water Protection

(1) Groundwater Protection: The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

There will be no septic systems needed for this project.

(2) Water Quality: All aspects of the project must be designed so that:

(a) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

(b) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

There will be no storage facilities for fuel, chemicals, chemical or industrial wastes or biodegradable raw materials. Nor will there be any discharge of liquid, gaseous or solid materials.

(3) Aquifer Protection: If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

The site is located within the Town Aquifer Protection Area. The above findings demonstrate that the aquifer will not be adversely affected by the continued use of the pit.

Based on the above findings of fact, the Board finds that the standards of this section have been met.

F. Floodplain Management: If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

Based on a review of the FEMA floodplain maps, the site is not located within a floodplain.

Based on the above finding of fact, the Board finds the standards of this section have been met.

G. Historic and Archaeological Resources: If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The site was permitted as a gravel pit in 1995. The proposed use will be in compliance with that permit and will not have an adverse effect on any historical or archaeological resources.

Based on the above finding of fact, the Board finds the standards of this section have been met.

H. Exterior Lighting:

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.

No exterior lighting is proposed.

Based on the above finding of fact, the Board finds the standards of this section have been met.

I. Buffering and Landscaping

- (1) Buffering of Adjacent Uses:** The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

The application shows that there will be a minimum 200' buffer from the Goose Pond Road right of way. The remaining three sides of the property abut existing contractor stockyards and therefore are not required to be buffered from the project site. Excavation machinery will be screened from the Goose Pond Road right of way by the minimum 200' buffer required by the ordinance.

- (2) Landscaping:** Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

Due to the unique attributes of the site, no additional landscaping buffer is feasible.

Based on the above findings of fact, the Board finds the standards of this section have been met.

J. Noise: The development must control noise levels such that it will not create a nuisance for neighboring properties.

The continued use of the site as a gravel pit will not result in adverse noise to surrounding properties above existing levels.

Based on the above findings of fact, the Board finds the standards of this section have been met.

K. Storage of Materials

- (1)** Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

- (2)** All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

- (3)** Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There is no proposed storage of materials on site. Based on the above findings of fact, the Board finds the standards of this section have been met.

L. Capacity of the Applicant: The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

Technical Ability: *The applicant has retained Gorrill Palmer engineers to prepare plans and site permit application and also utilized Boundary Points Land Surveyors for survey services.*

Financial Capacity: *No funding is required to continue to utilize the pit in accordance with the ordinances.*

Based on the above findings of fact, the Board finds the standards of this section have been met.

M. Design and Performance Standards

(1) Route 100 Design Standards

(2) Route 1 Design Standards

(3) Town Center District Design and Performance Standards

(4) Village Mixed Use Performance Standards.

(5) Extraction of Earth Materials (Zoning Ordinance Section 315-49 Extraction of Earth Materials)

10.M Design and Performance Standards

The gravel pit use will comply with the Zoning Section 315-49 Extraction of Earth Materials standards as follows.

(1) The operation shall be shielded from surrounding property by an adequate buffer area of not less than 200 feet from the top of the final grade to the property line. If approved by the contract zone agreement, the Planning Board may reduce the buffer area from the minimum requirement of 200 feet to a minimum requirement of not less than 100 feet, provided that any excavated property remaining will be left in a condition more useful for some future purpose conforming to the district requirements in which the excavation site is located

A 200' buffer will be maintained on the southern boundary adjacent to Goose Pond Rd. Buffers will not be maintained on all other boundaries (see section 2 below).

(2) An applicant may specifically apply as a part of his application for the excavation and removal of lands for waiver of the requirement of the two-hundred-foot buffer strip when the protective barrier serves only to separate two existing gravel pits. If approved by the contract zone agreement, the Planning Board may only grant a waiver from this requirement if:

(a) The protective buffer zones exist only between two existing gravel pits;

- (b) The owners of the respective properties mutually and voluntarily consent to the removal of the buffer zone; and
- (c) The Planning Board finds that it shall not have a detrimental effect upon adjoining properties.

The Applicant is also the owner of the adjacent contractor stockyards; therefore the removal of the buffer zone is mutually and voluntarily consensual. The existing gravel pit on the parcel has no buffer on these boundaries.

- (3) Specific plans shall be established to avoid hazards from excessive slopes and/or standing water. In no case may soils be removed or excavated to closer than within five feet of the seasonal high-water table as may be determined by a competent authority. Where an embankment must be left upon the completion of operations, it shall be at a slope of not steeper than one foot vertical to three feet horizontal, except that where the required buffer area has been reduced to 100 feet the slope of the edge of the excavation area shall not exceed one foot vertical to four feet horizontal.

Upon closure of the facility, the bottom most elevation of the pit will not be less than 5' above the existing seasonal water table. 3:1 slopes will be maintained on areas not currently being excavated.

- (4) No standing water shall be allowed to remain longer than two consecutive calendar weeks unless specifically provided for by the contract zone agreement and the Planning Board as part of the site plan approval.

Standing water will not be allowed to remain for longer than two weeks.

- (5) In the case of any excavation to a depth of more than 20 feet below the surface, there shall be constructed a substantial fence with suitable gates completely enclosing the property or area in which the excavation is located. No portion of such fence shall be located closer than forty feet to the edge of such excavation. However, this condition shall not apply in the case of an excavation or removal of lands adding a slope of one foot vertical to greater than three feet horizontal.

It is not anticipated that the gravel pit will have a depth of greater than 20 feet below the existing grade with a side slope equal to or less than 3:1.

- (6) No excavation shall be extended below the grade of adjacent streets unless a two-hundred-foot buffer strip shall be provided from the edge of the right-of-way, except in cases where authorized by the contract zone agreement and the Planning Board as part of the site plan approval and through agreement with other involved parties, such as the Cumberland Public Services Department, Maine State Department of Transportation and other property owners for the reconstruction of the right-of-way and street at a different level.

A 200' buffer will remain from the edge of the right-of-way.

- (7) Provision shall be made for the control of stormwater runoff to prevent on-site erosion and to ensure that stormwater runoff leaves the site at the same location and is not significantly increased.

The stormwater runoff from the existing site will not be altered due to the proposed continued use of the site. The maximum side slope within the pit of 3:1 will reduce the potential for erosion of the pit site.

