

## LAMOINE PLANNING BOARD

Special Meeting November 14, 2017

## Findings of Fact and Conclusions

Upon reconsideration of Harold Mac Quinn, Inc.'s Gravel Permit Application for property at Map 3, Lots 31 and 33, and after public hearing at which the Applicant, entities with standing and general public presented evidence, the Board adopts the following findings, according to the Town's March 16, 2011 Gravel Ordinance, and incorporates the findings stated on the record on November 14, 2017:

*General:* The Applicant has submitted a license application seeking to extract gravel from a 108 acre parcel located at Map 3, Lots 31 and 33. A portion of those lots have previously been licensed for gravel extraction, and received site plan approval. The unpermitted areas at issue are the southern portions of the lots, in an area adjacent to a spring and land owned by Cold Spring Water Company, a public water supply, and near the Lamoine Corner area of Route 184 and Mill Road, a relatively densely-developed area including residences, the Lamoine School, the Lamoine Fire Department, a cemetery and community center. The proposed excavation area is above a large groundwater aquifer that provides potable water to many residents of the Town.

The proposed excavation will bring industrial gravel extraction to an area very close to the above-referenced locations, substantially increasing the impact upon them.

1. *Section 7.D.1.* (Vote 4-0, 1 abstention) The Applicant presented sufficient evidence that the proposed use will not unreasonably result in unsafe or unhealthful conditions.
2. *Section 7.D.2.* (Vote 5-0) The Applicant's proposed excavation practices and restoration plan demonstrate that the use will not unreasonably result in erosion or sedimentation, with the condition that all excavated slopes at the permitted pit boundaries/setback lines shall at no time have a slope exceeding 2.5-1.
3. *Section 7.D.3.* (Vote 2-3) The Applicant did not sufficiently demonstrate that the use will not unreasonably affect existing groundwater and the nearby Cold Spring, or unreasonably result in pollution of those resources. The Board considered the evidence submitted by three hydrology experts regarding the area's complex groundwater systems, and found that the requested excavation would not adequately protect the aquifer or the immediately adjacent, possibly connected Cold Spring recharge area. Board members had concerns about the possibility of contamination from petroleum products, and that the planned pit floor is well below the perched water table on which the Cold Spring water supply is dependent.

4. *Section 7.D.4* (Vote 4-1) With the condition that the Applicant pay to the Town a 5 cents per cubic yard removed fee, as described in Section 8.D, the proposed use will adequately conserve natural beauty in keeping with the restoration provisions of the ordinance.

5. *Section 7.D.5* (Vote 5-0) The proposed use will not adversely affect public ways, as traffic will not be increased.

6. *Section 7.D.6* (Vote 2-2, 1 abstention) Because of the proposed use's potential impact on private and public water supplies, and its close proximity to residences, the local school and establishments at Lamoine Corner, resulting in increased noise, truck traffic, dust and particulate production, the Applicant did not meet its burden of proving that the proposed use would not adversely affect surrounding properties. Lamoine Corner is the *per se* center of the community and supports a high development and population density. A "Population Density Consideration" completed by a local resident shows there are 70 homes within ¼ mile of the gravel pit, which are occupied by 148 people who would, or could, be affected by the project. This is almost 10% of the Town's population. Over 60 Lamoine residents submitted either oral or written testimony stating their concerns about the impact of the project on their properties and quality of life. A final piece of information is a survey of 29 local Realtors completed by a sociology researcher living in Lamoine. A majority of the 10 respondents indicated that, in their opinion, the gravel operation would have a negative impact on the value and marketability of nearby properties.

7. *Section 7.D.7*. The Board finds as follows with respect to the performance standards set forth in ordinance section 8, with the condition that the Applicant maintain slopes no greater than 2.5-1 at the licensed pit perimeters/setback lines:

8.A. The proposed use meets the buffer and setback requirements of this section (5-0).

8.B. The proposed use meets the screening requirements of this section (5-0).

8.C. The proposed use meets this section's requirements regarding groundwater protection from refueling and petroleum spills (4-1).

8.D. The proposed use meets this section's requirements for restoration (3-2).

8.E. The proposed use meets this section's requirements for covering and securing truck loads (5-0).

8.F. The proposed use meets this section's requirements regarding access protection (5-0).

8.G. The proposed use meets this section's requirements regarding hours of operation (5-0).

8.H. The proposed use meets this section's performance standards regarding noise (5-0).

8.I. The proposed use meets this section's requirements regarding reporting (5-0).

Based upon the above findings, the license permit application was denied.

Date: November 21, 2017

A handwritten signature in blue ink, appearing to read 'Donald P. Bamman', is written above a solid horizontal line.

Donald P. Bamman

Vice-Chair, Lamoine Planning Board