

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

DRAFT Findings of Fact and Conditions of Approval
June 10, 2014

Mineral Extraction License. Application of Quirion Construction, Inc. to license its Sanford Road Pit.

FINDINGS OF FACT

1. **Owners:** Quirion Construction, Inc.
2. **Applicant:** same
3. **Location:** Sanford Road
4. **Zoning:** Rural River (RR)
5. **Tax Map Number:** Map 1, Lot 91
6. **Existing Land Use:** Currently a mineral extraction site.
7. **Proposed Land Use:** Mineral Extraction operation to remain.
8. **Acreage:** 14 acres +/- per the applicant's sketch
15 acres per the City database
9. The following material was date stamped by the Bureau of Planning on April 24, 2006:
 - a. A Notice of Intent to Apply for a Mineral Extraction License package prepared by John Koris, P.E. that included:
 - i. A hand-written application on the City's Notice of Intent to Apply for License application, that describes the Levesque pit;
 - ii. A narrative of the site use.
 - iii. Copy of the deed for the subject parcel.
 - iv. An agreement to excavate to property line signed by the applicant and abutting pit owner Harold Warren.
 - v. An agreement to excavate to the property line signed by the applicant and authorized representative of the Augusta Sanitary District, Dale Glidden.
 - vi. Copies of a City tax map and aerial photographs at two scales, showing the location of the subject parcel.

- vii. Four copies of color ground photographs; two 11" x 17" and two 8-1/2" x 11" in size showing interior areas of the pit.
 - viii. A site plan showing property boundaries and features required of a surveyor's sketch and signed by Licensed Land Surveyor George Bouchles, but stamped using his Site Evaluator stamp.
 - ix. A list of nine property abutters.
 - x. Copies of selected pages from the Maine Environmental Quality Handbook "An Erosion and Sediment Control for Developing Areas of Maine, detailing suggested methods of fertilization, mulching, and seeding for erosion control.
 - xi. A request for exemption for all existing non-conforming conditions as well as exemption from making reclamation for acreage that exceeds the 10-acre limit;
 - xii. A photocopied aerial photo of the site;
- b. A narrative request for exemptions.
 - c. A fee in the amount of \$350.00 for applications, postage, and legal ad.
10. Additional material was received by the Bureau of Planning on February 5, 2007.
- a. A revised application package with additional materials including;
 - i. A copy of a Public Notice of Intent to Comply – Gravel Pit Notification as required by Maine DEP , 38 MRSA 490-D "Performance Standards for Excavations"
 - ii. Revisions to the Surveyor's Sketch showing areas of excavation (3.91 acres as of December 2006) and tree cutting (1.8 acres as of December 2006).
11. Additional material was received by the Bureau of Planning on Thursday, July 11, 2007.
- a. A checklist identifying twenty existing or planned activities related to mineral extraction requested for approval.
 - b. Four figures at 11" x 17" showing planned dimensions on plan and profile drawings of the pit grades at closure.
12. License renewal material was submitted on May 18, 2012, and included:
- a. An application on the City's Notice of Intent to Renew License application, that includes an updated narrative on changes at the pit since the initial license;
 - b. Three 24" x 36" size plots of an updated "Limits of Extraction Area Plan" providing details of the pit as it is currently configured and stamped by George Bouchles, Professional Land Surveyor, dated March 21, 2012;
 - c. Six 11 x 17 copies of the plan described above.
- 13. Notice of Intent to Apply for License was submitted on May 9, 2014, and included:**
- a. Notice of Intent to Apply for License form (existing operation; expanding operation)**
 - b. Letter of request**
 - c. City of Augusta Mineral extraction license issued July 24, 2012**

- d. **City of Augusta Findings of Fact and Conditions of Approval approved July 24, 2012**
- e. **DEP Permit Number L-647**
- f. **DEP Borrow Pit and Quarry Inspection Report**
- g. **Deed**
- h. **Agreement of Excavate to Property Line (Harold Warren)**
- i. **Agreement of Excavate to Property Line(Greater Augusta Utility District)**
- j. **DEP LD 490 Approval Plan Levesque Gravel Pit**
- k. **Reclamation plan (2 sheets)**

14. On June 3, 2014, the applicant submitted Active Extraction Area plan.

- 15. A copy of the Notice of Public hearing was mailed on July 5, 2007, via First Class mail to all property owners with property within 1,000 feet of the boundary of the subject parcels. Abutter addresses were generated using the Assessor's database.
- 16. A Notice of Public Hearing was advertised in the Kennebec Journal on July 7 and 14, 2007.
- 17. The City of Augusta hired Hillier & Associates, Inc., to complete a detailed review of the application material as they relate to the City Mineral Extraction Ordinance. Jim Hillier submitted a written report to the Planning Board on Friday, July 19, 2007, that outlined all of the facts in the case and made "staff" recommendations.
- 18. The Planning Board conducted a site visit as part of an advertised public meeting on July 20, 2007.
- 19. The Planning Board held a public hearing regarding the application on July 24, 2007. At that meeting Jim Hillier provided a detailed review of his report and provided a PowerPoint presentation regarding the application.
- 20. No individuals testified at the July 24, 2007, public hearing and no written comments were received.
- 21. **(In a previous approval)** The Planning Board finds that the Active Extraction Area, is 6.3 acres on Map 1, Lot 91 based on the following facts:
 - a. The definition for an Active Extraction Area in the Mineral Extraction Ordinance (MEO) indicates the area should include the "hole in the ground, including side slopes and adjoining areas with overburden removed, excluding roads, structures, stockpiles, etc".
- 22. **The Planning Board finds that the Active Extraction Area is 13.0 acres on Map 1, Lot 91 based on the following facts:**
 - a. **The definition for an Active Extraction Area in the Mineral Extraction Ordinance (MEO) indicates the area should include the "hole in the ground,**

including side slopes and adjoining areas with overburden removed, excluding roads, structures, stockpiles, etc”.

