

Town of Windham

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MEMO

DATE: March 21, 2018

TO: Windham Planning Board
FROM: Amanda Lessard, Planner *AL*
Cc: Ben Smith, Planning Director
Chris Baldwin, P.E., St. Germain Collins
Development Review Team
RE: 18-08 Copp Quarry - Major Site Plan, Sketch Plan Review
Planning Board Meeting: March 26, 2018

Overview –

This application is for a new mineral extraction operation of 106 acres off of Lakeside Drive near Forest Lake. The site is currently undeveloped and a portion of the property was recently harvested for timber.

This application will be reviewed under the Town's Mineral Extraction and Site Plan Review ordinances.

A Development Team meeting was held on March 14, 2018. Comments from that meeting are incorporated into the memo below.

Tax Map: 17 Lots: 13, 14, 14A, 15, 17, 18, 19, and 26. Zone: Farm (f)

SITE PLAN REVIEW

Staff Comments:

1. *Waivers: The Planning Board cannot act on waivers or potential waiver requests at the Sketch review phase, however it is appropriate to discuss potential waiver requests to give the applicant guidance*
 - a) Stormwater Management, Submission requirement and performance standards (Section 811.B.1c.16 and 812.E)
The submission requires a stormwater management plan that complies with DEP Chapter 500 Stormwater Management. The waiver request form should be submitted for

the waiver from the performance standard. The applicant needs to address how the waiver does not result in flooding or adverse drainage impacts on abutting properties.

- b) Complete Application: N/A for sketch plan

~~**MOTION:** The site plan application for project 18-08 Copp Quarry is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.~~

- c) Public Hearing: A public hearing has not been scheduled for this project.
- d) Site Walk: A site walk has not been scheduled for this project, but the Board should discuss whether a site walk will be required prior to the next submission.

Findings of Fact and conclusions for the

Windham Planning Board,

~~The Site Plan application for 18-08 Copp Quarry on Tax Map: 17 Lots: 13, 14, 14A, 15, 17, 18, 19, and 26 is to be (**approved with conditions/denied**) with the following findings of fact and conclusions:~~

FINDINGS OF FACT

Utilization of the Site

- The project is located over seven (7) parcels that combined are approximately 151 acres.
- The site is currently undeveloped and covered with a mixture of deciduous and evergreen trees and natural forest vegetation. An area of approximately 20 acres was recently harvested for timber.
- The proposed plan seeks to quarry 106 acres of the property in phases limited to what can be reasonably worked in a five-year period. Phase 1 shown on the sketch plan is approximately 21 acres. All project phases should be shown on the final plan.
- The site will be occupied by machinery associated with the quarry operation. This includes a transportable rock crusher, and trucks/loaders.
- At the Development Team meeting on March 14, 2018 the applicant indicated that an equipment storage and repair building was desired. This building and any other accessory uses should be described in the final plan submission and shown on the plan.
- A quarry permit from Maine DEP should be submitted with the final plan.

Vehicular and Pedestrian Traffic

- The subject parcel is a non-conforming lot that does not have frontage on an existing road.

- A 24 foot wide gravel access drive from Lakeside Drive across Lot 26, approximately 300 feet long, is shown on the sketch plan. The proposed locking security gate described in the sketch plan submission should be shown on the plan.
- The sketch plan submission includes a right-of-way easement but it is not clear from the description that it provides access to the subject property from Lakeside Drive, a private road with a public easement for winter maintenance. The final plan must be surveyed and show the access easement and the submission should clarify the legal access to the property.
- Sight distances for the entrance must be shown on the final plan.
- The sketch plan submission states that the hours of operation for general yard work would be 6:00 AM to 7:00 PM and the use will never exceed 50 trips in the peak hour.
- A traffic impact study is not required as the project will not generate fifty (50) or more trips during the a.m. or p.m. peak hour.
- The sketch plan submission states that the applicant will perform maintenance/improvement to the section of Lakeside Drive to be used for site traffic. A detail for the proposed improvement should be submitted with the final plan.

Sewage Disposal and Groundwater Impacts

- The development is not proposing a private subsurface wastewater disposal (septic) system.
- The sketch plan submission states that limited groundwater data from the local area suggests that groundwater in the lower or eastern portions of the site is approximately 20-25 feet below ground surface. The applicant proposes to meet the Maine DEP quarry standard of maintaining a five (5) foot separation above the seasonal high groundwater table.