- (8) Sufficient topsoil shall be retained on the site or otherwise provided sufficient to cover all disturbed areas with an average depth of not less than two inches. All disturbed areas resulting from the excavation and removal of lands or soils shall be graded and sloped to conform to the provisions of this chapter, reloaded and seeded with grasses indigenous to the area and such trees as the Planning Board as part of the site plan review and the contract zone agreement may require and otherwise restored to a natural condition. In the case of topsoil removal, the upper six inches of topsoil shall be stockpiled and restored to a depth of six inches throughout the site.

Topsoil will be stockpiled from new areas of excavation. Sufficient topsoil to reclaim the site will be provided by the Applicant prior to cessation of excavation on-site.

- (9) Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load.

The Applicant's trucks are equipped with tarp covers to prevent contents from spilling or blowing.

- (10) All access roads leading from the extraction site to public ways shall be treated with stone, calcium or other suitable materials to reduce mud and dust.

The access road will be treated with stone, calcium or other suitable materials.

LIMITATION OF APPROVAL:

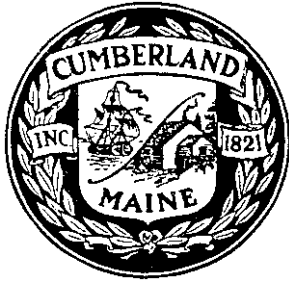
Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

STANDARD CONDITION OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted 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.

CONDITIONS OF APPROVAL:

None proposed prior to Planning Board Meeting.



MEMORANDUM CODE ENFORCEMENT OFFICE

To: Planning Board
From: William C. Longley Jr. CEO
Subject: Storey annual renewable special permit per Section 315.49
(Old Town of Cumberland Pit off Goose Pond Road)
Date: 1-13-21
CC: Carla Nixon, Town Planner

This memo is intended to confirm the use of this property is allowed by Town of Cumberland Zoning Ordinance in the Industrial Zone per section 315-19 and with Planning Board approval per section 315-49. This pit was previously owned by the Town of Cumberland since 1988 and had been approved by both the Board of Adjustments and Appeals as well as the Planning Board with Site Plan review as per section that is now 315-49. This section was changed over the years to move this approved use from the Board of Adjustments and Appeals to strictly a Planning Board approval which would be done on a five-year basis after the approval of 5 consecutive annual renewable special permits. I think this change occurred around 2011. To the best of my knowledge there were no complaints or verified violations of the approvals. I will be present during the Jan 19th meeting if you have any further questions or concerns.

October 27, 2020

Ms. Carla Nixon, Planner
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Subject: Storey Brothers Gravel Pit – Goose Pond Road
Cumberland, Maine
Annual Renewal

Dear Carla,

In October 2019, Storey Brothers (the Applicant) acquired an existing gravel pit located in West Cumberland, Tax Map R7 – Lot 48 from the Town of Cumberland. This parcel is located off Goose Pond Road. To date, it appears that the current mining operation has extracted material from an approximately 5.20-acre area.

Under the current Town Zoning Regulations, § 315-49, Extraction of Earth Materials, the owner or operator is responsible each year for review and approval of an annual renewable special permit. After five years of renewing the special permit, the owner can apply for a special five-year permit. Gorrill Palmer has been retained by the Applicant to prepare the annual renewable special permit for the Town of Cumberland Planning Board.

Based on the attached plan, extraction limits have not exceeded the approved area, which is the area beyond 200 feet from Goose Pond Road or 7.9 acres.

Extraction facilities of greater than 5 acres require from review by the Department of Environmental Protection (DEP) under the Medium Borrow Pit Standards. The extraction limit at this site has exceeded 5 acres and a “Notice of Intent to Comply” (NOITC) has been filed with the Maine DEP to register the site in the DEP gravel program.

It is the Applicant’s intention to eventually expand the extraction operations to the current limits of the Town Ordinances.

As required by Section 315-49 Extraction of Earth Materials, of the Town of Cumberland Zoning Ordinance, this renewal request is subject to approval under Chapter 229, Site Plan Review.

Ordinance Provisions

To assist in the review of the Application, the following narrative addresses the project’s compliance with the approval standards of the Town of Cumberland Site Plan Review Ordinance.

SECTION 229-10 – APPROVAL STANDARDS AND CRITERIA

10.A Utilization of the Site

The site has been previously permitted for use as a gravel pit, and the proposed use will comply with the permitted conditions.



10.B Traffic, Circulation and Parking

The continued use of the site as a gravel pit will not have an adverse effect on the existing traffic conditions. No change is proposed for the existing site access.

10.C Stormwater Management and Erosion Control

The stormwater runoff from the existing site will not be altered due to the proposed continued use of the site. The maximum side slope within the pit of 3:1 will reduce the potential for erosion of the pit site.

10.D Water, Sewer and Fire Protection

The proposed continuation of the site as a gravel pit will not utilize water or sewer service. The access to the site is not proposed to change and will therefore not have an adverse effect on fire service to the site.

10.E Water Protection

The excavation within the site should not have an adverse effect on groundwater resources.

10.F Floodplain Management

The site is not located within a floodplain.

10.G Historic and Archaeological Resources

The site was permitted as a gravel pit in 1995. The proposed use will be in compliance with that permit and will not have an adverse impact to historic and archaeological resources.

10.H Exterior Lighting

No exterior lighting is proposed.

10.I Buffering and Landscaping

The proposed use will provide for a minimum 200-foot buffer from the Goose Pond Road right of way. The remaining three sides of the property abut existing contractor stockyards and therefore are not required to be buffered from the project site.

10.J Noise

The continued use of the site as a gravel pit will not result in adverse noise to surrounding properties above existing levels.

10.K Storage of Materials

There is no proposed storage of materials onsite. The excavation machinery will be screened from the Goose Pond Road right of way by a minimum of 200-foot buffer.



10.L Capacity of the Applicant

- **Technical Ability:** The applicant has retained Gorrill Palmer to prepare plans and site permit applications, and Boundary Points Land Surveyors of Cumberland, ME for survey services.
- **Financial Capacity:** The applicant has funds to provide for the continued use of the gravel pit.

10.M Design and Performance Standards

The gravel pit use will comply with the Zoning Section 315-49 Extraction of Earth Materials standards as follows.

- (1) **The operation shall be shielded from surrounding property by an adequate buffer area of not less than 200 feet from the top of the final grade to the property line. If approved by the contract zone agreement, the Planning Board may reduce the buffer area from the minimum requirement of 200 feet to a minimum requirement of not less than 100 feet, provided that any excavated property remaining will be left in a condition more useful for some future purpose conforming to the district requirements in which the excavation site is located**

A 200' buffer will be maintained on the southern boundary adjacent to Goose Pond Rd. Buffers will not be maintained on all other boundaries (see section 2 below).