23. The Planning Board finds that the existing Footprint of Operation is 13.0 acres on Maps and cross sections, submitted to the Planning Board on April 28, 2006 and revised on July 11, 2007.
24. Based on the facts submitted in writing by the applicant; by staff in the written review dated July 19, 2007; and presented by the applicant and interested individuals at the public hearings, the Planning Board finds that the application *meets* all standards of the Mineral Extraction Ordinance, with the following Exemptions, Variances, and conditions of approval.
25. During the first five years of the license period, **and the two years of the renewal period**, all conditions of approval were met.
26. During the first five years of the license period, **and the two years of the renewal period**, there were no violations.

EXEMPTIONS, VARIANCES, AND ASSOCIATED MINERAL EXTRACTION USES:

- 1. The applicant’s application requested an exemption as per Section 6-70 and variances per Section 6-75 for the following items, as written and elaborated on in the request:**

Exemption requested from providing a Performance Guarantee.

2. The Planning Board has determined that the Footprint of Operation is 13.0 acres on Map 1, Lot 91, as shown on the approved plans.
3. The applicant requested, in writing that the following “Associated Mineral Extraction Uses” be specifically approved by the Planning Board:
 - a. bituminous mix plant operations;
 - b. crusher operation (of off-site excavated materials);
 - c. crusher operation (of on-site excavated materials, only);
 - d. fueling of equipment (on-site) crushers, screens;
 - e. fueling of equipment (on-site) trucks, excavators, loaders etc.
 - f. mineral extraction activity;
 - g. ready mix plant operations;
 - h. screening operation (of off-site excavated materials);
 - i. screening operation (of on-site excavated materials, only);
 - j. stockpiling (of off-site reclaimed natural mineral products - topsoil etc.);

- k. stockpiling (of soil amendment products (lime etc.);
- l. stockpiling (of off-site excavated materials);
- m. stockpiling (of on-site excavated materials);
- n. storage of construction equipment (excavation related);
- o. storage of construction materials - concrete, plastic, fiberglass, steel , etc. (excavation related);
- p. storage of fuel (skid tank fueling operation)(on an impermeable pad);
- q. storage of fuel truck (refueling)
- r. storage of salt / mixed winter sand to support off-site sanding operations (unrestricted hours of operation);
- s. soil erosion control products to be used on-or-off site (i.e. silt fence, mulch)
- t. Construction trailer (on-site office);
- u. Storage of private vehicles;

Associated Mineral Extraction Activities are approved as requested.

In 2007, the Planning Board approved the above requested “Associated Mineral Extraction Uses”. (This portion of the 2007 approval is modified by the Planning Board renewal of the mineral extraction license. See item 3 below for changes in Associated Mineral Extraction Uses)

4. Due to changes in the Mineral Extraction Ordinance adopted by the Augusta City Council on December 1, 2011, Associated Mineral Extraction Uses no longer exist within the ordinance. Some of the previously listed Associated Mineral Extraction Uses were specifically converted to Accessory Uses and others were specifically converted to primary uses that would require their own approvals separate from a Mineral Extraction License (i.e. bituminous mix plants and ready mix concrete plants). The following uses listed in item 2 above may continue as Accessory Uses:

- a. crusher operation (of off-site excavated materials);
- b. crusher operation (of on-site excavated materials, only);
- c. fueling of equipment (on-site) crushers, screens;
- d. fueling of equipment (on-site) trucks, excavators, loaders etc.
- e. screening operation (of off-site excavated materials);
- f. screening operation (of on-site excavated materials, only);
- g. stockpiling (of off-site reclaimed natural mineral products - topsoil etc.);
- h. stockpiling (of soil amendment products (lime etc.);
- i. stockpiling (of off-site excavated materials);
- j. stockpiling (of on-site excavated materials);
- k. storage of construction equipment (excavation related);
- l. storage of construction materials - concrete, plastic, fiberglass, steel , etc. (excavation related);
- m. storage of fuel (skid tank fueling operation)(on an impermeable pad);
- n. storage of fuel truck (refueling)

- o. storage of salt / mixed winter sand to support off-site sanding operations (unrestricted hours of operation);
- p. soil erosion control products to be used on-or-off site (i.e. silt fence, mulch)
- q. Construction trailer (on-site office);
- r. Storage of private vehicles.

Item 2(f) above, mineral extraction activity, was eliminated from the list of Associated Uses because it was neither an Associated Mineral Extraction Use nor an Accessory Use. It is the primary use for which the license is being sought.

CONDITIONS OF FINAL APPROVAL

1. None

This Approval shall expire within five (5) years of the date of approval by the Planning Board unless an application for Mineral Extraction License Renewal is filed with the city at least thirty (30) days prior to the license expiration.

APPROVED AT THE MEETING OF June 10, 2014.

Corey Vose, Planning Board Chair

Date