Stormwater Management

- Per Section 812.E, a stormwater plan needs to be submitted that meets the standards DEP Chapter 500 Stormwater Management. The applicant is requesting a waiver from this submission requirement and performance standard, see above.
- The sketch plan submission states that the site will be developed to ensure that all stormwater runoff is internally drained into the site. The sketch plan submission also states that the applicant will improve a portion of Lakeside Drive which could include widening and stormwater BMPs. The applicant should demonstrate how the stormwater runoff generated by the additional impervious area created as part of the project, the 300 foot access drive and widening the existing private road, will be managed.

Erosion Control

- A soil erosion and sediment control plan must be submitted with the final plan set. This may take the form of a printed best management practices plan rather than on-the-ground designation of erosion control measures.

- A final rehabilitation plan including seeding, planting, drainage, erosion control, final grading, shaping, and surface stabilization plans showing contours at five (5) foot intervals must be submitted with the final plan set.

Utilities

- No permanent utilities will be supplied to the site.

Financial Capacity

- As part of the next submission, the applicant must show an estimate the total project costs, and submit evidence of financial capacity to complete the project as proposed.

Landscape Plan

- The tree cover on the perimeter of the property should be shown on the final plan and a note added to the plan restricting removal in the tree line area.

Conformity with Local Plans and Ordinances

1. Land Use

- The project meets the minimum lot size and setback requirements of the F zoning district.
- The proposed mineral extraction use is permitted in the Farm District if it meets the standards Section 600 Mineral Extraction.

2. Comprehensive Plan

- This project meets the goals and objectives of the 2017 Comprehensive Plan. The project is located in the rural area of the Future Land Use Plan.

3. Others:

- Mineral Extraction, Section 600. The Planning Board shall take into consideration the following:
 1. Fencing, landscaped buffer strips, and other public safety and nuisance considerations
 2. Signs and lighting
 3. Adequate parking spaces, loading and unloading areas
 4. Safe entrances and exits
 5. Total estimated life of the pit
 6. Days and hours of normal operation
 7. Methods of operation, removal or processing
 8. Area and depth of excavation
 - The area of the excavation has been depicted on the plans.

- The applicant has stated that the depth of excavation shall be limited to a distance of five (5) feet above the seasonal high groundwater table.
- 9. Provision for temporary or permanent drainage and sedimentation control
- 10. Disposition of stumps, brush and boulders
- 11. Type and location of temporary and permanent structures
- 12. Storage and containment of any materials (e.g., petroleum products, salt, hazardous materials, rubbish, treated timber)
- 13. Complete rehabilitation proposals for compliance with Section 607.
- 14. Noise levels
 - The maximum sound pressure level measured at least four (4) feet above ground at the closest occupied structure shall not exceed sixty (60) dBA during the day and fifty (55) dBA at night.
- 15. Vibration levels
- 16. Dust levels and measures for minimization

The project must meet the excavation regulations in Section 606.B.

1. Parcel boundary 25 foot buffer strip of natural vegetation
2. Excavation at least two hundred (200) feet from any residence.
3. Earth-moving or excavation at least one hundred fifty (150) feet from any public or private road.
4. If written permission of the abutter is obtained, excavation less than twenty-five feet from lot lines may be allowed.
5. Excavation may not occur within two (2) feet of the seasonal high water table.
6. Sufficient topsoil shall be retained to comply with the approved rehabilitation plan.

Impacts to Adjacent/Neighboring Properties

- The development proposal does not include the construction of buildings, wall, fencing or landscaping that would interfere with or discourage the appropriate development in the use of adjacent land or unreasonably affect its value.
- The working area of the quarry has been appropriately screened by the vegetated buffer.

CONCLUSIONS

1. ~~The plan for development reflects/does not reflect the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities will/will not be clustered in those portions of the site that have the most suitable conditions for development.~~
3. ~~Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers will/will not be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.~~

5. — The proposed site plan ~~will/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.
6. — The proposed use and layout ~~will/will not~~ be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.
7. — The proposed site plan ~~will/will not~~ provide for adequate sewage waste disposal.
8. — The proposed site plan ~~conforms/does not conform~~ to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
9. — The developer ~~has/does not have~~ adequate financial capacity to meet the standards of this section.
10. — The proposed site plan ~~will/will not~~ alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
11. — The proposed site plan ~~will/will not~~ provide for adequate storm water management.
12. — The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it ~~will/will not~~ interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.
13. — On-site landscaping ~~does/does not~~ provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate

CONDITIONS OF APPROVAL

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated March 5, 2018, as amended ____, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.