- (2) **An applicant may specifically apply as a part of his application for the excavation and removal of lands for waiver of the requirement of the two-hundred-foot buffer strip when the protective barrier serves only to separate two existing gravel pits. If approved by the contract zone agreement, the Planning Board may only grant a waiver from this requirement if:**
- (a) **The protective buffer zones exist only between two existing gravel pits;**
 - (b) **The owners of the respective properties mutually and voluntarily consent to the removal of the buffer zone; and**
 - (c) **The Planning Board finds that it shall not have a detrimental effect upon adjoining properties.**

The Applicant is also the owner of the adjacent contractor stockyards; therefore the removal of the buffer zone is mutually and voluntarily consensual. The existing gravel pit on the parcel has no buffer on these boundaries.

- (3) **Specific plans shall be established to avoid hazards from excessive slopes and/or standing water. In no case may soils be removed or excavated to closer than within five feet of the seasonal high-water table as may be determined by a competent authority. Where an embankment must be left upon the completion of operations, it shall be at a slope of not steeper than one foot vertical to three feet horizontal, except that where the required buffer area has been reduced to 100 feet the slope of the edge of the excavation area shall not exceed one foot vertical to four feet horizontal**



Upon closure of the facility, the bottom most elevation of the pit will not be less than 5' above the existing seasonal water table. 3:1 slopes will be maintained on areas not currently being excavated.

- (4) **No standing water shall be allowed to remain longer than two consecutive calendar weeks unless specifically provided for by the contract zone agreement and the Planning Board as part of the site plan approval.**

Standing water will not be allowed to remain for longer than two weeks.

- (5) **In the case of any excavation to a depth of more than 20 feet below the surface, there shall be constructed a substantial fence with suitable gates completely enclosing the property or area in which the excavation is located. No portion of such fence shall be located closer than forty feet to the edge of such excavation. However, this condition shall not apply in the case of an excavation or removal of lands adding a slope of one foot vertical to greater than three feet horizontal.**

It is not anticipated that the gravel pit will have a depth of greater than 20 feet below the existing grade with a side slope equal to or less than 3:1.

- (6) **No excavation shall be extended below the grade of adjacent streets unless a two-hundred-foot buffer strip shall be provided from the edge of the right-of-way, except in cases where authorized by the contract zone agreement and the Planning Board as part of the site plan approval and through agreement with other involved parties, such as the Cumberland Public Services Department, Maine State Department of Transportation and other property owners for the reconstruction of the right-of-way and street at a different level.**

A 200' buffer will remain from the edge of the right-of-way.

- (7) **Provision shall be made for the control of stormwater runoff to prevent on-site erosion and to ensure that stormwater runoff leaves the site at the same location and is not significantly increased.**

The stormwater runoff from the existing site will not be altered due to the proposed continued use of the site. The maximum side slope within the pit of 3:1 will reduce the potential for erosion of the pit site.

- (8) **Sufficient topsoil shall be retained on the site or otherwise provided sufficient to cover all disturbed areas with an average depth of not less than two inches. All disturbed areas resulting from the excavation and removal of lands or soils shall be graded and sloped to conform to the provisions of this chapter, reloaded and seeded with grasses indigenous to the area and such trees as the Planning Board as part of the site plan review and the contract zone agreement may require and otherwise restored to a natural condition. In the case of topsoil removal, the upper six inches of topsoil shall be stockpiled and restored to a depth of six inches throughout the site.**



Topsoil will be stockpiled from new areas of excavation. Sufficient topsoil to reclaim the site will be provided by the Applicant prior to cessation of excavation on-site.

(9) Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load.

The Applicant's trucks are equipped with tarp covers to prevent contents from spilling or blowing.

(10) All access roads leading from the extraction site to public ways shall be treated with stone, calcium or other suitable materials to reduce mud and dust.

The access road will be treated with stone, calcium or other suitable materials.

Conclusion

As required by the Town of Cumberland Zoning Ordinance, the Applicant is applying for renewal of the special permit for the operation of its gravel pit on Goose Pond Road. This letter and the attached plans are intended to support this renewal. Separate checks are provided with this letter for Planning Board Review, as listed below:

- Application and notice fee: **\$100**
- Review fee: **\$500**

In accordance with Section 315.49.D of the Town Ordinance, a letter of credit or escrow account shall be posted with the Town Treasurer by the applicant in an amount and form approved by the Town Council with the advice of the town manager, sufficient to guarantee performance and conformity with the provisions of this chapter and approval of the special permit for the excavation and removal of lands.

The Project Team looks forward to your review of the Gravel Pit. Please contact this office to discuss any questions associated with the project.

Sincerely,

Gorrill Palmer

Douglas E. Reynolds, P.E.
Project Manager

Enclosure

DER/djv/U:\3706_Storey Bros_Gravel Pit_Cumberland\IP Applications\Local\Special Permit\Nixon 10-27-2020.docx

**SITE PLAN REVIEW
Town of Cumberland**

**Appendix C
Planning Board Site Plan Review Application**

Applicant's name Robert Storey, Storey Bros. Excavating

Applicant's address 215 Middle Road, Cumberland Center, ME 04021

Cell phone _____ Home phone _____ Office phone (207) 829-4282

Email Address _____

Project address 48 Goose Pond Road

Project name West Cumberland Gravel Pit

Describe project See Attached Letter

Number of employees N/A

Days and hours of operation 7 am to 5 pm, Monday through Friday

Project review and notice fee N/A

Name of representative Douglas Reynolds, P.E. - Gorrill Palmer

Contact information: Cell: (207) 329-5584 Office: (207) 772-2515

What is the applicant's interest in the property?

Own X Lease _____ Purchase and sale agreement _____ (provide copy of document)

If you are not the owner, list owner's name, address and phone number _____

If you are not the owner, list owner's name, address and phone number N/A

Boundary Survey

Submitted? Yes _____ No X

Are there any deed restrictions or easements? Yes _____ No X If yes, provide information and show easement location on site plan.

Building Information

Are there existing buildings on the site? Yes _____ No X Number: _____

Will they be removed? Yes _____ No _____ (Note: A demolition permit is required 10 days prior to demolition.)

Will a new structure(s) be built on the site? Yes _____ No X

Describe: _____

Number of new buildings _____

Square footage _____

Number of floor levels including basement _____

ParkingNumber of existing parking spaces N/A

Number of new parking spaces _____

Number of handicapped spaces _____

Will parking area be paved? ____Yes ____No

EntranceLocation: Goose Pond RoadWidth 50' Length >100'Is it paved? ____Yes ____No X If not, do you plan to pave it? No

Where will snow storage for entrance and parking be located? Show on site plan.

Utilities**Water:** Public water ____ Well ____ (Show location on site plan.) N/A**Sewer/septic:** Public sewer N/A Private septic ____ Show location on site plan and submit HHE-200 septic design or location of passing test pit locations if new system is proposed. Also show any wells on abutting properties within 200 feet of the site.**Electric:** On site? Yes ____ No ____ N/A

Show location of existing and proposed utilities on the site plan and indicate if they are above or below ground.

SignsNumber: N/A

Size: _____

Material: _____

Submit sign design and completed sign application.

Will the sign be lighted? ____ Submit information on type and wattage of lights.

Show location of sign(s) on the site plan.

Natural Features

Show location of any of the following on the site plan: N/A

River ____ Stream ____ Wetland ____ Pond ____ Lake ____ Stone walls ____

Are there any other historic or natural features? _____

LightingWill there be any exterior lights? Yes N/A No ____ Show location on site plan (e.g., pole fixtures, wall packs on building) and provide fixture and lumen information.**Trees**

Show location of existing trees on the site plan and indicate if any are to be removed. N/A

LandscapingIs there existing landscaping on the site? Yes N/A No ____ Show type and location on site plan.

Is new landscaping proposed? (Note: if property has frontage on Route 100, a twenty-five-foot landscape easement to the Town is required.)

Buffering

Show any existing or proposed buffering measures for adjacent properties, e.g., plantings, fences. See Narrative

Erosion Control

Has an erosion and sedimentation control plan been submitted? Yes _____ No X

Stormwater Management Plan

Provide stormwater information for both pre and post development of the site. Show location of any detention areas and/or culverts on the site plan. See Narrative

Fire Protection

Location of nearest hydrant _____ Sprinklers? Yes _____ No _____ N/A

Do you plan to have an alarm system? Yes _____ No _____ Please contact the Fire/EMS N/A Department at 829-4573 to discuss any Town or state requirements.

Trash

Will trash be stored inside _____ outside _____. If outside, will a dumpster be used? N/A
Yes _____ No _____. Show location on site plan and show type of screening proposed (e.g., fencing, plantings).

Technical Capacity

List and provide contact information for all consultants who worked on the project, for example: licensed land surveyor, licensed soils evaluator, professional engineer, attorney, etc.

Gorrill Palmer 707 Sable Oaks Drive South Portland, ME 04106

Boundary Points, P.O. Box 175 Cumberland, ME 04021

Financial Capacity

Please indicate how project will be financed. If obtaining a bank loan, provide a letter from the bank Storey Brothers, the applicant, has sufficient funds to

provide for the continued use of the gravel pit.

- Zoning district: Industrial (I)
- Minimum lot size: _____
- Classification of proposed use: Extraction of Earth Materials
- Parcel size: 10 ac
- Frontage: 370 ft
- Setbacks: Front 45' Side 15' Rear 50'
- Board of Appeals Required? _____
- Tax Map R7 Lot 48 Deed book 35045 Deed page 206
- Floodplain map number 23005C0499F Designation Zone A
- Vernal pool identified? N/A
- Is parcel in a subdivision? No
- Outside agency permits required: N/A
MDEP Tier 1 _____ MDEP Tier 2 _____ Army Corps of Engineers _____
MDEP general construction (stormwater) permit (for disturbance of 1 acre or more) _____
- MDOT entrance permit N/A
- MDOT traffic movement permit N/A
- Traffic study required N/A
- Hydrogeologic evaluation N/A
- Market study N/A
- Route 1 Design Guidelines? N/A
- Route 100, VMU or TCD Design Standards? N/A

Applicant's signature Robert Storey

Submission date: 10-27-2020

PLANNING BOARD SITE PLAN REVIEW **SUBMISSION CHECKLIST**

FOR ALL PROJECTS:

Submission Requirement	Provide Location in Application Packet (e.g., plan sheet number, binder section, narrative	If requesting a waiver, indicate below:
<i>Example: Erosion Control</i>	<i>Plan Sheet E-1</i>	
General Information:		
Completed Site Plan Application Form	Application Form	
Names and addresses of all consultants	Application Form	
Narrative describing existing conditions and the proposed project	Attached Letter	
Evidence of right, title or interest (deed, option, etc.)	Application Form	
Names and Addresses of all property owners within 200 feet	Attached	
Boundaries of all contiguous property under control of owner	Attached	
Tax map and lot numbers	Application Form	
Area of the parcel	Application Form	
FEMA Floodplain designation & map #	Application Form	
Zoning classification	Application Form	
Evidence of technical and financial capability to carry out the project	Application Form	
Boundary survey	Drawing No. 1	
List of waiver requests on separate sheet with reason for request.		
Proposed solid waste disposal plan	Drawing No. 2	
Existing Conditions Plan showing:		
Name, registration number and seal of person who prepared plan	Drawing No. 1	
North arrow, date, scale, legend	Drawing No. 1	
Area of the parcel	Drawing No. 1	
Setbacks and building envelope	Drawing No. 1	
Utilities, including sewer & water, culverts & drains, on-site sewage	Drawing No. 1	
Location of any septic systems	N/A	
Location, names, widths of existing public or private streets ROW's	Drawing No. 1	

Location, dimension of ground floor elevation of all existing buildings	Drawing No. 1	
Location, dimension of existing driveways, parking, loading, walkways	Drawing No. 1	
Location of intersecting roads & driveways within 200 feet of the site	N/A	
Wetland areas	N/A	
Natural and historic features such as water bodies, stands of trees, streams, graveyards, stonewalls, floodplains	N/A	
Direction of existing surface water drainage across the site & off site	N/A	
Location, front view, dimensions and lighting of existing signs	N/A	
Location and dimensions of existing easements & copies of documents	N/A	
Location of nearest fire hydrant or water supply for fire protection	N/A	
Proposed Development Site Plan showing:		
Name of development	Drawing No. 2	
Date	Drawing No. 2	
North arrow	Drawing No. 2	
Scale	Drawing No. 2	
Legend	Drawing No. 2	
Landscape plan	N/A	
Stormwater management	N/A	
Wetland delineation	N/A	
Current & proposed stands of trees	N/A	
Erosion control plan	N/A	
Landscape plan	N/A	
Lighting/photometric plan	N/A	
Location and dimensions of all proposed buildings	N/A	
Location and size of utilities, including sewer, water, culverts and drains	N/A	
Location and dimension of proposed on-site septic system; test pit locations and nitrate plumes	N/A	
Location of wells on subject property and within 200' of the site	Drawing No. 2	
Location, names and widths of existing and proposed streets and ROW's	Drawing No. 2	

Location and dimensions of all accessways and loading and unloading facilities	Drawing No. 2	
Location and dimension of all existing and proposed pedestrian ways	N/A	
Location, dimension and # of spaces of proposed parking areas, including handicapped spaces	N/A	
Total floor area and ground coverage of each proposed building and structure	N/A	
Proposed sign location and sign lighting	N/A	
Proposed lighting location and details	N/A	
Covenants and deed restrictions proposed	N/A	
Snow storage location	N/A	
Solid waste storage location and fencing/buffering	Drawing No. 2	
Location of all fire protection	N/A	
Location of all temporary & permanent monuments	N/A	
Street plans and profiles	N/A	

ADDITIONAL REQUIREMENTS FOR MAJOR SITE PLAN PROJECTS:

Submission Requirement	Provide Location in Application Packet (e.g., plan sheet number, binder section, narrative)	If requesting a waiver, indicate below:
High intensity soils survey	N/A	
Hydro geologic evaluation	N/A	
Traffic Study	N/A	
Market Study	N/A	
Location of proposed recreation areas (parks, playgrounds, other public areas)	N/A	
Location and type of outdoor furniture and features such as benches, fountains.	N/A	

**Abutting Property Owners
Goose Pond Gravel Pit, Cumberland
JN 3706**

Tax Map R07

ABUTTERS:

Lots: 47, 49, 50, 59, 59A

Lot 47

RJT, Properties, Inc
215 Middle Road
Cumberland, ME 04021

Lot 49

Risbara Bros, Construction Co, Inc
PO Box 485
Scarborough, ME 04074-0485

Lot 50

Scott A & Denise E Morgan
2 Forest Lane
Cumberland, ME 04021

Lot 59/59A

Goose Pond Development, LLC
501 County Road
Westbrook, ME 04092

Tax Map U22

ABUTTERS:

Lot: 56, 57, 58, 59, 60, 71

Lot 56

Frank & Kacee Smith
12 Forest Lane
Cumberland, ME 04021

Lot 57

Douglas R & Amy S Clements
16 Forest Lane
Cumberland, ME 04021

Lot 58

Bunra Kheang
18 Forest Lane
Cumberland, ME 04021

Lot 59

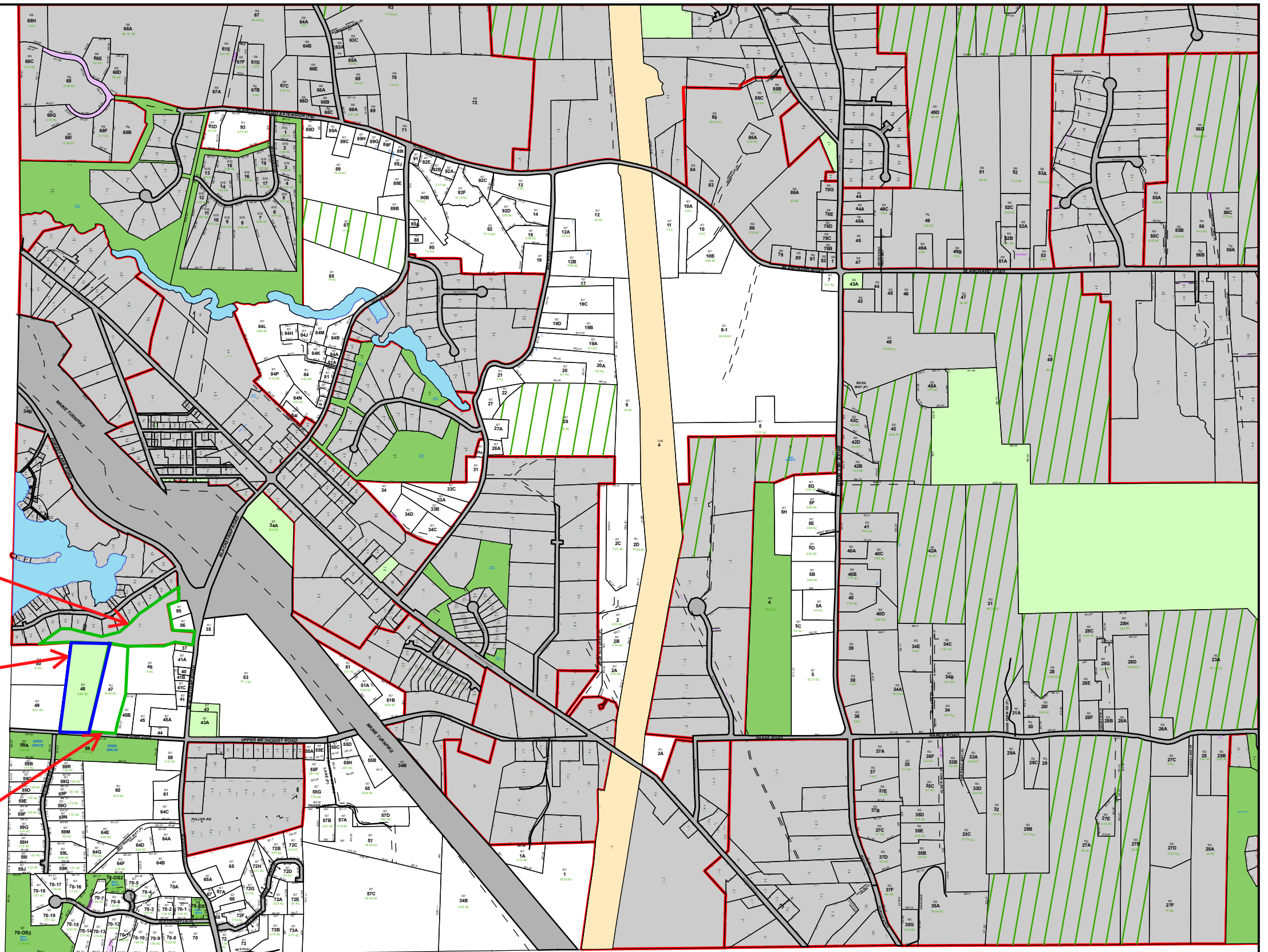
Lynne M White
20 Forest Lane
Cumberland, ME 04021

Lot 60

Thomas A & Megan E Donohue
22 Forest Lane
Cumberland, ME 04021

Lot 71

Storey Brothers Inc
215 Middle Road
Cumberland, ME 04021

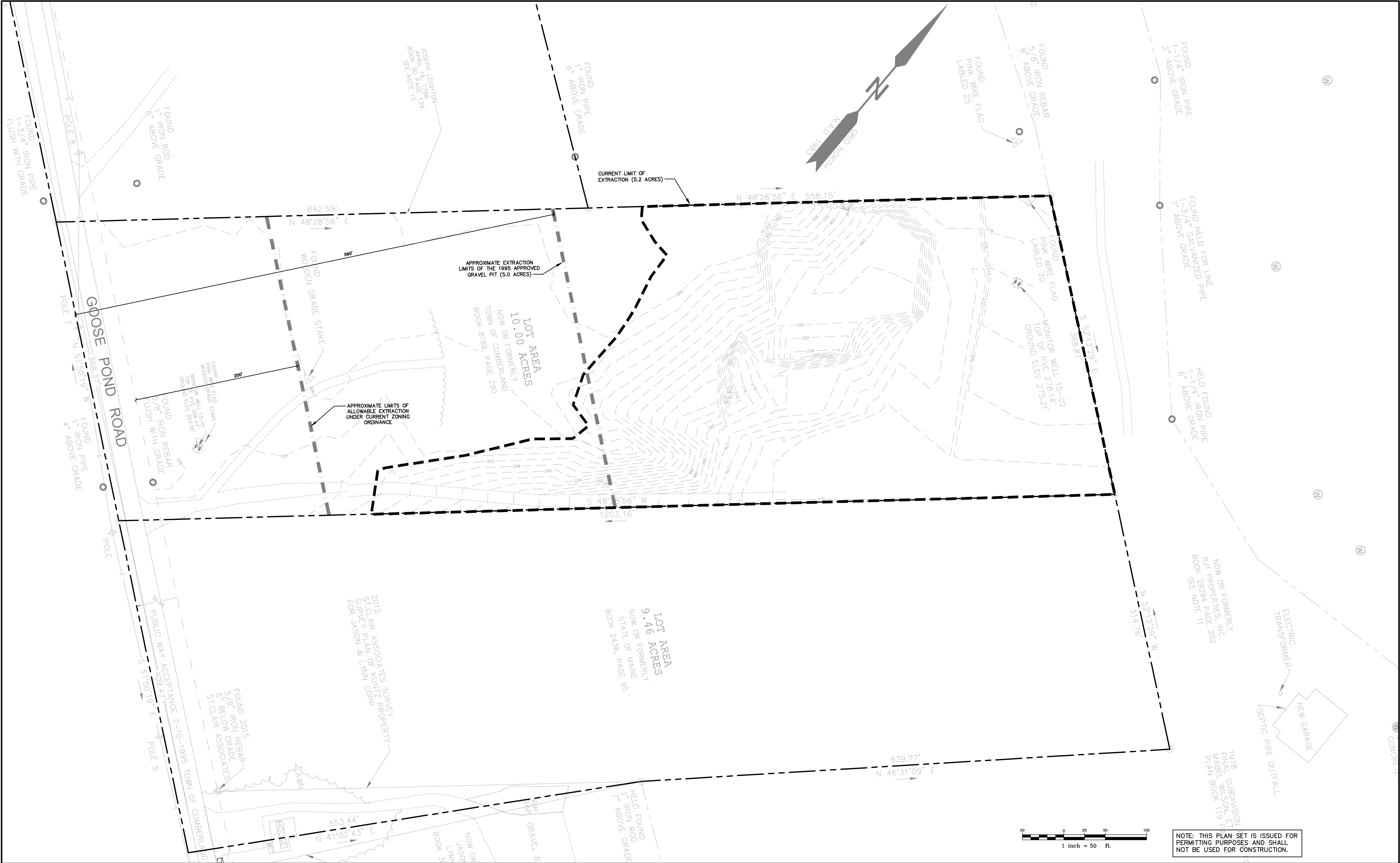


PROPERTY
UNDER
CONTROL OF
APPLICANT
(GREEN)

PROJECT PARCEL
(BLUE)

PROPERTY
UNDER
CONTROL OF
APPLICANT
(GREEN)

U:\3706_Storey Bros_Gravel Pit_Cumberland\Z - CAD\DWG\3706-ExistCond.dwg 9/29/2020 10:22 AM



Rev.	Date	Revision

TOWN RENEWAL REVIEW	9/29/20	DER
Issued For	Date	By

Design: DJV	Draft: CG	Date: SEPT 2020
Checked: DER	Scale: 1" = 50'	Job No.: 3706
File Name: 3706-ExistCond.dwg		
This plan shall not be modified without written permission from Gorrill Palmer(GP). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GP.		



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Drawing Name:	Existing Conditions Plan
Project:	West Cumberland Gravel Pit Goose Pond Road, Cumberland
Client:	Storey Brothers Excavating 215 Middle Road, Cumberland, ME

Drawing No.
1

From: [The Lemieux's](#)
To: [Christina Silberman](#)
Subject: 48 Goose Pond Road
Date: Tuesday, December 8, 2020 2:23:09 PM

WARNING: This is an external email that originated outside of our email system. DO NOT CLICK links or open attachments unless you recognize the sender and know that the content is safe!

Christina,

My husband and I live at 26 Forest Lane, Cumberland. We do have questions and concerns regarding the Storey Brothers Gravel Pit on the agenda for December 15th. The pit has grown exponentially since building our home 43 years ago. The noise, dust, and view continue to adversely affect our home and life. I can only assume others in the area feel the same.

I have asked some questions since the latest acquisition and received confusing and conflicting messages. Lot #48 is the parcel that the Storey Brothers bought from the Town of Cumberland. What was the purchase price and where is it recorded? Am I correct in assuming there has not yet been an "Annual Renewable Special Permit for operation" issued, for The Storey Brothers Gravel pit, Lot#48?

In January of 2019, residents living near the pit expressed concern as to who might be purchasing Lot#48. An email was sent to the Town Manager, asking if "gravel extraction and mineral processing are approved activities in this zone? If this pit was used for only extraction what would a new owner have to do, if anything, to get mineral processing approved?" An email was sent back with industrial zone standards for review. The email stated that "Gravel Extraction can only occur by Contract Zone – so very long shot for extraction to occur."

I am looking at the minutes from a Board of Adjustment and Appeals, (which I attended) from Thursday, December 9, 2010, when the Town sought a special permit for gravel extraction for Lot #48. Apparently, the town had missed the 2009 application for renewal. The Town Council had previously enacted a moratorium on new permits being issued. The Town of Cumberland argued at the December 9, 2010 meeting that this was not a new permit, but rather a renewal of an existing permit. However, the Town did NOT have a permit (having missed the 2009 application), therefore, Lot #48 was not then and should not currently be a working gravel pit.

The residents in West Cumberland have put up with this for too long. The decision was made over ten years ago to place a moratorium. WHY are we still even having this discussion?

I am asking the Cumberland Planning Board NOT to issue this Special Permit.

Respectfully,

Carol S. Lemieux

Total Control Panel

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To:
csilberman@cumberlandmaine.com

Message Score: 1
My Spam Blocking Level: Custom

High (60): **Pass**
Medium (75): **Pass**
Low (90): **Pass**
Custom (50): **Pass**

From: rlemieu3@maine.rr.com

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This message was delivered because the content filter score did not exceed your filter level.

From: [William Shane](#)
To: [The Lemieux"s](#)
Cc: [Carla Nixon](#); [Christina Silberman](#); [Town Council](#); [Town Council 2](#)
Subject: RE: 48 Goose Pond Road
Date: Tuesday, December 8, 2020 4:41:16 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Good Afternoon Carol & Ron:

The Town has operated the only permissible gravel pit until last year. We had purchased the pit in February of 1988 nearly 33 years ago and it has been an operating pit since that date. The Town Council felt there wasn't any savings between the cost of processing and trucking the gravel to justify keeping the pit. The Town Council sold the pit to an abutter Storey Brothers.

The permitting of **Extraction of Earth Materials** (315-49) has changed several times over the years and the Town's last license approval may have been in 2016. Extraction of gravel is permitted in the Industrial zone on Goose Pond Road . The referendum that was passed prohibited gravel extraction in all residential zones.

Storey Brother's is required by ordinance to come before the Planning Board for an annual permit as the new owner of the pit per 315-49 of the Ordinance. They will need to follow the permitting requirements as listed in the Ordinance and return to the Planning Board each of the next 4 additional years with the same application before being eligible for a 5-year license.

I understand you have concerns related to the operations of this pit and the adjacent permitted operations. All operations in this area have been and continue to follow our ordinances and federal and state mining requirements. It is appropriate and understandable for you to voice your concerns to the Planning Board and Town Council. These operations will continue to exist until new Ordinances or uses are established to allow a change in the land use. I do not foresee that happening anytime soon. These current uses support the building of roads and utilities throughout our Town and region and are essential for the continued renewal of our roads and infrastructure. I will be at the meeting testifying in support of the application.

I know this is not the information you wished to hear, but the uses are legal and allowable.

Bill



William R. Shane P.E.

Town Manager

Town of Cumberland

207 829 2205

www.cumberlandmaine.com

290 Tuttle Road, Cumberland, Maine 04021



From: [Alfred Wolff](#)
To: [Christina Silberman](#)
Subject: Mineral extraction annual permit review
Date: Monday, December 14, 2020 8:21:07 PM

WARNING: This is an external email that originated outside of our email system. DO NOT CLICK links or open attachments unless you recognize the sender and know that the content is safe!

Dear Ms. Silberman:

I am writing with regard to the site plan review for the annual special permit for the gravel pit owned by RJT Properties, Inc./Storey Bros. I urge the planning committee to deny granting the permit.

1. *The site is located within the Town Aquifer Protection Area.*

- The original permit was granted, despite the fact that the mining operation would take place within a Town Aquifer Protection Area, The rationale for this appears to be based on the understanding that the operation would not involve the storage of pollutants, such as petroleum products. Direct harm from pollutants is not the only cause for concern.* Other factors that are of potential harm to the aquifer are
 - a. lowering of local ground-water and surface-water levels from mining operations.
 - b. changes in turbidity levels in ground water due to quarry operations,
 - c. interruption of ground-water conduit flow paths by rock removal
 - d. temperature change (thermal impacts) in springs and surface-water streams.

These concerns are of particular concern as the aquifer impacts Forest Lake, a unique and fragile body of water which is an important part of the town's heritage.

2. Buffering of Adjacent Uses: The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

a. When combined with the pre-existing operation of mineral extraction, the increase in heavy equipment traffic and mining adds significantly to noise levels for adjacent property owners. Though I am a relative newcomer to Cumberland, my understanding is that noise complaints about the mining operations have been registered for many years. At a minimum, if the special permit is granted, it should be done so with the caveat that the concerns and needs of the proximate residential community are taken into account and some form of noise buffering be required.

Thank you for your attention to this matter. I appreciate your forwarding this to the appropriate town officer.

Best regards.

Alfred (Fred) Wolff
17 Forest Lane
Cumberland, Me.
207-653-9369

* for a discussion of the potential harm to an aquifer from mineral extraction I refer you to:
“Hydraulic Impacts of Quarries and Gravel Pits” a study conducted by Minnesota
Environment and Natural Resources Trust Fund, 2005.
<https://files.dnr.state.mn.us/publications/waters/hdraulic-impacts-of-quarries.pdf>

Total Control Panel

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To:
csilberman@cumberlandmaine.com
From: basicwolff@gmail.com

Message Score: 1
My Spam Blocking Level: Custom

[Block](#) this sender
[Block](#) gmail.com

High (60): **Pass**
Medium (75): **Pass**
Low (90): **Pass**
Custom (50): **Pass**

This message was delivered because the content filter score did not exceed your filter level.

Dear Planning Board Members:

I live on Forest Lane across from the second Storey Brothers gravel extraction pit that the town of Cumberland sold to that company last year. The entrance to this pit is off Goosepond road.

This is an extension to the existing pit off Blackstrap road.

As if the existing pit was not noisy enough, this extension has increased the noise and dust. Residential property values have decreased.

I have gone to the Council in the past asking for some way to cut down on the noise but the Storey Brothers have said tree planting or any barrier method would not work anyway. Obviously, this would require them to spend some money to do this.

So I have read about train whistle noise that bothered residents near the tracts in Cumberland, noise and dust from the town garages that bothered residents who can afford half a million dollar plus homes, and possibly those wedding receptions on farmers property may potentially bother their neighbors. Yes, the council listened to these residents and made changes. Very expensive ones at that.

Over here in West Cumberland we live with a huge pit, enormous piles of gravel and dirt, constant noise and large dump trucks slamming tail gates starting at 7am, literally directly in our backyards. Although I know this is in an industrial zone, it seems that the town has no respect or thought for the quality of life of our little neighbor hood on Forest Lane so they traded this land to the Storey Brothers .The only record of this is in the June 17, 2019 Town Council minutes with no notice to abutters . So when I heard about this, I assumed it would have to pass the planning board first and perhaps our concerns would be heard ?

i respectfully ask two things of you. One is for the Planning Board members to come observe the sites and see for yourselves I am not exaggerating.

Two is that I ask the town to work with the Storey Brothers to erect dirt noise barriers as they have done along Goosepond road , and or plant trees on residents porperties.

Thank you for your consideration in this and I appreciate the opportunity to communicate with you via email.

Sincerely,
Janene Gorham
25 Forest Lane

From: [William Shane](#)
To: [Paul Auclair](#); [Steve Moriarty](#); [Carla Nixon](#); [Christina Silberman](#); [Planning Board](#)
Subject: RE: Thoughts on 12/15 Planning Board agenda
Date: Thursday, December 17, 2020 10:15:04 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Christina,

Please make sure this and all correspondence below is part of the record for the January Meeting . Further discussion regarding this or any other item should be made only at the Planning Board meeting.

Thank you,

Bill



William R. Shane P.E.

Town Manager

Town of Cumberland

207 829 2205

www.cumberlandmaine.com

290 Tuttle Road, Cumberland, Maine 04021



From: Paul Auclair <pauclair@cumberlandmaine.com>
Sent: Thursday, December 17, 2020 9:59 AM
To: Steve Moriarty <smoriarty6872@gmail.com>; Carla Nixon <cnixon@cumberlandmaine.com>; William Shane <wshane@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>; Planning Board <PlanningBoard@cumberlandmaine.com>
Subject: Re: Thoughts on 12/15 Planning Board agenda

Steve,

Thanks so much for this input. Obviously this item needs more attention before the next meeting. One item in the materials we were provided is the letter from Douglas Reynolds dated october 27, 2020, that states that "In October, 2019, Storey Brothers (the Applicant) acquired an existing gravel pit located in West Cumberland, Tax Map R7 - Lot 48 from the Town of Cumberland." I presumed Storey Brothers had been operating the pit since then, now slightly over 1 year, and therefore, needed to extend the permit. I also presumed the Town had been operating it as owner before that date.

Hopefully any additional clarifying information that Bill and Carla to the Planning Board will be helpful in making the proper decision. Thanks again.

Paul

From: Steve Moriarty <smoriarty6872@gmail.com>

Sent: Wednesday, December 16, 2020 8:41 AM

To: Carla Nixon <cnixon@cumberlandmaine.com>; William Shane <wshane@cumberlandmaine.com>; Paul Auclair <pauclair@cumberlandmaine.com>

Subject: Thoughts on 12/15 Planning Board agenda

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WARNING: This is an external email that originated outside of our email system. DO NOT CLICK links or open attachments unless you recognize the sender and know that the content is safe!

Sent from my iPad

Hi all. As the result of the cancellation of last night's meeting, and with my departure from the Board, I want to share some thoughts on two of the agenda items in advance of the Board's next meeting. I surrendered my iPad to Bill last night, and to to an extent will have to rely on memory of what was in the packet.

Item #1: This was described as Site Plan Review for an annual renewal permit for the Storey Brothers permit for the Goose Pond Road gravel pit. The materials indicated that 7.9 acres had been previously approved but that the applicant had actually only "used" 5.2 acres. Thus, the request was to enlarge the current acreage to be used by 2.7 acres.

There was no information as to when the previous approval had been granted and how much acreage was included within the scope of that approval. A question arose: if approval had been granted for 7.9 acres, why was it necessary to mention the 2.7 unused acres? Wouldn't the renewal request have automatically applied to the full 7.9 acres?

The tone of the letters from the neighbors suggested that an extension of use was proposed, which led me to question the earlier approval, particularly when it was not described and no date was given.

After the meeting was canceled Bill and I spent some time in his office and reviewed old PB minutes. Bill recalled that action had been taken in 2016. He was correct, and we found the minutes from the

meeting of 4/26/16. The agenda item that night was Site Plan Review for a renewal permit. The minutes show that there was an initial approval in 1995 with an excavation limit of 5 acres. The minutes indicate that Doug Reynolds stated that there would be no extraction beyond the 5 acres without additional PB approval. There was no mention of 7.9 acres. There were no public comments.

A 1-year approval was granted subject to two conditions of approval, the second of which is particularly important. It states: "The extent of excavation is as shown on the the approved plan and will not exceed 5 acres without additional Planning Board approval." It does not appear that we granted approval for excavation of 7.9 acres.

Review of the 4/26/16 minutes answered my question. A renewal for 7.9 acres was neither requested nor granted. My conclusion is that any request to excavate beyond the 5 acres would require initial Site Plan Review from the PB, and not simply an extension request.

Also, the first condition of approval required another renewal request before 3/15/17. Apparently there were no more renewal requests until now. Does this raise any legal or procedural issues?

I'll leave you with this, but would be happy to review at any convenient time.

Item #3: This is the Agriculture and Site Plan Review issue. I had some questions.

First, the materials included the text of Section 229-1(B), but I believe the word "nonresidential" was inadvertently omitted from the first sentence. This is key, because "nonresidential" development is what distinguishes Site Plan Review from regular Subdivision Review.

As the materials were drafted, I wasn't clear whether the PB would still have a role in approving nonresidential/agricultural development or uses, or whether it was intended that all such review would take place at the staff level. There seemed to be some inconsistencies, and I had planned to ask for clarification of the role of staff and the PB in agricultural uses.

Let me know if you would like to discuss further. Take care and stay well.

Steve

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From: smoriarty6872@gmail.com